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SENATE—*Thursday, May 22, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rabbi Stephen Baars, of Aish Hatorah, of North Bethesda, MD.

PRAYER

The guest Chaplain offered the following prayer:

Words are more powerful than medicine, and more painful than daggers.

Words can give courage to soldiers or destroy careers, even lives.

There is a Jewish teaching, that a person is granted so many words in this world, and when he has used them up, so is his time on this good earth.

There is the right word.

Then there is the right word at the right time.

Then there is the right word and the courage to say it to the right people.

May the Almighty, Ruler of this world, fill our hearts and minds with the wisdom, truth, and courage to be able to choose the right words, at the right time, with the right person. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. REID. Mr. President, I listened intently to the prayer of the rabbi. I was really concerned during the first part of it because he said you only have so many words and then you are all through. But he went on to better explain that, which we surely appreciate, because we talk a lot around here. And if it is just words only, I think our life expectancy would not be very long. So we appreciate the Rabbi putting all the other conditions on it.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will resume consideration of the House message to accompany H.R. 2642, the supplemental appropriations bill. There will be 2 hours of debate prior to a series of up to four rollcall votes in relation to motions to concur in House amendments.

It is my understanding the 2-hour time is equally divided between the parties. Is that true?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, under the direction of Senator BYRD, Senator MURRAY will allocate the time on this side. I would further tell all Senators, because of the procedural glitch we had with the farm bill, we have not totally worked out what we are going to do on the farm bill yet. I had a conversation with the Speaker. I have spoken to both Parliamentarians—the House and Senate Parliamentarians. I think what we are going to do, as the House has done—I think at this time it is our intention to override the veto of the President. He vetoed 14 of the 15 sections of the farm bill. Through a clerical error, section 3 was left out. As a result of that, section 3 will be sent to us from the House later today, having been passed, and we will see if we can pass that here later today. But we have a good legal precedent going back to a case, I understand, in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

Also, after we finish the work on the supplemental, we are going to go to, hopefully, the farm bill and the budget and complete all that.

As all Senators know, for a number of personal reasons, not the least of which is the wedding of Senator DAN INOUYE on Saturday in Los Angeles, and his best man is Senator STEVENS, they are not going to be here tomorrow. So as a result of that and other things, we are going to do our very best to complete work on what we have today, and we should be able to do that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message, which the clerk will report.

The assistant legislative clerk read as follows:

> Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes," with House amendments to Senate amendment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Pending:

Reid motion to concur in the House amendment No. 2 to the Senate amendment to the bill with amendment No. 4803, in the nature of a substitute.

Reid amendment No. 4804 (to amendment No. 4803), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is now considering the supplemental bill, and on our side, the Senator from Maryland, Ms. MIKULSKI, will be our first speaker.

I yield her 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Good morning, Mr. President.

Today I take the floor as the chairperson of the Subcommittee on Commerce, Justice, and Science of the Appropriations Committee.

We bring to the Senate for its consideration an element within the domestic spending that I urge my colleagues to support. It provides critical funding to protect America from threats abroad and those threats here at home and to invest in America's future. There are those that meet compelling human needs right here in the United States of America. They also deal with the incompetency of the Bush administration to truly estimate the cost of the war.

Today I am asking for support because in protecting America this subcommittee adds funds to the FBI. We add $313 million for the Department of Justice, for both the FBI and DEA and the work they need to do in Afghanistan and in Iraq.

Once again, we have underestimated greatly the cost of this war. But we are not going to neglect our duty. This subcommittee provides $23 million to the Drug Enforcement Agency to fight narcoterrorism in Afghanistan, to fight the poppy trade that funds terrorism. Athough the cost was underestimated, we are going to make sure we are going to do our duty to put those DEA agents next to the Afghan leadership to fight this narcoterrorism.

Then, at the same time, we are going to have FBI agents in the war zone gathering intelligence on terrorists, dealing with IEDs and some of the forensic issues there, and we have provided money for them to be able to do this. Once again, they underestimated what it would take because there is very important work the FBI needs to do so our military is freed up in fighting the war. We fight the war against those who are trying to kill us with IEDs.

But while we are doing that, and we are trying to keep Afghanistan and Iraq safe, we added to this bill money for people here at home. What we did was we added $50 million to the U.S. Marshals' funds to catch fugitive sex offenders who threaten the safety of our children and our communities—$50 million more, which was authorized under the Adam Walsh legislation, the bill to be able to fund the Marshals Service to go after those sexual offenders for we know who they are, we know what they have done, and we know they are loose in our society. It is the Marshals Service that has both the authority and the know-how to do that. If we want to make the streets safe abroad, I certainly want to protect the children of the United States of America against these sexual predators.

Then, we also added, at the request of over 55 Senators, on a bipartisan basis, $490 million for Byrne formula grants for State and local police. We know there is a spike in violent crime all over the United States of America. The best way to fight violent crime is to make sure our local law enforcement has the tools they need to do their job. Therefore, we want the streets of Boston and Baltimore and Tuscaloosa to be as safe as we are fighting to make the streets safe in Afghanistan.

We are also working to deal with disaster recovery. In some States there are fishery disasters, such as in the gulf region, in New England, and the Pacific Northwest with its salmon constraints. We have added money to deal with the fisheries disaster. We also added a particular item for Byrne grants for the gulf region to address and deal with violent crime.

We are trying to deal with the fact that our own American citizens are facing disasters that so adversely affect either public safety or their very livelihoods.

Then, last but not at all least, we clean up the administration's mess. The census is on the verge of a boondoggle. There has been a technical meltdown in their ability to do the census. The so-called handheld devices that were going to be used to do the census in a new and data-driven way have not worked out. Who knows? The Secretary of Commerce is investigating it. But I am telling you now, it is going to cost $2 billion to fix it—$2 billion as in "Barb," not $2 million as in "Mikulski." So we are going to clean up the mess of the administration. In this supplemental, we put a downpayment of $210 million so we meet our constitutional responsibility to do this. I regret that the incompetency—the failure to stand sentry on taking the census, when they had 10 years to get ready for it, is indeed frustrating.

Then we come to another issue on prisons. Because of the inadequate budget request from the President, we are facing a violent undercurrent in prisons and terrible understaffing. We add the money, though the administration would not request it through its OMB. But all of the people who work at Justice who deal with this say this is a dire emergency, not to protect the prison but to protect the prison workers from dealing with this.

Then, also, what we did add was money for science, particularly for the space program, because when Columbia went down, they took the money for return-to-flight from other agencies. This returns it so we can keep our NASA on track.

That is what the CJS Subcommittee did, and I think we have done a good job. We tried to act to meet the needs in fighting the global war against terrorism. We dealt with the incompetency of underestimating the cost to these agencies because of the war. We are dealing with the incompetencies of either poor budget requests or the census boondoggle.

I think we have done a good job. I am asking my colleagues to support this legislation because if you want to protect our streets—if we need to help our people with their own disasters, and meet our constitutional responsibilities—you want to vote for my part from my subcommittee.

The other part that is in this bill, which will come at a later time, is that for which in the full Appropriations markup I offered an amendment to extend current law on something called H-2B. That is a seasonal guest worker program that has helped coastal States with being able to hire people, as well as the hospitality industry.

My amendment was a very simple amendment. All it did was extend current law that expired September 30. There was no new law. We broke no new ground. We created no new legislative framework. We created no new rights or privileges. It did three things. It lifted—it essentially gave a waiver on the cap of 66,000 people who currently come in.

What does all this mean in plain English? It means we were doing three things: first, protecting American borders; second, protecting American jobs; and third, rewarding the people who go by the rules. We protected American borders because we had a system that worked. People came, they worked, they went back home. Second, it protected American jobs because it was seasonal employment in industries that, in my State, particularly in the seafood industry, keeps businesses going that have been around for over 100 years. Then it rewarded the good guys, those people who are American employers who want to go by the rules—did not want to hire illegal aliens. But now we are going to poke them in the eye. It also rewarded the Latinos who came from Mexico—and I met with the madras down in my own State who often come from the same villages every year and return home.

Well, my amendment extended law. I know that my colleague—there will be a colleague who will raise the point of order today, and my amendment will go down because it is not germane. I just wish to say this: It might not be germane, but it is relevant. Maybe it is not technically germane, but it is relevant because we are doing legislation to deal with the supplemental on compelling needs that our people face. That is why I want to get the sexual predators off the street.

I asked for 3 additional minutes. I am about to lose thousands of jobs because of this point of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent for 3 more minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am not going to speak long.

The handwriting is on the wall, but the handwriting essentially says this: If you go by the rules, you are going to lose out.

The Senator has the right to offer his point of order, but I am just telling my colleagues this: We are losing this battle on the seasonal guest worker program, not because of law but because of ideology, both from the extreme right and because of the left. So when my amendment falls, it is not about Barbara Mikulski's amendment falling. When that amendment falls, we will hear thousands of jobs falling where we actually had an immigration program that worked and rewarded people who went by the rules. That is it.

So that is the way it is going to be today. I look forward to the votes. I wish to congratulate the Senator for the way she has organized this bill and Senator BYRD for the great job he did.

Mr. President, I yield the floor, but I am pretty worked up today.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from Maryland for her passion on behalf of all Americans but particularly those whom she represents in Maryland. She has done an amazing job, and I commend her for that. I hope all of our colleagues listened to her words about what is in this bill because it is extremely important.

This first amendment we will be voting on today—we are going to have some pretty important decisions when we vote shortly because the bill we are debating does more than provide billions of dollars to fund our operations in Iraq and Afghanistan. What this amendment does is provide money for emergencies right here at home in America, including funding to respond to natural disasters and our weakened economy.

Now, as we debate this bill, we are facing a choice: Will we support the domestic funding to help keep our communities strong at home or are we going to simply ignore their needs as we send billions of dollars to Iraq and Afghanistan alone?

President Bush has made his position pretty clear. He said that the only emergencies worth funding in this bill are the wars in Iraq and Afghanistan. He said he is going to veto any legislation that includes one penny over his request of $183.8 billion for the wars.

But people across this country are hurting. Workers are facing unemployment. Our veterans are having to fight their own Government for the services they earned, and communities from Maine to New Hampshire to my home State of Washington are struggling to recover from devastating storms.

The domestic funding in this amendment would keep jobs here at home, repair badly damaged roads, care for our veterans, and help our rural communities. I think the President's veto threat shows exactly how out of touch he is with the needs of our American people.

As chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, one of the provisions in this bill that I am most concerned about is highway and bridge reconstruction. Now, it is not that President Bush isn't concerned about highway construction. This administration actually requested millions of dollars in emergency funding for highway construction in this bill. The problem is, I tell my colleagues, that President Bush's concern is for highways in Iraq and Afghanistan. In fact, those are the only requests for roads and bridge repairs by the President in this supplemental.

Meanwhile, the Federal Highway Administration is currently sitting on a backlog of applications totaling over half a billion dollars for roads and bridges that have been destroyed by natural disasters right here at home in America. They are still struggling in Louisiana to rebuild roads that were damaged during Hurricane Katrina and the heavy rains of 2006. Texas needs help to rebuild after Hurricane Rita and floods over the last 2 years. Large sections of roads in Maine and New Hampshire were destroyed in floods last spring. In Oregon and in my home State of Washington, we are still fighting to recover from devastating floods that were caused by storms of last December.

Let me give my colleagues an idea of what I am talking about. This photo shows us roadwork that is being done in Afghanistan. Now, in this supplemental appropriations bill, the President requested more than $725 million for construction, repair, and restoration of roads and bridges in Iraq and Afghanistan. The money the President is requesting includes over $300 million for the Commander's Emergency Response Program for road projects in Iraq and Afghanistan; $50 million for Afghanistan's Bamiyan-Dowshi Road, as well as another $275 million for other roads in Afghanistan. He is also asking for another $100 million in military construction projects for road projects in Bagram, Afghanistan, and elsewhere. My concern is that the President wants to fund these roads overseas, and yet he is ignoring that 21 States right here are waiting—waiting—for emergency help with roads and bridges that are eligible for Federal aid—roads in Louisiana, Maine, Minnesota, New Hampshire, Oklahoma, Oregon, Texas, and Washington.

Let's be clear. We are not talking just about fixing potholes.

I ask unanimous consent to have a table which displays all of the States that are waiting for emergency relief printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008

State	Event	Formal requests	Pending requests	Subtotal by State
Alabama	AL05–3, August 29, 2005 Hurricane Katrina (add'l request)	2,300,000		2,300,000
Alaska	AK06–1, November 2005 Winter Storms (add'l request)	175,769		175,769
California	CA05–1, 2004–2005 Winter Storms (add'l request)	117,700,000		
	CA08–1, October 3, 2007 La Jolla Slide City of San Diego		20,000,000	
	CA08–2 October 12, 2007 1–5 Tunnel Fire	17,600,000		
	CA08–3, October 2007 Wildfires	28,700,000		
	CA08–4, Martins Ferry Bridge Disaster		10,000,000	194,000,000
Kansas	KS07–1, May 4, 2007 Tornado and Flooding	1,539,553		
	KS07–2 June 21, 2007 Storms and Flooding	4,430,769		5,970,322
Louisiana	LA05–1, August 29, 2005 Hurricane Katrina Indirect Costs	28,998,103	43,469,548	
	LA07–1, October 16–November 2, 2006 Heavy Rains and Flooding	2,956,978		75,424,629
Maine	ME07–1, April 15, 2007 Rains and Flooding (add'l request)	185,000		185,000
Minnesota	MN07–2, August 2007 Flooding	7,461,465		7,461,465
Missouri	MO07–1, May 2007 Flooding		1,783,500	
	MO08–1, November 27, 2007 Jefferson Street Bridge Fire	1,249,308		
	MO08–2 March 2008 Storms and Flooding		5,000,000	8,032,808
New Hampshire	NH07–1, April 2007 Flooding	3,929,229		3,929,229
New Jersey	NJ07–1, April 14, 2007 Northeaster		11,000,000	11,000,000
New York	NY06–1, June 2006 Flooding (add'l request)	1 ,437,989		

EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008—Continued

State	Event	Formal requests	Pending requests	Subtotal by State
	NY06–2, October 12, 2006 Snowstorm	530,040		
	NY06–3, November 16 2006 Heavy Rains and Flooding (add'l request)	323,773		
	NY07–1, April 14, 2007 Northeaster	4,890,577		
	NY07–2 June 19, 2007 Flash Flooding	9,108,477		16,290,856
North Carolina	NC06–2, November 22, 2006 Storm	2,379,372		2,379,372
Oklahoma	OK07–2 May 4–11, 2007 Flooding	2,352,482		
	OK07–3, May 24–June 10, 2007 Flooding	4,446,404		
	OK07–4, July 10, 2007 SH 82 Landslide	5,690,000		
	OK07–5 August 18, 2007 Tropical Storm Erin	6,188,889		
	OK08–1, December 8, 2007 Ice Storm	10,425,000		
	OK08–2 April 9, 2008 Storms	4,400,000		33,502,775
Oregon	OR08–1, December 2007 Rainfall and Flooding		10,000,000	10,000,000
Rhode Island	RI07–1, April 2007 Rainfall and Flooding (add'l request)	431,600		431,600
South Dakota	SD07–1, May 5, 2007 Flooding	592,638		592,638
Texas	TX05–1, September 23, 2005 Hurricane Rita (add'l request)	3,460,240		
	TX06–1, July 31, 2006 El Paso Flooding	15,831,845	16,864,081	
	TX07–1, May–June 2007 Flooding		16,830,983	52,987,149
Vermont	VT07–1, July 9–11 2007 Severe Storms	1,774,533		1,774,533
Washington	WA07–1, November 2006 Flooding (add'l request)	11,080,000		
	WA08–1, December 2007 Rainfall and Flooding	44,800,000		55,880,000
West Virginia	WV07–1, April 2007 Heavy Rains and Flooding	1,494,611		1,494,611
Wisconsin	WI07–1, August 18, 2007 Rainfall	4,802,452		4,802,452
FLH Manag. Agencies	various events	11,494,066	2,800,000	14,294,066
Total		365,161,162	137,748,112	502,909,274
Excess funds from Northridge Earthquake (PL 103–211)				51,782,891
Net Unfunded Backlog				451,126,383

Mrs. MURRAY. Mr. President, in several of those 21 States that are waiting for funds, officially declared natural disasters wiped-out roads and bridges, completely creating obvious safety hazards but also cutting off some of our rural communities and disrupting families and commerce. Here is a picture that gives us an idea of the scope of the problem we face in my home State alone. Sections of roads such as this one in Gifford-Pinchot National Forest were completely destroyed in recent floods.

If the Federal Government doesn't provide help, these States are going to have to either wait to fix these roads or pay for these emergency repairs by diverting money from their annual highway funds and delaying or cancelling critically needed projects. At a time when we know our economy is slipping and gas prices are at an all-time high, our States can't afford to do this. A State such as Oklahoma would have to spend almost 7 percent of its entire annual highway program to help repair roads that were destroyed during recently declared disasters.

Mr. President, 2007 was an unusually hard year for Oklahoma. The problems that were caused by storms last year were compounded by more storms this past April. As a result, the backlog of highway repairs now waiting for the Federal aid emergency relief program totals $33.5 million. That money is contained in the amendment we will be voting on this morning.

So, as I said, my home State of Washington was hit by devastating floods last December. Communities from southwest Washington in Whatcom County on the Canadian border are struggling to recover, and they desperately need and deserve help from our Federal Government.

The bottom line is that while I understand the problems that inadequate roads pose to our military and the people in Iraq and Afghanistan, we also have urgent needs right here at home for the same kinds of repairs, and we have a responsibility to address those emergencies. The longer we wait, the longer the list of roads waiting for repairs becomes. And those damaged roads hold up our commerce, they keep people from getting to work, and they keep goods from getting to market. That is going to continue to hurt our already strained economy.

Just yesterday, Governor Gregoire in my home State declared an emergency when a highway in Spokane was completely washed out in heavy rains and snowmelts. Our Transportation Department says those repairs will cost $1 million, and it is going to take several days to reopen a single lane of that traffic.

When our citizens pay their taxes, they except their money will go to keep the roads and bridges in their own communities safe and reliable. I think President Bush is profoundly out of touch if he believes our taxpayers would rather spend their money on new roads overseas than on damaged roads in their own communities.

So I hope my colleagues on both sides of the aisle pay close attention to what is in this emergency relief amendment and that they vote to take care of their own constituents at home while we continue to fund these wars in Iraq and Afghanistan.

Thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, earlier this week I spoke about the need to act expeditiously to consider the supplemental appropriations bill to fund ongoing operations in Afghanistan, Iraq, and the global war on terrorism. I don't know that I could add any more persuasive reasons why we must approve the President's request for supplemental appropriations.

In a hearing earlier this week before our Appropriations subcommittee, Secretary of Defense Gates testified that the military personnel account that pays our soldiers and the operations and maintenance accounts which fund readiness, training, and the salaries of civilian employees across the Defense Department will run dry over the next few weeks. Secretary Gates can forestall this depletion of funds for a short period of time, but if he does so, it will disrupt ongoing programs that are critical to our operations in theater and to our national defense generally.

Delay in providing funds for our troops has already disrupted operations in Afghanistan and Iraq. Admiral Mullin, the Chairman of the Joint Chiefs of Staff, testified before the Appropriations Defense Subcommittee also about a recent visit he had with soldiers on the front lines. Those soldiers told Admiral Mullin that they were unable to allocate additional funds from the Commander's Emergency Response Program because essentially all the money had been allocated for the quarter. We are two-thirds of the way through the fiscal year, and yet Congress has provided less than one-third of the funds requested for this emergency response program.

Secretary Gates characterizes this initiative as:

> The single most effective program to enable commanders to address local populations' needs and get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

I will not repeat my statement from earlier this week on the urgent need to move this process forward, but it is clear that when Congress finally began to act, it did so using convoluted procedures designed to shut out individual Members in the Senate and in the other body. Yet, this morning, it remains highly uncertain whether an adequate and signable supplemental funding bill will be sent to the President before Memorial Day. There are rumors—conversations—about a short-term, 1-month supplemental being drafted by the majority.

Mr. President, that is really not what we need. It is one thing to extend the aviation bill or the farm bill or other programs for short periods of time while Congress completes its work on long-term legislation, but to begin stringing out our military and our diplomatic corps on a month-by-month basis during a period of military conflict is a dereliction of our duties.

I worry that the Congress is becoming an impediment to the efficiency and the capability of our Government, and to our Department of Defense in particular. We are not acting to protect the security of our troops who are putting themselves in harm's way and embarking on dangerous missions or providing for others whom we are trying to train to prepare to take over the responsibilities for national security. We need to get together now.

The time for dragging our feet is long past. We need to find a common ground so that we can provide our men and women in the field with the necessary resources and the support that is necessary to conduct successfully the mission assigned to them by our United States Government. We need to do this without any further delay. I urge my colleagues to do it now.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak in support of the supplemental bill that was put together by many Members, actually, on both sides of the aisle, who believe that, yes, we should expedite funding for our troops in the field, but also there are emergencies right here at home, as eloquently described earlier this morning in the remarks of the Senator from Maryland and the Senator from Washington State.

I would like to add some words to their arguments. First of all, I realize there is an emergency and a war and conflict going on in Iraq and international incidents around the world that deserve the attention and support of this body. But there are also emergencies right here at home and imminent and ongoing threats.

This chart basically says it all. It is a frightening chart to me, a depressing chart, but it is reality. The reality is, since 1955 through 2005, this is the track of hurricanes that have hit the United States. Some of these are category 1, some are category 2, but dozens of them are categories 4 and 5. This track is Hurricane Katrina in yellow and Hurricane Rita in blue, which devastated large parts of Louisiana and Mississippi, even going into Alabama and Texas—flooding thousands of homes and killing 2,000 people plus along the gulf coast. The predictions are that these kinds of storms are going to get more frequent and worse.

There is nothing we can do to prevent hurricanes. This is Mother Nature. We have just seen it explode in China and in Burma. It is frightening to a civilized society. We get in strong buildings like this and think that nothing can hurt us; surely no water could reach us or wind destroy us. Then Mother Nature appears in a very violent way sometimes and reminds us how vulnerable we all are.

In the United States, we just don't cry about these things and wring our hands. We do something. We, the States, local and Federal Governments appropriate funding to build the right kind of levees and dams, and we provide the right paradigm or framework for insurance because that is the way we protect ourselves. Hopefully, we have infrastructure that will not fail when the pressure comes; and then insurance, if it does come, to help people who have lost so much get back on their feet. That is all we can do. It would be good if we would do that.

But if we vote against this bill today, we are not taking the necessary steps to get that done. Again, this is a depressing chart to me. I don't like to see it, but I put this up in my office to remind myself that this is not just about Katrina and Rita, which we will be marking the anniversary of on August 29—3 years—and then September 24, 3 years for Rita, two of the most destructive storms to hit the United States. I remind myself that New York is in danger, New Jersey is in danger, and South Carolina and North Carolina are in danger. And Florida, in 2005, had the worst storm season of the century, according to the Senator from Florida.

Briefly, referring to this chart, this is the area that went underwater in New Orleans, this region—New Orleans and Jefferson and St. Bernard. Some say: Why don't you all just relocate? That would be a very expensive proposition, and impossible, for any number of reasons. One, about 1 million people live in the metropolitan area; two, the mouth of the Mississippi River is something that the people of Mississippi and Louisiana most certainly think is an important asset to the country—so important that Thomas Jefferson, when he was President, leveraged the entire Federal Treasury to purchase it. We put all of our defenses along the river to defend it. You cannot close this river. The people who work on the river and contribute to the assets of the country cannot go live in Arkansas or north Texas or north Mississippi. They need to live close to the coast for all of the important energy that comes.

The city is no longer underwater. The water is long gone, but the tears are still there and the pain is still there and the frightening part is still there because the start of the hurricane season is just right around the corner, June 1. We have reports in the paper today that there is some leakage in the same canal that breached and destroyed over 10,000 homes—or more, actually—in the Lakeview area, which is a solid middle-class area.

This is a picture from the Times-Picayune today. In this bill, there is about $7 billion for levees, to finish the construction of levees that broke—Federal levees that should have held and didn't. We are in a mad dash to get these levees and this infrastructure rebuilt strongly, correctly, and safely so people can begin to rebuild this city higher, yes, and stronger, yes. But no one living in the middle of a city or urban area should have to go to bed at night and wonder when they wake up if they will be in 8 feet of water or 12 feet.

This is the 17th Street Canal, and you have seen this many times in pictures. That is what is in this bill. I urge my colleagues to vote yes on the supplemental.

I ask unanimous consent for 2 more minutes.

Mrs. MURRAY. Madam President, I can only yield 30 more seconds. Other Senators wish to speak.

Ms. LANDRIEU. We have hurricane levees in this bill. We also have housing vouchers. The risks have increased substantially in the region. After the storm, we lost 250,000 dwellings in Louisiana and thousands in Mississippi. We have a homeless population that has doubled. There are housing vouchers in the bill for the homeless, for the very low income, and for the disabled. After storms like these, that population is gravely threatened.

I will come back later and finish my remarks. This is important to the people of the gulf coast. I thank the Senator for the time allowed this morning. I urge my colleagues, in supporting the war funding in Iraq, please let's remember the emergency still going on at home.

Mr. COCHRAN. Madam President, I ask unanimous consent that the remaining Republican time be allocated as follows: Senator GRAHAM for up to 20 minutes to engage in a colloquy with Senators BURR, KYL, and CORNYN; Senator VITTER for 5 minutes; Senator BROWNBACK for 5 minutes; and that the remainder of the time, if anything, be allocated by Senator MCCONNELL, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 2419, which the clerk will read, and which will be spread in full upon the Journal.

The legislative clerk read as follows:

Veto message on H.R. 2419, a bill to provide for the continuation of Agricultural programs through fiscal year 2012, and for other purposes.

Mr. REID. Madam President, so that there is no misunderstanding, I ask unanimous consent that the veto message on H.R. 2419, the Food Security Act, be considered as having been read, that it be printed in the RECORD, and spread in full upon the Journal, and held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the "Food, Conservation, and Energy Act of 2008."

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, "Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation." For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 21, 2008.*

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008—Continued

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, the Senate has a real opportunity today to do right by our newest veterans who have served us well in Iraq and Afghanistan.

When our troops came home at the end of World War II, our Nation made a choice to make college a reality for millions of them. Nearly 8 million veterans—half of all who served in that war—took advantage of the Montgomery GI bill. They had their college education paid for. Our country made a decision to invest in our warriors' future as they returned from the battlefield. As a result, the "greatest generation" produced broad-based growth and prosperity.

Today, we are great at sending our troops off to war, but we are coming up short in providing the benefits their service has earned. That is shortsighted and wrong.

A very small percentage of Americans actually serve in our Armed Forces, the military, on Active Duty, Reserves, and National Guard. It totals less than 3 million people in a country of 300 million.

So far, 1.6 million troops have served in Iraq and Afghanistan. Tens of thousands more of our troops will rotate through in the coming months. These men and women and their families are the ones who have borne the sacrifice of 15-month deployments, multiple tours of combat zones, injuries, and the loss of far too many of their battle buddies.

It is right that the Senate give back to them by giving them a GI bill that meets today's needs. It is time to treat doing right by our veterans as a true cost of war. These folks all joined the service because they love their country, they want to serve, and they want to be a part of all the great work our military does. It is hardly glamorous, but it is critical to our Nation.

A GI bill that provides our troops the full cost of a college education is a vital recruiting tool, and it helps us give back to the people who are serving our country.

Today, nearly one-third of all Active-Duty servicemembers who signed up for the GI bill never use the benefit. There are many good reasons, but one of the main reasons is that the current GI bill doesn't provide enough benefit to meet the needs of today's veterans.

Madam President, today's GI bill is woefully inadequate. It only provides about $9,000 in costs for an academic year of college. When you factor in tuition, room, board, books, and other living expenses, that is only about 70 percent of the actual cost of attending a university such as the University of Montana. It is only a drop in the bucket for a private school.

The Webb amendment that we have before us today fully covers the cost of any instate public school's tuition and fees, and it creates a matching program to help create incentive for private schools to do the right thing and pay for a veteran's education. It will stay this way for a generation. This legislation is tied to the cost of public education so the benefit to our veterans will keep pace with the annual rise in tuition and fees, which have averaged about 6 percent over the last decade.

Another thing that makes this amendment so important is that for the first time it brings the National Guard and reservists more access to the GI bill. Right now, few guardsmen and reservists can get the full benefit. Given how much we have relied on the Guard in Iraq, I think that is wrong.

Let me also say we know the vast majority of servicemen sign up for the GI bill, but that has a cost. When you first receive a paycheck from the military, you have to decide whether to spend $100 a month for the first year on buying into the GI bill benefit. That is a total cost of $1,200. Now, $100 may not seem much to some folks in Washington, DC, but I guarantee you that to an airman just out of basic and on his or her first tour at a base such as Malmstrom Air Force Base, that $100 is a big deal. The Webb GI bill gets rid of that fee, and it is about time we did so.

Finally, I wish to address one of the complaints about the Webb bill. Some have said the Webb bill will hurt retention, especially in the mid-career officer corps. This is simply untrue. A commissioned officer would have to serve 8 or 9 years before being fully eligible for the new enhanced GI benefit. It is not the GI bill that causes mid-career folks to leave the military. It is 15-month deployments, multiple tours, and stop-loss involuntary deployment extensions, the so-called back-door draft.

So I hope we can get this done today. This bill will cost about $2 billion a year, and that is a little less than we spend in Iraq in 1 week.

Keep in mind that, over a lifetime, the average individual who goes to college earns more than $500,000 more than someone who does not. This is the right thing to do for our troops, but it is also a good investment in our country's future, especially at a time when the economy is sputtering, wages are stagnant, and jobs are being lost. So I call on this body to stand by our Nation's warriors and to pass a 21st century GI bill. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I wish to be recognized for 6 minutes because we are going to split the time with my colleagues. Would the Chair let me know when 5 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRAHAM. Madam President, three quick points.

The procedure being employed is bad for the country, it is bad for the Senate, and my Republican colleague, Senator COCHRAN from Mississippi, expressed himself very well. If we give in to this, pack and go home. We don't deserve to be here.

Now, I have a proposal, I say to my good friend, Senator TESTER. I have a proposal that does two things. It helps those who leave the military get a better GI benefit. He is right; we need to increase the money we give to people who leave the service to go to college. But the Webb bill, unfortunately, according to CBO, hurts retention. The benefits of $52, $53 billion are all driven to the people who would leave, and the consequence of that is we are going to hurt retention, according to CBO, by 16 percent.

Our approach, Senators MCCAIN, BURR, and many of us here, is to do two things: Increase the benefit for those who leave but entice people to stay and reward those who will make a career out of the military. The backbone of the military, I say to Senator TESTER, is the career NCOs, and we have a proposal that if they will stay in for 6 years, they can transfer half their benefits to their family members, to their spouse or to their child. If they will stay to the 12-year point, they can transfer 100 percent of their GI benefits to their spouse or their child.

That would reward people for staying in and making a career. They can get their retirement pay and have money to send their kids to college. It rewards people to stay in the military and make a career of the military at a time we need a career force because we don't draft people anymore.

This is not World War II, this is not Vietnam, this is a global struggle being fought by a few, and we need to do two things: Reward those who serve and decide to go back into civilian life, and tell those families and military members who will stay on for a career, God bless you, we are going to treat you differently than we have ever treated you before. We are going to give you a benefit you have never had before. You are not only going to be able to retire, but you are going to be able to send your kids to college without using a dime of your retirement pay.

But under this procedure, we can't even talk about this. To my Republican colleagues who denied me a chance to put up my idea, shame on you. I have never done that to you all. Now, if there is some project in this bill that means that much to you that you are going to throw the rest of us over, we don't need to be here.

As to the war and the funding, Senator REID said on April 20, 2007:

> This war is lost. The surge has not accomplished anything, as indicated by the extreme violence in Iraq yesterday.

April 20, 2007. April 13, 2007:

> Reid said he plans to continue an aggressive path for early withdrawal from Iraq and does not particularly care if the Republicans are trying to paint that position as a lack of support for U.S. forces. Why? Because we are going to pick up Senate seats as a result of this war.

SCHUMER, April 25, 2007:

> The war in Iraq is a lead weight attached to their ankles, Schumer warned, predicting that congressional Democrats will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach. We will break them, because they are looking extinction in the eye, Schumer declared, making no attempt to hide his glee.

Come down to the floor today and stand by those statements. It is not about the Republicans winning or losing seats, it is about this Nation being able to be safer. It is about winning in Iraq, not being a stakeholder in our defeat. It has never been about the next election to me, it has been about standing behind moderate forces in Iraq that will fight al-Qaida. Well over a year later, we have evidence now from the surge, with better security, that Muslims in Iraq have taken up arms, stood by us, and are giving al-Qaida a punishing blow. Reconciliation, political economic reconciliation in Iraq is beginning to bear fruit because of better security and Iranian desires to dominate that country, to kill Americans, and split Iraq. They are losing. We are killing special groups from Iran by the droves.

So I hope this President, President Bush, will veto this bill, if that is what it will take.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. GRAHAM. I thank the Chair.

Senator WEBB said he is going to test President Bush's concerns for the troops to see if he will sign the Webb bill. To President Bush: Do not sign this bill. It will hurt retention.

We can all come together to help those who serve and leave the military and give them a benefit better than they have today because they deserve it, but we should be working together for the common good to retain a career force that is going to fight this war and the war of the future.

The people who put the Webb bill together had no idea what they were doing when it came to retention. They didn't even think about retention. Senator OBAMA said: Yes, if people leave, you will get some more. The heart and soul of any military is that career NCO officer, and we need to retain them, tell them their service is valuable, and help them stay around. We need to help those who leave, but, for God's sake, reward those who stay.

So this is a defining moment for the Senate, for the Republicans, and for this war. I can tell you that if we will leave the generals alone and support our troops, they will win this war.

To my Republican colleagues, if we will stand firm for a fair procedure and a sensible solution to the veterans' problems, we will get rewarded in the next election, not punished. If we give in to this, we don't deserve to be here.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I also would request to be notified at the end of 5 minutes.

The PRESIDING OFFICER. The Chair will notify.

Mr. BURR. To my colleagues: What we have today is a choice between something and nothing. I am not sure that is fair for our veterans. I am not sure it is fair for the American people. Procedurally, what the leadership has decided to do is to give us one choice. When you have one choice, it is not a choice, it is a mandate. The choice they have given us today as Republicans, quite honestly, and as a Senate, is either support what they have prescribed to us or vote against it.

The President has already said: I am going to veto this bill because, from a policy standpoint, it does not embrace what is in the best long-term interest of this country and of our security. I think the American people understand that.

Procedurally, the only tool we have is to say we are not going to vote for it or we are going to stand with the President and uphold his veto and bring the majority back to the table to present a process that allows us to debate the differences between the two competing views. I believe it is worth it when we talk about the education of our veterans.

I believe there are parts of the Webb bill that are very well done, and there are parts of the Graham bill that are extremely beneficial to our soldiers. We will never get that opportunity unless enough people in this body are willing to stand up and say this process absolutely stinks and we are not going to stand for it.

The politics of it Senator GRAHAM pointed out very well. There are some who believe the politics of the next election trump whether this bill is right or whether the process is fair. I don't believe politics should play a part in this. I only wish those who have expressed such concern about this education benefit would help me fix K-through-12 education, where last year 70 percent of the high school students in this country graduated on time, and 30 percent of our kids do not have the tools to be asked to interview for a job. But we are more passionate about making sure we don't even create a choice on education for our veterans. They have no voice in this. This dictates what their benefit is going to be in the future. I think we have a right to come down and debate the merits of two proposals but not under the structure we have been given today.

The politics of this have gotten ugly. This week an ad was run that showed a veteran who had been injured in battle, a service-connected injury, and it said unless you support the Webb bill, there is no education benefit for this injured vet. Well, let me say today that is a lie. It is factually challenged. Any servicemember who has a service-connected injury has 100 percent coverage for their education benefit today without us doing one thing. It is called the Vocational Rehabilitation Program within the Veterans Administration. It covers their tuition, public and private, Harvard or North Carolina at Chapel Hill. It doesn't matter if it is a State or private school. It covers their room, their board, and their tuition. It will even pay for somebody to work with them on their resume enhancements, on interview techniques.

Every person with a service-connected disability is covered under vocational rehab. To suggest in an ad that they are left behind if the Webb bill is not passed is absolutely the most disingenuous thing I have ever seen.

From a policy standpoint, do our veterans deserve the ability to determine whether the GI benefit they have qualified for is, in fact, transferable to a child? Well, what we are saying today is no. No, you don't have a right to do that. That is our benefit. We dictate in legislation how you use it. We are not going to have a debate on whether transferability, whether a servicemember who qualifies for an education benefit should have the right. Their decision.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. BURR. I thank the Presiding Officer.

Should it be their decision to decide whether a spouse or family member, who has sacrificed so much, is going to be the recipient of a benefit or whether they are going to let it expire because they have the education they need? Well, not having the debate, we are not going to have an option to sell to our colleagues, to sell to veterans, to sell to the American people why veterans deserve more than what the Webb bill offers. We have only valued it on dollars, not on benefit.

From a policy standpoint, this creates a tremendous inequity between States because the benefit is actually determined by where a veteran actually chooses to go to school, not by where they live or where they came from.

It is not equal for every veteran. Some will get more, some will get less, and the unintended consequences are that States will look at that subsidized higher education today and say: Why should we subsidize it in the future, we get cheated when the Government pays us.

We know who will pay for that: All the kids who go to school. All the kids in the future who are not connected to the military, when they go in to make their tuition payment, are going to be the ones who pay the brunt of this situation.

There is only one way to stop this, and that is to make sure we uphold the President's veto. We are not going to defeat the legislation to move forward, but we have to uphold the President's veto if, in fact, we want to bring this legislation back to the Senate floor, have a real debate about the differences in the legislation, a real debate about what is important to our veterans, a real debate on what affects retention, a real debate about what provides the security we need in this country in an all-volunteer Army.

I am convinced that our colleagues understand the importance procedurally of making sure this comes back to the Senate in a fashion that we can actually have a real debate about creating a choice between something and something versus the setup today, which is something and nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from North Carolina and the Senator from South Carolina for their leadership, but I also wish to congratulate Senator WEBB, the Senator from Virginia. I do believe that all of these Senators, and those of us who join them, are operating with the best of intentions, and that is how do we modernize the GI bill that helped provide my father an education after he left the Air Force after World War II? How do we modernize the GI bill and provide the maximum benefit we can but also make sure it provides for benefits to military families by allowing for transferability to spouses and children under some circumstances? And, I would think, fundamentally to our national security, how do we preserve and protect the All-Volunteer military force?

I know it is not his intention, but Senator WEBB's bill actually would encourage people not to reenlist by providing a perverse incentive to leave early in order to obtain the benefits they would receive after 3 years of service. We need to make sure we encourage continuation of service, retention in the military in the best interests of our All-Volunteer military force.

To me, it is ironic—I remember the Senator from Virginia had an amendment where we would restrict the amount of time a servicemember could be deployed and then provide for a minimum time they had to be back home before they could be deployed again. Again, it was a noble aspiration that he had but, unfortunately, because our forces were spread too thin because we had allowed the end force, the end strength of our military to degrade over time, we had to, as a matter of our national security and success in our current efforts in Iraq and Afghanistan, ask these servicemembers to return to service without an adequate dwell time.

Perversely, I think the Senator's bill, by encouraging early exit from the military and hurting retention, according to the CBO, by some 16-percent, would actually be at cross-purposes with the very proposal he advanced earlier about allowing our military more time at home because it would reduce the number of people in our All-Volunteer military and make it necessary that they be deployed more often and at greater sacrifice.

I do believe we ought to reward those who continue to serve. We ought to reward the families by allowing transferability of the benefit upon continued service to spouses and children.

I can tell my colleagues, speaking to groups in Texas this last weekend, that one feature was something they very much appreciated. We ought to do everything we can to strengthen and nurture our All-Volunteer military force and not to cause a 16-percent decline in retention rates.

Mr. President, I see the Senator from Arizona on the floor. I yield to him for a question.

Mr. KYL. Mr. President, I wonder if the Senator from Texas will yield for two questions I have.

Mr. CORNYN. I will be happy to yield.

Mr. KYL. Mr. President, I absolutely agree with the Senator from Texas that we have to get to a point where we can debate and vote on alternatives to assist our veterans. It is very distressing to me to hear there are TV ads running against the Senator from Texas and against my colleague from Arizona that call into question your commitment and his commitment to the veterans of our country.

I am informed that one of the ads says:

> Senator Cornyn is fighting tooth and nail against giving adequate benefits to our troops and veterans, using it as a wedge in partisan politics.

Is the Senator aware that language is being used in an ad against the Senator from Texas.

Mr. CORNYN. Mr. President, I am aware of the ad. I have to say to the distinguished Senator from Arizona, it is not the first time I have seen a phony ad on television. Of course, as he suggests, there is no basis for it.

Mr. KYL. Mr. President, if I may just say, the Senator from Texas, as you just heard and as we all know, has been speaking on the floor of the Senate and in meetings we have been having about this issue. He has been working very hard to find the best way to support our veterans with their educational benefits. I want that crystal clear on the record.

Secondly, is the Senator aware that there is also an ad—my understanding is it says that "Senator McCAIN, as the leader of the Republican Party, must send a signal to his colleagues in the Senate that now is not the time to play politics by forcing Senators to choose between his bill and the Webb-Hagel measure."

It seems to me that statement is exactly right, that we should not be forced to choose between one or the other, but procedurally, the way the bill comes before us, we have two choices: to vote for or against Webb; whereas if the President were to veto this bill, there is an opportunity to negotiate between the two different approaches, both of which have some merit, and get the best of all worlds.

Will the Senator from Texas comment about the process by which we might actually get the best bill to assist our veterans with GI educational benefits?

Mr. CORNYN. Mr. President, the Senator from Arizona is exactly right. We need to have a fair debate and fair opportunity for a vote on these competing proposals, both of which I say, again, were borne out of the best of intentions, and that is providing educational benefits for our military servicemembers and their families.

But I have to add that calling into question Senator McCAIN's commitment to veterans is laughable. It would be laughable if it wasn't so pathetic. No one serving in the Congress and few serving anywhere in the United States have given more to support our military servicemembers, both active and retired, and, obviously, Senator McCAIN himself is a war hero. To me, that is the kind of phony ad that I think causes most people simply to dismiss it because there is just no basis for it.

I agree with the Senator from Arizona that this procedure, whereby we are asked to vote on what started out to be an emergency funding bill to support our troops in harm's way in Afghanistan and Iraq, has now been larded up with a bunch of pet projects and other spending which have nothing to do with supporting our troops in harm's way.

Congress, by engaging in this sort of conduct, is actually slowing down delivery of the money to the troops who need it. We have been told by the Secretary of Defense and the Secretary of the Veterans' Administration—particularly the Secretary of Defense—that unless we act——

The PRESIDING OFFICER. The time for the colloquy has expired.

Mr. CORNYN. Mr. President, I ask for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Unless we act promptly, we are going to find out our troops are not going to get their paychecks, and the services that are available for our military families are going to be denied unless Congress acts. So why would we engage in this kind of delay?

Finally, the Graham-Burr bill does provide for the full cost of a 4-year public school education in my State of Texas, which costs roughly $55,000 a year. This bill provides $58,000 a year worth of benefits and added to items such as the Hazlewood Act, which allows tuition forgiveness, is a good benefit and one certainly deserved by the veterans who take advantage of their GI benefits in my home State, and I am proud to support them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following four Senators be our next speakers, rotating back and forth with the other side: Senator HARKIN for 4 minutes, Senator KOHL for 3 minutes, Senator LINCOLN for 4 minutes, and Senator CLINTON for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, let me state the obvious. The administration's position, and what I hear from the other side of the aisle, is a blank check for Iraq but not a dime for urgent domestic priorities. I can tell you that is a nonstarter with the American people. We have more to do here internally for America than just borrowing money from China and sending it to Iraq.

I have worked to add to this bill urgently needed funding for an array of domestic needs, including health care, extended unemployment insurance, and grants to fight crime in neighborhoods across America.

We have added emergency funding for the Byrne Grant Program to provide critical funding to local law enforcement, and this funding is crucial. Unless we restore the Byrne funding for fiscal year 2008, local law enforcement operations will be severely cut back—set back, even—if we provide the funds in 2009.

In my State of Iowa, over half of all the drug task forces will be forced to shut down unless these cuts are restored. Mr. President, 15 out of 21 regional drug task forces will be eliminated. That is just my State. Think about your State. It is going to devastate our law enforcement activities to fight drugs and crime. Law enforcement has made it clear that once these programs are stopped, they are very hard to start again. It is hard to hire back trained and experienced law enforcement, hard to restart a wiretap, for example, to reconnect with lost witnesses. So the Byrne Grant Program is absolutely essential. But there are other things we need to do.

There is $400 million for NIH in this bill. Much of that is for cancer research. We are making great strides, but in the last few years, we have not kept up with medical inflation, and therefore the amount of dollars we have for cancer research is being eroded.

We have $1 billion in this bill for LIHEAP, the Low-Income Home Energy Assistance Program. Mr. President, 15.5 million households are at least 30 days overdue in meeting their heating costs. We know how high costs are going, and now we have the summer months coming on, and in the

South particularly, where they are going to need air-conditioning, we need this money for our low-income and our elderly people.

We extend unemployment compensation by 13 weeks. We know the best stimulus of all is to help those who are unemployed, to get them the money, to get them through a rough patch so they can get back to work.

We also defer the implementation of seven Medicaid and Medicare amendments. These are supported by the National Governors Association. If we do not defer the implementation of these amendments, it is going to have a profoundly bad effect on health care in all of our States, and many of these regulations go into effect in June and July of this year unless we put a stop to them.

These are all the provisions that are in the domestic package.

Again, we have $100 billion in this bill for Iraq and Afghanistan. What about America? What about using this bill to stimulate our economy, extend assistance to the unemployed, fight crime, create jobs, and invest in medical research? It is not just Iraq and Afghanistan, it is also America. That is what this first domestic package is about, and I urge all Senators to vote to adopt this amendment to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the pending amendment includes several provisions within my jurisdiction as chairman of the Agriculture Subcommittee. Under the current unanimous consent agreement, these provisions will be stripped from the bill if we fail to get 60 votes. So I want my colleagues to know exactly what they are voting against if they oppose this amendment.

The amendment includes $180 million to help American communities and families in most States recover from recent natural disasters, including floods and tornadoes. Already this year, we witnessed a new record of tornado touchdowns, and flooding in the South, Midwest, Pacific Northwest, and other parts of the country has been devastating. If these funds are dropped from the bill, then we are asking for even greater destruction when other storm events strike later this year.

The amendment also includes $275 million for the Food and Drug Administration. I know this is important to the senior Senator from Pennsylvania, and I suspect it is also a priority for other Members as well. The FDA needs to get its house in order on food and drug safety, and these funds are targeted to do just that. FDA Commissioner Von Eschenbach called me himself to stress the need for this funding.

Finally, I wish to talk about food aid. For Pub. L. 480, this amendment provides an additional $500 million over the President's request in the current fiscal year. These additional resources will compensate for skyrocketing food and transportation costs that no one in the administration seems to be acknowledging.

I have written two letters in recent weeks, one to the President of the United States and another to the Secretary of State, urging them to support these additional resources. I am still waiting for a response. I am troubled by their silence.

I ask unanimous consent these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 5, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the food aid proposal you unveiled last week is a welcome signal of our Nation's commitment to hungry people across the globe, I feel obliged to respectfully disagree with the specifics and make several observations.

While your proposal calls for an additional $395 million for Public Law 480 food assistance, none of this additional assistance would become available until the beginning of the next fiscal year. Sadly, I don't believe the crisis of escalating food and transportation costs can be held at bay that long and I fail to see how these additional resources help anyone right now. I would welcome an explanation from your administration.

As Chairman of the Senate Subcommittee with jurisdiction over P.L. 480, I believe we need more timely action. I intend to include enhanced P.L. 480 funding in the upcoming supplemental appropriations bill so that additional resources will be available for the current fiscal year. I realize this may be at odds with your oft-stated pledge to veto any supplemental which exceeds $108 billion. While I do not wish to invite unnecessary controversy over such an important topic. I think we have a moral obligation to act quickly. The poorest of the poor across the globe cannot wait nearly half a year for us to make good on this pledge.

Sincerely,

HERB KOHL,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 16, 2008.

Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: News that our government has reached agreement with North Korea to provide food aid for the coming year is a welcome development.

U.S. food aid is tremendously important in many corners of the globe, and as chairman of the Senate Appropriations Subcommittee with jurisdiction over PL–480 food assistance I welcome the opportunity to collaborate in this area. Recent food shortages and price increases have sparked unrest and instability in a variety of places. I believe it's critical that we maintain robust capacity to respond with U.S. food aid.

With those thoughts in mind, I recently sent the attached letter to the President regarding supplemental funding for PL–480. As you know, the $770 million in food aid announced with much fanfare earlier this month would do little to provide immediate new resources for this key program. Consequently, I insisted that the Supplemental Appropriations Bill approved yesterday by the Senate Appropriations Committee include an additional $500 million for PL–480 in fiscal year 2008. I hope you will agree that this is a necessary and appropriate course of action and that you will encourage the Administration to endorse this revised funding level.

Our moral obligation to ease human suffering and our strategic interest in promoting stability could not be more closely aligned where food aid is concerned. Please join me in pushing for these additional resources and convey to the President how his oft-stated threat to veto any supplemental which exceeds his request runs counter to this worthy objective.

Sincerely

HERB KOHL,
U.S. Senator.

Mr. KOHL. Mr. President, Public Law 48 provides our Nation's response to hunger and malnutrition around the globe. By all accounts we are facing a serious crisis in the months ahead. UNICEF estimates that 6 million Ethiopian children under the age of 5 are at risk of malnutrition and that more than 120,000 have only about a month to live—that is a chilling and disturbing thought; 120,000 children in Ethiopia have only a month to live—and we know this tide is coming. Our moral responsibility, I believe, is clear.

There are other critical situations around the globe. The Secretary General of the United Nations is in Burma today, surveying the crisis at hand. These additional resources are needed now and not just for places that are making headlines.

Each of the provisions I described—the flood recovery money, the food and drug safety money, the food aid money—cover legitimate needs that deserve to be addressed. They are not pork, they are not excessive, they are rational responses to critical problems. If we fail to address them in this bill, we have done a disservice to the public.

I urge my colleagues to weigh these items carefully as they consider their support for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I come to the floor today to voice my support as well to the supplemental appropriations bill before the Senate today. I commend Chairman BYRD and all the hard-working members of the Appropriations Committee for the good work they have done. It reflects many diverse needs at home and abroad at such a critical time in our Nation's history.

A proposal we will be voting on this morning—as we enter the sixth year of this war in Iraq and Afghanistan—will provide the necessary resources for our brave troops to continue their task and finish the job. It also makes clear to the Iraqi people our support for this war can no longer be open-ended. It sets practical and realistic goals for beginning the phased deployment of U.S.

troops in Iraq. When our troops begin returning home and transition back to civilian life in their communities, we appropriately recognize their service in this bill by providing benefits that better reflect the sacrifices they have made for each one of us.

I appreciate the leadership exhibited by Senators WEBB and HAGEL, LAUTENBERG and WARNER, to keep the drumbeat alive and make this a priority. They have served our country honorably in past conflicts, and they understand that educating our Nation's soldiers, sailors, airmen, and marines is a cost of war.

One provision included in the GI bill will ensure that our citizen soldiers, our National Guard and Reserve serving multiple deployments abroad, will accrue additional education benefits similar to those Active-Duty troops receive when they are deployed.

I have fought for this equity because guardsmen and reservists who serve multiple tours of duty do not receive one extra penny of educational benefits for their added service because benefits are based on the single longest deployment. Passage of this bill will make that change, and it will make it possible for those Guard and Reserve to accrue their educational benefits.

Another important piece of this bill is the domestic investment it makes. There are dollars for VA polytrauma centers, rural schools, and law enforcement that need immediate attention. It also includes funding under the Adam Walsh Act to track and prosecute sex offenders and those who would do harm to our children.

In addition, this bill provides vital resources to help in recovery efforts from all kinds of disasters, from Hurricanes Katrina and Rita and other natural disasters such as the string of tornadoes and flooding that hit my State earlier this year. Arkansas has suffered a series of natural disasters this year unlike any I have seen in my lifetime. It has left 60 of our 75 counties in our State in need of Federal disaster assistance. Wave after wave of storms has rocked the residents of Arkansas and left many of them shocked by the disaster. It started on February 5, when a band of tornadoes created a path of destruction that stretched across 12 counties in Arkansas, killing 13 people and injuring 133—the deadliest storm in nearly 10 years.

A little more than a month later, heavy storms hit Arkansas once again, this time bringing rain, floods, and devastation that we have not seen the likes of in 90 years. Thirty-five Arkansas counties were declared disaster areas from that storm.

Again, on April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the February tornadoes, four twisters touched down in a five-county area, including some of the counties suffering already from the floods. In addition, two more rounds of tornados hit the State earlier this month, bringing the total to 60 counties affected by these storms this year.

This is evidence of the disaster upon disaster that hit our State. As we look at the opportunities we have before us with supplementals, this is what we use to address those kinds of devastation.

I ask my colleagues to please support this part of the bill. These resources will help our State and other States in many other initiatives we truly need in our country.

The citizens of Arkansas and in our communities all across this Nation have suffered much at the hands of Mother Nature. We are asking our colleagues to work with us to ensure that the things we could not predict, the things we could not prepare for, could be taken care of for those brave Americans in our great State.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I certainly add my support to the very passionate appeal of my friend from Arkansas on behalf of that wonderful State. I remember very well all the difficult storms and floods that too frequently impact Arkansas. I hope our colleagues will support the request for disaster assistance.

I rise to support strongly the GI bill that has been proposed in the Senate. I thank Senator WEBB for his hard work on this bipartisan legislation, as well as Senator LAUTENBERG, Senator WARNER, and Senator HAGEL—each one a veteran who understands, deeply and personally, the importance of honoring the service and sacrifice of our men and women in uniform.

I am proud to be a cosponsor of this legislation. It is in the spirit of the original GI bill of rights to provide every American who has served honorably since September 11, 2001, on Active Duty, with real help to go to college, to earn a degree, to end his or her military service with a new beginning in civilian life.

After 36 months of Active-Duty service, a veteran's tuition and fees for any in-State public college would be fully covered. We provide a stipend for books and supplies and a housing allowance based on actual housing costs in the area. The benefit would apply fully to members of the National Guard and Reserve who have served on Active Duty, and all Active-Duty servicemembers would be entitled to a portion of the benefit based on the length of their Active-Duty service.

This is not a half measure or an empty gesture. This is a full and fair benefit to serve the men and women who serve us, and that is why this is such a key vote.

We often hear wonderful rhetoric in this Chamber in support of our troops and our veterans, but the real test is not the speeches we deliver but whether we deliver on the speeches.

There are some who oppose this benefit, arguing that our men and women in uniform have not earned it, that it is too generous. I could not disagree more strongly. This is a question of values and priorities. Each one of us will answer that question with our votes today. Let's strengthen our military by improving benefits, not restricting them.

There are those opposing this important legislation who have offered a half measure instead, designed to provide the administration with political cover instead of a benefit to our veterans. That is not leadership and it is not right. It is time we match our words with our actions. After all the speeches are done and the cameras are gone, what matters is whether we act to support our troops and our veterans—before, during, and long after deployment.

I have proposed my own GI bill of rights to build on this legislation with opportunities to secure a home mortgage, to start a small business or expand it with an affordable loan. As a member of the Senate Armed Services Committee, I am proud to support our troops and veterans, improving health care for the National Guard and reservists, providing our servicemembers with the equipment and supplies they need to improve treatment and care at our military and veterans hospitals.

The original GI bill was proposed 2½ years after the attack on Pearl Harbor and, more than a year before the war ended, President Roosevelt signed that bill into law. Eight million veterans participated, improving their skills or education. At the peak in 1947, veterans accounted for nearly half of all college admissions. That is the way we should be honoring the service of those who served us. This is our moment to provide each and every new veteran the opportunity to realize their version of the American dream—the dream they have spent their lives trying to defend.

It is time we started acting as Americans again. We are all in this together. Let's send this legislation to the President and let's serve the men and women who served us.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana has 5 minutes.

Mr. VITTER. Mr. President, I rise in strong support of that portion of the emergency funding bill we will be voting on in about 35 minutes. The reason I do so is because it is absolutely essential to deliver the help the President has committed—that the Nation has committed—to our continuing recovery in Louisiana.

First, let me begin by thanking all my colleagues and, perhaps even more importantly, the American people, the

American taxpayer, for an unprecedented outpouring of support for our recovery. True, Hurricanes Katrina and Rita, a devastating one-two punch, were unprecedented disasters, the biggest natural disasters—particularly when put together—that the country has ever faced. Still, it is very significant, very important to acknowledge that the American people have also stepped to the plate and made an unprecedented response. The people of Louisiana are deeply grateful.

The provisions in this bill are an essential part of that commitment and that response. Very soon after Hurricane Katrina, I sat in Jackson Square, in the middle of the French Quarter, and heard the President deliver his live address to the Nation from Jackson Square, right in front of St. Louis Cathedral. It was a strange, eerie night because New Orleans had not yet recovered, in significant ways, from the storm. It was only a few weeks since Hurricane Katrina. The whole French Quarter was dark—no electricity. The only light, lighting a small portion of that part of the world, was from light trucks sent in so the President could speak from that historic point to the American people.

The President made a clear and a firm commitment to the full recovery of our region. I thanked him for that. I thank him for that today.

A big part of that commitment, of course, was strong, meaningful hurricane and flood protection for southeast Louisiana, building at a minimum a 100-year level of protection and building it quickly enough to sustain a storm that you might expect to see only once every 100 years.

Again, I thank the President for that commitment. I thank the American people for that commitment. But this funding in this bill passed now is absolutely essential to keep that commitment.

The Corps of Engineers itself says, if they do not have this money by October 1, they will slip from their schedule and that rebuilding and that level of protection for southeast Louisiana will not be here in the promised timeframe for the hurricane season of 2011. We cannot allow that schedule to slip. We cannot allow that solemn commitment of the President not to be fulfilled in a real and a timely manner. That is why these funds in this emergency funding bill are so essential.

I know many of my friends who have fiscal concerns, as I do in general have concerns about this bill. I would simply say with regard to these funds for our recovery, the President has asked for 95 percent of these moneys. The President himself has asked that those moneys be emergency spending. So this is hardly some Christmas tree on which we are trying to put ornaments for needs that are not there, that the President has not requested. At least 95 percent of this recovery package is what the President himself has explicitly requested and even requested be made emergency funding.

Let's follow through on that solemn commitment of the President, of the Congress, of the American people, and let's be sure to do it in a timely way so this enormously important protection system is built in time for the hurricane season of 2011. This is very important to our recovery.

Besides levees and hurricane protection, it also addresses, in a small but important way, hospital needs, criminal justice needs, relocating businesses from the MRGO so that hurricane highway can finally be closed and we do not have a repeat of the devastation it helped cause in eastern New Orleans and St. Bernard Parish. Again, this is our opportunity to do this this year in a timely way.

I respectfully again thank all of my colleagues for their support in our recovery and ask them to support this essential step in meeting the President's commitment, meeting these needs in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership and especially to Senator BYRD from West Virginia, the Chairman of the Senate Appropriations Committee.

What we are considering on the floor of the Senate is not normal business, this is emergency spending. President Bush has come to Congress and said: We have an emergency in Iraq. Set aside whatever you are doing and deal with this emergency. He said: I am not going to pay for this. It is such an emergency, we are going to add it to the debt of America—not the first time President Bush has come to us and asked for that. In the 5 years plus of this ongoing war, President Bush has now asked us for $660 billion to be spent on the war in Iraq and the reconstruction of that country, $660 billion this administration says is such an emergency that we do not pay for it, we are going to spend it, put it on the debt of America and leave it to our kids and grandchildren.

Well, some of us believe that, first, Iraq has a responsibility to pay its own bills; this country has a surplus. Iraq, with all of its oil, has a surplus of almost $30 billion. Why in the world are we taking billions of dollars out of our Treasury, the hard-earned paychecks of American families at a moment when we are facing a recession to send over and rebuild Iraq?

Why would not the Iraqis spend their own money from their own oil first? That is going to be part of this in a later amendment. But to put it in perspective, this President says no. He wants $180 billion for the war in Iraq. We met in the Appropriations Committee, on a bipartisan basis. We said, as important as the war in Iraq may be to the Bush administration, we believe a strong America begins at home.

If there is an emergency in Iraq, there is an emergency in America, and we need to address that emergency. No. 1, we include in this amendment the Webb GI bill. You know what happens when a Nation goes to war, when America invades a country as we did in Iraq? I can tell you. We love our soldiers when we send them to war. Our hearts go out to them and their families. We honor them while they are serving in that war, some unfortunately losing their lives and some coming back injured. We honor them with our speeches and all of our attention.

Senator WEBB, with this GI bill asks the basic question: Will you honor these soldiers when they come home? Will you make sure they have the education they need to go on with their lives or will they join the ranks of the unemployed after serving our country?

We know a GI bill works. It worked after World War II. Millions of returning veterans, women and men, had an opportunity to go to college, and America enjoyed the greatest prosperity in our modern history because we put an investment in people in our future.

JIM WEBB, with this bipartisan amendment, does exactly the same thing. I tell my friends on the Republican side of the aisle, do not tell me how much you love the soldiers if you will not stand behind them when they come home. Do not tell me how much you honor our military if you will not honor them and their families by giving them a chance at a quality education.

Voting "no" on this GI bill will be remembered across America not only by soldiers but by many others. And that is not all. In this bill there is $437 million for VA polytrauma centers. Do you know why we need them? Because of traumatic brain injuries, post-traumatic stress disorders, amputations. Our VA was not ready for this, all of these thousands of returning veterans with all of their problems. We put the money in to rebuild the VA so they can respond and help those veterans.

It also provides money for our communities and towns. In the city of Chicago, which I am proud to represent, we have had a painful year of gang violence. Over 20 schoolchildren have been killed outside of Chicago public schools by gang warfare.

We put money in this bill, $490 million, to give to police forces around America to fight the drug gangs, to fight the violence, to bring peace to our neighborhoods. I want peace in Baghdad, but I want peace in Chicago as well. We can spend some money on

America if we can find $180 billion to spend in Iraq.

We also provide money for the Americans who are out of work. We are facing a recession. We have millions of Americans who cannot find a job. This bill provides them an extension of unemployment insurance so they can keep their families together. Is there a higher priority? Is there a higher family value?

Let me also tell you, this bill provides assistance which is essential for health care for the poorest people in America; families who are struggling to get by, many of them going to work with no health insurance whatsoever. This bill provides assistance through Medicaid and Medicare. So if you believe a strong America begins at home, if you believe we have to honor our soldiers not only when they are at war but when they return, there is only one vote that can be cast. It is a "yes" vote for the pending amendment.

Mr. LEVIN. Mr. President, I speak today to lend my support to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2008. S. 22 establishes a new GI bill for our servicemembers who have served after 9/11 and represents a comprehensive readjustment benefit for our brave men and women, one they richly deserve, just as members of an earlier generation benefited from a GI bill following World War II, with a huge gain for our Nation from the more educated work force and leaders that resulted.

Senators WEBB, HAGEL, and WARNER have talked at length about the virtues, and need, for this landmark legislation. I want to speak today on the impact on retention, the transferability provisions recently added, and recruiting.

Much has been said about the effect on retention this legislation may have. Some are afraid servicemembers may leave the military in unacceptable numbers in order to take advantage of these benefits.

Our need to focus on retention is clear. The military we have today is vastly different from the military we had in 1945. Since 1973 we have enjoyed the benefits of the All-Volunteer Force. Rather than drafting servicemembers, we encourage them to join. Over the past 35 years of the All-Volunteer Force, we have seen military basic pay rise significantly. As an employer, the military departments are competing with the private sector. This has led to a system of increasing benefits, bonuses, special and incentive pays. In analyzing the impact of S. 22 on retention and recruiting costs, the CBO recently estimated that the Department would have to spend $6.7 billion over the next 5 years in additional retention bonuses to maintain retention at current levels, to a large extent offset by a $5.6 billion savings in recruitment bonuses and other recruitment costs.

The challenge then is to provide a comprehensive reform of readjustment educational benefits while ensuring the continued viability of the All-Volunteer Force. These are and must be the twin goals of any legislation. I think this legislation achieves these goals.

This legislation retains and supplements retention incentives. In the first place, S. 22 retains the system of "kickers" in additional incentives that exists under the current GI bill. Under this program, the services may provide up to an additional $950 per month of educational benefit to retain personnel with critical military skills or to retain any individual in a critical unit. For someone who qualifies for the full 36 months of educational benefits, that comes out to an additional $34,000, a significant retention incentive. Moreover, under this program, servicemembers who serve for at least 5 consecutive years on Active Duty may receive an additional $300 per month of educational benefit. Over 36 months, that comes to over $10,000. That is also a significant retention incentive.

Our bill goes further in terms of retention. S. 22 has been amended to add a pilot program to provide transferability of education benefits. The CBO cost estimate I mentioned earlier did not consider this additional retention tool.

I have long been a supporter of the transferability of GI bill benefits. There is an old maxim in the military that while you recruit the servicemember, you retain the family. These transferability provisions provide additional incentive for servicemembers to stay on Active Duty by tying continued service to varying levels of transferability of the benefit to immediate family members, with 100 percent transferability coming after the servicemember has served 10 years. Ten years is an important milestone. Once a service member hits midcareer, the military retirement benefit, an extremely generous benefit that is collectible immediately upon hitting 20 years of service, becomes the strongest retention incentive. Getting servicemembers to midcareer is critical, and this transferability provision will help do that.

Not only does transferability help to address the retention issue, it is the right thing to do. This war has been fought not just by our brave servicemembers but by their families as well. Children may have missed one or both parents for as much as 4 years out of the past 5 or 6. That is a steep toll to pay. But by providing transferability, we can help ensure a quality education for a spouse or child of a servicemember who has served so bravely since 9/11. I believe it makes this bill stronger and addresses a concern that has been raised against its provisions.

This legislation should actually incentivize recruiting. What better promise can we make to a recruit or his parents than the promise that we will provide a more fully funded college education after fulfillment of the Active Duty commitment? Many in this body have raised the issue of recruiting—whether the Army in particular is granting too many waivers in order to meet recruiting goals. This legislation will help significantly in this regard. You have to recruit people before you can retain them, and this legislation will help recruiting, I believe significantly, over time. Recruiting young men and women into the military is more than half the battle; I have faith the services can retain the servicemembers they need, and Congress stands ready to provide additional authority if necessary.

Regarding recruiting, I want to make another point that I do not believe has been raised, and that is on the subject of the "influencers." As many in this body know, support for military service among the influencers, including coaches, teachers, and school counselors, of the 17- and 18-year-olds who are our prime recruiting-age demographic, is critically important. Aside from the immediate benefits of this legislation, my hope is that over time military service becomes in the minds of these influencers synonymous with a free, quality college education. After you serve us, we will serve you. We will pay for your college education.

What better way to influence the influencers than this? As we know, the costs of education continue to soar. In these difficult economic times, paying for a college education is at the top of many parents' list of worries, a list that is already too long. We have read the stories of returning veterans having to work at night so that they can attend school during the day—even with their current GI bill benefits. I believe this bill will go a long way to increasing the support for military service among that critical segment of society, the people who influence our youth's choice of career.

Finally, this readjustment benefit is an investment in our future as a nation. Indeed, seven members of this body were educated on the post-World War II GI bill. As an editorial from last week's LA Times observed:

> College is the essential ticket to upward mobility, and who more deserves a chance at that than the young men and women who volunteered for military service in wartime? The post-World War II experience shows that educating them is good public policy. . . . First, it would boost military morale and the quality of recruits—even though the military worries that it could hurt retention. Second, the investment in education is likely to pay for itself many times over as veterans join the workforce at higher pay rates.

The brave men and women of our Armed Forces today will produce many future leaders of this Nation, and we owe them and their families this comprehensive readjustment educational benefit.

I am proud to cosponsor this landmark legislation, and I urge my Senate colleagues to pass it expeditiously. We must do everything possible to assist our servicemembers, and their families, in the transition back into civilian life, to provide the tools that allow them to thrive and prosper in their postservice lives, and to become the next generation of leaders that this Nation needs them to be.

I thank Senator WEBB for his dogged pursuit of this legislation from his very first days in office. It will help our servicemembers and their families for generations to come.

Mr. AKAKA. Mr. President, the junior Senator from Virginia and I have worked together closely on his proposal for a new GI bill since he introduced it in January 2007. I was delighted to be able to join him as a cosponsor of S. 22. I deeply appreciate his very strong—and very personal—commitment to it.

Now it is time to give those young service members who are stepping forward voluntarily—putting themselves in harm's way—an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. Mr. President, the time has come for a new GI bill for the 21st century. I believe that it should be promptly signed into law.

Sadly, despite the fact that it has passed this body by a veto-proof majority, President Bush, who sent our troops into war and is again requesting billions of dollars to pay for it, has threatened to veto this measure.

Today, I extend my personal pledge to Senator WEBB and all who support a revitalized GI bill. If bill is vetoed and Congress fails to override the veto, I will bring Senator WEBB's New GI bill before the Veterans' Affairs Committee during our markup next month and urge that the Committee favorably report it to the Senate. It is time to give those young service members, stepping forward voluntarily and putting themselves in harm's way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.

Mr. COBURN. Mr. President, Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government's share of Medicaid expenditures was $190 billion and is expected to be $402 billion by 2017.

Medicare expenditures alone account for 3.2 percent of GDP. Over the next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every American household's share of Medicare's unfunded obligation is like a $320,000 IOU.

The Medicaid Program, because of the promise of a generous Federal match of State Medicaid dollars, has given States heavy incentive to increase their State Medicaid spending. Medicaid spending now accounts for 26.3 percent of state budgets, up from just 6.7 percent in 1970. In some States, as much as half of all new revenues will go to Medicaid in the coming years.

We have heard a lot of talk about bipartisan commissions on entitlement reform come out of the Budget Committee, but the least that we can do is to stop blatant fraud and abuse in the mean time. Eliminating waste, fraud, and abuse is a baby step in addressing entitlements. The Centers for Medicare and Medicaid Services, CMS, has worked over the last 5 or so years to curb waste, fraud, and abuse. They have done work on a State-specific basis and also by promulgating detailed regulations so that States have the clarity they need. Over the years, Medicaid has proven to be a program susceptible to fraud, waste, and abuse. Many States have pushed the limits of what should be allowed to maximize the Federal dollars sent to them.

The Government Accountability Office, GAO, put Medicaid on its "high risk" report a few years back because of questionable financing and the lack of accountability.

According to the Wall Street Journal:

> The GAO and other federal inspectors have copiously documented these "creative financing schemes" going back to the Clinton Administration. New York deposited its proceeds in a Medicaid account, recycling federal dollars to decrease its overall contribution. So did Michigan. States like Wisconsin and Pennsylvania fattened their political priorities. Oregon funded K-12 education during a budget shortfall.

According to the Wall Street Journal:

> The right word for this is fraud. A corporation caught in this kind of self-dealing—faking payments to extract billions, then laundering the money—would be indicted. In fact, a new industry of contingency-fee consultants has sprung up to help states find and exploit the "ambiguities" in Medicaid's regulatory wasteland. All the feds can do is notice loopholes when they get too expensive and close them, whereupon the cycle starts over. No one really knows how much the state grifters have already grabbed, though the Congressional Budget Office estimates that the Administration remedies would save $17.8 billion over five years and $42.2 billion over 10. We realize this is considered a mere gratuity in Washington, but Medicaid's money laundering is further evidence that Congress isn't serious about spending discipline.

Examples of fraud in the Medicaid Program are plentiful. One dentist billed medicaid 991 procedures in a single day. According to the New York Times, a former State investigator of Medicaid abuse estimated that as much as 40 percent $18 billion of New York's Medicaid budget was inappropriate. New York spent $300 million of its Medicaid money on transportation.

In 2005, Congressional testimony showed that 34 States hired contingency-fee consultants to game Federal Medicaid payments.

Medicaid regulations by CMS are efforts to provide clear guidance in critical areas where there have been well-documented problems and result from years of work on the part of CMS and myriad reports by the GAO and the Office of the Inspector General, OIG, at the Department of Health and Human Services, HHS.

When CMS doesn't know how a State is billing for a service and States don't have clear guidance for how they should, neither Medicaid beneficiaries nor the taxpayers are well served. The Medicaid regulations fix that problem.

According to the Congressional Budget Office, CBO, the regulations would save the Medicaid Program $17.8 billion over 5 years and $42.2 billion over 10 years by eliminating wasteful and fraudulent Federal payments to the program.

The Federal Government will spend $1.2 trillion over the next 5 years on Medicaid, so the regulations save only about 1 percent of Federal spending on Medicaid. If Congress is afraid of taking on these very modest changes to Medicaid, does it really have the will to take on the special interests that is necessary to truly address entitlement reform?

The very purpose of these regulations is to build accountability into the Medicaid Program that is long overdue. The proposed delay is a budgetary gimmick to avoid paying for the real costs of delaying the Medicaid regulations.

CBO estimates that delaying the rules until April 1, 2009 would cost $1.65 billion. However, if the rules were withdrawn or permanently delayed—as it is likely they would be under the next administration—the CBO estimates a 5-year year cost of $17.8 billion and a 10-year cost of $42.2 billion. Even if the regulations should be delayed, a war supplemental is the wrong place to include Medicaid policy changes. The war supplemental is given expedited consideration procedures because funding our troops is an urgent matter. The Medicaid regulations have been considered for years, and Congress has already put one 6-month delay on them. This isn't a new or urgent issue that justifies inclusion in a war supplemental.

If ensuring that America's safety net programs are adequately funded is such an important issue, it deserves the full debate and consideration of the Senate. Burying a flat-out moratorium of Medicaid regulations on a war supplemental appropriations bill isn't being honest with the American people. Congressional leaders put a moratorium on the Medicaid regulations last year and are poised to do so again. If Congress truly opposes the regulations, then it should repeal them instead of pretending to "study them" a little longer. However, Congress is avoiding that kind of honesty because it will cost ten times the amount of a moratorium.

Instead of blaming the Bush administration, Congress needs to decide for itself how it will address waste, fraud, and abuse in the Medicaid Program. The Bush Administration has taken its turn and taken a stand to protect the integrity of one of our largest entitlement programs. Now it is Congress's turn.

This is no longer about the Bush administration. This is now about Congress. Congress needs to decide whether or not it will ignore years of GAO and HHS OIG reports. Congress needs to decide whether it will listen to their State Medicaid directors and Governors or whether it will safeguard taxpayer dollars.

States have had their turn and demonstrated that they will take advantage of loopholes, ambiguities, and lack of clarity. Congress is the one ultimately responsible for these programs. Congress is elected to set policy and fund priorities.

By imposing another moratorium, Congress is failing to live up to its responsibilities. Congress is running away from them. Congress has closed its eyes and ears to the abuses that have been going on. By stopping the regulations from going into effect, Congress is simply giving more sugar to a diabetic. It may feel good for a moment, but it is not good in the long run. Congress doesn't really need another year to deal with these issues. These abuses have been going on for a long time. The GAO and the OIG have been issuing audits and reports on the abuses for years.

Problems with the regulations themselves warrant a conversation not a moratorium. There have been very few substantive policy disagreements with the administration's regulations. The Finance Committee hasn't engaged the administration on specific problems with the regulations. There have been no hearings over the last 6-month delay. The only "hearing" that has occurred is the parade of Governors and providers pleading to not turn off the funding.

The rule to impose a cost limit on government providers—CMS-2258—is commonsense and good government. The cost rule saves $9 billion over five years and $22 billion over 10 years by ending creative State financing schemes. First, it requires that providers, like hospitals and nursing homes and physicians, receive and retain the total computable amount of their Medicaid payments for the services they provided. Why would Congress object to that? It seems simple that if you provided a service, you should get to keep the money.

During the 1990s, States figured out creative ways to pass off their obligations to providers. That was wrong and unfair. Each time Congress stopped one financing practice, a new financing scheme popped up.

In 1991, Congress cracked down on loopholes in provider taxes. States opened up new loopholes. In 1997, Congress cracked down on abuses in the disproportionate share hospital, DSH, payments program. In 2000, it tried to stop the abuses in upper payment limits, though it failed to close them completely.

In 2003, the Bush administration put new emphasis on ending these schemes through the State plan amendment review process. This strategy proved to be effective and many States ended their "recycling" arrangements. But some States complained to Congress.

In July 2004, Senator BAUCUS wrote the Administrator of CMS:

> As you know, and as I indicated to you in those conversations, I feel strongly that any new CMS policy on intergovernmental transfers (IGTs) must be implemented in a manner that is transparent, that is applied equally to all states, and that responsibly takes into account the potentially serious financial consequences of eliminating a source of state funding on which some states have a longstanding reliance. Based on my understanding of current law and practice, with respect to IGTs, and on my interest in promoting public confidence in government decision-making judgment that a rulemaking or legislative process is warranted in these circumstances. Accordingly, I urge you to develop rules or a legislative proposal as soon as possible on this issue.

The current chairman of the Finance Committee requested Medicaid regulations nearly 4 years ago. The administration has responded to that request by promulgating regulations. As soon as the regulations left the desk of the CMS Administrator, Congress blocked them from going into effect LAST year. What has Congress done since then in the way of hearings or conversations with CMS? Nothing. What is Congress doing now? Trying to delay them again.

Chairman BAUCUS is right about treating States equally; Congress needs to let CMS do so. It is ironic that hospitals are telling Members to stop the Medicaid rules. The policy of the cost rule is that providers should get to keep the full amount of Medicaid reimbursement paid for the services they deliver. Why should hospitals or other types of providers be forced to send part of their payment for services back to the State or local government? It is not their responsibility to fund the State's share of the cost of Medicaid. That is the responsibility of the State and local governments.

Another major part of the cost rule seeks to limit government providers to cost. This has been a recommendation of GAO dating back to 1994. Under this provision, government providers would receive 100 percent of their costs for delivering services to a Medicaid recipient. But they would be limited to cost, they simply could not charge a "profit" to the Federal taxpayers.

A government entity shouldn't bill the taxpayer for more than the cost of delivering a service. That is nothing more than Medicaid subsidizing non-Medicaid activities. If State and local officials decide not to fund a program, that doesn't mean the Federal taxpayer should pick up the tab.

Congress may have heard pressure from their States about how the cost rule will "shred the safety net." If Congress really cared about hospitals, shouldn't Congress be supporting the policy that they get paid in full? When this type of policy was put in place in California, revenues to hospitals increased by 12 percent.

If Congress really cared about providers, there are other tax-relief policies that would be helpful to them. Provider taxes on hospitals, nursing homes, and others totaled $12 billion in 2007.

The estimated savings for the cost rule for 2008 and part of 2009 is about $770 million. If you accept the argument that all providers in the entire country will "lose" $770 million if the cost rule goes into effect, consider that the hospitals in New York alone paid $2 billion in provider taxes. The hospitals in Illinois paid $747 million in provider taxes. If Congress really cared about them, what about a little tax relief instead?

The real story is that States are using creative "provider taxes" to forego paying their share of the Medicaid Program. A few years back, Congress gave a special deal to Illinois supposedly to support the Cook County Hospital system worth about $350 million per year. The hospital is forfeiting more than $300 million in order to generate supplemental payments back to the State for this.

If you add provider taxes and what Cook County Hospital is forfeiting, it totals a billion dollars per year impact on Hospitals in Illinois. Instead of addressing that blatant example of taxpayer money abuse, these rules are an easier target.

Senator BAUCUS is right that the States should be treated equally. The Senate should instruct the Finance Committee to identify all of the special treatment situations and report legislation to get rid of them.

The school-based administrative costs and transportation rule—CMS-2287—ensures that Medicaid money goes for medical care—not school buses. First, those individuals and groups who have been scaring parents of a child with a disability that this rule will end their child's treatment need to hear the truth about what this rule does. Schools are required to provide such services and if a child is on Medicaid, Medicaid will continue to pay for medically necessary services. This rule ensures that Medicaid pays only for medical and medically necessary services. Medicaid administrative claiming among schools varies widely among States. There are many States that do not bill Medicaid for administrative activities at all. Much of the funding is concentrated in a small group of States.

Abuses in administrative claiming have been well documented. Comments on the rule confirm that schools are simply using Medicaid as a source of revenue to support activities that are related to education, not health care.

Medicaid reimbursement has been used for a wide variety of unrelated purposes such as instructional materials and equipment or to fund staff positions. Schools use funds to attend workshops and purchase educational technology and materials, even to support after school activities, arts and music programs.

There is no problem with those types of programs, but there is a problem when Medicaid is paying for them. If citizens at the local level decline to raise their property taxes for education, that doesn't mean that Federal taxpayers should have to pick up the tab. If State legislators increase funding for transportation rather than education, Medicaid shouldn't be the means of easing the impact of their decision.

Allowing schools access to open-ended funding of Medicaid with virtually no accountability will erode the decision making process of every school board, State legislature as well as the Federal Government.

Another rule—(CMS-2279) would stop the use of Medicaid dollars—intended for low-income people—going to fund training for doctors.

There is no question that training the next generation of physicians in this country is important. However, it should be paid for out in the open. There needs to be accountability as to where the dollars go and for whom they are used.

Under Medicaid's graduate medical education, GME, funding, there is no obligation on the part of physicians who are trained with Medicaid dollars to serve Medicaid patients once the physicians graduate. In contrast both the military and the public health service corps require time commitments as repayments for help with medical school.

There is no authority in the Medicaid statute to pay for GME. It is not there. Congress and CMS don't even know the exact fiscal impact of this rule because states are not required to report expenditures as GME.

If Congress wants to fund a training program for doctors serving poor people, it should be done out in the open with real program accountability.

I understand concerns that CMS shouldn't just abruptly end the Medicaid GME program without a transition plan in place, but at the same time the Administration is right in questioning how this money is spent. If we are going to fund residency training, we should do it right and out in the open.

The Targeted Case Management—CMS-2237—rule targets scarce Medicaid dollars. In the Deficit Reduction Act of 2005, Congress appropriately acted to end state abuses. The rule promulgated by CMS is designed to be person-centered, comprehensive, and demand accountability.

CMS has been accused of overstepping its authority because it is applying the criteria across the board however case management is delivered. In other words, states cannot get around the rules by hiding under administrative claiming rather than actual services. And that applies to home and community based service waivers as well as State plan amendments. So the complaint is really this—CMS did not leave any loopholes open.

There are generally three provisions that have drawn the most complaints about this rule. First, there is a complaint about charging Medicaid only for a single case manager. The message of this requirement is simple and sensible—if you are the case manager for a person with mental illness, you should be capable and qualified to deal with all sorts of issues like housing and employment as well as health care needs. Why should Medicaid pay for four or five different case managers? Case management by qualified professionals should lead to better outcomes for the individual and lower costs in the long run. If one case manager is too few, then let the Finance Committee figure out if it should be two or three or four. We don't need a 1-year moratorium to figure that out. This provision does not take effect for another year—without the moratorium—so there is no immediate impact on states. They have plenty of time to come into compliance.

The second complaint is based on another accountability provision—billing in 15-minute increments. This will help ensure that rates are appropriately set and that there is an audit trail. If 15 minutes isn't appropriate, then we can change the time allotment. We don't need an all-out moratorium on the rule to figure that out.

The third common complaint is about limiting the period of time for which case managers can bill for transitioning an individual from an institution into the community. The rule provides that the transition period is the last 60 days of an institutional stay that is 180 days or longer. If 60 days is too short, then let us have the Finance Committee tell us what the right number is.

The targeted case management rule was published December 4, 2007, nearly 6 months ago. That certainly is plenty of time for the committee to tell us how these three policies in this rule should be different. Delaying and delaying through a series of moratoriums only succeeds in throwing taxpayer dollars out the window.

This rule is intended to fix another example of how States had incentives to transfer their obligations to the Medicaid Program's funding stream. States used Medicaid case management to fund their foster care systems, juvenile justice programs, and adult protective services.

The State of Washington had used Medicaid to fund non-Medicaid activities. The State legislature has now done the right thing and appropriated $17 million to replace the reduced Medicaid funding after the TCM regulation was published. If the State legislators in Washington can live up to their obligations, why should we not expect that of the other States?

Medicaid has become well known as the budget filler for States. If funding was short, find someway to call it Medicaid and State costs will be cut at least in half.

This is a dangerous path. If Medicaid keeps picking up the tab for schools or foster care or the correctional system, then we are simply inviting even larger raids on the Federal Treasury in the future.

A provision that will prevent health coverage for low-income children doesn't belong in a bill to provide funding for American troops. Hidden in a bill intended to provide funding for our troops at war is an unrelated provision that would have the effect of denying health care to low-income children. The provision would impose a moratorium on a CMS directive which requires that States cover low- income children before expanding their State Children's Health Insurance Programs SCHIP to higher income levels. This commonsense initiative, implemented in an August 17 letter from CMS to State health officials, ensures that children's health resources are targeted towards those children and families who need help the most. The result of the moratorium will be that States will be able to ignore the needs of low-income children and instead direct resources to families with higher incomes who are more likely to have existing health insurance coverage.

SCHIP should focus on low-income children first. SCHIP was designed to cover low-income children between 100-200 percent FPL. Even though studies have shown that a significant number of children below these income levels remain uninsured, States have tried to expand coverage to higher income levels without first taking steps to make sure that they have covered as many low-income children as possible. Health coverage of low-income children must remain the number one goal of SCHIP.

The CMS August 17 letter implemented reasonable steps to ensure that States focus on low-income children before expanding their program. The letter explains the steps that States must take to ensure that their SCHIP programs cover low-income children before expanding to higher income levels. The letter only applies to those States that wish to expand their SCHIP programs above 250 percent of the federal poverty level (FPL). CBO reported that fewer than 20 states offer coverage above this income threshold. Additional, on May 7 CMS issued a letter clarifying the August 17 letter and specifying that current enrollees would not be impacted and that the agency would work with States to show they are meeting the requirements.

CBO showed that covering families at higher income levels is an inefficient use of taxpayer dollars. The CBO has repeatedly stated its views that expanding SCHIP to families at higher income levels will result in a "crowd-out" rate of up to 50 percent. That is, for every 100 children who gain coverage as a result of SCHIP, there is a corresponding reduction in private coverage of up to 50 children. The CBO estimates that 77 percent of children living in families with incomes between 200 and 300 percent of the FPL have private coverage, as do 89 percent of children in families with incomes between 300 and 400 percent of FPL.

It is wrong to take away seniors' choices in hospitals, and it is wrong to do that on a war supplemental so it can't be debated out in the open. Americans enjoy the highest per capita GDP among large nations mainly because we have the highest rate of productivity gains. The hospital sector sorely needs productivity-enhancing innovations like specialty hospitals.

U.S. health care costs are the world's highest at 16 percent of GDP, creating major problems for Americans and their employers. For example, General Motors' financial woes are exacerbated by $1,500 of health care costs per car, which exceeds their cost of steel.

Hospitals are the largest component of our health care costs, accounting for over one-third of our $2.2 trillion health care system. They are also the major reason for the growth in costs. According to a recent article in Forbes Magazine, 1 in 200 patients who spend a night or more in a hospital will die from medical error. The same article continues:

> 1 in 16 will pick up an infection. Deaths from preventable hospital infections each year exceed 100,000, more than those from AIDS, breast cancer and auto accidents combined.

Specialty hospitals have consistently offered high-quality health care with high-quality outcomes. Risk-adjusted 30-day mortality rates were significantly lower for specialty hospitals than for community hospitals, according to a 2006 Health Affairs article.

There are 200 specialty hospitals in the U.S. out of the 6,000 hospitals overall, often delivering better, safer services at lower costs.

According to a recent University of Iowa study, Medicare patients who receive hip or knee replacement at specialty orthopedic hospitals have a 40 percent lower risk of complications after surgery—(bleeding, infections, or death) compared to Medicare patients at general hospitals. A 2006 study funded by Medicare found that patients of all types are four times as likely to die in a full-service hospital after orthopedic surgery as they would after the same procedure in a specialty hospital.

McBride Clinic in Oklahoma City is Oklahoma's best hospital for overall orthopedic services, according to the Tenth Annual HealthGrades Hospital Quality in America Study released last month. McBride has 5-star ratings in joint replacement, total knee replacement, hip fracture repair, spine surgery, and back and neck surgery. The hospital received HealthGrades' 2008 Orthopedic Surgery Excellence Award, and is the only Oklahoma hospital among the top five percent in the Nation for overall orthopedic services.

When it comes to specialization, the question is not whether to specialize, but rather how to do it. Everyone agrees that the health care system should provide focused, integrated care—especially for the victims of chronic diseases and disability who account for 80 percent of costs. For example, Duke Medical Center tried an integrated, supportive program for congestive heart failure. The approach resulted in better patient outcomes, increased patient compliance with their doctors' recommendations, and a 32 percent drop in costs per patient. Hospital admissions and lengths of stay dropped and visits to cardiologists increased nearly sixfold.

Some contend that physicians who invest in specialty hospitals have a conflict of interest that may lead to overutilization. But a recent study published in Health Affairs found that most physicians refer patients to specialty hospitals for reasons totally unrelated to profits.

The Medicare Payment Advisory Commission, MedPAC, has also found no evidence that overall utilization rates in communities with specialty hospitals rise more rapidly than the utilization rates in other communities. MedPAC and the Centers for Medicare and Medicaid Services, CMS, have found no evidence that physicians who have an ownership interest in a specialty hospital inappropriately refer patients to that hospital or have increased utilization.

The connection between corporate ownership and performance is a bulwark of our economy. Adam Smith argued in 1776:

> The directors of . . . [joint-stock] companies, . . . being the managers rather of other people's money than of their own, it cannot well be expected, that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Negligence and profusion, therefore, must always prevail . . .

One CEO of an orthopedic surgery practice said:

> Orthopedists . . . in a hospital . . . work in the same operating room [as] general surgery and obstetrics. Orthopedics is nuts-and-bolts equipment intensive. It drives them crazy to have a staff that's not familiar with a tray of multi-size screws and nuts and bolts.

Some object to specialty hospitals by arguing that they only select the most profitable cases in their area and leave the other hospitals with less profitable services—burn units, trauma centers, et cetera. MedPAC has recommended changing the payments for all acute care hospitals to reduce the incentives in the overall inpatient payment system that some believe fueled the growth of specialty hospitals. Based on those MedPAC recommendations, CMS has just implemented major In-patient Prospective Payment System reforms.

There is also an abundance of evidence that community hospitals are making record profits. A recent news article reported:

> Profits for U.S. general acute-care hospitals hit a record high of $35.2 billion in 2006—a one-year jump of more than 20%—on net revenue of $587.1 billion for a margin of 6%.

We should resist efforts to bind our health care system in regulatory straightjackets. Both the hospitals' and economy's problems could be solved if we allow the market, rather than insurance bureaucrats, to set prices.

If the Members of the Senate really believe that specialty hospitals are harmful, then there shouldn't be earmarks protecting the specialty hospitals in home States of certain members of the Appropriations Committee.

According to a recent Congressional Quarterly, CQ, article, during the committee process, four Democrats on the Senate Appropriations Committee made language changes to the underlying ban on new growth of physician-owned hospitals that happen to protect the specialty hospitals that are located in their home States.

According to CQ:

> A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in [their state]: Wenatchee Valley Medical Center. A loosening of the grandfather clause will allow the Wenatchee's physician-owners to maintain their 100 percent stake in the hospital, as opposed to being forced to sell part of it.

According to CQ, spokesmen for [two other Appropriations members] confirmed their Senators' roles in getting the language changes.

One Senator's spokesman claimed:

> We were concerned that forced divestiture would cripple the marketplace.

In Michigan, the home State of another appropriator, physician-owned

Aurora BayCare Medical Center would benefit from the looser rules passed by the Appropriations Committee.

If Congress really believes specialty hospitals are harmful, why are they not harmful in the home States of four appropriators?

The Congressional Budget Office needs to get its story straight on the budgetary impact of killing specialty hospitals.

Congress has heard from the hospital association groups about the potential cost savings from eliminating the potential for new specialty hospitals. That argument is untenable when the Congressional Budget Office can't even get their story right on the budget impact. If 3 years ago, eliminating specialty hospitals barely saved anything how can it save billions of dollars today?

During the drafting of the Deficit Reduction Act of 2005, the Senate reconciliation bill contained a similar provision to curtail specialty hospitals. At that time, the Congressional Budget Office, CBO, projected less than minimal savings to the Medicare Program resulting from that provision.

Subsequently, CBO scored a similar provision in the Children's Health and Medicare Protection Act of 2007. This time they changed their story and projected Medicare savings of $700 million over 5 years and $2.9 billion over 10 years, with the bulk of the projected savings attributed to the assumption that Medicare spends more for outpatient services for patients treated in physician-owned hospitals.

In December of 2007, CBO changed its story again and attributed the savings from restricting specialty hospitals to a presumed shift of services to ambulatory surgical centers, admitting that the use of fewer outpatient services accounts for only a small portion of the estimated savings.

This bill has troops fighting to keep birth control prices low for Ivy League students and profits high for Planned Parenthood clinics and drug companies.

Congressional leaders are using the war supplemental appropriations bill to expand preferential governmental drug pricing policies to university based clinics and more Planned Parenthood clinics than currently allowed under the Medicaid statute and regulations.

To have their products available in the Medicaid Program, drug manufacturers must pay rebates to the Federal Government and States. The rebates are calculated as the difference between the manufacturer's average price and the "best price"—lowest—at which their drugs are sold.

A tiny provision tucked away in a war supplemental will allow drug manufacturers to avoid counting these deeply discounted drugs sold to certain types of clinics when calculating how much they will owe the Medicaid Program in rebates, thereby protecting their profits. If the provision becomes law, the clinics could receive cheaper drugs—like RU-486 and birth control—from manufacturers which they can sell to their customers at a higher price, thereby making a profit.

Manufacturers previously offered high volume clinics the discounts as a marketing tool to attract long-term loyal customers so long as they could avoid the Medicaid rebate. Taxpayers were in effect subsidizing these clinics by forfeiting Medicaid rebates. In the Deficit Reduction Act of 2005, DRA, Congress limited the types of health care clinics that can benefit from this special arrangement, providing the preferential treatment only to certain safety net clinics. Not convinced by arguments that college campus health clinics are serving "vulnerable populations," the Bush administration refused to add them and additional Planned Parenthood clinics to the list of providers designated by Congress.

The Deficit Reduction Act didn't prevent drug manufacturers from selling their products at lower acquisition costs to any health clinic regardless of the DRA. They would not, however, be able to avoid counting those discounts when paying States and the Federal Government their respective Medicaid rebates. Auditors in California found two Planned Parenthoods had overbilled the Medicaid Program in excess of $5 million based on the difference between their customary fees and acquisition costs. This suggests that restoring these subsidies nationwide is likely worth hundreds of millions of dollars over just a few years.

The current congressional leadership's usual approach towards drug companies is to get higher rebates from them. However, that's not the case when it comes to forfeiting rebates for the Medicaid Program in order to make certain frat boys and sorority sisters get cheap drugs—including birth control—and the clinics that provide them get bigger profits.

Instead of debating the merits of such a policy change in the open, the leaders in Congress are using funding for our troops to slip this through.

Mr. LAUTENBERG. Mr. President, I wish to speak in favor of the amendment to the supplemental that focuses on our domestic priorities, which is the first amendment we will be voting on this morning. I encourage my colleagues to vote in support of this important package.

While President Bush is fixated on trying to get his next check for the Iraq war, we on the Senate Appropriations Committee under the leadership of Chairman BYRD have brought to the floor important priorities for Americans here at home.

As our economy continues to struggle, more and more Americans find themselves without work and having trouble paying their bills. In April, the unemployment rate in New Jersey was 5 percent. That is up from 4.8 percent in March of this year and 4.3 percent in April of 2007. Not only are more people out of work, but they are staying unemployed for longer periods of time as they search for new jobs. These unemployed Americans are facing the prospect of losing their homes and fighting to afford the rising costs of food, gasoline, and health care. They need our help, which is why in this amendment we extend unemployment benefits by 13 weeks in all States and an additional 13 weeks in States with the highest unemployment rates. This is the right thing to do, and we must do it now.

This amendment also includes a provision that I successfully offered in the Senate Appropriations Committee markup last week to delay a Bush administration policy that threatens the health care of hundreds of thousands of children across the country, including 10,000 in New Jersey. Last year, I supported and the Senate passed, an expansion of the Children's Health Insurance Program that would have provided health insurance for an additional 4 million children nationwide. President Bush irresponsibly vetoed that bill twice—and then made matters worse by issuing a new policy that will actually take away health care from children who have it today. This is not only misguided—both the Government Accountability Office and the Congressional Research Service found that it violated Federal law. During these tough economic times, the last thing we should be doing is taking away health care from our children. My provision in this amendment would delay this policy until April 1, 2009.

As our veterans return home from overseas, we must show our gratitude for their service by improving educational benefits to help them afford to go to college. Our veterans are finding that the current G.I. bill has simply not kept up with the rising costs of college, and they are forced to either forego college entirely or face mounting debt to get a degree. The amendment now on the floor includes a provision based on the Webb-Hagel-Lautenberg-Warner legislation which closes the gap between the current G.I. bill and the costs of college by paying for tuition, books and housing at the most expensive public institution in the veteran's State. This update of the G.I. bill deserves our strong support.

The domestic package before us also includes $10 million to conduct oversight of American taxpayer dollars spent in Afghanistan. Our work in Afghanistan is critical to our national security and our fight against terrorism. But right now, we know too little about how billions of U.S. dollars in reconstruction and assistance funding are spent in Afghanistan and whether there is any waste, fraud, and abuse of these funds. In January of this year, President Bush signed into law my legislation to establish a Special Inspector General for Afghanistan Reconstruction, SIGAR, to root out waste, fraud, and abuse of taxpayer money in Afghanistan. The SIGAR funding we would provide today would bring us one step closer to better oversight and accountability, and to the beginning of SIGAR's work to uncover information about any corruption and mismanagement of U.S. assistance to Afghanistan.

Finally, we must help our States and local communities recover from and prepare for natural disasters, including floods. This amendment includes more than $8 billion for the Army Corps of Engineers to address the damage caused by Hurricanes Katrina and Rita and other recent natural disasters. We have had our eyes opened to the massive devastation that can occur when we neglect our Nation's flood control infrastructure. In addition to gulf coast recovery, I am pleased that this amendment will also provide funding for emergency infrastructure needs in other areas, including my home State of New Jersey.

The Senate has an opportunity with this vote to honor our responsibility to our returning veterans and all those who are struggling in our country today. I implore my colleagues on the other side of the aisle to join us in supporting this critical amendment.

Mr. HATCH. Mr. President, I rise today to address the impasse—the completely avoidable impasse—that we face with regard to the Emergency Supplemental Appropriations bill, which, if I'm not mistaken, is intended to provide much-needed funds and resources for our troops serving in Iraq and Afghanistan. You'll have to pardon my confusion because, looking over the substance of the bill in front of us, it is difficult to determine exactly what purpose it is meant to serve.

There has been in this and in virtually every recent election year a sensitivity among those on the other side of the aisle whenever anyone questions their support for our Nation's military and their commitment to national security. Indeed, it seems that any time these issues are mentioned, whether it is by the President, those of us in Congress, or by candidates running for office, Republicans are accused of "questioning their patriotism" or engaging in the "politics of fear."

Certainly, I don't believe that we should question the patriotism of those in the Senate majority. I believe that every one of them loves their country and that there is no one in this chamber who does not honor and respect our nation's military. However, while the majority's patriotism should not be subject to question, their judgment on these issues is fair game.

Frankly, after the recent FISA debacle and now the absurd course being taken on this emergency supplemental, I believe that the Democrats in Congress have given all of us reason to question their judgment.

As I stated, the purpose of this bill is to provide much-needed funding for our troops in harms way. However, it appears that the Democrats see this—not as an opportunity to support our military, but as a vehicle for unrelated, nonemergency funding for a number of their pet programs. In this time when the American people are clamoring for more fiscal discipline in Congress, the majority has decided to tack onto a war supplemental billions of dollars in domestic spending, none of which was requested by the President and all of which is unrelated to supporting the troops.

For example, the bill includes $1.2 billion for a science initiative, $1 billion for government-funded energy assistance, nearly half a billion each for transportation projects and wildfires, and $200 million for the U.S. census—an event that has taken place every 10 years since 1790. They have also added more than $60 billion in mandatory spending relating to unemployment insurance extensions—in a time of very low unemployment, no less—and veterans education benefits.

Now, I am sure that many of these are worthwhile endeavors deserving of the Senate's time and attention. However, they can and should all be debated separately and should not be tied to funding for the troops.

Given these efforts to add such a large number of unrelated and nonemergency provisions, is it really unreasonable for the American people to conclude that supporting the troops is not the majority's highest priority?

Certainly, they'll want all of us to believe otherwise. In fact, I am fairly sure that there is a Democrat somewhere watching me give this speech preparing a response that accuses me of practicing the "politics of fear."

But when Members of the Senate majority flatly refuse to provide resources for the troops without unrelated spending, what other conclusion is there for the rest of us to draw?

It gets worse. I wish that the added funding was the worst thing about this bill. Unfortunately, it is the least of our worries.

In addition to the nonemergency spending, the Democrats have once again attempted to use a bill that funds our troops as an opportunity to play armchair quarterback with the conduct of the war.

The majority knows that the inclusion of this provision guarantees that the President will veto the bill. One also has to assume that they know that they do not have the votes to override such a veto. Yet, once again, we are about to send to the President a bill that conditions our support for the troops on his agreement to supplant the judgment of his military commanders with the political whims of the Senate majority.

This comes at a time when even the most strident opponents of the war have begun to acknowledge our military's successes on the ground in Iraq. Even worse, it comes at a time when our men and women in uniform are in desperate need of additional funding.

As we have heard, on May 5, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, indicated that it was essential that funds be approved before the Memorial Day recess, which begins in less than 2 days. In his words, the military will "stop paying soldiers on June 15" meaning that they have "precious little flexibility" with respect to the funds.

The majority leader, in his own words, believes that not finishing the bill before the recess is "no big deal." Indeed, he admits that sending the bill in its current form to the President guarantees that we will go to recess without having funded the troops. Instead of heeding the warnings of our military leaders, the majority would apparently rather subject emergency military funds to yet another partisan debate and even more election-year political wrangling.

I understand that many in the majority have come to oppose this war. I, for one, do not oppose an honest, straightforward debate about our policies in Iraq and the war on terror. However, that is simply not what is going on here today. This is not a serious debate about our future in Iraq; it is a needless political maneuver aimed at appeasing the more radical elements of the Democrats' political base.

Once again, I can't help but wonder about the majority party's priorities when its members purposefully and dangerously delay funding for our troops in order to make a political statement. As I stated, I will not question their patriotism, but I will continue to question their judgment. Given what has been displayed here, I believe the American people will as well.

Mr. CARPER. Mr. President, I have come to the floor to speak about Senator WEBB and Senator HAGEL's new GI bill.

Mr. President, one of the smartest things Congress has ever done is pass the GI bill for World War II veterans.

Several of the Members of the Senate—including me—would not be here if it were not for the GI bill.

I went to the Ohio State University on a Navy ROTC scholarship, and when I got out, I went to graduate school at the University of Delaware on the GI bill.

As you know, the authors of this new veterans benefit proposal and two of my fellow Vietnam veterans—Senators WEBB and HAGEL—were also able to use the GI bill to help transition back into society after fighting in the jungles of Vietnam.

I share their belief that we need to reexamine the current GI bill with an eye toward Iraq and Afghanistan veterans.

To that end, Senators WEBB and HAGEL have worked tirelessly to try to provide the men and women of the Armed Forces who have served since 9/11 with the education benefits they deserve.

These two Senators have created a bill that represents the best hope of increasing veterans' education benefits. They should be commended for their hard work and their commitment to our troops.

Let me be clear: I support their proposal, and I would be proud to pass an emergency supplemental with this proposal included.

However, how we pass this bill will be very important.

This emergency supplemental provides these veterans education benefits at about $50 billion over the next 10 years.

Like the rest of this bill, there is no offset and no way to pay for these benefits.

Our colleagues in the House, however, did something quite different and, in my view, a lot better.

When the House passed this same veterans education benefit, they also included a way to pay for it.

They created a nominal tax increase of .47 percent on individuals making over $500,000 or couples making over $1 million.

By offsetting this increase in veterans' benefits, the House sent a clear message to the country and to the troops. That message was that we will honor the members of the Armed Forces by giving them the benefits they rightfully earned, but we are going to do this in a fiscally responsible way; we are not going to do this by going deeper into the red; we will exercise a little discipline; we will tighten our belts; and we are going meet our troops' sacrifice with a sacrifice of our own.

In this time of war and economic hardship, I believe the Senate needs to send a similar message to our troops: We will sacrifice here at home to give you what you deserve, because you sacrificed abroad to protect the United States.

That is why I have offered an amendment to this bill that provides the same offset as the House bill.

In order to pay for the new GI bill, my amendment calls for a small sacrifice: a nominal tax increase—less than one-half of 1 percent—on individuals making over $500,000 or couples making over $1 million.

One of the principles that I have always tried to follow is, if it is worth doing, it is paying for.

I doubt any of my colleagues would argue that providing veterans with a new GI bill is not worth doing. So then, I ask my colleagues, why is trying to pay for this benefit not worth doing?

I realize my amendment is not the most popular idea. We in the Senate like to talk a good game about the need to rein in Government spending, reduce the deficit, and to adhere to pay-as-you-go principles. But we are not so good at walking the walk.

I also know that several of my colleagues have argued that when this bill passes, we will have spent nearly $600 billion in Iraq and none of that has been paid for. Why shouldn't we, then, try to find an offset for $50 billion in education benefits for our veterans?

I understand that sentiment. I am a veteran. I benefited from the GI program. And I, too, am not happy about our situation in Iraq.

I have complained for years that our spending in Iraq lacks accountability and that we have done little to nothing to make Iraq pay its fair share.

Again, I want to unequivocally state that I will vote to pass this new GI bill—offset or not—because our troops deserve this benefit.

However, I just feel strongly that before we pass a new entitlement, we should at least make an attempt to pay for it, that we in the Senate should be willing, as the House has done, to put our money where our mouth is, to step up to the plate, and say this is worth doing and it is worth paying for.

Mr. KERRY. Mr. President, we are in the sixth year of the war in Iraq, and the costs to our troops, our security, and our country rise by the day. With the current course still not working, I have no choice but to vote against amendments 4817 and 4818 to the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2008. It is clear that these measures continue to give President Bush a blank check to continue his chosen policy, despite the constant warnings of military experts who tell us that there is no military solution to Iraq's civil war and that political compromise in Iraq will not occur absent meaningful deadlines for the transition of our mission and the redeployment of U.S. troops.

I believe this was an occasion where Congress had the responsibility to force the President to change a policy that is broken. Not to caution, warn, or cajole—not to give a blank check and hope for the best—but to force a change in a policy that is making us weaker, not stronger.

Make no mistake—on the core issue of changing our deployment in Iraq, these amendments are deficient, and that is why I must oppose them. However, they contain provisions many of us have supported time and again.

Particularly, the first amendment has many important provisions that I support, including mandating dwell time between deployments for our troops, a prohibition on permanent bases in Iraq, and the requirement that any long-term security agreements with Iraq be subject to approval by the Senate. But because the language with respect to Iraq—setting a nonbinding goal of completing the transition of the mission by June of 2009—is not strong enough, I cannot support the amendment.

I also oppose the second amendment, which provides billions and billions more in funding for the war without any policy corrections at all. This is tantamount to giving the President another blank check to continue with an Iraq war policy that I strongly believe is making America less safe. There is no requirement to transition the mission and no deadline to leverage political progress. And there is no relief for a military stretched to the breaking point. That approach will not resolve the sectarian divisions that have fed this civil war, it will not bring long-term stability to Iraq, and it will not protect our national security interests around the world.

All of us—and I would underscore, all of us—are incredibly grateful for the remarkable sacrifices our troops have made in Iraq. They have done whatever we have asked of them, and they have served brilliantly. The question before us now is whether we have a strategy that is worthy of their sacrifice.

We can all agree that there is no purely military solution to the problems in Iraq. All of our military commanders, including General Petraeus, as well as Secretary Gates and Secretary Rice, have told us as much. And when the President announced his escalation to the American public last January, he said the purpose was to create "breathing room" for national reconciliation to move forward.

Over a year later, it is clear that this escalation did not accomplish its primary goal of fostering sustainable political progress. General Petraeus himself recently said that "no one" in the U.S. or Iraqi Governments "feels that there has been sufficient progress by any means in the area of national reconciliation."

I don't believe that it is too much to ask of Iraqis to make tough compromises when over 4,000 of our troops have given their lives to provide them that opportunity. In fact, I think the only strategy that honors the tremendous sacrifice of our troops is one that pushes the Iraqis to solve their own problems. And by General Petraeus's own account, the current strategy is not accomplishing that.

By my count, we are now entering the fifth war in Iraq. The first was against Saddam Hussein and his supposed weapons of mass destruction. Then came the insurgency that DICK CHENEY told us nearly 2 years ago was in its last throes. There was the fight against al-Qaida terrorists whom, the administration said, it was better to fight over there than here. There was a Sunni-Shia civil war that exploded after the Samara mosque bombing. As we saw in Basra, there may be a nascent intra-Shia civil war in southern Iraq. And nobody should be surprised if we see a sixth war between Iraqi Kurds and Arabs over Kirkuk.

We are also on at least our fifth "strategy" for Iraq. First there was "Shock and Awe," which was supposed to begin a peaceful transition to democracy in Iraq. Then there were "search and destroy" missions designed to fight the growing insurgency. There was the era of "As they stand up, we'll stand down," focused on transitioning responsibility to Iraqi security forces. That was followed by the "National Strategy for Victory" and the introduction of the "Clear, Hold and Build" approach. And last year, we had the "New Way Forward," with the troop escalation that was supposed to provide breathing room for the Iraqis to make political progress.

What we have never had is a strategy that brought about genuine political reconciliation or that made Iraqis stand up for Iraq or that allowed us to meet our strategic objectives and bring our troops home. What we have never seen is an exit strategy.

In fact, at the beginning of the war in 2003, we had about 150,000 U.S. troops in Iraq. Today, there are still about 150,000 U.S. troops on the ground. After more than 5 years, after more than 4,000 U.S. lives lost, after more than $500 billion dollars spent, we are basically right back where we started from—with no end in sight.

And we know that after the escalation ends in July the plan is to keep some 140,000 troops in Iraq—slightly more than the levels of early 2007, when the violence was out of control and political reconciliation was nonexistent.

So it looks like the sixth strategy is basically to repeat what didn't work the first time and hope for a different result. And we keep hearing that approach justified with the twisted logic that because we cannot afford to fail in Iraq, we must continue with a strategy that has failed to achieve our primary goals.

We clearly need a new approach that fundamentally changes the dynamic, and I continue to believe that Iraqis will not make the tough political compromises necessary to stabilize the country while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

One thing we know is that the costs of continuing down this path are extraordinary. Over $12 billion per month and over 900 soldiers dead since the surge began. And while we are bogged down in Iraq, we continue to neglect the most pressing threats to our nation's security.

Let's be clear: The war in Iraq is not making us safer—it is making us less safe. Iran has been empowered in the region and emboldened to defy the international community in pursuit of its nuclear program. Hezbollah and Hamas are stronger than ever. Our military is stretched to the breaking point. Our intelligence agencies have told us Iraq is a "cause célèbre" for al-Qaida that helps "to energize the broader Sunni extremist community, raise resources and to recruit and indoctrinate operatives, including for homeland attacks." So it is no surprise that terrorist incidents outside Iraq and Afghanistan have risen dramatically since the war began and are now at historic highs.

And we know where the real threats lie: Our top national security officials keep warning us that the next attack is likely to come from the Afghanistan-Pakistan border—not Iraq. Meanwhile Afghanistan slides backwards, in part because—as Admiral Mullen has acknowledged—with so many troops tied down in Iraq, we simply don't have the manpower available to give our military commanders the troops they need.

Every day we fail to change course we play further into the hands of our enemies. We need a fundamentally new approach to our Nation's security in the region and around the world—and that starts with a new strategy that in Iraq. The events of the last year have shown once again a basic truth: Iraqis will not resolve their differences and stand up for Iraq while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

As we redeploy, we need to engage diplomatically with Iraq's neighbors in a way that creates a new security structure for the region. And we must responsibly redeploy from Iraq so we can refocus our efforts on fighting al-Qaida around the world—especially on the real front line in the war on terrorism in Afghanistan and Pakistan.

Mr. FEINGOLD. Mr. President, I voted for the non-Iraq portion of the supplemental because it included a number of provisions I support, such as Senator WEBB's GI bill, an extension of unemployment insurance, funding for LIHEAP and Byrne grants, and a number of important Africa-related provisions. The Webb GI bill represents one of the best ways that the Federal Government can support members of our Armed Forces who might not otherwise have the opportunity to obtain a higher education. Expanding educational benefits is the least we can do for the men and women in uniform who have been asked to do so much for our country.

However, I am disappointed that the Senate was prevented from voting on the fiscally responsible House version of the GI bill. We should not be piling up more debt for future generations to repay, and I will work to try to make sure that the cost of this benefit is paid for. The Senate should not get into the habit of using nonoffset emergency supplemental bills to bypass the regular appropriations process. Just because the President refuses to pay for the cost of the war in Iraq doesn't mean we should follow his path of fiscal irresponsibility.

I am deeply disappointed that neither the House nor the Senate version of the supplemental contains language that would end the Iraq war. In fact, both bills—particularly the Senate Appropriations Committee bill—are actually weaker in this respect than the first supplemental we passed just over a year ago. Democrats took power of Congress last year pledging to work to bring an end to the war. While we have made significant progress in other areas, we are actually moving backward, not forward, when it comes to Iraq.

What do I mean that the current supplemental is weaker than the one we passed a year ago? The new House supplemental requires redeployment of troops from Iraq to begin in 30 days, with a goal of completion within 18 months, or approximately the end of 2009. The supplemental we sent to the President a year ago set a goal of completing redeployment no later than the end of March 2008, or around 11 months from passage of the bill. So we have gone from an 11-month goal to an 18-month goal.

And the exceptions have become even broader, meaning that even more U.S. troops could be allowed to remain in Iraq. In the new version, the administration is no longer limited to conducting targeted missions against "members of al-Qaida and other terrorist organizations with global reach." Now, it can leave troops in Iraq to go after any "terrorist organizations" in that country. Going after al-Qaeda and its affiliates makes sense because they represent a direct threat to the United States. Leaving U.S. troops in Iraq to launch missions against any organization that the administration labels "terrorist," regardless of whether they pose a threat to our country, doesn't make sense. It is just a continuation of the current administration's muddled, misguided approach, which focuses so much of our resources on one country while largely ignoring the threat posed by al-Qaida around the world.

In addition, the House language allows U.S. troops to not just conduct training and equipping of Iraqi troops but also to provide "logistical and intelligence support," which wasn't in last year's supplemental. That could mean our troops would still be fighting on the front lines, embedded with Iraqi forces, or providing air power, as we saw during the recent clashes in Basra.

If you are looking to keep tens of thousands of U.S. troops in Iraq indefinitely, then you won't have a problem with this new language. If, however, you want to bring our involvement in this war to a close, then you can and should be troubled by these big loopholes in the House bill.

The House bill may be bad in this respect, but the Senate bill that we actually voted on and passed is far worse. It doesn't have any loopholes—it doesn't need them because it doesn't do anything. It simply expresses the sense of Congress that the mission in Iraq should be transitioned to a few limited purposes by June 2009. That is it—nonbinding language that may make a few Members feel better about themselves but that won't do a thing to bring the war to a close.

To make matters worse, the Senate bill includes a provision requiring a report on transitioning the U.S. mission in Iraq but leaving 40,000 troops in Iraq at the end of the transition. Based on existing estimates, it would likely cost $40 billion a year to maintain such a presence in Iraq. We should be promptly redeploying our troops, not studying the option of transitioning to an open-ended, significant military presence in Iraq.

Both the supplemental bills, and the process by which we are considering them, seem devised to maximize our political comfort, rather than put pressure on the White House to end a disastrous war. This shouldn't be about allowing ourselves to cast votes that make us feel better and look good.

Now I realize, like my colleagues, that we have limited options to try to end the war before the next President and the next Congress take office. But that doesn't mean we can simply ignore Iraq or write off the next 10 months. More brave Americans will die in Iraq over the next 10 months, and our national security will continue to suffer while we focus on Iraq to the exclusion of so much else, including the global threat posed by al-Qaida. We have a responsibility to our constituents and to the American people, who have been demanding an end to the war for far, far too long, only to have that call go unheeded.

At a minimum, we should be voting on an amendment I filed to safely redeploy our troops by setting a date after which funding for the war will be ended. The Senate has voted on such an amendment several times, offered by myself and the majority leader. I am under no illusions about whether such an amendment would pass. But Members of Congress should have to put themselves on the record as to whether they are serious about wanting to end the war. That may make some of them, even members of my party, a little uncomfortable. But making tough decisions, casting tough votes, standing on principle—that is what our constituents expect of us.

As all of this weren't bad enough, this so-called supplemental spending bill doesn't just include Iraq spending for the current fiscal year. It also includes tens of billions of dollars to keep the war going in the next fiscal year. That means we can spare ourselves the inconvenience of taking up another Iraq spending bill this Congress. That may make us all feel better, but it is another way of showing that we aren't serious about putting pressure on the President to bring the war to a close.

Instead of negotiating backroom deals, instead of trying to devise procedures and votes that minimize our discomfort, instead of acting like we are against the war without following through, instead of all that pretense and posturing, let's act like a legislative body and do some actual legislating. Let's have debates, and amendments, and votes. Let's do this in the open, on the record. That way our constituents will see whether we really are committed to ending the war, to fiscal responsibility, and to the other principles and goals that matter to the folks back home but that seem to have been forgotten here.

Mr. JOHNSON. Mr. President, I wish to point out to my colleagues what we will not be funding if this amendment fails. First and foremost, we will not be funding critical military construction projects for our troops serving in Iraq and Afghanistan. These are emergency infrastructure requirements that our men and women in uniform have requested—projects that will contribute to their safety and security and that are crucial for them to be able to perform the mission with which they have been tasked.

We will not be funding construction of critically needed VA polytrauma rehabilitation centers. These are cutting-edge centers for the treatment of Active Duty and separated Iraq and Afghanistan war veterans suffering from the signature injuries of those wars: traumatic brain injury, post-traumatic stress disorder, hearing loss, amputations, fractures, burns, visual impairment, and spinal cord injury. It is hard to think of anything more important than providing the best possible care to our wounded soldiers.

We will also be leaving a $787-million shortfall in the BRAC account, meaning that important construction at our bases here at home will be delayed, and the 2011 deadline for completing BRAC may become impossible to meet.

We will be delaying emergency renovation and replacement of barracks for our soldiers returning from war. Many of us were appalled at the deplorable conditions at Fort Bragg, which is why this bill provides $200 million to rebuild the "worst of the worst" of the Army's barracks. If we fail to pass this amendment, we will be leaving our soldiers to continue to live in unacceptable conditions.

We will not be funding childcare centers for our military families. Childcare is a serious quality of life issue for the families who bear the brunt of war, and this bill would accelerate funding for 31 of the highest priority child development centers—funding for which the President himself has signaled support.

In short, this bill provides critical funding for some of the highest priorities of our Nation, including our military forces. All of my colleagues should be very aware of what they are voting against if they vote against this amendment. I urge my colleagues to support it.

Mr. GRASSLEY. Mr. President, I come to the floor today to object to the inclusion of provisions that are clearly in the jurisdiction of the Finance Committee in an emergency supplemental appropriations bill to fund the war.

The supplemental appropriations bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

It also prevents implementation of a CMS policy to ensure States cover poor kids before expanding their SCHIP programs.

I know some people have concerns with the CMS policies.

Let me be clear: I am not here to argue the regulations are perfect. I have issues with some of them I would like to see addressed.

However, the regulations do address areas where there are real problems in Medicaid.

Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations . . . low-income seniors, the disabled, pregnant women, and children. They depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges.

Medicaid has a history of States abusively pushing the limits of what should be allowed to maximize Federal dollars sent to them.

And while sometimes States have clearly pushed the envelope, at other times, States have struggled to understand what is and is not allowable in Medicaid.

So after years of work by CMS, numerous reports by GAO and the Inspector General at HHS, and frequent Congressional hearings, CMS issued regulations to try to clarify the rules in some very problematic payments areas of Medicaid.

I will start with the public provider regulation.

We know that in the past, many States used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

For years, the Medicaid Program was plagued by financial gamesmanship. States used so-called intergovernmental transfers or IGTs, to create scams that milk taxpayers out of millions—even billions—of dollars.

Here is an example: a State bills the Federal Government for a $100 hospital charge. The hospital gets the $100 payment and then the State would require the hospital to give $25 of it back to the State. In my view, that is a scam.

What happens to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or stadium construction.

That is right. Medicaid IGT scams paid for roads and stadiums instead of health care for the poor.

In 1991, 1997 and again in 2000, Congress took specific action to limit the States' ability to use payment schemes to avoid paying the State share of Medicaid.

CMS has continued their work since then.

Over the past 4 years, CMS has been working with States to try to limit these scams.

I will note these efforts have not been without their controversy. States have been very concerned about exactly what the new standards are.

Senator BAUCUS and I wrote the GAO and asked them to look into what CMS has been up to in trying to limit the way States make these payments.

We were concerned that there was not enough transparency in what CMS was doing.

And CMS did publish a rule for all to see. It is out there in the open.

The core goal of the rule is to limit provider reimbursement to actual cost.

I know some people consider this a radical idea, but I just don't understand why anyone thinks it is a good idea to have hospitals paid more than cost so they can be a part of these scams that rob the taxpayer to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, GAO recommended that payments to government providers be limited to cost. This is a fundamental issue for program integrity.

What did GAO find in their 1994 report that led them to this conclusion?

The State of Michigan used these questionable transfers to reduce their share of the Medicaid Program from 68 percent, which is what it should have been, to 56 percent.

The GAO found evidence that in October 1993, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State.

The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $800 billion in Federal matching funds without putting up the State Share.

Congress and CMS have spent the last 17 years combating that behavior.

Last year, the emergency supplemental included a provision to delay implementation of the public provider rule for 2 years.

Fortunately, cooler heads prevailed and the delay was reduced to 1 year.

But I wish to read what I said at the time. This is from remarks I made on March 28, 2007:

> If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We should call CMS in, make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

That is the right way to operate. We should have dealt with it in the Finance Committee.

We should have tackled the issues here that are extremely complex. They deserve thorough consideration so we can insure we are taking appropriate action.

But a year has passed with no action and instead we are here with this amendment to the supplemental appropriations bill. No hearings have been held. No testimony submitted. Nothing.

Making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Intergovernmental transfers can have a legitimate role, but it is critical that States have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Why should we care if the lines are not adequately defined? Let me read from the National Conference of State Legislatures Web site: "IGTs can enhance a State's Federal match and thus bring additional funds to the State in two main ways. First, States can use county funds instead of State funds to generate a Federal match to support services provided by counties. Second, States can use IGTs to help it claim additional Federal funds based on upper payment limits. Under this model, a State can make payments to eligible public facilities using the rate Medicare pays for the same service, a rate that may exceed the State's standard Medicaid reimbursement rate. If it chooses to do so, a State then could use a portion of the new revenues generated—a share of the portion that remains after the standard Medicaid rate is paid for other goods or services."

States speak openly about these payment schemes to maximize Federal dollars flowing to the States.

It is absolutely the worst thing we could do for the Medicaid Program to leave States without clear guidance on these types of payments.

We cannot simply walk away from this subject.

Now I would like to turn to the CMS regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I do not think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for States to follow?

There are five different methods States use in billing CMS, 11 States don't separate IME from GME, and CMS cannot say how much they are paying States for GME.

Let me quote from a CRS memo I submitted for the RECORD during the budget debate a few months ago: "States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming Federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected State behavioral changes, for example."

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid. That is because the States do not provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases I think the answer to that is yes.

I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid does not pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We all openly acknowledge the Federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: "States, school districts, interest groups, and parents of children with disabilities often argue that the Federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act—IDEA, P.L. 108-446—the grants-to-States program."

We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: "It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children."

If a child is required to be in school under IDEA and receives a Medicaid service while in school, is the transportation of that child 100 percent Medicaid's responsibility?

We should define clear lines so that States know what is and is not Medicaid's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly would argue that Medicaid paying for rehabilitation services is good for beneficiaries. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word "rehabilitation" means in the Medicaid Program.

Again quoting from the CRS memo: "Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall."

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: "There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services."

You can say the CMS regulation went too far, but that doesn't mean there isn't a problem out there.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005—DRA—relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

There is reason to believe that States have been using case management to supplement State spending. Some believe that States are shifting some of their child welfare costs to the Medicaid Program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some who would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Getting these children the proper services requires thoughtful review, planning and management, and I believe that Medicaid has an appropriate role in supporting these activities.

On the other hand, driving a child in foster care to a court appearance and billing the caseworker's time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. The degree that CMS has gone to in specifying how case management should operate conflicts with the efficient operation of the benefit in certain respects.

But again let me quote from the CRS memo:

> Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for States.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain States understand how they should be billing CMS.

During the Appropriations Committee markup, a provision was added to delay implementation of an August 17, 2007, State Health Officials letter regarding the SCHIP program.

Simply put, the idea behind the policy is that States should have to show they are covering their poorest kids before they can expand to cover kids with higher incomes.

No matter how many technical issues people might have with the ability of CMS to implement the policy, I find it mind boggling that anyone would argue with the idea of covering poor kids first.

Poorer kids are generally sicker and in need of care. It is reasonable public policy to require States that want to cover higher income children to first demonstrate that they are doing a good job covering poor kids.

It is just common sense.

Earlier this month the administration issued further clarification on the August 17 directive. The purpose of this additional State Health Official letter is to respond to some of the concerns that have been raised by States looking to accommodate the August 17 directive.

Rather than work with the administration to find solutions—even after the administration made an effort to clarify the policy—this bill simply makes the policy go away.

This bill provides for $1.3 billion in savings to address the various policy provisions in the Finance Committee's jurisdiction.

I actually support the provisions that save money in this bill.

I have been working on the provision related to physician-owned hospitals for years.

But it is wrong to move it in this bill, and as much as I do support that provision, I must object to its inclusion here as well.

The provisions in this bill are scored by CBO as spending $1.7 billion. It is $1.7 billion because the regulations are delayed only until the end of March of next year.

I know supporters hope that the next administration will pull back and undo the regulations completely.

What would it cost if we tried to completely prevent these regulations from ever taking effect?

Not $1.7 billion that is for sure.

It would actually cost the taxpayers $17.8 billion over 5 years and $42.2 billion over 10 years.

It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

Instead of just making the regulations go away, the Finance Committee and the Energy and Commerce Committee should sit down with the administration and fix the problems with the regulations and address real problems in Medicaid.

That is what we should be doing for the taxpayers.

Secretary Leavitt states that the most pressing of regulations will not go into effect on May 25 as many have feared.

He has offered to sit down with us and work on these issues.

There is no cause for us to act today to block the implementation of these regulations while an offer to talk is on the table.

After the President vetoes this bill, I encourage my colleagues to drop these provisions and sit down with the administration to find real solutions.

Separately, I want to voice my concern over the inclusion of an authorization relating to imports of uranium from the Russian Federation.

The Finance Committee has not had an opportunity to examine this complex legislation and evaluate how it relates to our bilateral agreement with Russia concerning the disposition of highly enriched uranium extracted from nuclear weapons, and its potential impact on our bilateral agreement to suspend the antidumping investigation on uranium from the Russian Federation.

The Finance Committee is the committee of jurisdiction over international trade in the Senate, and circumvention of that jurisdiction has in the past led to significant trade disputes. I am disappointed that the Finance Committee was not fully engaged on this matter.

We were deprived of an opportunity to contribute expertise and provide input so that any potential consequences under our trade laws could be mitigated.

Perhaps my concern will prove unfounded in this case. But nevertheless, this manner of legislating does not serve our best interests and should be avoided in the future.

In conclusion, I oppose provisions that are the jurisdiction of the Finance Committee being considered in this bill.

Mr. VITTER. Mr. President, I rise today to talk about a very important provision to New Orleans in the supplemental and to thank the Senate Appropriations Committee members for their strong and continued support for Louisiana during the long and difficult posthurricane recovery process.

Included in the emergency supplemental bill before the Senate is $70 million for emergency funding for 3,000 rental subsidies, which will provide permanent supportive housing in Louisiana for its most at-risk residents. These are the individuals who normal housing assistance programs are most likely to fail or miss, or who are unable to take advantage of available assistance without extra support. They are the homeless, the elderly in need of additional outside care or supervision, and individuals with severe disabilities. For them, permanent supportive housing can mean the difference between being exposed to the streets or having a secure, stable home environment.

The permanent supportive housing funding is the final piece of a three-prong initiative in Louisiana to address the post-storm needs of its most at-risk population. Louisiana has already dedicated significant resources toward this project: Louisiana's Road Home recovery plan will provide the necessary supportive services funding for the first 5 years of the initiative and some capital funding and the State has already invested in 800 to 1,000 permanent supportive housing units through existing affordable housing programs. All that remains now before this initiative can become a successful reality is the rental subsidy funding, which would provide Louisiana with the 2,000 project-based voucher and 1,000 shelter plus care units that will finally bring the services and housing to the people that need it most.

However, without the $70 million in rental subsidy funding included in the supplemental, this important initiative will fail. This is an issue that transcends politics and party affiliation. It enjoys the bipartisan support of myself and Senator LANDRIEU, as well as the support of the Appropriations HUD subcommittee chair and ranking member, Senators MURRAY and BOND, and the committee leadership. The Louisiana House congressional delegation supports the funding and wrote the House appropriators to advocate for it. In fact, Louisiana's new Governor, Governor Jindal, signed that letter as a Congressman and has since written the House and Senate leadership last month urging its adoption.

As of the latest count last year, the homeless population in New Orleans had almost doubled to approximately 12,000 persons compared to the period prior to the storm. This is an opportunity to bring the most disadvantaged and at-need home. I urge Congress take this critical step of providing the necessary housing funding for this important Louisiana recovery initiative. And, I strongly urge my colleagues to support this funding in negotiations with the House of Representatives to ensure its inclusion in the final funding package.

Mrs. FEINSTEIN. Mr. President, simply put, I cannot vote for another $165 billion to give President Bush a blank check and fund the continuation of the war in Iraq, without condition, for over another year.

This is a difficult decision and not one I take lightly. But I believe that the time has come for Congress to exercise the power of the purse and bring this war to a conclusion.

I am a strong supporter of our troops in the field. They have done a tremendous job under difficult circumstances. They weren't greeted as liberators as Vice President CHENEY said they would be.

Instead, they found themselves targets in an internecine battle, whose roots go back hundreds of years. They found themselves in the crossfire between Sunni insurgents and Shia extremists. They've done everything asked of them, with the courage and dedication that we expect from our service men and women.

But President Bush has never provided an exit strategy for Iraq. He has never laid out a plan for bringing our troops home.

So, here we are more than 5 years after this war began. More than 4,000 troops killed. Tens of thousands injured. And no end in sight. $525 billion spent all designated as emergency spending and none of which is paid for simply added to our Nation's growing debt.

This is the first major war that has not been paid for, but instead has relied time and time again on emergency supplemental funds outside of the Federal budget.

I, along with many of my colleagues in the Senate, have voted again and again for a change of course to transition the mission. But the minority has obstructed the vote or President Bush has vetoed the bill each time we have tried.

So the power of the purse is the only tool we have to change the Iraq war. And it is time to bring this war to a conclusion after 5 long years.

The $165 billion supplemental funds the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. I simply cannot agree to do it.

It would have been one thing if the supplemental had been to fund the war for an additional 6 months. But it is not. This means that the next administration essentially need not make any move or change until July 2009. This is simply not acceptable to me.

To me, it is a big mistake to have a supplemental this big because it simply means "business as usual." And I don't believe we can be "business as usual."

On Tuesday, I questioned Secretary of Defense Robert Gates on the funding for this war. I told Secretary Gates that it is unclear to me why the passage of a $165 billion 2009 bridge fund is urgent at this time, particularly given that funding needs for next year are very much up in the air.

I told him that it is my understanding that if DOD transfers funding to the Army to meet its personnel and operational expenses, the Army could stretch its current funding quite far. And I asked how long the Army and Marine Corps could operate without the '09 bridge fund.

The Secretary said:

> "The notion of having to borrow from the base budget in '09 to pay war costs . . . we probably could make it work for a number of months." And "can we technically get thought some part of fiscal year 2009 without a supplemental? Probably so."

So the other question that I have been grappling with is why should we provide 13 months of funding now? Where is the urgency to fund this war through July 2009? That is over a year away. It is simply not necessary to appropriate $165 billion for the Iraq war in a single day. This is almost twice the size of any previous supplemental the Senate has considered to date.

President Bush won't listen to the wishes of the majority of Congress and the American people. He has shown a complete unwillingness to evolve in the face of compelling evidence of the need for change.

After the fall elections, a new President will offer new ideas and policies, and at the top of the list should be a new plan for Iraq.

Congress should not, during this time of transition and great opportunity to seize the moment and change our war policy, allow the war to linger unaddressed for up to 7 months of the new administration.

Congress should not relinquish its constitutional right and obligation to use the power of the purse to require the next President to present a plan for Iraq one that includes the funding he or she will need to put that plan in motion.

So now, we are faced with another choice: Do we provide $100 billion through the end of this year and an additional $66 billion to take us through July 2009? Do we give the next President a pass and affirm that he or she does not have to change the mission or plan an exit strategy until the middle of next year?

I cannot support this.

Passing a year-long supplemental is an abandonment of the power of the purse, the greatest power that the Congress has. I believe that the time has come for the Senate to assert its will, and another year and a month of funding for this war is not the answer.

Mr. SPECTER. Mr. President, I seek recognition today in support of the domestic spending amendment to the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies bill, which is the underlying vehicle for fiscal year 2008 supplemental funding.

These appropriations include funding for programs vital for our Nation's welfare. With my long record of support for these programs, I could hardly reject supporting them now especially in the face of supporting significant additional funding for national defense. There must be some semblance of balance on military and domestic spending.

This legislation includes emergency unemployment compensation, UC, benefits for individuals who have exhausted all regular unemployment benefits after May 1, 2006. The UC program, funded by both Federal and State payroll taxes, pays benefits to covered workers who become involuntarily unemployed for economic reasons and meet State-established eligibility rules. These emergency UC benefits will provide a 13-week extension of unemployment benefits for those Americans in need of help.

Although America's economic growth has been positive during each of the past 25 quarters, between January and March 2008, payroll employment fell by some 160,000 and the unemployment rate rose to 5.1 percent in March of this year. Inflation has accelerated with the consumer price index rising to 3.9 percent for the 12 months ending in April 2008 compared with 2.5 percent during 2006 and 3.4 percent in 2005. With the increased costs of food and energy and loss of jobs in the United States, we need to offer assistance to those employees who have lost their jobs in order for them to provide for their families until they can find another job. I have consistently supported efforts to extend UC benefits to help our fellow Americans through difficult times. The Senate failed to extend UC benefits during consideration of the economic stimulus bill on February 6, 2008, despite my support. Therefore, I support this amendment recognizing the need to capitalize on the opportunity it provides for a much needed economic boost to those hard-working Americans hit hardest by the recent economic downturn.

Additionally, I support this amendment as it includes a much needed update to the GI bill of rights, which has not been revised for over 20 years. I joined 57 of my colleagues in sponsoring legislation that would provide a 4-year public university education for anyone who has served on active duty for at least 36 months since Sept. 11, 2001. This legislation would provide for this generation what the post-WWII GI bill provided for veterans of that global conflict. The current proposal is supported by the current chairmen of the Armed Services Committee and Veterans' Affairs Committee, as well as by a former chairman of the Armed Services Committee.

This reform is a real necessity. Regrettably we do not take care of our veterans as we should. We find that men and women are coming back now from Iraq and Afghanistan and the wonders of modern medicine have been able to keep people alive, but they have very serious disabilities. Many need a lot of counseling, have a lot of psychiatric problems and a lot of brain damage. Some young men and women coming back in their early twenties will require decades of care. General Colin Powell recently said, "For someone coming back after serving in Iraq or Afghanistan for two or three or four tours of duty, they need to catch up quickly, and we need to help them."

For those veterans ready to return to school, it is vital that they not be hindered with financial impediments to accessing higher education. It is a very sound economic approach to provide this education. The post-WWII program has been paid off many times over by producing men and women who have been very productive and paid more taxes. According to a recent editorial by Tom Ridge and Bob Kerrey, "for every tax dollar spent on the World War II GI bill, our country received $7 in tax remittances from veterans whose careers benefitted from enhanced education." I agree with General Powell's statement that, "America got that money back in spades." I think this is something we ought to do, most fundamentally to treat the veterans properly, but also for the future of the country. We would be well served by another generation of very well educated men and women; they deserve it, and it would help the country a great deal in the long run.

This amendment before the Senate contains $400 million for the National Institutes of Health, NIH. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society. I was very disappointed in the small increase NIH received in fiscal year 2008. In fiscal year 2009, I am asking for an increase of several billion dollars.

This amendment contains an additional $26 million for Centers for Disease Control and Prevention, CDC, to respond to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics. Funds would be used for research, education and outreach activities.

Further, I have consistently supported efforts to increase funding for the Low Income Home Energy Assistance Program, LIHEAP, as the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education. This amendment provides an additional $1 billion for fiscal year 2008 for this critical program. With the cost of energy continually increasing, it is essential that those on fixed incomes have assistance in making their home heating and cooling payments. This additional funding will bring the total level for fiscal year 2008 closer to the goal of the fully authorized level of $5 billion.

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans, on average, spent $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. I support this amendment which will go a long way towards addressing the serious plight of those individuals facing a critical need for assistance during this energy crisis.

This amendment will also provide a moratorium on several Medicaid regulations. These Medicaid Programs are critical to providing healthcare to low-income individuals in Pennsylvania.

The moratorium prevents the elimination of school-based administrative and transportation programs and case management services for individuals with multiple health and social complications. This amendment will provide access for beneficiaries to rehabilitation services. Further, the moratorium would continue the payments to hospitals for graduate medical education funding, allowing Pennsylvania hospitals to train the physicians of tomorrow. These programs provide an important health safety net for disadvantaged children, seniors and parents that must be preserved.

This amendment would restore access to nominal drug pricing for selected health centers specifically those clinics based at colleges and universities whose primary purpose is to provide family planning services to students of that institution.

The domestic amendment also contains provisions that will decrease Federal spending. This includes the expansion of a demonstration project that verifies the assets held by Medicaid applicants. It saves federal dollars by preventing noneligible people from receiving Medicaid benefits inappropriately.

Additionally, this amendment would impose a 1-year moratorium on the August 17, 2007, directive by the Centers for Medicare and Medicaid Services. This directive changed Federal policy by prohibiting coverage of uninsured children under SCHIP if their family income is above 250 percent of the Federal poverty level or $42,400. This is of particular importance in Pennsylvania where the SCHIP program covers children in families up to 300 percent of the poverty level or $63,600.

For these reasons that I have outlined above—an extension of unemployment insurance benefits, enhanced benefits for our nation's veterans, and additional funding for LIHEAP, FDA, CDC and NIH where insufficient funding has been provided—I support the domestic spending amendment to the supplemental bill.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about a number of important provisions in this domestic funding amendment. I am delighted that this amendment passed the Senate by an overwhelming vote of 75–22, and I hope the House will pass it swiftly and overwhelmingly as well.

There are many provisions in this amendment that will meet many important needs we are facing as a country, but I would like to mention a few that are of particular note. First, the bill contains a total of $15 million to help reduce drug-related violence in the border region by aggressively stepping up efforts to prevent weapons from being smuggled into Mexico to arm drug cartels. Of this money, $5 million would be allocated for ATF to provide assistance to Mexican authorities in investigating weapons trafficking cases and $10 million would be set aside for ATF to enhance Project Gunrunner Teams in the southwest border States.

This funding is based on S. 2867, the Southwest Border Violence Reduction Act, which I recently introduced with Senator HUTCHISON. This measure is also cosponsored by Senators FEINSTEIN, KYL, DURBIN, and DOMENICI.

According to ATF, about 90 percent of the firearms recovered in Mexico come from the United States. These weapons are used by drug gangs to forcefully maintain control over trafficking routes and greatly undermine the ability of Mexico to fight drug traffickers. These violent groups use smuggled weapons to assassinate military and police officials, murder rival members of drug organizations, and kill civilians. In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year.

Violence perpetrated by international drug trafficking organizations impacts the well-being and safety of communities on both sides of the United States-Mexico border. I am pleased that additional resources are being allocated to target weapons trafficking networks and enhance international cooperation in investigating these cases.

The second provision I would like to discuss relates to assistance we are providing to local law enforcement situated along the southern border. The bill includes $90 million for a competitive grant program within DOJ to help local law enforcement along the southern border and other agencies located in areas impacted by drug trafficking. As the sponsor of the Border Law Enforcement Relief Act, I have been pressing for Congress to help border law enforcement agencies with the costs they incur in addressing criminal activity in the border region. I strongly believe this funding is greatly needed and I am glad the Congress is giving this issue the attention it deserves.

This bill also takes an important step forward in advancing our economic security by increasing funding for math and science education programs by $50 million. In America Competes, this Congress recognized that in order to ensure an educated and skilled workforce, we needed to strengthen math and science education. Accordingly, we significantly expanded math and science education programs at the National Science Foundation. I am particularly pleased to see an increase of $20 million in the Robert Noyce Scholarship program, which recruits and prepares talented students and professionals to become math and science teachers. The bill also contains an additional $24 million to support graduate study in STEM fields.

Further, earlier this year Senators DOMENICI, ALEXANDER, DORGAN, CORKER, FEINSTEIN, KENNEDY, SCHUMER and I wrote a letter to the Appropriations Committee requesting $250 million for the Department of Energy's Office of Science. This bill allocates some $900 million for agencies performing science, including $100 million for the DOE's Office of Science. In addition, it provides $400 million for the National Institutes of Health to keep its budget up with inflation and $200 million for NASA and their space flight mission. I am grateful to the committee for recognizing the importance of science and taking it into account in this supplemental appropriations bill.

In light of the "silent tsunami" of the food crisis in the developing world, I am pleased that the Senate version of the supplemental provides for approximately $1.2 billion in funding for food aid through fiscal year 2009. I am also pleased that USAID will reportedly announce a $45 million package in food aid for Haiti, of which $25 million will be distributed via the World Food Programme, at a press conference tomorrow morning.

However, I believe that more needs to be done for Haiti. According to Haitian President René Preval, Haiti needs $60 million in U.S. food aid assistance to avert famines over the next 6 months. Accordingly, I call upon USAID to allocate at least $60 million of the $1.2 billion food aid appropriation to Haiti.

Haiti is the poorest country in the Western Hemisphere, where approximately 76 percent of Haiti's population subsists on under $2 per day and 55 percent on under $1 per day. One in five Haitian children is malnourished. We must address these challenges, partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigrating to the United States, but mostly because it is the right thing to do.

I am also pleased that the supplemental provides for $100 million of assistance for Central America, Haiti, and the Dominican Republic to support the Mérida Initiative in those regions and countries. In particular, I am pleased that the Senate version of the supplemental set aside $5 million of this money to combat drug trafficking and for anticorruption and rule of law activities in Haiti. This amount doubled the $2.5 million called for in the House version.

Last year, when the Drug Enforcement Agency stationed two helicopters in Haiti on a temporary basis, the level of cocaine shipments transiting the country by air and sea declined significantly. This decline resulted in lower levels of corruption in Haiti and less cocaine reaching the United States. I hope that today's $5 million in funding for Haiti will replicate these successes, and I call upon the DEA to use a portion of these funds to increase interdiction capability in Haiti by placing helicopters there on a more sustained basis.

Finally, I would also like to voice my strong support for provisions within this legislation to block attempts by the Bush administration to reduce health care access for low-income children, seniors, and others. In the last year and a half the Bush administration has aggressively attempted to shrink the Federal Medicaid program by reducing the ability of States to provide Medicaid coverage to their most vulnerable populations. These actions have been taken under the ruse of "fraud and abuse" reforms but we should be clear about what they really are, an attempt to reduce Federal expenses on the backs of poor Americans. At a time when we are spending approximately $12 billion a month on the war, that is about $5,000 a second, and at a time when so many Americans are facing economic hardship and will be depending on low-income programs, it is unconscionable that the Bush administration is attacking the poorest among us—all in a weak attempt at appearing fiscally responsible.

These programs are critical to many low-income patients and safety-net providers in my home State of New Mexico and across the Nation. For example, the most significant of the administration's proposals would devastate New Mexico's Sole Community Provider Fund, which plays a critical role in ensuring New Mexicans in rural areas of the State have access to lifesaving hospital services and funds programs for uninsured New Mexicans. It also would cause the University of New Mexico Hospital and other New Mexico institutions to lose millions of dollars for the care they provide to our low-income residents. It is important to note this is not a partisan issue. I have worked for the last year and a half to block this specific proposal including introducing legislation with Senator DOLE, S. 2460. Seventy-four members of the Senate, Democrats and Republicans alike, have gone on record opposing this Bush proposal. We were successful in blocking it last year and I am very pleased that we are acting to block it for an additional year.

Sadly, the Bush administration's proposals don't end there. The White House also would undermine the ability of schools to help enroll children in Medicaid and coordinate their health care services. The administration would also cut rehabilitation services provided to people with disabilities, especially those with mental illness and intellectual disabilities; cut case management services for the elderly, children in foster care and people with disabilities; reduce specialized medical transportation services for children; and severely limit Medicaid payments for outpatient hospital services. Finally, the administration also is attempting to severely limit States' abilities to expand enrollment of children in the State Children's Health Insurance Program or SCHIP.

Taken together the Bush administration's efforts would cost my State approximately $180 million this year in Federal low-income support and much more in subsequent years. The Nation's Governors oppose the Bush administrations efforts, as do State Medicaid directors, State legislators, and the National Association of Counties. More than 2,000 national and local groups—such as the American Hospital Association, the American Federation of Teachers, and the March of Dimes—also oppose these efforts. They know the devastating effect these rules would have on local communities, their hospitals, and vulnerable beneficiaries.

Mr. BIDEN. Mr. President, today we are voting on funding our troops on the front lines. We can disagree about whether we should be in Iraq at all and we can disagree with the President's failed policies, but as long as Americans are in harm's way, we need to give them the best possible protection this country has. To me, that is a sacred obligation. In terms of protection, there are a lot of reasons to vote for this funding—it provides $2 billion to fight deadly improvised explosive devices, it funds 25 C–130s to replace planes worn out by nonstop use moving people and supplies around the war zone, it gives more assets to families, it funds much needed military health care, and it provides $1.7 billion for Mine Resistant Ambush Protected vehicles. That is a good thing.

Now in our fifth year of the Iraq war and the seventh year of the war in Afghanistan, it often seems that good news is hard to come by. But sometimes good things do happen here on the Senate floor. Sometimes we are able to profoundly improve the odds for American men and women fighting in those wars. For my colleagues, I would like to review one good story.

For me, this story begins in the summer of 2006 on one of my trips to Iraq. A Marine commander in Fallujah showed me a new vehicle they were using called a Buffalo. He told me that these Buffalos were saving lives and that they needed more of them. I was impressed. This Buffalo was a huge vehicle with a large claw arm, high off the ground, with a v-shaped undercarriage. I found out later that it was the largest of a group of vehicles called Mine Resistant Ambush Protected vehicles, or MRAPs.

So, when the next wartime funding bill came to the Senate, I looked into what was going on with these MRAPs. The most important thing that I found out was that military experts were starting to say that MRAPs could reduce casualties from improvised explosive devices, those roadside bombs also called IEDs, by two-thirds. At that time, 70 percent of all the casualties suffered by Americans were caused by IEDs. So even if MRAPs only worked half as well as the military claimed, they would have a tremendous effect reducing deaths and injuries.

In a March 1, 2007, memo to the Chairman of the Joint Chiefs of Staff, General Conway, the Commandant of the Marine Corps, emphasized the importance of the MRAPs, saying, "The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. Multi-National Force—West estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 70 percent." He ended by saying, "Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time." Later that month, in testimony to Congress, General Conway told us that the likelihood for survival in Iraq was four to five times greater in an MRAP.

Two weeks after that memo was written, then Chief of Staff of the Army, General Schoomaker told the Committee on Appropriations of the funding shortfalls for MRAP procurement. I will be honest here. I was genuinely surprised. It was clear to me that this vehicle was essential and needed to be fielded as quickly as possible. I could not understand why funding was not already in the supplemental.

I looked into it and found out that in fiscal year 2006 and in the bridge fund for fiscal year 2007, there was a total of $1.354 million for MRAPs, but much more was needed because this was a new vehicle. Only one company was making MRAPs then, and the military was only ordering small amounts of them.

In February 2007 the military ordered and received 10 MRAPs. That is it. It became clear to me that we needed to do more to push this process.

The Marine Corps was running the program for all of the services. They told me that one issue was that the requirements in the field had changed dramatically—it started with a request for 185 in May of 2006, then another 1,000 were requested in July, the total went to 4,060 in November and to 6,728 in early February of 2007. By March, the total need was thought to be 7,774 MRAPs for all four services. The plan at the time was to spend $8.4 billion to build those 7,774 MRAPs—$2.3 billion in fiscal year 2007 and $6.1 billion in fiscal year 2008. The administration, however, had not asked for $2.3 billion. Despite this, my colleagues on the Appropriations Committee put $2.5 billion in their bill because they saw the need.

The Marine Corps believed that even that plan was not aggressive enough and that production could be accelerated if more funding was moved to fiscal year 2007. So I asked my colleagues to join me in adding another $1.5 billion to the wartime funding bill to produce and field 2,500 more MRAPs by December of 2007. I felt very strongly that we had to accelerate things. Some of you may remember that I came to the Senate floor in a tuxedo, to explain how vital the funding was the night before the vote.

On March 29, 2007, we spoke as one. The vote was 98 to 0 to add the $1.5 billion and give the MRAP program a total of $4 billion. This Senate should be congratulated for that decision.

We stood up and said, "We can do better." We also made clear our agreement with General Conway, who called this effort "a moral imperative."

I know that some had doubts. They were concerned that the vehicles had not been adequately tested and that producers simply could not expand production lines quickly enough. But in the end we all agreed that we had to take a chance on American industry because our kids' lives were at stake.

When the bill went into conference, some of our colleagues in the House had not yet realized how critical this was and what a difference early funding could make to the production schedule. So, the total in the final bill sent to the President in late May was reduced to $3.055 billion. The additional funds were important, but equally important was the interest that the debate sparked in the press.

Secretary Gates has said that he first heard about the MRAP program after reading a USA Today article. After which, on May 2, he made the MRAP program the Pentagon's top acquisition priority. On June 1, he gave the program a DX rating, giving it priority for the acquisition of critical items like steel and tires that multiple military programs need. He also established the MRAP Task Force to work on any issues that might delay MRAP production.

Despite Secretary Gates's clear understanding of the need for MRAPs, the fiscal year 2008 wartime funding request from the administration was only for $441 million. Four point one billion was needed just to produce the 7,774 MRAPs. So, on May 17, I formally asked the Armed Services Committee and the Appropriations Committee to provide the $4.1 billion needed. Again, to my colleagues' credit, 17 others joined those requests and both Committees responded with the $4.1 billion needed in the bills they presented to the Senate.

At almost the same time, we began to hear that the requirements in Iraq had grown again. GEN Raymond Odierno, commander of Multi-National Forces—Iraq, indicated that he wanted to replace all of the Army humvees in Iraq with MRAPS. That would mean the Army alone would need close to 17,700 MRAPs. The plan that we had been trying to fund included only 2,500 MRAPs for the Army. That now appeared to be 15,200 too few.

Given that MRAPs cost approximately $1 million per vehicle, that also meant that at least $15.2 billion more would be needed. We were now looking at a total price tag of over $23 billion for MRAPs, making the MRAP program the third most expensive in the entire defense budget.

It was clear to me, and to many colleagues here, that more needed to be done. Despite Secretary Gates's commitment to expedite production, there still seemed to be a lack of urgency in the administration and plenty of people were still saying that more MRAPs simply could not be produced quickly. So on May 23 I called on the President to personally engage so that the Nation could meet the needs of our men and women under fire.

I am sorry to say that we did not see the President engage. To this day, we must wonder how much faster we could have moved if he had.

Instead, in early July, the Army finally said publicly that they needed approximately 17,700 total MRAPs. The Joint Requirement Oversight Council, however, did not immediately approve that change. So, Congress was once again left knowing that the needs in Iraq were growing but not having a clear number or plan to meet the needs.

In speeches I made last year, I talked about some of the tensions within the military that slowed down the MRAP program, so I won't go into those details today. For now I will only quote Secretary Gates's analysis from May 13 of this year: "In fact, the expense of the vehicles . . . may have been seen as competing with the funding for future weapons programs with strong constituencies inside and outside the Pentagon."

Despite the frustration of not having a clear plan, some things were going well. The funding we had added to the supplemental combined with the hard work of the MRAP Task Force and MRAP program management team was making a difference. The Pentagon saw clear increases in production capacity and was ready to try to move faster. I told you that in February 10 MRAPs had been produced. In July, that number was up to 161—an amazing increase but clearly nothing close to the level needed to meet the requirement. The Pentagon asked Congress to approve moving $1.165 billion from other military programs to the MRAP program to try to keep growing the production. Congress agreed.

In July, I introduced an amendment to the Defense authorization bill to provide all of the funding that would be needed to get the Army 17,700 MRAPs and to deal with increased costs for the original 7,774 MRAPs that the committees had funded. I was also concerned that we were not moving fast enough to provide protection from explosively formed penetrators, EFPs, so I included funds for that work as well. The total amendment was for $25 billion, which included $23.6 billion for 15,200 MRAPs, $1 billion for cost increases, and $400 million for additional EFP protection. My goal at the time was very simple: to make absolutely clear to the Pentagon and to MRAP producers that Congress would provide all of the funding needed for MRAPs, up front and without delay, so that we could get these lifesaving vehicles to the front lines as quickly as possible.

That bill got delayed, but in the end, there was unanimous approval on September 27 for my amendment adding $23.6 billion to purchase 15,200 more MRAPs. The final bill, passed by the Senate on October 1, also raised the basic amount from $4.1 billion to $5.783 billion to address the increased costs for the 7,774 MRAPs already planned.

Three weeks later, October 23, the administration finally came to Congress and asked for $11 billion for 7,274 additional MRAPs for the Army. This officially made 15,374 the total request for all services and was approximately 8,000 MRAPs less than the Army appeared to need. However, at that time, Army leaders were telling us that they believed it was important to get MRAPs into the field and see how well they worked before committing to the much larger number. Concerned about this, I went to the floor again when it was time to debate the Defense appropriations bill. Mr. President, $11.6 billion was included for MRAPs, and Senator INOUYE promised on the Senate floor to closely monitor the Army needs and he personally guaranteed that if those additional vehicles were needed, they would be funded.

By this time, production was truly ramping up. In October, 453 MRAPs were produced. By November we were up to 842, and by December we were at 1,189 MRAPs. That means we got a total of 3,355 MRAPs produced in 2007 even though in February, industry could only make 10 per month. In the span of 18 months, this program went from trying to meet a requirement for 185 MRAPs to meeting the requirement for 15,374 MRAPs. This Senate stepped up and said we will meet the need. We provided over $22.4 billion to give industry the ability to ramp up their production ability.

When I argued in March that we could deliver close to 8,000 MRAPs to Iraq by February of 2008, some said it was impossible. We came close. Five thousand seven hundred and twelve MRAPs had been produced by the end of February.

As of this week, just under 8,300 MRAPs have been produced. More important, 4,664 are fielded and in the hands of front line forces in Iraq and 456 are fielded in Afghanistan. The rest are on the way, and we are producing well over 1,000 per month.

Let me go back to where we started. Something profoundly good happened on this Senate floor last year. Last year, we made it clear that we would provide the best possible protection to our troops. We recognized that this was a matter of honor and a matter of life and death. The results have been phenomenal.

Secretary Gates said last Tuesday, "MRAPs have performed. There have been 150-plus attacks so far on MRAPs and all but six soldiers have survived. The casualty rate is one-third that of a humvee, less than half that of an Abrams tank. These vehicles are saving lives."

MG Rick Lynch, commander of Multi-National Division—Central, which operates south of Baghdad, told USA Today just over a month ago, "The MRAPs, in addition to increasing the survivability of our soldiers from underbelly attacks, also have improved force protection for EFP attacks as well. So I've had EFPs hit my MRAPs and the soldiers inside, in general terms, are OK." He also pointed out that he had lost 140 soldiers, many in up-armored HMMWVs or Bradleys hit by IEDs and said, "Those same kind of attacks against MRAPs allow my soldiers to survive. I'm convinced of that."

And soldiers know it. On April 4, the Atlanta Journal-Constitution quoted SSG Jamie Linen of the 3rd Infantry Division talking about using MRAPs in the Baghdad area. He said, "It is the one vehicle that gives us the confidence to go out there. Nothing is invincible here. You got tanks with three feet of armor getting blown up. But the MRAPs give us a sense of security."

MRAPs have not only saved hundreds of lives, they have also saved limbs. The additional protection MRAPs provide usually means that injuries are less severe and complicated. That means more soldiers, airmen, sailors, and marines coming home and able to return to the lives they left behind. There is really no price too high to get this result, so again, I want to congratulate this Senate. What we did last year to support the MRAP program was not all that had to be done—the program managers and producers also had to do their part—but it was essential, and today, every day, it is literally saving American lives. What we did today continues that effort.

We have no higher obligation than to give those fighting for us the best possible protection. It is a sacred duty. Today and last year, with the MRAP, we fulfilled that duty, and I congratulate my colleagues.

● Mr. McCAIN. Mr. President, before us today is a supplemental appropriations bill that would provide vital funding for the men and women fighting valiantly on our behalf abroad. Yet instead of acting on the needs of our military in an expeditious and efficient manner, we find ourselves considering a bloated bill, loaded down with extraneous provisions unrelated to the ongoing conflicts in Iraq and Afghanistan. Sadly, this has become an unfortunate and reoccurring trend in recent years.

Congress has an obligation to provide our servicemen and women with the resources they need to fulfill their mission. Yet we have, once again, chosen to abrogate our duties and use this bill as a vehicle to fund various domestic projects that were not requested by the President, nor are they authorized, and have not been handled through the appropriate legislative process.

The President has already stated his intention to veto this measure if it arrives at his desk in its current form. Rather than demonstrating true bipartisanship and working together to produce a bill that meets the needs of our military and one that has the potential of becoming law, the Senate intends to pass a bill will be passed that is sure to be met swiftly by the President's veto pen, unnecessarily prolonging the delay in funding our troops.

Let us not underestimate the necessity of providing this funding to our military promptly and the consequences of delaying such payment. In a recent letter to Congress, Under Secretary of Defense Gordon England stated in no uncertain terms that if this funding is not provided, "the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July." In order to deal with these depleted accounts, the Department of Defense—DoD—would be required to borrow funds from other service branch accounts, hampering ongoing DoD activities around the globe. Under Secretary England goes on to state in his letter that by late July, the entire Department will have "exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel . . . including those engaged in Iraq and Afghanistan." Let us understand what this means. If this appropriations measure is not enacted in a timely manner, thousands upon thousands of men and women in uniform will stop receiving a paycheck and our ability to conduct operations throughout the world will be severely restricted.

When we should be working together to produce a clean bill that provides our servicemen and women with the vital resources they need to fulfill their duties, we have instead reverted to the same old Washington habit of loading spending bills with billions of dollars going to unrequested, nonemergency projects. Examples include: $75 million not requested by the administration for expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulation on commercial fishing industries. This comes after Congress appropriated $128 million in 2005 for commercial fishery failures, $170 million in 2007 and included an additional $170 million in the Farm bill. Since 2005, Congress has provided almost $300 million for commercial fisheries disasters not including the $75 million in this supplemental and the proposed $170 million from the Farm bill. Additionally, questions remain by some commercial fishermen if this funding can be used to offset high gas prices which may be considered a disaster. The disaster here is that the American public isn't receiving any assistance on high gas prices.

Other examples are: $10 million not requested by the administration for Educational and Cultural Exchange programs; $75 million not requested by the administration for rehabilitation and restoration of Federal lands; more than $451 million not requested by the administration for emergency highway projects for disasters that occurred as far back as Fiscal Year 2005; $210 million not requested by the administration for the decennial census and $3.6 billion for 15 Air Force C–17 cargo aircraft. We have looked to the administration to inform Congressional budgetary decisions and the Department of Defense has been quite clear regarding the purchase of more of these cargo aircraft—they do not want them, because there is no military "requirement" for them and buying more C–17s is contrary to the Pentagon's current budget plan. DOD Secretary Gates, the DOD Deputy Secretary, and the Department's top acquisition official have all stated that additional C–17s were not necessary. Yet the Air Force continues to appeal to the parochial interests of Members of Congress, and once again the taxpayers find themselves on the wrong end of a bad decision. I am troubled by the Air Force's apparent disregard for proper acquisition policy, practice and procedure and seeming eagerness to further contractors' interests. As evidence of this, the Department of Defense Inspector General has an open investigation regarding how senior Air Force officials may have inappropriately solicited new orders for C–17s contrary to the orders of the President and the Secretary of Defense.

While I do not doubt the importance some may see in the various provisions included in the underlying bill, I strongly disagree with their inclusion in a war supplemental funding bill. Instead of attempting to hijack this vital legislation, the authors of these extraneous provisions should pursue their objectives through the normal legislative process and as part of appropriate authorizing and spending vehicles.

I also want to express my concerns about the authorizing legislation included in this emergency supplemental regarding veterans' educations benefits, commonly referred to as the Webb bill. There have been a lot of misrepresentations made about my position on this issue—not only on the Senate floor by the majority leader, who has alleged that I think the Webb bill is "too generous," which is absolutely false, but most recently in an ad by VoteVets.org, which offers a complete misrepresentation of the facts and is a disservice to our Nation's veterans. I will once again attempt to set the record straight.

I believe America has an obligation to provide unwavering support to our veterans, active duty servicemembers, Guard and Reserves. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible and in a manner that not only promotes recruitment efforts, but also promotes retention of servicemembers. I would think we could have near unanimous support for such legislation and I am confident that we will reach that point in the days ahead. But adding a $52 billion mandatory spending program to this war funding bill without any opportunity for amendments to improve the measure is not the way to move legislation nor will it expedite reaching an agreement in an efficient manner. Our vets deserve better than this.

On numerous occasions I have commended Senators WEBB, HAGEL and WARNER for their work to bring this issue to the forefront of the Senate's attention. Their effort has been for a worthy cause, but that does not make it a perfect bill, nor should it be considered the only approach that best meets the education needs of veterans and servicemembers. In fact, the Congressional Budget Office estimates that if their bill is passed, it will harm retention rates by nearly 20 percent. That is the last thing we need when our Nation is fighting the war on terror on two fronts.

Senators GRAHAM, BURR and I, along with 19 others, have a different approach, one that builds on the existing Montgomery GI Bill to ensure rapid implementation of increased benefits. And, unlike S. 22, we think a revitalized program should focus on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

We need to take action to encourage continued service in the military and we can do that by granting a higher education benefit for longer service. And, we need to provide a meaningful, unquestionable transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. S. 22, unfortunately, does not allow transferability. As a matter of fact, 2 days ago, Senators WEBB and WARNER agreed that transferability is a serious matter that merited change. What they proposed, however, does not go far enough and would only provide for a 2-year pilot program. Their efforts underscore the need for debate and further discussion on this important issue. But I applaud them for acknowledging the Congress needs to take a proactive stance and allow transferability of earned education benefits to a spouse or children.

We cannot allow this important issue to be hijacked by the anti-war crusade funded by groups like MoveOn.org and VetsVote.org who are running ads saying that that I do not "respect their service." The accusation is wrong, they know that it is, and they should be ashamed of what they are doing to all veterans and servicemembers. I respect every man and woman who have been or are currently in uniform.

It is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign and as soon as possible. Such legislation should address the reality of the All Volunteer Force and ensure that we pass a bill that does not induce servicemen and women to leave the military; but instead bolsters retention so that the services may retain quality servicemen and women. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

As we move forward with consideration of this supplemental appropriations legislation, we must remember to whom we owe our allegiance—the soldiers, sailors, airmen and marines fighting bravely on our behalf abroad. These brave Americans need this appropriation to carry out their vital work, and we should have provided it to them months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. Unfortunately, it seems we have failed to live up to this obligation today, instead producing a bill fraught with wasteful spending more attuned to political interests instead of the interests of our military men and women.●

Mr. CARDIN. Mr. President, we are here today—after more than 5 years, 4,000 American lives lost, 30,000 wounded, and nearly $600 billion spent—to discuss funding for the wars in Iraq and Afghanistan.

I have always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed, from the beginning the way this administration carried out that effort once begun. Last year, when the 2007 emergency supplemental appropriations bill came before the Senate, I, along with a majority of my colleagues, passed a bill that would have brought our troops home. The President chose to veto that bill. If he had signed it, most of our troops would be home today.

Instead, we now have more troops in Iraq than we did more than 5 years ago when President Bush declared our mission accomplished. The grave costs of his aimless strategy continue to plague us both at home and abroad.

Former President John F. Kennedy said, "To govern is to choose." President Bush has repeatedly chosen to pursue his war in Iraq, despite its costs to our nation. After voters sent an overwhelming message that they wanted a different direction, President Bush charged full steam ahead. In his "New Way Forward" speech on January 10, 2007, President Bush announced his decision to place more troops in Iraq.

But even the President recognized, and I quote, "A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi government to the benchmarks it has announced." "America's commitment," he said, "is not open-ended."

As General Petraeus stated in a March Washington Post interview, "no one" in the U.S. and Iraqi Governments "feels that there has been sufficient progress by any means in the area of national reconciliation," or in the provision of basic public services. And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been fully accomplished.

President Bush, however, has not held the Iraqi Government accountable for its failures as he promised. Instead, he has asked for over $170 billion to stay the present course: arming opposing militias, meddling in intra-Shi'a violence, and tinkering around the edges of the growing refugee crisis. The President wants money for his war, but says he will veto any conditions on those funds or any additional funds this Congress offers for the other urgent needs that face our Nation's troops, our Nation's families, and our Nation's economy.

To govern is to choose. I believe it is past time for a more comprehensive strategy in Iraq under which our current, unsustainable military presence evolves into a longer term diplomatic role. I believe it is past time to hold President Bush to his promise that American support to the Iraqi Government is not open ended.

So I will vote against providing any additional funds for this war until we have a new mission for our Armed Forces. I will also vote against a provision that merely suggests a new mission for United States forces in Iraq. The time for suggestions, pleas, and protests has passed. The President has demonstrated that these fall on deaf ears.

Because our troops remain mired in an Iraqi civil war, we as a nation remain distracted from efforts to combat terrorists and extremists in Afghanistan and Pakistan where they pose the greatest threat. We have stretched our military too thin. We have pushed our troops too far. Beyond the priceless cost in life and limb, the nearly $600 billion and counting we have spent in Iraq has kept us from rebuilding the gulf coast, improving our infrastructure, fixing our schools, and providing quality health care for all.

So far, Maryland has paid over $10 billion for the war in Iraq. With just that share of the cost of the war we could have:

Provided over 2 million people with health care;

Powered over 9 million homes with energy from renewable sources;

Put over 200,000 new public safety officers on the street;

Given over 1 million students scholarships to university; or

Allowed over 1 million children a brighter beginning in Head Start.

To govern is to choose. I am proud to vote for provisions, above and beyond the President's request, that will provide additional funds for barracks improvements, restore $1.2 billion in BRAC military construction funding, and provide nearly $440 million to construct world class VA polytrauma centers.

I am especially pleased to vote to provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. President Bush and some of my colleagues say the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. That is an opportunity we owe veterans who this administration has asked to serve extended and repeated combat tours. A new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

I believe that the Iraqi refugee crisis, international disasters in China and Myanmar as well as an international food crisis require bold action by our government. I am proud to support significant additional aid to Jordan who has accepted hundreds of thousands of Iraqi refugees, as well as disaster assistance and global food aid above and beyond the President's request.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. I find it unbelievable that the President would threaten to veto emergency assistance for Americans in crisis.

So I am happy that this Senate has ignored the President's veto threats and I support provisions that extend unemployment benefits by 13 weeks for all the nation's workers and by an additional 13 weeks in those States with the highest unemployment rates. Extending unemployment benefits helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth.

The bill extends a freeze on seven Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for Marylanders and Americans all around the country. This bill also makes critical investments in our infrastructure including roads, dams, and levees; increases energy assistance by $1 billion to low-income Americans facing skyrocketing fuel prices; and provides commercial fishery disaster assistance that could help Maryland's watermen.

These are only a few of the critical investments this bill makes in our Nation. With this emergency supplemental legislation, we chose to address many of the most pressing issues of our time.

Mr. REID. Mr. President, 64 years ago, President Franklin Roosevelt signed legislation that would change the course of American history and greatly enrich the lives of millions of our country's finest minds and bravest souls. That day, President Roosevelt said that the bill "Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down."

Since 1944, nearly 8 million veterans have benefitted from the GI bill. Nearly 8 million men and women, home from war, provided with the opportunity to advance their education, get better jobs, and afford a brighter future for themselves and their families. Among them, seven now serve in the United States Senate: DAN AKAKA graduated from the University of Hawaii, CHUCK HAGEL graduated from the University of Nebraska at Omaha, DAN INOUYE graduated from the University of Hawaii and George Washington Law School, FRANK LAUTENBERG graduated from Columbia University, TED STEVENS graduated from UCLA and Harvard Law School, JOHN WARNER graduated from Washington and Lee and the University of Virginia Law School, and JIM WEBB, a Naval Academy alumnus, graduated from Georgetown Law School.'

There is no doubt that if you ask any of these seven distinguished Americans, they would tell you that along with hard work, the GI bill was a major reason for their success.

The 8 million veterans on the GI bill became an army of prosperity here at home. They became doctors, teachers, scientists, architects, and, like the seven I mentioned, public servants. They saved lives, built cities, enriched young minds and expanded the opportunities available to a new generation of Americans.

Every dollar invested in the GI bill by the Government returns $7 to our economy—and the returns on our cultural prosperity are impossible to calculate.

In his time, President Roosevelt promised to never let our troops down. Now it is our time to do the same. The new GI bill, sponsored by Senator WEBB and cosponsored by nearly 60 Senators, Democrats and Republicans alike, does just that. It increases educational benefits to all members of the military who have served on active duty since September 11, including reservists and National Guard and it covers college expenses to match the full cost of an in-state public school, plus books and a monthly stipend for housing. This is a bipartisan accomplishment we can all be proud to support.

A small minority of voices in the Bush administration oppose it on the faulty logic that it would decrease retention rates. On the contrary, there is every reason to believe that it would increase recruitment rates.

I urge all of my colleagues to support this crucial bipartisan bill—supported by those among us who have served and understand the military best.

Democrats are committed to honoring our troops in deeds and not just words. This call should be a cause for all of us. Passing this new GI bill will send that message loud and clear.

Once this GI bill reaches the President's desk, I urge him to do the right thing for our troops and veterans by quickly signing it into law.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. BROWN). The Democratic side has 8 minutes 45 seconds remaining; the Republican side has 27½ minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the remaining time on our side be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we had understood that there was a Senator or two on our side who wanted to be recognized before we go to a vote on this issue. But pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Mississippi yield me 4 minutes off the bill.

Mr. COCHRAN. I am happy to yield the distinguished Senator 4 minutes off the time allotted to the Republicans.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I rise to speak about one specific element of the next four votes which has been come to be known as the Webb GI bill; a sincere attempt and a positive effort to try address to the issue of updating the GI benefits.

I regret that that bill is being brought up in isolation and is not being juxtaposed with the Graham-Burr-McCain bill which also does the same thing, only does it in a much better way. I strongly support the Graham-Burr approach, which does not undermine retention while expanding benefits, the GI benefits to veterans.

The problem with the Webb bill, as the Secretary of Defense has said, and senior leadership in the military have said, is the bill will undermine our ability to retain personnel in the military. That has also been the conclusion of CRS. The reason is because it has such a high incentive for people to leave the military after their first tour of duty in the military in order to take advantage of the educational benefits.

The Graham bill, on the other hand, takes a different approach. It gives even more generous benefits, in many ways, especially to the families of GIs, people serving in the military, but at the same time it increases those benefits with the more years you serve.

So the benefits go from $1,500 after 3 years of service, up to $2,000 after 12 years of service, and the ability to take those benefits and give them to your children or to your spouse is also authorized in the Graham bill, which does not occur in the Webb bill.

That seems to me to be proper approach here. We do not want to undermine retention as we address the issue of improving benefits for people who serve in the military for us. This does not seem to me to be rocket science. It seems to me we should be able to get these two bills together, merge them in a way that produces this sort of a positive response where we significantly expand the benefit to people who have served us, for the ability to get educational benefits after they leave the service but at the same time do it in a way that does not undermine the capacity of the military to retain quality people.

When the Secretary of Defense says this is going to cost us quality people, he is talking about national defense. These are the folks who have been trained to have the skills, who are extraordinary professionals whom we want to encourage to stay in the military. We do not want to create a system where we actually encourage them to leave the military.

The Graham-Burr bill takes the approach of encouraging these folks to stay in the military and allow the benefits to accrue and grow so they can use them or their family members can use them. Thus, I think that is a much more positive and appropriate approach. So setting up the Webb bill as a freestanding vote without any amendments—that is the structure we have got here on the floor, no amendments to the Webb bill; it hasn't gone through committee, it has not gone through regular order, it is being brought to the floor to make a political statement—basically is not constructive to getting the best product and the best benefits for our GIs, and also the best bill to make sure we have the strong and vibrant military in order to defend ourselves and have a strong national defense.

Regrettably I have to vote against the Webb bill until we can get it in a posture where it addresses the issue of retention, where it addresses the issues raised by the Secretary of Defense, raised by the military leaders who work for the Defense Department, and raised by our own congressional study groups. Hopefully we can step back from this issue and do it right and do it in a cooperative way that will actually accomplish the goals which we all want, which is to significantly extend and expand benefits for education to people who serve us in the military, and at the same time encourage retention, at the same time allow these benefits to be passed down to the children of the persons serving us if that is their choice.

I wanted to make that point clear prior to this vote. I appreciate the courtesy of the Senator from Mississippi.

I yield back to the Senator from Mississippi any time I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent that 5 minutes be allocated to the chairman of the Appropriations Committee, Senator BYRD, and that the time be added to the base time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, last week the Senate Appropriations Committee met for 3½ hours and reported responsible legislation that supports the troops, sets a goal for reducing the scope of the mission in Iraq, honors our veterans, and helps Americans to cope with a sagging economy.

The bill includes $10 billion of domestic funding not requested by the President, less than what the President spends in Iraq in 1 month. Yet the President has threatened to veto the bill if it is one thin dime—one thin dime—over his, the President's—your President, my President, our President—request. He wants this Congress to approve another $5.6 billion—that is $5.60 for every minute since Jesus Christ was born—to rebuild Iraq. Yes, he wants this Congress to approve another $5.6 billion to rebuild Iraq, despite the fact that Iraq has huge—I mean huge—surpluses from excess oil revenues. He wants funding for Mexico. He wants funding for Central America. But the President says he will veto the bill if we add funding for bridges in Birmingham or for help with the high cost of energy bills in Maine or to fight crime in U.S. towns and cities or to aid Katrina victims.

Just yesterday the Director of the Office of Management and Budget repeated the silly assertion that by taking care of America, we hold funding for the troops hostage. This is pure—I am sorry to say, something like horse manure—nonsense. Our legislation includes funds that the President did not request for health care for our troops, for Guard and Reserve equipment, for building and repairing barracks, and for training the Afghans to fight for their own security.

In the amendment on which we are about to vote, we honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for our most vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the Global Food Aid Program. We also provide humanitarian relief to disaster victims in China, Bangladesh, and in Burma.

This amendment includes provisions that have broad bipartisan support, such as funding for Byrne grants and the Rural Schools Program, which runs out of money on June 30, 2008. In the last 18 months, the President has designated 62 disaster grants for floods in

32 States. Yet the President has not requested funding to repair levees, leaving our citizens in Arkansas, Missouri, Louisiana, and other States vulnerable to more flooding. We fund those repairs.

This is responsible legislation that supports our troops, honors our veterans, and helps our citizens to cope with a troubled economy. I urge adoption of the pending amendment.

Mrs. MURRAY. Mr. President, on behalf of all of our colleagues, I thank the distinguished Senator from West Virginia for his work on this appropriations bill and for taking into account all of the important needs across this country in presenting this amendment. I thank him for his words today as well.

How much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 6½ minutes, and the Senator from Mississippi has 19 minutes 50 seconds.

Who yields time?

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President, at the end of the Second World War, this country thanked a generation of returning heroes for their service by giving them the chance to attend college on the GI bill. Stanley Dunham, my grandfather, was one of the young men who got that chance. More than half a century later, we face the largest homecoming since then, at a time when the costs of college have never been higher.

Senator WEBB, a former marine himself, along with the leaders of both parties, have introduced a 21st century GI bill that would give this generation of returning heroes the same chance at an affordable college education that we gave the "greatest generation."

We have asked so much of our brave young men and women. We have sent them on tour after tour of duty to Iraq and Afghanistan. They have risked their lives and left their families and served this country brilliantly. It is our moral duty as Americans to serve them as well as they have served us. This GI bill is an important way to do that.

I know there are some who have argued that this will have an impact on retention rates. I firmly believe—and I think it has been argued eloquently on this side—that in the long term, this will strengthen our military and improve the number of people who are interested in volunteering to serve.

I respect Senator JOHN MCCAIN's service to our country. He is one of those heroes of which I speak. But I cannot understand why he would line up behind the President in his opposition to this GI bill. I can't believe why he believes it is too generous to our veterans. I could not disagree with him and the President more on this issue.

There are many issues that lend themselves to partisan posturing, but giving our veterans the chance to go to college should not be one of them. I am proud that so many Democrats and Republicans have come together to support this bill. I would also note that the first GI bill was not just good for the veterans and their families, but it was good for the entire country. It helped to build our middle class. Whenever we invest in the best and the brightest, all of us end up benefiting, all of us end up prospering.

I urge my Senate colleagues to give those who have defended America the chance to achieve their dream. I commend Senator WEBB and the many veteran service organizations that have worked so tirelessly on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Illinois for his statement. I appreciate that he mentioned his grandfather and others who were helped by the GI bill of rights. There are so many people I know in Vermont who were able to get an education because of that bill.

I also commend the Senator from Washington State. As always, she carries out Herculean tasks on this floor and does it in the best tradition of the Senate.

I thank Chairman BYRD and Senator COCHRAN for their work on this supplemental bill.

The Appropriations Committee has a long tradition of bipartisanship, and the two leaders, the Republican leader and the Democratic leader, have always demonstrated that, just as I have tried in the Foreign Operations subcommittee, working with Senator GREGG and his staff. We worked closely together to make difficult choices, including finding funds for urgent humanitarian needs that the President's budget overlooked.

For the first time, we require the Government of Iraq, which has an oil surplus—with oil selling for over $120 a barrel—to match U.S. funds dollar for dollar. It is time for Iraq to pay a larger share of its own reconstruction. This requirement, included by Senator GREGG and myself, would lessen the burden on American taxpayers.

We provide $450 million to Mexico and Central America, to help our neighbors to the south combat the drug cartels. This is the first down payment on a multi-year program. I spoke in this chamber at greater length about the Merida Initiative yesterday.

We have significantly increased funding for refugees, including Iraqi refugees. I thank Senator GREGG for helping us provide $650 million for assistance for Jordan, and I thank Senator EDWARD KENNEDY for the money included for Iraqi refugees. Thanks to Senators BIDEN and LUGAR, the bill includes essential authority to enable the administration to help dismantle North Korea's nuclear facilities.

As other Senators have mentioned, this bill also provides funds for critical domestic needs, from repairing decaying infrastructure in America to disaster relief for American victims of floods, tornadoes, and other disasters. We are helping to rebuild Iraq and Afghanistan, but we are also providing funds to help the American people the President's budget left out. I wish the President had considered these needs in his supplemental request. He wants to fix roads in Afghanistan, but we also need to fix roads in America. He wants to repair infrastructure in Iraq, but we need to repair infrastructure in America. My State and the States of every Senator are waiting for help from the Federal Government. Working together, both parties, we have addressed important national security interests, but we have also addressed the urgent needs of the American people at home.

The PRESIDING OFFICER. The time of the majority has expired. Who yields time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we are prepared to yield back the remainder of the time on the bill on this side.

The PRESIDING OFFICER. All time is yield back.

All time has expired.

Under the previous order, the cloture motion with respect to the motion to concur in House amendment No. 2 with amendment No. 4803 is withdrawn, and amendment No. 4804 is withdrawn.

The question is on agreeing to the motion to concur in House amendment No. 2 to the Senate amendment to H.R. 2642 with amendment No. 4803.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—75

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—22

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Cochran
Corker
Cornyn
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Kyl
Lugar
McConnell
Sessions
Voinovich

NOT VOTING—3

Coburn
Kennedy
McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur with an amendment is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4816

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4816.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I raise a point of order that chapter 3, section 11312, of the General Provision title violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 1, with an amendment.

The PRESIDING OFFICER. The point of order is sustained, and the motion to concur to the amendment falls.

The majority leader is recognized.

AMENDMENT NO. 4817

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4817.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to concur in House amendment No. 1 to the Senate amendment to H.R. 2642 with an amendment No. 4817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—34

Akaka
Baucus
Bayh
Biden
Bingaman
Byrd
Cantwell
Carper
Casey
Collins
Conrad
Dole
Dorgan
Hagel
Inouye
Johnson
Kohl
Landrieu
Levin
Lincoln
McCaskill
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Rockefeller
Salazar
Smith
Snowe
Stabenow
Tester
Voinovich

NAYS—63

Alexander
Allard
Barrasso
Bennett
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cardin
Chambliss
Clinton
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kerry
Klobuchar
Kyl
Lautenberg
Leahy
Lieberman
Lugar
Martinez
McConnell
Menendez
Murkowski
Obama
Reid
Roberts
Sanders
Schumer
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—3

Coburn
Kennedy
McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is withdrawn.

The majority leader.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote against the previous amendment which both appropriated $165 billion to continue the tragic and misguided war in Iraq, and also included a number of provisions relating to our policies regarding Iraq. I favor many of the policy provisions contained in the amendment, such as requirements that the Iraqi government share in some of the costs of the war and a prohibition against the establishment of permanent military bases in Iraq. I commend my Democratic colleagues in the Appropriations Committee, including my good friend and distinguished colleague from Rhode Island, JACK REED, for their work on these laudable provisions. I also strongly support the provision that requires our intelligence agencies to give access to detainees to the International Committee of the Red Cross. I have worked closely with my colleagues on the Intelligence Committee on this important provision, which is designed to end secret detentions.

While I fully supported some of the policy provisions in the amendment, I could not vote to fund this war in the absence of a firm and enforceable timeline for withdrawal. Unfortunately, it appears that the Republican minority remains intent on filibustering any attempts to mandate a rapid and responsible redeployment of our troops from Iraq. I, along with thousands of Rhode Islanders who have contacted me on this critical issue, oppose spending $4,000 per second on a war that has diminished our national security and damaged our standing in the world. I am hopeful that, under a new President, we can work together to bring an end to this war.

AMENDMENT NO. 4818

Mr. REID. Mr. President, I move to concur in House amendment No. 1 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642 with an amendment numbered 4818.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to concur with House amendment No. 1 to the amendment of the Senate to H.R. 2642 with amendment No. 4818.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Wicker

NAYS—26

Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Clinton
Dodd
Durbin
Feingold
Feinstein
Harkin
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Murray
Reed
Reid
Sanders
Schumer
Smith
Whitehouse
Wyden

NOT VOTING—4

Coburn
Kennedy
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to ask for consent, in a few minutes, to have the override of the farm bill occur at 2 o'clock today. Senator GREGG will have 15 minutes, Senator CHAMBLISS and Senator HARKIN will have 15 minutes divided between them, a total of 30 minutes. That debate will take place before 2 o'clock, and at 2 o'clock we will vote.

I also inform all Members we still don't have particulars resolved on the budget. There are a number of alternatives. We can't do anything on it until we get the legislation from the House. They are going to take that up sometime this afternoon. As I said, the alternatives are, when it gets here we run out—I think there was at least a gentleman's agreement, although not on the record, that the 4 hours we used yesterday would run against the 10 hours, so we would have 6 hours to complete that today. We would vote sometime this evening on that. That is one alternative.

The other alternative is to consider all talking over with. I am sure we need to hear more on the budget, but that would be one alternative. We could come back after the recess at a time—when a vote is this close I think I need authority to determine when the vote would take place, but we would have 15 minutes of debate on that, and then we would vote on the budget. So that is what we are working on. We do not have it done yet.

Mr. MCCONNELL. If the majority leader would yield for a question.

Mr. REID. I will be happy to.

Mr. MCCONNELL. Is the Senator suggesting we do the farm bill around 2?

Mr. REID. Yes. I say to my distinguished colleague, counterpart, we would complete the debate on that and that debate would be 15 minutes with Senator GREGG, 15 minutes divided between Senators HARKIN and CHAMBLISS, a total of 30 minutes. We would do that in the next hour and 10 minutes and then vote at 2 o'clock.

Mr. MCCONNELL. That would be the last vote prior to—

Mr. REID. That, I say to my friend, we don't have resolved yet. We have to work out the time on the budget. I think, even though it is early Thursday and we are used to working late on Thursday and most all day Friday, we could make an exception and try to get out somewhat early on Thursday. But we have to work that out with you folks, as to how we would do the time. We could ask for a show of hands, asking if we want to finish, if we should have the vote tonight. I don't think the show of hands would be helpful to what I wish to accomplish. So we are going to try to do the second alternative, use all the time; when we come back, we will have a time certain—not a time certain but fairly certain—and we will try to have it on Monday or Tuesday when we get back, to have a vote on passage of the budget.

Mr. President, I ask unanimous consent that, when the Senate considers the conference report to accompany S. Con. Res. 70, the budget resolution—

The PRESIDING OFFICER. Can we have order in the Chamber, please. The majority leader.

Mr. REID. Mr. President, I am going to offer two unanimous consent requests. If they are both approved, then we will have no more votes today, other than the one on the override of the President's veto on the farm bill.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the veto message on H.R. 2419 and there be 1 hour of debate—we picked up a half hour. That is what happens when you take a little time off.

I ask unanimous consent that the Senate now proceed to the veto message on H.R. 2419, there be 1 hour of debate, divided as follows: 15 minutes equally divided between Senators CHAMBLISS and HARKIN or their designees, 15 minutes under the control of Senator GREGG, and the remaining 30 minutes to be divided between the leaders or their designees; that upon the yielding back or use of that time, the message be set aside until 2 o'clock; that at 2 o'clock the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 70

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate considers the conference report to accompany S. Con. Res. 70, the concurrent budget resolution, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the vote on the adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say one thing. It appears we do much better when we don't have debate between votes. See how fast it went today. I think all the talking does is confuse us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the clerk will report the veto message on H.R. 2419.

The legislative clerk read as follows:

Veto message to accompany H.R. 2419, entitled an Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Mr. HARKIN. Parliamentary inquiry: I understand under the agreement, we each have 7½ minutes; that Senator GREGG has 15 minutes; and the two leaders have reserved 15 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again for Senators and those staff who are watching, now we are on the override of the veto of the farm bill conference report we passed here last week.

To remind everyone, that bill, as you know, passed here overwhelmingly 81 to 15, a remarkable margin for a farm bill. It was widely supported on both sides of the aisle and by regions of the country, so we were very pleased with that outcome and that vote.

Of course it had passed the House with 318 votes; so again a very strong vote on the bill. It went to the President. We were hoping that maybe he would not veto it, but the President did exercise his constitutional right and he vetoed the bill.

The farm bill came back to the House yesterday and the House overrode the veto 316 to 108. So basically what we have before us is exactly what we voted on last week and approved with 81 votes but for one thing: The farm bill is missing a title.

Let me try to be as succinct as I can in this. What happened is when the enrolling clerk on the House side enrolled the bill and sent it to the President, the clerk did not put in title III, which includes the several Department of Agriculture trade programs and food assistance programs for foreign countries, mainly the P.L. 480, Food for Peace Program, the delivery of which goes through USAID, and other programs. So the President vetoed the enrolled bill which is missing that title. Well, I know Senator CHAMBLISS and I and others have had numerous phone calls and conversations with Parliamentarians and others to figure this out. The enrolled bill is properly attested to and fully effective and valid as to all of the provisions it contains. We will have to enact title III in another legislative measure. Again, I remind everyone, its omission was inadvertent. It was an innocent mistake; maybe inexcusable, but nevertheless an innocent mistake that title III was dropped out.

But for that title III, everything else in this bill is exactly what we approved with 81 votes. So I am here to ask Members to vote to override the President's veto and to make this bill the law of the land in accordance with the overwhelming wishes of both the Senate and the House.

This bill is a good bill, as I said earlier. It responds to needs all over this country, from farmers and small towns and rural areas to Americans in urban areas. The largest part of the bill is nutrition and food assistance. Over two-thirds of the total spending in this bill goes to nutrition. This bill does more to strengthen Federal food assistance than any bill we have passed since George Herbert Walker Bush was the President.

This bill does a lot for food assistance for low-income people. Basically all the added money above the budget baseline that we put into this bill goes for nutrition. We increase the food supplies to food banks. Our Nation's food banks are getting hit pretty hard. We put $1.2 billion into supplying them with more food. I might add, one of the reasons we must enact this bill in a hurry is because food banks are hurting. As soon as this bill becomes law with this override, $50 million will get out immediately to our food pantries and food banks across the country.

We also in this bill, as you know, provided more money to help growers of specialty crops, fruits and vegetables, than we ever have before. We include in this legislation a higher level of funding than in any previous farm bill for helping farmers and ranchers in conserving our natural resources, saving soil, cleaning up our water and our streams, protecting wildlife habitat.

Look at it this way: Of the combined total spending in this bill on commodity and conservation programs, 41 percent of that total is devoted to conservation. That is slightly more than double the highest percentage share for conservation in any previous farm bill.

The rural development title helps rural communities through a number of new initiatives, including a stronger broadband program, and by devoting mandatory funding for water and wastewater systems to fund some of the tremendous backlog of qualified applications that are on hold.

We have in this bill several important initiatives and improvements in programs to help beginning farmers. We improve the farm income protection system in various ways, including for dairy farmers, yet attain budget savings in the title of the bill covering commodity programs. We have a new option in here, a new reform, called the Average Crop Revenue Election, or ACRE, Program. This is going to be very significant for farmers to be able to choose whether to stay under the current farm program or do they go to the new program of income protection based on revenue.

I read the editorial in the Washington Post this morning and, of course, they have never editorially, as far as I know, ever supported a farm bill, at least in my time here. I have to take exception to one thing they said in the editorial this morning. They are talking about the ACRE Program, claiming how it will be some kind of boondoggle for farmers. They say here:

> [It] means farmers would get paid if prices fall back to the historical and, for farmers, perfectly profitable norms.

If the prices that our Nation's farmers receive for their grain and other commodities fall back to what the Washington Post calls "historical norms," we will have tremendous economic hardship in the countryside. Here is why I say that: What the Post is missing is that from 2002 to 2009, the production costs for farmers have skyrocketed. The gasoline prices we are paying at the pump, farmers have got to pay even more for the diesel fuel for their tractors, for their combines. For example, fertilizer costs for producing corn are up 141 percent in 7 years. From 2002 to 2009, the cost of production for corn is up 22 percent; soybeans up 28 percent; wheat up 28 percent.

Now, if prices, God forbid, should fall to the levels they were before 2002, farmers will be wiped out all over this country. We will have bankruptcies and families forced out of farming on a huge scale.

That is why we have the ACRE Program to reflect the new realities, the new realities of what farmers have to pay for their fertilizer, their fuel, their equipment, their land. All of these expenses have gone up tremendously. We need a program that helps farmers deal with those higher costs and potential volatility in market prices for commodities, and that is why we put this new program in. It is a reform. It is one of the features of this bill that I believe will help family farms survive in America. So, again, this is a good, solid bill, the same bill we voted on last week minus title III, which we will enact later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, as my chairman said, I think everything that could be said about this bill has been said. We were on the floor off and on for a couple of weeks, and we, at the end of the day, after a lot of controversial votes and whatnot, achieved a milestone in the Senate for farm bills; that is, we had 81 Members of the Senate who voted in favor of this bill. It is not a perfect bill, but it is a very good bill for any number of reasons.

In the commodity title, we are spending significantly less money on our so-called subsidy program. I refer to it as an investment by the Government in agriculture, because that is exactly what it is. We are not guaranteeing farmers any kind of income. In fact, under the way this bill is written, the prices being what they are at the farm gate today, very little, if any, in the way of payments is going to be going from Washington to farmers. That is the way it ought to be. That is the way farmers want it. They would rather get the stream of income from the marketplace. Certainly that is the way we, as policymakers, want to see it happen. That is what will happen.

We have made significant changes in the payment limit provision. We have AGIs in this bill now that have never been thought of before. Nobody ever thought we would achieve the number we did from an AGI standpoint. But it is real reform. It is going to work.

We are also eliminating the three-entity rule. Again, if you had told anybody in this distinguished Senate 3 years ago that we would be eliminating the three-entity rule in the farm bill, you would have gotten blank stares. Nobody ever thought that would happen, but we were willing to make those kinds of reforms.

In the conservation title, we have expanded a number of programs, but we have done something significant in the conservation title. For the first time ever we are applying payment limits to the conservation title. So the so-called millionaires that have been beneficiaries of the conservation title in years past are no longer going to be able to participate in that program, and they should not.

I am pretty excited about the energy title. In my part of the world, we do not grow corn with the abundance that the Midwest part of the country does. Therefore, we are a little bit handicapped when it comes to the construction and manufacturing facilities to produce ethanol. Because out of the 201 ethanol-producing facilities that are in place or will be in place over the next 18 months, all but 2 of them are resourced with corn. The two that are not resourced with corn happen to be resourced with cellulosic products. One of them is in my State.

I am very proud of the fact that we are going to have a facility in Soperton, GA, that is under construction right now by Range Fuels that is going to produce ethanol from pine trees, because I will match our ability to grow a pine tree with anybody else in the country. It is a resource that is not going to increase the cost of food, which is an unintended consequence of the use of corn for the production of ethanol.

The title I am just as excited about is the nutrition title. We are seeing an expansion of the nutrition title again like none of us ever imagined we would see in this farm bill. Most people across America think because of what they read in the Washington Post and the Wall Street Journal and the Atlanta Constitution that farm bills are strictly payments to farmers when, in fact, about 11 percent of the outlays in this bill go to the commodity title which goes to farmers.

About 73 percent of the outlays in this bill go to the nutrition title to provide for the food stamp program, to provide for the school lunch program, to provide for payments to our food banks. All of those programs are designed to feed people who are hungry and needy in this country. We are the most abundant country in the world from an agricultural standpoint. We have the ability to feed people inside of America as well as outside of America, and we have an obligation to do that. In the nutrition title, that is exactly what we are going to be doing.

This is a bill that has been talked about an awful lot. And, again, it is not a perfect bill. There are some provisions in it that I wish were not in it. But it is a massive piece of legislation, as is every farm bill, and we have to reach compromise to be able to get a bill of that massive size passed by the House and by the Senate.

We did accommodate the White House. We negotiated very diligently with the White House. We moved a long way in the direction of the White House. They did not get everything they wanted, and we did not get everything we wanted. At the end of the day, we passed it with a big vote. And the White House, unfortunately, decided we did not move far enough for them. Obviously that caused the President's veto to the bill. At the end of the day here today, we are going to have at least 14 of the 15 titles hopefully passed into law.

I do not know what happened to the one title. They tell us that a clerk on the House side failed to include 33 pages of title III in the bill that was transmitted from the House to the White House.

Those things happen. Now it is up to us to figure out the best way to efficiently and in an expeditious manner fix the problem and move ahead to allow farmers and ranchers to have some certainty as they move into the planting season of 2008.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand I have 15 minutes under the prior order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, we are here to vote on the override of some portion of the farm bill which the President has vetoed. First, there is the great irony that the bill we are voting on isn't the bill that passed the Senate or the House. It is some element of that bill, other parts of the bill having not made it to the President. That sort of becomes an allegory for this entire exercise. This is a bill that really doesn't do the job it should, is incomplete in the sense that it fails the American taxpayer and consumer, and is misguided in that it spends a great deal of money, perverting the marketplace relative to the production of agricultural products. But we are here because of what was a bureaucratic snafu, I presume.

We all know the President's veto is going to be overridden, but the President was right to veto this bill. He was absolutely right. I said earlier—I know my colleagues take this in the sense of irony with which I make it, not in any personal way—this bill truly is a product of commissar politics, of the old approach that we saw years ago in countries that thought that they could have a top-down management of their farm production system.

I said in my earlier talk, where did all the economists who worked in the Soviet Union go, all those folks who sat behind desks and thought about 5-year plans and how to disconnect supply from demand and how to set arbitrary prices which caused the Soviet Union, a nation which was one of the great producers of agricultural products, to become basically a net importer of product? Where did all those economists go when the Soviet Union failed? It appears they moved to the Midwest and the South and developed our farm programs.

These programs have no relationship to the market or setting prices for commodities, which are basically totally out of tune with the market. They have no relationship to market forces. As a result, the American consumer ends up with a much higher bill and the short end of the stick.

Take sugar alone. Sugar prices in this bill are at least twice the world price for sugar. So the American consumer ends up getting hit for a much higher cost for any product that uses sugar. And just about any food commodity of any complexity uses sugar.

In addition, you have the huge effort to subsidize ethanol, which has driven up dramatically the price of corn and has the effect of basically creating an international incident in the area of food availability. We are hearing from numerous countries around the world that are finding they have shortages of other commodities because the American subsidization of ethanol has perverted the marketplace relative to the production of corn. That certainly is inappropriate. So the policy of this bill is not only an attack on the American consumer, it is basically bad policy for the world population just trying to make it through and avoid hunger.

In addition, this bill sets up all sorts of new programs, programs which make no sense on their face but which are in here because they have somebody who is protecting their initiatives, their ideas, their purposes. We have a new program for asparagus, a new program for chickpeas, an initiative for a National Sheep and Goat Industry Improvement Center, a new program that creates a stress management network for farmers. Then, according to the Washington Post—and I was not aware of this—there is the potential for a $16 billion boondoggle for agricultural products because of the new way that prices are set and payments are made, setting prices at their present high level, setting subsidy rates at their present high level under this new program called ACRE.

I ask unanimous consent to print in the RECORD the editorial of today's Washington Post which does a much better job than I of explaining how outrageous this new subsidy is and how much it will cost the American consumer, $16 billion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 22, 2008]

PASTURE OF PLENTY: YOU THOUGHT YOU KNEW HOW BAD THE FARM BILL WAS

"Life is like a box of chocolates," Forrest Gump's mother used to say. "You never know what you're going to get." The same could be said of federal agricultural legislation. Arcane and often irrational, its subsidy provision can be difficult to understand and, sometimes, even difficult to identify. Even after Congress passed a subsidy-riddled 673-page farm bill last week, with a price tag conservatively set at $289 billion, it was not entirely clear just how big a burden lawmakers had imposed on taxpayers. Now, however, the fine print is coming into focus, and—surprise!—the bill could authorize up to $16 billion more in crop subsidies than previously projected, according to the Agriculture Department.

The culprit is a new program called Average Crop Revenue Election, or ACRE for short. ACRE gives farmers an alternative to direct payments, which come regardless of how much money they make, and other subsidies. Starting in 2009, farmers can choose to trade in some of their traditional subsidies in return for a government promise to make up 90 percent of the difference between what they actually made from farming and their usual income. In principle, this provides farmers a federal safety net only in those years when prices or yields fall drastically—that is, when they really need one. Congress added the optional ACRE program to the bill as a sop to reformers who, sensibly, wanted to replace the current subsidy system with a simpler insurance-style program. Such a wholesale change would, indeed, have been a real reform. But since the farm bill continued direct payments and other old-style subsidies, no one expected huge numbers of farmers to volunteer for the new ACRE deal.

Then farmers got a look at the bill's formula for determining benefits under ACRE. It pegs the subsidies to current, record-high prices for grain, meaning farmers would get paid if prices fall back to their historical and, for farmers, perfectly profitable norms. A program that started out as streamlined insurance policy against extraordinary hardship has mutated into a possible guarantee of extraordinary prosperity. Small wonder that, as The Post's Dan Morgan reports, a farming blog is urging farmers to sign up for ACRE, which it describes as "lucrative beyond expectations."

The farm bill's defenders insist that a budgetary disaster will not come to pass, because grain prices will not come down much during the five years the bill will be in effect. "The program does not look excessively expensive for the lifetime of the farm bill," said Rep. Robert W. Goodlatte (Va.), the ranking Republican on the House Agriculture Committee. In other words, even if they don't have to pay extra for ACRE, Americans will have to pay higher food prices—so they may as well get used to it. None of the legislators who rushed to override President Bush's veto of the bill yesterday will have the decency to blush the next time they pontificate about fiscal responsibility. But we can only wonder what other expensive surprise still lurk within this profoundly wasteful legislation.

Mr. GREGG. This bill has a lot of substantive problems. It probably will aggravate food consumption for nations around the world, their ability to produce product, and certainly dramatically increase the cost of product in the United States. It perverts the marketplace so a product that might be produced more efficiently would not be produced more efficiently. It spends a heck of a lot of money, $289 billion.

As we have seen, once again, it uses all sorts of budget gimmicks—when it was originally passed, and it will have to be replaced, or parts of it will because of the bureaucratic snafu—to get around the rules of the Senate and the House, for that matter, in the area of trying to discipline spending. There is $18 billion worth of budget gimmicks in this bill.

Then we just had a new budget avoidance exercise when the chairman of the Budget Committee declared that the new baseline under a new budget—this bill would have violated the original baseline, as was in that new budget—will now be adjusted so this bill would not violate that baseline—another exercise, unfortunately, in gaming the pay-go rules. The budget chairman has a right to do that, but it cannot be denied that is an effort to try to get around pay-go rules, as they should be applied under the budget we will be passing the week after next. So there is 18 billion dollars' worth of budget gimmicks in this bill; the worst, of course, the changing of years and the assumption that some program, which we know is going to continue, will terminate at an arbitrary date so that you can spend the money up to that date and claim there is no budget failure and, then, later on, adjust it, put the program back in place, and avoid the budget pay-go rules—really inappropriate, to say the least, in the way this has been handled.

It is, of course, a bill that comes to the floor every 4 or 5 years. But the problem is, every 4 or 5 years the American consumer gets basically hit beside the head by this bill. Last time I spoke, I said they get hit beside the head with a lamb chop and they end up with a black eye the next day. As a result, I thought I would just stay away from that statement. But the fact is, the American consumer isn't doing very well under this bill. The American taxpayer is doing worse.

There is a claim that there is reform in this bill which is fairly specious on its face, considering all the new programs added to the bill, such as asparagus. One of the reforms they claim is that they are not going to pay farmers who have high incomes outrageous subsidies. Today you can get $2.5 million theoretically.

Well, unfortunately, the way the bill is structured, they say that, but that is not the way it works. Under this bill, a person with $500,000 of nonfarm income and $750,000 of farm income can still get the subsidy. If they are married, their spouse can have $500,000 of nonfarm income and $750,000 of farm income, so they end up basically with approximately the same amount of subsidy. Yet it is alleged this is some sort of major reform. It is not reform. It is simply an attempt to obfuscate the fact that these subsidies go to extremely wealthy people on products that should compete in the marketplace for a price and should not be subsidized in the manner in which this bill subsidizes.

Obviously, we are going to lose this vote because the way the farm bill is put together—and the American people should know this—one commodity goes to the next commodity and says: We will vote for your commodity, even though it is in my State and not in yours, as long as you will vote for my commodity which is in my State but not in yours. You go around the country and you pick up commodities. That is why asparagus has appeared here. Somebody in an asparagus district said: If you will cover asparagus and give us a new subsidy, you will get my vote for all the other subsidies in this bill.

That is the way it works. It is called log rolling. That is the historical term that comes out of the 1800s. But it is not the way to legislate. Certainly, it isn't a healthy way to legislate. It certainly takes the concept of using the market completely out of the exercise of developing a farm bill.

This farm bill runs counter to all the concepts of a free market society from which this country has benefited so dramatically and which we believe to be true and effective ways to produce product and control costs and to make product more cost-effective for the people who use it. Adam Smith was right; Karl Marx was wrong. Under this bill, one would think Karl Marx was right and Adam Smith was wrong. This is top down, let's manage the economy, let's set arbitrary prices that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

I suppose if Patrick Henry were around today, his famous statement would have to be modified. He would have to say: Give me asparagus or give me death. That is what this bill has come down to.

We either get these farm subsidies and get the consumer rolled and the taxpayer rolled or we don't get anything around here.

As a practical matter, I, obviously, know I will lose this vote. The President knew he was going to lose this vote when he vetoed the bill. But he was absolutely right in doing so. It was the appropriate decision. It was the fiscally responsible decision. It was also a good decision from the standpoint of not only domestic policy but international policy, where we are seeing strains on production of commodities for the purposes of feeding people.

I regret we are going down this path one more time. We have been down it a few times in the past. But the simple fact is, the forces that support, for example, the sugar subsidy are too strong to be able to give the taxpayers a break.

I reserve the remainder of my time and yield the floor.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. Displays of approval or disapproval are not appropriate from the galleries.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the leader on this side has 15 minutes reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I yield whatever time the Senator from North Dakota desires from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Could the Chair alert me after I have consumed 10 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. CONRAD. Mr. President, we ought to get straight world agriculture economics. The Senator from New Hampshire, for whom I have high regard, has been a consistent opponent of a national agriculture policy, one that has produced for our country the lowest priced food in world history, measured by a share of our national income. Not only do we have the lowest cost food in the history of the world as a share of our income, we also have the safest supply, the most stable supply, the most abundant supply. Something is working. Beyond that, he does not deal with world agriculture as it is.

Our major competitors are the Europeans. We have about equal shares of the world market. But here is what they do to support their producers versus what we do to support ours. They are spending $134 billion to support their producers while we spend $43 billion. That is more than a 3-to-1 ratio.

What happens if you pull the rug out from under our producers? Mass bankruptcy. It is one thing to ask our producers to go up and compete against the French farmer and the German farmer. They are happy to do that. It is quite another issue to compete against the French Government and the German Government as well. That is not a fair fight. That is why it is essential we have a farm policy in this country.

Now, my colleague on the other side said a whole series of things about the cost of this bill, the scoring of this bill, that are not so. This administration has said this bill costs $20 billion more than the baseline. No, it does not. According to the Congressional Budget Office—that is independent, that is nonpartisan, that is professional—this bill costs $10 billion above the baseline. End of story. What the administration is talking about and what the Senator from New Hampshire is talking about are fictional numbers based on made-up scorekeeping that the administration has never applied to its own legislation or budgets.

Under Congressional Budget Office scoring, our farm bill spends $10 billion baseline over the budget window. That is not my number; that is the number from CBO, which is nonpartisan, professional, and independent.

The $10 billion is offset with $10 billion in outlay reductions from Customs user fees. Every penny of new spending is paid for.

On the tax side, we are paying for agriculture tax relief with agriculture tax reforms, such as a reduction in the ethanol credit and Schedule F reforms to limit the use of farming losses to shelter off-farm income. There is no tax increase.

The administration argues the farm bill contains timing shifts. That is true. But that is also true of almost all major legislation dealing with revenues or mandatory spending. That is what we do to true up the numbers between the timeframes where various budget requirements are imposed. The simple fact is, when you do major reform such as we are doing in this bill, you change programs, you change payment schedules. That is precisely what one would expect. These changes have real-world consequences for farmers. They are making crop insurance payments earlier, for example, under this bill, and getting farm program payments later. That has a real-world cost.

The administration has repeatedly used timing shifts, itself, in legislation it has proposed. In fact, the timing shifts in this bill pale in comparison to the cost of sunsetting the tax cuts which the President had in his tax packages repeatedly.

Now, in terms of where the money goes, 66 percent of the money in this bill goes for nutrition—two-thirds. Nine percent goes for conservation. Only 14 percent—actually, less than 14 percent—goes for the so-called commodities. That is a dramatic reduction from the last farm bill. In the last farm bill, three-quarters of 1 percent of the Federal budget went to support commodities. In this bill, it is one-quarter of 1 percent of the entire Federal budget going to support farmers and ranchers. That is a dramatic change.

The Senator from New Hampshire mocked the reform elements in the bill. They are not to be mocked. They are very real. We have a dramatic reduction in the adjusted gross income limits that will apply in order to qualify for farm program payments. One example: Nonfarm income used to be a $2.5 million limit. It is reduced to $500,000 in this bill.

We require direct attribution in this bill. That means it has to be a living, breathing human being collecting these payments; no paper entities. We have eliminated the three-entity rule that was consistently used to get around farm program limits. We have reduced direct payments by $300 million. We have reformed Schedule F to prevent the abusive use of nonoperating losses to shield nonfarm income—a savings of over $450 million. We have crop insurance reform of over $5.6 billion. We have decreased the corn ethanol support by $1.2 billion.

We have eliminated these so-called cowboy starter kits where people down in certain States were selling farm and ranchland off as subdivisions and having a farm program payment go with those lots, those 10-acre lots. We brought a screeching halt to that abuse.

The disaster assistance in this bill is budgeted and paid for. In the last 3 years, every State in the Nation has received disaster payments—every State—none of it budgeted for, none of it paid for. These disaster provisions are budgeted and paid for, and they further reform disasters because in the past you could have losses on one part of your operation, even though you had gains on the rest of it, and still get a disaster payment. Under this proposal, under this new law, if you have not had losses on your whole farm operation—disaster losses on your whole farm operation—you are not going to get a disaster payment.

I wish the Washington Post, when they write their editorials, would bother to read the legislation they are critiquing because clearly they do not know what they are writing about.

The final point I want to make: The Senator from New Hampshire, the ranking member of the Budget Committee, who is my friend, somebody for whom I have respect and affection, suggests over and over that somehow this is not paid for, that it is going to add to the deficit. No. The Congressional Budget Office, who are the official scorekeepers, and the Joint Committee on Taxation have scored this bill. This is what they say. We reduce the deficit over 5 years by $67 million; over 10 years, by $110 million. This bill is fully pay-go compliant—fully. This bill is paid for. It is paid for without a tax increase.

One final point: The Washington Post wrote another egregious story the other day saying: Oh, there is this $16 billion additional cost that might be out there. Yes, and elephants fly. Look, when are they going to get objective in their reporting at the Washington Post? They have suggested there might be this $16 billion cost. Really? There also might be $16 billion of savings. A lot of things could happen. You know—lightning strikes. A lot of things could happen.

Look at the last farm bill. We brought that in $17 billion in the commodity provisions below what was forecast at the time. Did the Washington Post ever write a story about that? Did they ever? No.

This bill is paid for. It is paid for without a tax increase. The professional scoring of this legislation is that it is $10 billion over baseline, completely paid for, without a tax increase.

Mr. DURBIN. Mr. President, I rise to address the importance of the nutrition assistance title of the farm bill. The bill goes a long way toward ensuring that families in America will have food on their table, even when times are tough. The bill also clarifies that their rights to certain nutrition services are enforceable.

Sections 4116 through 4118 of the bill specifically reinforce Congress's longstanding intention that the Food Stamp Act's provisions and its regulations are fully enforceable and should be enforced. The courts have historically and correctly understood Congress's intent that low-income households have the right to enforce these provisions.

The language of the Food Stamp Act and its implementing regulations—parts 271, 272, 273, and so on—have the kind of clear language required for judicial enforcement. We made sure that they are mandatory, not aspirational, and that they set out requirements for how each individual is to be treated, not general program-wide goals. They clearly define the benefited class as low-income people receiving or seeking food assistance. Nothing in the act or regulations suggests that substantial compliance overall excuses denying any individual the benefit of these rules.

Along with oversight by the Department of Agriculture, lawsuits by families participating in food stamps are one of the ways we can ensure the Food Stamp Program fulfills its purpose. Indeed, it is partly because applicants and recipients can and do bring lawsuits to enforce program rules that the Department has not been required to withhold funds from States to enforce service standards in the program.

This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have applied since they were written, and both have been intended to be fully enforceable. This legislation just reiterates a point that we hope and believe was already clear.

None of this would have been a question until two recent, unfortunate court decisions. The first case, Reynolds, comes from the Second Circuit. It applied a standard of analysis that departed from all prior Federal court precedent and held that applicants and recipients could hold a state accountable for the maladministration of the program by local food stamp agencies only in the rarest of circumstances. The act is and has been clear that States are responsible for full compliance with all applicable regulations. States' responsibility is no less because they have chosen to have counties or other local agencies operate the program for them. The option of local administration exists only as a courtesy or convenience to the States, not to reduce their accountability. The State is just as responsible for what the local agency does as if the State agency performed those acts itself. This legislation emphasizes that point.

In the other case, called Almendarez, a Federal district court refused to consider a suit brought by low-income people who need assistance in a language other than English to apply for food stamps. The Department's regulations clearly provide rights for families that need language assistance. Now the act explicitly confirms that those regulations are enforceable. Future cases can be decided on the merits, as they should be.

This bipartisan legislation goes a long way toward providing food for working families, and providing the security of knowing that help is enforceable by law. I thank the chairman and the committee for their tremendous work.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Parliamentary inquiry, Mr. President: How much time remains on both sides?

The PRESIDING OFFICER. If the Senator from Iowa will hold for a second—the Republican leader has 14 minutes, the Senator from New Hampshire has 2½ minutes, the majority side has 11 minutes.

Mr. HARKIN. Eleven minutes.

Mr. President, I understand that, obviously, in a quorum call the time is taken evenly off of both sides. Since we have 11 minutes left, I yield myself 4 minutes of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please remind this Senator when his 4 minutes have elapsed?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. HARKIN. Mr. President, I want to respond to a couple things my friend from New Hampshire said. He talked about the sugar provisions in the bill and the support price of sugar, that it is over world prices. I always point out to people that when you go in a restaurant, or anywhere you go to eat, the sugar is free. You get these little packs of sugar wherever you go. You go to Starbucks, you get free sugar. You go to the airport, and you go down and get a cup of coffee, or something like that, there is free sugar. It cannot get much cheaper than that.

Does anyone believe if we were to drop these sugar support prices down about 50 percent—which is what would happen with what the Senator from New Hampshire wishes to have happen—do you believe candy prices are going to go down? Do you believe food prices are going to go down? Come on. It just means that the manufacturers, the processors will just make more profits, that is all, and our nation's sugar farmers won't. So you can't get much cheaper than free when it comes to sugar when you go into your restaurants and coffee shops and places such as that.

The next thing the Senator talked about is the $16 billion that the Washington Post keeps talking about in new spending because of this new program, this new option we have, this new reform program. That is a doom's day scenario. Sure, if the bottom falls, if commodity prices fall 40 percent, yes, we could see significant expenditures. But even the Department of Agriculture in this administration has said they don't expect prices to decline much if at all over the next 12 to 18 months. As pointed out earlier, because of the increased prices of fertilizer, fuel, equipment—all of the input costs of agriculture—if these prices drop to where they were 8 years ago, Lord help us. We would have real economic hardship in rural America. So we have this new program in the bill to help farmers deal with the new economic realities in agriculture.

So, yes, you can take a doom's day scenario, but we don't plan our lives around the fact that we have perhaps a 1 in 40 million chance of getting hit by an asteroid. We don't plan our daily excursions by the fact that we face on the order of a 1 in 50,000 chance that we could get hit by a tornado or struck by lightning. Of course you can always have doom's day scenarios. That is not how we crafted this new program nor is it a reasonable way to judge it. We planned it in relation to what is really happening in agriculture.

The last thing the Senator said was something about logrolling, where some members will help other commodities or regions and then in return members who have been helped will support policy for other commodities in a different area. That is a total distortion of how this process works. The fact is, in my area in Iowa, we don't grow cotton and peanuts, let's face it. We just don't. I don't have much expertise in that area, to be honest about it, so I rely upon Senator CHAMBLISS or Senator COCHRAN or those Members from other parts of the country who know their agriculture. They know those commodities. So we rely upon their expertise. You bet we do. I hope they rely a little bit on our expertise when it comes to crops such as wheat and corn and soybeans and other crops. The same goes for ranches. The distinguished Presiding Officer comes from an area of the country where they have ranches. We don't have ranches in Iowa, so I rely upon the Presiding Officer, who is on the Agriculture Committee and who knows a lot about ranching and what it means in his part of the country and what it means to have livestock and livestock producers who run ranches. The Presiding Officer also knows what it means for this nation to shift to new and renewable forms of energy, including cellulosic energy, which he has been a leader on. So we rely upon each other for this kind of expertise. That is not logrolling; that is just recognizing that different Senators who come from different parts of the country have different expertise, and they can bring that expertise to the Agriculture Committee. That is exactly how we develop these farm bills. It is not logrolling, it is simply recognizing that we want this legislation to work effectively everywhere across the nation, regardless of the commodities grown or region involved, and to cover the whole broad range of issues and challenges encompassed in this bill.

That is why I think we have a very good bill here. As my friend Senator CHAMBLISS said, of course we don't agree with every single thing in it, but that is the art of legislation, which is to compromise and to work things out so that we can get good bipartisan support and multiregional support. We did that in this farm bill. You can't get much more bipartisan than 81 votes in the Senate or 318 votes in the House. When you have that kind of overwhelming support, then you know you probably have a good bill.

So, again, I urge Senators to vote to override the President's veto.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

FEDERAL GOVERNMENT ENERGY USE

Mr. WARNER. Mr. President, Senator BINGAMAN and I will be introducing in the Senate today a resolution to express the sense of the Senate regarding the use of gasoline and other fuels by the departments and agencies of the Federal Government. We simply refer to all of the problems we see every morning, as we get up, in the papers and on the television about how families are coping with this gas problem. We simply say in a respectful way in the last paragraph—I will read it:

> It is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by departments and agencies.

I thank my colleagues. The full text will be available to all Members this afternoon. It is not as if we will be able to vote on this, but it will be some message to take back home that you are in support of it.

Mr. CHAMBLISS. Mr. President, I request to be added as an original cosponsor.

Mr. GREGG. Mr. President, I also request to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are automatic under the Constitution.

All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DEMINT (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 82, nays 13, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—82

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Warner
Webb
Wicker
Wyden

NAYS—13

Bennett
Collins
Domenici
Ensign
Gregg
Hagel
Kyl
Lugar
Murkowski
Reed
Sununu
Voinovich
Whitehouse

ANSWERED "PRESENT"—1

DeMint

NOT VOTING—4

Coburn
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 13, one Senator responding present. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, now that we have had this vote on the veto of the conference report, none of us had wanted to have to override a veto. As we move ahead now, because of the technicality and the little glitch that we have had, we are not sure where we are going to be when we come back, but there is going to be, possibly, the chance that we are going to have to take up the full bill again as the House did and passed it with a big vote. Over the next several days, I hope maybe these waters will smooth out, and we can move ahead with the concurrence of the White House so farmers and ranchers will have some dependability on what type of programs we are going to have out there for them.

Let me say again to my chairman, Senator HARKIN, it has been a pleasure to work with him and Senator CONRAD, who has been such a great ally in this process. It was great leadership to get us to where we are now. Thank you on behalf of all farmers across America. Senator BAUCUS and Senator GRASSLEY have been so valuable in our process.

We named all the staff the other day, but we wouldn't be where we are without them.

Mr. President, I thank you and everybody have a safe holiday.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I associate myself with the remarks made by my good friend from Georgia, Senator CHAMBLISS. This has been a long effort. We worked very hard on this bill. I wish to reassure Senators, this is a good bill. I know there are some editorials out there written about it in the Washington Post and other publications. That is all part of the process of debating and enacting legislation. But you have to think, a lot of those editorials are written by those who likely have never supported a farm bill anyway, so there you go. It is like anything else, is this bill exactly what I would have wanted or Senator CHAMBLISS would have wanted or Senator CONRAD would have wanted or anybody else? No. But that is the art of legislation. It requires cooperation, bipartisanship, compromise, and getting legislation through that benefits all of our country.

As I have said many times, this farm bill benefits everyone from farmers and ranchers, people in small towns such as my hometown of Cumming, population of 162, to people who live in New York City.

The fact that we had 82 votes now on the override—81 before on the conference report on the bill—and the overwhelming votes in the House, I believe indicates people understand this is a broad bill that covers every American—not just farmers, not just ranchers but everyone. It is good for our country, good for our future. It is a bill that will make sure we will continue to have an abundant, safe, affordable supply of food for our people in this country, that we help low-income families put food on their tables and that we help farmers and ranchers conserve and protect our nation's priceless resources for present and future generations.

This bill helps us move ahead to producing energy from cellulosic materials—we have laid the foundation for having that in the future. Just as we laid the foundation before for grain-based ethanol, now we have laid the foundation for cellulose-based ethanol in the future.

It is a good bill, good for America. Again, I thank Senator CHAMBLISS, first, for when he was chairman actually starting this process and then working together to get this bill through to its conclusion; Senator CONRAD, who has been such a valuable ally in this effort, bringing the expertise that he has as the budget chairman and, as I often said, making sure we keep on track. I have often said, in writing legislation if you do something here that affects something there and that affects something else, the Budget Committee and the budget chairman have the knowledge and the expertise to know the budget impact of such actions. It has been an invaluable resource to us, to have that expertise of Senator CONRAD on this committee and during this whole debate and development of this farm bill.

I will also thank, again, Senator BAUCUS and Senator GRASSLEY, our chairman and ranking member of the Finance Committee, who worked so closely with us to develop this legislation and make sure we had the proper funding so we could get this bill through. They were invaluable helping us to get this bill finally through.

I wish to make sure there is no doubt in anyone's mind now—14 of the 15 titles in the farm bill conference report are now law. We do not require anybody else's signature; 14 of the 15 titles are now the law of the land. As Senator CHAMBLISS said, we do have this one little glitch—evidently an innocent mistake, a clerical error that title III was not included. We will deal with that at some other point. I don't know exactly when, but that should not be much of a problem, since it was simply a clerical error. We will take care of that.

I want people to know we have been in contact with both USDA and USAID, the Agency for International Development. They told my staff basically they could get by for a couple of weeks without our having to do more today. We will have to move ahead as soon as we can, perhaps that will not be until right after the recess, so our Pub. L. 480 programs and our development assistance programs, our market access program, which is so important for our fruits and vegetables, specialty crops and other programs in the trade title are taken care of.

Again, I thank everyone. As Senator CHAMBLISS said, we have already thanked our staff, but I don't know if we can thank them enough. They have hung in every day on this.

I was going to say now they can take a vacation, but they have to wait until this other title gets taken care of; but sometime soon our staffs will be able to take a break.

Mr. President, I would like to expand upon my remarks on the nutrition title of the Food, Conservation, and Energy Act of 2008 so that I may provide my colleagues with more information about the very important changes made in the nutrition title, particularly to the Food Stamp Program. The Food Stamp Program is the single most important antihunger program in our Nation, helping millions of families, seniors, and people with disabilities afford an adequate diet. It is our country's largest child nutrition program and serves as a critical work support program, enabling low-income working families to make ends meet and put food on the table every month.

I know that many Senators have not had the opportunity to pore over the details of the legislative language and conference report for the nutrition title. So let me take this opportunity to provide some background on what has been accomplished in the nutrition area of this bill.

The conference report makes major investments and improvements in the Food Stamp Program in this bill—starting with changing the name of the program to the "Supplemental Nutrition Assistance Program" or "SNAP." The change reflects the reality that food assistance benefits are no longer "stamps" but have been updated and modernized and are now provided on special cards, like the debit or credit cards that most Americans carry in their wallets. For the purposes of my remarks today, I will use the term "Food Stamp Program" throughout my comments one last time before this historic change is made.

One of the primary goals for the Food Stamp Program was to end the decades of erosion in the purchasing power of food stamp benefits. Because of harmful cuts to the program enacted in the midnineties, with each passing year the purchasing power of most households' benefits has actually decreased. The biggest annual cut, which has so far cumulated in about $25 less in food assistance each month for the typical working family, was from a freeze to the program's standard deduction. This cut has affected about 10 million people a year, including many low-income working families with children, senior citizens living on a fixed income, and persons with disabilities.

The largest benefit improvement in this bill is an increase in the standard deduction, which has been frozen for households of three or fewer people for over 10 years, and end any future erosion in its value by inflating the deduction each year. The inflated amounts will be calculated based on the previous year's unrounded amount, so over time we will not lose any more ground to inflation. This change will improve benefits for about 13 million people and provide a typical working family an additional $6 a month in food assistance in 2009, rising to $17 a month by 2012.

Similarly, because it was not adjusted for inflation, the $10 monthly minimum food assistance benefit purchases only about one-third as much food today as it did when it was set more than 30 years ago. The minimum benefit is set at 8 percent of the thrifty food plan, rounded to the nearest whole dollar. This will mean it will be about $14 per month in 2009—almost a 50-percent increase. The Thrifty Food Plan is automatically indexed for inflation. As a result, the minimum benefit will maintain its purchasing power. And, because the Thrifty Food Plan is set at different levels for high-cost areas like Alaska and Hawaii, a new and slightly higher minimum food assistance benefit will be provided in those areas. For example, in fiscal year 2009 the Hawaii minimum benefit level will be $22 a month. Additionally, about 15 States have special combined application projects where SSI recipients receive standardized benefits. I expect USDA will reevaluate the cost-neutrality of these projects so that these households also can receive higher standardized benefit amounts to account for the higher monthly minimum benefit and standard deduction levels.

The conference report ends erosion in other areas as well, including the dependent care deduction and asset limit, about which I will speak more briefly, but also the commodities for The Emergency Food Assistance Program, TEFAP, and grants for community food projects and fruits and vegetables in schools. For the first time since I have been working on farm bills, we have clearly established the principle that the value of benefits in our nutritional help for low-income families and individuals should not erode over time, just as they do not in our income tax code or the Social Security and Medicare Programs. This is a remarkable achievement.

Another core principle that is addressed in this bill is that building savings and accumulating assets is an important path to financial independence. And here I want to especially thank the ranking member, Senator CHAMBLISS, for his leadership. Many agree that it is counterproductive to discourage savings by forcing people to liquidate their retirement savings or other financial assets when they lose their jobs and need to turn to food assistance to feed their families. Policymakers from across the political spectrum agree that asset development is important to helping low-income Americans make a permanent transition out of poverty as well as avoiding it in their later years. After all, a family does not spend its way out of poverty. Quite the opposite, most families build a path to financial security on the foundation of assets, whether it be a home, a small business, or retirement savings.

This bill ensures that all retirement accounts and education savings accounts are excluded from a household's financial assets when determining whether or not they are eligible for food assistance. And for the first time in nearly two decades the $2,000 and $3,000 asset limits will be adjusted for inflation each year.

It is also important to note what the Congress did not do in the asset area. The administration proposed eliminating a State option called expanded categorical eligibility which allows States to conform the food stamp asset rules to those used in a TANF-funded benefit, and proposed using those savings to finance the exclusion of retirement accounts from eligibility determinations. Both the House and Senate rejected that approach because of a belief that some assets, such as retirement funds, should be excluded from the program on a national basis.

In addition, by leaving the existing State option on categorical eligibility in place, States have the full flexibility to set their own asset policy. I strongly encourage USDA to work with States to expand the use of this State option beyond the 15 States that thus far have expanded categorical eligibility. States with nearly 40 percent of the food stamp caseload do not currently use the national asset policy. I hope that in the coming months and years we will see more and more States take the option.

Another major improvement in this bill supports working families by allowing them to deduct the full amount of their childcare expenses from their income for purposes of food assistance eligibility and benefit determinations. The current cap on the dependent care deduction has not been raised in 15 years, but child care costs have continued to grow. Even when a low-income working family gets help paying for child care, the family's share, or copayment, can be substantial. Now, because of changes in this bill, the amount of food assistance that a family receives will reflect the actual child care costs families pay to be able to hold down their jobs. By lifting the cap, families eligible for the deduction will be able to deduct the full value of their childcare costs, rather than just a portion of the costs. The change would provide an average of almost $500 a year—more than $40 a month—to approximately 100,000 households that pay high childcare costs.

This change was made cognizant of current USDA policy on the childcare deduction, which takes a broad view of what constitutes a dependent care cost, defers to parents about what is appropriate childcare, and lets States determine how to set verification policy. This proposal was part of USDA's original farm bill proposal and they have given us every reason to believe they will continue these policies and do nothing that would limit what is deductible or the amount families may deduct.

For households that apply or recertify their eligibility after October 1, 2008, the dependent care cap will no longer be in effect. We expect that States will notify households already participating in the program with dependent care expenses at or above the current cap about the policy change. These households should be given the opportunity to receive the higher dependent care deduction that corresponds to their full costs as soon as the provision takes effect. A benefit increase for these households however, is their option. In no case should a household have its benefits terminated or reduced for not responding to paperwork requesting verification for the amount of childcare costs they have above the current cap. In two areas, this bill builds upon the very successful State options provided in the 2002 farm bill. These simplifications have made the program less burdensome on States agencies and families alike, have helped to keep low-income households connected to the Food Stamp Program, and have been a major factor in the sustained drop in State food assistance error rates.

The 2002 farm bill allowed States to extend "simplified" reporting rules to most households. Some 48 States and the District of Columbia have adopted this popular State option, which dramatically simplifies the rules for how many food stamp participants inform the State about changes in their income and other circumstances.

Unfortunately, due to an oversight in the 2002 bill, States are not allowed to apply simplified reporting to several categories of households, such as households with only elderly or disabled members. USDA wisely, through guidance and in its proposed regulation, allowed States to extend the option to some households that might be excluded, such as homeless households and migrant and seasonal farmworkers. This bill specifically allows these households to be included in simplified reporting and extends the State option to households with only elderly and disabled members, so long as States extend the simplified option for 1 year rather than 6 months for such households to reflect the fact that many of them live on fixed incomes and have stable living situations and thus do not have many changes to report. In fact imposing 6 month reports on these households would make them worse off by putting their food assistance at risk more often than is now the case.

This change will allow States to simplify their operations and reduce confusion, by having just one reporting system with common forms, staff training, and other rules. I urge USDA to implement this provision and the underlying simplified reporting option in a way that allows it to achieve its full intent of minimizing the number of changes that households need to report and that States need to respond to, whether those changes are for food stamps or for another program that the State administers along with the Food Stamp Program. Simplified reporting cannot be simple if USDA allows exceptions to our basic principle that changes should only be made to the case if a household reports that their income exceeds the gross income limit.

Another popular and successful provision from the 2002 farm bill gave

States the option to provide 5 months of transitional food assistance to families that leave welfare. We did this not only because we wanted to reduce the paperwork burden but also to keep eligible families connected to food assistance when they left welfare for work. This is important because we know that, for families who are leaving welfare for employment, the first couple of months are particularly vulnerable. Having work supports such as food assistance help them to weather this period and actually decreases the likelihood that they will return to cash assistance.

The 2002 farm bill made this State option available to families that leave Federal TANF-funded cash assistance programs. Since then, some States have established separate State-funded cash assistance programs for certain groups of poor families with children. These State programs give greater flexibility to States to develop services and supports that can serve these families appropriately.

This bill extends to States the option to provide transitional food assistance to individuals participating in these State-funded public assistance programs. Several States have specifically indicated that this change will be beneficial to them and the families with children that they serve.

For all of these benefit improvements, I expect USDA to implement the provisions in a way that is sensitive to the needs of the State agencies that administer the program. It is with some disappointment and disbelief that I note that the administration still has not yet issued final regulations for the 2002 farm bill's food stamp provisions. In implementing this bill I urge USDA to provide sufficient, flexible guidance to States in a timely manner. One of the helpful implementing policies USDA allowed in 2002 was to extend the 120-day quality control hold harmless protections to provisions that are State options, such as simplified reporting and transitional food stamps. I expect USDA to allow that policy for this farm bill as well.

In addition to major improvements in the benefit levels and rules, the nutrition title contains numerous program oversight and integrity provisions, as well as provisions that address basic program operations.

As I mentioned at the outset of my remarks, this bill finalizes the replacement of paper coupons in favor of the electronic benefits on plastic cards that are now the way people access their food assistance across the country. The bill prohibits States from issuing any new coupons and provides that existing coupons shall be redeemable for only 1 year from the date this bill is enacted. This is a minor change in the operation of the program, since no State currently issues coupons and fewer are redeemed each month. Nonetheless, the change required numerous technical and conforming revisions in the statute to purge the act of "coupons" and other trappings of the old system. No policy changes are intended in making these revisions other than to reflect the existing reality. For example, in replacing the word "coupons" with "benefits" Congress did not intend to change policy beyond simply recognizing that coupons do not exist anymore. The term "benefits" refers to the food voucher-like benefits that households receive on electronic benefit transfer cards, EBT, but does not include auxiliary activities under the act, such as nutrition education or food stamp employment and training services.

Despite the overwhelming success of electronic benefits in modernizing benefit delivery, reducing retailer fraud, and removing a large source of stigma for recipients, there is one area where there remain concerns about EBT benefits, and this bill has tried to address the concern. Under the old food stamp coupon system, some households, especially seniors who qualify for small benefits, could store up those smaller amounts and use several months' worth in one shopping trip or for a special occasion, such as a holiday gathering. With food stamp coupons there was no deadline for how long they were good for.

Under EBT systems, however, some States have moved households' benefits "offline" after as few as 3 months if there is no activity in the account. This can be a problem for households that receive small benefits and want to store them up for a special supermarket trip.

So this bill strikes a balance. It allows States to move a household's benefits offline if the household has not accessed the EBT account for 6 months. But the State will be required to notify the household of this step and to reinstate its benefits within 48 hours if the household makes a request.

I expect States to make the process for recovering benefits after they have been moved offline easy for households. Any inquiry about food assistance, or general request for assistance from a household that has had benefits moved offline, should be considered a request for reinstatement of lost benefits. In other words, households should not have to contact a particular phone number or ask for some complicated reinstatement option in order to get benefits restored to their accounts. Rather, eligibility workers and local office or call center employees should assist households and should help them to initiate the process of reinstating their benefits.

I recognize that some States may need to renegotiate the terms of their EBT contracts, and I urge USDA to work with States to implement the provision as quickly as possible given the time constraints set by the effective date constraints.

This bill also responds to another benefit issuance matter that has come up recently in Michigan and in other places over the years. States currently issue food stamps in one monthly installment for each household. They may, and usually do, "stagger" food stamps by issuing the month's food stamps to different households on different days of the month, for example, based on the last digit of the household head's Social Security number. This practice spreads out the state's workload and helps supermarkets smooth out the demand for food.

Some States—most recently Michigan—have faced pressure from retailers and others to divide each individual households' monthly allotment into two or more issuances over the month. I do not support such a change and was surprised to learn that the law permitted it. Dividing households' monthly food stamp allotments could prevent some households from making large buying trips or from purchasing large, economy-size containers of staple foods. It also would be burdensome on households with small benefit amounts—such as seniors—because they would have to use their food assistance EBT card at multiple shopping trips during the month instead of only one. In fact, the Michigan Department of Human Services polled current food assistance recipients about such a potential change and learned that recipients strongly opposed splitting food assistance benefits into a twice-monthly allotment.

The bill includes a provision that would prevent States from dividing monthly allotments. No other policy changes are envisioned. The bill does not intend to change the rules with respect to the issuance of expedited benefits, the proration of benefits for partial months, the issuance of supplemental benefits in the event a benefit correction is needed, the way that people who reside, or formerly resided, in drug or alcohol addiction treatment facilities receive food assistance, or any other area.

The nutrition title also clarifies a provision that has inadvertently denied food assistance benefits to innocent people. Individuals who are being actively pursued by law enforcement for outstanding felony charges or for violations of probation or parole are not eligible for food assistance benefits. This rule appropriately ensures that fugitives do not receive public support.

However, in practice, this rule occasionally denies food assistance to the wrong people—innocent people whose identities may have been stolen by criminals or those whose offenses were so minor or so long ago that law enforcement has no interest in pursuing them. If the issuing authority does not care to apprehend the applicant when notified of his or her whereabouts, there is no public purpose served by denying food assistance benefits.

Unfortunately, inadequate guidance to States has resulted in exactly that. This provision would correct this by requiring USDA to clarify the terms used and make sure that States are not incorrectly disqualifying needy people who are not being actively pursued by law enforcement authorities.

One important area of the bill has not gotten a lot attention. It has to do with our own, as well as USDA's oversight of State administration of the program. Several provisions in the nutrition title are included to improve oversight of States with respect to computer systems, eligibility processes, and access to benefits.

For example, the bill requires States to adequately test and pilot new computer systems. I do not wish to see another instance of a State implementing a multimillion dollar computer system that does not work, and which USDA knew would not work. Time and time again, I have read about computer systems that do not work and either cause families to wait 3 months for food stamps or that issue benefits inaccurately. That is unacceptable management of the program. USDA must demand adequate testing and hold States, not clients, accountable for any mistakes in benefits when there is a major systems failure.

The bill also includes a provision that was proposed by USDA to increase the penalties on States if, despite these measures, a "major systems failure" nonetheless occurs. If the Secretary determines that overissuances have occurred because of a "major systems failure," the States, rather than households, as is usually the case, are to be liable to repay the Federal Government for the cost of the overissuance. This is entirely appropriate because the mistake is clearly not the household's fault, and their ability to purchase food should not be compromised because of the State's egregious mistakes. When major State problems occur, the State's energy and resources should be focused on fixing the problem, not on collecting from low-income households that had no role in the mistake.

New automated systems are not the only program area that requires more oversight, monitoring, and enforcement of standards. States are now using online applications, conducting business with clients over the phone, and in some cases closing local offices and reducing staff as a result of these changes. New technologies present enormous opportunities to improve customer service, but they also carry risks if the technology does not work or the State agency lacks sufficient oversight. The bill is, in part, responding to a recent GAO report that found that USDA has not collected sufficient information on the effects of alternative methods of benefit delivery on program access, payment accuracy, and administrative costs. The bill requires USDA to set standards for identifying when States are making major changes in their operations and for States to notify USDA and report on the effect these changes have on program integrity and households' access to benefits.

Though the provision of which I am speaking, section 4116 does not specifically pertain to the privatization of the Food Stamp Program, it does have particular relevance given recent efforts by two States, Texas and Indiana, to privatize major components of their food assistance delivery mechanism. Prior to the approval by the Food and Nutrition Service of both the Texas contract and the Indiana contract, I communicated extensively with the Food and Nutrition Service by letter as to the kinds and manner of data collection that I deemed critical in each instance. I continue to be extremely concerned that USDA is not properly monitoring those projects, as well as other State efforts to transform the way that services are delivered with respect to how these new systems are affecting the most vulnerable members of our society. Because that correspondence was extensive and because it is in the records of USDA, I will not submit it here for the record. I would note however, that in implementing section 4116 of the conference report, I expect USDA to closely review my prior correspondence regarding the Texas and Indiana contracts regarding what kinds of information should be collected. In particular, I expect USDA to review my letter to Secretary Johanns sent on January 19, 2006. That letter in particular clearly laid out expectations as to proper evaluation criteria, especially as they pertained to program access for certain vulnerable populations, such as individuals with disabilities and those with limited-English proficiency.

I would also like to note that USDA has thus far refused, both in the case of Texas and the case of Indiana, to gather appropriate quality control data in the specific geographic areas that were initially rolled out for testing. In those cases, I asked USDA to gather quality control data that was specific to the geographical area that was being initially rolled out so that a comparison could be made to the rest of the State that was still operating under normal parameters, and I asked USDA to gather data that would allow for a timely evaluation of the pilot area. USDA responded that this was not possible because quality control data is not gathered for substate geographical areas and quality control data is not available for evaluation until many months after it is first gathered.

This provision allows USDA to rectify this situation and, in addition to other reporting measures, I fully expect USDA, in implementing this provision, to ensure that quality control data is gathered when there are major changes in program design that allows for comparison of substate areas that are being tested and which allows for the timely use of the State-reported data in evaluation prior to moving ahead with later phases of a project.

Another provision of the bill creates an explicit State option for accepting food assistance applications over the telephone. As I previously mentioned, innovative States have experimented with online applications and telephone interviews as a way of streamlining the process for people who have difficulty coming to welfare offices, such as working families with busy schedules and senior citizens.

The nutrition title would allow households to apply for food assistance over the telephone and have their benefits date back to the date of the telephone application. This is important to ensure that households that apply over the telephone do not have a delay in their benefits and receive smaller benefits for the first month. We have provided that a telephone signature should be accepted as adequate for all purposes. No subsequent mail-in application should be required in order for the application to be considered filed by the State agency.

Throughout the history of the Food Stamp Program, the courts have played a positive, constructive role in ensuring that congressional intent is carried out. The program has not been overrun with litigation because both Congress, in writing statutes, and USDA, in writing regulations, have taken great pains to be clear and specific. On those rare occasions when courts have misunderstood our intent on an important matter, Congress has amended that statute accordingly. Because USDA keeps the Agriculture Committees closely apprised of its regulatory actions, Congress also has been comfortable with—indeed supportive of—litigation to enforce the Department's regulations. On numerous occasions when we leave a matter open in the statute, it is because USDA has told us exactly how it plans to address the matter in regulations. Congress has always operated on the assumption, and with the intent, that the program's regulations would be fully enforceable and fully complied with to the same extent as the statute.

I was disturbed to learn of two recent cases in which courts disregarded the longstanding history of judicial enforcement of the act and regulations. A district court in Ohio refused to entertain a suit brought to enforce the Department's regulations for serving people whose primary language is not English, and an appellate court in New York held that States are less responsible for compliance with the act and regulations when the program is administered by local governments than when the State administers the program itself.

Accordingly, this legislation clarifies that States must comply with the Department's rules on service to non-English-speaking households as well as with the statute. The regulations, no less than the statute, create rights for households to ensure that they can receive benefits.

Responding to the New York case, the legislation clarifies that States' responsibility is no less in locally administered systems. Congress has granted States the option for local administration as a convenience; nothing in the law reduces States' responsibility if they take this option. If the State could not be held fully accountable for strict compliance with the act and regulations in these cases, local administration would not be permitted. These amendments correct that problem.

I have been a member of the Senate Agriculture Committee or the House Agriculture Committee for over 30 years. I have always operated on the assumption that the act and regulations create enforceable rights for actual and prospective participants and that litigation may properly arise under provisions of either. When I have heard of examples where applicants or clients were not provided with the service that the act and rules provide, such as timely and fair service, assistance for those who need it by the State agency or 10 days to turn in requested paperwork, I have supported the right of an individual to file a claim against the State to enforce the rules established by Congress and the regulations stemming from the statute.

With very few exceptions, the old Food Stamp Act and the new Food and Nutrition Act are based on the principle of individual rights. Much of that stems from a history in the 1960s and 1970s of clients not being able to gain access to the program. To be sure, section 2 has little in it to enforce: subsections (a) through (g) of section 7 do not affect individual households, and sections 9, 10, 12, and 15 focus on retailers and wholesalers. Within section 11, paragraphs (e)(19), (e)(20), (e)(22), and (e)(23), as well as subsections (f) through (h), (k), (l), (n) through (r), and (t), regulate state agencies rather than households. The same is true in section 16 of the beginning of subsection (a) as well as of subsections (c), (d), and (f) through (k). Sections 14(a), 18(e) and (f), 19, 23, 25, and 27 similarly do not convey rights to households. A few other provisions by their terms no longer apply to anyone. But by and large, the Agriculture Committees, and Congress as a whole, have consistently intended that the Food Stamp Program be administered in strict conformity with the Food Stamp Act and with regulations the Secretary has duly promulgated under this act and that prospective and actual participants be entitled to enforce these provisions legally.

The legislation also clarifies the act's privacy protections to ensure that those receiving confidential information for legitimate reasons are not free to make other uses of that information or to retransmit it to third parties. Any decisions about releasing or using information should be made in advance by the Department or State food stamp agencies. The focus was on retransmission of information. Other than the provision explicitly allowing these records to be accessed in households' litigation, the bill does not expand initial access to confidential information. Confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

In the program integrity area the bill responds to USDA's request for more flexibility in how they penalize retailers who have committed fraud against the program. Electronic benefits have greatly reduced the occurrence of clients converting their food assistance benefits into cash, but there sometimes remain problems with stores finding ways to enrich themselves at the expense of the Federal Government and low-income households. Under this bill USDA will have more flexibility in the types of penalties it can impose on such stores. USDA will be able to disqualify an offending retailer, subject the retailer to financial penalties, or both.

Elsewhere in the bill, the Secretary is provided expanded authority to penalize individuals and companies that defraud USDA programs. While that provision does not apply to any of the individuals and families who receive food assistance it could be used with respect to retailers and other program operators. Given our history of collaboration with the Department on crafting this retailer fraud provisions as well as fraud detection and enforcement systems in the other nutrition programs, it is not my expectation that the Secretary would ever use that authority without extensive consultation with the Agriculture Committees.

The bill also adds two new specific disqualifications for recipients who have intentionally used their food assistance benefits inappropriately. I do not think these kinds of behaviors are common among food assistance recipients, but they are nonetheless inappropriate, and people who engage in them should be penalized. The first came up because of a story in my State. Apparently someone used their food assistance benefits to buy water in returnable containers. The individual's real goal, however, was to discard the water and return the container for the cash deposit. This kind of activity is obviously not consistent with the purpose of the program and States will now have specific authority to deal with it when it occurs.

The second would address instances where food assistance recipients intentionally resell food that they have purchased with food assistance benefits. This is a little bit of a grey area, and I want to be clear about what we do and do not intend with this provision. It is not consistent with the goals of the program for individuals to resell large quantities of food for a profit that they have bought with food stamp benefits. However, I recognize that food stamp households may occasionally buy a cake mix which is used to make cupcakes for their child's elementary school bake sale or they may shop for one another and reimburse each other for food. Two families who share an apartment may sometimes share or swap food, even though they generally purchase and prepare their meals separately. These are not fundamental affronts to the integrity of the program. In fact, these are facts of life for honest low- and moderate-income families. USDA and States should only treat the egregious cases—where recipients intentionally sell food that was clearly purchased with food assistance benefits for a cash profit—as fraud. Innocent, well-intentioned low-income individuals should not be disqualified under this new provision.

The bill also includes $20 million in the nutrition title for pilot projects to test innovative ways of using the Supplemental Nutrition Assistance Program to improve the diets and overall health of recipients and to especially reduce the problems of obesity and the related bad health outcomes. Particularly, this funding is provided for USDA to carry out a pilot program that would test whether certain incentives can be effective in helping food stamp households to purchase healthier foods. The funding is intended to be used for a pilot program using the existing EBT infrastructure. For example, a participating household that purchases fruits and vegetables with their food stamp benefits would receive a discount on the portion of their purchase that is deemed healthful. Or alternatively, the household would have extra benefits added onto its EBT card for the component of their grocery store purchases that are healthful.

This provision is an investment in a very important area. But I must be clear that it is very important for these pilot projects to be rigorously evaluated and that the evaluations be independent, so the Agriculture Committee can have reliable information on what really works and does not work to change people's food purchasing behavior, diets, and health status. To provide USDA with maximum flexibility in implementing this provision, the statute does not go into great deal about the structure of the pilot program. However, I have every expectation that USDA will consult closely with the Agriculture Committee as it works to implement this provision.

The bill also requires USDA to study the cost and feasibility of reinstating the Commonwealth of Puerto Rico into the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance. Puerto Rico operates their Nutrition Assistance Program with rules very similar to the Food Stamp Program, except that it has been forced to impose much lower eligibility criteria as a result of capped funding. For example, a Puerto Rican household has a maximum net income limit of only 23 percent to 34 percent of the poverty level, instead of the 100 percent cut off used in the Food Stamp Program. It is important that Congress gain a better understanding of whether we are meeting the food needs of U.S. citizens living in Puerto Rico and whether inclusion in the Food Stamp Program would be appropriate in the Commonwealth. With this study I hope to get a better understanding of what the local conditions are in Puerto Rico and how to address the issues in the next farm bill.

Another provision of the bill seeks to ensure that all children who live in households receiving food stamps are getting the free school meals to which they are entitled. Forty percent of all food assistance recipients are school-age children and about 45 percent of food assistance benefits go to families with school-age children. Food assistance benefits are a critical factor in reducing food insecurity amongst families with children. All children in families receiving food assistance get another important benefit—automatic enrollment for free school meals provided through the National School Lunch and School Breakfast Programs. Such children have been eligible for free school meals for some time, but the requirement that they be automatically enrolled without completing a duplicative paper application was enacted in 2004 and will be effective nationwide for the first time in the 2008 to 2009 school year.

The goal of the direct certification requirement is to move to a system that seamlessly enrolls 100 percent of school-age children in households receiving food assistance benefits for free school meals without imposing any additional paperwork on already stressed families. Unfortunately, it appears that some States are not implementing this provision effectively. As a result, families and schools must fill out and process needless paperwork that was already processed by the food stamp agency. I strongly encourage USDA to work with States to ensure better implementation of direct certification. Government need not and should not be unnecessarily redundant and wasteful. This legislation requires USDA to report to Congress annually on each State's progress toward that goal and to identify best practices. The report can thus be used to help States assess their own progress and expand the reach of direct certification.

The farm bill nutrition title makes a significant new investment in food purchases for emergency food organizations, increasing the Federal mandatory funding that is available from $140 million per year to $250 million, adjusted for annual food inflation. Because the amount has been flat since 2002 it has lost purchasing power, while food prices have climbed by more than 15 percent. TEFAP also will receive $50 million in additional funding for the remainder of fiscal year 2008 to deal with the short-term immediate needs of food banks in light of the recent economic downturn and high food price inflation.

I would also like to highlight some of the changes we made to the Food Distribution Program on Indian reservations. As my colleagues may know, under the Food Stamp Act, tribal governments have the authority to run a commodity program for their tribal members who would prefer commodities to food stamps. The program helps ensure that low-income Native Americans who live in very remote areas and for whom food stamps are not an option have access to nutritious foods. Currently, there are approximately 243 tribes receiving benefits under the FDPIR through 98 Indian tribal organizations and five State agencies.

The bill makes a number of changes to the program. First, the statute is clarified to ensure that individuals disqualified from the Food Stamp Program are also disqualified from FDPIR. Second, the bill provides more authority to ensure that traditional and local foods are included in the food package based on input from program participants. Finally, and perhaps most important, Congress is requiring USDA to submit a report on the FDPIR food package and its ability to meet the food and health needs of low-income Native Americans. I am deeply concerned that FDPIR may be failing as a substitute for the Food Stamp Program. Unlike food stamps, it does not differentiate between the food needs of the poorest versus those with more income. Moreover, I am concerned that the quality of the food provided in the food package is not as healthy and nutritious as it ought to be, nor does it respond to the diet and health challenges of Native Americans. The Secretary has open ended authority to improve or expand FDPIR, which is an entitlement to Native Americans in lieu of the Food Stamp Program. I look forward to hearing from USDA about if or how FDPIR needs to be modified to respond to the food security needs of its participants.

The nutrition title also make a very significant investment in the health of our Nation's children by expanding the Fresh Fruit and Vegetable Program, which will receive $150 million annually within 5 years and thereafter be indexed to inflation. Several important policy changes are also made to the program. First, because eating habits are established early in life, we limit the program to just elementary schools, with an appropriate transition period for currently participating secondary schools. The bill also includes significantly strengthened targeting of program funds to low-income children by specifying that priority be given to applicant schools that have the highest proportion of children who are eligible for free or reduced-price meals. I expect USDA and states to take this income targeting very seriously. The statute is very clear. It does not suggest that the prioritization of low-income schools is optional but clearly indicates that first priority be given to the schools with the greatest proportion of low-income children. The statute also removes any reference to dried fruits that previously existed. The program is intended to provide fresh fruits and vegetables only.

As my colleagues may gather from my remarks, I am extremely proud of what we have accomplished in the nutrition title of this farm bill. We have made the title a top priority within the bill and taken pains to ensure that we strengthen our Federal nutrition programs for the tens of millions of children, seniors and families they serve. Of course, we still have a long way to go before we end hunger in this country. But with this legislation we will be moving in a direction of reducing hunger, strengthening our people and building healthier, stronger communities.

Mr. President, in addition to the more than 1,000 farm, conservation, nutrition, consumer and religious organizations who urged us to override this veto, more than 2,700 Americans signed an online petition, which said the following:

> We urge Congress to override President Bush's veto of the 2008 farm bill . . . It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent . . . Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I will not enter all the names into the RECORD because there are e-mail addresses listed here, and I don't want to make all those public.

I ask consent to have the petition printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> We urge Congress to override President Bush's expected veto of the 2008 Farm Bill which takes our country in a bold new direction. It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent.
>
> The House and the Senate passed the Farm Bill on May 14-15 with enough bipartisan support to override a possible veto by President Bush.
>
> We urge members of Congress to continue to vote for the interests of Americans instead of caving to President Bush who is out of touch with the everyday needs of middle America.
>
> Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should take a moment to appreciate the historic nature of this vote. This is the first time ever a Presidential veto of a farm bill has been overridden. Of course, we all know this is far more than a farm bill. In fact, that is a misnomer. This is a food bill, a conservation bill, an energy bill—all those things combined in a way that I think should make us all proud. It got 82 votes for a reason. It is a good product. It got 316 votes on a Presidential override because it is a good product.

I thank especially the leadership of the Agriculture Committee. Our chairman, Senator HARKIN, who is indefatigable, to have a vision to turn farm policy in a new direction, to be more conservation oriented—history will treat him very kindly. Senator CHAMBLISS—we call him, in our office "Cool Hand Luke" because you couldn't ask for a better partner throughout an effort than Senator CHAMBLISS has been to all of us. He has been steadfast. He has been calm, cool, and collected in a lot of situations that demanded real restraint in order to keep things together. I also thank him for the friendship we have formed throughout this effort.

To the staffs—I wish to especially thank my staff: Jim Miller, my lead negotiator who has given body and soul to this effort. I calculate he spent more than 3,000 hours over the last 2 years on this effort; Tom Mahr, my legislative director, who has a lot of brainpower that he brought to this effort, as he does to so many jobs in my office. I deeply appreciate all the assistance Tom has given me and the other members, the other negotiators; Scott Stofferahn, my other negotiator, who helped write the disaster provisions that have proven to be so well done. John Fuher is a member of my staff who has taken on a lot of responsibility at a young age. He has stepped up onto the stage. I appreciate it. Miles Patrie and Joe McGarvey handled key sections of the legislation; on Senator HARKIN's staff, Mark Halverson, the staff director. I joked the other day he started to go gray in this process. You know, it may go further than gray with the little glitch that happened over on the House side; and Susan Keith, who is so determined to write good agriculture policy, she can be proud of what she has helped accomplish in this bill; Martha Scott Poindexter is a consummate professional, somebody for whom we developed high regard. It has been a delight to work with her; Martha Scott, we appreciate the good humor you have brought to this effort, as well as Vernie Hubert, a consummate pro. These are talented people, good people. They deserve our thanks.

I also wish to thank, if I can, the occupant of the chair, Senator NELSON of Nebraska. He is a critically important member of the Agriculture Committee who has provided that kind of mature leadership that is so often necessary in writing legislation of this importance. I thank the occupant of the chair for all he did to make this a reality as well.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to make a request that we go into morning business, with Senators permitted to speak for up to 10 minutes; that upon my conclusion, Senator DORGAN be recognized for up to 5 minutes, Senator CASEY for up to 5 minutes, Senator VITTER for 15 minutes, followed by Senator STEVENS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

UNANIMOUS-CONSENT REQUEST—H.R. 980

Mr. DORGAN. Mr. President, on behalf of the leader, I ask unanimous consent—and I ask it not be taken out of my time—that H.R. 980 remain the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Yes, Mr. President, on behalf of Senator ENZI, the ranking member of the committee of jurisdiction, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota is recognized.

THE FARM BILL

Mr. DORGAN. Mr. President, I want to start by acknowledging the tremendous work of Senators CONRAD, HARKIN, and CHAMBLISS. This farm bill has taken countless hours of patience and perseverance. Thank goodness they have all that in abundance, along with great skill, wisdom and vision

I especially want to recognize Senator CONRAD's work here in the Senate and Congressman POMEROY's work in the House. We wouldn't be where we are today without their efforts and I wanted to publicly thank them.

Mr. President, the Congress has made a major decision today. That decision is to say to this President: It is time to start taking care of things here at home. It is a pretty substantial message—notwithstanding the objections of the President, this Congress said we need to stand for family farmers and have voted overwhelmingly to decide that we will override the President's veto and voted overwhelmingly to decide that we will override the President's veto. Sometimes there is not much distance between the right track and the wrong track. But with respect to the farm bill, the distance here between the right track and the wrong track, between the President and the Congress, is a country mile. It surprises me, in fact.

This Congress has said: Let's start taking care of things here at home for a change. Now, family farmers have always been the bedrock of this country's family values. They, in many cases, work alone. They raise a family out under yard lights, out in the country. They take big risks every year. They live on hope. They do not come to work in blue suit. They put on work shoes and work clothes and work hard, and all they ask for is a decent return on their investment, despite the substantial risks they take. Because of that this Congress, for a long period of time, over many decades, has decided to create a safety net so that when family farmers run into a patch of trouble, this Congress and this country say: You are not alone. We want to help you through these price valleys and through these tough times.

So that safety net was significantly what we voted on today. The President began last year threatening to veto a farm bill, and consistently threatened that veto, and finally decided to exercise that veto, and the Congress said: You are wrong, Mr. President.

The President came to my State of North Dakota. He said to farmers: When you need me, I will be there. But when farmers needed him, he was not there. That is a matter of fact. This Congress has used awfully good judgment in overriding the President's veto.

About a year ago, a little over a year ago, I introduced an agriculture disaster bill here in the Congress. For 3 years in a row I have added an agriculture disaster piece to the supplemental appropriations bill because we did not have a disaster title in the farm bill. For 3 years as an appropriator I put disaster money in the Appropriations supplemental bill. Finally, on the third opportunity, we got it in a bill the President had to sign. But we had to go on bended knee when they had disasters over much of farm country to get disaster help. Now we have a farm bill that has a disaster title. That is a significant step forward.

A lot of folks do not understand much about farming. They think that Corn Flakes, oatmeal, and puffed rice come in boxes. They do not. But those who put it in the boxes make much more money than those who plow the ground and plant the seeds that produce the corn and the oats and the wheat.

Now, this is a pretty substantial day for those of us who care about family farmers and want good farm policy. This veto override is good public policy.

Rodney Nelson, a cowboy poet from North Dakota, who is a rancher and a farmer out near Almont and Judd, ND, wrote a piece. I have mentioned it before to my colleagues. But he asks this question rhetorically in his piece: What is it worth? What is it worth for a kid to know how to weld a seam, to drive a combine, to fix a tractor? What's it worth for a kid to know how to pour cement? What is it worth for a kid to know how to work livestock, work in the hot summer sun and the cold winter day? He asks: What is it worth for a kid to know how to teach a calf to drink milk out of a pail? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to fix a tractor that won't run?

There is only one place in this country where all of those skills are taught, and that is on America's family farms. That is the university where all of those courses exist, and we lose it at our peril. That is why we write farm legislation. What is it worth? It is worth plenty to this country to say to family farmers during tough times: You are not alone, because we have created a farm bill to say here is a helping hand during tough times. That is what this is all about. I think the action today is something we ought to be proud of.

Is this bill everything I would have liked? No. My colleague and I, Senator GRASSLEY, offered an amendment on the floor of the Senate that was critical in terms of policy dealing with payment limits. We lost. We got 56 votes, we needed 60.

The fact is, this bill remains a good bill. It is late. It should have been done months ago. We fought through 9 or 10 months of Presidential veto threats. But it is done and finally I think farmers who are working their fields now in the spring and trying to figure out how they are going to do this year, I think farmers are going to be able to look at this bill and say: Congress cared. Congress cared enough to override the President's veto and put in place a farm bill that once again says: America cares about family farming and its future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THINKING OF SENATOR KENNEDY

Mr. CASEY. Mr. President, let me say first I commend the remarks of the Senator from North Dakota who again reminds us of the importance of this legislation that we have been working on for many months now, and now having the votes, an overwhelming number of votes in the Senate to override the President's veto.

It is a bill that will help our farm families. But it is also a bill that we know from the percentage breakdown is about nutrition and conservation and so much else. So we are grateful for all of the work that went into this.

I am thinking today about not only this legislation. I want to spend a few moments talking about our veterans. But also we had an opportunity today at lunch to listen to three individuals whose stories, among others, are portrayed in a book about the Freedom Riders in the early 1960s and the impact they had on civil rights, and the courageous witness they provided is an understatement. People literally risked their lives for freedom in the South.

When I think about our veterans today, the GI bill that Senator WEBB brought to this body, and so many of us cosponsored, when I think about the GI bill, the work today on agriculture and nutrition, and also the witness provided by these speakers today at lunch who were Freedom Riders, I am, of course, thinking about Senator KENNEDY who is not with us today. He is outside of Washington and we are anxiously awaiting his return.

But I was thinking, as we all are today, about him and about his health but also his presence here. Everything we did today virtually he has had an impact on for more than a generation, whether it was nutrition or whether it was helping our veterans or whether it was having the courage to stand up for civil rights. So we are thinking of him today.

GI BILL OF RIGHTS

Mr. CASEY. Mr. President, I wanted to make a couple of remarks about the GI bill of rights. We had an opportunity today to vote on a piece of legislation which included that. That legislation is so necessary for our veterans. I know, Mr. President, you in your State, as a former Governor and Senator, know the impact of veterans.

In Pennsylvania, we have over a million veterans, and so many of them served our country in war after war. And in this war, the war in Iraq or anywhere in the world where they serve, all they are asking us to do is to help them in a couple of very basic ways: They want our respect, which we should always provide, and I think most Americans do over and over again. But they also should have the right to an education after they have served their country. It is that simple. We all know education is often referred to as the great equalizer. Sometimes when someone comes from a disadvantaged background, they are able to lift their sights and partake in the American dream because they have an education.

If soldiers are serving in combat, men and women in uniform for America, the least we should do is provide them with an education when they come home so they can have the chance at the American dream here at home.

I think the last thing, certainly not in that order, they have a right to expect is quality health care. We have a long way to go. Despite great work by people who work in the VA, there is a long way to go to provide the kind of quality health care our veterans have a right to expect.

So when we remember on this floor the words of Abraham Lincoln a long time ago when he talked, about people who served in combat and war, he talked about caring for him who has borne the battle and his widow and his orphan. When we think about that today, caring for him or her who has borne the battle, it must mean at least those three things: our respect, quality health care, and a quality education.

That is why this bill is so important. I am grateful so many of our colleagues agree with that. But we have got a long way to go to make sure the GI bill is the law of the land, not just something to debate but the law of the land.

I hope the President, I hope people on both sides of the aisle here join us in that, in making sure the GI bill of rights at long last is the law of the land.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. Madam President, I rise to talk about the need for dramatic, bold health care reform in this country, so every American has real access to good, affordable health care. In doing so, I wrap up a project I began 8 weeks ago with six of my Senate colleagues to highlight our proposed solutions to reforming health care in America.

I start by thanking those colleagues, Senators COBURN, DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR for joining me here on the Senate floor and in other venues to talk about this enormously important challenge for all of us.

We have reaffirmed what I think virtually every American knows, that we are in a health care crisis in this country, and there are some fundamental things broken, some fundamental things wrong with our present health care delivery system.

I want to reaffirm what was said: We need not just tinkering at the edges but some bold, dramatic reform to fix that system and give every American access to good quality and affordable health care.

But I also want to reaffirm there are clear choices to be made, dramatically different alternatives. We have laid out our positive choices in contrast to the other large alternatives, the single payer socialized solution that several of our colleagues here in this body have long advocated.

Our message, my colleagues and mine, Senators COBURN and DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR, has been simple at its core: The health care system must be centered on the doctor-patient relationship. Health care plans must be flexible and there must be real choice. Americans must be able to own and control their own plans and decisions and choose how those plans work for them, and Washington should not control or run or mandate all of this.

We believe individuals and families should own their own health insurance, and we oppose the Government managing or rationing people's health care. We believe individuals are capable and are better than bureaucrats at choosing that coverage which is best suited for their own needs.

We are opposed to forcing people to enroll in a plan versus providing incentives to encourage individuals and families to choose to enroll. We believe existing Government programs can be improved and modernized so they provide more efficient quality care to serve the purpose of their enactment.

In contrast to that, we oppose attempts to expand these specifically targeted programs and make them a Trojan horse for broader overreaching socialized medicine and sickness management by the Federal Government.

Instead of looking to put more people on Government health care, we should assure that the truly indigent have health coverage. My friends and colleagues who tried to rationalize a dramatically expanding SCHIP, for example, the ability to offer Government health care to already insured children, argued we have to put children first. But last year this Senate unfortunately and overwhelmingly rejected an amendment by Senator COBURN that would have assured that all children in the United States would have health care coverage before funding special interest pork projects.

We believe we should open and expand the health insurance marketplace to Americans so they can shop for health care across State lines and let insurance companies compete to provide quality, cost-effective care.

We oppose increasing the number of costly mandates that price individuals in so many cases out of the market and restrict consumer choice and access.

As my friend from South Carolina stated, there are almost 2,000 individual mandates in health care, covering in some cases acupuncturists and hair prostheses.

These mandates obviously drive up the cost of health care. In fact, according to the CBO, for every 1 percent increase in the cost of health care, 300,000 people lose their insurance. So there is a real human cost to so many of these mandates. This is supposed to be a free market society. I am perplexed as to why a consumer in South Carolina should not be able to shop for cheaper health insurance if that product is offered and sold in Louisiana.

This is commonsense reform to drive down mandates to a reasonable level. It would force insurance companies to compete with each other across State lines to offer cheaper quality plans. Americans are able to purchase or invest in almost anything in any State of the Union. This does promote competition. It encourages companies to offer better prices and better quality and more attractive interest rates for savings and better service. Why can't we bring that positive aspect to the market of health insurance?

My colleagues and I who join together in this discussion recognize that seniors have increasingly turned to Medicare Advantage plans because they offer better value, more choice, a higher quality of care than traditional fee-for-service Medicare. We oppose attempts to cut Medicare Advantage and reduce health care choices for seniors. Again, unfortunately, too many folks in this body are moving in the other direction. In fact, the chairman of the Finance Committee has indicated that the majority side of the aisle will offer a Medicare package that will likely significantly cut funding for the popular Advantage plan.

I have heard from thousands of Louisiana seniors who are overwhelmingly pleased with their Medicare Advantage plans. I hope we can preserve this option for seniors and find a reasonable compromise so we don't cut Medicare Part C and negatively affect those seniors.

We believe we should dramatically reform the tax treatment of health care by providing powerful incentives that will increase access by allowing Americans to keep more of their hard-earned money to pay for health care. We oppose tax increases that do the opposite, that seize American money from American families to pay for government-run and government-dominated health care. That limits access to doctors. It lowers the quality of health services. Addressing health care through our Tax Code would fundamentally change the health care market, if we do it in the right way. By letting Americans keep more of their money for health care through refundable tax credits, we can empower Americans with more resources to obtain and access care.

We have seen the results of increased utilization of health savings accounts. We want to see that when given the freedom to keep their tax-free money for health care, Americans will make conscious efforts to stay healthier, make better health care decisions, and shop for more cost-effective care and services. HSAs, health savings accounts, are a newly implemented concept and one that is working. Americans want choice, and tax advantage options such as HSAs allow for more choice in health care. We know our proposals would reform a broken system into one that is patient centered, high quality, lower cost, and where families choose and own their own health care plan. Government-run health care does not work and limits access and choice for families.

If you do not believe that, look to our neighbors. To the north we see Canada, which has a weekly lottery to see which of their citizens, in essence, can go to the doctor. Look to our friends across the Atlantic, to the British. The British National Health Service recently promised to reduce the wait time for hospital care to 4 months. That is supposed to be a dramatic improvement under that model, under Great Britain's national health care system.

Is that the kind of health care we want Americans to have? I sincerely hope our proposals over the last 8 weeks will be some part of promoting this badly needed debate. I sincerely hope that important debate leads to action, to results in the Senate and the Congress, results for the American people. Health care is one of the most important issues for American families today. It is time we actually do something instead of sitting on our hands in Washington. We need to go back to the States to talk about how we need to reform the American health care system. It is time to embrace the challenge of health care reform and do something now, not just punt to future Congresses, future Washington politicians, future Presidents.

I hope our discussion over the last 8 weeks helps promote that, not just debate but debate leading to action to improve the lives of all Americans with regard to health care.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SUPPLY

Mr. STEVENS. Madam President, this morning when I read the Wall Street Journal, I was interested in this article: "Energy Watchdog Warns of Oil Production Crunch." This is the IEA, the International Energy Agency, that makes estimates and keeps the world informed on the status of energy supplies. The conclusion in this article is that the demand for energy throughout the world continues to rise, but the supply is flat.

I think there is no question that this is a problem this country faces, the problem of supply. Too often people in the Senate are unwilling to talk about the problem of supply. As a matter of fact, in 1995, President Clinton vetoed a bill that would have opened a very small portion, about 2,000 acres, of the ANWR coastal plain, which is a million and a half acres set aside for oil exploration. It would have opened it to oil and gas development. That was shortsighted, a mistake, and it has had a devastating effect on Americans.

As this article in the Wall Street Journal points out, it predicts global demand for oil of 116 million barrels per day by 2030. Today the world's demand is only 87 million barrels a day, and we are paying $135 for each of those barrels. As the demand continues to rise—and we know it will—so will the cost. It will become higher and higher. This is what I have been trying to say now for 20 years in the Senate. We should be able to produce more of America's oil, and we import today 67 percent of our oil.

During the oil embargo in the 1970s, we imported about 34 percent. We are almost totally dependent now on oil from offshore. American oil is not available to this country. The alarming fact is, the military is the largest consumer of oil in the country. It uses about 4.8 billion gallons of oil per year. The problem really is, if we had an embargo today, we could not sustain our military, let alone our essential infrastructure. Our economy could not survive another embargo.

We need to realize we can produce American energy to meet our needs. If we produce it over a period of years, the price will be stabilized. The interesting thing is, on May 1—right here on the Senate floor—the senior Senator from New York called drilling in the Arctic National Wildlife Refuge "plain wrong." He said it was an "old saw." He said the field's probable 1 million barrels a day would reduce gas prices "only a penny a gallon."

Then, on May 11, the Senator from New York, Mr. SCHUMER, said:

> There is one way to get the price of oil down and it's two words—Saudi Arabia. If they were to increase 800,000 barrels per day, the price would come down probably 35 to 50 cents a gallon. That's a lot.

Now, why would 800,000 barrels of Saudi oil reduce gas prices 50 cents a gallon and 1 million barrels of American-produced oil from our State reduce the price at the pump only a penny?

As a matter of fact, the Senator from New York said this extra supply from Saudi Arabia would probably reduce the price of a gallon of gas by 62 cents before it was all over. Imagine that: 800,000 barrels of oil from Saudi Arabia could bring down the price of a gallon of gasoline by 62 cents. There is an absolute inconsistency with what the Senator from New York has told the Senate. I find that appalling on a thing such as the oil supply now, in view of the price of gasoline for Americans at the pump. They are paying the price because of President Clinton. They are paying the price because of stubborn opposition to develop the resources in my State.

Now, they tell us that drilling in the arctic could harm the Arctic Wildlife Refuge. It will not. As a matter of fact, the land we are going to develop was set aside in the act of 1980, a million and a half acres in the Arctic Plain, so it could be explored. It will not be part of the Arctic Wildlife Refuge until the exploration and development of that area is over.

I think there is no question we have to find a way to have the Members of this body make up their minds: What is the problem America faces today? It is supply. Our demand is increasing, like the rest of the world, but we do not have an American supply of oil. Off our shores, and in the deep water off Alaska, there is a bountiful supply of oil. We have two-thirds of the Continental Shelf of the United States, and there is only one well on that two-thirds of the Continental Shelf.

If you look over to the other side of the Bering Straits in Russia—Russia, which was a net importer of oil just 20 years ago, now is a net exporter of oil. Why? Because they developed the OCS off their shores. They now have a strong economy in Russia. Why? Because they do not export petrodollars anymore. They use money in their own country to finance development in their own country.

We have to make up our minds whether we are going to face blind opposition, incorrect, and uninformed opposition, or whether we are going to take the actions needed to develop American oil to meet American demand, and whether we are going to use the deep water off our shores to produce oil as does the rest of the world.

Norway produces oil off their shores. Britain produces oil off their shores. As a matter of fact, we produce oil off our southern shore, but we are prevented from producing oil off our northern shore. It is absolutely inconsistent and irrational what we are facing.

Our pipeline, at its peak, was transporting 2.1 million barrels of oil to the west coast of the United States. Today, it is producing about 700,000 barrels a day. It is two-thirds empty, in effect. It would not need a new pipeline to carry the oil that would be produced in ANWR. It is there. It could carry more than 1 million barrels a day easily. Yet it has been opposed. It has been opposed for over 20 years, by the same irrational people who come to the floor and say: Oh, oh, Saudi Arabia, produce more oil. Produce 800,000 barrels of oil a day, and we can probably expect gas prices at the pump to come down 62 cents. But if you bring 1 million barrels of oil down from Alaska, it is only going to affect the price by a penny.

I have to tell you, we have to have smarter energy solutions. I hope the time will come when we have a rational debate on this floor. I am reminded of that rational debate when we finally approved the legislation that brought about the construction of the Alaska oil pipeline in the 1970s. We waited 4 years for that pipeline to start because of stubborn opposition from the extreme environmentalists. It was finally overcome. That opposition was overcome by an act that was started right here on the floor of the Senate, which closed the courts of the United States to any further litigation over building that pipeline.

We were just following the oil embargo. America realized we had to have more American oil. There was no filibuster on this floor. The vote was 49 to 49, and that tie was broken by the then-Vice President.

Now, what has happened? Why should every time we bring up ANWR we have a filibuster? Why can't we bring to the American continent the resources of the continent that happen to be in our State?

Mr. INHOFE. Madam President, will the Senator yield for a question?

Mr. STEVENS. Madam President, I am happy to yield to my friend.

Mr. INHOFE. Madam President, I say to the Senator, I do not want to disrupt your line of thinking because I agree so much with you. But every time I hear people talking about ANWR, and I hear people talking about stopping any drilling or exploration in ANWR, it occurs to me, here you are, the senior Senator from Alaska. You have been here for a long time, and I have gone with you up to the area in which you are talking about drilling. I have heard people compare that to a postage stamp in a football field or something like that. It is a tiny area up there.

The question I have is twofold. First of all, why is it that as near as I can determine, people who live there all want to explore and resolve this problem we have in this country by drilling and exploring in ANWR? Who are we down here to tell them up in Alaska what is best for them? That would be the No. 1 question.

Then, the second thing is, what I have observed, I say to the senior Senator from Alaska, who has been here longer than I have, is that every time this has come up—I came from the House to the Senate back in 1995—now, on October 27, 1995, we voted 52 to 47, right down party lines, to go ahead and start exploring in ANWR. All the Republicans supported it. All the Democrats opposed it. Then, again, on November 17, 1995, the same thing happened: We voted to explore, the Democrats voted against it.

Then, after all that work was done, the President—then-President Clinton—on December 6, 1995, vetoed the bills that had this authority we had given them to drill. Then the same thing—I could go on and on—but in 2005, the same thing happened. The Senate voted on an amendment to the budget resolution to strike the expansion of exploration in ANWR. It failed by a vote of 49 to 51, right down party lines.

I guess the second question I would ask the Senator is, why is making us self-sufficient a partisan issue? Why do the Democrats oppose it and the Republicans support it?

Mr. STEVENS. I have to tell the Senator, that is comparatively new in terms of my time in the Senate. When I first arrived here, there was bipartisan support for producing American oil. We had a coalition with Republicans and Democrats, and we worked with the administration, whether it was Republican or Democrat, to find a way to bring more oil on line, oil produced by Americans and consumed by Americans.

When the opposition started on a political basis, we were then importing about 20 percent of our oil. As the opposition has continued, as I said, we now import 67 percent. That money, which would have been spent in this country producing millions of jobs, and putting people into permanent jobs, long-term jobs, is going to all these countries throughout the world because we do not have that investment. We have now what we call petrodollars, and we have to send our exports overseas to bring that money back.

This chart shows that 1 million barrels of imported oil cost the American economy 20,000 jobs, and we are importing 14 million barrels a day now.

So I tell the Senator, it is a recent phenomenon comparatively, and it is partisan. It started with President Clinton.

Mr. INHOFE. Well, Madam President, I will only respond to say that is my observation. I have not been here as long as the Senator has, but every year since I have been here, we have had this vote, and the people up there want us to drill, to explore, to produce.

I remember the argument against the Alaska pipeline. They said: Oh, it is going to destroy the caribou. What it has done, if you go up there, as I have been with you at any time during the summer months, the warm months, the only shade the caribou can find is the pipeline. You see them all out there. It has actually had the effect of increasing the breed.

But anyway, I keep thinking, if we had followed through with what we are talking about doing back in the middle 1990s, we would now be producing our own energy, producing our own oil, and we would not have these high prices at the pumps.

Mr. STEVENS. I thank the Senator very much.

I will close on this statement.

Madam President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD. I would hope that the Senate would pay attention to it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, May 22, 2008]

ENERGY WATCHDOG WARNS OF OIL-PRODUCTION CRUNCH

(By Neil King Jr. and Peter Fritsch)

The world's premier energy monitor is preparing a sharp downward revision of its oil-supply forecast, a shift that reflects deepening pessimism over whether oil companies can keep abreast of booming demand.

The Paris-based International Energy Agency is in the middle of its first attempt to comprehensively assess the condition of the world's top 400 oil fields. Its findings won't be released until November, but the bottom line is already clear: Future crude supplies could be far tighter than previously thought.

A pessimistic supply outlook from the IEA could further rattle an oil market that already has seen crude prices rocket over $130 a barrel, double what they were a year ago. U.S. benchmark crude broke a record for the fourth day in a row, rising 3.3% Wednesday to close at $133.17 a barrel on the New York Mercantile Exchange.

For several years, the IEA has predicted that supplies of crude and other liquid fuels will arc gently upward to keep pace with rising demand, topping 116 million barrels a day by 2030, up from around 87 million barrels a day currently. Now, the agency is worried that aging oil fields and diminished investment mean that companies could struggle to surpass 100 million barrels a day over the next two decades.

The decision to rigorously survey supply—instead of just demand, as in the past—reflects an increasing fear within the agency and elsewhere that oil-producing regions aren't on track to meet future needs.

"The oil investments required may be much, much higher than what people assume," said Fatih Birol, the IEA's chief economist and the leader of the study, in an interview with The Wall Street Journal. "This is a dangerous situation."

The agency's forecasts are widely followed by the industry, Wall Street and the big oil-consuming countries that fund its work.

The IEA monitors energy markets for the world's 26 most-advanced economies, including the U.S., Japan and all of Europe. It acts as a counterweight in the market to the views of the Organization of Petroleum Exporting Countries. The IEA's endorsement of a crimped supply scenario likely will be interpreted by the cartel as yet another call to pump more oil—a call it will have a difficult time answering. Last week, the Saudis gave President Bush a lukewarm response to his plea for more oil, saying they were already adding 300,000 barrels a day to the market, an announcement that did nothing to cool prices.

At the same time, the IEA's conclusions likely will be seized on by advocates of expanded drilling in prohibited areas like the U.S. outer continental shelf or the Alaska National Wildlife Refuge.

The IEA, employing a team of 25 analysts, is trying to shed light on some of the industry's best-kept secrets by assessing the health of major fields scattered from Venezuela and Mexico to Saudi Arabia, Kuwait and Iraq. The fields supply over two-thirds of daily world production.

The findings won't be definitive. Big producers including Venezuela, Iran and China aren't cooperating, and others like Saudi Arabia typically treat the detailed production data of individual fields as closely guarded state secrets, so it's not clear how specific their contributions will be. To try to compensate, the IEA will use computer modeling to make estimates. It will also collect information gathered by IHS Inc., a major data and analysis provider based in Colorado, as well as the U.S. Geologic Survey, a smattering of oil and oil-service companies, and national petroleum councils.

SUPPLY-SIDE GLOOM

But the direction of the IEA's work echoes the gathering supply-side gloom articulated by some Big Oil executives in recent months. A growing number of people in the industry are endorsing a version of the "peak-oil" theory: that oil production will plateau in coming years, as suppliers fail to replace depleted fields with enough fresh ones to boost overall output. All of that has prompted numerous upward revisions to long-term oil-price forecasts on Wall Street.

Goldman Sachs grabbed headlines recently with a forecast saying that oil could top $140 a barrel this summer and could average $200 a barrel next year. Prices that high would add to the inflationary pressures weighing on the world economy and to the woes of fuel-sensitive industries such as airlines and autos.

The IEA's study marks a big change in the agency's efforts to peer into the future. In the past, the IEA focused mainly on assessing future demand, and then looked at how much non-OPEC countries were likely to produce to meet that demand. Any gap, it was assumed, would then be met by big OPEC producers such as Saudi Arabia, Iran or Kuwait.

But the IEA's pessimism over future supplies has been building for some time. Last summer, the agency warned that OPEC's spare capacity could shrink "to minimal levels by 2012." In November, it said its analysis of projects known to be in the works suggested that the world could face a shortfall by 2015 of as much as 12.5 million barrels a day, unless there was a sharp drop in expected demand. The current IEA work aims to tally the range of investments and projects under way to boost production from the fields in question to get a clearer sense of what to expect in production flows.

"This is very important, because the IEA is treated as the world's only serious independent guardian of energy data and forecasts," says Edward Morse, chief energy economist at Lehman Brothers. Examining the state of the world's big oil fields could prod their owners into unaccustomed transparency, he says.

Some critics of the IEA, while praising its new study, say a revision in the agency's long-term forecasting is long overdue. The agency has failed to anticipate many of the big energy developments in recent years, such as the surge in Chinese demand in 2004 and this year's skyrocketing prices. "The IEA is always conflicted by political pressures," says Chris Skrebowski, a London-based oil analyst who keeps his own database on big petroleum projects and is pessimistic about supply. "In this case I think they want to make as incontrovertible as possible the fact that we are facing a real crunch."

U.S. FORECASTS

The U.S. Energy Department's own forecasting shop, the Energy Information Administration, has long stuck to the same demand-driven methodology as the IEA, assuming that supply will keep up with the world's growing hunger for oil. But the U.S. agency also has embarked on its own supply study, which it hopes to complete this summer. Like the IEA, its preliminary findings are somewhat gloomy: They suggest daily output of conventional crude oil alone, now about 73 million barrels, will plateau at 84 million barrels, and that it will take a significant uptick in production of nonconventional fuels such as ethanol to push global fuel supplies over 100 million barrels a day by 2030.

"We are optimistic in terms of resource availability, but wary about whether the investments get made in the right places and at a pace that will bring on supply to meet demand," says Guy Caruso, the U.S. agency's administrator.

In Paris, analysts at IEA also fret that a lack of investment in many OPEC countries, combined with a diminished incentive to ramp up output, casts serious doubt over how much the cartel will expand its production in the future. The big OPEC producers have been raking in record profits, creating a disincentive in many countries to sink more billions into increased oil production.

Meanwhile, politics and other forces are delaying projects that could bring more oil on-stream. Continued fighting in Iraq has stymied efforts to revive aging fields, while international sanctions on Iran have kept investments there from moving forward. Rebel attacks in Nigeria and political turmoil in Venezuela have cut into both countries' output. Big non-OPEC producers such as Mexico and Russia, which have either barred or sidelined international operators, are seeing production slump. The U.S., with a legal moratorium barring exploration in 85% of its offshore waters, is struggling to keep its output steady.

The IEA study will try to answer one question that bedevils those trying to forecast future prices and the supply-demand balance: How rapidly are the world's top fields declining? The rates at which their production dwindles over time are a much-debated barometer of the health of the world's oil patch.

DEPLETION RATE

A study released earlier this year by the Cambridge Energy Research Associates, a consulting firm and unit of IHS, concluded that the depletion rate of the world's 811 biggest fields is around 4.5% a year. At that rate, oil companies have to make huge investments just to keep overall production steady. Others say the depletion rate could be higher.

"We are of the opinion that the public isn't aware of the role of the decline rate of existing fields in the energy supply balance, and that this rate will accelerate in the future," says the IEA's Mr. Birol.

Some analysts, however, contend that scarcity isn't the issue—only access to reserves and investment in tapping them. "We know there is plenty of oil and gas resource in the world," says Pete Stark, vice president for industry relations at IHS. He says the difficulties of supply aren't buried in oil fields, but are "above ground."

Mr. Morse at Lehman Brothers notes that there are plenty of questions about supply yet to be answered. "However confident the IEA may be about the data it has, they know nothing about the resources we've yet to discover in the deep waters or in the arctic," he says.

Mr. STEVENS. Madam President, I do thank the Chair for her patience.

Let me do one last thing.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 575 are printed in today's RECORD under "Submitted Resolutions.")

Mr. STEVENS. I thank the Chair for her patience and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Alaska. This is a frustration I have felt for so long: that it is not just that right down party lines we are not able to produce in ANWR, but also it goes offshore. We have tried, on the Republican side, to do something about increasing the supply—by drilling in Alaska, by going at the tar sands, and I am sure the Senator from Colorado will talk a little bit about shale out in the western part of his State and in my State of Oklahoma, trying to give tax incentives for the production at marginal wells, which are wells that produce under 15 barrels of oil a day.

I can give a statistic that I do not have to back up because it has never been refuted. If we had all the marginal wells flowing today that have been shut down in the last 10 years, it would amount to more than we are currently importing from Saudi Arabia.

So I think it is very arrogant, when you have two hard-working Senators and one Member of the House from Alaska who want very much to do what 100 percent of the people want to do in Alaska; that is, to improve their economy by producing cheap oil for us domestically so we can bring down the price of gas, when they will not allow us to do it.

Let me make one comment. I am going to be joined by the Senator from Colorado. I want to touch upon one other area.

If we had been and would be successful in being able to drill more oil domestically so we can bring down the price of gas, no matter how much we produced, it can't go into the gas tank until it has been refined. So refining capacity is something that is very critical in this country. Again, right down party lines, they have prevented us from having that refinery capacity.

Three different times I had on the floor a bill called the Gas Price Act. All it was was a bill to start building refineries in America. It has been 30 years; 1976 was the last refinery we had in America. What we need to do is start building refineries. Well, with the BRAC process—and for those of you who come from States that don't have any military operations, you may not know what this is, but the BRAC process is the Base Realignment and Closure Commission. That is where you go through an independent entity to determine which of the military installations should be shut down. Of course, when you shut down a military installation, it is economically devastating to the adjoining communities.

With the Gas Price Act, what we have done is provide that if you have been shut down as a military installation, we could provide assistance through the Economic Development Administration for cities—if they are so inclined—to make applications so that they can turn these closed bases into refineries.

I thought when we developed this thing that it wouldn't be a problem at all because no one should be against it. Everyone knows we have to increase our refining capacity. We offered amendments on this bill to streamline the process.

Also, if people changed their minds in communities, they would be able to stop this from taking place. States have a significant, if not dominant, role in permitting existing or new refineries. Yet States face particularly technical and financial constraints when faced with these extremely complex facilities. So my Gas Price Act requires the administrator to coordinate and concurrently review all permits with the relevant State agencies to permit refineries. This program does not waive or modify any environmental law and consequently should not have had anyone in opposition to it.

Now, we brought it twice to the floor—three times to the floor and twice we had votes—and right down party lines, every Democrat voted against the Gas Price Act. All we wanted to do, along with the local governments and local communities, was to build refineries so that we could refine what will hopefully be someday an increase in capacity so we will not be reliant upon foreign countries for our ability to run this machine called America, but we would be able to produce our own energy.

I think it is important that every time we talk about increasing production, which we just have to do, we also have to talk about the refining capacity. We are all ready to go, I say to my good friend from Colorado, with the Gas Price Act if we are able to move in that direction.

I believe that over the Memorial Day recess, when everybody is out there driving and people are much more sensitive to the price of gas, they are going to look back and say: You know, maybe the Republicans were right all of those years; maybe we should be increasing our supply, as the Senator from Alaska put it, of gasoline and oil produced in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I wish to thank the Senator from Oklahoma on this particular issue. I also wish to thank the last speaker, TED STEVENS of Alaska, for his leadership in making sure we have adequate energy for the American people. Right now, we are falling short. The reason for that is this Congress. It is not business where we should assert blame; it is not the stock markets we have heard blamed on this floor, or the futures market. It is simply because Congress has been tying up these reserves and not providing the incentives we need to move ahead with oil refineries and to make supplies available on the market.

This is a supply-and-demand issue. The demand in this country is exceeding the supply. If we want to become less dependent on foreign oil, we need to do more than what we have done historically.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3062 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, I agree wholeheartedly with the comments and the legislative ideas my friend from Colorado has. Again, it is a great frustration that we have tried so hard for so many years to expand our supply here in this country. Hopefully, now, one of the benefits we will get from the high price of fuel is the recognition that we have to start producing our own energy in this country. That is what we should be doing.

Hopefully, after this holiday, when we get back, enough people will have spent enough money driving around and there will be enough political pressure that we can get people to agree to start drilling in ANWR, drilling offshore, drilling in the shale area, and experimenting in some of these areas where we could become totally self-sufficient in America.

IRAQ WAR

Mr. INHOFE. Madam President, I wish to address a little-known secret, a secret to the media and therefore a secret to the American people; that is, we are winning the war in Iraq.

Yesterday, I read an article—I think it was maybe the day before yesterday—in the New York Post by Ralph Peters. It was called "Success in Iraq: A Media Blackout." In it, he writes:

> As Iraqi and coalition forces pile up one success after another, Iraq has magically vanished from the headlines. Want a real "inconvenient truth"? Progress in Iraq is powerful and accelerating.

I think he hit the nail on the head. When this war got tough, the cut-and-run defeatist provisions started making their way into bills and amendments. Those provisions send a powerful message to our troops and to our enemies: America is not committed to this fight.

But America has remained committed, and through that commitment we continue to attain success. I have been to Iraq, and I have watched the tide turn. I believe I have been there many more times than any other Member. I am on the Senate Armed Services Committee, and I spend time there. I see, month after month, the changes in what has happened since the acceleration.

My visit in June 2006 was in the wake of Zarqawi's death. Iraqis were operating under a 6-month-old parliament. Al-Qaida continued to challenge coalition forces throughout Iraq. In response, coalition forces launched 200 raids against al-Qaida, clearing out the strongholds. The newly appointed Defense Minister and I discussed the current situation in Iraq, the violence brought to that country by al-Qaida, and the transformation beginning in Iraq. I saw the emergence of a sense of what Iraq could be.

Fast forward to May 2007. I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and several other areas. Ramadi went from being controlled by al-Qaida and hailed as a capital under control of the Iraqi troops—by the way, this was at a time when Ramadi was being declared as the potential terrorist capital of the world. We saw neighborhood security watch groups identifying the IEDs with orange spray paint. We saw joint security stations. Things started accelerating and improving over there. Increased burden-sharing was taken on by the Iraqis. Fallujah came under the control of the Iraqi brigade. We had our marines there going door to door World War II style. At that time, I observed—in May 2007—that all of the sudden it was under their own security. Al Anbar changed from a center of violence to a success story. In Baghdad, sectarian murders decreased 30 percent, and joint security stations stood up, forming deep relationships between coalition and Iraqi forces and civilians—"brotherhood of the close fight," as General Petraeus put it. You have to be there to see it and witness personally the excitement that is demonstrated by the Iraqis and the pride they have that they are now in a position to do things for themselves that they were depending on us for before.

On July 30, 2007, 2 months after I returned from Iraq, Michael O'Hanlon and Kenneth Pollack wrote an op-ed piece in the New York Times. It was interesting because we had never seen anything positive about our troops or about the war effort in the New York Times. This one talked about troop morale, that it was high, with confidence in General Petraeus's strategy; civilian fatality rates were down roughly a third since the surge began; the streets in Baghdad were coming back to life with stores and shoppers. I can remember that. When I am over there, I will go into a shopping area and go up to someone carrying a baby and talk to them through an interpreter. That is where you get to people who are excited because there could be a new life in the young person. They noted that American troop levels in Tal Afar and Mosul numbered only in the hundreds because the Iraqis stepped up to the plate. More Iraqi units were well integrated in terms of ethnicity and religion. Local Iraqi leaders and businessmen were cooperating with embedded provincial reconstruction teams to revive the local economy and build new political structures.

I returned to Iraq on August 30, and the surge continued its success. I traveled to the contingency operating base in Tikrit, Patrol Base Murray, south of Baghdad, and visited with Ambassador Crocker and General Petraeus, who gave his wonderful testimony this morning to the Senate Armed Services Committee.

I saw again on July 30 a significantly changed Iraq. Less than half of the al-Qaida leaders who were in Baghdad when the surge began were still in the city. They either fled, have been killed, or have been captured. The U.S. troop surge in Iraq threw al-Qaida off balance and produced dramatic results. There was a 75-percent reduction in religious/ethnic killings in the capital. They doubled the seizures of insurgents' weapons caches. There was a rise in the number of al-Qaida kills and captures. There was the destruction of six media cells—degrading al-Qaida's ability to spread propaganda. Anbar incidents and attacks dropped from 40 per day to less than 10 a day. This is between the two times I had been there. The economy grew and markets were open, crowded, stocked, selling fresh fruit, and running as you would expect them to. A large hospital project in the Sunni Triangle was back on track The Iraqi Army performance was significantly improving. Iraqi citizens formed a grassroots movement called Concerned Citizens League. Most of the cities in America, including my cities in Oklahoma, have neighborhood watch programs, where the neighborhoods and people who live there are watching to prevent crimes. That is what is happening in Baghdad and throughout Iraq.

You now see Baghdad returning to normalcy. You see kiddie pools, lawns cared for, amusement parks, and markets. The surge provided security, and security allowed local populations and governments to stand up. Basic economics took root, and Iraqis began spending money on Iraqi projects.

In September, a month later, Katie Couric was there. If there is one who has been a critic of anything in this administration, our troops, or anything happening in Iraq, it is Katie Couric. She said:

> Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the Allawi market, which is near Haifa Street, which was the scene of that very bloody gun battle back in January, and, you know, this market seemed to be thriving, and there were a lot of people out and about. A lot of family-owned businesses and vegetable stalls, and so you do see signs of life that seem to be normal . . . the situation is improving.

Madam President, that is not Senator INHOFE talking, it is Katie Couric, who has been probably the worst critic of things over there. So people are realizing that good things are happening.

Despite these successes, the truth about what our troops and the coalition have accomplished in Iraq, it is hidden by the mainstream media. In a recent report of the Media Research Center, it shows that as the improvements took place—this is the timeframe I was talking about, in late 2007. There were this many stories in 2007, and as things improved, it went from 178 in the month of September, down to 108 in October, down to 68 in November, and it shows the media bias that is out there.

As Ralph Peters put it in the article I quoted a minute ago:

> The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

I returned to Iraq on March 30 of this year, just about the same time Prime Minister Maliki kicked off his Basra campaign. I was at Camp Bucca, right next to Basra, when they took the initiative. I was there working with Major General Stone and saw what his task force is doing now for detainees.

Before I talk about detainees, let me say how proud their troops were that, for the first time in a major surge, they came into Basra to take care of their own province. We were there.

I have been disturbed about the representation as to how our detainees have been treated. I stopped down at Camp Bucca, the largest detainee camp anywhere in all of Iraq. They separated the extremists and were arming the moderates with education and job skills. We found out that most of them—the vast majority of those who were detainees were actually working before they became detainees, and they were fighting because there is total unemployment there. The only place they could get a job was with the military.

What General Stone has done such a great job of is retraining these people—training them to be carpenters and masons. It is very successful, truly turning bombers and criminals into productive Iraqi citizens and sending them back into the population. Out of 6,000 released, only 13 were rearrested. That kind of tells us the success story. These people are integrating in and working on our side, working in neighborhood groups.

We are now seeing the lowest violence indicators since April 2004. The Iraqi people are turning away from violence. The Government of Iraq is asserting more control, searching out militia and insurgent strongholds.

Operations in Basra and, more recently, in Sadr City have shown the capabilities of the Iraqi security forces and the will of Iraqi leadership. I wish you could have been at the hearing this morning. You could have seen and listened to the progress being made in Sadr City. The Iraqi people are just taking back their streets.

As Ralph Peters said in his article, instead of the media even mentioning the positive role the Iraqis are taking in fighting this war, they focus on a small fraction of Iraqi soldiers choosing not to fight. Mr. Peters, I agree with you that "our troops deserve better, the Iraqis deserve better, and you, the American people, deserve better. The forces of freedom are winning." That is what he said, and I agree.

Iraq is at a decisive turning point in its journey toward democracy. The surge created opportunities that the Iraqi people have not taken for granted. The "awakening" is spreading from Al Anbar to Diyala Province. "Concerned Citizens Leagues," through coalition support, are now taking back Iraqi streets from the insurgents. The once turbulent and violent Al Anbar Province has returned to Iraqi control. They are actually doing these things themselves.

The surge enabled the Government of Iraq to meet 12 out of the original 18 benchmarks set for it, including 4 out of the 6 legislative benchmarks. That means their Government is starting to put it together.

Iraq has also conducted a surge, adding well over 100,000 additional soldiers—these are Iraqi security forces—and police to the ranks of its security forces in 2007 and is slowly increasing its capability to deploy and employ these forces.

It is anticipated that Iraq will spend over $8 billion on security this year and $11 billion next year. Iraq's 2008 budget has allocated $13 billion for reconstruction, and a $5 billion supplemental budget this summer will further invest export revenues in building the infrastructure.

What I am saying is that the reconstruction in that country is now being paid for by the Iraqis. One of the chief criticisms we have had by people whom I call the cut-and-run folks was that they are not paying their own part.

One of the best programs we have is the Commander Emergency Relief Program, which allows our commanders to make determinations as to what needs to be done immediately. It is spending a small amount of money and will go a long way by doing it. How many people know that the Iraqi Government recently allocated $300 million for our forces to manage the Iraqi CERP? They are taking over their own responsibility.

The Iraqi Government has also committed $163 million to gradually assume Sons of Iraq contracts, $510 million for small business loans, and $196 million for a joint training and reintegration program. Oil reserves are being shared with the provinces.

Al-Qaida is a spent force in Iraq. Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is becoming isolated.

We have to remain focused and realize that these successes will not continue until we, the people, become so informed that we recognize the successes.

The first thing I hear from the Iraqi forces on the many trips I have made there is that: The people of America don't appreciate what we are doing. Now they know more than before how much we do appreciate it, how critical it is that we stay with it.

I think—and I will wind up with this—Ahmadinejad made a statement, and inadvertently he was a great help to us because when all the surrender resolutions were entered in this body, the President of Iran assumed one was going to pass and America was going to leave Iraq—he made the statement that when America leaves Iraq, it is going to create a vacuum, and we are going to fill that vacuum.

Anyone who knows history in the Middle East knows there are no two groups who dislike each other more than the Iranians and Iraqis. That got the attention of the Iraqis. That is one of the many reasons, with the supernatural powers in intelligence and war capabilities of General Petraeus and General Odierno and some of the rest who are involved, that caused this whole thing to turn around.

The success story is well told in the article to which I referred. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS IN IRAQ: A MEDIA BLACKOUT

(By Ralph Peters)

May 20, 2008.—DO we still have troops in Iraq? Is there still a conflict over there?

If you rely on the so-called mainstream media, you may have difficulty answering those questions these days. As Iraqi and Coalition forces pile up one success after another, Iraq has magically vanished from the headlines.

Want a real "inconvenient truth"? Progress in Iraq is powerful and accelerating.

But that fact isn't helpful to elite media commissars and cadres determined to decide the presidential race over our heads. How dare our troops win? Even worse, Iraqi troops are winning. Daily.

You won't see that above the fold in The New York Times. And forget the Obama-intoxicated news networks—they've adopted his story line that the clock stopped back in 2003.

To be fair to the quit-Iraq-and-save-the-terrorists media, they have covered a few recent stories from Iraq:

When a rogue U.S. soldier used a Koran for target practice, journalists pulled out all the stops to turn it into "Abu Ghraib, The Sequel."

Unforgivably, the Army handled the situation well. The "atrocity" didn't get the traction the whorespondents hoped for.

When a battered, bleeding al Qaeda managed to set off a few bombs targeting Sunni Arabs who'd turned against terror, that, too, received delighted media play.

As long as Baghdad-based journalists could hope that the joint U.S.-Iraqi move into Sadr City would end disastrously, we were treated to a brief flurry of headlines.

A few weeks back, we heard about another Iraqi company—100 or so men—who declined to fight. The story was just delicious, as far as the media were concerned.

Then tragedy struck: As in Basra the month before, absent-without-leave (and hiding in Iran) Muqtada al Sadr quit under pressure from Iraqi and U.S. troops. The missile and mortar attacks on the Green Zone stopped. There's peace in the streets.

Today, Iraqi soldiers, not militia thugs, patrol the lanes of Sadr City, where waste has replaced roadside bombs as the greatest danger to careless footsteps. U.S. advisers and troops support the effort, but Iraq's government has taken another giant step forward in establishing law and order.

My fellow Americans, have you read or seen a single interview with any of the millions of Iraqis in Sadr City or Basra who are thrilled that the gangster militias are gone from their neighborhoods?

Didn't think so. The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

Meanwhile, they've performed yet another amazing magic trick—making Kurdistan disappear.

Remember the Kurds? Our allies in northern Iraq? When last sighted, they were living in peace and building a robust economy with regular elections, burgeoning universities and municipal services that worked.

After Israel, the most livable, decent place in the greater Middle East is Iraqi Kurdistan. Wouldn't want that news getting out.

If the Kurds would only start slaughtering their neighbors and bombing Coalition troops, they might get some attention. Unfortunately, there are no U.S. or allied combat units in Kurdistan for Kurds to bomb. They weren't needed. And (benighted people that they are) the Kurds are proAmerican—despite the virulent anti-Kurdish prejudices prevalent in our Saudi-smooching State Department.

Developments just keep getting grimmer for the MoveOn.org fan base in the media. Iraq's Sunni Arabs, who had supported al Qaeda and homegrown insurgents, now support their government and welcome U.S. troops. And, in southern Iraq, the Iranians lost their bid for control to Iraq's government.

Bury those stories on Page 36.

Our troops deserve better. The Iraqis deserve better. You deserve better. The forces of freedom are winning.

Here in the Land of the Free, of course, freedom of the press means the freedom to boycott good news from Iraq. But the truth does have a way of coming out.

The surge worked. Incontestably. Iraqis grew disenchanted with extremism. Our military performed magnificently. More and more Iraqis have stepped up to fight for their own country. The Iraqi economy's taking off. And, for all its faults, the Iraqi legislature has accomplished far more than our own lobbyist-run Congress over the last 18 months.

When Iraq seemed destined to become a huge American embarrassment, our media couldn't get enough of it. Now that Iraq looks like a success in the making, there's a virtual news blackout.

Of course, the front pages need copy. So you can read all you want about the heroic efforts of the Chinese People's Army in the wake of the earthquake.

Tells you all you really need to know about our media: American soldiers bad, Red Chinese troops good.

Is Jane Fonda on her way to the earthquake zone yet?

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Madam President, I rise, similar to many of my colleagues this afternoon, to talk about the high price of gasoline and what we need to do as we are leaving Washington and going home for Memorial Day recess to hear, I am sure, from many constituents that they are very concerned about this crisis of paying an ever-increasing amount for gasoline.

Today, I am sure, the market is going to set another record for the number of days gas prices continue to go up, and our constituents want to see relief. I know many of my colleagues have come out here and talked about new supply. I certainly feel one of the biggest priorities the Senate has is to pass a tax credit bill for renewable energy so we can get predictability in the market and continue to get new energy incentives in place. That will take pressure off some of these other supply issues. But many of my colleagues keep talking about the United States looking for more oil or things the United States can do to get into the oil game in a more robust way.

This chart shows it pretty clearly. The United States has 2 percent of the world's oil reserves—2 percent. These are all the other countries with which my colleagues are familiar: Saudi Arabia at 20 percent of the world's oil reserves; Iraq and Iran, another 18 percent. These are the big players.

The point is, the United States is not going to dramatically impact the price of oil by what we do with only 2 percent of the world's oil reserve. So if we want a solution, we are not going to get a solution out of what the United States can do in continuing to be addicted to oil.

It is very important to also note that in the past, we have had many a conversation about this problem and what is the high price of gasoline. We had the same debate when it was the high price of electricity. No one wanted to hear about any other issue than the fact that it was just a supply-and-demand problem. In fact, the Vice President in 2001 said, when talking about the electricity crisis, when prices were going through the roof:

> They have got a whole complex set of problems out there that are caused by relying only on conservation and not doing anything about the supply side of the equation.

We found out very shortly thereafter that, no, that was not right. It was not about conservation and supply side; it was about the manipulation of the electricity market. There were lots of people like that. The Cato Institute had a similar take on it. This was in 2002. In 2002, we had gone through much of the Enron debacle, and we had seen prices in the State of Washington for electricity rise almost 3,000 times what they had been. Yet people were still saying:

> Most of the price spike in 2000–2001 is explained by drought, increased natural gas prices, the escalating cost of nitrogen oxide emissions . . . and retail price controls.

We all know the history, now that we have had a few years to look back on it. It wasn't those supply and demand factors but the fact that we actually had unbelievable manipulation of the electricity market.

The reason why I am bringing that up is because I wish to make sure we are policing the oil markets. I wish to make sure we in the United States are doing everything we can to burst this oil price bubble we are seeing. We want to pop this price bubble and give consumers a more reliable number about supply and demand that even the oil company executives are saying. They have testified before Senate committees saying oil should be anywhere from $50 to $60 a barrel; that what we are seeing in the marketplace is not about the normal supply-and-demand features, but it is actually about the fact that something else is going on in the marketplace. This is one CEO from ExxonMobil, recently in early April, who testified:

> The price of oil should be about $50–$55 per barrel.

I am not against discussions about future oil exploration. That is not the point. The point is, what are we going to do to solve this problem and burst this price bubble that while we are going out for the Memorial Day recess is going to continue to plague the economy, continue to plague our consumers, and continue to cause major havoc to our economy.

I think one of the solutions is to ensure effective oversight in the oil market as it relates to oil futures. I know people say they might not wish to talk about oil futures, but I am going to talk about oil futures because of the effect of substantial deregulation has had on these markets. On December 15 of 2000, at 7 p.m. on a Friday night as Congress was adjourning a lame-duck session, the last day of the 106th Congress, on an 11,000-page appropriations bill came to the floor of the Senate, we added a 262 page amendment—the Commodities Futures Modernization Act—that basically deregulated the energy futures market and said it didn't have to have the oversight of other products.

While the Commodities Exchange Act Reauthorization that recently passed as part of the Farm bill gives the CFTC more teeth to police these U.S. futures markets, under an administrative loophole speculators are still free to trade U.S. based energy commodities on U.S. trading engines free from full U.S. oversight meant to prevent fraud, manipulation, and excessive speculation. This is done under and informal CFTC staff "no-action" letter, which essentially means that the CFTC will not take action against a foreign exchange to prevent fraud, manipulation, and excessive speculation. That means, at least on ICE Futures Europe, trading of U.S. crude oil futures, particularly the West Texas Intermediate oil contract, and U.S. home heating oil futures and U.S. gasoline futures—products that are produced in the United States, delivered in the United States, consumed in the United States, and traded in the United States—are escaping U.S. oversight. I think that is a great concern to the American consumer who wants to make sure we have transparency in energy markets.

If we think about other trading, stocks for example, we have the Securities and Exchange Commission. They look at the stock market, and they have oversight to make sure there is nothing untoward happening in the market, like manipulation. We also have NYMEX, another exchange in the United States. The Commodity Futures Trading Commission oversees that futures exchange and has oversight. Also the Chicago Mercantile Exchange—the CFTC has oversight of that futures exchange. The CFTC implements market rules. But as for trading U.S. energy futures on ICE Futures Europe, the CFTC has said: No, we don't have to have oversight of that exchange.

As I mentioned, the Congress has charged the CFTC with protecting consumers by policing futures markets for fraud, manipulation, and excessive speculation. It does this by requiring certain market rules like position limits, large trader reporting, record keeping, and trader licensing and registration. These are tried-and-true tools that Government has used to protect consumers, to protect investors, to protect business, to protect our economy, to make sure manipulation is not happening.

I often think these are great programs, but wonder why we allow certain trading of critical energy commodities to escape such oversight requirements. I always like to give the example of cattle futures because somehow it seems we are more willing to regulate hamburger in America and than we are oil.

Here are two examples of U.S. commodities: cattle futures trading and oil futures trading. When we look at the rules, cattle futures are not an exempt commodity; but when you consider the ICE Futures Europe, oil certainly is. For cattle futures, the exchange trading U.S. cattle futures has to register with the CFTC, whereas oil trading on the ICE Futures Europe does not. And daily reporting requirements: more for hamburger and less for oil on ICE Futures Europe. What about speculative limits? more for hamburger and less for oil on ICE Futures Europe.

Why am I so concerned about this significant change that transpired? The significant change that transpired is since ICE Futures Europe—which again is not subject to U.S. oversight meant to prevent fraud, manipulation, and excessive speculation—began trading West Texas Intermediate oil in February 2006, oil has gone from $60 a barrel in 2006 now to over $134 a barrel. You bet I want to get down to the brass tacks about exactly how this exchange is working, to have the oversight and to see what large trading positions are being used in this market.

Many people have a concern about this. One report in the Asia Times was quoted as saying:

> Where is the CFTC now that we need [speculation] limits? It seems to have deliberately walked away from its mandated oversight responsibilities in the world's most important traded commodity, oil.

This is by F. William Engdahl, who said this in early May of this year.

People are observing and wanting to know what we are going to do about this situation. That is why I think it is incredibly important to take action. What am I talking about, taking action? First of all, today Senator SNOWE and myself and several of our colleagues are sending a letter to the CFTC insisting that they reverse their no action in oversight of this foreign market, noting that this is a dark foreign market where oil futures are traded. We are saying bring the bright light of day into this exchange and protect consumers by ensuring that market manipulation of oil prices is not happening.

As I said, the CFTC basically gave up this oversight under an informal staff no action letter process. How did this happen? Well, in 1999 the London based International Petroleum Exchange, the IPE, which was a much smaller and foreign owned exchange, asked the CFTC for a no action letter, and received it. The IPE wanted to locate trading terminals in the U.S. but did not want to be subject to direct CFTC oversight. The CFTC decided that the IPE did not have to have to be subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was going to be doing it. Then, in 2001, the U.S. owned, Atlanta based, Inter-Continental Exchange, or ICE, came along and bought the IPE. After that, the now U.S. owned IPE continued to escape U.S. oversight even though it received the foreign exchange no action letter based on it being a foreign based exchange.

So, in 2001, we can see a U.S. based entity basically purchased this foreign exchange, and the CFTC did not take action. In 2006, now named ICE Futures Europe, it starts trading what is a U.S. oil product, trading on U.S. desks in the United States and the CFTC continues to basically take no action to review that.

Our letter says the CFTC should start reviewing these trades immediately and reverse their no action decision. We hope that while we are at recess, the CFTC will take this action.

Why is this so important? Because many are concerned that U.K. oversight over U.S. energy trading is not sufficient to protect our consumers from fraud, manipulation, and excessive speculation. In fact, CFTC Commissioner Bart Chilton, on April 22 of this year, said:

> I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom's Financial Services Authority].

He is basically saying he has great concerns about the oversight by the government in the United Kingdom. He should have great concerns about that because the oversight in the United Kingdom is not comparable to the oversight in the United States.

The problems at the FSA led to the collapse of England's Northern Rock Bank. There was much written about this issue. They had high turnover in the staff, inadequate numbers to carry the load of what they were responsible for, very limited direct contact with the bank, incomplete paperwork, and limited understanding of their duties.

All this led to major problems, and it led the CEO of the Financial Services Authority to say:

> It is clear from the thorough review carried out by the internal audit team that our supervision of Northern Rock in the period leading up to the market instability of late last summer was not carried out to a standard that was acceptable.

There are those in the United Kingdom who are criticizing the oversight abilities of their Financial Services Authority to handle this area.

The CFTC could act today in helping the United States bust this price bubble by doing their job and step in to provide needed oversight of this market.

One energy trader analyst from Oppenheimer said in April:

> Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

This is what energy analysts are saying. So we have a great deal of continuity in the marketplace of people telling us it is time for us to act. In fact, we are going to be having a hearing when we return on Tuesday after the Memorial Day recess. I know we are going to hear from many people, but one of them will be Professor Greenberger of the University of Maryland Law School, a former CFTC department head, who testified before one of our joint Democratic Policy Committee hearings. He says:

> The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I want to make sure the CFTC knows we will continue to pursue this. We hope they take action. We hope they will address this issue. But if they do not, we stand ready to make sure oversight in this financial market, that is a dark market on the ICE Futures Europe exchange, has the bright light of day and that they take immediate action to start investigating what is happening in our U.S. commodities markets so we can give consumers better protection. It is time to burst the oil price bubble. I think people everywhere across this country, and analysts on Wall Street, are saying: This is not supply and demand. So it is up to us to make sure we have the enforcement in place to protect consumers, and that is what we hope the CFTC will realize their role and responsibility is.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I was very interested in the distinguished Senator's remarks and her analysis. What is interesting to me is that a number of years ago Boone Pickens came to me and when oil was down around $40 a barrel, he said: Orrin, oil is going to go to 60 bucks a barrel, and it is going to go up from there to $100 a barrel. This was years ago. And I said: That is not true. He said: It is true. Well, he told me a couple of weeks ago, and this is pathetic, and said we are sending $600 billion of our money to purchase non-American oil when we have it within our grasp to create much of the oil the United States of America needs from our own American oil sources.

I will cite with particularity the oil shale and tar sands in Colorado, Wyoming, and Utah. It is well established that there are 3 trillion potential barrels of oil there, and it is pretty much taken for granted that we can get at least 800 billion to almost 2 trillion barrels of oil out of that at somewhere between $40 and $60 a barrel. But because of legislative maneuvering by my friends across the aisle, we can't get regulations established to do the work that has to be done.

Now, I am for every form of alternative oil. And, frankly, nobody has a right to say I am not because I am the one who passed, with some very important colleagues, the CLEAR Act. The CLEAR Act created the incentives for alternative fuels, alternative fuel vehicles and alternative fuel infrastructure that are being used right now.

Ms. CANTWELL. Will the Senator yield for a question?

Mr. HATCH. Yes.

Ms. CANTWELL. I certainly want to say that I know of the work of the Senator from Utah, because we worked together on plug-in hybrids and other incentives, and he clearly does support renewable fuels and changing our tax credit policies, so I applaud that.

I am glad you brought up Boone Pickens, because I heard him on the TV the other day, I think it was 2 days ago, and he said that while he thought the United States had great opportunity in natural gas, he thought the way to get off our dependence on foreign oil, besides that, was to make investment in wind and solar. So I will look forward to working with the Senator when we return on trying to push those tax policies to make sure we continue to incent those good renewable energy policies.

Mr. HATCH. Well, I thank the Senator from Washington for her comments, because she has been central to this effort, especially with regard to plug-in hybrid vehicles. Now, those are a still a distance away yet, but, nevertheless, we can do it. That effort may not completely solve our energy problem, but it certainly would alleviate some of it.

In addition, a number of other measures I put through are the investment tax credits to spur the development of solar, geothermal, wind, and other renewable forms of electricity. No question about it. But that alone still not going to solve our problem, especially not with liquid fuels.

We had testimony yesterday from oil company executives who said if we do everything in our power on alternative fuels by 2025, or around that time, we might be able to get 20 percent of our energy needs. But in the meantime, what are our cars, trucks, trains, and planes going to run on? They have to run on oil. And we have the oil within the confines of the United States, on land and offshore, to resolve a lot of these difficulties. But it will take years even to do that, if we can get past the environmental extremists to be able to do this. In the meantime, we are losing jobs, we are losing our economy, and we are losing with respect to a lot of other problems. In the end, we are going to have to resolve it by drilling for American oil, both conventional and unconventional oil, and we have the ability to do it, and to do it in ways that make sense, that are environmentally sound, and are economical. Some of my colleagues on the other side object to Canadian oil because Canada is putting up a million barrels a day out of their tar sands, and they do not like the fact the tar sands have some carbon in them. But the fact is, Canada is going to go to 3 million barrels a day. So what do we do if we don't take Canadian oil when they are happy to sell it to us? We are going to have to go to Venezuela, Russia, the Middle East, and other places to get our oil, and many of those countries are antithetical to what we believe in and are not particularly happy about United States power in this world.

Now, Mr. Pickens also predicted it is only going to be a matter of time until we are going to be called in and these oil barons from these other foreign lands, who aren't particularly enamored of the United States—in fact, if anything, they are jealous of the United States—are going to say: You have been consuming 25 percent of the world's oil, but you only have 6 percent of the world's population. We are going to have to cut you back, especially now that they can sell all they want to China, India, and other countries that are voracious in their demands for oil.

We have to wake up and realize we can't sit back and hope ethanol is going to solve this problem. We can produce about 5 billion barrels of ethanol, which is the equivalent to about 3½ billion gallons of oil. However, we consume 3½ billion gallons of gas. If we do everything in our power to do ethanol, we are not going to be able to resolve our energy problem without increasing our oil supply, too.

I might add that I see some very important work being done on renewables. I talked to my friend Vinod Khosla. Vinod is building a solar thermal plant, 200 megawatts, in California that should be finished by 2010. He believes we can do that all over the place. Boone Pickens has decided that in the wind corridor from Canada right down through Texas, he could build windmills all up and down that corridor that would provide over one thousand megawatts of power, which would be very beneficial to our country, but that's electricity, not liquid fuel.

We know we can find more and more natural gas on our Federal lands if we want to do it. We know how to do natural gas-driven vehicles right now. We actually have natural gas stations in Utah and we have natural gas drivers, but they are the exception to the rule. We know how to build hydrogen cars that have absolutely zero emissions, but we only have 9 million tons of hydrogen in this country. You would have to have at least 150 million tons of hydrogen to make a dent, and the only feasible way to get that much hydrogen is probably through nuclear. We are about the only major nation in the world that isn't going ahead with nuclear as we should. We know it is one of the cleanest sources of energy in the world. I personally believe we will find methodologies and ways of neutralizing nuclear waste.

We can no longer afford to sit back and believe ethanol is going to solve all our problems, or wind power is going to solve all our problems, or solar power is going to solve all our problems, or that geothermal is going to solve all our problems. We have to distinguish between electricity and liquid fuels. Because of the work I have done to promote geothermal, I went out to Utah 2 weeks ago and helped dedicate the ground for the first geothermal power plant in over 20 years. This company, which is a very rare company, is going to build these all up and down Utah, where we have all kinds of geothermal prospects. It's wonderful, but it doesn't solve our liquid fuel problem. It will not get us to where we can continue to keep our economy alive in America.

A lot of this has stopped because of environmental extremism. We all want clean air and clean water, and I don't think any environmentalist should start chewing me up when I am the one who helped put these bills through that have spurred on alternative energy and hybrid technologies, and I will do everything in my power to continue spurring it on. But let us make no mistakes about it, we have to have oil over the next 20, 25 years and beyond that in order to keep America strong.

And to blame the big oil companies—we hear: Big oil companies—one of the Senators yesterday said: How could you do this to America? Now, let's get the facts. The big oil companies are only 6 percent of the world's deliverers of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependency we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because we can't get the leases and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in American waters. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. It is about time we wake up. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way of describing it.

I am for all these environmental things too, but I want it to work. I don't want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

It looks obvious that the commitment by leaders on the other side of the aisle to confirm three more appeals court nominees by the Memorial Day recess is not going to be met. Failure was not inevitable. There was a clear path to keep that commitment with nominees who had long ago been fully vetted, nominees who have been pending for up to 2 years, highly qualified nominees with the highest ratings from the American Bar Association and who have the support of their home State Senators.

My friends on the other side of the aisle knew how to keep their commitment, but instead they chose the path of greatest resistance, the path with the greatest chance of failure. And failure is exactly what is happening. These days, we often make comparisons between how President Bush's nominees are being treated today and how President Clinton's nominees were treated. Now here is one more comparison to consider.

In November 1999, Majority Leader Trent Lott promised to hold a vote by May 15, 2000 on two of President Clinton's most controversial judicial nominees, with my consent as the Judiciary Committee chairman, Richard Paez and Marsha Berzon to the Ninth Circuit, two very liberal nominees. These nominees were opposed by hundreds of grassroots groups. Their records caused a great deal of angst among many Senators on this side of the aisle. The majority leader did not make his commitment in vague, fuzzy terms. He named names, picked dates, and stated objectives. He made a commitment and he kept it, and they both sit on the Ninth Circuit Court of Appeals to this day.

They were both competent. Would I have nominated them? No. Would a Republican President have nominated them? No. But they were competent, they did have the approval of the ABA, and they deserved a vote up or down and they got it.

We took a cloture vote to ensure there would be no filibuster, and confirmed those controversial nominees on March 8, 2000, a week earlier than promised. It is a very different situation today.

I wish to address some other issues that highlight the current state of the judicial confirmation process. Talking about numbers, percentages, and comparisons makes some people's eyes glaze over, while others have trouble sorting out the dueling figures. If enough confusion exists, the American people might not fully appreciate what is going on. But as our former colleague from New York, the late Senator Daniel Patrick Moynihan once said—a friend of mine—"You are entitled to your own opinion but not to your own set of facts."

I believe facts matter. I believe the truth matters. Some have claimed the Senate has confirmed 86 percent of President Bush's judicial nominees compared to only 75 percent of President Clinton's. This claim is either true or false. If you believe, as I do, that the truth matters, then it is important to know the answer. What is true? The most recent figures from the Congressional Research Service show the Senate has confirmed 85 percent of President Bush's appeals court nominees compared to 84 percent of President Clinton's nominees. That is about as nonpartisan and objective a source as you can find. It turns out the Senate confirmed, not 75 percent of President Clinton's judicial nominees but 84 percent. No matter how you slice, dice or spin it, this claim is not true.

Another claim often repeated on the Senate floor by Democrats is that when I chaired the Judiciary Committee, I blocked more than 60 of President Clinton's judicial nominees by denying them a hearing. Some claims, apparently, need not be true as long as they are useful. In this one, the judicial confirmation version of the urban myth seems useful indeed, based on the number of times it is repeated in various versions and permutations. This claim is no more true than the first one I mentioned. Some Clinton nominees were not confirmed. Some nominees of every President are not confirmed.

In 1992, George Herbert Walker Bush left office, the Senate was controlled by the same party as today, the Democratic Party, and returned more than 50 unconfirmed judicial nominees to President Bush. I don't recall that we stood and moaned and groaned like is going on today, at this time. We didn't. The fact is, that is what happens at the end of a Presidential term. The claim being made today, however, is all those unconfirmed Clinton nominees could have been confirmed but were not, solely because I, as chairman, refused to give them hearings.

This is one of those claims that some apparently hope no one will bother to unpack and sort out. But consider this. A dozen of those nominees were not confirmed because President Clinton withdrew them. He actually withdrew them. That was not my prerogative as chairman. That was his prerogative as President. It continues to baffle me how the Judiciary Committee chairman can be blamed because nominees who no longer exist were not confirmed. Many of those unconfirmed nominees did not have the support of their home State Senators. Judiciary Committee chairmen of both parties, before me and after me, including the current chairman, do not give hearings to nominees without the support of their home State Senators. That is a matter of fact.

We also hear the claim that in Presidential election years, the judicial confirmation process is, to quote the current Judiciary Committee chairman, "far less productive."

Once again, this claim is not true. The average number of appeals court nominees given hearings and the number of judicial nominees confirmed goes up, not down, in Presidential election years.

Finally, we hear the astounding claim that Republicans are supposedly obstructing the nomination of Judge Helene White to the Sixth Circuit because we have asked her questions about her record, her qualifications, and her judicial philosophy. Judge White was nominated less than 2 months ago, and the Judiciary Committee was given just 22 days from her nomination until her hearing—a period far shorter, even, than noncontroversial nominees over the years.

We had 70 days before Seventh Circuit Court nominee John Tinder's hearing, for example, and 120 days before Second Circuit nominee Debra Livingston received a hearing. We had only 22 days this time and the chairman close to waive his own rule and hold a hearing without an evaluation from the American Bar Association, something we still do not have today for Judge White.

That is a party that insisted we always have the ABA evaluation in—for Republican nominees.

So written questions following the hearing were entirely in order. The number of questions asked of Judge White pales in comparison to the number of questions my friends on the other side have asked of President Bush's judicial nominees who had been pending far longer and for whom we had received an ABA—American Bar Association—evaluation.

We had 112 days before Fifth Circuit nominee Jennifer Elrod's hearing, for example, more than five times longer than we had with Judge White. Yet my Democratic friends gave Judge Elrod 108 questions, far more than Judge White has received. After all that, the Senate confirmed Judge Elrod by voice vote.

I might add, to mention a nonjudicial nominee, Grace Becker, who was nominated 189 days ago to head the Civil Rights Division. She has received 250 questions from my Democratic friends. I hear they are not done yet. It is as though no Republican should have the job of heading the Civil Rights Division. Grace is a former counsel on the Judiciary Committee and is well known to all of us as a woman of intellect, character, and compassion. She is a Eurasian woman with whom I think nobody can find one iota of fault.

A few days ago, the current Judiciary Committee chairman said the judicial confirmation process reminded him of the fairytale, "Goldilocks and the Three Bears." Sometimes it reminds me, instead, of the episode of the sitcom "Seinfeld" about "Bizarro World." That is the world where everything up is down, left is right, and everything is not as it seems. In the "Bizarro World" of today's judicial confirmation process, a plan almost certain to fail is called a commitment; 84 is called 75; a senatorial courtesy see is called a pocket filibuster; being more productive is being called being less productive; and due diligence is being called obstruction. I believe the facts and the truth matter, even in the judicial confirmation process, in spite of some of this rhetoric.

WARTIME SUPPLEMENTAL APPROPRIATIONS BILL

Mr. HATCH. Madam President, In February I addressed the Senate about our progress in Iraq. I categorized the results of General Petraeus' comprehensive counterinsurgency strategy as being remarkable.

When General Petraeus first began to implement his strategy 16 months ago, I was optimistic. However, I must admit that I did not expect to see the level of success that has been accomplished in such a short period of time.

What are those accomplishments?

Al-Qaida has largely been removed from its sanctuaries in Ramadi, Fallujah, Baghdad and much of the Diyala province. I went there when all those were seemingly under Al-Qaida control. I also went back and walked the streets of Ramadi after the surge. That was the second trip.

Make no mistake, these are major victories.

However, what has largely gone unnoticed by the media, is that even in the less than 2 months since General Petraeus and Ambassador Crocker came before Congress, these successes have continued and expanded.

Which leads me to ask the obvious question? Why, with all of these accomplishments that were attained through the blood, sweat and tears of our service members and their families, do the members on the other side of the aisle insist upon throwing it all away by setting arbitrary deadlines for the removal of the bulk of our forces from Iraq?

The only logical answer is that instead of attempting to devise a cohesive strategy that achieves victory, the Democrats are more interested in pandering to the appeasement wing of their party in a misguided attempt to curry political favor.

This is a strategy for defeat and national shame.

I repudiate such an approach. My colleague, Senator McCAIN repudiates such an approach. And I believe the American people will repudiate this approach once they have all of the facts that somehow continue to escape widespread coverage by our media. Why don't they tell the truth? Why don't they tell about the successes?

But before I discuss the most recent accomplishments of U.S. and Iraqi forces, I believe it is important for the American people to understand one of the elements behind our recent success.

General Petraeus' strategy is based upon the classic counterinsurgency tactic of providing security to the local population, thereby enabling the government to restore services to its people. This, in turn, creates in the population a vested interest in the success of government institutions.

One of the ways this is accomplished is through the use of Joint Security Stations. Under this tactic, a portion of a city, such as a neighborhood, is cordoned off then searched for insurgents. Previously, once this was accomplished, our forces would return to large forward-operating bases, usually on the periphery of that city. The result was easy to predict, the insurgents would return once the sweep had concluded.

Under General Petraeus' strategy, our forces remain in the neighborhood and build Joint Security Stations, which then become home to a company-sized unit of American service members, as well as Iraqi army and police units. They live together. These facilities not only help secure the surrounding area, but simultaneously enable our forces to train and evaluate

Iraqi forces. Much like the police officer walking a beat in a major city, our forces use the Joint Security Station to learn about the locale where they are assigned and can quickly adapt to meet the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the people in the area a desire for the security and civil services to continue; which, in turn, strengthens the population's support for an effective government to maintain these improvements. The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

But, as I previously stated, since General Petraeus' testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyala.

At the time of General Petraeus' testimony, many lauded these successes. But many also pointed to three major challenges that continued to face the Coalition.

The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated to and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida's last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shiite factions. As my colleagues well know, Basra is home to Iraq's only seaport and the area surrounding the city is the location of much of the nation's oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shiite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus' testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition's chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein's government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that General Petraeus was first able to implement and refine his theories on counterinsurgency warfare and was largely successful in securing the city. Unfortunately, with the 101st's departure and the sharp reduction in the number of Coalition forces in Mosul—to as few as one American battalion—the city and surrounding area became a haven for al-Qaida.

However, in mid-2007 the Coalition forces began to achieve some success. This occurred in no small part because of the increased effectiveness of the 2nd and 3rd Iraqi divisions that were assigned to the city and surrounding areas. According to the Institute for the Study of War, in May and June positive results quickly became apparent with the capture or killing of 13 al-Qaida leaders, including 6 emirs and 4 terrorist cell leaders. Yet, as al-Qaida members were being pushed out of Baghdad and al Anbar Province, the number of terrorists in Mosul was increasing.

However, our forces, led by the 3rd Armored Cavalry Regiment, which replaced the 4th Brigade of the 1st Cavalry Division in December, and the Iraqi security forces have kept the pressure on. In mid-December, al-Qaida's security emir for northern Iraq was captured along with al-Qaida's security emir for Mosul. This was followed by the capture of al-Qaida's deputy emir for all of Mosul.

Our successes also have been strengthened with the reinforcement of our forces by additional U.S. and Iraqi forces. This has enabled Coalition and Iraqi forces to implement the counterinsurgency strategy of utilizing Joint Security Stations in the eastern and western portions of Mosul, much like those that were so successful in Baghdad.

The Iraqi Army units in Ninawa Province, of which Mosul is a major city, also have a new commander, LTG Riyadh Jalal Tawfiq. This is an important development since Lieutenant General Tawfiq played a vital role in securing Baghdad.

Despite these promising developments, much remains to be accomplished. On May 10, the Coalition launched Operation Mother of Two Springs. Though it is too early to tell if this operation will have the same successes that our forces are experiencing in Baghdad, MG Mark Hertling, the commander of Multi-National Forces—North stated yesterday that daily attacks are down 85 percent since the operation began. The General also noted that the Coalition has detained more than 1,200 individuals many of whom are self-proclaimed al-Qaida members who describe themselves as "battalion commanders . . . suicide bomb makers, foreign fighter facilitators, financiers and emirs." Moreover, a number of arms caches have been discovered. However, the desperation of al-Qaida appears to have increased due to Saturday's attack by two female suicide bombers.

Mr. President, the battle for Mosul is being fought right now. The final outcome has yet to be decided. However, initial indications point to a successful conclusion because of the implementation of a proven counterinsurgency strategy, improvements in the Iraqi security forces and the bravery and dedication of our fighting men and women.

The second major area of consternation was Basra. Until recently, Shiite groups such as the Mahdi militia—which is associated with Moktada al-Sadr—ruled the streets.

In order to counter this lawlessness, Prime Minister al-Maliki launched Operation Charge of the Knights. This was a bold initiative. First, Prime Minister al-Maliki showed that he is a leader who is willing to make difficult political decisions to secure a better future for his people by traveling to Basra and taking personal charge of this operation. Second, this was a large-scale operation led and planned by Iraqi security forces to restore central government control in Basra.

At first, poor planning seemed to have doomed this operation. Even General Petraeus initially stated, "The fact is that the Iraqi operations in Basra were not properly planned . . . in the wake of recent operations, there were units and leaders found wanting in some cases . . ."

However, it appears that we all judged this operation too quickly. According to a recent article in the New York Times, "the oil-saturated city of Basra has been transformed by its own [Iraqi security forces] surge." Iraqi forces "have largely quieted the city, to the initial surprise and growing delight of many inhabitants who only a month ago shuddered under deadly clashes between Iraqi troops and Shiite militias . . . government forces have taken over Islamic militant's headquarters and halted the death squads and vice enforcers."

It should also be noted that according to the highly respected Jane's Defence Weekly "in areas occupied by Iraqi army forces, the government has begun a wide ranging set of operations to solidify its long-term presence."

In fact, due in large part to the success of Operation Charge of the Knights, Jane's Defence Weekly made the following observation: "Operation Charge of the Knights provides further evidence that the Iraqi army can fight effectively and lead operations when supported by coalition enablers such as air support, logistics, and intelligence. The Basra security operation follows other successful Iraqi army performances in the south, notably the January 2007 defeat of the Jund al-Samaa sect in pitched battles outside Karbala and the January 2008 simultaneous takedown of a dozen cultist cells from the same organization spread across Basra and Nasiriyah."

Finally, examples of the major strides the Iraqi forces are making can be seen in the operations that were launched this week in Sadr City. Yesterday, the New York Times reported that six battalions of, "Iraqi troops pushed deep into Sadr City. . . as the Iraqi government sought to establish control over the densely populated Shiite enclave in the Iraqi capital. The long awaited military operation, which took place without the involvement of American ground forces, was the first determined effort by the government of Prime Minister al-Maliki to assert control over the sprawling Baghdad neighborhood, which has been a bastion of support for Moktada al-Sadr. The operation comes in the wake of the government's offensive in Basra, which for the time being seems to have pacified the southern Iraqi city and restored government control."

The New York Times goes on to report about the Sadr City operation, "the Iraqi forces quickly assumed positions at a main thoroughfare and near major hospitals and police stations. Two companies ventured even further north to secure the Iman Ali Hospital. . . No American ground forces accompanied the Iraqi troops, not even military advisers. But the Americans shared intelligence, coached the Iraqis during the planning and provided overhead reconnaissance throughout the operation. Still, the operation was very much an Iraqi plan."

Madam President, I believe that Ambassador Crocker summed up the situation best when he stated in his testimony: "Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq 'the perfect base,' and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance. . ."

The choice is clear. The men and women of our armed forces have made real and sustained progress over the past 16 months. The list of their accomplishments and the accomplishments of the Iraqi security forces grows longer every day.

The balance is changing. Now, more then ever, is the time to stand behind our forces to ensure they achieve the victory of which they so deserve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. McCONNELL. Mr. President, in the final year of President Clinton's final Congress, two of his circuit court nominees, Richard Paez and Marsha Berzon, were pending in the Judiciary Committee. Frankly, they were quite controversial. For example, Judge Paez had openly defended judicial activism. He said if the Democratic branch has failed to act on a political matter, it was incumbent on judges to do so, even if the matter properly belonged to the legislature.

Not surprisingly, conservative groups and many Republican Senators opposed the Paez and Berzon nominations. The Chamber of Commerce, a business association, not an ideological group, was so troubled by the prospect of Judge Paez's confirmation that it broke its policy of staying out of nomination disputes and opposed his nomination.

I ask unanimous consent to have printed in the RECORD the release by the Chamber of Commerce opposing Judge Paez.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. CHAMBER ANNOUNCES OPPOSITION TO PAEZ JUDICIAL NOMINATION

WASHINGTON, D.C.—The United States Chamber of Commerce today announced its opposition to the elevation of district court judge Richard Paez to the 9th Circuit Court of Appeals. The 9th Circuit Court reviews federal court decisions in California, Arizona, Washington, Oregon, Idaho, Nevada and Montana.

In taking the unusual step of opposing a judicial nominee, Chamber senior vice president Lonnie Taylor said, "Judge Paez' lower court rulings demonstrate an alarming degree of judicial activism that must not be rewarded."

Taylor specifically cited Paez' ruling in John Doe I v. Unocal, saying the decision "represents an unconstitutional judicial intrusion into foreign policy with dangerous implications for the U.S. economy and world markets."

In the Unocal case—which concerns the construction of an offshore drilling station and natural gas pipeline—Judge Paez held that U.S. companies doing business overseas were liable for the actions of foreign governments. The ruling opened the door to environmental activists and others to use similar class action lawsuits as an avenue of attack on disfavored business projects, Taylor charged.

"Judge Paez' ruling, if upheld, could cripple international commerce and establish a far-reaching precedent of holding U.S. companies hostage to the actions of foreign governments," said Taylor.

Improving the ability of American businesses to compete in the global marketplace is a top priority of the Chamber. As part of the Chamber's efforts to advance free trade, it will oppose any attempts to undermine international competitiveness. The U.S. Chamber notified Senators of its opposition to Judge Paez in a letter yesterday.

The U.S. Chamber of Commerce is the world's largest business federation representing more than three million businesses and organizations of every size, sector and region.

Mr. McCONNELL. The California Senators, to their credit, were tireless advocates for Judge Paez and Judge Berzon. Their nominations became the California Senators' cause, and their ultimate confirmations were due to our colleagues' tireless advocacy.

Their confirmations, though, were also due to then-Majority leader Trent Lott ensuring that his commitment regarding the Paez and Berzon nominations was, in fact, kept. On November 10, 1999, Majority Leader Lott placed a colloquy between himself and then-Democratic Leader Daschle in the CONGRESSIONAL RECORD. In it, Senator Lott committed to proceed to Paez and Berzon by March 15 of the following year, which of course was a Presidential election year, as this year is.

Majority Leader Lott also stated he did not believe that filibusters of judicial nominations are appropriate, and that if they were to occur, he would file cloture on their nominations and he would himself support cloture if necessary.

He noted then-Judiciary Chairman HATCH was consulted on that commitment. Given that many in our conference and over 300 groups opposed those nominations, it would have been easier in many respects for Senator Lott not to fulfill his commitment. He could have taken a hands-off approach, shrugged his shoulders, put the onus on Chairman HATCH to make good on the majority leader's commitment. After all, Senator Lott was not the Judiciary Committee Chairman, Senator HATCH was. He could simply have said he did not control what happened in the Judiciary Committee, Chairman Hatch did. But Senator Lott understood that commitments in this body are not to be taken lightly, especially when they are made by the majority leader himself.

So true to his word, Majority Leader Lott worked to ensure that his commitment was kept. The Paez and Berzon nominations were reported out of the committee. The majority leader, Senator Lott, filed cloture on both. On March 8, 2000, a week ahead of schedule, he and I and Chairman HATCH and a supermajority of the Republican conference voted to give Judges Paez and Berzon an up-or-down vote.

Most of those Republicans, myself included, then voted against them because of concerns about their records. But Judges Paez and Berzon were then, of course, confirmed and have been sitting on the Ninth Circuit for 8 years because Senator Lott honored his commitment.

Unfortunately, a similar commitment made to my conference was not honored today. Last month, my good friend from Nevada, the majority leader, acknowledged that the Democratic majority needed "to make more progress on" circuit court nominations.

To that end, he committed to do his "utmost;" "to do everything" possible; to do "everything within [his] power to get three [more] judges approved to our circuit [courts] before the Memorial Day recess."

"Who knows," he even suggested, "we may even get lucky and get more than that [because] we have a number of people from whom to choose."

True, the majority leader gave himself an out. He could not "guarantee" his commitment because "a lot of things can happen in the Senate." But when the Senate majority leader commits to do everything in his power to honor a commitment, that should mean choosing a path that likely will yield a result.

Well, today we learned we are not going to get three more circuit court confirmations by the Memorial Day recess, let alone the four or more the majority leader thought might be possible. No, we are going to get one. Only one.

Given my friend's clear commitment and the numerous nominees the Democratic majority had to choose from, the question my Republican colleagues and I are asking is this: Did the majority do its "utmost"? Did it do "everything" possible? Did it do "everything within [its] power"?

In fact, we are asking did it do anything at all to realistically ensure the commitment would be kept?

When my friend made his commitment, he noted that we had circuit court nominees from all over the country in the Judiciary Committee who could be processed. He listed the States they were from. Most have been pending for a long time, and the Judiciary Committee has had ample time to study their records. Indeed, some have already had hearings; others have already been favorably reported by the committee to other important positions. These nominees were, in effect, on the two-yard line, and could easily have been picked and confirmed.

People like Peter Keisler; he has been pending for almost 700 days. He has had a hearing. He has been rated unanimously well-qualified by the American Bar Association. He has earned accolades from Republicans and Democrats alike, including an endorsement from the Washington Post. His paperwork is complete, and he is ready to go.

Or people like Chief Judge Robert Conrad; he has been pending for over 300 days. The Senate has already confirmed him, on two separate occasions, to important Federal legal positions, first as the chief Federal law enforcement officer in North Carolina and then to a life-time position on the Federal trial bench. He, too, has received the ABA's highest rating, and has earned praise from Republicans and Democrats alike. He has the strong support of both home-State senators and is ready for a vote.

During our colloquy, my friend did not reference the nomination of Michigan State Judge Helene White as an option. That is because her nomination to the Sixth Circuit did not yet exist. It wasn't here. It arrived here later that day, at which point there were only 5½ weeks until the Memorial Day recess. Or, put another way, her nomination arrived 700 days after Mr. Keisler's, 300 days after Judge Conrad's.

Thirty-five days is not much time to process a nominee who, by her own admission, has participated in 4,500 cases, half of which are completely new since her last nomination. Indeed, the average time for confirming a judicial nominee in this administration is 162 days. The majority decided to try to run Judge White through the process in just 35 days. It scheduled a hearing for her that was only 22 days after her nomination. I respect the abilities of members on the Judiciary Committee, but even they cannot review 4,500 cases in 22 days.

In addition, when the majority scheduled her hearing, the ink was barely dry on the FBI's background investigation, which had come up only the day before, and the committee had yet to receive her ABA report. In fact, today as I speak, it still is not here.

This matters because Chairman LEAHY has made it abundantly clear that the receipt of the ABA report is a precondition for him to allow a vote on a judicial nominee, saying: "Here is the bottom line. . . . There will be an ABA background check before there is a vote." He reiterated that his rule will be observed with respect to the White nomination.

So to honor the majority leader's commitment, did our Democratic colleagues choose someone whom the committee had ample time to vet, whose paperwork has been done for a long time, and who, in the case of Judge Conrad, the Senate had already confirmed—twice? No, they decided to rush through Judge White, someone whom several members of the committee are completely unfamiliar with, and whose record for most of the last decade the entire committee is completely unfamiliar with, including thousands of her cases.

In essence, the majority decided to throw a confirmation "hail Mary" to satisfy its own Democratic membership, instead of taking a bi-partisan path that had every indication of success and would have fulfilled the commitment, like finally processing Mr. Keisler or Judge Conrad.

If the majority were serious about keeping its commitment all this should have been avoided. My friend from Nevada has said he consulted fully with Chairman LEAHY before making his commitment. Chairman LEAHY has been the lead Democrat on the Judiciary Committee for over a decade. He, perhaps more than anyone, is aware of the logistical requirements for processing nominees.

We assume he would have advised the majority leader of the near-certain impossibility of confirming Judge White in time to keep the commitment. Even if he didn't, the ranking member and I did just that almost a month ago, when we wrote to him and the Chairman, expressing our serious concerns about this very situation arising.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 29, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Capitol Building, Washington, DC

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC

DEAR SENATORS REID AND LEAHY: We write to express our serious concern regarding statements made by Chairman Leahy during last week's Judiciary Committee Executive Business Meeting. In discussing Senator Reid's April 15, 2008, commitment to confirm three more circuit court nominations before the Memorial Day recess, Senator Specter asked Chairman Leahy to clarify whether he was saying he would not honor the commitment if the scheduling was not "convenient for the two Michigan nominees." In response, Chairman Leahy stated, "I will do everything possible to get it [done] by Memorial Day, but if the White House slow walks [the Michigan nominees' paperwork], we probably won't."

We all know there are several time-consuming steps in the judicial confirmation process, including a Federal Bureau of Investigation background investigation, the issuance of a rating by the American Bar Association (ABA), a hearing, questions for the nominee following the hearing, a Committee vote, and finally a floor vote. Given these standard prerequisites and Judge Helene White's recent nomination date of April 15, 2008, we do not believe regular order and process will allow for her confirmation prior to May 23, 2008. In addition, the FBI is currently conducting a supplemental investigation for Mr. Raymond Kethledge, which must be completed prior to his hearing. Chairman Leahy's statements insinuate that, if the Committee cannot process Judge White and Mr. Kethledge prior to the recess, then the straightforward commitment made by the Majority Leader and, by reference, Chairman Leahy will not be honored.

We would hope, given the likelihood that Judge White and Mr. Kethledge cannot be confirmed prior to the recess, that, in order to fulfill the commitment, Chairman Leahy would turn to other outstanding circuit court nominees pending in Committee who have been ready for hearings and waiting far longer than Judge White or Mr. Kethledge. As we have mentioned previously, Mr. Peter Keisler has already had a hearing and has been waiting for over 660 days for a simple Committee vote, and Judge Robert Conrad and Mr. Steve Matthews, nominees to the Fourth Circuit, are ready for hearings and have been waiting for many months. Both Judge Conrad and Mr. Matthews have enjoyed strong home-state support from their Senate delegations, one of whom is a valued member of the Committee. All three of these nominees deserve prompt consideration by the Committee and up-or-down votes by the full Senate.

It is simply a matter of fairness to include in the commitment, nominees who clearly can be processed and who have been ready for hearings and pending the longest. Further, we object to the selective importance that the Judiciary Committee is placing on home-state senatorial support. The Committee appears to view the support of Republican senators as a necessary, but insufficient, condition for their constituent nominees; while at the same time deeming dispositive the views of Democratic senators, either for or against a nominee. As the Majority Leader himself noted, such disparate treatment is patently unfair.

The clock is ticking. It has now been two full weeks since your commitment to do 'everything' you could to confirm three more circuit court nominees by the Memorial Day recess. Yet since that commitment, the Committee has only scheduled one hearing for one circuit court nominee. More troubling still is the fact that the Chairman strongly intimated last week that the Committee may refuse to honor the commitment, not because it is impossible for it to do so, but because the Chairman's preferred queue of nominees will not be ready in time due to the standard requirements of the FBI and the actions of a third party (the ABA), upon which the Democratic Majority has placed particular importance over the years.

If the Committee does not hold a hearing for two more circuit court nominees prior to May 6, 2008, it is exceedingly unlikely that the Senate will be able to confirm at least three circuit court nominees prior to May 23, 2008, given the standard amount of time it takes to move a nomination through the steps in the confirmation process. In order to honor the commitment, we respectfully urge the Committee to schedule hearings for Judge Conrad and Mr. Matthews, and hold a Committee vote for Mr. Keisler as soon as possible.

We look forward to your response.

Sincerely,

MITCH MCCONNELL.
ARLEN SPECTER.

Mr. MCCONNELL. The reasons for our concern a month ago have proven to be correct. Anyone could have seen this problem coming—anyone, except evidently, our Democratic colleagues who must have chosen not to.

Which brings me back to the question I and my Republican colleagues are asking: Is it consistent with a commitment to do "everything within your power" to confirm three more circuit nominees by Memorial Day, to then choose the one nominee who, for logistical reasons alone, is the least likely to be confirmed in time to keep the commitment? Mr. President, chasing the impossible, and then blaming others or expressing surprise when it eludes your grasp is not a good excuse, and will be remembered for a long, long time.

So today is a sad and sobering day for me and my colleagues. There are now well-founded questions on our side about the majority's stated desire to treat nominees fairly and to improve the confirmation process. And there is frustration that will manifest itself in the coming days, and will persist until we get credible evidence that the majority will respect minority rights and treat judicial nominees fairly.

MEMORIAL DAY 2008

Mr. MCCONNELL. Mr. President, in observance of Memorial Day this year, I had the distinct honor of meeting a group of World War II veterans from Kentucky who had traveled to our Nation's Capital to see the World War II Memorial. A couple of the veterans, by the way, told me this was their first trip to Washington.

This memorial, completed in 2004, is a fitting tribute to the millions of Americans—some who returned home, some who did not—who put on their country's uniform to fight the greatest and most destructive war the world had ever seen. The awe the memorial inspires reminds us all why this group of patriots is called the "greatest generation."

The 35 Kentucky World War II veterans I met were able to travel to Washington thanks to the nonprofit organization Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, free of charge. Many veterans, for physical or financial reasons, are unable to make the trip on their own, and so without Honor Flight they would not get the chance to visit the memorial created for them and their fellow fighters at all.

About 36,500 World War II veterans live in Kentucky today, with about 2.5 million throughout the country. Unfortunately, that number shrinks each day as time advances for these brave warriors. Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our Nation by making it possible for these veterans to make this important trip.

So this Memorial Day, I hope everyone says thank you to a man or woman who wore the uniform. We should remember the bravery of those who made the ultimate sacrifice for our country. And while most of us will never know the heroism shown by the World War II veterans I was privileged to meet, we can marvel at the courage shown every day by our current generation of heroes serving in Iraq and Afghanistan.

I mentioned to the veterans from Kentucky yesterday my own father who served in Europe during World War II, who arrived after the Battle of the Bulge and was in the conflict from about March of 1945 forward, until he met with the Russians at Pilsen, which I believe is now in the Czech Republic. I mentioned to them that I have a letter he wrote to my mother. There were a number of letters, but this particular one is etched in my memory because it is dated May 8, 1945.

Underneath the date he wrote "V-E Day," so they were calling it Victory in Europe Day even then. He had seen some very severe fighting and lost a great many of his company, and one could sense the elation in his voice that the conflict was now ended.

But then there was a subsequent letter I thought was quite prophetic, particularly for a regular foot soldier who was not an officer. He had a chance to interact with some of the Russians because they met the Russians in Pilsen. He said to my mother: I think the Russians are going to be a big problem down the way.

So it was interesting that there was this sense, even to the foot soldiers, that our alliance with the Soviet Union was a short-term marriage of convenience and might subsequently be a big problem down the road. Of course, his prophecy was proven accurate.

While in Pilsen, he got a chance to befriend some Czechs, and I have some letters that were exchanged with friends from what was then Czechoslovakia. He told me that all of those letters stopped a couple years later when the Iron Curtain descended across Europe and he was unable to communicate further with any of the Czech friends he made. I share that story of my own father on Memorial Day for my colleagues.

In closing, I would mention that the particular flight from Kentucky yesterday was dedicated to the memory of John Polivka, who had planned to be on the trip. He was a World War II veteran who planned to be on the trip but who passed away on Monday, May 19, just this week. So the veterans dedicated their Honor Flight to Washington to their colleague whom they had hoped would be able to join them. Even though there was great sadness over his loss, there was great joy in being able to witness the World War II Memorial which symbolizes their extraordinary contribution to our country.

I ask unanimous consent that names of the World War II veterans who were here this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD WAR II VETERANS

Homer Brown, Jr.; Joseph Raley; James Thomas; George Coffey; Charles Hanson; Donovan Chard; Bernie Carr; William Pickerill; Robert Barrow; Robert Davis; Gainey "Ed" Sipes; Emmett Leezer; Charles Mauer; Leroy Faber; Russell Harrison; Morell Milroy; Blue Lynch; George Wolford; Norman Inman; Frank Godbey; John Toy; Burnett Napier; Bobby Barker; Oscar La Fontaine; Joel O'Brien, Jr.; Louis Tracy; Garnett Clark; Joseph McFadden; Earl Wieting; Woodrow Bryant; Raymond Roggenkamp; Robert Weixler, Sr.; Richard Lewis; Thomas Shields; and Joseph Pottinger.

DIRECTORS OF THE HONOR FLIGHT

Brian Duffy, Jean Duffy, William Garwood, James T. MacDonald, and Robert Hendrickson.

This Honor Flight was dedicated to the memory of John Polivka, who passed away on Monday, May 19th.

Mr. MCCONNELL. I conclude by saying they were indeed the best of the "greatest generation."

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATIONS

Mr. WHITEHOUSE. Mr. President, as a member of the Judiciary Committee, let me indicate that we are not entirely unfamiliar on the Judiciary Committee with Judge White. She was actually an appointee of President Clinton. For many months, she languished before the committee when it was under Republican control. So she should be a judge with whom at least a considerable number of the members of the Judiciary Committee would have been familiar from her previous appointment. Any suggestion that she was a new arrival or a novelty of some kind to the committee would not be accurate.

Mr. President, I ask unanimous consent to have printed in the RECORD an April 30, 2008, letter to the Republican leader and the ranking member of the Judiciary Committee signed by the majority leader, indicating, among other things, the following:

> In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that "I cannot guarantee" this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 30, 2008.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.
Hon. ARLENE SPECTER,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS MCCONNELL AND SPECTER: Thank you for your letter yesterday regarding judicial nominations.

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that "I cannot guarantee" this outcome because it depends upon factors beyond my control. Nonetheless, I remain optimistic we can meet that goal.

A hearing for Fourth Circuit nominee Steven Agee, as well as district court nominees recommended by Senators Lugar and Kyl, will take place tomorrow afternoon. A hearing for Sixth Circuit nominees Raymond Kethledge and Helene White, as well as a Michigan district court nominee, will take place next Wednesday. Senator Leahy has expedited consideration of the Michigan nominees in light of my April 15 remarks.

Nothing in my pledge regarding judicial nominations deprived Chairman Leahy of his prerogative to determine the sequence of nomination hearings in his committee. No one presumed to instruct Senator Specter about the sequence of nominations during the years he served as Chairman of the Judiciary Committee. And certainly Senator Hatch exercised the chairman's prerogatives freely during the years in which more than sixty of President Clinton's nominees were denied hearings or floor consideration.

The Democratic majority has treated President Bush's judicial nominations with far greater deference than President Clinton was afforded by a Republican-controlled Senate. Three-quarters of President Bush's court of appeals nominees have been confirmed; in contrast, only half of President Clinton's appellate nominations were confirmed. Altogether, 145 of President Bush's judicial nominees, 90 percent of them, have been confirmed in the years that Democrats have controlled the Senate. Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. The federal judicial vacancy rate is the lowest it has been in years.

Chairman Leahy and I will continue to work with you both to process judicial nominations in due course, consistent with the Senate's constitutional role.

Sincerely,

HARRY REID.

Mr. WHITEHOUSE. Mr. President, thank you. I appreciate that.

COLONEL EDWARD CYR

Mr. WHITEHOUSE. Mr. President, one of the great privileges that I have as a Member of this body is to travel around my home State of Rhode Island and hear directly from the people I was elected to serve. We are a small State, and we all know one another pretty well. So it is a pleasure to get out and listen to people, to hear what is on their minds, their good news and their bad news, and the challenges and the opportunities they and their families face each and every day.

One of the things we do is to regularly hold community dinners around the State. My wife Sandra and I get together with folks over pasta and meatballs or hamburgers and hot dogs and we talk about the issues that are interesting to them.

Mr. President, having the opportunity to hear people of my State share their stories this way has made such a difference in my work here in Washington. I say to the Presiding Officer, I know that as you represent the people in Florida, you feel very much the same way and I've heard you both in committee and on this floor give speeches and remarks that have focused on individual constituents of yours who had troubles and problems that they needed to attend to and you needed to attend to. So I know that you feel very much the same way.

You know, we stand in this Chamber and we debate back and forth on the war in Iraq or the price of a gallon of gas or the crisis in the housing industry. But when we go back home, we see people who are living in the middle of these issues every day. In Rhode Island right now, there are parents worrying about their sons and daughters serving overseas in Iraq. There are families watching the numbers on the gas pump roll, roll, roll, flying higher and higher, and they are wondering how they are going to make ends meet. And there are working people who see their mortgage payments climb out of reach, and they face the gnawing, terrible fear that they might lose the home their children grew up in. So, as glorious as is this grand Chamber we have the opportunity to serve in, the reason we are really here is that it is all about them.

And last Sunday evening, we had one of those moments. We hosted a community dinner in Bristol, RI, which is a beautiful, historic town on Rhode Island's East Bay. Bristol is known for many wonderful things, but one is the oldest—and I think the best—Fourth of July parade in the United States of America. So it was great to be in Bristol, and it was a beautiful evening. The day had been rainy, and toward the end of the day, the clouds had begun to open up and the evening Sun was shining through on the clouds above. The earth and the trees were still wet around, but they were lit up by the lit sky, and we were in this handsome stone VFW hall that is just a little bit back from Bristol Harbor. It was beautiful not only outside but inside because we had a wonderful group of people. And as the questions and answers were winding down toward the end of the evening, a man stood up and he took the microphone, and he began to speak.

The man was COL Edward Cyr. Colonel Cyr is a 29-year veteran of the Army Reserves, 399th Combat Support Hospital. He has served two tours in Iraq, first in 2003 and then again from June 2006 to October 2007, and was also deployed to Kosovo in 2001. When he is not serving our country in the Army Reserves, Colonel Cyr is a nurse anesthetist at Saint Anne's Hospital in Massachusetts. He is a loving husband to his wife Patricia, and he is the father to five daughters.

Colonel Cyr wanted to tell me about a provision in the 2008 Defense authorization bill which grants early retirement eligibility to reservists and National Guard members who have served on Active Duty since September 11, to allow these individuals to gain 3 months of retirement eligibility for every 90 days of Active service.

He was concerned that the effective date of the legislation was set for the date of its passage, and that it did not reach back to September 11 to pick up all the veterans who had served since that date. I agreed to help him with that legislation, to make the date of the early retirement provision retroactive to September 11, 2001, so that it would reach every veteran in this conflict who served our country and carried the burden of a disastrous war policy with such great honor and dignity.

And often people come with a specific request like that, but that was not what was significant about this. What was significant about this was that

Colonel Cyr took the chance to tell his story.

He spoke of the strains of his multiple deployments which have weighed so heavily upon him and his family. He spoke of the blood of the wounded soldiers he worked on, on his hands, on his clothes, in his very pores. He spoke of their service and their loss and his pride in the men and women who served beside him. When he was done, the big room was quiet.

I asked him—I was a little embarrassed to ask because I did not want to ask a personal question that might not be welcome, but I asked him anyway: I said, Colonel, if I may ask a personal question, what was your family situation through all of this? He paused a minute, and he said: Well, Senator, I am glad you asked that question because my wife is sitting right beside me. And he proudly pointed her out, and he said this: For all those months, over three tours, she had to go it alone, raising my five daughters, and I want to take this chance to thank her because if it weren't for her, I wouldn't have had a home to come home to.

Mr. President, you could have heard a pin drop. There was not a dry eye in the House, including my own. And the room then burst into applause.

Mr. President, this was just one of those moments—just one of those moments. I do not think I can explain it, and frankly, I do not even want to try because if I tried to explain it, I would just make it smaller. So all I want to say, as we all leave this glorious Chamber to go home to our States to celebrate this Memorial Day weekend, for all the Edward Cyrs and for all the Patricia Cyrs across this country, thank you and God bless you.

Mr. President, I believe there is no quorum present.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6081, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6081) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, on Memorial Day in 1884, Justice Oliver Wendell Holmes said:

> It is now the moment when by common consent we pause to become conscious of our national life and to rejoice in it, to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return.

I am pleased that today, on the eve of the Memorial Day weekend, the Senate has been able to recall what our service men and women have done for each of us. I am pleased that we can do something for them in return. And I am pleased that we have been able to pass the Heroes Earnings Assistance and Relief Tax Act of 2008.

Nearly 1.5 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000 troops have been wounded in action there.

It is time that Congress showed its gratitude to these brave men and women. They have devoted their lives to the pursuit of American freedom.

Today, we are doing just that. We have passed a bill that offers tax relief to these men and women who serve our country so valiantly.

During a trip to Iraq last year, I saw the amazing job that our troops are doing. I met many Montanans from small towns such as Roundup and Townsend.

I saw firsthand what a heavy burden our troops bear for all of us. They face hardships and danger. But they keep at it every day.

This bill makes permanent the special tax rules that make sense for our military. Many of these rules expired at the end of 2007.

For example, most troops doing the heavy lifting in combat situations are lower ranking soldiers in the lower income brackets. Some of them are earning combat pay at levels that would qualify for the earned income tax credit. But under current law, combat pay does not count toward computing the EITC.

Congress fixed that temporarily. But the provision that fixed the problem expired at the end of 2007.

The EITC is a beneficial tax provision for working Americans. It makes no sense to deny it to our troops.

Today, we have made combat duty income count for EITC purposes, and we have made that change a permanent part of the Tax Code.

This military tax package also eliminates obstacles in the current tax laws that create problems for some veterans and service members.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $100,000. But the tax law does not allow the survivors to put this benefit into a Roth IRA. This bill will guarantee that the family members of fallen soldiers may take advantage of these tax-favored accounts.

Another problem for our disabled veterans is the time limit for filing to get a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed because of lost paperwork or the appeals of rejected claims. Once a disabled vet finally gets a favorable award, the disability award is tax-free.

In many cases, however, these disabled veterans paid taxes on the payments in the past. The veterans cannot get the taxes paid back because the law bars them from filing a claim for a tax refund that goes back far enough.

We take care of this problem by giving disabled veterans an extra year to claim their tax refunds.

This bill is paid for by requiring that companies that do business with the Federal Government pay their employment taxes. The bill makes sure that foreign subsidiaries of U.S. parent companies that have contracts with the Federal Government pay employment taxes for their employees.

Another offset in the bill is a provision that makes certain that individuals who relinquish their American citizenship or long-term residency pay their fair share of Federal taxes. This provision ensures that these folks pay the same tax for appreciation of assets, such as stocks or bonds, as they would pay if they sold them as U.S. citizens or residents.

We owe the men and women fighting in our armed forces an enormous debt of gratitude. They leave their families and put their lives on the line to fight for our freedoms.

And so today, the Senate pauses to recall what our service men and women have done for each of us. Today, the Senate pauses to ask ourselves what we can do for them in return. And today, the Senate pauses to say thank you.

Mr. GRASSLEY. Mr. President, the Heroes Earnings Assistance and Relief Tax Act of 2008, the HEART Act, which passed the Senate by unanimous consent today, was a bipartisan effort that incorporates most of the provisions in the Defenders of Freedom Tax Relief Act of 2007, which passed the Senate last December. The HEART Act also makes permanent and expands upon some of the tax relief measures that I coauthored with Senator BAUCUS in 2003, while chairman of the Senate Finance Committee.

Our men and women who serve in the military make tremendous sacrifices to keep this great Nation safe and strong. Oftentimes, this very service makes taxes complicated and sometimes unfair. It is only right that these honorable men and women get treated fairly under the Federal Tax Code. The Federal Tax Code shouldn't penalize people for serving their country.

It has been a few years since Congress enacted a tax relief measure for the military. As such, we have updated the relief package to include some additional relief. Amongst some of these new measures is a clarification that members of the military who file a joint tax return would be eligible for the stimulus rebate payment even if one spouse does not have a Social Security number.

The bill also ensures that U.S. employers of Americans working abroad pursuant to a Government contract pay Social Security and Medicare taxes, regardless of whether they operate through a foreign subsidiary. Amongst the offsets in the HEART Act is a provision that ensures individuals who relinquish their U.S. citizenship or long-term residency pay the same Federal taxes for the appreciation of assets as they would have paid if they sold them prior to relinquishing their U.S. citizenship or terminating their long-term residency.

It is unfortunate that the Senate was not able to strike an agreement with the House to include a provision that Senator ROBERTS championed. This provision would make more service members eligible for low-income housing.

However, Senator ROBERTS has been reassured by House, Ways and Means Democrats that this provision will be processed with the House's low-income housing credit reform measures, which was part of their housing bill.

Mr. KERRY. Mr. President, today the Senate has passed legislation which will assist military families. I agree with Ways and Means Chairman CHARLES RANGEL that this legislation should be called the "thank you bill." As we approach Memorial Day, I am pleased that the House and Senate have passed this important legislation which will help thousands of military families.

I would like to thank Senators BAUCUS and GRASSLEY for the work they have done on this bill. The HEART Act reflects a compromise reached by the Ways and Means and Senate Finance Committees. Last year, Senator SMITH and I introduced the Active Duty Military Tax Relief Act of 2007, which would help those who bravely serve their country and the families that they have left behind.

The HEART Act includes several provisions from the Active Duty Military Tax Relief Act of 2007. It also includes additional provisions to help military families and veterans who often struggle financially.

The best definition of patriotism is keeping faith with those who serve our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 160,000 military personnel serving in Iraq. There are approximately 33,000 United States servicemembers in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours.

Most large businesses have the resources to provide supplemental income to reservist employees called up I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January 2007, the Committee on Small Business and Entrepreneurship held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long call ups and redeployments have made it hard for small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses to assist with the cost of paying the salary of their reservist employees when they are called to active duty. A similar provision is included in the HEART Act.

In addition to helping small businesses, the Active Duty Military Tax Relief of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the HEART Act.

The Active Duty Military Tax Relief Act of 2007 would make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income tax credit, EITC. Without this provision, some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable. It also would provide tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000. Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. Both of these provisions are included in the HEART Act.

Recently, Representatives ELLSWORTH and EMANUEL and Senator OBAMA and I introduced the Fair Share Act of 2008 which ends the practice of U.S. government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. I think that is appropriate that the Fair Share Act is included in the HEART Act. The revenue raised from closing this abusive loophole will help offset the tax relief provided to military families.

On March 6, 2008, Farah Stockman of the Boston Globe reported that Kellogg, Brown and Root Inc.—KBR—has avoided payroll taxes by hiring workers through shell companies in the Cayman Islands. The article estimates that hundreds of millions of dollars in payroll taxes have been avoided a disturbing, yet not all too surprising discovery.

The Fair Share Act of 2008 will end the practice of U.S. Government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. The legislation amends the Internal Revenue Code and the Social Security Act to treat foreign subsidiaries of U.S. companies performing services under contract with the United States government as American employers for the purpose of Social Security and Medicare payroll taxes.

Our service men and women need to know that we are honoring their service. These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home and abroad.

Mr. HATCH. Mr. President, today I rise to congratulate Senator WEBB on the passage of S. 22 the Post 9/11 Veterans Educational Assistance Act. This is an important piece of legislation worthy of serious consideration.

However, despite its noble intent, I voted against the measure for two reasons. First, Senator WEBB's legislation was attached to a massive spending amendment which, coupled with the rest of the wartime supplemental bill, exceeds the $108.1 billion expenditure limit set by the President. Therefore, for this reason, and others, I believe that the President will veto this legislation.

The second reason is that I believe that Senators GRAHAM, BURR, and McCAIN have offered a superior piece of legislation, S. 2938 the Enhancement of Recruitment, Retention and Readjustment through Education Act. S. 2938 will assist our nation's veterans by significantly improving education benefits for both those who have left the services and those who decided to make the military their career.

Specifically, S. 2938 will permit Guard and Reservists to more easily qualify for benefits; eliminate the $1,200 fee that servicemembers are currently required to pay in order to qualify for education benefits; and increase the annual stipend for books to $1,000. Most importantly, the Graham, Burr and McCain legislation will increase the level of monthly payments for a college education from $1,100 to $1,500.

I view this as a much simpler and fairer compensation package than S. 22. S. 22 would provide tuition assistance equal to the sum charged by the program in which the veteran is enrolled. However, this assistance is capped at the amount of in-state tuition imposed by the most expensive public college in the same state as the school where the veteran is enrolled.

Obviously, this is a very complicated funding mechanism which I fear will unnecessarily complicate the future education plans of many servicemembers. I am also concerned that such a funding scheme will adversely affect those veterans who wish to pursue educational opportunities at private and parochial colleges and universities.

However, S. 22 is not without its advantages, since it provides a basic housing allowance. But, the Graham, Burr and McCain bill also supports military families by enabling servicemembers and veterans the option of transferring some of those benefits to a spouse or child. This is a provision that S. 22 does not contain.

In final analysis these are two serious pieces of legislation that merit close scrutiny. However, in my final analysis, I believe that the Graham, Burr and McCain bill is the superior bill and I look forward to debating that measure and voting for it once the Senate returns from the Memorial Day recess.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD WISHES FOR SENATOR KENNEDY

Mr. ENZI. Mr. President, in my 11½ years in the Senate, I have worked closely with a very special man, a very caring man, a very liberal man, a very energetic man, a very thoughtful man, and a man who has become my dear friend. That man is Senator TED KENNEDY, the Senator from Massachusetts.

A great blow was dealt to the Senate when we found out Senator KENNEDY had a malignant brain tumor. This blow is not because of what may or may not get done in his absence. No, this blow went straight to the heart of anyone who has known this man as a friend.

Many find it hard to believe that Senator KENNEDY, the third most liberal Senator in the Senate, and I, the fourth most conservative Senator in this body, could get along or actually enjoy each other's company. But we do.

When I was chairman of the HELP Committee, I worked under what I called my 80 percent rule. I always believed we could agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on the 80 percent, we can do great things for the American people. Senator KENNEDY and I worked together on proposals using that rule, and we found that 80 percent in the things we undertook. We also found friendship.

In those 2 years, we passed 35 bills out of the Health Education, Labor, and Pensions Committee, and the President signed 27 of those into law. Most of them passed almost unanimously. Again, it was kind of the belief that if two people that far apart could come together on an issue, it must be OK. The HELP Committee used to be the most contentious committee in the Senate, but in our 3 years of working together as chairman and ranking member, we turned it into the most productive committee in the Senate. I remember being in the President's office at a bill signing and having him say, "You know, you are the only committee sending me anything." We got to checking on it, and he was right.

I could not help but think of my friend as I stood next to the President while he signed the Genetic Information Nondiscrimination Act a few weeks ago. That bill was the fourth bill that month Senator KENNEDY and I sent to the President. We had worked on it for several years, and we are glad it finally passed, almost unanimously. We briefly conferenced it with the other side, so the differences are already worked out before they vote on the bill. It went to the President's desk. That is a perfect example of how we worked together to pass legislation that had been held up for years.

Another example is the mine safety law. In 6 weeks, we worked together to pass the first changes to mine safety law in almost 30 years. The average bill around here takes about 6 years to pass. That one happened in 6 weeks.

We share an incurable optimism, and if you add that in with TED's work ethic and my persistence, you have a great recipe for success.

When we don't get along, you will see us come to the Senate floor and debate our policy differences passionately. Once the votes are cast and we walk off the floor, we move on to tackle the next issue, and we do that as colleagues with a deep respect for the other person and his beliefs.

We have taken trips around the country together to look at mine safety and hurricane damage. I have also invited Vicki and TED to come to Wyoming to dig fossils with Diana and me when our schedules can work it in. We have some 60-million-year-old fossil fish in Wyoming. If you ever see the brown bones of a fish in a piece of white rock, it undoubtedly came from Wyoming. If you see brown bones in a brown rock, it probably came from the other place, which would be China. But I have invited him out to do a little fishing in the fossil field with me. This week I even sent him a very small one that we might be able to use for bait if we get to do that.

Mr. Chairman, if you are listening, I do still expect you to make that trip to Wyoming for the fossil dig.

Senator KENNEDY has a very deep human side. Although he has one of the busiest schedules of any Senator, he makes time to do small things for those around him. There is a program called Everybody Wins; it is a reading program, where an individual who is willing to volunteer their time meets each week with a young person and they read. One reads to the other, and the other reads back. It is a tremendous help to kids in reading. But to do that, you have to sacrifice an hour each week, and you work with the same child each week. Senator KENNEDY does that. Not many people make that kind of a time commitment.

Senator KENNEDY is also thoughtful. I will always remember when he brought me a gift when each of my grandchildren was born. One happened to be a little pair of training pants that said "Irish Mist" on the back. He even treats my staff like family. He made a copy of the painting he made for Vicki on their wedding day and presented it to my scheduler when she got engaged. He always makes a special point to thank my staff on the Senate floor for all their hard work to get their bills through. He somehow finds time for all these things. He also came to a staff coffee in my office. Every month, we do a staff coffee, and that means I invite two Democratic Senate offices and two Republican staff offices to come to my office, so people can meet their counterparts in a less violent situation than working on a bill. If they know their counterparts—if you get to know somebody, it is pretty hard to work against them when you actually have to do the work. On this particularly rare occasion, the Senator showed up also. He came to my office and dramatically presented me with a photo of a University of Wyoming football helmet and a Harvard football helmet next to each other, with a note that said, "The Cowboys and the Crimson make a great team." I agree.

Senator KENNEDY has quite a few friends from Wyoming, one of which is the former Senator Al Simpson. Al and Senator KENNEDY worked together for many years. They even did a little radio program. So when I was elected, my first bill was one dealing with OSHA. That is one of the primary areas of interest of Senator KENNEDY. He was ranking member on the committee. After I got it drafted, I went around to every member of the committee and I pleaded with them and they sat down and went through the bill with me, a section at a time, and asked questions. I answered them. The last person I had on the list to talk to—and the most formidable, in my view, because I knew his history—was Senator KENNEDY. So to get permission to meet with him, I called Al Simpson and said: Could you talk to Senator KENNEDY for me and see if he would meet with me to go through this bill?

The next day I got a call from Senator KENNEDY, who said: Yes, come on down to my office. I will meet with you. So I went down there. My mother had been named "Mother of the Year" for Wyoming the day before, and he presented me with clippings of my mother's award. He went through that bill with me, a section at a time.

It wasn't until the markup of the bill that I found out that was not the way you did things around here. He explained that in his, I think, 35 years at that time, he had never had a Senator ask him to sit down and go through a bill a section at a time. The bill did not pass, but several sections of the bill are now law. It was the first eight changes in OSHA in the history of OSHA. After we did those eight changes, he came to me and said: I have this needle stick bill I have been trying to get through. Would you take a look at it?

I did. We made some changes to get to the 80-percent rule, and it passed unanimously here and in the House and the President signed it. The nurses were appreciative and the janitors were appreciative because either of them could get an accidental needle stick and they wouldn't know where it had been and they would have to wait months to find out if they were going to get something from it.

I learned a lot from each of these opportunities to work with TED KENNEDY. I had no idea I would be chairman of the committee, and he would be the ranking member. Then I had no idea the majority would change and he would become chairman and I would become ranking member. I remember meeting with him after he became chairman, where we took a look at the bills we intended to get done during these 2 years, and we have had pretty substantial progress on that. I told him I was glad he was chairman because after I had studied under him for 2 years, I would be able to do a much better job when I became chairman again. He laughed.

A week ago today, we were resolving some issues on the floor and several other things we are trying to get done, and I remember being over in that corner where he was telling me about his dad's recipe for daiquiris, and earlier this week we passed the National Day of the American Cowboy, and that reminded me of an incident in Montana when Senator KENNEDY was helping his brother, he actually went to a bucking horse sale and rode a bucking horse and wound up on the cover of LIFE magazine—to get the Kennedy name out to help get his brother nominated. As a result, Montana and Wyoming both went for Senator John F. Kennedy and put him over the top for the nomination to be President.

There are a lot of other stories I would like to tell, but I will not because of the time.

TED, my chairman, Diana and I are praying for you and your family during this trying time. "Cancer" is the last word any family wants to hear. I know you will fight it; you have that fighting spirit. I wish to see you at the next bill signing in the President's office and with me again in the HELP Committee hearing room. We have more bills to pass, fossils to dig, fights to battle, and laughs to enjoy together. We have to keep up our bill-of-the-month club for the President.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I echo the words of my friend, Senator ENZI from Wyoming, about Senator KENNEDY. I have had the honor for only 15 months now to serve on his and Senator ENZI's HELP Committee. Even more important than Senator ENZI points out and even more important than Senator KENNEDY's passion for his work, his commitment to social and economic justice and his never, ever giving up in fighting for those things he believes in, is what Senator KENNEDY does personally for all kinds of people, including people who don't live in his State, people whom he has never met, people who walk down the hall. He brings them into his office and gives them a book, written by Senator KENNEDY, but in the name of his dog Splash. And he talks to children. Again, they are people Senator KENNEDY doesn't even know, who can do nothing for him politically. He gives so much in those ways.

As Senator ENZI does, I hope Senator KENNEDY will be back here as strong as ever. He has used that energy and passion for so many others, and he will put that same energy and passion into being cured. We all look forward to that day in the fairly near future.

(The remarks of Mr. BROWN pertaining to the introduction of S. Res. 574 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. I thank the Chair.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 3071 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEMORIAL DAY

Mr. BYRD. Mr. President, this coming Monday, May 26, the nation sets aside a day to honor those brave men and women who died in battle while wearing the uniforms of the Nation's Armed Forces. Soldiers, sailors, marines, and airmen; officers and enlisted; volunteers and draftees; young and old; they were all members of our American family our fathers, brothers, sons, mothers, wives, sisters, cousins, neighbors and friends. More than 41 million Americans have served their nation during a time of war over the course of our history. More than 651,000 Americans have lost their lives as a result of that service. It is likely that somewhere in every family's extended network of relatives, neighbors and friends, there is a veteran, perhaps even a veteran whose service and sacrifice we honor on Memorial Day.

Despite the fact that some 200,000 of our fellow citizens are today wearing uniforms and serving in hostile theaters far from home, too many Americans see Memorial Day weekend only as a long weekend marking the end of the school year, the opening of pools, and the beginning of summer. We are beguiled by the warm breezes redolent of honeysuckle. We are distracted by bright sunshine and outdoor pleasures. We are lulled into a sense of security and carelessness, at home in our safe neighborhoods with new-mown lawns, cheerful flowerbeds, and shady streets. It is easy to forget that in distant places, men in dusty uniforms patrol dangerous streets mined with improvised explosive devices.

If you take a moment to look more closely, however, you may notice the flags flying from front porches along those shady streets. You might notice other flags, smaller flags, planted in front of marble markers throughout cemeteries around your town, each marking the grave of a veteran. You may notice families visiting gravesites in a ritual as old as war itself, laying down flowers to remember and honor those whose lives were lost too soon, too violently, too far away from home and family, in pursuit of causes larger than themselves. They are gone, but not forgotten by those who knew and loved them best.

War is a terrible tool of nations, and its use exacts a high price in both blood and treasure. On Memorial Day, the nation honors those who have paid this price with great courage and even greater sacrifice. It is important to remember the lives of those who were lost, lest we come to think that war is ever easy, or quick, or certain in its course. We do well to remember the words of Sir Winston Churchill, 1874–1965: "Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events."

The current wars in Iraq and Afghanistan have meant that many of the gravesites being visited this Memorial Day, more than 4,000 of them, are raw and new. Many of the families visiting those graves bring young children with them, children who have lost a father or mother. They know that their parent died a hero. But that knowledge does not make the day-to-day tasks of school, homework, sports practices, or learning life skills from their parents any easier for these children. It does not make it any easier for the parent left behind to shoulder a life's work that they thought would be shared with their partner. As a nation, we should not give them any reason to worry that their family member's sacrifice will ever be dismissed or overlooked.

Ours is a fortunate nation, blessed with a rich and bounteous land. It is populated by hard-working, creative, inventive, people who are generous and compassionate. And, it is governed by the best form of government ever devised by man. The tangible symbols of that government are the documents of our government the Declaration of Independence and our Constitution that set forth the ideals by which we live and operate. As a Nation, we do not always live up perfectly to those ideals in practice, but we are again fortunate that the system is self-correcting, with the people ultimately in control. None of these fortuitous circumstances could persist, however, without the bravery, valor, and sacrifice of our men and women in uniform who defend our Nation and preserve our Constitution. To them, we owe eternal gratitude. Their willingness to answer the call to battle, and to fight so valiantly and so well in so many conflicts over the years, has kept the Nation strong.

Whether they died at Concord, Gettysburg, in Flanders Fields, Vietnam, or in Iraq and Afghanistan; whether their graves date from this century or those that came before, on this last Monday in May, I hope that Senators and all Americans will set aside a few quiet moments to remember, and honor, the men and women who have lost their lives in the service of the Nation. In those quiet moments, I also hope that the Nation will say a prayer for the families they left behind.

I close with a few stanzas from a poem by Theodore O'Hara, entitled, "The Bivouac of the Dead."

THE BIVOUAC OF THE DEAD

The muffled drum's sad roll has beat
The soldier's last tattoo!
No more on life's parade shall meet
The brave and fallen few.

On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Rest on, embalmed and sainted dead,
Dear is the blood you gave—
No impious footstep here shall tread
The herbage of your grave.

Nor shall your glory be forgot
While Fame her record keeps,
Or honor points the hallowed spot
Where valor proudly sleeps.

Yon marble minstrel's voiceless stone
In deathless song shall tell,
When many a vanquished year hath flown,
The story how you fell.

Nor wreck nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Mr. BENNETT. Mr. President, Memorial Day is a day of reflection. It is a day reserved for remembering those who have given their lives in service to our country. While we may choose to remember these individuals in different ways, each American has a responsibility to recognize the contribution of those who have paid the ultimate sacrifice to defend the values upon which this Nation was built.

Over the years, I have had the opportunity to meet with a number of the men and women serving in our military, many of whom I am proud to say are fellow Utahns. I am always very humbled by this experience. The courage and dedication of these individuals offers much to emulate.

I recognize the sacrifice of the countless men and women who over the decades have selflessly given their lives to uphold freedom and defend the many values we hold dear. Each of these individuals not only gave of their own life but left forever altered the life of a mother, father, husband, wife, son, daughter, brother, or sister. Those loved ones who are left behind are owed our respect and support. We must continue to work to ensure the fallen are remembered and those they leave behind are not forgotten.

In this time of war, my thoughts and prayers are with all who serve this Nation and with those families who have made the ultimate sacrifice. I am deeply grateful for this service. Please let us not forget the courage and selflessness of these individuals—to them we owe a debt beyond our means to repay. This Nation shall forever stand grateful and proud of each man and woman who has willingly accepted the call to defend our freedoms and provide for our safety at home.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today with the great pleasure of recognizing the month of May as Asian Pacific American Heritage Month and honoring the many contributions that Americans of Asian and Pacific Islander descent have made to our great Nation and to my home State of Nevada.

I am proud of the role this distinguished chamber played in the designation of Asian Pacific American Heritage Month, albeit many years too late. On June 19, 1978, some 135 years after the arrival of the first Japanese immigrant to the United States, Representatives Frank Horton and Norman Mineta introduced a joint resolution "authorizing and requesting the President to proclaim the 7-day period beginning on May 4, 1979, as 'Asian/Pacific American Heritage Week"—H.J. Res. 1007. Two months after being passed overwhelmingly by the House, the Senate unanimously approved the joint resolution and promptly sent it to President Jimmy Carter for his signature.

In addition to recognizing the onset of Japanese immigration to America, the month of May was selected because May 10, 1869, also known as Golden Spike Day, marked the completion of the first transcontinental railroad in the United States, to whose construction Chinese pioneers contributed greatly. Hundreds of miles of this railroad passed through a newly admitted and mostly uninhabited western state that I have called home for my whole life. Without the tireless efforts and tremendous sacrifices of these Asian settlers, the state of Nevada would have remained largely disconnected from the rest of our country for an untold number of years.

Rising to support H.J. Res. 1007, Senator Spark Matsunaga, who served the State of Hawaii for over 13 honorable years before succumbing to cancer, remarked that "most Americans are unaware of the history of Pacific and Asian Americans in the United States, and their contributions to our Nation's cultural heritage." He continued by saying that one of the two main purposes of the joint resolution was "to imbue a renewed sense of pride among our citizens of Pacific and Asian ancestry." I am delighted that the many celebrations taking place around the country to commemorate Asian Pacific American Heritage Month, particularly in my home State of Nevada, have showcased the enduring sense of pride that Senator Matsunaga spoke about nearly three decades ago.

Almost 14 years after President Carter signed H.J. Res. 1007 into law, Representative FRANK Horton once again assumed the leadership role on this issue and introduced a bill to permanently designate May of each year as "Asian Pacific American Heritage Month"—H.R. 5572. After this bill was passed by both Houses of Congress, President George H.W. Bush signed it into law on October 23, 1992.

Ever since, our country has taken the time at the end of each spring to celebrate the innumerable contributions that Americans of Asian and Pacific Islander ancestry have made and continue to make to the United States. To the roughly 15 million Asian and Pacific Islander Americans who currently live in our country, and most especially to the thousands of those who reside in Nevada, I wish you all the best during this joyous time of year. I urge my colleagues in this Chamber to do the same.

TRIBUTE TO JOSEPH R. EGAN

Mr. REID. Mr. President, I join Senator ENSIGN today to recognize the remarkable life of Joe Egan, who passed away on May 7, 2008.

Joe is known in Nevada and throughout the country as a skilled attorney who worked hard to make our Nation safer and to stop the proposed Yucca Mountain nuclear waste dump from being built in Nevada. I think Joe hated the nuclear waste dump project as much as I do. In his obituary, he arranged to have his ashes spread over Yucca Mountain. "Radwaste buried here only over my dead body," he said.

After learning in 1996 that Yucca Mountain was scientifically unsuitable for storing radioactive waste, he was deputized as the lead lawyer for the State of Nevada's efforts to fight the dump. Nevadans should be proud to have had such a magnificent person fighting for them.

Joe was a key force in dealing multiple blows to the project and bringing it to a standstill. Over the years, Joe has made it abundantly clear that the project is unsafe and that the science behind it is unsound. It speaks to his character that although he was not from Nevada, he fought against this project with both passion and strength because he knew that it was the right thing to do. When we finally end the battle against the Yucca Mountain project, we will have done it together with Joe and his team.

Joe was by no means antinuclear. He just wanted to see nuclear power produced safely and the dangerous wastes it produces to be managed properly. He also worked hard on nonproliferation efforts, helping the United States secure thousands of tons of weaponsgrade uranium from all over the world.

Joe's legacy will live on through his family, friends, and through his tremendous efforts to keep Nevadans and all Americans safe.

Mr. ENSIGN. We have both had the pleasure to know and work with Joe. He was a brilliant man a Minnesota native who received three degrees, in physics, nuclear engineering, and technology and policy from the Massachusetts Institute of Technology. He received his law degree from Columbia University. During his lifetime, Joe did everything from working in the control room of a nuclear powerplant to serving as president of the International Nuclear Law Association. Joe was a strong supporter of nuclear energy. Throughout his life, he fought for the development of sensible, sound, and safe nuclear policies.

Joe served as Nevada's lead attorney in the fight against dumping nuclear waste in Nevada. Applying his deep knowledge of the law and nuclear engineering, Joe helped the State of Nevada in our fight against Yucca Mountain.

Mr. REID. Joe Egan was a talented person who led a rich life which was tragically cut short by an aggressive cancer. I am saddened by his death, and will not forget all that he has done for the people of Nevada. To his wife, children, and family, I wish to extend my deepest sympathies.

Mr. ENSIGN. The work that Joe has accomplished during his lifetime will forever stand as a fitting testament to his character. He was an amazing lawyer, a great father, and he will be sorely missed by all. My sincere condolences go out to his family.

CONGRATULATING MENA BOULANGER

Mr. DURBIN. Mr. President, today I wish to honor the contributions of Mena Boulanger to the Chicagoland area. Next week, Mena is retiring after 30 years of work to raise public awareness of the Forest Preserve District of Cook County and its conservation efforts throughout its 76,000 acres.

In the fall of 1973, the Boulanger family—Mena and David and children Sarah and John—made their way from Seattle, WA, to Cook County, IL. The family began spending almost every weekend exploring the various Forest Preserve District sites in the Western suburbs of Chicago. Leaving behind the landscape of their native Pacific Northwest, the family's appreciation of the Midwest flora and fauna came slowly, and so did a commitment to the prairie around Chicago—lands now part of Chicago Wilderness.

In 1979, Mena began as the first, full-time Director of Development for the Lincoln Park Zoological Society. For the following 11 years, Mena dramatically increased fundraising efforts, allowing the Lincoln Park Zoo to expand at an unprecedented rate.

Mena transitioned to Chicago's Zoological Society, working with the Brookfield Zoo in 1991, where she assumed the role as Vice President for Development. It was during this time, that Mena achieved one of her most significant long-term accomplishments. Mena helped secure additional bonding authority for the Forest Preserve District so that it could address its capital maintenance needs, as well as the needs of the Brookfield Zoo and Chicago Botanic Gardens. The Forest Preserve District's holdings—and those of the Brookfield Zoo and Chicago Botanic Garden—have significantly improved through the use of these bond funds.

In 2003, she became the Vice President of Government Affairs and Strategic Initiatives, directing the Zoo's local, State, and Federal government communications and solicitation programs. Mena worked closely with Zoo staff to help the Forest Preserve District better serve Cook County residents through special outreach programs, including tours for senior groups, family pass programs at area libraries, and information on Brookfield Zoo job fairs and lecture series.

One of Mena's signature achievements was raising funds for the Hamill Family Play Zoo, an award-winning play area for children age 8 and under that has served as a model for many zoos across the country.

A few years ago, Mena was diagnosed with breast cancer. In the midst of a personal health crisis and in addition to pursuing traditional therapies, Mena thought about all of the women in her life—daughter, granddaughters, friends, colleagues—and enrolled in an NIH-funded study at Loyola University in Chicago, examining the effects of meditation on immune cells in breast cancer patients. That is what makes Mena special. She is always optimistic, always strong, and always looking to help others. I am happy to say that Mena's cancer is in remission. She is a survivor. She is also an inspiration.

To say that Mena is "retiring" somehow doesn't seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that Mena will remain involved in her community and committed to the many causes in which she believes so deeply. I know she is excited to spend more time with her family, especially her four grandchildren. Mena will enjoy having more free time to spend hiking, picnicking and exploring the lands of the Forest Preserve District she treasures so dearly. And if you know Mena, you also know that she enjoys a good, spirited political debate. I can only imagine how retirement will foster that passion.

It is with a sense of gratitude that I wish Mena Boulanger well as she prepares to retire from the Chicago Zoological Society and moves on to the next chapter in her life. Mena has created a lasting impact on the lives of thousands through her work and volunteerism in the Chicagoland region. Anyone that has visited either the Lincoln Park Zoo or Brookfield Zoo since 1980 has benefited from Mena's efforts and generosity.

I wish Mena Boulanger the best in her retirement and thank her for caring for the Midwest flora and fauna she embraced some 35 years ago.

HONORING DOMINIC AND BRENDA RANDAZZO

Mr. DURBIN. Mr. President, I rise today to honor two constituents, Dominic and Brenda Randazzo, who have spent much of their lives giving back to their community.

Dominic and Brenda are a remarkable couple. Through 45 years of marriage, three children and seven grandchildren, they have maintained an unyielding spirit of giving back.

They were honored recently as the 2008 Servant Leaders of the Year by Provena St. Mary's Foundation in Kankakee, IL.

Provena St. Mary's Hospital has a special meaning for Dominic and Brenda. It is where they were both born.

For many years, both Dominic and Brenda have been among the hospital's most loyal supporters. Dominic has served as lead fundraiser for the hospital's annual Black Tie Gala for more than 8 years.

Last year, Dominic asked Brenda if she could lend some helpful suggestions for an auction benefiting the hospital. Brenda wound up chairing the auction and raised generous contributions.

Dominic grew up in Kankakee, IL and after he graduated from college, spent nearly 2 years in the United States Army, including time in Germany. After his years in the service, Dominic went to work for Armour Pharmaceutical in 1960 where he met his lovely wife, Brenda.

Two years ago, Dominic retired as the manager of community and government relations for Aventis Behring. This job combined Dominic's two favorite passions, community and legislation.

Brenda grew up in Chebanse, IL, with dreams of becoming a flight attendant or an interior designer. After working at Armour Pharmaceutical and meeting Dominic, Brenda joined Albanese Development, a company that designs, builds, and decorates hotels. Brenda's caring nature helped her excel in the hospitality industry, ultimately being named General Manager of Year in 2000 by the American Hotel and Lodging Administration.

Provena St. Mary's is only one of many community organizations to which the Randazzos give so generously of their time and talents.

Dominic also spends countless hours with the United Way of Kankakee County. In 2004, he chaired that organization's Leadership Giving Campaign and broke its previous fundraising record. For his efforts, he was honored with the Ken Cote Award, better known as the Mr. United Way Award.

For more than 15 years, Dominic organized the Hemophilia Foundation of Illinois' annual Walk-and-Bike-a-thon.

Throughout her career in hotel management, Brenda, too, has always found time to help others. On Halloween, Brenda invited Easter Seals to bring children to trick-or-treat at the hotel. She also mentored low-income women—helping them obtain jobs at her hotels and access to public transportation. And she is a stalwart supporter of both the Arthritis Foundation and the Rotary Club in Bourbonnais, IL.

Their motivation for their service is simple and inspiring. Dominic and Brenda Randazzo both say that they have been blessed, and they want to share their blessings with others.

We are all enriched by the good works and fine example of caring citizens such as the Randazzas. I congratulate both Dominic and Brenda on their well-deserved honor and thank them for their many years of selfless giving to others.

GUNS AND CHILDREN

Mr. LEVIN. Mr. President, often when we talk about combating gun violence, we discuss preventing criminal access to dangerous firearms. However, we must also focus our attention on the unsupervised access to firearms by our children and teenagers. While firearms in the hand of criminals pose a significant threat to society, many of the fatal firearm incidences in our country occur when children and teens discover loaded and unsecured firearms in their own homes. Over the years, suicides and accidental shootings have claimed the lives of thousands of young people. Sadly, many of these tragedies could have been prevented through commonsense gun legislation.

The Center for Disease Control and Prevention estimates that 1.69 million children in the United States live in households with unlocked and loaded firearms. Tragically, firearms kill an average of nearly eight children and teenagers a day. What's more, the Children's Defense Fund estimates that at least four times this number are injured in nonfatal shootings.

Many parents believe that simply educating their children about the dangers firearms can pose is enough to keep them safe. Unfortunately, this is simply not the case. A study conducted by the Harvard School of Public Health, involving 201 families who have guns in their homes, found that 39 percent of the parents who stated their children did not know the storage location of their firearms were contradicted by their children. In addition, 22 percent of the parents who believed their children had not handled their guns were contradicted by their children. The study concluded that although many parents had warned their children about gun safety, there was still a significant possibility that they were misinformed about their children's actions with their guns.

Common sense tells us that when guns are secured, the risk of children injuring or killing themselves or others with a gun is significantly reduced. By passing legislation that would require that all handguns sold by a dealer come with a child safety device, such as a lock, a lock box, or technology built into the gun itself, we could significantly decrease the possibility of a child misusing a firearm. I urge my colleagues to take up and pass such sensible gun safety legislation.

REMEMBERING SEAN KENNEDY

Mr. SMITH. Mr. President, I rise today in remembrance of a young man whose life was cut short because of a tragic crime—a hate crime. I came to the Senate floor, 1 year ago today, to speak about a vicious attack that killed Sean Kennedy on May 16, 2007. He was just 20 years old. As I have done countless times in the past, I have again come to the floor to highlight the needless deaths of hate crimes' victims and the need to enact Federal hate crimes legislation.

Recently, I had the opportunity to speak to Sean Kennedy's mother Elke Kennedy. I had heard that Elke had read about her son in the CONGRESSIONAL RECORD and was grateful that someone had recognized his death and understood the need for hate crimes legislation. For every victim of a hate crime, many more family members and friends are impacted by the tragic loss. While I know the pain of losing a son, I can only imagine the grief Elke must have felt when someone took the life of her son simply for who he was. As a nation, what do we say to Elke and other family members who have lost a loved one to a hate crime? What salve do we have to offer them for their pain? I believe we could start by passing Federal hate crimes legislation to demonstrate our national commitment to ending bias-motivated crimes.

No parent should have to fear for their child's safety because of their sexual orientation and because our laws do not adequately protect them. It is the Government's first duty to defend its citizens, to defend them against the harms that come out of hate. Federal and State laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. Sean's death is an unfortunate reminder of this fact.

The Matthew Shepard Act would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can lessen the very impact of hate on our society. Moreover, for parents like Elke Kennedy and Judy Shepard, Matthew's mother, it will finally prove that their sons' deaths were not in vain.

REFORMING THE FEDERAL HIRING PROCESS

Mr. AKAKA. Mr. President, I would like to speak today about the broken hiring process in the Federal Government and the need to recruit and retain the next generation of Federal employees.

The Federal Government is the largest employer in the United States, but every day talented people interested in Federal service are turned away at the door. Too many Federal agencies have built entry barriers for younger workers, invested too little in human resources professionals, done too little to recruit the right candidates, and invented an evaluation process that discourages qualified candidates. As a result, high-quality candidates are abandoning the Federal Government. The Federal Government has become the employer of the most persistent.

This problem was forcibly brought home at a hearing on May, 8, 2008, of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia entitled "From Candidates to Change Makers: Recruiting the Next Generation of Federal Employees," which I chair. The subcommittee heard testimony from the Office of Personnel Management, the Nuclear Regulatory Commission, the Merit Systems Protection Board, the Government Accountability Office, Federal employee unions, think tanks, a human resources consulting firm, and an expert in New Media marketing.

The Government Accountability Office's testimony pointed out the broad failures of agencies to address these issues and stated, "Studies by us and others have pointed to such problems as passive recruitment strategies, unclear job vacancy announcements, and imprecise candidate assessment tools. These problems put the Federal Government at a competitive disadvantage when acquiring talent."

The Office of Personnel Management OPM is supposed to be the leader in the Federal Government on personnel and human capital practices, but not enough is being done. OPM's answer is to offer a legislative proposal that would have the Federal Government rehire retired employees on a part-time or limited-time basis. This demonstrates a clear lack of focus on attracting the next generation of Federal workers and working to retain the current employees. OPM estimates that 30 percent of the Federal workforce—approximately 600,000 employees—will retire in the next 5 years. Rehiring former employees does not address the changing culture of job seekers.

Mr. Dan Solomon, the chief executive office of the marketing firm Virilion, addressed the issue of developing recruitment strategies that are friendly to 25- to-35-year-old. Mr. Solomon laid out the challenge before Federal agencies in recruiting the next generation testifying, "younger people are a difficult group to reach and engage . . . bottom line: people looking for jobs are online and the government needs to be there to attract the best."

Reports and surveys from the Merit Systems Protection Board MSPB, the Partnership for Public Service, and the Council for Excellence in Government demonstrate that young people strongly desire to work in public service. Agencies need to meet young people where they are, and developing recruitment strategies, using online resources and streamlining the hiring process are essential to attracting the next generation of Federal employees. In the private sector, employers post jobs through many online venues and only require a resume and cover letter. Applying to the Federal Government should be accessible and easy.

There were many good suggestions made to improve the process. I believe that if OPM forced agencies to adopt those recommendations improvements would be made. For example, MSPB offered four sound recommendations that could significantly improve agencies' efforts if adopted, First, agencies should manage hiring as a critical business process, and not an administrative function that is relegated to the human resources staff. Second, agencies should evaluate their own internal hiring practices to identify barriers to high-quality, timely, and cost-effective hiring decisions. Third, employ rigorous assessment strategies that emphasize selection quality, not just cost and speed. Finally, agencies should implement sound marketing practices and better recruitment strategies, improve their vacancy announcements, and communicate more effectively with applicants.

Agencies can do this. The problem is not Congress. Since 2002, Congress has given agencies the flexibilities they need. Agencies no longer must rely on the rule of three or selecting only from the top three candidates who apply; they can use category ratings; and they can get direct hire authority from OPM. However, in many cases Federal agencies are not using these authorities. Neither is the competitive process the problem. The notion that merit system principles and veterans preference are barriers to hiring is wrong. These are good management practices that ensure agencies select qualified candidates and do not use discriminatory practices.

OPM has not done enough to force agencies to streamline their hiring processes and appeal to the next generation of employees. OPM developed the 45-day hiring model and Hiring Tool Kit to reduce the hiring time at agencies to 45 days and streamline internal processes. However, these have not reduced the number of complaints from applicants about the length and complexity of the process. The 45-day model is 45 workdays or 9 weeks. Furthermore, agencies still require too much information up front from candidates instead of an approach that requires more information as the employee moves through the process.

Agencies need to adapt, just as the private sector has, to the culture of the next generation of Federal workers. Candidates should receive timely and informative feedback. Candidate-friendly applications that welcome cover letters and resumes should be implemented. And, more pipelines into colleges and technical schools need to be developed to recruit candidates with diverse backgrounds.

Witnesses from the hearing were committed to improving the process offered many recommendations to help agencies. However, these recommendations are not new and I am concerned that their efforts may be too little, too late. Agencies have the existing authorities to streamline their processes and some are already doing so, but it is not enough.

I am convinced that only through agency leadership that prioritizes this issue will any meaningful reforms take place. I will continue to press this administration to address this issue, and I encourage the next administration to take on the challenge of reforming the recruitment and hiring process to ensure that the Federal workforce is the greatest workforce in the world.

MEDICARE

Mr. BURR. Mr. President, for the last 8 weeks, a group of Republican Senators, led by Senator VITTER, have come to the floor to talk about health care. Thus far Senators VITTER, THUNE, ISAKSON, and DEMINT have spoken about health care particularly the choice we are facing this November in electing our next President. I don't think there has ever been such a clear difference in opinions between parties on an issue that issue is health care.

One side would like the Government to run health care. The other side would like to give individuals and families the resources to access their own health care that they can control and take with them from job to job. In a nutshell—big government v. individual and family choice.

This week I am responsible for talking about the most tangible area we see this dichotomy—Medicare. Under Medicare, beneficiaries either have fee-for-service or Medicare Advantage. The Government sets prices and makes coverage decisions under fee-for-service. Multiple private sector companies offer comprehensive coverage under Medicare Advantage. But the best example of individual choice and private sector competition is seen under Medicare's drug benefit—Part D. Let me first talk about Medicare Advantage.

In 2008, Medicare Advantage plans are offering an average of approximately $1,100 in additional annual value to enrollees in terms of cost savings and added benefits. Some examples of extra benefits available through Medicare Advantage plans are; No. 1, coordination of care; No. 2, special needs services; No. 3, predictability in out-of-pocket costs; No. 4, reduced cost-sharing for Medicare covered services; and No. 5, vision and dental benefits.

Competition in the Medicare Advantage Program has created significant value for beneficiaries. Medicare Advantage enrollees typically benefit from reduced cost-sharing relative to FFS Medicare. All regional PPO enrollees have the protection of a required catastrophic spending cap and a combined Part A and B deductible. Sixty-seven percent of plans have coverage for eye glasses. Eighty-three percent have coverage for routine eye exams. Eighty-six percent cover additional inpatient acute care stay days. Ninety percent waive the 3-day hospital stay requirement for skilled nursing facility care.

Many Medicare Advantage plan enrollees also receive basic Part D prescription drug coverage at a lower cost than stand-alone Part D plans can provide. Enrollees in Medicare Advantage plans that include Part D coverage save money on drug coverage in two ways: No. 1, Medicare Advantage plan drug premiums for basic coverage in 2008 were, on average, about $6 less than average Part D premiums for basic coverage; and No. 2, the Medicare Advantage payment structure allows Medicare Advantage with Part D to use rebates to further reduce Part D premiums. On average, Part D premium savings from rebates was more than $16 per month in 2008. In 2007 it was reported that 99 percent of Medicare beneficiaries have access to Medicare Advantage plans with zero added premiums, while 86 percent have access to plans that would cover prescription drugs with a zero premium through Medicare Advantage.

Some say Medicare Advantage is not needed because Medicare meets all the needs of the beneficiaries, but if this was true, millions of seniors would not purchase supplemental Medigap coverage to add benefits and pick up some costs. If Medicare Advantage plans were no longer available to those currently enrolled, 39 percent of the beneficiaries would go without supplementary coverage because they could not afford it. According to the NAACP, Medicare Advantage plans have been able to provide low income beneficiaries more comprehensive benefits and lower cost-sharing than if they just had Medicare alone.

Medicare Advantage enrollees report on their experience in Medicare Advantage plans through the Consumer Assessment of Health Plan Survey, CAHPS. Scores from CAHPS are consistently high. Eighty-six percent of respondents give their plan a rating of 7 or higher, on a scale of 10. Ninety percent of respondents indicated that they usually or always received needed care. And 88 percent of respondents indicated that they usually or always received care quickly.

As I said earlier, the greatest example of individual choice and private sector competition is found in Medicare Part D. The overall projected cost of the drug benefit is $117 billion lower over the next 10 years than was estimated last summer due to the slowing of drug cost trends, lower estimates of plan spending, and higher rebates from drug manufacturers. Compared to original Medicare Modernization Act projections, the net Medicare cost of the new drug benefit is $243.7 billion, or 38.5 percent, lower over the 10-year period, 2004 to 2013.

Ninety percent of Medicare beneficiaries in a stand-alone Part D prescription drug plan, PDP, will had access to at least one plan in 2008 with lower premiums than they were paying in 2007. In every State, beneficiaries had access to at least one prescription drug plan with premiums of less than $20 a month. The national average monthly premium for the basic Medicare drug benefit in 2008 is projected to average roughly $25. Seventeen organizations will offer stand-alone prescription drug plans nationwide in 2008.

Beneficiaries had a wide range of plans from which to choose—some that have zero deductibles and some that offer other enhanced benefits, such as reduced deductibles and lower cost sharing. There also are options that cover generic drugs in the coverage gap for as low as $28.70 a month; nationwide, beneficiaries in any State can obtain such a plan for under $50 a month.

Consumer satisfaction with the Part D benefit is very high: Wall St Journal/Harris Interactive, December 2007—87 percent satisfied; VCR Research/Medicare Rx Network, November 2007—83 percent satisfied; KRC/Medicare Today, October 2007—89 percent satisfied; and 90 percent of dual eligible beneficiaries and 85 percent of beneficiaries with limited incomes are satisfied. Both the KRC and VCR survey show that satisfaction is increasing 10 to 12 percent over the past 2 years and that 65 percent to 77 percent say that their Medicare plan is saving them money.

Our experience with the Medicare Advantage and Part D drug plan shows one thing—competition and choice works. Under Part D we have true competition—private plans bidding against one another and driving down the price of drug benefit packages to seniors. Seniors can go onto Medicare.gov and select the plan that best suits their needs for drugs, copays, pharmacy locations, and the overall premium. As I described earlier—premiums are more reasonable than we predicted and satisfaction is very high—competition and choice works.

Under Medicare Advantage we have competition-lite. Plans compete for beneficiaries, but Medicare Advantage reimbursement is tied to Medicare fee-for-services rates in an area. People love to talk about how Medicare Advantage plans are reimbursed too much, but unfortunately that rally cry is based off a study that did not compare apples to apples. If you compare the cost of delivering Part A and B services alone, Medicare Advantage plans are only paid 2.8 percent more than Medicare FFS. I am comfortable paying 2.8 percent more because seniors have more choices, they receive more comprehensive benefits, and their care is coordinated under Medicare Advantage plans. Medicare Advantage plans actually match treatments with diseases and maintenance care with chronic conditions.

Senator COBURN and I want to move Medicare Advantage from competition-lite to full competition. We will be introducing a bill in the coming weeks that will force Medicare Advantage plans to truly compete against each other on price. Medicare Advantage plans already compete on service and quality under our bill they will have to taken lessons from Part D drug plans and compete on price.

If you have been listening from the beginning, you hopefully understand how effective competition and choice have been in two parts of the Medicare program. And you understand why I want that same robust health care competition and choice for every American. Every American deserves access to quality, affordable health care of their choice and competition between health care plans will help achieve that goal.

REBUILDING AMERICA'S IMAGE

Mr. DORGAN. Mr. President, our go-it-alone foreign policy over the last 8 years has severely damaged our image and stirred up anti-American sentiment around the world. We have lost the international goodwill we had following the terrorist attacks of September 11, 2001, and the failed strategy of the war in Iraq has cost us a good number of allies.

A worldwide survey conducted last year of 28,000 people, asking them to rate 12 countries, put the United States at the bottom, along with Iran and Israel, when it comes to having the world's most negative image. In fact, even North Korea ranked higher than the United States in that survey. Another survey found that our favorability rating around the world dropped considerably from 2000 to 2006. For example, in Germany, we went from a favorability rating of 78 percent in 2000 to 37 percent in 2006. In Spain, only 23 percent of people have a favorable opinion of the United States. I could go on and on, but I don't think anyone can dispute the fact that our image and credibility in the world has dropped dramatically. This negative trend hurts us. It makes it more difficult to implement our foreign policy, and even threatens our national security by making the United States a target.

With that being said, as the most powerful country in the world we still have an unprecedented opportunity to both help those in less fortunate countries and help our country regain the moral authority we once held.

A lot of interesting ideas have been proposed to repair our damaged image. Some of the most creative suggestions have come from students, such as the paper I recently received from Occidental College in Los Angeles. That paper makes recommendations for United States policy changes on issues like the war in Iraq, oil and energy issues, and illegal immigration, just to name a few. Calling for the United States to lead rather than dominate, to be a beacon more than a bullhorn, this paper presents a possible path to help repair our standing in the international community. I don't agree with everything in the paper, but it is full of interesting ideas that can make a difference. It is encouraging to see that the youth of this country have taken a serious interest in our country's image. I encourage my colleagues on both sides of the aisle to take a serious look at this and other proposals to see what Congress can do to help ensure that future generations inherit a government that is well respected throughout the world.

It is my hope that with the new administration, our country will be able to turn the page of the past 8 years and focus on a foreign policy that is more constructive. I look forward to working with my colleagues and the next President to make this happen.

AMERICA'S FOSTER CARE CHILDREN

Mr. NELSON of Nebraska. Mr. President, I rise today, during National Foster Care Month, to speak for the more than a half million children living in foster care across the United States who are waiting for a loving family to adopt them.

I encourage potential parents throughout our country to open their hearts, their lives and their homes to these vulnerable children and provide them with the safe, permanent families that all children deserve. As an adoptive parent myself, I know first-hand the joy and fulfillment adoption can bring to a family, and I cannot think of a more perfect gift to give a child than the love, nurturing, and protection they need to grow.

A sense of stability is critical to the development of children. Yet, young children in foster care never know how long they will stay in one place or where they will be sent off to next, resulting in a frightening lack of consistency and security.

I recently had the chance to meet with Aaron Weaver, a young man from Nebraska, who shared with me some of his experiences in the foster care system: "Growing up in foster care, a tattered yellow vinyl suitcase always accompanied me, as I switched families, rules and routines," he said.

> I hated that suitcase. It was a constant reminder of how unstable my life was, and how every day was uncertain.

Fortunately, after 6 years in Nebraska's foster care system, Aaron was finally adopted. Adoption for him meant a family who gave him unconditional love. Adoption meant the end of packing his suitcase, wondering where he would be placed next. Adoption gave him, for the first time, the freedom and confidence to think about his future not in terms of where he would be sleeping next month, but in terms of what his goals were and where he wanted to go in life.

In 2005, just 10 percent of Nebraska's foster care children were lucky enough to be adopted into new families like Aaron's, leaving nearly a thousand more waiting eagerly for adoptive homes. Unfortunately, any chance of these children being placed with adoptive parents becomes worse the longer they remain in foster care. In fact, when a child reaches the 8- to 9-year age range, the probability that child will continue to wait in foster care exceeds the probability that he or she will be adopted; and the number of children in this older age group is growing.

The Adoption Incentive Program, a Federal program first enacted into law as part of the Adoption and Safe Families Act of 1997, is up for reauthorization this year. This important program encourages State governments to find permanent homes for foster children through adoption by rewarding those States which have increased their number of placements. Additionally, the program provides special incentives to focus on finding homes for older foster children and those with special needs. I am proud to report that, through this program, my home State of Nebraska was awarded $1,392,000 between 2000 and 2006 for finding adoptive families for 2,483 children, money which will be reinvested to make this number even greater.

I believe we have a responsibility to help foster children in Nebraska and across the Nation join loving, permanent adoptive families such as Aaron's. I hope all of you agree and will join me in my commitment to improving America's foster care system.

Mr. BUNNING. Mr. President, today I wish to recognize May as National Foster Care Month. I salute the thousands of families in Kentucky and throughout the country who serve as foster parents, along with those who expand their families by adopting a child from the foster care system. Unfortunately, not every child finds a home. In 2005, more than 24,000 foster children reached their 18th birthdays without being adopted. As these young adults aged out of the foster care program, they faced many of life's challenges without the family support and encouragement that many of us take for granted. With over a half million children currently in our Nation's foster care system, it is imperative that we do all that we can to ensure that they are able to join the families they so desperately need and deserve.

From my home State of Kentucky, Chris Brown is a testament to the importance of adoption. Chris entered foster care at the age of 11, after the death of his mother. He spent more than 2 years in foster care before being adopted. At the age of 13, Chris was adopted by his Big Brothers, Big Sisters mentor, Dave Brown. Chris thrived in his adoptive home, and was presented with opportunities he would not have had otherwise. Through the support of his adopted family, he was able to attend Northern Kentucky University, where he majored in psychology. Now married and with a family of his own, Chris has dedicated his career to social work, using his talents and skills to give back to the community. Chris's story demonstrates how an investment in just one child can pay off for an entire community.

The care provided by foster homes and foster families is of great value. Raising awareness about the number of foster children in America, and making it easier for families to adopt is crucial to guaranteeing that America's foster children have the resources and support they need to succeed. Chris Brown is an excellent example of how a child can thrive and develop in a loving family. National Foster Care Month reminds us of our obligation to America's youth. I commend all those who love and accept into their homes those children needing a home.

Mr. SMITH. Mr. President, I rise in observance of National Foster Care Month. Throughout our Nation, so many families provide loving and caring homes for children who have suffered from abuse and neglect. This month is an important reminder to thank the families who welcome these children into their homes, as well as the State and local officials, social workers, health care workers, and others in our communities who look for signs of abuse and take action to ensure it stops.

Social workers, in particular, have numerous demands placed on them in their efforts to ensure appropriate care of abused and neglected children, those with disabilities and our vulnerable elderly. To help these workers in their important jobs, I recently introduced the Dorothy I. Height and Whitney M. Young Jr. Social Reinvestment Act with Senator MIKULSKI. I look forward to swift passage of this bill so that we can better support our Nation's social workers.

I also want to thank those who help parents who may have a substance abuse problem or who suffer from mental illness. These important professionals help so many parents to overcome their illnesses, which can be a barrier in providing safe and stable homes for their children.

Our justice systems, including our judges, attorneys and local law enforcement, who work every day to ensure the safety of our children, also deserve our recognition this month. So many of them take the extra time in their overburdened caseloads to ensure they are doing the right thing for the future of each abused and neglected child. In fact, in my home State of Oregon, Judge Pamela Abernethy runs a program in her courtroom that engages mental health professionals, law enforcement officials, child development specialists and others in a team approach that has produced great outcomes for children and their parents. Her work helps to stop the cycle of abuse that we see too often in families. I look forward to continuing to work with Senator HARKIN to pass our bill, the Safe Babies Act, which will work to replicate successful programs like Judge Abernethy's across the Nation.

However, we know that often children may not be able to return to their birth families. In America we are lucky that many families, including my own, have a great love in their heart for children and are looking to adopt.

Oregonians Tim and Sari Gale, for example, originally were very interested in adopting an infant. However, as they continued to look into adoption, they could not get the images out of their minds of the older children they saw in the brochures. "We started to ask ourselves why we would adopt an infant, when so many children were in need of parents," said Shari. "It started making more and more sense for us to adopt an older child."

Soon, Andrew became a member of the family. "It has been heart-warming and amazing to watch the gradual process whereby this frightened little boy learned to love and to trust," observed a family friend. "Andrew has blossomed under the Gales' loving care." Watching Andrew interact with peers at high school events or serving as a counselor for other children at summer riding camp, one would never guess this likeable and polite young man had spent his early years as an abused and neglected child. The Gales truly are a testament to the healing power of a loving family.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children permanent homes through adoption. The Adoption Incentive Program is due to expire on September 30. Congress must reauthorize this act so that it can continue to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special-needs children and foster children over age 9. I am proud of Oregon's success in finalizing more than 12,700 adoptions of children from foster care between 2000 and 2006. This has resulted in Oregon receiving $3.1 million in Federal adoption incentive payments, which are invested back into the child welfare program.

In 2005, roughly 2,065 children from Oregon's foster care system were adopted—but nearly 3,500 foster children in Oregon were still waiting for adoptive families, and they waited an average of about 2½ years to join a new family. These vulnerable children have waited long enough.

Again, it is important that we thank foster care and adoptive families in our Nation, as well as frontline workers who protect our children, for the wonderful work that they do and love that they share.

EXPORT CONTROL SYSTEM

Mr. AKAKA. Mr. President, I wish today to discuss the U.S. export control system bureaucracy and its impact on our national interests.

Recently I chaired a hearing of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee entitled "Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests." Some of the issues explored in the hearing were: revising the multilateral coordination and enforcement aspects of export controls; addressing weaknesses in the interagency process for coordinating and approving licenses; reviewing alternative bureaucratic structures or processes to eliminate exploitable seams in our export control system; and ensuring that there are enough qualified licensing officers to review efficiently license applications.

Witnesses from the State Department's Bureau of Political-Military Affairs, the Commerce Department's Bureau of Industry and Security, and the Department of Defense's Defense Technology Security Administration responded to almost a decade's worth of analysis, recommendations, reports, and testimony from the Government Accountability Office, GAO. The GAO witness on the panel identified numerous instances of inefficiency and ineffectiveness in the U.S. export control system, including poor strategic management, insufficient interagency coordination, shortages of manpower, short-term fixes for long-term problems, and inadequate information systems.

Although the agency witnesses acknowledged their progress in addressing these shortcomings, they also articulated a deeper need for greater reform in response to the challenges of globalization in the 21st century. I would go one step further then the administration witnesses. The U.S. export control system is a relic of the Cold War and does not effectively meet our national and economic security needs.

Recent examples demonstrate the challenges of controlling sensitive exports. Dual-use technology has been diverted through Britain and the United Arab Emirates, UAE, to Iran. A recent attempt by two men to smuggle sensitive thermal imaging equipment to China shows that Iran is not alone in its desire for sensitive technology. However, the effort to control the flow of dual-use technology goes beyond our borders. Working with the international community is critical as technologies which were once only produced in the U.S. are now being produced elsewhere.

The second group of witnesses, representing many decades of government and private sector experience with export controls, identified recommendations that could begin to modernize this system: eliminating the distinction between weapons and dual-use technology; reducing the total number of items on control lists; implementing project licenses that cover a multitude of items instead of relying on an item-by-item licensing process; passing an updated Export Administration Act; focusing on multilateral export controls and harmonizing them with our allies; and reestablishing high-level policy management of both dual-use and munitions exports at the White House. Mr. President, I would like to ask to have printed in the RECORD, following my remarks, a CRS memorandum providing an excellent overview of U.S export controls.

An opportunity to revise our ineffective and inefficient export control system will accompany the arrival of the new administration in January. I urge my colleagues to consider these recommendations for improving the management and bureaucracy of the export control system as the Congress debates and updates relevant legislation.

Mr. President, I ask unanimous consent to have the two CRS memoranda to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 21, 2008.

MEMORANDUM

Re: Background for Hearing on U.S. Export Controls.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce; and the District of Columbia.

From: Ian F. Fergusson, Specialist in International Trade and Finance; Richard F. Grimmett, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background information in support of your upcoming hearing on the U.S. export control system. The memo discusses the legislative authority, structure, and function of U.S. dual-use and defense export controls. It also discusses current issues related to the administration of those controls. If you have any questions concerning the material in this memorandum, please contact Ian Fergusson at 7-4997 or Richard Grimmett at 7-7675.

OVERVIEW OF THE U.S. EXPORT CONTROL SYSTEM

The United States restricts the export of defense items or munitions, so-called "dual-use" goods and technology, certain nuclear materials and technology, and items that would assist in the proliferation of nuclear, chemical and biological weapons or the missile technology to deliver them. Defense items are defined by regulation as those "specifically designed, developed, or configured, adapted, or modified for a military application, has neither predominant civilian application nor performance equivalent to an item used for civilian application, or has significant military or intelligence application "such that control is necessary." Dual-use goods are commodities, software, or technologies that have both civilian and military applications.

U.S. export controls are also utilized to restrict exports to certain countries in which the United States imposes economic sanctions. Through the Export Administration Act (EAA), the Arms Export Control Act (AECA), and other authorities, Congress has delegated to the executive branch its express constitutional authority to regulate foreign commerce by controlling exports. In its administration of this authority, the executive branch has created a diffuse system by which exports are controlled by differing agencies under different regulations. This section describes the characteristics of the dual-use, munitions, and nuclear controls. The information contained in the section also appears in chart form in Appendix 1.

Various aspects of this system have long been criticized by exporters, non-proliferation advocates and other stakeholders as being too rigorous, insufficiently rigorous, lax, cumbersome, too stringent, or any combination of these descriptions. In January 2007, the Government Accountability Office (GAO) designated government programs designed to protect critical technologies, including the U.S. export control system, as a 'high-risk area' "that warrants a strategic re-examination of existing programs to identify needed changes." The report cited poor coordination among export control agencies, disagreements over commodity jurisdiction between State and Commerce, unnecessary delays and inefficiencies in the license application process, and a lack of systematic evaluative mechanisms to determine the effectiveness of export controls.

THE DUAL-USE SYSTEM

The Export Administration Act (EAA). The EAA of 1979 (P.L. 96-72) is the underlying statutory authority for dual-use export controls. The EAA, which is currently expired, periodically has been reauthorized for short periods of time. The last incremental extension expired in August 2001. At other times and currently, the export licensing system created under the authority of EAA has been continued by the invocation of the International Emergency Economic Powers Act (IEEPA) (P.L. 95-223). EAA confers upon the President the power to control exports for national security, foreign policy or short supply purposes. It also authorizes the President to establish export licensing mechanisms for items detailed on the Commerce Control List (see below), and it provides some guidance and places certain limits on that authority.

Several attempts to rewrite or reauthorize the EAA have occurred over the years. The last comprehensive effort took place during the 107th Congress. The Senate adopted legislation, S. 149, in September 2001, and a competing House version, H.R. 2581, was developed by the then House International Relations Committee, and the House Armed Services Committee. The full House did not act on this legislation. More modest attempts to update the penalty structure and enforcement mechanisms in context of renewing the 1979 Act for a period of 5 years has been introduced in the 110th Congress as the Export Enforcement Act of 2007 (S. 2000).

The EAA, which was written and amended during the Cold War, was based on strategic relationships, threats to U.S. national security, international business practices, and commercial technologies many of which have changed dramatically in the last 25 years. Some Members of Congress and most U.S. business representatives see a need to liberalize U.S. export regulations to allow American companies to engage more fully in international competition for sales of high-technology goods. Other Members and some national security analysts contend that liberalization of export controls over the last decade has contributed to foreign threats to U.S. national security, that some controls should be tightened, and that Congress should weigh further liberalization carefully.

Administration. The Bureau of Industry and Security in the Department of Commerce administers the dual-use export control system. The export licensing and enforcement functions that now form the agency mission of BIS were detached from the International Trade Administration in 1980 in order to separate it from the export promotion functions of the Department of Commerce. In FY2006, BIS processed 18,941 licenses with a value of approximately $36 billion. During the same fiscal year, BIS approved 15,982 applications, denied 189, and returned 2,763 (usually because a license was not necessary), for an approval rate of 98.8%, disregarding the returned licenses. BIS was appropriated $72.9 million in FY2008 with budget authority for 365 positions. The President's FY2009 request for BIS is $83.7 million, a 14.8% increase from FY2008, with budget authority for 396 positions. In addition to its export licensing and enforcement functions, BIS also enforces U.S. anti-boycott regulations concerning the Arab League boycott against Israel.

Implementing Regulations. The EAA is implemented by the Export Administration Regulations (EAR) (15 CFR 730 et seq). As noted above, the EAR is continued under the authority of the International Economic Emergency Powers Act (IEEPA) in times when the EAA is expired. The EAR sets forth licensing policy for goods and destinations, the applications process used by exporters, and the Commerce Control List (CCL). The CCL is the list of specific goods, technology, and software that are controlled by the EAR. The CCL is composed of ten categories of items: Nuclear materials, facilities, and equipment; materials, organisms, microorganisms, and toxins; materials processing; electronics; computers; telecommunications and information security; lasers and sensors; navigation and avionics; marine; and propulsion systems, space vehicles, and related equipment. Each of these categories is further divided into functional groups: Equipment, assemblies, and components; test, inspection, and production equipment; materials; software; and technology. Each controlled item has an export control classification number (ECCN) based on the above categories and functional group. Each ECCN is accompanied by a description of the item and the reason for control. In addition to discrete items on the CCL, nearly all U.S. origin commodities are "subject to the EAR." This means that any product "subject to the EAR" may be restricted to a destination based on the end-use or end-user of the product. For example, a commodity that is not on the CCL may be denied if the good is destined for a military end-use, or to an entity known to be engaged in proliferation.

Licensing Policy. The EAR sets out the licensing policy for dual-use commodities. Items are controlled for reasons of national security, foreign policy, or short-supply. National security controls are based on a common multilateral control list, however the countries to which we apply those controls are based on U.S. policy. Foreign Policy controls may be unilateral or multilateral in nature. Items are controlled unilaterally for anti-terrorism, regional stability, or crime control purposes. Anti-terrorism controls proscribe nearly all exports to the 5 state sponsors of terrorism. Foreign policy-based controls are also based on adherence to multilateral non-proliferation control regimes such the Nuclear Suppliers' Group, the Australia Group (chemical and biological precursors), and the Missile Technology Control Regime.

The EAR sets out timelines for the consideration of dual-use licenses and the process for resolving interagency disputes. Within 9 days from receipt, Commerce must refer the license to other agencies (State, Defense, or NRC as appropriate), grant the license, deny it, seek additional information, or return it. If the license is referred to other agencies, the agency to which it is referred must recommend the application be approved or denied within thirty days. The EAR provides a dispute resolution process for a dissenting agency to appeal an adverse decision. The interagency dispute resolution process is designed to be completed within 90 days. This process is depicted graphically in Appendix 2.

Enforcement and Penalties. Because of the expiration of the EAA, current penalties for export control violations are based on those contained in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.). For criminal penalties, IEEPA sanctions individuals up to $1 million or up to 20 years imprisonment, or both, per violation [50 U.S.C. 1705(b)]. Civil penalties under IEEPA are set at $250,000 per violation. IEEPA penalties were recently raised to the current levels by the International Emergency Economic Powers Enhancement Act (P.L. 110–96), which was signed by President Bush on October 16, 2007.

Enforcement is carried out by the Office of Export Enforcement (OEE) at BIS. OEE has a staff of approximately 164 in Washington and eight domestic field offices. OEE is authorized to carry out investigations domestically and works with Department of Homeland Security (DHS) to conduct investigations overseas. OEE also conducts pre-license and post-shipment verification along with in-country U.S. embassy officials overseas.

The Export Enforcement Act of 2007. One of the persistent concerns about the administration of the dual-use system is that it operates under the emergency authority of the International Economic Emergency Powers Act (IEEPA), the underlying EAA having last expired in 2001. On August 3, 2007, the administration-supported Export Enforcement Act of 2007 (S. 2000) was introduced by Senator Dodd. The draft bill would reauthorize the Export Administration Act for five years and amend the penalty and enforcement provisions of the Act. The proposed legislation would revise the penalty structure and increase penalties for export control violations. The bill would raise criminal penalties for individuals up to $1 million and raise the term of potential imprisonment to ten years for each violation. For firms, it would raise penalties to the greater of $5 million or 10 times the value of the export. Under the 1979 FAA, the base penalty was the greater of $50,000 or 5 times the value of the export, or five years imprisonment. It would expand the list of statutory violations that could result in a denial of export privileges, and it extends the term of such denial from not more than 10 years to not more than 25 years.

The enforcement provisions of the Administration proposal would expand the authority of the Department of Commerce to investigate potential violations of EAA overseas. It provides for enforcement authority at other places at home and abroad with the concurrence of the Department of Homeland Security. The proposed draft legislation would restate the enforcement provisions of the EAA to account for the current structure of Customs and Border Security and the Immigration and Customs Enforcement in the Department of Homeland Security. It would also direct the Secretary of Commerce to publish and update best practices guidelines for effective export control compliance programs. It also would expand the confidentiality provisions beyond licenses and licensing activity to include classification requests, enforcement activities, or information obtained or supplied concerning U.S. multilateral commitments. The bill included new language governing the use of funds for undercover investigations and operations and establishes audit and reporting requirements for such investigations. It also authorized wiretaps in enforcement of the act.

Some in the industry community have criticized the legislation for focusing on penalties and enforcement without addressing business concerns such as streamlining the license process. While the Administration favors the 5 year renewal period of the current EAA as a period in which a new export control system may be devised, the length of the extension may also serve to take the pressure off such reform efforts.

MILITARY EXPORT CONTROLS

Arms Export Control Act of 1976 (AECA). The AECA provides the statutory authority for the control of defense articles and services. It sets out foreign and national policy objectives for international defense cooperation and military export controls. Section 3(a) of the Arms Export Control Act (AECA) sets forth the general criteria for countries or international organizations to be eligible to receive United States defense articles and defense services provided under the act. It also sets express conditions on the uses to which these defense items maybe put. Section 4 of the Arms Export Control Act states that U.S. defense articles and defense services shall be sold to friendly countries "solely" for use in "internal security," for use in "legitimate self-defense," to enable the recipient to participate in "regional or collective arrangements or measures consistent with the Charter of the United Nations," to enable the recipient to participate in "collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security," and to enable the foreign military forces "in less developed countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries." The AECA also contains the statutory authority for the Foreign Military Sales program, under which the U.S. government sells U.S. defense equipment, services, and training on a government-to-government basis.

Licensing Policy. The International Traffic in Arms Regulations (ITAR) sets out licensing policy for exports (and some temporary imports) of U.S. Munitions List (USML) items. A license is required for the export of nearly all items on the USML. Canada has a limited exemption as it is considered part of the U.S. defense industrial base. In addition, the United States has recently signed treaties with the United Kingdom and Australia to exempt certain defense articles from licensing obligations to approved end-users in those countries. These treaties must be ratified by the Senate. Unlike some Commerce controls, licensing requirements are based on the nature of the article and not the end-use or end-user of the item. The United States prohibits munitions exports to countries either unilaterally or based on adherence to United Nations arms embargoes. In addition, any firm engaged in manufacturing, exporting, or brokering any item on the USML must register with DDTC and pay a yearly fee, currently $1,750, whether it seeks to export or not during the year.

Congressional Requirements. A prominent feature of the AECA is the requirement of congressional consideration of foreign arms sales proposed by the President. This procedure includes consideration of proposals to sell major defense equipment, defense articles and services, or the re-transfer to other nations of such military items. The procedure is triggered by a formal report to Congress under Sections 36 of the Arms Export Control Act (AECA). In general, the executive branch, after complying with the terms of applicable section of U.S. law, usually those contained in the Arms Export Control Act, is free to proceed with an arms sales proposal unless Congress passes legislation prohibiting or modifying the proposed sale.

The traditional sequence of events for the congressional review of an arms sale proposal has been the submission by the Defense Department (on behalf of the President) of a preliminary or "informal" classified notification of a prospective major arms sale 20 calendar-days before the executive branch takes further formal action. This "informal" notification is submitted to the Speaker of the House (who traditionally has referred it to the House Foreign Affairs Committee), and to the Chairman of the Senate Foreign Relations Committee. This practice stems from a February 18, 1976, letter of the Defense Department making a nonstatutory commitment to give Congress these preliminary classified notifications. It has been the practice for such "informal" notifications to be made for arms sales cases that would have to be formally notified to Congress under the provisions of Section 36(b) of the Arms Export Control Act (AECA). These "informal" notifications always precede the submission of the required statutory notifications, but the time period between the submission of the "informal" notification and the statutory notification is not fixed. It is determined by the President. He has the obligation under the law to submit the arms sale proposal to Congress, but only after he has determined that he is prepared to proceed with any such notifiable arms sales transaction.

Under Section 36(b) of the Arms Export Control Act, Congress must be formally notified 30 calendar-days before the Administration can take the final steps to conclude a government-to-government foreign military sale of major defense equipment valued at $14 million or more, defense articles or services valued at $50 million or more, or design and construction services valued at $200 million or more. In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with the sale. However, the prior notice thresholds are higher for NATO members, Australia, Japan or New Zealand. These higher thresholds are: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services; and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations.

Commercially licensed arms sales also must be formally notified to Congress 30 calendar-days before the export license is issued if they involve the sale of major defense equipment valued at $14 million or more, or defense articles or services valued at $50 million or more (Section 36(c) AECA). In the case of such sales to NATO member states, NATO, Japan, Australia, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with such a sale. However, the prior notice thresholds are higher for sales to

NATO members, Australia, Japan or New Zealand specifically: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of defense articles and defense services, and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations. It has not been the general practice for the Administration to provide a 20-day "informal" notification to Congress of arms sales proposals that would be made through the granting of commercial licenses.

A congressional recess or adjournment does not stop the 30 calendar-day statutory review period. It should be emphasized that after Congress receives a statutory notification required under Sections 36(b) or 36(c) of the Arms Export Control Act, for example, and 30 calendar-days elapse without Congress having blocked the sale, the executive branch is free to proceed with the sales process. This fact does not mean necessarily that the executive branch and the prospective arms purchaser will sign a sales contract and that the items will be transferred on the 31st day after the statutory notification of the proposal has been made. It would, however, be legal to do so at that time.

Administration. Exports of defense goods and services are administered by the Directorate of Defense Trade Controls (DDTC) at the Department of State. DDTC is a component of the Bureau of Political-Military Affairs and consists of four offices: Management, Policy, Licensing, and Compliance. In FY2008, DDTC was funded at a level of $12.7 million and had a staff of 78 ($6.6 million for licensing activities, 44 licensing officers). In the 12 months ending March 2008, DDTC completed action on 83,886 export license applications, and its FY2009 budget request reported that license application volumes have increased by 8% a year. DDTC's FY2009 budget request, however, did not ask for additional staffing and its budget request called for an increase of $0.4 million to $13.1 million ($6.9 million for licensing activities). On March 24, 2008, 19 Members of Congress wrote to the Chairwoman and Ranking Member of the House State and Foreign Operations Appropriations Subcommittee to request a funding level of $26 million, including $8 million collected yearly from registration fees. Senator Biden, in his Foreign Relations Views and Estimates letter to the Senate Budget Committee also described DDTC as "seriously understaffed" and suggested "a doubling of that figure ($6.9 million for licensing) is warranted.

Critics of the defense trade system have long decried the delays and backlogs in processing license applications at DDTC. The new National Security Presidential Directive (NSPD–56), signed by President Bush on January 22, 2008, directed that the review and adjudication of defense trade licenses submitted under ITAR are to be completed within 60 days, except where certain national security exemptions apply. Previously, except for the Congressional notification procedures discussed above, DDTC had no defined time-line for the application process. DDTC's backlog of open cases, which had reached 10,000 by the end of 2006, has been reduced to 3,458 by March 2008. During this period, average processing time of munitions license applications have also trended downward from 33 days to 15 days. However, GAO reported in November 2007 that DDTC was using "extraordinary measures—such as extending work hours, canceling staff training, meeting, and industry outreach, and pulling available staff from other duties in order to process cases" to reduce the license backlog, measures that it described as unsustainable.

Enforcement and Penalties. The AECA provides for criminal penalties of $1 million or ten years for each violation, or both. AECA also authorizes civil penalties of up to $500,000 and debarment from future exports. DDTC has a small enforcement staff (18 in the Office of Defense Trade Compliance) and works with the Defense Security Service and the Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) units at the Department of Homeland Security (DHS). DDTC assists the DHS and the Department of Justice in pursuing criminal investigations and prosecutions. DDTC also coordinates the Blue Lantern end-use monitoring program, in which U.S. embassy officials in-country conduct pre-license checks and post-shipment verifications. In FY2006, DDTC completed 489 end-use cases, 94 (19%) of which were determined to be unfavorable.

NUCLEAR

A subset of the abovementioned dual-use and military controls are controls on nuclear items and technology. Controls on nuclear goods and technology are derived from the Atomic Energy Act as well as from the EAA and the AECA. Controls on nuclear exports are divided between several agencies based on the product or service being exported. The Nuclear Regulatory Commission regulates exports of nuclear facilities and material, including core reactors. The NRC licensing policy and control list is located at 10 C.F.R. 110. BIS licenses "outside the core" civilian power plant equipment and maintains the Nuclear Referral List as part of the CCL. The Department of Energy controls the export of nuclear technology. DDTC exercises licensing authority over nuclear items in defense articles under the ITAR.

DEFENSE TECHNOLOGY SECURITY ADMINISTRATION (DTSA)

DTSA is located in the Department of Defense, Office of the Under Secretary of Defense for Policy under the Assistant Secretary of Defense for Global Security Affairs. DTSA coordinates the technical and national security review of direct commercial sales export licenses and commodity jurisdiction requests received from the Departments of Commerce and State. It develops the recommendation of the DOD on these referred export licenses or commodity jurisdictions based on input provided by the various DOD departments and agencies and represents DOD in the interagency dispute resolution process. In calendar year 2007, DTSA completed 41,689 license referrals. Not all licenses from DDTC or BIS are referred to DTSA; memorandums of understanding govern the types of licenses referred from each agency. DTSA coordinates the DOD position with regard to proposed changes to the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR). It also represents the DOD in interagency fora responsible for compliance with multinational export control regimes. For FY2008, DTSA had a staff of 187 civilian and active duty military employees and received funding of $23.3 million.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS

Characteristic	Dual-Use	Munitions	Nuclear
Legislative Authority	Export Administration Act (EAA) of 1979 (expired); International Emergency Economic Powers Act of 1977 (IEEPA).	Arms Export Control Act of 1976 (AECA)	Atomic Energy Act of 1954.
Agency of Jurisdiction	Bureau of Industry and Security (BIS) (Commerce)	Directorate of Defense Trade Controls (DDTC) (State)	Nuclear Regulatory Commission (NRC) (facilities and material); Department of Energy (DOE) (technology); BIS ('outside the core' civilian power plant equipment); DDTC (nuclear items in defense articles).
Implementing Regulations	Export Administration Regulations (EAR)	International Traffic in arms Regulations (ITAR)	10 C.F.R. 110—Export and Import of Nuclear Material and Equipment (NRC); 10 C.F.R. 810—Assistance to Foreign Atomic energy Activities (DOE).
Control List	Commerce Control List (CCL)	Munitions List (USML)	List of Nuclear Facilities and Equipment; List of Nuclear Materials (NRC); Nuclear Referral List (CCL); USML; Activities Requiring Specific Authorization (DOE).
Relation to Multilateral Controls.	Wassenaar Arrangement (Dual-Use); Missile Technology Control Regime (MTCR); Australia Group (CBW); Nuclear Suppliers' Group.	Wassennaar Arrangement (munitions); MTCR	Nuclear Suppliers' Group; International Atomic Energy Agency.
Licensing Policy	Based on item, country, or both. Anti-terrorism controls proscribe exports to 5 coontries for nearly all CCL listings.	Most Munitions; License items require licenses; 21 proscribed countries.	General/Specific Licenses (NRC); General/Specific Authorizations (DOE).
Licensing Application Timeline.	initial referral within 9 days; agency must approve/deny within 30 days; 90 appeal process. (See Appendix 2).	60 days with national security exceptions; Congressional notification period for significant military equipment.	No timeframe for license applications.

APPENDIX 1: BASIC EXPORT CONTROL CHARACTERISTICS—Continued

Characteristic	Dual-Use	Munitions	Nuclear
Penalties	Criminal: $1 million or 20 years; Civil: $250,000/Denial of export privileges. (IEEPA).	Criminal: $1 million/10 years prison; Civil: $500,000/ forfeiture of goods, conveyance; Denial of Export Privileges for either.	Criminal: Individual—$250,000/12 years to life; Firm—$500,000 (For NRC and DOE); Civil: $100,000 per violation (For NRC).

CONGRESSIONAL RESEARCH SERVICE;
Washington, DC, April 21, 2008.

MEMORANDUM

Re: United Arab Emirates: Political Background and Export Control Issues.

To: Senate Homeland Security and Government Affairs Committee; Subcommittee on Oversight of Government Management; the Federal Workforce, and the District of Columbia.

From: Kenneth Katzman; Specialist in Middle Eastern Affairs; Ian F. Fergusson; Specialist in International Trade and Finance Foreign Affairs, Defense, and Trade Division.

This memorandum responds to your request for background on the United Arab Emirates and concerns about that country's export control law and practices. If you have any requests concerning this material, please contact Kenneth Katzman (7–7612) or Ian Fergusson (7–4997).

POLITICAL AND ECONOMIC BACKGROUND

The UAE is a federation of seven emirates (principalities): Abu Dhabi, the oil-rich capital of the federation; Dubai, its free-trading commercial hub; and the five smaller and less wealthy emirates of Sharjah; Ajman; Fujayrah; Umm al-Qawayn; and Ras al-Khaymah. The UAE federation is led by the ruler of Abu Dhabi, Khalifa bin Zayid al-Nuhayyan, now about 60 years old. The ruler of Dubai traditionally serves concurrently as Vice President and Prime Minister of the UAE; that position has been held by Mohammad bin Rashid Al Maktum, architect of Dubai's modernization drive, since the death of his elder brother Maktum bin Rashid Al Maktum on January 5, 2006.

In part because of its small size—its population is about 4.4 million, of which only about 900,000 are citizens—the UAE is one of the wealthiest of the Gulf states, with a gross domestic product (GDP) per capita of about $55,000 per year in terms of purchasing power parity. Islamist movements in UAE, including those linked to the Muslim Brotherhood, are generally non-violent and perform social and relief work. However, the UAE is surrounded by several powers that dwarf it in size and strategic capabilities, including Iran, Iraq, and Saudi Arabia, which has a close relationship with the UAE but views itself as the leader of the Gulf monarchies.

The UAE has long lagged behind the other Persian Gulf states in political reform, but the federation, and several individual emirates, have begun to move forward. The most significant reform, to date, took place in December 2006, when limited elections were held for half of the 40-seat Federal National Council (FNC); the other 20 seats continue to be appointed. Previously, all 40 members of the FNC were appointed by all seven emirates, weighted in favor of Abu Dhabi and Dubai (eight seats each). UAE citizens are able to express their concerns directly to the leadership through traditional consultative mechanisms, such as the open majlis (council) held by many UAE leaders.

The UAE's social problems are likely a result of its open economy, particularly in Dubai. The Trafficking in Persons report for 2007 again placed the UAE on "Tier 2/Watch List" (up from Tier 3 in 2005) because it does not comply with the minimum standards for the elimination of trafficking but is making significant efforts to do so. The UAE is considered a "destination country" for women trafficked from Asia and the former Soviet Union.

Defense Relations With the United States and Concerns About Iran. Following the 1991 Gulf war to oust Iraqi forces from Kuwait, the UAE, whose armed forces number about 61,000, determined that it wanted a closer relationship with the United States, in part to deter and to counter Iranian naval power. UAE fears escalated in April 1992, when Iran asserted complete control of the largely uninhabited Persian Gulf island of Abu Musa, which it and the UAE shared under a 1971 bilateral agreement. (In 1971, Iran, then ruled by the U.S.-backed Shah, seized two other islands, Greater and Lesser Tunb, from the emirate of Ras al-Khaymah, as well as part of Abu Musa from the emirate of Sharjah.) The UAE wants to refer the dispute to the International Court of Justice (ICJ), but Iran insists on resolving the issue bilaterally. The United States is concerned about Iran's military control over the islands and supports UAE proposals, but the United States takes no position on sovereignty of the islands. The UAE, particularly Abu Dhabi, has long feared that the large Iranian-origin community in Dubai emirate (est. 400,000 persons) could pose a "fifth column" threat to UAE stability. Illustrating the UAE's attempts to avoid antagonizing Iran, in May 2007, Iranian President Mahmoud Ahmadinejad was permitted to hold a rally for Iranian expatriates in Dubai when he made the first high level visit to UAE since UAE independence in 1971.

The framework for U.S.-UAE defense cooperation is a July 25, 1994, bilateral defense pact, the text of which is classified, including a "status of forces agreement" (SOFA). Under the pact, during the years of U.S. "containment" of Iraq (1991–2003), the UAE allowed U.S. equipment pre-positioning and U.S. warship visits at its large Jebel Ali port, capable of handling aircraft carriers, and it permitted the upgrading of airfields in the UAE that were used for U.S. combat support flights, during Operation Iraqi Freedom (OIF). About 1,800 U.S. forces, mostly Air Force, are in UAE; they use Al Dhafra air base (mostly KC–10 refueling) and naval facilities at Fujairah to support U.S. operations in Iraq and Afghanistan.

The UAE, a member of the World Trade Organization (WTO), has developed a free market economy. On November 15, 2004, the Administration notified Congress it had begun negotiating a free trade agreement (FTA) with the UAE. Several rounds of talks were held prior to the June 2007 expiration of Administration "trade promotion authority," but progress had been halting, mainly because UAE may feel it does not need the FTA enough to warrant making major labor and other reforms. Despite diversification, oil exports still account for one-third of the UAE's federal budget. Abu Dhabi has 80% of the federation's proven oil reserves of about 100 billion barrels, enough for over 100 years of exports at the current production rate of 2.2 million barrels per day (mbd). Of that amount, about 2.1 mbd are exported, but negligible amounts go to the United States. The UAE does not have ample supplies of natural gas, and it has entered into a deal with neighboring gas exporter Qatar to construct pipeline that will bring Qatari gas to UAE (Dolphin project). UAE is also taking a leading role among the Gulf states in pressing consideration of alternative energies, including nuclear energy, to maintain Gulf energy dominance.

EXPORT CONTROL ISSUES

Cooperation Against Terrorism. The relatively open society of the UAE—along with UAE policy to engage rather than confront its powerful neighbors—has also caused differences with the United States on the presence of terrorists and their financial networks. However, the UAE has been consistently credited by U.S. officials with attempting to rectify problems identified by the United States.

The UAE was one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban during 1996–2001 as the government of Afghanistan. During Taliban rule, the UAE allowed Ariana Afghan airlines to operate direct service, and Al Qaeda activists reportedly spent time there. Two of the September 11 hijackers were UAE nationals, and they reportedly used UAE-based financial networks in the plot. Since then, the UAE has been credited in U.S. reports (State Department "Country Reports on Terrorism: 2006, released April 30, 2007") and statements with: assisting in the 2002 arrest of senior Al Qaeda operative in the Gulf, Abd al-Rahim al-Nashiri; denouncing terror attacks; improving border security; prescribing guidance for Friday prayer leaders; investigating suspect financial transactions; and strengthening its bureaucracy and legal framework to combat terrorism. In December 2004, the United States and Dubai signed a Container Security Initiative Statement of Principles, aimed at screening U.S.-bound containerized cargo transiting Dubai ports. Under the agreement, U.S. Customs officers are co-located with the Dubai Customs Intelligence Unit at Port Rashid in Dubai. On a "spot check" basis, containers are screened at that and other UAE ports for weaponry, explosives, and other illicit cargo.

The UAE has long been under scrutiny as a transhipment point for exports to Iran and other proliferators. In connection with revelations of illicit sales of nuclear technology to Iran, Libya, and North Korea by Pakistan's nuclear scientist A.Q. Khan, Dubai was named as a key transfer point for Khan's shipments of nuclear components. Two Dubai-based companies were apparently involved in trans-shipping components: SMB Computers and Gulf Technical Industries. On April 7, 2004, the Administration sanctioned a UAE firm, Elmstone Service and Trading (FZE), for allegedly selling weapons of mass destruction- related technology to Iran, under the Iran-Syria Non-Proliferation Act (P.L. 106–178). More recently, in June 2006, the Bureau of Industry and Security (BIS) released a general order imposing a license requirement on Mayrow General Trading Company and related enterprises in the UAE.

This was done after Mayrow was implicated in the transhipment of electronic components and devices capable of being used to construct improvised explosive devices (IED) used in Iraq and Afghanistan.

Current Controls. The UAE is not subject to any blanket prohibitions regarding dual-use Commerce exports. In general, the UAE faces many of the same license requirements as other non-NATO countries. In the Export Administration Regulations (15 CFR 730 et seq.), the UAE is designated on Country Group D and thus is not eligible for certain license exceptions for items controlled for chemical biological and missile technology reasons. Reexports of U.S. origin goods from one foreign country to another subject to EAR are also controlled, and may require the reexporter regardless to nationality to obtain a license for reexport from BIS.

The Treasury Department's Office of Foreign Assets Control maintains a comprehensive embargo on the export, re-export, sale or supply of any good, service or technology to Iran by persons of U.S. origin, including to persons in third countries with the knowledge that such goods are intended specifically for the supply, transhipment or re-exportation to Iran (Iranian Transaction Regulations, 31 CFR 560.204). Re-exportation of goods, technology and services by non-U.S. persons are also prohibited if undertaken with the knowledge or reason to know that the re-exportation is intended specifically for Iran. (31 CFR 560.205). In addition, BIS also maintains controls on exports and reexports for items on the Commerce Control List (EAR, 15 CFR 746.7).

The lack of an effective export control system in the UAE and the use of the emirates' ports as transhipment centers has been a concern to U.S. policymakers. To that end, BIS released an advanced notice of proposed rule-making on February 26, 2007 that would have created a new control designation: "Country Group C: Destinations of Diversion Control." This designation would have established license requirements on exports and re-exports to countries that represent a diversion or transhipment risk for goods subject to the Export Administration Regulations. According to BIS, the Country C designation was designed "to strengthen the trade compliance and export control system of countries that are transhipment hubs." Designation on the Country Group C list could lead to tightened licensing requirements for designees. Although no countries were mentioned in the notice, it was widely considered to be directed at the United Arab Emirates.

Perhaps as a response to the possibility of becoming a 'Country C' designee, the UAE Federal Council passed the emirate's first ever export control statute in March 2007. That law, also created a control body known as the National Commission for Commodities Subject to Import, Export, and Re-export Controls and that law was signed on August 31, 2007 by Emirates President H.H. Sheikh Khalifa bin Zayed Al Nahyan. Reportedly, the law's structure and control lists were modeled after the export control regime of Singapore, another prominent transhipment hub. It remains unclear, however, the extent to which the law is being enforced or whether resources are being devoted to preventing the diversion or illegal transhipment of controlled U.S. goods and technologies.

The United States has one export control officer (ECO) on the ground in the UAE to investigate violations of U.S. dual-use export control laws. This officer may be augmented by U.S. Foreign Commercial Officers in conducting end-use check and post-shipment verifications. A recent GAO report mentioned a "high-rate of unfavorable end-use checks for U.S. items exported to the UAE," but the report did not elaborate further.

The United States also has engaged in technical cooperation to assist the UAE in developing its export control regime. Officials from BIS and other agencies reportedly traveled to the UAE in June 2007 to discuss the proposed statute. In addition, the Department of State has also provided training through its Export Control and RelatedBorder Security (EXBS) program. This program provides participating countries with licensing and legal regulatory workshops, detection equipment, on-site program and training advisers, and automated licensing programs. Since FY2001, UAE has received between $172–$350 thousand annually in this assistance. For FY2009, State has requested $200 thousand for the UAE under this program.

RECENT U.S. AID TO UAE

	FY2007 and FY2006 (Combined)	FY2007	FY2008 (est.)	FY2009 (req)
NADR (Non-Proliferation, Anti-Terrorism, De-Mining, and Related)—Anti-Terrorism Programs (ATA).	$1.094 million	$1.581 million	$300,000	$925,000
NADR—Counter-Terrorism Financing	$300,000 (FY2006 only)	$580,000		$725,000
NADR—Export Control and Related Border Security Assistance	$250,000	$172,000	$300,000	$200,000
International Military Education and Training (IMET)			$14,000	$15,000
International Narcotics and Law Enforcement (INCLE)			$300,000	

Source: Department of State, FY2009 Budget Justification.

TRIBUTE TO RABBI STEPHEN BAARS

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to my friend Rabbi Stephen Baars, of Bethesda, MD, whom I had the honor of sponsoring as our guest Chaplain for this morning. Given all that Rabbi Baars has done to help others, it was fitting that he was picked to lead the Senate in prayer. No tribute would be complete, however, without giving Senators a greater understanding of his outstanding and unique accomplishments.

Born and raised in London, Rabbi Baars originally envisioned himself working in business or sales until, at age 19, he went on vacation to Israel and became enamored with Judaism. When he finally returned to London 6 months later, he had made up his mind to become a rabbi. Shortly thereafter, he moved back to Jerusalem, where he attended rabbinical school for 9 years through Aish HaTorah, a nonprofit network of Jewish educational centers.

After completing his studies, Rabbi Baars moved to Los Angeles to work for Aish HaTorah. It was in L.A. that he tried a second career as a stand-up comedian. On the advice of a friend, Rabbi Baars began taking comedy classes at UCLA and performing stand-up in clubs. In fact, he is the only rabbi to have performed at the famous L.A. Improv. Eventually, he would stop performing because he found his spiritual work more rewarding. His comedic skills, however, would play a role in his future work, serving as means for him to get his message across to audiences.

In 1990, Rabbi Baars moved to the Washington, DC, region and began teaching Jewish studies classes throughout the DC area. Some of his students included Senators, Representatives, and top business leaders. In 1998, he established a Washington, DC, chapter of Aish HaTorah, and served as its executive director. It was there that he established his most ambitious and creative project yet. In 2002, troubled by America's high divorce rate, Rabbi Baars created BLISS, an innovative, nondenominational marriage seminar that mixes humor with advice taken from the Torah and Talmud. Always an optimist who sees the best in people, Rabbi Baars conducts these seminars and prepares his provocative "Think Again" e-mail newsletter with the belief that human beings all contain the skills and attributes they need to be good spouses and parents and that they just need to learn how to reach deep into themselves to utilize these abilities.

Rabbi Baars continues to operate BLISS, which has won rave reviews from many of its participants. Not too long ago, he was kind enough to demonstrate a sample presentation to my staff, who very much enjoyed it. He has stated that his goal for BLISS is to help reduce the divorce rate in America to the single digits. Some may mock this goal as naive, but as Rabbi Baars says, "If you pick a goal that's reasonable to achieve, you didn't look high enough."

Of course, it should come as no surprise that someone as dedicated to helping families as Rabbi Baars is happily married. He and his wife Ruth have been together for 16 years and have been blessed with seven wonderful children. His wife and family are a constant source of strength and support for Rabbi Baars as he pursues his life's work.

Thank you, Rabbi Baars, for all you have done to bring families together. It was truly an honor to have you pray with us today.●

ENDANGERED SPECIES DAY

Mrs. FEINSTEIN. Mr. President, 2 years ago I sponsored a resolution designating the third Friday in May as Endangered Species Day. This resolution passed by unanimous consent. There were no objections. The resolution was nonpartisan and noncontroversial.

The goal of Endangered Species Day was simple: to give students an opportunity to learn about the threats facing endangered and threatened species and the work being done to save them.

Last year, I introduced a similar resolution. Once again, it passed by unanimous consent and was noncontroversial. Over 60 events were held in cities across the country. It was used as an educational tool for teachers and a day for parents to take their children to the zoo.

This year the resolution was offered for a third time. It was thought it would pass quickly and without controversy. However, this was not the case. It was held up by an unknown Senator. We could not clear the hold, so we were unable to get unanimous consent to pass the resolution.

Now why is this important? The fact is that 90 events were scheduled in 28 States. Twenty events took place in California to commemorate the day. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary led nature hikes in search of the endangered tidewater goby and explained to children what they can do to save them. The Antelope Valley Conservancy hosted its third annual Endangered Species Day Conference that brought together Federal, State, and local leaders to discuss their recovery efforts. Similarly, the San Diego Zoo held public lectures on the affects that global climate change will have on endangered species.

These events still went on as planned. Teachers continued to educate their students about what we need to do as a Nation and at the local level to protect our planet and endangered species.

We know that global climate change, habitat destruction, and the illegal trade and hunting of endangered species carry serious consequences for their future survival. These threats are ongoing. More effective wildlife management programs are needed like those to save the California condor, least Bell's vireo songbird and the California grey whale.

I am disappointed that this noncontroversial resolution was prevented from passing. The goals of Endangered Species Day are simple and uncontroversial: to build awareness about the threats facing our planet's species. If we don't recognize these threats and act now to address them, our planet's endangered species may soon become our planet's extinct species. I am hopeful that all those who took part in last Friday's events came away knowing that more work needs to be done to protect our planet.

CONGRATULATING DAVID COOK

Mrs. McCASKILL. Mr. President, I want to congratulate a Missourian who has accomplished something truly remarkable. We have known our share of champions in Missouri, like the 2006 St. Louis Cardinals and the Big 12 North winning University of Missouri football team. We have also had our share of great entertainers, like Josephine Baker, Scott Joplin, and Sheryl Crow. But it is very rare that we have someone who is both. Last night, David Cook, a native of Blue Springs, MO, and a graduate of Central Missouri State University, achieved that rare combination when he was crowned winner of "American Idol."

David's victory was remarkable even by "American Idol's" standards. The show has become one of the greatest competitions the country has ever witnessed. It is ubiquitous. It is practically unavoidable. And with the eyes of the whole country watching, David Cook won "American Idol" by the incredible margin of 12 million votes out of a record 97.5 million votes cast. His performances, along with those of David Archuleta, the other worthy finalist, drew in more viewers than watched the season finale last year.

It is telling of the graciousness and humility of this superbly talented young man that David didn't even intend to try out for the show. The only reason he was at the audition was to support his brother. But while entering the contest may have been accidental, it is no accident that the country voted him the next "American Idol." His easy confidence and visible passion (not to mention that voice), made him the clear choice. He was also one of the nicest contestants ever to appear on the show—even notoriously grumpy Simon Cowell said so.

So I want to extend my heartfelt congratulations to Missouri's next superstar, David Cook. I wish you the best of luck in what I am sure will be a stellar career.

TRIBUTE TO JAMES S. HOLT

Mr. CRAIG. Mr. President, I pay tribute to Dr. James S. Holt, who passed away on April 28, 2008.

Dr. Holt was known to many Members of this Senate because of the outstanding contributions he made to developing sound Federal public policy related to agriculture, immigration, and employment. It was through his involvement in these issues before Congress that I got to know Jim and gained a tremendous respect for his wealth of knowledge and integrity—and especially his unwavering commitment to finding policy solutions that were correct, even if that meant they were also uncomfortable or difficult.

Jim Holt received his Ph.D. in agricultural economics from the Pennsylvania State University in 1965, and then served 16 years on the Penn State faculty as a professor of agricultural economics and farm management. From 1978 until the present, Dr. Holt headed his own consulting firm, as well as serving as senior economist to a Washington, DC, law firm, where his responsibilities included research, policy analysis, and government relations in matters related to labor, agriculture, immigration and animal welfare.

Dr. Holt authored more than 70 publications and served agricultural clients in more than 30 States. Jim was a recognized expert with unique knowledge of the H–2A program and served as a consultant to national organizations such as the National Council of Agricultural Employers and the Agriculture Coalition for Immigration Reform during his involvement in the major immigration and H–2A reform efforts in Congress during the past 30 years.

I first became aware of Jim's expertise when he helped farmers in my own State of Idaho to establish the Snake River Farmers Association an organization that helps obtain legally authorized workers through the H–2A temporary and seasonal foreign agricultural worker program. Earlier this year in Idaho, at a meeting of the association, Jim and I teamed up again to address the grave labor situation facing Idaho farmers.

I had the pleasure of working with Jim in the development of the AgJOBS legislation that I coauthored with Senators Feinstein and Kennedy. As my colleagues know, this bill has enjoyed broad bipartisan support and even passed the Senate in 2006. Jim brought his unique knowledge to the process of developing this historic legislation that brought together farm worker advocates and growers in an effort to provide a legal and stable agricultural workforce. During the past decade, Dr. Holt testified numerous times in both Chambers of Congress before the Committees on Agriculture, Judiciary, and Education and Labor in an effort to educate members on the importance of reforming our farm labor system and the severe economic consequences if we fail to do so. When we succeed in enacting the AgJOBS legislation and I am convinced that will ultimately happen—it will be in no small part because of the immeasurable effort Dr. Holt devoted to that cause over the past decade.

On behalf of the policymakers who have worked with Jim Holt and benefited from his wise counsel over the years, I would like to express profound regret at his passing. He will be sorely missed. Let me extend my deepest sympathies to Jim's many friends and colleagues, and to the family he leaves behind.

HONORING ABIGAIL TAYLOR

Ms. KLOBUCHAR. Mr. President, last fall I came before the Senate to ask my colleagues to join me in passing the Virginia Graeme Baker Pool and Spa Safety Act on behalf of an amazing little girl, Abigail Taylor, of Edina MN.

And in December of 2007, with Abigail as our inspiration, Congress answered the call. We not only passed the bill, but working with the Taylor family and child safety experts, we included provisions in the legislation to create tough new safety standards that require all existing public pools with single drains to install the latest drain safety technology. On December 19, 2007, the President signed the Pool and Spa Safety Act into law.

One of the most touching moments in my time in the Senate was that day in December when I was able to call Scott Taylor from the Senate cloakroom to let him know that the pool safety bill had passed. Abbey may have been a small girl, but there is no doubt she had a super-sized impact on our world.

From the beginning, Abbey said she wanted her story told so that it would make a difference. And it did. Although Abbey is no longer with us, she will always live on through this important new law that will protect other children so they do not have to suffer what she did. I am certain that this new law would not have passed except for the inspiring courage of Abbey Taylor and her family. It was their gift to all the children of America.

The city of Edina, MN, will designate May 24, 2008, as Abigail Taylor Day the day Abigail would have celebrated her seventh birthday.

On May 24, I ask that we join in honoring Abbey Taylor, "Amazing Abigail" as we called her, and keep the entire Taylor family—Scott, Katey, Grace, Christina, and Audrey—in our thoughts. We owe them all a debt of gratitude for their courage and their pursuit of a safer America for all our children.

ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACT OF 2008

Mr. OBAMA. Mr. President, last year, I was proud to cosponsor America COMPETES, legislation which addressed many issues essential to maintaining America's competitive leadership in an increasing competitive and technological global marketplace. I was heartened by the bipartisan support for that effort. Today, I rise to urge my colleagues to join me and my friend from Indiana, Mr. LUGAR, in extending that effort, by supporting legislation to enhance education efforts in science, technology, engineering and mathematics—the fields known as STEM.

Strengthening STEM education is important not only to foster the innovation needed to ensure our nation's future prosperity, but also so that every citizen can benefit from our democracy's ever-increasing pace of technological and scientific advance. Federal agencies currently administer more than a hundred different STEM education programs, with over $3,000,000,000 spent annually. Yet there is little coherence among these efforts. There is a clear need for increased coordination of STEM education among states, and between the efforts of federal agencies and of state and local educators.

The intent of our legislation, the Enhancing Science, Technology, Engineering, and Technology Act of 2008, is to bring coherence and coordination to these efforts, for the benefit of students, science, and society. The legislation establishes a STEM Education Committee within the President's Office of Science and Technology Policy to coordinate the initiatives of the many Federal agencies engaged in STEM education, and to avoid unnecessary duplication among these efforts. It consolidates existing STEM education initiatives within the Department of Education under the direction of an Office of STEM Education. It authorizes grant funding for States which choose to work together to develop rigorous common STEM education standards with more meaningful and effective ways of measuring student learning. And it facilitates sharing of information about effective educational practices and innovations so that they become widely available to STEM teachers and educators. Throughout this legislation, there is emphasis on developing strategies to increase the participation of Americans from underrepresented populations in our national science and engineering enterprise, bringing new perspectives for the benefit of all.

All of these efforts together will strengthen our efforts to help students learn, and teachers teach, not just to train the scientists and engineers of the future, but to empower all students to become more fluent in science and technology, and more capable in math.

I am pleased that Mr. LUGAR has joined in this effort, as have Mr. SANDERS and Mr. BROWN. In the House, Mr. HONDA has introduced companion legislation, joined by a bipartisan group totaling 40. I urge my colleagues to join us in this effort.

ADDITIONAL STATEMENTS

CONGRATULATING KATELYN BOWLES AND RILEY MILLER

• Mr. BUNNING. Mr. President, today I congratulate Ms. Katelyn Bowles and Ms. Riley Miller on receiving the Prudential Spirit of Community Award. Sponsored by Prudential Financial and the National Association of Secondary School Principals, the Prudential Spirit of Community Award recognizes middle and high school students who perform outstanding community service at the local, State and national level. Each year, two students are chosen as State honorees from each of the 50 States, and the District of Columbia.

Ms. Bowles, a senior at Montgomery County High School in Mount Sterling, KY, has been recognized as one of the Commonwealth top youth volunteers. She spearheaded a campaign to renovate the Mount Sterling C&O Train Depot, an integral part of the community tradition. By initiating a business plan between Future Business Leaders of America members and local government agencies, Ms. Bowles successfully secured $200,000 in grants for the project, including $153,000 from the Kentucky Transportation Cabinet. Additionally, she managed to recruit fellow high school students to help with much of the renovation, scheduled to be completed next year.

In addition to being chosen as a State honoree, Ms. Miller, an eighth grader at Drakes Creek Middle School in Bowling Green, KY, has been selected as one of America's top 10 youth volunteers. She is recognized for her outstanding efforts in raising $50,000 for childhood cancer research over the past 3 years. Having lost two younger brothers to leukemia, raising money for cancer research is a particularly important mission for Ms. Miller. Last year alone, Ms. Miller managed 29 lemonade stands with over 200 volunteers across Bowling Green, raising $19,000. This incredible feat demonstrates her exceptional dedication, organizational skill, and enormous capacity for leadership.

Ms. Bowles and Ms. Miller have proven themselves to be exemplary students and volunteers, deserving of the Prudential Spirit of Community Award. They are an inspiration to the citizens of Kentucky and to student leaders and community volunteers everywhere. I look forward to seeing all that they will accomplish in the future.•

RECOGNIZING L. ROBERT KIMBALL

• Mr. CASEY. Mr. President, I would like to take a few moments to recognize the contributions of a community leader from my home State of Pennsylvania, Mr. L. Robert Kimball. Bob Kimball's name has become synonymous with high-quality work that clients have come to expect from the architecture, engineering, technology, and consulting firm that he founded 55 years ago in his home town of Ebensburg, PA.

The firm's professional services are well known both in Cambria County and among the public and private marketplaces it serves. Far less recognized are the contributions that Bob makes to his community.

In addition to his involvement on the boards of various civic, higher education, and professional organizations, his support extends to the fine and performing arts, education, athletics, youth organizations, community economic development initiatives, and health and human service agencies. His generosity is not limited to monetary contributions and sponsorships. He also encourages active participation by his staff in community activities. Bob wants to make sure that his firm never forgets its small-town foundation.

Under his leadership as founder, Bob places a high priority on treating clients, staff, and the community with consideration, appreciation, and fairness. These core values are among the key components of the firm's success.

Bob Kimball has enjoyed a successful career and has continuously shared that success, experience, and guidance with the community in Cambria County. He has distinguished himself as a business leader, an accomplished professional engineer, a successful entrepreneur, and a dedicated family man.

On behalf of the United States Senate, we recognize Mr. L. Robert Kimball's commitment to his community in Ebensburg, PA.●

TRIBUTE TO WILLIAM PEYTON HARRIS

● Mr. SESSIONS. Mr. President. I rise today to tell you about a wonderful and humble man, William Peyton Harris of Camden, AL, who died on February 25, 2008.

Mr. Harris was born October 22, 1909. He was a man who loved adventure and a man of many talents. He survived the Great Depression and worked some weeks for $5 per week. He grew up in a time when good morals, good manners, and discipline were the norm.

He was very fortunate to have married Lois Sutherland who was the perfect life partner for him. She was with him for 62 years. They had one son, my friend, Billy, three grandchildren and seven great-grandchildren.

At the age of 12, he rode a horse 2½ miles to see the last steamboats loading cotton bales on the Alabama River. Then, in the early 1960s, he salvaged an old steamboat that sank in 1850 and his discovery revealed lost treasure.

He was well known in his later years for his artwork of Old South scenes and wildlife, especially the wild turkey, which he also loved to hunt. His art studio was in the back of an old country store he owned and operated for many years in Possum Bend. The store was known as the "Social Center" of Possum Bend. After renting out the country store, he concentrated more on his art. His popularity grew and in 2001, he was interviewed by CNN and the interview aired on national television. Buyers for his art increased and more visitors stopped by his studio. No matter how busy he was, there was always time for his friends and customers. Good conversation occurred on subjects from politics to weather, and from grandchildren to divorces and if you were down and out, or had a cold, he would always offer you a little of his special "remedy.".

As a son of a store owner in a nearby community myself, I remember some of those times very well when as a young boy I observed such scenes, but times have changed. We are much "busier" now, though not necessarily wiser. The old store stands vacant. Only fond memories remain of the life of a wonderful man who was one of the last of a great generation.●

TRIBUTE TO KATHRYN TUCKER WINDHAM

● Mr. SHELBY. Mr. President, I wish today to honor Kathryn Tucker Windham, who is celebrating her 90th birthday on June 5, 2008. In Alabama, one of our greatest treasures is our history, which is often best learned through the stories told by others. Alabama is lucky to have one of the world's best storytellers, Kathryn Tucker Windham, who shares her memories and observances of our State's social history in a way unlike any other. Kathryn can tell stories about graveyards and ghosts, cooking or recipes and the Gee's Bend quilters that provide her listener with a unique view into life in the rural South.

Born in Selma, AL, Mrs. Windham grew up in Thomasville, where she began her writing career at the age of 12 working for the Thomasville Times, a local weekly newspaper. After receiving her bachelor's degree from Huntingdon College in Montgomery, AL, Kathryn became one of the first women to cover the police beat for a major daily newspaper in the South at the Alabama Journal. She also worked as a reporter, photographer, and State editor for the Birmingham News and as a reporter, city editor, State editor, and associate editor for the Selma Times-Journal, where she won Associated Press awards for her writing and photography.

Kathryn is also the author of 24 books and is a playwright. She is widely recognized for storytelling abilities in classrooms, historical meetings, and storytelling events across Alabama. In addition to her writing career, Mrs. Windham worked as the community relations coordinator for the area agency on aging, which serves 12 rural counties in southwest Alabama and promoted statewide war bond drives during World War II.

Mrs. Windham's work in radio brought her a new level of notoriety, as she is now a favorite contributor to National Public Radio's program, "All Things Considered." Her tales about life in the rural South tell listeners more about our region than is widely known and have included stories about rumors of people who could kill a rattlesnake by spitting, a hailstorm in Thomasville that was supposed to have knocked the eyes out of goldfish in a pond, or the frog houses Alabama children make with cold mud.

Quoted in a 1999 article for Current magazine, Windham said of her storytelling, "It preserves a part of our Southern history maybe, our heritage. We need to know where we came from." I could not agree with her more. Kathryn Tucker Windham will leave an important legacy as a trailblazing female journalist and a chronicler of life in Alabama that I greatly admire.

I join Kathryn's three children, Kathryn Tabb Windham, Amasa Benjamin Windham, Jr., and Helen Ann Windham Hilley, and her two grandsons, David Wilson Windham and Benjamin Douglas Hilley in wishing Mrs. Windham a happy 90th birthday. Mrs. Windham is a special and unique lady, and I wish her the very best.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2712) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, returned by the President of the United States with his objections, to the House of

Representatives, In which I originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

At 1:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, Which provides special immigrant status for certain Iraqis, and for other purposes.

S.J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 752. An act to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes.

H. Con. Res. 325. Concurrent resolution celebrating the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month.

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 752. To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers , and fax machines, to educational recipients; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1771. An act to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

H.R. 3323. An act to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3819. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5856. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 325. Concurrent resolution celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes; to the Committee on the Judiciary.

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food (Rept. No. 110–338).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1581. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration (Rept. No. 110–339).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2482. A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida (Rept. No. 110–340).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2307. A bill to amend the Global Change Research Act of 1990, and for other purposes (Rept. No. 110–341).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 563. A resolution designating September 13, 2008, as "National Childhood Cancer Awareness Day".

S. Res. 567. A resolution designating June 2008 as "National Internet Safety Month".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1210. A bill to extend the grant program for drug-endangered children.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Kimberly A. Siniscalchi, to be Major General.

Air Force nomination of Maj. Gen. Mark D. Shackelford, to be Lieutenant General.

Air Force nomination of Maj. Gen. Philip M. Breedlove, to be Lieutenant General.

Air Force nomination of Maj. Gen. Charles E. Stenner, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. Stanley A. McChrystal, to be Lieutenant General.

Army nomination of Brig. Gen. John F. Mulholland, Jr., to be Lieutenant General.

Army nominations beginning with Brigadier General Stephen E. Bogle and ending with Colonel Joe M. Wells, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2008.

Army nomination of Lt. Gen. Peter W. Chiarelli, to be General.

Navy nomination of Rear Adm. Harry B. Harris, Jr., to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Julius S. Caesar and ending with Rear Adm. (lh) Garland P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Navy nomination of Rear Adm. William H. McRaven, to be Vice Admiral.

Navy nomination of Rear Adm. Michael C. Vitale, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Raymond E. Berube, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard R. Jeffries and ending with Rear Adm. (lh) David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Navy nominations beginning with Capt. David F. Baucom and ending with Capt. Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. David C. Johnson and ending with Capt. Thomas J. Moore, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Donald E. Gaddis and ending with Capt. Maude E. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Michael H. Anderson and ending with Capt. William R. Kiser, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nomination of Capt. Norman R. Hayes, to be Rear Admiral (lower half).

Navy nomination of Capt. William E. Leigher, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William E. Gortney, to be Vice Admiral.

Navy nomination of Vice Adm. Melvin G. Williams, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Kevin M. McCoy, to be Vice Admiral.

Navy nomination of Vice Adm. William D. Crowder, to be Vice Admiral.

Navy nomination of Rear Adm. Peter H. Daly, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lonnie B. Barker and ending with Jerry P. Pitts, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Eric L. Bloomfield and ending with Deborah L. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Air Force nominations beginning with Mary J. Bernheim and ending with Kelli C. Mack, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Air Force nominations beginning with James E. Ostrander and ending with Frank J. Nocilla, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Army nomination of Cheryl Amyx, to be Major.

Army nomination of Deborah K. Sirratt, to be Major.

Army nominations beginning with Mark A. Cannon and ending with Michael J. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Gene Kahn and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Lozay Foots III and ending with Margaret L. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Phillip J. Caravella and ending with Paul S. Lajos, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nomination of Jimmy D. Swanson, to be Colonel.

Army nomination of Ronald J. Sheldon, to be Colonel.

Army nominations beginning with Brian M. Boldt and ending with Christopher L. Tracy, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2008.

Army nomination of James K. McNeely, to be Major.

Navy nominations beginning with Stanley A. Okoro and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2008.

Navy nomination of Robert S. McMaster, to be Lieutenant Commander.

Navy nomination of Christopher S. Kaplafka, to be Lieutenant Commander.

Navy nomination of David R. Eggleston, to be Lieutenant Commander.

Navy nominations beginning with Katherine A. Isgrig and ending with Jason C. Kedzierski, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Navy nominations beginning with Robert D. Younger and ending with Jeffrey W. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

By Mrs. FEINSTEIN for the Committee on Rules and Administration.

*Cynthia L. Bauerly, of Minnesota, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

*Caroline C. Hunter, of Florida, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

*Donald F. McGahn, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

By Mr. LEAHY for the Committee on the Judiciary.

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER:

S. 3048. A bill to amend the Internal Revenue Code of 1986 to make the allowance of bonus depreciation and the increased expensing limitations permanent; to the Committee on Finance.

By Mr. ALEXANDER:

S. 3049. A bill to amend the Internal Revenue Code of 1986 to make the capital gains and dividends rate permanent and to provide estate tax relief and reform, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3050. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Finance.

By Mr. GRAHAM:

S. 3051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 3054. A bill to require all automobiles manufactured or sold in the United States to be equipped with a real time and average fuel economy display; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. SALAZAR, Mrs. CLINTON, Mr. COLEMAN, Mr. TESTER, Mr. LUGAR, Mr. DURBIN, and Ms. COLLINS):

S. 3056. A bill to reduce the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, United States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family seperation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. 3058. A bill to prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 3060. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 3064. A bill to establish a multi-faceted approach to improve access and eliminate disparities in oral health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 3065. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 3066. A bill to designate certain National Forest System land in the Pike and San Isabel National Forests and certain land in the Royal Gorge Resource Area of the Bureau of Land Management in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3069. A bill to designate certain land as wilderness in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. ENZI, Mr. BROWN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. WICKER, Mr. NELSON of Florida, Mr. BUNNING, Mr. INOUYE, Mr. CRAPO, Ms. MURKOWSKI, Mr. STEVENS, Mr. COCHRAN, Mr. ROBERTS, Mr. BARRASSO, Mr. ALEXANDER, Mr. ISAKSON, Mr. GREGG, Mr. SMITH, Mr. MARTINEZ, Mr. BENNETT, Mr. INHOFE, Mr. LUGAR, Mr. DEMINT, Mr. VITTER, Mr. MCCAIN, Mr. CORKER, Mr. HAGEL, Mr. CHAMBLISS, Mr. VOINOVICH, Mr. ALLARD, Mr. BURR, Mr. CRAIG, Mr. COLEMAN, Mr. WARNER, Mr. COBURN, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mrs. DOLE, Mr. BROWNBACK, and Mrs. LINCOLN):

S. 3070. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WICKER:

S. 3072. A bill to provide for comprehensive health reform; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 34. A joint resolution to provide a replacement laboratory and support space at the Smithsonian Environmental Research Center (SERC) Mathias Laboratory; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 35. A joint resolution to amend Public Law 108-331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 36. A joint resolution to provide replacement laboratory space for terrestrial research at the Smithsonian Tropical Research Institute; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 574. A resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer and Canadian citizen Huseyin Celil and should refrain from further engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, and Ms. SNOWE):

S. Res. 575. A resolution expressing the support of the Senate for veteran entrepreneurs; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER):

S. Res. 576. A resolution designating August 2008 as "Digital Television Transition Awareness Month"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr.

CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN):

S. Res. 577. A resolution to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies; considered and agreed to.

By Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska):

S. Res. 578. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; considered and agreed to.

By Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida):

S. Res. 579. A resolution designating the week beginning May 26, 2008, as "National Hurricane Preparedness Week"; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Con. Res. 84. A concurrent resolution honoring the memory of Robert Mondavi; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR):

S. Con. Res. 85. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War; considered and agreed to.

ADDITIONAL COSPONSORS

S. 612

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 678

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1253

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1680

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1680, a bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1906

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was withdrawn as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2568

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2568, a bill to amend the Outer

Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2684

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2742

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

S. 2743

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2792

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2792, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 2854

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2854, a bill to amend title 10, United States Code, to clarify the effective date of active duty members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

At the request of Ms. STABENOW, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2931, supra.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3005

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3005, a bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes.

S. 3008

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

AMENDMENT NO. 4796

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4796 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 4800

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4800 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, Senator LUGAR and I are introducing the Naval Vessel Transfer Act of 2008, a bill to permit the transfer of certain U.S. Navy vessels to particular foreign countries. All of the proposed ship transfer authorizations have been requested by the U.S. Navy, with the approval of the Office of Management and Budget.

Pursuant to section 824(b) of the National Defense Authorization Act for fiscal year 1994, as amended, 10 U.S.C. 7307(a), a naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation unless the disposition of that vessel is approved by law enacted after August 5, 1974. The bill we introduce today would provide that required approval for six transfers: a guided missile frigate for Pakistan; two minehunter coastal ships for Greece; an oiler for Chile; and two amphibious tank landing ships for Peru.

These would all be grant transfers under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j). If any Member of this body has questions or concerns regarding one or more of the proposed ship transfers, please let us know.

The bill also contains provisions that are traditionally included in ship transfer bills, relating to transfer costs and repair and refurbishment of the ships, and exempting the value of a vessel transferred on a grant basis from the aggregate value of excess defense articles in a given fiscal year.

The authority provided by this bill would expire 2 years after the date of enactment of the bill.

Finally, the Department of Defense has provided the following information on this bill:

These proposed transfers would improve the United States' political and military relationships with close allies. They would support strategic engagement goals and regional security cooperation objectives. Active use of former naval vessels by coalition forces in support of regional priorities is more advantageous than retaining vessels in the Navy's inactive fleet and disposing of them by scrapping or another method.

The United States would incur no costs in transferring these naval vessels. The recipients would be responsible for all costs associated with the transfers, including maintenance, repairs, training, and fleet turnover costs.

This act does not alter the effect of the Toxic Substances Control Act, or any other law, with regard to their applicability to the transfer of ships by the U.S. to foreign countries for military or humanitarian use. The laws and regulations that apply today would apply in the same manner if this section were enacted.

The Secretary of the Navy, the Honorable Donald C. Winter, has added: "Expeditious enactment of the proposal is in the best interests of the Navy's Maritime Strategy as it will allow us to strengthen the capabilities of partner nations."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naval Vessel Transfer Act of 2008".

SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG–8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51) and ROBIN (MHC–54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO–190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST–1182) and RACINE (LST–1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senator CANTWELL, I introduce a bill to provide grants to Area Agencies on Aging to provide services to improve financial literacy among older individuals.

A number of trends have occurred over the past few years that make financial literacy a critical element of retirement security. The personal savings rate in the United States has declined dramatically over the last two decades. According to the Commerce Department, the personal savings rate was 0.2 percent in March of this year. This means for every $1,000 of after-tax income, the average person saved only $2.

In addition, the shift from defined benefit to defined contribution retirement plans has generally placed the burden on employees to effectively manage the investment of their pensions.

However, many Americans, including older Americans, lack financial literacy skills. In the 2008 Retirement Confidence Survey by EBRI/Matthew Greenwald & Associates, 40 percent of retirees surveyed reported that they are not knowledgeable about investments and investment strategies. In addition, a 2003 national survey by AARP of consumers aged 45 and older found that they often lacked knowledge of basic financial and investment terms. For example, only about half of respondents reported knowing that diversification of investments reduces risk.

The Smith-Cantwell bill will improve older Americans' financial literacy and help them better prepare for and manage their assets in retirement. Under the bill, grants will be provided to Area Agencies on Aging to enable these organizations to provide services to improve financial literacy among older individuals, especially older women. These services include education, training and other assistance.

This bipartisan financial literacy bill will help increase older Americans' financial literacy so they can make more informed and prudent investment and retirement planning decisions. And I am pleased that the Women's Institute for a Secure Retirement and the National Association of Area Agencies on Aging have both endorsed this bill.

I look forward to working with my colleagues to enact this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL LITERACY SERVICES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"FINANCIAL LITERACY SERVICES

"SEC. 1150A. (a) DEFINITIONS.—In this section:

"(1) AREA AGENCY ON AGING.—The term 'area agency on aging' has the meaning given that term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) FINANCIAL LITERACY SERVICES.—The term 'financial literacy services' means the services described in subsection (b)(1).

"(3) OLDER INDIVIDUAL.—The term 'older individual' has the meaning given that term in such section 102.

"(b) GRANTS FOR SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to eligible entities and other entities determined appropriate by the Secretary to enable the entities to provide services to improve financial literacy among older individuals, including older individuals who are women, and the family members and legal representatives of such individuals. The Secretary shall make the grants on a competitive basis, and nationwide.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be an area agency on aging or another entity that meets such requirements as the Secretary may specify.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. In the case of an entity who intends to provide the financial literacy services jointly with other services as described in paragraph (4)(C), the application shall include information demonstrating that the entity has the capacity to provide the services jointly.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant to provide financial literacy services, such as financial literacy education, training, and assistance.

"(B) PROVISION THROUGH CONTRACTS.—The entity may provide the services directly or by entering into a contract with an organization that provides counseling, advice, or representation to older individuals and the family members and legal representatives of such individuals in a community served by the entity.

"(C) PROVISION WITH OTHER SERVICES.—The entity may provide the services alone or jointly with other services provided by or funded by the eligible entity, such as—

"(i) services provided through State Health Insurance Assistance Programs;

"(ii) services provided through a Long-Term Care Ombudsman program under section 307(a)(9) or 712 of the Older Americans Act of 1965 (42 U.S.C. 3027, 3058g);

"(iii) information and assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(iv) legal assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(v) services provided through Senior Medicare Patrol Projects conducted by the Administration on Aging;

"(vi) case management services; and

"(vii) services provided through Aging and Disability Resource Centers.

"(5) REPORT.—The Secretary shall submit to Congress an annual report on the activities carried out by entities under a grant under this subsection.

"(c) NATIONAL SUPPORT CENTER FOR FINANCIAL LITERACY GRANT.—

"(1) IN GENERAL.—The Secretary may make a grant to an eligible center to coordinate the services provided through, and support the grant recipients under, the grant program carried out under subsection (b).

"(2) ELIGIBLE CENTER.—To be eligible to receive a grant under this subsection, a center shall—

"(A) be an entity that is housed within an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;

"(B) have a minimum of 10 years experience operating a national program and support center with a focus on financial literacy; and

"(C) be primarily engaged in outreach and training activities designed to provide financial education and retirement planning for low- and moderate-income individuals, particularly with respect to women; and

"(D) have a demonstrated record of collaboration with organizations that focus on the needs of low- and moderate-income individuals and with national organizations serving the elderly, including those working with area agencies on aging and women, as well as organizations with expertise in financial services and related fields.

"(3) USE OF FUNDS.—A center that receives a grant under this subsection shall use the funds made available through the grant to—

"(A) design and conduct training (which may include providing training for trainers) related to financial literacy services;

"(B) provide curricula for financial literacy services;

"(C) develop and disseminate relevant information about financial literacy services;

"(D) conduct outreach to national, State, and community organizations through a series of strategic partnerships in order to improve financial literacy among older individuals and the family members and legal representatives of such individuals;

"(E) provide technical assistance to the grant recipients under subsection (b) with respect to the program; and

"(F) collect data from such grant recipients about the services provided under this section, and the impact of those services.

"(4) ADDRESSING CHALLENGES TO WOMEN IN SECURING ADEQUATE RETIREMENT INCOME.—In addition to the activities described in paragraph (3), a center that receives a grant under this subsection shall use the funds made available through the grant to conduct activities that are focused on addressing the challenges faced by older women, women of color, single women, and women who are heads of households to securing an adequate retirement income.

"(d) COORDINATION.—The Secretary shall ensure that the activities carried out under the grant program under subsection (b) and under a grant made under subsection (c) are coordinated with the activities carried out by—

"(1) the Office of Financial Education of the Department of the Treasury; and

"(2) the Financial Literacy and Education Commission established under section 513 of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702).

"(e) FUNDING.—The Secretary of the Treasury shall transfer to the Secretary of Health and Human Services from the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund established under section 201 such funds as are necessary for making grants under this section.".

By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with Senator SMITH, I am introducing a bill to exempt wooden practice arrows from the unfair impact of an excise tax designed for much more expensive hunter and professional arrows. The JOBS Act of 2004 changed the tax on all arrows from 12.4 percent of an arrow's value to a fixed amount, adjusted for inflation, that now stands at 39 cents per arrow. Under the prior law, wooden practice arrows that cost 30 cents paid a tax of 3.6 cents. Under the current fixed tax, the same practice arrows are now assessed a tax of 39 cents per arrow, more than doubling the arrows' cost to the camps, schools and Boy Scouts that use them. The fixed tax is suited to the higher cost of hunter and professional arrows, which sell for up to $100 apiece. It is not suited for the less costly practice arrows and these should be made exempt as our legislation would do. The Archery Trade Association, which represents arrow makers large and small, supports this bill and agrees that the newer fixed tax unfairly and unintentionally hurts the makers and users of wooden practice arrows. Moreover, there is a precedent for exempting practice arrows, because Code section 4161 exempts youth bows, defined by their draw weight, from taxes. The Joint Committee on Taxation puts the cost of this arrows bill as $2 million over 10 years. This seems a small price to pay to help wooden arrow manufacturers struggling to stay in business in Oregon and 9 other States: Washington, Wisconsin, Arizona, Minnesota, Indiana, Virginia, New York, Utah and Texas. I urge my colleagues to support reform of the arrow excise tax to help both the makers and users of children's wooden practice arrows.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF RATE OF EXCISE TAX ON CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

"(i) measures $\frac{5}{16}$ of an inch or less in diameter, and

"(ii) is not suitable for use with a bow described in paragraph (1)(A).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, Unite States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family separation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

Mr SMITH. Mr. President, I rise today to honor our Nation's veterans and their families. As we approach Memorial Day and reflect upon the countless sacrifices of our service men and women, we must also take a moment and remember our military families. These families have shouldered the burden of our military engagements, going extended periods, sometimes years, without seeing their spouse, their mother, or their father. To help alleviate this burden, Senator FEINSTEIN and I are introducing the Military Family Separation Benefit Enhancement Act.

The Military Family Separation Benefit Enhancement Act would peg the Family Separation Allowance to the Consumer Price Index, allowing for increases in the benefit, providing some additional relief to military families separated by deployments. The Family Separation Allowance is a benefit awarded to our military families when a service man or woman with dependents is deployed overseas for 30 days or more. The current amount of the Family Separation Allowance is only $250, which does not have much purchasing power in these days of high fuel and food prices. The Family Separation Allowance remains at $250, regardless of economic conditions.

When a service member is deployed, a family experiences new and unexpected costs. Oftentimes, the deployed service member is a vital part of a household, helping to raise children, perform various community services and complete chores around the house. Therefore, many of our military families are forced to seek additional help. Families must pay for extra child care or for a lawn care service, tasks that often are the deployed service member's responsibility.

Pegging the Family Separation Allowance to the Consumer Price Index will better reflect the economic burdens our military families encounter. The FSA will not be stuck at $250 a month when fuel costs are skyrocketing and food prices continue to rise.

The Military Family Separation Benefit Enhancement Act also creates a new Family Separation Allowance for those service members who do not have dependents. Just because a service member does not have dependents does not mean he or she will not need help at home while overseas. Many still need help maintaining their lawn, ensuring the upkeep of their house, or providing for the storage of their car.

Our bill is a means to help our military families and those who serve. Deploying overseas is a difficult adjustment for our military families and this legislation will provide some relief.

I ask my colleagues to join Senator FEINSTEIN and me to pass the Military Family Separation Benefit Enhancement Act.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Truck Fuel Savings Demonstration Act of 2008, which would help address the growing crisis of energy costs for our Nation's trucking industry.

Our Nation faces record high energy prices, affecting almost every aspect of daily life. The rapidly growing price of diesel is putting an increasing strain on our trucking industry. The U.S. average on diesel prices reached $3.50 a gallon in February 2008 and prices have not gone below this amount since that time. The average price of diesel this week is $4.50. Escalating fuel costs are especially devastating in states where the cost of diesel fuel is exacerbated by Federal weight limit restrictions that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

For example, under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the State Turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

The Commercial Truck Fuel Savings Demonstration Act of 2008, which I am introducing today, will provide immediate savings to our truckers. My bill creates a 2-year year pilot program that would permit trucks carrying up to 100,000 pounds to travel on the Federal interstate system whenever diesel prices are at or above $3.50 a gallon. This legislation does not mandate that each state participate in the pilot program, but gives each state the opportunity, during this time of high fuel costs, to offer relief to their trucking industries.

Permitting trucks to carry up to 100,000 pounds on Federal highways would lessen the fuel cost burden on truckers in three ways: First, raising the weight limit would allow trucking companies to put more cargo in each truck, thereby reducing the numbers of trucks needed to transport goods: Second, trucks carrying up to 100,000 pounds would no longer need to move off the main Federal highways where trucks are limited at 80,000 pounds and take less direct routes on local roads requiring considerably more diesel fuel and extended periods of idling during each trip; and third, trucks traveling on the interstate system would save on fuel costs due to the much superior road design of the interstate system as compared to the rural and urban state road systems.

I recently met with Kurt Babineau, a small business owner and second generation logger and trucker from my State who has been struggling with the increasing costs of running his operation. Mr. Babineau's operation works just east of central Maine on the outskirts of the town of Mattawamkeag. All of the pulpwood his business produces, which is roughly 50 percent of his total harvest, is transported to Verso Paper, which is located in the southwestern part of the State, in the town of Jay. The distance his trucks must travel is 165 miles and a round trip takes approximately 8 hours to complete.

If Mr. Babineau's trucks were permitted to use Interstate 95, this would reduce the distance his trucks must travel to approximately 100 miles and would shave one hour off the time it takes his trucks to make their delivery to Verso Paper, saving his operation both time and fuel.

The results of less fuel consumption from decreased distance traveled would create significant savings for Mr. Babineau's operation. His trucks average 4 miles to the gallon, which calculates to approximately 11.8 gallons an hour. Permitting trucks to travel on Interstate 95 would save Mr. Babineau 118 gallons of fuel each week. The current cost of diesel fuel in his area is approximately $4.42 per gallon, and therefore, combined with time saved on wages for drivers, his savings would estimate to nearly $697 a week.

If you applied this savings to one year of trucking for Mr. Babineau's company alone, it would save his operation over $33,400 a year and 5,664 gallons of fuel over the same period. These savings are not only beneficial to Mr. Babineau's business, his employees, and the consumer, but also to our Nation, as we look for ways to decrease on our overall fuel consumption.

Trucking is the cornerstone of our economy as most of our goods are transported by trucks at some point in the supply chain. Some independent truckers in my state already have been forced out of business due to rising fuel costs and more businesses are facing a similar fate if Congress does not act soon to address our growing energy crisis. The Commercial Truck Fuel Savings Demonstration Act offers an immediate and cost effective way to help our Nation's struggling trucking industry. I am pleased that Senator SNOWE has joined me as an original cosponsor of the bill, and I urge all my colleagues to support this important legislation.

Ms. SNOWE. Mr. President, I rise today to commend my colleague from Maine, Senator COLLINS, in introducing legislation critical to rectifying not only a serious impediment to the movement of international commerce, but more importantly, will improve safety on our secondary roads and sustain a commercial trucking industry suffering from an astonishing rise in diesel prices.

There are some of our colleagues who believe that expanding upon the current Federal truck weight limitation of

80,000 pounds is dangerous, compromising the safety of passenger vehicles driver who may be faced with a truck weighing as much as 143,000 pounds, the limit on Interstates in Massachusetts and New York. I certainly concur that safety of such drivers is very important, and I have the record to back that up. Yet, in some areas the imposition of this outdated patchwork of weight limits puts the safety of pedestrians and the motor carrier operators themselves at risk.

Take the situation we face in Maine, where we currently have a limited exemption along the southern portion of the Maine turnpike. Many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel teeter past elementary schools, libraries, and weaving through traffic to reach locations like our Air National Guard station. Not only is that an inefficient method of bringing necessary fuel to Guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called safety argument truly a legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

As laid out in this legislation, it is obvious Senator COLLINS has a clear understanding of this safety issue, crafting a strategy that quantifies any potential risks to safety, and places the gathering of that data in the hands of the nonpartisan Government Accountability Office. It is my expectation that, like earlier studies that have indicated traffic fatalities involving trucks weighing 100,000 pounds are ten times greater on secondary roads than on exempted Interstates, the data collected by the GAO will point the way to a permanent solution that will enable America to harmonize the myriad weight limits across our Nation's highways.

This legislation also exhibits a true sensitivity to one of the greatest problems facing the domestic trucking industry, particularly our smaller operators: the cost of fuel. This is a problem that cannot be ignored. The price of diesel nationally as I make this statement is four dollars and 49 cents. One year ago today, it was two dollars and 82 cents! We must act.

As a result of this legislation, motor carriers will be able to expand their ability to carry loads when the price of diesel surpasses three dollars and fifty cents per gallon. While this will only affect some states that face a federal interstate system without a weight exemption, it will greatly facilitate the movement of goods across this country. Given that volume of goods projected to enter this country is forecast to increase by over 100 percent, we need a forward-thinking, intermodal plan in place. Having a greater synergy in terms of our weight limits will not only assist our Nation's struggling trucking industry, but will simplify the flow of goods moving across our country and augment our Nation's economy.

I would like to thank Senator COLLINS for her steadfast efforts and innovative thinking on this legislation as, side-by-side, we will continue to seek a resolution to this issue, which, to my eyes, is a simple matter of fairness.

By Mr. BIDEN (for himself and Mr. BROWNBACK):

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. The Trafficking Victims Protection Act was authored 8 years ago by Senator BROWNBACK and the late Senator WELLSTONE, and since then, through two re-authorizations, has been a tremendous asset in preventing and prosecuting human trafficking crimes. Today, I am honored to be able to introduce legislation to reauthorize these valuable programs with my distinguished colleague, Senator BROWNBACK.

Human trafficking is a major problem worldwide and the challenges remain great. According to the most recent State Department report, roughly 800,000 individuals are trafficked each year, the overwhelming majority of them women and children. The FBI estimates approximately $9.5 billion is generated annually for organized crime from trafficking in persons. The International Labor Organization estimates that, at present, 2.4 million persons have been trafficked into situations of forced labor.

These victims are trafficked in a variety of ways. Sometimes they are kidnapped outright, but many times they are lured with dubious job offers, or false marriage opportunities. The traffickers capitalize on the victims' desire to seek a better life, and trap them with lifetime debt bondages that degrade and destroy their lives.

Since 2000, the Trafficking Victims Protection Act has provided us effective tools, and in this reauthorization, our aim is to take the successes and lessons of eight years of progress and expand our abilities to combat human trafficking. In Title I, the legislation focuses on combating human trafficking internationally by broadening the U.S. interagency task force charged with monitoring and combating trafficking, and increasing the authority to the State Department Office to Monitor and Combat Trafficking. Because of the difficulty in accurately understanding the full scope of the problem globally, we also include provisions to coordinate our multiple federal databases, and set a reporting requirement to address forced labor and child labor.

Today's reauthorization bill also expands our ability to combat trafficking in the United States. We've provided for certain improvements to the T-visa program, which protects trafficking victims and their families from retaliation, so that we can have their help in bringing traffickers to justice, without the victim fearing harm to themselves or their loved ones. We also expand authority for U.S. Government programs to help those who have been trafficked, and require a study to outline any additional gaps in assistance that may exist. Finally, we establish some powerful new legal tools, including increasing the jurisdiction of the courts, enhancing penalties for trafficking offenses, punishing those who profit from trafficked labor and ensuring restitution of forfeited assets to victims.

Human trafficking is a daunting and critical global issue. I urge my colleagues to support this reauthorization and work with Senator BROWNBACK and me to pass it in the Senate as quickly as possible.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

SECTION-BY-SECTION DESCRIPTION

Section 1. Short title; table of contents

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Section 101. Interagency task force to monitor and combat trafficking

Section 101 adds the Secretary of Education to the existing interagency task force to monitor and combat trafficking.

Section 102. Office to monitor and combat trafficking

Section 102 provides for several amendments to Section 105(b) of the Trafficking Victims Protection Act (TVPA) related to the State Department's Office to Monitor and Combat Trafficking (the TIP Office) including mandating the office, conferring additional responsibility to the Director to work on public-private partnerships to combat trafficking and providing that the Director of the office have the ability to review and concur in State Department anti-trafficking programs that are not managed by the Office to Monitor and Combat Trafficking (TIP Office).

Section 103. Assistance for victims of trafficking in other countries

Section 103 amends section 107(a) of the TVPA, including ensuring that programs take into account the transnational aspects of trafficking, support increased protection for refugees, internally displaced persons and trafficked children and emphasize cooperative, regional efforts.

Section 104. Increasing effectiveness of anti-trafficking programs

Section 104 creates a new section to the TVPA to increase the effectiveness of anti-trafficking programs by providing that solicitation of grants be made publicly available and awarded by a transparent process with a review panel of Federal and private sector experts, when appropriate. The provision provides a mandated evaluation system for anti-trafficking programs on a program-by-program basis. It requires that priorities and country assessments contained in the most recent annual Report on Human Trafficking shall guide grant priorities. It provides that not more than 5 percent of the appropriations may be used for evaluations of specific programs or for evaluations of emerging problems or trends in the field of human trafficking.

Section 105. Minimum standards for the elimination of trafficking

Section 105 amends section 108(b) of the TVPA by clarifying that in evaluating whether a country's anti-trafficking efforts convictions of principal actors that result in suspended or significantly reduced sentences shall be considered on a case-by-case basis.

Section 106. Actions against governments failing to meet minimum standards

Section 106 amends Section 110 of the TVPA by providing that if a country has been on the special watch list for three consecutive years, such country shall be deemed to be not making significant efforts to combat trafficking and shall be included in the list of countries described in paragraph (1)(C). The subsection includes a Presidential waiver for up to one year if it would promote the purposes of the act or is in the national interest of the United States.

Section 107. Research on domestic and international trafficking in persons

Section 107 amends section 112A of the TVPA by requiring the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center, details the purposes of the database, and authorizes $3 million annually to the Human Smuggling and Trafficking Center to carry out these activities.

Section 108. Presidential award for extraordinary efforts to combat trafficking in persons

Section 108 authorizes the President to establish a "Paul D. Wellstone Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons" for persons who provided extraordinary service in efforts to combat trafficking in persons.

Section 109. Report on activities of the department of labor to monitor and combat forced labor and child labor

Section 109 requires that the Secretary of Labor provide a final report that describes the implementation of section 105 of the TVPRA of 2005, including a list of imported goods made with forced and/or child labor.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Section 201. Protecting trafficking victims against retaliation

Subsection (a) of Section 201 amends section 101(1)(15)(T) of the Immigration and Nationality Act (INA) to provide for certain changes to the T visa for trafficking victims. Paragraph (1) allows persons who are brought into the country,for investigations or as witnesses to apply for such a visa. It also allows a T visa for persons who are not able to assist law enforcement because of the physical or psychological trauma; it also clarifies the existing language in the T Visa authorization and eliminates the "unusual and severe harm" standard.

Paragraph (2) allows parents and siblings who are in danger of retaliation to join the trafficking victims safely in the United States. Subsection (b) modifies certain requirements of the T Visa contained in section 214(o) of the INA, including allowing 2 the extension of time for a T Visa in exceptional circumstances and providing that the Secretary of Homeland Security may look at certain security and other conditions in the applicant's home country in making the determination that extreme hardship exists.

Subsection (d) provides for certain changes to section 245(1) of the INA relating to adjustment of status of T visa holders, including providing that the Secretary of Homeland Security may waive the restriction on disqualification for good moral character for T visa holders applying for permanent residence alien status if the actions that would have led to the disqualification are caused by or incident to the trafficking.

Section 202. Information for work-based non-immigrants on legal rights and resources

Section 202 requires the Secretary of Homeland Security to create an information pamphlet for work-based non-immigrant visa applications. The pamphlet will detail the illegality of human trafficking and reiterate worker rights and information for related services.

Section 203. Domestic worker protections

Section 203 sets forth new protections for trafficked domestic household workers and preventative measures to be followed by the State Department. Subsection (b) states that the Secretary of State shall develop an information pamphlet for A–3 and G5 visa applicants and describes the required information to be included in the pamphlets. It mandates that the pamphlets be translated into at least ten languages and mailed to each A–3 or G–5 visa applicant in his/her primary language.

Subsection (c) provides the circumstances in which the Secretary may suspend a visa or renew a visa, as well as when the Secretary is not permitted to issue a visa.

Subsection (d) provides the protections and remedies for A–3 and G–5 visa holders working in the United States.

Subsection (e) ensures protection from removal for visa holders wanting to file a complaint regarding a violation of contract or some Federal, State, or local law to allow time sufficient to participate fully in all legal proceedings.

Subsection (f) requires that every two years the Secretary of State shall submit a report on the implementation of this section and describes the necessary content of the report.

Section 204. Relief for certain victims pending actions on petitions and applications for relief

Section 204 allows the Secretary of Homeland Security to stay the removal of an individual which has made a prima case for approval of a T Visa.

Section 205. Expansion of authority to permit continued presence in the United States

Section 205 expands the authority to permit the Secretary of Homeland Security to permit continued presence of trafficking victims, including if the alien has filed a civil action against the trafficking perpetrators (unless the alien is not showing due diligence in pursuing his civil action). It also allows for parole into the United States of certain relatives of trafficking victims with several limitations.

Section 206. Implementation of trafficking victims protection reauthorization act of 2005

Section 206 amends the Immigration and Nationality act and requires the Secretary of Homeland Security to issue interim regulations on the adjustment of status to permanent residence for T Visa holders.

Subtitle B—Assistance for Trafficking Victims

Section 211. Assistance for certain nonimmigrant status applicants

Section 211 clarifies that T-visa applicants have access to certain public benefits.

Section 212. Interim assistance for child victims of trafficking

Subsection (a) of Section 212 provides that if credible information is presented that a child has been a trafficking victim, the Secretary of HHS may provide interim assistance to the child for up to 90 days. Subsection (a) also provides that any federal official must notify HHS within 48 hours of coming into contact with such child and that State or local officials must notify HHS within 48 hours of coming into contact with such a child. Long term assistance determinations are to be made by the Secretary of HHS, the Attorney General and the Secretary of Department of Homeland Security.

Subsection (b) provides for education on identification of trafficking victims.

Section 213. Ensuring assistance for all victims of trafficking in persons

Subsection (a) of Section 213 amends the TVPA of 2000 to specifically authorize an assistance program for victims of severe forms of trafficking of persons and provides for establishing a system that refers such victims to existing programs at the Department of Health and Human Services and the Department of Justice.

Subsection (b) requires a study on the gaps for assistance to women in prostitution victimized under chapter 117 of title 18.

Subtitle C—Penalties Against Traffickers and Other Crimes

Section 221. Restitution of forfeited assets; enhancement of civil action

Section 221 amends chapter 77 of title 18 by allowing the Attorney General in a prosecution brought under Federal law to grant restoration or remission of property to victims of severe forms of trafficking.

Section 222. Enhancing trafficking offenses

Section 222 amends title 18 of the U.S. Code to enhance existing penalties for trafficking offenses. Subsection (a) permits pretrial detention for trafficking offenders. Subsection (b) ensures that obstruction or attempts to obstruct or in any way interfere with enforcement of the trafficking statutes is a separate offense. Subsection (c) ensures that trafficking conspirators are punished as though they had completed a violation. Subsection (d) amends the trafficking statutes to hold accountable those who knowingly or in reckless disregard financially benefit from participation in a trafficking venture; it also amends the forced labor and sex trafficking statutes to clarify the definition of "harm" and "abuse of the law or legal process." Subsection (e) tightens the immigration law to ensure that committing or conspiring to commit trafficking offenses are grounds of inadmissibility and removability. The provision also creates a new crime of sex tourism that punishes individuals who go abroad for sex tourism and sex tour operators that benefit from such promoting such travel.

Section 223. Jurisdiction in certain trafficking offenses

Section 223 amends chapter 77 of title 18 by increasing the jurisdiction of the courts to include any trafficking case found in or brought into the United States, even if the conduct occurred in a different country, as long as no more than ten years have passed.

Subtitle D—Activities of the United States Government

Section 231. Annual report by the Attorney General

Section 231 requires that the annual report by the Attorney General include activities by the Department of Defense to combat trafficking in persons, actions taken to enforce policies relating to contractors and their employees, actions by the Secretary of Homeland Security to waive restrictions on section 307 of the Tariff Act of 1930, and prohibitions on procurement of items or services produced by slave labor.

Section 232. Defense Contract Audit Agency audit

Section 232 requires the Defense Contract Audit Agency to conduct an audit of all Department of Defense contractors and subcontractors where there is substantial evidence to suggest trafficking in persons, notify congress of the findings of each audit, and certify that the contractor is no longer engaging in such activities.

Section 233. Senior policy operating group

Section 233 amends section 206 of the TVPRA of 2005 to ensure that the Senior Policy Operating Group reviews all anti-trafficking programs.

Section 234. Preventing United States travel by traffickers

Section 234 provides that the Secretary of State may prohibit the entry into the United States of traffickers.

Section 235. Enhancing efforts to combat the trafficking of children

Section 235 sets forth comprehensive protections for child victims of trafficking and other unaccompanied alien children, including the following the provisions: (1) Care and Custody of Unaccompanied Children: Care and custody of all unaccompanied alien children shall be the responsibility of Health and Human Services; (2) Transfer of Custody: Consistent with the Homeland Security Act of 2002, requires all departments or agencies of the federal government to notify the Department of Health and Human Services (HHS) within 48 hours. The custody of most unaccompanied alien children encountered by immigration authorities must be transferred to the Secretary of Health and Human Services within 72 hours with special rules for children who have committed crimes or threaten national security; (3) Special Repatriation Procedures and Safeguards for Mexican and Canadian Nationals: Permits the Department of Homeland Security to repatriate promptly certain unaccompanied alien children from Canada or Mexico apprehended provided that those Canadian and Mexican unaccompanied alien children who are victims of severe forms of trafficking or have a fear of persecution; (4) Safe and Secure Placements: An unaccompanied alien child in the custody of HHS shall be placed in the least restrictive setting that is in the best interests of the child. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of support; (5) Standards for Placement: An unaccompanied child may not be placed with a person or entity unless HHS makes a determination that the proposed custodian is capable of providing for the child; (5) Representation: All unaccompanied alien children who are or have been in government custody, must have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking; (6) Special Immigrant Juvenile Status: Revises procedures for obtaining special immigrant juvenile status provided for under the Immigration and Nationality Act.

Section 236. Temporary increase in fee for certain consular services

Section 236 allows the Secretary of State to increase the fee for processing machine readable non-immigrant visas by two dollars. This increase shall be deposited in the Treasury and will terminate two years following the initial increase.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

This title and the sections within it provide authorization of appropriations for various trafficking programs.

TITLE IV—CHILD SOLDIERS PREVENTION AND ACCOUNTABILITY

Section 401. Short title

Section 401 provides that this title may be referred to as the "Child Soldier Prevention and Accountability Act of 2008".

Section 402. Definitions

Section 402 provides for various definitions used throughout the Act.

Section 403. Prohibition

Subsection (a) of Section 403 prohibits military assistance, the transfer of excess defense articles, or licenses for direct sales of military equipment to governments that the State Department's annual human rights report indicates have governmental armed forces or government-supported armed forces, including paramilitaries, militias or civil defense forces that recruit or use child soldiers.

Subsection (b) provides that the Secretary of State formally notify any government of such prohibitions.

Subsection (c) provides that the President may waive the restriction in subsection (a) if doing so is in the national interest of the United States. The President must publish each waiver granted, and its justification, within 45 calendar days.

Subsection (d) provides that the President may reinstate assistance which is restricted if the Government has implemented measures to come into compliance with this title and has implemented policies to prohibit and prevent future governmentsupported use of child soldiers.

Subsection (e) provides that notwithstanding the restriction in subsection (a), assistance for international military education and training and nonlethal supplies may be provided for up to two years s/he certifies that the government of that country is taking steps to implement effective measures to demobilize child soldiers and the assistance is provided to directly support professionalization of the military.

Section 404. Reports

Subsection (a) of Section 404 provides that the Secretary of State and U.S. missions abroad thoroughly investigate reports of the use of child soldiers.

Subsection (b) clarifies that the Secretary of State, in the annual Human Rights Report, must include a description of the use of child soldiers, including trends toward improvement or the continued or increased tolerance of such practices and the role of the government in engaging in or tolerating the use of child soldiers.

Subsection (c) requires that the President submit an annual report to the appropriate congressional committees that contains a list of countries in violation of standards under this subtitle, a list of any waivers or exceptions, justification for any such waivers and exceptions, and a description of any assistance provided under this subtitle.

Subsection (d) provides that not less than 180 days after implementation of the Act, the Secretaries of State and Defense shall submit a strategy and a coordination plan for achieving the policy objectives described in this Act.

Section 405. Training for foreign service officers

Section 405 establishes a requirement for training relevant Foreign Service officers in the assessment of child soldier use and other matters related to child soldiers.

Section 406. Effective date; Applicability

Section 406 states that the amendments made under this section shall take effect 180 days after the date of the enactment of this Act.

Sec. 407. Accountability for the recruitment and use of child soldiers

Subsection (a)(1) of Section 407 amends chapter 118 of title 18 by adding the offense of recruiting persons less than 15 years of age into an armed force or knowingly using a person under 15 in hostilities, and provides for terms of imprisonment. This subsection also provides that anyone attempting or conspiring to commit an offense under this section shall be punished in the same manner as someone who completes the offense, establishes the jurisdiction of the code, and provides for definitions used in this section.

Subsection (a)(2) establishes a statute of limitations of 10 years for prosecution under this code.

Subsection (b) makes participation in recruiting or using child soldiers grounds for inadmissibility or deportation under U.S. immigration law.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, this weekend is the unofficial beginning of summer and the start of the summer driving season. This is as oil hits $135 per barrel and more and more cities and towns all over the country are seeing gasoline prices over $4 per gallon. In the face of these challenges to the

American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term.

Last week, the House and Senate voted to suspend filling the Strategic Petroleum Reserve. I voted against that effort as many on the other side hailed it as a major move that would help to alleviate "pain at the pump." Instead, oil prices have continued to increase every day since that measure passed. I think this demonstrates that adding a mere 70,000 barrels a day to the marketplace means little when we consume 21 million barrels of oil per day in this country alone.

Oil shale can be a major part of addressing rising oil prices by potentially bringing over 1 trillion barrels of oil to the domestic market. There are enormous oil shale reserves located in Colorado, Wyoming, and Utah. Oil shale is energy we can develop here at home to lower gas prices, increase our Nation's security, and improve our balance of trade by keeping money and investment in the United States rather than sending hundreds of billions of dollars overseas—frequently to governments, I might add, that are unstable or whose interests are counter to those of this country. It will also bring in billions of dollars to the States and the Federal Treasury in the form of future royalties.

This bill is necessary because the fiscal year 2008 Interior, Environment, and Related Agencies bill has language prohibiting funds from being used by the Department of the Interior to prepare final regulations and will set forth the requirements for a commercial leasing program for oil shale resources or to conduct an oil shale lease sale as provided in the Energy Policy Act of 2005. Without removing this moratorium—and it is a moratorium—companies will not know the rules of the road so they can make investment decisions, things such as what the length of the oil shale leases will be, the royalty rate, and reclamation and bonding requirements.

I have a letter from the Assistant Secretary for Lands and Minerals at the Department of the Interior, Stephen Allred, dated May 14 in support of removing the prohibition contained in last year's Interior bill on the Department of the Interior issuing oil shale regulations. I ask unanimous consent at this time to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. WAYNE ALLARD,
Ranking Minority, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: Section 433 of the FY 2008 Interior, Environment and Related Agencies Appropriations Act prohibits our Department from issuing regulations related to oil shale leasing. This letter is to communicate our opposition to this prohibition and to urge its removal, so that the Administration can move forward and issue regulations.

As you know, in Section 369 of the Energy Policy Act of 2005, the Congress directed the Department to take the steps necessary to meet future requests for a commercial oil shale leasing program on Federal lands. In 2007, the Bureau of Land Management authorized six oil shale research, development, and demonstration projects on public lands in northwestern Colorado and northeastern Utah. These projects provide industry access to oil shale resources to further their development of oil shale technologies.

This type of research will require significant private capital, with an uncertain return on this investment in the immediate future. Part of the wisdom of Section 369 is that it envisions the private sector will lead this investment—not the American taxpayer. However, for these projects to be successful, companies will require a level playing field and a clear set of regulations or "rules of the road." Developing a regulatory framework now will aid in facilitating a producing program in the future should oil shale development prove to be economic. Impeding the Federal Government's efforts at this stage could have serious consequences.

Moving forward with these regulations does not mean commercial oil shale production will take place immediately. To the contrary, with thoughtfully developed regulations, thoroughly vetted through a public process, we have only set the groundwork for the future commercial development of this resource in an environmentally sound manner. With the administrative and regulatory certainty that regulations will provide, energy companies will be encouraged to commit the financial resources needed to fund their RD&D projects, and the development of viable technology will continue to advance. Actual commercial development and production will be dependent upon the results of the RD&D efforts and more site-specific environmental evaluations.

Consistent with the language in the Consolidated Appropriations Act for FY 2008, the BLM is not spending FY 2008 funds to develop and publish final oil shale regulations; however, the agency is moving forward in a thoughtful, deliberative manner to publish proposed regulations on oil shale. These proposed regulations will reflect input already received from our partners in the states. The publication of the draft regulations will provide an opportunity for the public and interested parties to remain engaged on this important issue.

Given the Nation's projected future energy needs, it is incumbent on us to promote the development of oil shale for our national security and energy security. Declining domestic oil production and rising U.S. demand for oil increase the Nation's dependence on imports, and leave us vulnerable to rising energy costs. Households across America are struggling to deal with these additional costs and experts predict that the trend is set to continue. In looking beyond traditional energy resources to unconventional and alternative fuels, the Department of the Interior has a key role to play in the development of oil shale.

I ask for your support for removal of the prohibition on issuing oil shale regulations in order that we may move forward with the public process of finalizing regulations for commercial oil shale development on Federal lands. I commit to working closely with the Congress throughout the development of this program.

A similar letter has been sent to the Honorable Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate, the Honorable Norman D. Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives, and the Honorable Todd Tiahrt, Ranking Minority Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives.

Sincerely,

C. STEPHEN ALLRED,
Assistant Secretary,
Land and Minerals Management.

Mr. ALLARD. Mr. President, Allred points out that issuing these regulations is critical to providing regulatory certainty for these oil shale projects to go forward. With the regulatory certainty these regulations will provide, companies will have an incentive to commit the resources necessary to develop this technology.

I also have a letter from Secretary of the Interior Dirk Kempthorne dated December 12, 2007, objecting to the inclusion of this moratorium that was in the House version of the fiscal year 2008 Interior appropriations. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical "rules of the road" upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. Mr. President, Secretary Kempthorne also indicates the critical nature of allowing the Department to issue these regulations in order to attract the private investment necessary to develop the oil shale resource.

Let me emphasize that this is not an environmental issue. No commercial lease sales are permitted under the provisions of this bill. In fact, commercial oil shale leases are banned for 2½ years because the technology for oil shale extraction is not yet economically viable on a wide scale. But, as I have said, the companies that invested tens of millions of dollars in this technology already need to have the Department of Interior issue the leasing ground rules so that they know what their costs will be for taking part in the Federal commercial leasing program when the time for leasing comes.

My bill also makes sure there is adequate public comment by requiring that final regulations not be issued for at least 90 days after they have been published in draft form.

When I offered this as an amendment in the Appropriations Committee, it was defeated by one vote and strictly along party lines. I heard from the other side of the aisle that because the Governor of Colorado and the junior Senator from Colorado opposed lifting this moratorium, Congress should not do so. I find this curious and incredibly inconsistent with prior debates over public lands policy. When we have debated drilling in the section 1002 area of ANWR, the other side seems to have little or no regard for the desires of Alaska's Governor, the people of the State of Alaska, or the entire congressional delegation about how they want their public lands managed.

On this side of the aisle—that is, the Republican side of the aisle—we have offered proposals to bring to market billions of barrels of domestic supply that are continually blocked. If we don't begin to put in place policies to enhance our domestic production, prices are only going to go higher and the American people are going to pay the price at the pump as well as suffer the consequences of a further drag on the economy.

In closing, I wish to state that increasing domestic energy production, including from oil shale, will strengthen this country's national security, lower gas prices, keep jobs and investments right here at home, and, in these tight budgetary times, bring in hundreds of billions of dollars to the States and the Federal Treasury through royalty collections.

Congress needs to take a good, hard look at what it has done as far as encouraging further supply of energy for this country. As was mentioned in a number of editorials that have shown up in the papers, it is easy to blame companies and the stock market, and it is easy to blame the futures market, but really the problem starts right here in the Congress. The Congress needs to come up with a solution to relieve the inadequate supply of oil and gas. If that solution is not arrived at soon, Americans are going to be put out of business. We already hear about airlines having to cut back on the number of employees they have because of the high cost of gasoline. So it is going to have a dramatic impact on the economy of this country.

Just think about how much land we have tied up because of previous action by this Congress—the billions of barrels of oil that potentially would be available in ANWR; the huge amount of reserves that we think is in the deep-sea portions that would be available off the coast of this country. We are the only country in the world that restricts drilling out in the deep sea. There are potential reserves that would be available for consumers of this country with oil shale in Utah and Colorado and Wyoming. Now we have that tied up with a strict moratorium that tells the oil producers of this country: We want you to shut down. We don't want you to be able to move forward.

I think these are huge reserves, and if we had acted, actually, 10 years ago, we wouldn't now have a problem. We are going to have a problem for the next 10 years unless we do something quickly and drastically, and we need to do something more than just saying that the Strategic Oil Reserve can't purchase oil for 6 months or we wait until it drops to less than $75 a barrel.

I am calling on my colleagues to join us because this is a serious problem we are facing in this country, and the Congress needs to do something about it.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am very pleased to rise today to introduce the S Corporation Modernization Act of 2008 with my good friend, Senator ORRIN HATCH. I also want to say a special thanks to our cosponsors, Senators GORDON SMITH of Oregon and BEN CARDIN of Maryland. This legislation makes needed changes to the tax code to help small and family-owned businesses across this Nation. It is my hope that these policy changes will provide them the opportunity to grow their businesses, create jobs and stimulate the economy.

In my home State of Arkansas, as in so many rural States across the country, the vast majority of our businesse are small businesses. They are the local insurance agency, the flower shop, the coffee shop—and they are most often organized as so-called "S corporations." In fact, our country has more than four million S corporations nationwide. These businesses and their employees are truly the engines of our rural economies. We must do all we can to ensure they can continue to compete in a global economy that is becoming steadily more competitive.

Because Congress has not updated many of the rules governing S corporations—such as allowing better access to capital—I am concerned that these privately-held businesses are not in the best position to deal with the current downturn in the economy. We must modify our outdated rules so that these businesses that are starved for capital have the means to expand and create jobs. Current law—particularly the punitive built-in gains tax penalty—not only limits the ability of S corporations to attract new equity investors, but also effectively forces businesses to sit on 'locked-up' capital that they cannot access and put to use to grow their business.

The S Corporation Modernization Act would update and simplify our S corporation tax rules. It increases access to capital, encourages family-owned businesses to stay in the family, eliminates tax traps that penalize unwary but well-meaning business owners, and encourages charitable giving.

A strong economic recovery will depend on the health and strength of our small business sector—our S corporations. It is absolutely imperative that we work to ensure our tax rules that govern this sector are fair, simple and encourage growth. I look forward to working with my colleagues on the Senate Finance Committee to ensure these important changes are made.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from Wisconsin and Maryland in introducing legislation to reauthorize the Collins-Feingold Dental Health Improvement Act, which was first signed into law as part of the Health Care Safety Net Act Amendments of 2002. The legislation we are introducing today will extend the authorization of this program, which provides grant funding to States to strengthen the dental workforce in our Nation's rural and underserved communities, for an additional 5 years.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 47 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as 11 percent of our Nation's rural population has never been to a dentist.

The situation is exacerbated by the fact that our dental workforce is graying. More than 20 percent of dentists nationwide will retire in the next 10 years, and the number of dental graduates may not be enough to replace their retirees. As a consequence, many states are facing a serious shortage of dentists, particularly in rural areas.

In Maine, there is one general practice dentist for every 2,300 people in the Portland area. The numbers drop off dramatically, however, in other parts of our state. In Aroostook County, for example, where I am from, there is only one dentist for every 5,500 people. Of the 23 dentists practicing in Aroostook County, only a few are taking on any new cases.

The Collins-Feingold Dental Health Improvement Act, which is now Section 340G of the Public Health Service Act, authorized a State grant program administered by the Health Resources and Services Administration at the Department of Health and Human services that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund a wide variety of programs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. To assist in their recruitment and retention efforts, States can use the funds for placement and support of dental students, residents and advanced dentistry trainees. Or, they can use the grant funds for continuing dental education, through distance-based education and practice support through teledentistry.

Congress appropriated $2 million for this program for fiscal year 2006 and fiscal year 2007 and just under $5 million for fiscal year 2008.

Thirty-six States have applied for grants from this program, but so far, the funding available has only been sufficient to fund programs in 18 States. Clearly there is sufficient interest and need for this program to justify its extension, particularly given all of the recent reports documenting the very serious need to improve access to oral health care.

Those 18 States that have been awarded funding under this program are doing great things to improve access to oral health services. Colorado, Georgia and Massachusetts are using the grant funds for loan forgiveness and repayment programs for dentists who practice in underserved areas and who agree to provide services to patients regardless of their ability to pay. Arkansas, Maine, Michigan, Mississippi and a number of other states are using the funds for recruitment and retention efforts. Delaware, Rhode Island and Vermont, which, like Maine, don't have dental schools, are using the funds to expand dental residency programs in their States.

The legislation we are introducing today will authorize an additional $50 million over the next 5 years for this important program. The American Dental Association, the American Dental Education Association, and the American Academy of Pediatric Dentistry have all endorsed the legislation, and I encourage all of our colleagues to join us as cosponsors.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARNER, Mr. KERRY, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Equity in Prescription Insurance and Contraceptive Coverage Act. I am pleased to be joined by my colleague from Nevada, Majority Leader REID. I originally authored this legislation in 1997, and I stand today to resolve the issue of inequity in prescription drug coverage and to make certain that all American women have access to contraception methods.

Without question, we have made remarkable progress in the number of employer sponsored health plans covering contraception. According to a study released in 2004, between 1993 and 2002, contraceptive coverage in employer-purchased plans covering the full range of reversible contraceptive methods tripled from 28 percent to 86 percent. Conversely, the proportion of employer plans covering no method at all dropped dramatically, from 28 percent to 2 percent. Yet despite these gains, women of reproductive age currently spend 68 percent more in out-of-pocket health care costs than men. Not surprisingly, this discrepancy is due in large part to reproductive health-related costs.

Women whose health plans do not cover the full range of reversible contraceptive methods often face high out-of-pocket costs. Yet covering prescription contraceptives results in cost-savings not only for women, but for society as a whole. There are three million unintended pregnancies every year in the United States, and almost half of these pregnancies result from women who do not use contraceptives. Equal treatment of prescription contraceptives will reduce costs to Americans by preventing these unintended pregnancies, which can range anywhere from $5,000 to almost $9,000 in medical costs.

The Equity in Prescription Insurance and Contraceptive Coverage Act will eliminate the disparate treatment of prescription contraception coverage.

Simply put, if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA approved prescription contraceptives. Our bill will ensure that women have comprehensive reproductive health coverage, and lower costs to society by preventing unintended pregnancies and thus reducing the need for abortion.

I urge my colleagues to join with me in fixing the inequity in prescription contraception coverage to make certain that all American women have access to this most basic health need.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

Mr. BARRASSO. Mr. President, today I am introducing legislation to address the reality of the needs of species and the global nature of climate change.

Recently, the U.S. Fish and Wildlife Service decided to list the polar bear as a threatened species. The reason for the listing is the loss of sea ice habitat. They say the ice will be subjected to "increased temperatures, earlier melt periods, increased rain-snow events, and shifts in atmospheric and marine surface patterns." Essentially, they are saying it is due to the effects of global climate change.

Without the cooperation of other countries, the United States cannot reverse global climate change. If we are truly going to recover species—species that are being impacted by climate change—we would need to have an international agreement in place, an international agreement among all of the major emitting countries. All of those countries would have to comply with the treaty in order for species to receive any tangible environmental benefit. This is what people who care about the polar bear need to see happen.

Unfortunately, global warming activists are looking to the U.S. Fish and Wildlife Service and to the Endangered Species Act as a means for widespread regulation. This would be a complete departure from the intent of the law.

The Secretary of Interior, Secretary Kempthorne, has stated that he is providing additional guidance to ensure that there are no negative, unintended consequences to the legislation.

Unfortunately, such guidance will likely not survive judicial challenge or perhaps even the next administration.

For the first time ever, lawsuits could be filed to block economic growth and the creation of jobs all across America.

It has been suggested that any economic activity that emits greenhouse gases which then contributes to global warming and to the melting of the polar icecaps must be stopped. Why? Because it might cause polar bears to become extinct.

Think about that for a minute: Buildings could not be expanded or built; new roads could not be built or improved; local governments would be forced up to adopt onerous new zoning requirements; energy development projects would be brought to a standstill; and virtually any economic development activity one can think of could be challenged by anyone. Volumes of new rules and regulations from Washington, DC, would control everything we do.

This action would harm individual freedom, would raise energy costs, and would affect consumers across the board in all 50 States. This action would dramatically hurt our economy.

Frankly, when I see groups publicly stating that they intend to use the polar bear listing as a hammer to stop fossil fuel use, such as even driving your car to work, I am skeptical about their real concern for the polar bear.

In a recent Baltimore Sun article, the Center for Biological Diversity said:

> Once protection for the polar bear is finalized, federal agencies and other large greenhouse gas emitters will be required by law to ensure that their emissions do not jeopardize the species.

Some want to limit how much we drive or how we heat our homes. Wyoming residents and Americans in general do not believe in such a culture of limits. That is perhaps why activists need to use and choose to use the courts to impose them.

We can provide cleaner cars and be more efficient in heating our homes, but there is a line of individual liberty and personal choice that we should not cross.

Yes, we are all concerned about protecting the environment, and as a Senator, I am also concerned about placing dramatic burdens on our economy and on our American citizens.

Very soon, without legislative action by Congress, the Endangered Species Act will be transformed from a tool to recover species into a climate change bill. This will not only shortchange truly endangered species, it will also impact working families who are already struggling with high energy bills.

The beneficiaries will not be the polar bears. Instead, it will be environmental lawyers who will reap the financial windfall through endless lawsuits.

That is why today I have introduced legislation that says that the Secretary of Interior cannot consider global climate change as a natural or a manmade factor in terms of listing species as endangered. Under this bill, no species would be listed as threatened and endangered because of global warming until an international agreement is signed by all the major emitting nations.

The Administrator of the Environmental Protection Agency would have to certify that such an agreement is in place and that countries are in compliance with the treaty for such a listing to occur. This bill specifies that China and India would both have to be part of the agreement.

This is not designed to give the power of legislating or listing species into the hands of foreign nations. The bottom line is, species will not receive the help they need until other countries comply. Plain and simple. To assert otherwise is to give false hope that those who care most about protecting species actually get protection.

We do not need symbolic gestures in addressing climate change. While the symbolism may appease some, it does not address the very real impact of ordinary folks in my home State of Wyoming or anywhere across the Nation. We are saddled with high gas prices and high energy prices already.

Lawsuits blocking any new coal-fired powerplants can wreak havoc on Wyoming's economy before we have had a chance to finish developing the clean coal technologies of the 21st century. Clean coal technologies truly will address climate change.

Mr. President, all regions that depend on coal, particularly the Midwest, the South, and the Rocky Mountain West, would be the hardest hit. But we need real solutions to address species issues, while at the same time ensuring that we protect working Americans.

You want to drive your family to the beach or drive them to the mountains? Don't be surprised that in the not too distant future you need to get a government permit to do so.

I urge all Members of this body to consider cosponsoring this important bill.

By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUNE):

S. 3073. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, the right to participate in democratic elections and vote for candidates of your choice is fundamental to the American experience. That right to vote is safeguarded by our men and women in uniform, often at great personal cost to them and their loved ones.

As the Global War on Terror continues, the need for overseas service by our troops is unlikely to let up any time soon. They routinely find themselves deployed to far-away battlefields in the Middle East, on ships at sea all across the globe, or assigned to overseas postings in Korea, Europe, or elsewhere.

What's more, the decisions of elected leaders of the Federal Government impact our troops often in a very direct and personal way. As a result of decisions made by those elected leaders, our troops can be called to deploy to a combat zone at virtually any time.

Statistics on overseas military voting in the 2006 election, compiled by the U.S. Election Assistance Commission, show that there is clearly a problem of disenfranchisement of our troops. It is absolutely despicable that, of our overseas troops who asked for mail-in ballots for 2006, less than half, 47.6, percent of their completed ballots actually arrived at the local election office. Many of those arrived too late, and were therefore not even counted.

To me, that is an appalling failure of our current absentee voting system. We need to take action now, before the problem rears its ugly head again, to safeguard the right of our troops to vote and have their votes count.

I believe Congress has a duty to ensure these men and women in uniform, selflessly serving abroad, have a voice in choosing their elected leaders. They serve not only in the defense of freedom and the American way of life, but also in defense of the very system of government in which I and my Senate colleagues have the honor to serve.

These military service members have already given up so much for this country—often being apart from their families, living in the face of constant danger, and standing on the front lines of our defense. We must not allow one of their most fundamental rights as Americans to fall victim to an antiquated and inefficient system of absentee voting and slow—sometimes painfully slow—methods of delivering their marked ballots.

One of the biggest problems in absentee balloting for our overseas troops has been this inadequate delivery system for completed ballots.

The simple fact is that, for many overseas military voters, their marked ballots arrived at the local election office too late to be counted. There is no excuse for allowing inefficiency to disenfranchise our military men and women serving abroad.

That is why I have decided to introduce the Military Voting Protection Act of 2008, or MVP Act. This bill will improve the absentee voting system for our overseas troops by expediting the delivery of their marked ballots to ensure they are delivered in a timely manner and, at the same time, electronically tracked to provide accountability and allow for verification that completed ballots actually arrived at their local election office.

First and foremost, this bill would expedite the process by directing the Pentagon to make use of express delivery services, which many of us use on a regular basis, to get the completed absentee ballots of our overseas troops to election officials here at home. At the same time, it would require the DOD to take a more active role in organizing the collection, transportation, and tracking of these ballots.

We have at our disposal the tools necessary to more efficiently collect and deliver our troops' ballots to help make their votes count. We simply need to start utilizing more capable and expedited delivery methods to ensure that our troops' voices are heard.

This bill also urges the DOD to make better use of modern technology to improve the ability of our troops to participate in elections. At the same time, the bill recognizes the clear importance of preserving the privacy and integrity of the voting system by calling on DOD to focus its efforts on secure, efficient systems that would also achieve these important goals.

In this day and age, it is inexcusable for our troops to be shut out of the democratic process merely because they are far away from their homes as a result of their military service. We should not sit idly by and watch another election pass with a large portion of our brave military men and women being left out of our democratic process.

For far too long in this country we have failed to adequately safeguard the right of our troops to participate in our democratic process. We have allowed slow delivery methods, confusing absentee voting procedures, and myriad other obstacles to disenfranchise many of our overseas troops. We must put those days behind us.

I urge all of my colleagues to join me in addressing this important issue and protecting for our troops the very rights they fight to safeguard for us. Join me in cosponsoring the MVP Act. I look forward to working with my colleagues to pass this important bill quickly.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 574—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM CUSTODY THE CHILDREN OF REBIYA KADEER AND CANADIAN CITIZEN HUSEYIN CELIL AND SHOULD REFRAIN FROM FURTHER ENGAGING IN ACTS OF CULTURAL, LINGUISTIC, AND RELIGIOUS SUPPRESSION DIRECTED AGAINST THE UYGHUR PEOPLE

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 574

Whereas the protection of the human rights of minority groups is consistent with the actions of a responsible stakeholder in the international community and with the role of a host of a major international event such as the Olympic Games;

Whereas recent actions taken against the Uyghur minority by authorities in the People's Republic of China and, specifically, by local officials in the Xinjiang Uyghur Autonomous Region, have included major violations of human rights and acts of cultural suppression;

Whereas the authorities of the People's Republic of China have manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in the Xinjiang Uyghur Autonomous Region;

Whereas an official campaign to encourage Han Chinese migration into the Xinjiang Uyghur Autonomous Region has resulted in the Uyghur population becoming a minority in their traditional homeland and has placed immense pressure on those who are seeking to preserve the linguistic, cultural, and religious traditions of the Uyghur people;

Whereas a new policy now actively recruits young Uyghur women and forcibly transfers them to work at factories in urban areas in far-off eastern provinces, resulting in tens of thousands of Uyghur women being separated from their families and placed into substandard working conditions thousands of miles from their homes;

Whereas the legal system of the People's Republic of China is used as a tool of repression, including for the imposition of arbitrary detentions and torture commonly employed against any and all Uyghurs who voice discontent with the Government;

Whereas the Government of the People's Republic of China continues to apply charges of "political crimes" and the death penalty to Uyghurs and other political dissidents, contrary to international humanitarian standards;

Whereas the People's Republic of China is implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture by transitioning minority students from education in their mother tongue to education in Chinese, shifting dramatically away from past policies that provided choice for the Uyghur people;

Whereas the Senate has a particular interest in the fate of Uyghur human rights leader Rebiya Kadeer, a Nobel Peace Prize nominee, and her family, as Ms. Kadeer was first arrested in August 1999 while she was en route to meet with a delegation from the Congressional Research Service and was held in prison on spurious charges until her release and exile to the United States in the spring of 2005;

Whereas upon her release, Rebiya Kadeer was warned by her Chinese jailers not to advocate for human rights in Xinjiang and throughout China while in the United States or elsewhere, and was reminded that she had several family members residing in the Xinjiang Uyghur Autonomous Region;

Whereas while residing in the United States, Rebiya Kadeer founded the International Uyghur Human Rights and Democracy Foundation and was elected President of the Uyghur American Association and President of the World Uyghur Congress in Munich, Germany;

Whereas 2 of Rebiya Kadeer's sons were detained and beaten and one of her daughters was placed under house arrest in June 2006;

Whereas President George W. Bush recognized the importance of Rebiya Kadeer's human rights work in a June 5, 2007, speech in Prague, Czech Republic, when he stated: "Another dissident I will meet here is Rebiyah Kadeer of China, whose sons have been jailed in what we believe is an act of retaliation for her human rights activities. The talent of men and women like Rebiyah is the greatest resource of their nations, far more valuable than the weapons of their army or their oil under the ground.";

Whereas Kahar Abdureyim, Rebiya Kadeer's eldest son, was fined $12,500 for tax evasion and another son, Alim Abdureyim, was sentenced to 7 years in prison and fined $62,500 for tax evasion in a blatant attempt by local authorities to take control of the Kadeer family's remaining business assets in the People's Republic of China;

Whereas another of Rebiya Kadeer's sons, Ablikim Abdureyim, was beaten by local police to the point of requiring medical attention in June 2006 and has been subjected to continued physical abuse and torture while being held incommunicado in custody since that time;

Whereas Ablikim Abdureyim was also convicted by a kangaroo court on April 17, 2007, for "instigating and engaging in secessionist" activities and was sentenced to 9 years of imprisonment, this trial being held in secrecy and Mr. Abdureyim reportedly being denied the right to legal representation;

Whereas 2 days later, on April 19, 2007, another court in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, sentenced Canadian citizen Huseyin Celil to life in prison for "splittism" and also for "being party to a terrorist organization" after having successfully sought his extradition from Uzbekistan where he was visiting relatives;

Whereas authorities in the People's Republic of China have continued to refuse to recognize Huseyin Celil's Canadian citizenship, although he was naturalized in 2005, denied Canadian diplomats access to the courtroom when Mr. Celil was sentenced, and have refused to grant consular access to Mr. Celil in prison;

Whereas a spokesperson of the Foreign Ministry of the People's Republic of China publicly warned Canada "not to interfere in China's domestic affairs" after Huseyin Celil's sentencing;

Whereas Huseyin Celil's case was a major topic of conversation in a recent Beijing meeting between the Foreign Ministers of Canada and the People's Republic of China; and

Whereas there have been recent armed crackdowns throughout the Xinjiang Uyghur Autonomous Region against the Uyghur population: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of the People's Republic of China—

(1) should recognize, and seek to ensure, the linguistic, cultural, and religious rights of the Uyghur people of the Xinjiang Uyghur Autonomous Region;

(2) should immediately release the children of Rebiya Kadeer from both incarceration and house arrest and cease harassment and intimidation of the Kadeer family members;

(3) should immediately release Canadian citizen Huseyin Celil and allow him to rejoin his family in Canada; and

(4) should immediately cease all Government-sponsored violence and crackdowns against the people throughout the Xinjiang Uyghur Autonomous Region, including those involved in peaceful protests and political expression.

Mr. BROWN. Mr. President, the Chinese people have endured an unspeakable tragedy, as we know, with the loss of tens of thousands in a major earthquake. Those numbers continue to grow. On the radio this morning, I heard it looks like more than 50,000 Chinese people have died in one of the greatest tragedies of the last decade. My prayers are with the people of Sichuan Province and all those brave men and women who are there now providing support as volunteers, especially providing support to the Chinese people in Sichuan Province.

I wish to focus on something else in China. This isn't the Chinese people, it is the actions of a few people at the top of the Chinese Government—actions we must confront. When I say "only a few people at the top," the Chinese Government is called the People's Republic of China for a reason. It is a Communist government, a very top-line hierarchical system, where a few people at the top enjoy so much of the benefits and so much of the power and they wield that so unfairly and immorally and, many times, against so many in their country.

For us to ignore the behavior of the Chinese Government, to dismiss that behavior, to minimize that behavior is a reprehensible act on our part.

In a little more than 3 months, the world will witness one of its great quadrennial events—the summer Olympic Games. The games have been billed as a way for the host, China, to reintroduce itself—a new China, if you will—to the international community. And China has pulled out all the stops: $38 billion in infrastructure improvements, including a brandnew 91,000-seat stadium, 300 miles of new roads, and an entirely new terminal at Beijing's International Airport, all because of the Olympic Games.

What China will not be highlighting is its human rights record. That is because it is abysmally disgraceful.

As China rolls out the red carpet to welcome hundreds of thousands of tourists and as Olympic-related media flock to Beijing to watch the events, no one will be allowed to go to Tibet, no one will be allowed to go to the Xinjiang Uyghur Autonomous Region, no one will be allowed to see the hundreds of political prisons, no one will be allowed to visit the areas of China where hundreds of millions live in abject poverty.

Last year, Amnesty International—a no more respected and fairminded group in the world—said of China:

> An increased number of . . . journalists were harassed, detained, and jailed. Thousands of people who pursued their faith outside officially sanctioned churches were subjected to harassment and many to detention and imprisonment. Thousands of people were sentenced to death of executed. Migrants from rural areas were deprived of basic rights.

The Presiding officer, from the State of Rhode Island, has talked passionately about the freedom of the press and journalism in countries where we have the kind of relationship we have with China and how important it is. Others in this body have talked about human rights and labor rights, and now China has violated those values we hold dear and that international organizations that serve all of the world hold so dear.

Beijing will continue to attempt to paint its repressive regime during the Olympics in the best light possible, as we have seen in the last month with the unnerving events in Tibet. The repression in Tibet, a region similar in its treatment by the government as the Xinjiang Uyghur Autonomous Region, is nothing new. For almost 60 years, Tibetans have survived under Beijing repression. Tibet was swallowed up by China in 1950. The Uyghur Autonomous Region was swallowed up by China the year before.

China's policy is straightforward: Declare war on human rights, bring in native Chinese for the best jobs, eradicate the indigenous culture, the language, the spiritual center, disperse the population. It seems to have worked for China's interest every time.

China's policies keep import prices low by allowing inhumane treatment of workers, slave wages, and unsafe working conditions have become all too common.

China, the Communist regime, has become China, the world's largest one-company town where workers are interchangeable, replaceable parts and where members of the Communist Party are its shareholders.

The United States as purportedly the world leader in human rights—we talk about exporting democracy, we brag about our values, yet out business is with encouragement and incentives—unbelievably enough, sometimes from our own Government—even though we say we are the world leader in human rights. The United States should not be endorsing in any way the brutal and horrific policies of the Chinese Government. Again, the United States, by our actions by the Government and by business do not seem so interested oftentimes in human rights in China in spite of what we say. We should not be sacrificing our moral compass at the altar of the dollar. We do that way too often.

I met with Rabiya Kadeer, the Uyghur dissident leader and head of the Uyghur American Association. She told me of her time in prison for political advocacy on behalf of her people. She spent 6 long years in prison, arrested in 1999 on her way to a meeting with foreign activists and leaders. She told me of her children who either live in fear or live in prison because of her advocacy on behalf of basic freedoms for the 12 or 13 million Uyghur people. She told me of her exile. She is not allowed to return to her native country.

We need the strength to stand up to rather than apologize for China's brutal regime. This has been the systematic policy of a highly efficient and powerful central government.

The Chinese Uyghurs have long fought for more autonomy from Beijing and greater freedom to practice their Muslim religion.

This is not a new policy. We have seen the same in the Zinjiang Uyghur Autonomous Region where ethnic Uyghur people have been systematically relocated and repressed. Their Turkic language is prohibited, their women are placed into forced labor, especially young women taken out of the Autonomous Region to other parts of China, in many cases to be slave labor, forced labor, in other cases to be sex slaves, and their political leaders are jailed. Yet we allow China into the World Health Organization, the World Trade Organization, and made them a preferred trading partner.

Communities across America feel the reverberations of this policy. Not only does it blacken our name as a country when China violates every kind of human rights we care about, but then it affects our country in so many other ways.

We have lost more than 3 million manufacturing jobs across this country since President Bush has been President. Many of these jobs have been eliminated because of government-subsidized imports from China, because of cheating on currency rules, and because of direct off shoring to countries such as China.

China gives their manufacturers that unfair competitive advantage by manipulating its currency and providing massive subsidies to its industry. We know all that. American companies have been complicit by hiring Chinese subcontractors and forcing those subcontractors to continue to cut costs, meaning contaminated vitamins, contaminated pharmaceuticals, and dangerous toxic lead-based paint on toys.

I am submitting a resolution today calling on the Chinese to free the Kadeer children, free the Uyghur political prisoners, and end the political, religious, and ethnic repression in that part of China.

I ask my colleagues to take a look at this resolution, to meet with Ms. Kadeer and to join me in working to bring the atrocities against the Uyghur people to an end. Instead of welcoming China, celebrating China, and trading with China on their terms, as we all talk about the great quadrennial events of the International Olympic Games, we should be helping China's repressed. We should not indulge China its abuses. It dishonors our own values.

SENATE RESOLUTION 575—EXPRESSING THE SUPPORT OF THE SENATE FOR VETERAN ENTREPRENEURS

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, Ms. SNOWE) submitted the following resolution; which was referred to the Commitee on Veterans' Affairs.

S. RES. 575

Whereas the veterans of the United States have been vital to the small business enterprises of the United States;

Whereas the Nation should honor its veterans and in particular those veterans with disabilities incurred or aggravated in the line of duty during active service with the United States Armed Forces;

Whereas Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999 (Public Law 106-50; 113 Stat. 233) to assist veterans interested in starting or expanding small businesses;

Whereas the Veterans Entrepreneurship and Small Business Development Act of 1999 required the President to establish a goal of awarding not less than 3 percent of the total value of all Federal prime contracts and subcontracts to service-disabled veteran-owned small businesses;

Whereas Congress approved the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651) to expand benefits for veterans;

Whereas the Veterans Benefits Act of 2003 gave agency contracting officers the authority to reserve certain procurement contracts for service-disabled veteran-owned small businesses;

Whereas President George W. Bush issued Executive Order 13360 (60 Fed. Reg. 62,549) in 2004, calling on Federal agencies to more effectively implement the legislative changes to the Small Business Act (15 U.S.C. 631 et seq.) included in the Veterans Entrepreneurship and Small Business Development Act of 1999 and the Veterans Benefits Act of 2003;

Whereas, despite those Acts of Congress and the issuance of Executive Order 13360 by the President, service-disabled veteran-owned small businesses still struggle to receive a fair share of Federal contracts; and

Whereas Federal agencies have consistently fallen short of the statutory contracting goal for service-disabled veteran-owned small businesses set by the Veterans Entrepreneurship and Small Business Development Act of 1999: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong support of the United States for its veterans and veteran entrepreneurs; and

(2) calls on Federal agencies to work to improve Federal contracting opportunities for service-disabled veteran-owned small businesses.

Mr. STEVENS. Mr. President, I rise to submit a resolution that is cosponsored by Senator MURKOWSKI, Senator INOUYE, Senator AKAKA, Senator COCHRAN, Senator ISAKSON, Senator CRAIG, and Senator SNOWE.

I am submitting this resolution to honor veteran entrepreneurs and calling on the Federal Government to improve Federal contracting opportunities for service-disabled, veteran-owned small businesses. They call them SDVOSBs.

These veteran entrepreneurs have given so much to our country, and the Federal Government needs to honor them by utilizing their array of valuable skills.

Almost 9 years ago, Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999, which directed the President to establish a goal of awarding at least 3 percent of Federal contracts to service-disabled, veteran-owned small businesses.

In subsequent years, however, the Federal agencies have consistently failed to reach that statutory goal. In the most recent official government-wide report, contract awards for service-disabled, veteran-owned small businesses made up less than 1 percent of all Federal contracts.

As I travel home this weekend to observe Memorial Day, I will have the great honor of being accompanied by U.S. Department of Veterans Affairs Secretary Dr. James Peake, who has accepted my invitation to visit our State.

Dr. Peake, a decorated combat veteran and former Army Surgeon General, is an exceptional American. An important challenge for the VA will be to provide adequate VA health facilities and services to veterans in rural areas.

Dr. Peake's decision to travel from our Nation's Capital to Alaska on this important holiday shows his commitment to all veterans, particularly those who come from rural areas.

SENATE RESOLUTION 576—DESIGNATING AUGUST 2008 AS "DIGITAL TELEVISION TRANSITION AWARENESS MONTH"

Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VOINOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. BARRASSO, Mr. GRASSLEY, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. INHOFE, Mrs. BOXER, Mr. COLEMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAIG, Mr. SANDERS, Mr. SPECTER, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. AKAKA, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 576

Whereas, starting February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only pursuant to the Digital Television Transmission and Public Safety Act of 2005 (47 U.S.C. 309 note);

Whereas some studies indicate that 64 percent of consumers know about the transition to digital television, and of those consumers 74 percent have major misconceptions about the impact of the transition on their television services;

Whereas many consumers who will be left without any television service after February 17, 2009, may be unaware of both the transition and the Government coupon program created to defray the cost of a converter box;

Whereas markets in the West and in Mid-West have the highest percentage of consumers who rely on over-the-air television signals;

Whereas the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas the transition to digital television is significant to vulnerable populations such as senior citizens and low-income and minority households; and

Whereas designating a "Digital Television Transition Awareness Month" will help Congress to encourage the development of local action plans focused on strategic outreach to the communities most affected by the transition to digital television, including senior citizens and residents of rural areas: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 2008 as "Digital Television Transition Awareness Month"—

(A) to increase public awareness regarding the February 17, 2009, transition to digital television; and

(B) to encourage consumers to become educated about participating in the Government coupon program for obtaining converter boxes;

(2) encourages consumers to make the transition to digital television well before February 17, 2009, so that consumers have time to obtain and connect converter boxes; and

(3) encourages local nonprofit organizations, such as religious congregations, scout troops, and school-based community service groups—

(A) to assist households to apply for and obtain Government coupons and converter boxes and to install converter boxes; and

(B) to educate consumers about Internet websites and other sources of valuable information regarding the transition to digital television.

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Minnesota, Senator AMY KLOBUCHAR, S. Res. 576, which would designate August 2008 as Digital Television Transition Awareness Month.

Pursuant to the Digital Television Transmission and Public Safety Act of 2005, starting on February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only. Concentrating efforts to educate consumers well in advance about both the upcoming transition and their options will ensure as smooth a transition as possible. That is why Senator KLOBUCHAR and I, along with dozens of original cosponsors, have introduced this resolution today.

I believe that the month of August is a perfect time to highlight the ongoing educational efforts about the transition to digital television next year. After all, we want to encourage those who will need to take some action to do so now, rather than wait until the last moment.

Several studies indicate that many consumers who will be left without any television service after February 17, 2009, may be unaware of the transition and the Government coupon program created to defray the cost of converter boxes. While 64 percent of consumers know about the transition to digital television, 74 percent of that group has major misconceptions about the impact of the transition on their television services. The transition to digital television is especially significant to vulnerable populations such as senior citizen, low-income, and minority households.

I note that television markets in the West and Midwest have the highest percentage of consumers who rely on over-the-air television signals. In Utah alone, Salt Lake City has the highest percentage of homes in a major metropolitan area, with almost one in four relying on free analog television signals.

The Federal Communications Commission, FCC, recently adopted a proposal to educate consumers about the impending transition. In addition, there are many sources of information on the transition, coupon program and consumer options available on the Internet. These Web sites are comprehensive and provide links to the Government coupon program site where consumers must register to receive the coupons. However, these sites do not reach certain populations, those most likely to be affected by the transition, as effectively.

Congress can and should do more, not only to educate consumers, but also to foster local outreach programs to assist these consumers as they obtain coupons or choose and install converter boxes. Designating August 2008 as Digital Television Transition Awareness Month, timed specifically to take advantage of the congressional recess, will place particular emphasis on educating consumers well in advance of the transition, and will be an integral part of the overall educational program endorsed by the FCC.

I hope that this resolution will be passed and my colleagues will join me in doing all they can to make the transition from analog to digital television easier for those most affected across our Nation.

SENATE RESOLUTION 577—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. WARNER (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Mr. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAKSON, Mr. REID, and Mr. DORGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

SENATE RESOLUTION 578—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled "An Act to incorporate the Congressional Club" (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

SENATE RESOLUTION 579—DESIGNATING THE WEEK BEGINNING MAY 26, 2008, AS "NATIONAL HURRICANE PREPAREDNESS WEEK"

Mr. VITTER (for himself, Mr. SHELBY, Mr. MARTINEZ, Ms. LANDRIEU, Mr. SESSIONS, Mr. DEMINT, Mr. BURR, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as "National Hurricane Preparedness Week" will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

SENATE CONCURRENT RESOLUTION 84—HONORING THE MEMORY OF ROBERT MONDAVI

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas, after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas, in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or "Judgment of Paris", wine competition;

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

SENATE CONCURRENT RESOLUTION 85—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LAST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR

Mr. SPECTER (for himself, Mr. BYRD, Mrs. DOLE, Mr. MCCAIN, Mr. WARNER, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BURR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4815. Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. REID to the amendment of the House numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4815. **Mr. REID (for Mr. WEBB) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:**

In lieu of the language proposed to be inserted, insert the following:

TITLE ___—VETERANS EDUCATIONAL ASSISTANCE

SEC. ___001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. ___002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. ___003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.

"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.

"3312. Educational assistance: duration.

"3313. Educational assistance: amount; payment.

"3314. Tutorial assistance.

"3315. Licensure and certification tests.

"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.

"3317. Public-private contributions for additional educational assistance.

“3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

“SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

“3321. Time limitation for use of and eligibility for entitlement.

“3322. Bar to duplication of educational assistance benefits.

“3323. Administration.

“3324. Allocation of administration and costs.

“SUBCHAPTER I—DEFINITIONS

“§ 3301. Definitions

“In this chapter:

“(1) The term ‘active duty’ has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

“(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

“(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

“(2) The term ‘entry level and skill training’ means the following:

“(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

“(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called ‘A’ School).

“(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

“(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

“(E) In the case of members of the Coast Guard, Basic Training.

“(3) The term ‘program of education’ has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

“(4) The term ‘Secretary of Defense’ has the meaning given such term in section 3002 of this title.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

“§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

“(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

“(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

“(1) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty; or

“(ii) is discharged or released from active duty as described in subsection (c).

“(2) An individual who—

“(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

“(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

“(3) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 36 months; or

“(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

“(4) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—.

“(i) continues on active duty for an aggregate of less than 30 months; or

“(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

“(5) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 24 months; or

“(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

“(6) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 18 months; or

“(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

“(7) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 12 months; or

“(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

“(8) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 6 months; or

“(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

“(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

“(1) A discharge from active duty in the Armed Forces with an honorable discharge.

“(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

“(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

“(4) A discharge or release from active duty in the Armed Forces for—

“(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

“(B) hardship; or

“(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

“(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

“(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

“(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

“(3) A period of service that is terminated because of a defective enlistment and induction based on—

“(A) the individual's being a minor for purposes of service in the Armed Forces;

“(B) an erroneous enlistment or induction; or

“(C) a defective enlistment agreement.

“(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

“§ 3312. Educational assistance: duration

“(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

“(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§ 3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United

States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST–9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST–9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. ___004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. ___005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

SEC. ___006. For an additional amount for Department of Veterans Affairs, "General Operating Expenses", $100,000,000, to remain available until expended.

SEC. ___007. For an additional amount for Department of Veterans Affairs, "Information Technology Systems", $20,000,000, to remain available until expended.

SEC. ___008. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4816. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110-116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counter insurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counter insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter insurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 11312. H–2B NONIMMIGRANTS. (a) SHORT TITLE.—This section may be cited as the "Save Our Small and Seasonal Businesses Act of 2007".

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. War profiteering and fraud

"(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

"(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

"(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

"(2) in connection with the contract or the provision of those goods or services—

"(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(B) makes any materially false, fictitious, or fraudulent statements or representations; or

"(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

"1041. War profiteering and fraud.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1041".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "liquidating agent of financial institution),".

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "in connection with access devices),".

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term "large-scale infrastructure project" means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the "MEJA Expansion and Enforcement Act of 2008".

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

"(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,".

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

"(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);"; and

(B) by adding at the end the following new paragraphs:

"(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily a resident in the host nation.

"(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) authorized in the course of such employment—

"(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

"(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

"(iii) to use force against another; or

"(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

"(C) present or residing outside the United States in connection with such employment; and

"(D) not a national of or ordinarily resident in the host nation.

"(7) The term 'qualifying military operation' means—

"(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

"(B) a contingency operation (as defined in section 101 of title 10); or

"(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.".

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested

assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.".

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

"(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).";

(B) in section 3263(a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(C) in section 3264(a), by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested";

(D) section 3265(a)(1) by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested"; and

(E) in section 3266(a), by striking "under this chapter" and inserting "described in section 3261(a)(1) or 3261(a)(2)".

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking "section 3261(a)" and inserting "section 3261(a)(1) or 3261(a)(2)".

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4817. Mr. REID proposed an amendment to the amendment of the House amendment numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,596,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

TITLE XII

POLICY REGARDING OPERATIONS IN IRAQ

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220-1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total

United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

TRANSITION OF THE MISSION OF UNITED STATES FORCES IN IRAQ

SEC. 12005. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to counterterrorism operations; training, equipping and supporting Iraqi forces; and force protection, with the goal of completing that transition by June 2009.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 12006. None of the funds appropriated or otherwise made available by this Act or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12007. None of the funds made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the House and Senate Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

PROHIBITION ON WAR PROFITEERING

SEC. 12010. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1041. War profiteering and fraud

"(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

"(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

"(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

"(2) in connection with the contract or the provision of those goods or services—

"(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(B) makes any materially false, fictitious, or fraudulent statements or representations; or

"(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

"1041. War profiteering and fraud.".

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1041".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "liquidating agent of financial institution),".

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting "section 1041 (relating to war profiteering and fraud)," after "in connection with access devices),".

WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ

SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds appropriated by this Act for the Department of Defense (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term "large-scale infrastructure project" means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) COMBINED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

NOTIFICATION OF THE RED CROSS

SEC. 12013. (a) REQUIREMENT.—None of the funds appropriated by this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or an instrumentality of such element if the International Committee of the Red Cross is not provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) INSTRUMENTALITY DEFINED.—In this section, the term "instrumentality", with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

SEC. 12014. (a) Of the amount appropriated or otherwise made available by the Act for the Department of Defense, up to $3,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanics of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month time period and an 18-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this subsection shall (1) assume a scenario in which 40,000 United States military forces remain in Iraq for the purpose of protecting United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations and (2) assume a scenario in which 100,000 United States military forces remains in Iraq for such purpose.

(b) Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the "MEJA Expansion and Enforcement Act of 2008".

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—.

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

"(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,".

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) employed by or performing services under a contract with or grant from the Department of Defense (including a non-appropriated fund instrumentality of the Department) as—

"(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);"; and

(B) by adding at the end the following new paragraphs:

"(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily a resident in the host nation.

"(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

"(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

"(i) a civilian employee;

"(ii) a contractor (including a subcontractor at any tier); or

"(iii) an employee of a contractor (including a subcontractor at any tier);

"(B) authorized in the course of such employment—

"(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

"(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this title;

"(iii) to use force against another; or

"(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

"(C) present or residing outside the United States in connection with such employment; and

"(D) not a national of or ordinarily resident in the host nation.

"(7) The term 'qualifying military operation' means—

"(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

"(B) a contingency operation (as defined in section 101 of title 10); or

"(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.".

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.".

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3262—

(i) in subsection (a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

"(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).";

(B) in section 3263(a), by striking "section 3261(a)" the first place it appears and inserting "section 3261(a)(1) or 3261(a)(2)";

(C) in section 3264(a), by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested";

(D) section 3265(a)(1) by inserting "described in section 3261(a)(1) or 3261(a)(2)" before "arrested"; and

(E) in section 3266(a), by striking "under this chapter" and inserting "described in section 3261(a)(1) or 3261(a)(2)".

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking "section 3261(a)" and inserting "section 3261(a)(1) or 3261(a)(2)".

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SA 4818. Mr. REID proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE XI

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,977,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision

of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $825,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy",

$366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,000,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110-116, except for the fourth proviso.

SEC. 11204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 11205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund” on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund”.

SEC. 11206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, “Afghanistan Security Forces Fund” or “Iraq Security

Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 11308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; as follows:

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike "**SEC. 105.**" and insert "**SEC. 104.**".

On page 6, line 10, strike "**SEC. 106.**" and insert "**SEC. 105.**".

On page 6, line 24, strike "**SEC. 107.**" and insert "**SEC. 106.**".

On page 8, beginning with line 6, strike through the end of the bill.

SA 4820. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; as follows:

On page 19, strike lines 1 through 13 and insert the following:

"(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.".

On page 22, line 9, insert "in accordance with section 202" after "infrastructure".

On page 29, strike line 18 and insert the following: "(iv) any other legal impediment. "(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year

2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 22, 2008, at 10 a.m., to conduct a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday May 22, 2008 at 11:30 to conduct a mark up to consider the nomination of Paul Schneider to be Deputy Secretary of the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 22, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "Follow Up on the Status of Backlogs at the Department of the Interior."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 22, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Closing the Justice Gap: Providing Civil Legal Assistance to Low-Income Americans" on Thursday, May 22, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 2:30 p.m., to conduct a hearing entitled, "Security Clearance Reform: The Way Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, May 22, 2008 from 10:30 a.m.–12:30 p.m., in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Elly Pickett, my press secretary, be given floor privileges for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, if there were someone here from the minority, I would ask consent that on Monday, June 2, 2008, following a period of morning business, the Senate proceed to the consideration of Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act. I have been told that if someone were here, they would object. So I accept that as an objection.

In light of that objection, I now move to proceed to Calendar No. 742, S. 3036, and I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. SANDERS). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act of 2008:

> Barbara Boxer, Richard Durbin, Benjamin L. Cardin, Charles E. Schumer, Sheldon Whitehouse, Bill Nelson, Amy Klobuchar, Dianne Feinstein, Joseph Lieberman, Daniel K. Akaka, Christopher J. Dodd, Tom Harkin, Daniel K. Inouye, Max Baucus, Ron Wyden, Robert P. Casey, Jr., Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, June 2, at 5:30 p.m., that the time between 4:30 and 5:30 be equally divided and controlled between the leaders or their designees, and the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PROTECTING CHILDREN IN THE 21ST CENTURY ACT

Mr. REID. I ask unanimous consent that we now proceed to Calendar No. 538, S. 1965.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1965) to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science and Transportation with amendments, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protecting Children in the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.

Sec. 102. Public awareness campaign.
Sec. 103. Annual reports.
Sec. 104. Authorization of appropriations.
Sec. 105. Online safety and technology working group.
Sec. 106. Promoting online safety in schools.
Sec. 107. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.
Sec. 202. Additional child pornography amendments.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section 102, there are authorized to be appropriated to the Commission $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking "and" after the semicolon in clause (i);

(2) by striking "minors." in clause (ii) and inserting "minors; and"; and

(3) by adding at the end the following:

"(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.".

SEC. 107. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (C);

(2) by striking "or 1464" in subparagraph (D) and inserting "1464, or 2252";

(3) by inserting "or" after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

"(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);".

SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMENDMENTS.

(a) INCREASE IN FINE FOR FAILURE TO REPORT.—Section 227(b)(4) of the Crime Control Act of 1990 (42 U.S.C. 13032(b)(4)) is amended—

(1) by striking "$50,000;" in subparagraph (A) and inserting "$150,000;"; and

(2) by striking "$100,000." in subparagraph (B) and inserting "$300,000.".

(b) INTERNATIONAL INFORMATION SHARING.—Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) by striking "a law enforcement agency or" in subsection (b)(1) and inserting "appropriate Federal, State, or foreign law enforcement agencies";

(2) by inserting "Federal, State, or foreign" after "designate the" in subsection (b)(2);

(3) by striking "law." in subsection (b)(3) and inserting "law, or appropriate officials of foreign law enforcement agencies designated by the Attorney General for the purpose of enforcing State or Federal laws of the United States.";

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) CONTENTS OF REPORT.—To the extent this information is reasonably available to an electronic communication service provider or a remote computing service provider, each report under paragraph (1) shall include—

"(A) information relating to the Internet identity of any individual who appears to have violated any section of title 18, United States Code, referenced in paragraph (1), including any relevant user ID or other online identifier, electronic mail addresses, website address, uniform resource locator, or other identifying information;

"(B) information relating to when any apparent child pornography was uploaded, transmitted, reported to, or discovered by the electronic communication service provider or a remote computing service provider, as the case may be, including a date and time stamp and time zone;

"(C) information relating to geographic location of the involved individual or reported content, including the hosting website, uniform resource locator, street address, zip code, area code, telephone number, or Internet Protocol address;

"(D) any image of any apparent child pornography relating to the [incident] *incident, and any images commingled with images of apparent child pornography*, such report is regarding; and

"(E) accurate contact information for the electronic communication service provider or remote computing service provider making the report, including the address, telephone number, facsimile number, electronic mail address of, and individual point of contact for such electronic communication service provider or remote computing service provider.";

(5) by inserting "section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773)," after "section," in subsection (g)(1); and

(6) by adding at the end thereof the following:

"(h) USE OF INFORMATION TO COMBAT CHILD PORNOGRAPHY.—The National Center for

Missing and Exploited Children is authorized to provide elements relating to any [image, including the image itself,] *image* or other relevant information reported to its Cyber Tip Line to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images and develop anti-child pornography technologies and related industry best practices. Any electronic communication service provider or remote computing service provider that receives information from the National Center for Missing and Exploited Children under this subsection may use such information only for the purposes described in this subsection.".

Mr. REID. I ask unanimous consent that the Stevens amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4819) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations and the additional child pornography amendments)

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 as relating to sections 104, 105, and 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, strike lines 7 through 11.

On page 4, line 12, strike "**SEC. 105.**" and insert "**SEC. 104.**".

On page 6, line 10, strike "**SEC. 106.**" and insert "**SEC. 105.**".

On page 6, line 24, strike "**SEC. 107.**" and insert "**SEC. 106.**".

On page 8, beginning with line 6, strike through the end of the bill.

The bill (S. 1965), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protecting Children in the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.
Sec. 102. Public awareness campaign.
Sec. 103. Annual reports.
Sec. 104. Online safety and technology working group.
Sec. 105. Promoting online safety in schools.
Sec. 106. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 101. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 102 by the Commission during the preceding calendar year.

SEC. 104. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including amendments made by this Act with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 105. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking "and" after the semicolon in clause (i);

(2) by striking "minors." in clause (ii) and inserting "minors; and"; and

(3) by adding at the end the following:

"(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.".

SEC. 106. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (C);

(2) by striking "or 1464" in subparagraph (D) and inserting "1464, or 2252";

(3) by inserting "or" after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

"(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);".

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, S. 2062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brakets and the parts of the bill intended to be inserted are shown in italics.)

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Treatment of funds.
Sec. 206. Availability of records.
Sec. 207. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 701. Training and technical assistance.

TITLE VIII—FUNDING

Sec. 801. Authorization of appropriations.
Sec. 802. Funding conforming amendments.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking "should" each place it appears and inserting "shall".

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

"(8) Housing Related Community Development.—

"(A) In General.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

"(i) is owned by an Indian tribe or a tribally designated housing entity;

"(ii) is necessary to the provision of housing in an Indian area; and

"(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

"(II) would make housing more affordable, accessible, or practicable in an Indian area; or

"(III) would otherwise advance the purposes of this Act.

"(B) Exclusion.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "For each" and inserting the following:

"(1) In General.—For each";

(ii) by striking "tribes to carry out affordable housing activities." and inserting the following: "tribes—

"(A) to carry out affordable housing activities under subtitle A of title II; and"; and

(iii) by adding at the end the following:

"(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title."; and

(B) in the second sentence, by striking "Under" and inserting the following:

"(2) Provision of Amounts.—Under";

(2) in subsection (g), by inserting "of this section and subtitle B of title II" after "subsection (h)"; and

(3) by adding at the end the following:

"(j) Federal Supply Sources.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

"(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

"(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

"(k) Tribal Preference in Employment and Contracting.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).".

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking "(1)(A) for" and all that follows through the end of subparagraph (A) and inserting the following:

"(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or"; and

(B) in subparagraph (B), by striking "subsection (d)" and inserting "subsection (c)";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) 1-Year Plan Requirement.—

"(1) In General.—A housing plan of an Indian tribe under this section shall—

"(A) be in such form as the Secretary may prescribe; and

"(B) contain the information described in paragraph (2).

"(2) Required Information.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

"(A) Description of Planned Activities.—A statement of planned activities, including—

"(i) the types of household to receive assistance;

"(ii) the types and levels of assistance to be provided;

"(iii) the number of units planned to be produced;

"(iv)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for the demolition or disposition; and

"(III) any other information required by the Secretary with respect to the demolition or disposition;

"(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

"(vi) outcomes anticipated to be achieved by the recipient.

"(B) Statement of Needs.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

"(C) Financial Resources.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

"(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

"(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

"(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

"(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

"(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

"(vi) a certification that the recipient will comply with section 104(b).";

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking "subsection (d)" and inserting "subsection (c)".

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking "fiscal" each place it appears and inserting "tribal program"; and

(ii) by striking "(with respect to" and all that follows through "section 102(c))"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

"(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

"(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).".

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

"(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.".

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking "The Secretary" and inserting "Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary"; and

(2) by adding at the end the following:

"(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

"(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

"(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

"(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.".

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting "and except with respect to loan guarantees under title VI," after "paragraphs (2) and (4),";

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

"(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(B) LIMITS.—The Secretary";

(3) in paragraph (3)—

(A) in the paragraph heading, by striking "NON-INDIAN" and inserting "ESSENTIAL"; and

(B) by striking "non-Indian family" and inserting "family"; and

(4) in paragraph (4)(A)(i), by inserting "or other unit of local government," after "county,".

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking "to develop or to support" and inserting "to develop, operate, maintain, or support";

(2) in paragraph (2)—

(A) by striking "development of utilities" and inserting "development and rehabilitation of utilities, necessary infrastructure,"; and

(B) by inserting "mold remediation," after "energy efficiency,";

(3) in paragraph (4), by inserting "the costs of operation and maintenance of units developed with funds provided under this Act," after "rental assistance,"; and

(4) by adding at the end the following:

"(9) RESERVE ACCOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

"(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).".

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

"(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

"(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

"(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

"(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.".

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

"(c) APPLICABILITY.—[This section] *Paragraph (2) of subsection (a)* applies only to rental and homeownership units that are owned or operated by a recipient.".

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

"SEC. 206. TREATMENT OF FUNDS.

"Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.''.

SEC. 206. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting "applicants for employment, and of" after "records of".

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

"Subtitle A—General Block Grant Program";

and

(2) by adding at the end the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"SEC. 231. PURPOSE.

"The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

"SEC. 232. PROGRAM AUTHORITY.

"(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

"(1) *to or* on behalf of which a grant is made under section 101;

"(2) that has complied with the requirements of section 102(b)(6); and

"(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

"(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

"(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

"(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

"(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

"(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

"(2) $2,000,000.

"SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

"(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

"(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

"SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

"(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

"(1) the program under this subtitle; or

"(2) amounts made available in accordance with this subtitle.

"(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

"(1) Section 101(c) (relating to local cooperation agreements).

"(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

"(3) Section 101(j) (relating to Federal supply sources).

"(4) Section 101(k) (relating to tribal preference in employment and contracting).

"(5) Section 102(b)(4) (relating to certification of compliance).

"(6) Section 104 (relating to treatment of program income and labor standards).

"(7) Section 105 (relating to environmental review).

"(8) Section 201(b) (relating to eligible families).

"(9) Section 203(c) (relating to insurance coverage).

"(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

"(11) Section 206 (relating to treatment of funds).

"(12) Section 209 (relating to noncompliance with affordable housing requirement).

"(13) Section 401 (relating to remedies for noncompliance).

"(14) Section 408 (relating to public availability of information).

"(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

"SEC. 235. REVIEW AND REPORT.

"(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

"(1) the housing constructed, acquired, or rehabilitated under the program;

"(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

"(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

"(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

"(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

"(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

"(2) recommendations for—

"(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

"(ii) the period for which such a prohibition should remain in effect; or

"(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

"(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

"Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

"Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"Sec. 231. Purposes.
"Sec. 232. Program authority.
"Sec. 233. Use of amounts for housing activities.
"Sec. 234. Inapplicability of other provisions.
"Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) STUDY OF NEED DATA.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

"(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

"(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1)(A) The number of low-income housing dwelling units developed under the United

States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

"(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

"(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

"(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

"(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

"(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

"(i) delays in obtaining or the absence of title status reports;

"(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

"(iii) clouds on title due to probate or intestacy or other court proceedings; or

"(iv) any other legal impediment.".

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.".

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting "an appropriate level of" after "shall include".

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking "goals" and inserting "planned activities"; and

(B) by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking "; and" at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

"SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

"Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

"Sec. 509. Effect on HOME Investment Partnerships Act.".

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

"SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

"(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

"(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

"(c) FINANCIAL SOUNDNESS.—

"(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

"(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

"(d) TERMS OF OBLIGATIONS.—

"(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

"(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

"(A) the period is more than 20 years; or

"(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

"(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

"(f) SECURITY AND REPAYMENT.—

"(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

"(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

"(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

"(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

"(2) FULL FAITH AND CREDIT.—

"(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

"(B) TREATMENT OF GUARANTEES.—

"(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

"(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

"(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

"(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

"(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

"(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

"(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

"(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

"(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

"(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

"(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

"(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

"(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

"(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

"(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

"(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

"Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.".

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended to read as follows:

"SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.

"(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term 'Indian organization' means—

"(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

"(2) an organization registered as a nonprofit entity that is—

"(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and.

"(B) exempt from taxation under section 501(a) of that Code;

"(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

"(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for transfer to an Indian organization selected by the Secretary, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally designated housing entities for each of fiscal years 2008 through 2012.".

[(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term "Indian organization" means—

[(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

[(2) an organization registered as a nonprofit entity that is—

[(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

[(B) exempt from taxation under section 501(a) of that Code;

[(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

[(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.]

TITLE VIII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking "1998 through 2007" and inserting "2008 through 2012".

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking "1997 through 2007" each place it appears and inserting "2008 through 2012".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking "1997 through 2007" and inserting "2008 through 2012".

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking "payment" and inserting "Payment"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking "payment" the first place it appears and inserting "Payment"; and

(C) by adding at the end the following:

"(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

"(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

"(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

"(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.".

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4820) was agreed to, as follows:

(Purpose: To modify provisions relating to use of treatment of funds, amounts, an allocation formula, and a demonstration program)

On page 19, strike lines 1 through 13 and insert the following:

"(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.".

On page 22, line 9, insert "in accordance with section 202" after "infrastructure".

On page 29, strike line 18 and insert the following:

"(iv) any other legal impediment.

"(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.".

The bill (S. 2062), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

FEDERAL FOOD DONATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 748, S. 2420.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

(Strike all after the enacting clause and insert in lieu thereof the part printed in italic.)

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Federal Food Donation Act of 2007".

[SEC. 2. PURPOSE.

[The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

[(2) EXCESS.—The term "excess", when applied to food, means food that—

[(A) is not required to meet the needs of executive agencies; and

[(B) would otherwise be discarded.

[(3) FOOD-INSECURE.—The term "food-insecure" means inconsistent access to sufficient, safe, and nutritious food.

[(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any organization that is—

[(A) described in section 501(c) of the Internal Revenue Code of 1986; and

[(B) exempt from tax under section 501(a) of that Code.

[SEC. 4. PROMOTING FEDERAL FOOD DONATION.

[Not later than 180 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) to provide that all contracts above $25,000 for the provision, service, or sale of food, or for the lease or rental of Federal property to a private entity for events at which food is provided, shall include a clause that—

[(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States;

[(2) provides that the head of an executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States; and

[(3) provides that executive agencies and contractors making donations pursuant to this Act are protected from civil or criminal liability under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

[SEC. 5. COORDINATOR OF COMMUNITY FOOD SECURITY AND GLEANING.

[(a) IN GENERAL.—The Secretary of Agriculture shall establish in the Department of Agriculture a Coordinator of Community Food Security and Gleaning.

[(b) DUTIES.—The Coordinator of Community Food Security and Gleaning shall provide technical assistance relating to the activities described in section 4 to—

[(1) agencies of Federal, State, and local government;

[(2) nonprofit organizations;

[(3) agricultural producers; and

[(4) private entities.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Food Donation Act of 2008".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

(2) EXCESS.—The term "excess", when applied to food, means food that—

(A) is not required to meet the needs of executive agencies; and

(B) would otherwise be discarded.

(3) FOOD-INSECURE.—The term "food-insecure" means inconsistent access to sufficient, safe, and nutritious food.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that all contracts above $25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) TERMS AND CONDITIONS.—

(1) COSTS.—In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this Act.

(2) LIABILITY.—An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this Act shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

Mr. SCHUMER. Mr. President, I want to thank my colleagues for their support of S. 2420, the Federal Food Donation Act of 2007, which is being passed through the Senate today. I introduced this bill, which will encourage the donation of excess food from Federal agencies and their contractors to emergency food providers, on December 6, 2007.

In a country as wealthy as ours it is unacceptable that anyone person should go hungry, yet approximately 35.5 million Americans have difficulty affording food. An estimated 732,000 households in my home State of New York live with hunger or the threat of hunger.

Food banks and pantries all across the United States are facing a perfect storm where as the economy suffers and food prices rise, more and more families are relying on their services; yet the pantries are straining to keep their shelves stocked due to the increase in food requests and food costs. According to America's Second Harvest, food banks around the country lare reporting that an estimated 20 percent more people are visiting soup kitchens and food pantries for help this year than last year, and too many people are being turned away. We need to do everything we can to make sure that all families in all communities have enough to eat during these difficult times.

This bill will help make fighting hunger a national priority. In the 1990s, the United States Department of Agriculture created an initiative through which it encouraged the practice of food recovery. During just 1 year of the program, 1998, the Federal Government recovered over 3 million pounds nationwide from cafeterias, farms, research centers, and military bases. For the past decade the Federal Government has strayed away from this important anti-hunger initiative, but this bill would take an important step towards reengaging the Federal Government's involvement in food recovery.

Nonprofits in the business of food rescue serve millions of people, and I would like to thank one such nonprofit, Rock and Wrap it Up!, a national food rescue organization headquartered in New York, for their help in conceiving of and promoting this bill. I commend them for their great work. It is now time for the Federal Government to join the nonprofit and private sectors in doing all it can to feed our Nation's hungry—the need for help is greater now than it has been in a very long time.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2420), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. Res. 563.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2008, as "National Childhood Cancer Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer and the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and 1 in every 640 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as "National Childhood Cancer Awareness Day";

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer; and

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

NATIONAL INTERNET SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 746, S. Res. 567.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 567) designating June 2008 as National Internet Safety Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 567) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 567

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 86 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 67 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 30 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 12 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 42 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2008 as "National Internet Safety Month";

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 577.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I rise today to discuss an issue that hits deep at the heart—and pocketbooks—of Americans nationwide: rising gasoline prices.

Each and every day, Americans contend with a rapid and inexplicable increase in gasoline prices. Over the last month, the average price of gasoline has increased a penny a day.

A barrel of oil is at $133.17.

The impacts of these increases are staggering.

I have heard stories of how individual Americans are coping with the problem of increased gas prices as they conduct their daily lives with their families and in their work environments.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans.

To me, this example of changing family vacation plans is all the more poignant on the eve of what is usually a busy holiday weekend, a holiday that usually sees many Americans traveling by car out of town.

In fact, travel over this holiday weekend is expected to be down for the first time since September 11, 2001.

The bottom line, Mr. President, is Americans are tightening their belts in ways that bring hardships, but save dollars that are necessary to meet essential family needs. And while small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American "can do" spirit.

In one word, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of the Sense of the Senate Resolution that I am pleased to offer is to urge the federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Mr. BINGAMAN. Mr. Presdient, I am pleased to cosponsor Senator WARNER's legislation that calls on the President to reduce the gasoline consumption of the departments and agencies that he oversees.

We are seeing American consumers begin to use less gasoline, as prices reach new historic highs almost daily.

Many Americans simply cannot afford to maintain their regular driving habits at the moment. This is a situation that we have not experienced in this country in over 30 years.

It is important that the Federal Government show its solidarity with the American people in this time of economic hardship. Just as individual citizens are finding ways to use less gasoline, the U.S. Government should also be finding ways to reduce consumption.

Because the Executive Branch is by far the largest branch of Government, it is important that the President take the lead on this issue. As the Federal Government spends less money on fuel, we send fewer American taxpayers' hard earned dollars to oil-exporting countries. That is a goal I know we can all agree is laudable under any circumstance, but even more so now, as fuel costs continue to soar.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 577) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

Mr. REID. Mr. President, I wish to express on the record my appreciation to Senators WARNER and BINGAMAN for this most important resolution that just passed. It expresses the sense of the Senate that Americans are contending with rising gasoline prices. Their personal stories reflect the ways in which family budgets are suffering.

The cost of gas is impacting the way Americans cope with problems within the family and, therefore, we need to find ways to reduce consumption of gasoline. This is directed toward the President. I hope he will review this. We have a lot of problems with our economy, many of which are a direct result of the cost of a barrel of oil being $130.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 578.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 578) recognizing the 100th anniversary of the founding of the Congressional Club.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 578

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled "An Act to incorporate the Congressional Club" (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 579.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating the week beginning May 26, 2008, as "National Hurricane Preparedness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a family disaster plan, create a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as "National Hurricane Preparedness Week" will help raise the awareness of the people of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 85.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physcial preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 355.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 355) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 355) was agreed to, as follows:

H. CON. RES. 355

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDER FOR SIGNING AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. REID. Mr. President, one reason we waited until 20 till 8 tonight to try to complete the work of the Senate is that I had a number of conversations today with my staff trying to work out nominations, and we worked something out. I spoke with the President's Chief of Staff, Josh Bolten. I have always found him to be a very pleasant man to work with.

We arrived at an agreement we would approve, for example, ambassadors to 18 different countries; we would approve a man to be Secretary of Housing and Urban Development. Senator DODD went to a great deal of trouble to clear this nomination. In fact, he held a special meeting to get this nomination done. We were going to agree to a number of people, Republicans in nature: Stephen Krasner for the Institute of Peace; J. Robinson West for the Corporation for National Community Service—I am reading the Republicans because there are so few Democrats it is hardly worth mentioning—Eric Tannenblatt, Corporation for National and Community Service; Layshae Ward; Hyepin Christine Im. We have a number of military officers we agreed to, some 50 in number. In exchange for this, the Democrats were going to get three or four people.

I have always thought, in my dealings around here, when we work something out, that is the agreement. But at the last minute, somebody steps in and says that isn't quite good enough. That is unfortunate because the arrangement was negotiated with staff and Mr. Bolten in good faith.

Everyone should understand that people complain about the White House not having sufficient staff. Why don't you approve some of these nominations? Tonight, we had about 80 we were going to approve—military, ambassadors, a Cabinet Secretary. We got an objection about some inconsequential appointment in comparison to all these, important to the person involved, I am sure. That is not the way we should be doing business.

So here we are going into a recess. These people are not going to have their jobs. There is no fault on behalf of the Democrats. This was all done. So I want the President's Chief of Staff and the President to understand they are missing one Cabinet Secretary that Chairman DODD went through great trouble to approve.

The sad part about this is we rushed through this because we wanted one Democrat approved. It was personally important to one of our Senators. That is the way it is. But let this RECORD reflect there are military commissions that will not be granted and advanced. There will be a Cabinet Secretary not approved, there will be 18 ambassador positions which would not be filled, all because of the Republican minority.

Is it any wonder they have lost three special elections—congressional seats—in heavily Republican districts? Even the Republicans out there are understanding that this is the wrong way to run a country. Seven and a half years of division, not unification.

I am going to do my very best in the next 7 months in my position to do everything I can to work with the White House to try to get things done, but this is an example of what we get—no cooperation, no ability to try to unify us.

ORDERS OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Friday, May 23, for a pro forma session only, with no action or debate; that following the pro forma session, the Senate recess until 9:15 a.m., Tuesday, May 27, for a pro forma session with no intervening action or debate, and that following the pro forma session the Senate recess until 9 a.m., Thursday, May 29, for a pro forma session only, with no intervening action or debate; that following the pro forma session, the Senate adjourn until 2 p.m., Monday, June 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, and that following morning business, the Senate resume the motion to proceed to calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at about 5:30 p.m. on Monday, June 2, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the climate security legislation. Under a previous order, the time from 4:30 until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

I failed to remind everyone that on Tuesday, the week we get back, all Senators should be dressed in their finest. We are going to have our Senate picture taken. So I would hope everyone will remember that and make sure they wear the right clothes for posterity when we have our picture taken. That will be Tuesday. It is scheduled for a time if somebody wears the wrong clothes, we can send them home and have them dress properly.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Friday, May 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

MICHAEL B. BEMIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013, VICE SKILA HARRIS, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PATRICK J. DURKIN, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2009, VICE NED L. SIEGEL, TERM EXPIRED.

DEPARTMENT OF STATE

DAVID F. GIRARD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOHN J. FASO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013, VICE DAVID WESLEY FLEMING, TERM EXPIRED.

JOE MANCHIN III, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2012, VICE GEORGE PERDUE, TERM EXPIRED.

HARVEY M. TETTLEBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2012, VICE MARC R. PACHECO, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MATTHEW KAZUAKI ASADA, OF NEW JERSEY
TAMMY MCQUILKIN BAKER, OF FLORIDA
JAMES L. BANGERT, OF KANSAS
KEITH B. BEAN, OF NEW JERSEY
PHILIP MARTIN BEEKMAN, OF MICHIGAN
WYLITA L. BELL, OF VIRGINIA
TASHAWNA S. BETHEA, OF NEW JERSEY
MIECZYSLAW PAWEL BODUSZYNSKI, OF CALIFORNIA
RYAN THOMAS CAMPBELL, OF CALIFORNIA
VINCENT MAX CAMPOS, OF CALIFORNIA
JARED S. CAPLAN, OF FLORIDA
JOHN Y. CHOI, OF CALIFORNIA
ROBERT J. DAHLKE, OF ILLINOIS
DANIEL K. DELK, JR., OF GEORGIA
DAVID S. FELDMANN, OF MARYLAND
RODRIGO GARZA, OF TEXAS
DANIEL CHARLES GEDACHT, OF CONNECTICUT
LEON W. GENDIN, OF FLORIDA
TONYA W. GENDIN, OF FLORIDA
SIMONE LYNNETTE GRAVES, OF FLORIDA
STEPHANIE LYNNE HALLETT, OF FLORIDA
THOMAS EDWARD HAMMANG, JR., OF TEXAS
BRIAN BENJAMIN HIMMELSTEIB, OF NEW JERSEY
ARIEL NICOLE HOWARD, OF LOUISIANA
DOUGLAS M. HOYT, OF VIRGINIA
MARGARET HSIANG, OF NEW JERSEY
ANTOINETTE C. HURTADO, OF CALIFORNIA
ANNA SUNSHINE ISON, OF KENTUCKY
DONALD F. KILBURG III, OF TEXAS
HOLLY ANN KIRKING, OF WISCONSIN
JEREMIAH A. KNIGHT, OF CONNECTICUT
TOMIKA L. KONDITI, OF ILLINOIS
RACHNA SACHDEVA KORHONEN, OF NEW JERSEY
MOLLY RUTLEDGE KOSCINA, OF WASHINGTON
ELIZABETH MARIE LAWRENCE, OF ILLINOIS
ANITA LYSSIKATOS, OF VIRGINIA
LOREN G. MEALEY, OF NEW JERSEY
LIOUDMILA MILLMAN, OF VIRGINIA
ANJANA J. MODI, OF PENNSYLVANIA
MOLLY C. MONTGOMERY, OF OREGON
JESSICA N. MUNSON, OF MINNESOTA
REBECCA PIERCE OWEN, OF OREGON
JENNIFER DAVIS PAGUADA, OF GEORGIA
ANGELA P. PAN, OF CALIFORNIA
SETH LEE PROVVEDI PATCH, OF MASSACHUSETTS
JOSHUA WILEY POLACHECK, OF ARIZONA
ANUPAMA PRATTIPATI, OF PENNSYLVANIA
T. CLIFFORD REED, OF TEXAS
KYLE ANDREW RICHARDSON, OF VIRGINIA
SUSAN JEAN RIGGS, OF TEXAS
STETSON SANDERS, OF CALIFORNIA
CAROLINE J. SAVAGE, OF WISCONSIN
VERONICA SCARBOROUGH, OF VIRGINIA
ADDIE B. SCHROEDER, OF KANSAS
DANIEL E. SLUSHER, OF KANSAS
DEBORAH B. SMITH, OF CONNECTICUT
ALYS LOUISE SPENSLEY, OF MINNESOTA
DAVID STEPHENSON, OF TEXAS
MICHAEL STEWART, OF OREGON
NANCY ELIZABETH TALBOT, OF FLORIDA
LAURA TAYLOR-KALE, OF CALIFORNIA
MARK HAMILTON THORNBURG, OF THE DISTRICT OF COLUMBIA
DENNIS DEAN TIDWELL, OF TENNESSEE
MICHAEL J. TRAN, OF KANSAS
TINA C. TRAN, OF OKLAHOMA
IAN A. TURNER, OF MARYLAND
LINNISA JOYA WAHID, OF MARYLAND
SUSAN FISHER WALKE, OF VIRGINIA
TONIA N. WEIK, OF TEXAS
APRIL SHAVONNE WELLS, OF ALABAMA
RUSSELL JAY WESTERGARD, OF VIRGINIA
JESSICA A. WOLF-HUDSON, OF NEW YORK
SUSAN W. WONG, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MATTHEW HILGENDORF, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

CASSANDRA ALLEN, OF ARIZONA
HAYWARD M.G. ALTO, OF CALIFORNIA
ANDREW L. ARMSTRONG, OF FLORIDA
DONALD J. ASQUITH, OF MARYLAND
DEVIN K. AUBRY, OF VIRGINIA
JOSEPH F. BIEDLINGMAIER, JR., OF THE DISTRICT OF COLUMBIA
ALFREDA FRANCES BIKOWSKY, OF VIRGINIA
MARIE BLANCHARD, OF MASSACHUSETTS
SETH G. BLAYLOCK, OF VIRGINIA
MATTHEW A. BOCKNER, OF THE DISTRICT OF COLUMBIA
CHRIS BREDING, OF TEXAS
MATTHEW J. BRITTON, OF CALIFORNIA
CHARLES L. BROWN II, OF TEXAS
CHERIE L. BROWN, OF VIRGINIA
REBECCA ELLEN BYERS, OF MARYLAND
ROBERT CARNEY, OF THE DISTRICT OF COLUMBIA
WILLIAM RUSSELL CAULFIELD III, OF VIRGINIA
MICHAEL A. CICERE, OF VIRGINIA
JACLYN ANNE COLE ADKINS, OF MARYLAND
MELISSA ELMORE COTTON, OF NEW YORK
ANDREW TAYLOR COWDERY, OF VIRGINIA
JUSTIN D. CUNHA, OF MARYLAND
HADI KAMIL DEEB, OF VIRGINIA
YVETTE M. DENNE, OF FLORIDA
JANE M. DITTMAR, OF THE DISTRICT OF COLUMBIA
JACOB DOTY, OF OREGON
JONATHAN EDWARD EARLE, OF VIRGINIA
CHRISTOPHER MICHAEL ELMS, OF NEW YORK
CHRISTOPHER S. ENLOE, OF GEORGIA
RACHEL L. ERICKSON, OF CALIFORNIA
CONCEPCIN ESCOBAR, OF MASSACHUSETTS
JASON E. FARKAS, OF VIRGINIA
RUPERT FINKE, OF VIRGINIA
SEAN PATRICK FITZGERALD, OF VIRGINIA
NIKOLAI FLEXNER, OF THE DISTRICT OF COLUMBIA
TRESIA M. GALE, OF VIRGINIA
DENNIS J. GARCIA, OF VIRGINIA
REBECCA GARDNER, OF OHIO
ROBERT RICHARD GATEHOUSE, JR., OF THE DISTRICT OF COLUMBIA
DAN S. GELMAN, OF VIRGINIA
PAUL ANTHONY GHIOTTO, JR., OF FLORIDA
CATHERINE GIAQUINTA, OF MARYLAND
SHAUN V. GONZALES, OF THE DISTRICT OF COLUMBIA
MICHAEL GORMAN, OF THE DISTRICT OF COLUMBIA
SILJE M. GRIMSTAD, OF VIRGINIA
CATHERINE A. HALLOCK, OF NEW YORK
MEREDITH P. HAMILTON, OF VIRGINIA
DELLA R. HARELAND, OF NEVADA
JEFFREY M. HAY, OF VIRGINIA
MICHAEL LEE HICKS, JR., OF VIRGINIA
ARIN C. HOTZ, OF VIRGINIA
JONATHAN PAUL HOWARD, OF VIRGINIA
GEOFFREY HOWE, OF VIRGINIA
DAVID P. IREY, OF VIRGINIA
ERIC R. JACOBS, OF VIRGINIA
RYAN P. JENNINGS, OF MARYLAND
KIMBERLEE M. JOHNSON, OF VIRGINIA
RICHARD H. JOHNSON, OF VIRGINIA
LAURA M. KACZMAREK, OF VIRGINIA
THOMAS N. KATEN, OF VIRGINIA
SHAMIM KAZEMI, OF MARYLAND
JAY M. KIMMEL, OF KANSAS
KENNON W. KINCAID, OF VIRGINIA
STEVEN C. KISH, OF VIRGINIA
ALLEN L. KRAUSE, OF MICHIGAN
MATTHEW THOMAS LARSON, OF VIRGINIA
LISSETTE LASANTA, OF VIRGINIA
CHON JI RYONG LEE, OF VIRGINIA
IRENE S. LEE, OF THE DISTRICT OF COLUMBIA
LAI M. LEE, OF VIRGINIA
TRACIE K. LESTER, OF VIRGINIA
WALTER S. LUTES, OF VIRGINIA
WINI M. LYONS, OF VIRGINIA
AMY MARIE MALLEY, OF VIRGINIA
THERESA J. MANGIONE, OF FLORIDA
NATALIA MARIC, OF CALIFORNIA
KUNDAI MASHINGAIDZE, OF NEW JERSEY
MELISSA L. MCCARTHY, OF VIRGINIA
MEGAN L. MCCULLOCH, OF THE DISTRICT OF COLUMBIA
JULIE P. MCKAY, OF SOUTH CAROLINA
ROBERT L. MCKINNON, OF VIRGINIA
HERA ANDORA MCLEOD, OF MARYLAND
LORENZO DOW MCWILLIAMS, OF VIRGINIA
JEREMY M. MEARS, OF VIRGINIA
DANIEL LANG MEGES, OF VIRGINIA
ROBERTO MELÉNDEZ, OF VIRGINIA
DAVID BEAU MELLOR, OF VIRGINIA
CYNTHIA D. MILLER, OF ILLINOIS
BETHANY MILTON, OF NEW YORK
JAY BRYAN MITCHELL, OF VIRGINIA
BROOKE M. MONDERO, OF VIRGINIA
RUSSELL ALLEN MORALES, OF VIRGINIA
KEVIN P. MORAN, OF VIRGINIA
VICTOR M. MUNGEN, OF VIRGINIA
WALKER P. MURRAY, OF WASHINGTON
WILLIAM T. NIMMER, OF GEORGIA
LAREINA L. OCKERMAN, OF VIRGINIA
JUN H. OH, OF VIRGINIA
ANDREW JOSEPH PASTIRIK, OF VIRGINIA
LINDA J. PERCY, OF MICHIGAN
GAIL G. PERLEY, OF VIRGINIA
NEIL PHILLIPS, OF MARYLAND
JAY L. PORTER, OF UTAH
ANGELA JENELLE POZDOL, OF VIRGINIA
JEFFREY T. PUGH, OF VIRGINIA
DAVID P. RAGANO, OF VIRGINIA
MARGARET S. RAMSAY, OF NEW YORK
RYAN M. REID, OF VIRGINIA
ANDREW ETHAN REMSON, OF VIRGINIA
GEORGE RIVAS, JR., OF TEXAS
ANGELA LYNN RUTH, OF VIRGINIA
GABRIEL L. RUTH, OF VIRGINIA
WILBER N. SAENZ, OF VIRGINIA
PRINCESS J. SCHMIDT, OF VIRGINIA
LAUREN SCHOR, OF VIRGINIA
DAVID RYAN SECKINGER, OF PENNSYLVANIA
TRAVIS MARK SEVY, OF UTAH
KATHRYN L. SHAFFNER, OF VIRGINIA
MICHAEL AARON SHULMAN, OF THE DISTRICT OF COLUMBIA
HOWARD A. SIMMONDS, OF VIRGINIA
NICHOLAS ANDREW SLEDER, OF VIRGINIA
ALAN J. SMITH, OF THE DISTRICT OF COLUMBIA
ROBERT E. STACY, OF THE DISTRICT OF COLUMBIA
G. BART STOKES, OF FLORIDA
ELIZABETH E. STROBEL, OF VIRGINIA
TRENT MATTHEW SUKO, OF VIRGINIA
ALEXANDER TATSIS, OF NEW HAMPSHIRE
SCOTT A. THOMAS, OF MARYLAND
HEATHER JOY THOMPSON, OF NEW YORK
JOACHIM VAN BRANDT, OF THE DISTRICT OF COLUMBIA
TAMMY L. VITATOE, OF GEORGIA
JENNIFER HOPE WALKER, OF VIRGINIA
TODD JAMES WATKINS, OF VIRGINIA
CLINT ALLAN WATTS, OF TEXAS
TIMOTHY C. WATTS, OF TEXAS
ROSALYN NUÑEZ WIESE, OF FLORIDA
JOSEPH M. WILLIS, OF VIRGINIA
NELSON HUA-YEE WU, OF VIRGINIA
CORINNA ELIZABETH YBARRA ARNOLD, OF TEXAS
DARYN L. YODER, OF PENNSYLVANIA
MICHAEL JOSEPH YOUNG, OF COLORADO
SAMANTHA G. YURKUS, OF VIRGINIA
ADAM ZERBINOPOULOS, OF TEXAS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

MARK H. PICKETT
JAMES S. VERLAQUE
CHRISTOPHER A. BEAVERSON
DAVID O. NEANDER
MICHAEL S. DEVANY
DONALD W. HAINES
MICHELE A. FINN
HARRIS B. HALVERSON II
BARRY K. CHOY
DOUGLAS D. BAIRD, JR

To be commander

MICHAEL L. HOPKINS
GREGORY G. GLOVER
PHILIP G. HALL
WILLIAM R. ODELL
JOHN T. CASKEY
CECILE R. DANIELS
LAWRENCE T. KREPP
JAMES M. CROCKER
CARL E. NEWMAN
SHEPARD M. SMITH
ALBERT M. GIRIMONTE
TODD A. BRIDGEMAN
EDWARD J. VAN DEN AMEELE
ALEXANDRA R. VON SAUNDER

To be lieutenant commander

WILLIAM P. MOWITT
JONATHAN B. NEUHAUS
NICHOLAS J. TOTH
ANDREW A. HALL
CATHERINE A. MARTIN
MATTHEW J. WINGATE
STEPHANIE A. KOES
DANIEL M. SIMON

To be lieutenant

BRENT J. POUNDS
AMANDA L. GOELLER
BENJAMIN S. SNIFFEN
MARK A. BLANKENSHIP
FIONNA J. MATHESON
JONATHAN E. TAYLOR
ANDREW P. HALBACH

To be lieutenant (junior grade)

JUSTIN T. KEESEE
MATTHEW T. BURTON
CARL G. RHODES
TIMOTHY M. SMITH
JAMES T. FALKNER
CHRISTOPHER S. SKAPIN
JENNIFER L. KING
CHAD M. MECKLEY
CARYN M. ARNOLD
MEGAN A. NADEAU
MARC E. WEEKLEY
PATRICK M. SWEENEY III

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ERROL R. SCHWARTZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DEBBINK

HOUSE OF REPRESENTATIVES—*Thursday, May 22, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2008.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, You are the source of all that exists. In You there is no falsehood. Make us realistic in our faith. Free us from illusions about ourselves and our world of importance. Help Congress, by our prayer today, to build consistent priorities for the Nation and legislate justice which will lead to peace.

Open our eyes to see the wonders of the world around us. Open our hearts to the wonders of our brothers and sisters who work with us. Together, enable us to read the signs of the times and respond with prudence according to Your wisdom and provident love, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

AUDREY SMITH CAMPBELL

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. My colleagues, several months ago the Kingsbridge Heights Rehabilitation Center in the West Bronx unilaterally decided to stop making payments to the health care fund for its employees. Before some of my colleagues tsk-tsk, "Well, that's just the free market at work," as the Daily News and their award-winning columnist, Errol Lewis, pointed out, this center has made $5.2 million in profits last year, and its CEO, Helen Sieger, made $700,000 in her salary, all of it paid for by Medicaid funds, our tax dollars.

Well, Audrey Smith Campbell and 220 of her colleagues decided they weren't going to take it, they were going to go on strike. Audrey Smith Campbell was not a union activist or an ideologue, she was, for 30 years, a certified nurse assistant caring for her parents and her grandparents, giving them dignity in their most vulnerable moments.

She knew she wasn't ever going to get paid what she's worth, but she wanted to be paid at least enough to live on. Well, Audrey Smith Campbell is dead. She died after having a severe asthma attack because she couldn't afford to pay for her medication when she was on strike. She should be honored for the way she lived, and we should all be ashamed for the reason she died.

HONORING MARVIN BELKIN

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today in honor and celebration of the 60th anniversary of Israel's founding and pay tribute to a man who contributed greatly to the freedom and democracy enjoyed both by Israel and the United States.

Marvin Belkin enlisted in the U.S. Army at the age of 18 to fight in World War II, and by the age of 19 he was a bomber captain. Ultimately, he flew 51 combat missions over the South Pacific until his plane was shot down on New Year's Day in 1945, when he was subsequently taken prisoner. He was a prisoner of war until August of 1945 when the hostilities with Japan ended.

In 1947, Marvin answered the call again and volunteered to travel to Palestine to help support the formation of the State of Israel. In Palestine, Marvin worked to establish the ground school of the Israeli Air Force. He remained in Israel through the War of Independence, playing an active role in training the new Israeli Air Force pilots. Upon returning to the United States in 1949, Marvin was again called back into military service as an instructor during the Korean War.

Marvin Belkin's commitment to Israel and the United States is symbolic of the relationship shared by our two nations and his service should be commended, for without it, we may not be here today to celebrate Israel's independence.

To all the citizens of Israel, I wish you a great happy birthday. I look forward to the continued growth and strengthening of our relationship with you, our ally and our friend.

HONORING ROBERT RACLIN

(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY. Mr. Speaker, I rise today to honor and remember the life of Robert Raclin. Bob's service to his country and his family's service to South Bend are unparalleled. His family is well known for their business leadership and philanthropy through our community.

Bob joined the Marines in 1940 and served our country during World War II. His dedication to country and community continued long after he completed his military commitment.

Bob showed leadership in all his work, serving as a director, chairman, or president with a number of organizations. Bob also served the Federal Government as Deputy Undersecretary of Health and Human Services during the Reagan administration.

Bob Raclin was a devoted husband, a loving father, and an invaluable citizen of this country. On behalf of all the citizens of the Second District of Indiana, I want to thank Bob Raclin for his many years of service to our region and our country.

It is my honor to rise and recognize Bob's achievements during his long and faithful life. May God bless Robert and all those that he loved.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NEWSWEEK: "THE COOLING WORLD"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, I am alarmed by news in Newsweek magazine. I quote: "There are ominous signs that the Earth's weather patterns have begun to change dramatically, and these changes may cause a drastic decline in food production.

"The evidence has begun to accumulate so massively that meteorologists are hard pressed to keep up with it. The changes in temperature have taken the planet a sixth of the way toward the Ice Age average."

That's right, Mr. Speaker, this article from April 1975 predicts the next ice age. It even suggests melting the polar cap and stockpiling food.

I believed these scientists and thought we were going to all freeze in the dark. Now meteorologists are claiming we're all doomed because of global warming. These meteorologists can't even predict tomorrow's weather, but claim to know as fact about global warming in the future.

The climate is changing, but is it man's fault? Is it getting too cold or too hot? Can we control the weather? Scientists even today disagree.

Before Congress continues to practice the religion of global warming and passing expensive legislation that takes away our personal liberty, we'd better come back to Earth and deal with the truth.

And that's just the way it is.

CONGRATULATING BESS MITSAKOS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I am honored to rise today to congratulate a teacher in my district who has been recognized for her excellence in teaching. Bess Mitsakos from the Wallace School in Hoboken, New Jersey, received the International Technology Educators Association Program Excellence Award for elementary schools in New Jersey on February 22, 2008.

Ms. Mitsakos began her teaching career 9 years ago and has spent the last 7 years as a kindergarten through fifth grade science teacher. In that short time, she has become a highly decorated teacher, with a number of awards to her name.

Ms. Mitsakos is committed to increasing student interest, engagement, and learning through the use of computer-based educational tools as well as engineering and technological design activities.

I have no doubt that her students will have a strong science, math and engineering foundation that will help them succeed in life. I am proud to recognize her and her accomplishments, and I wish her continued success.

LET'S USE AMERICA'S OWN RESOURCES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Well, last week the House and Senate adopted a policy that admits that supply does matter. We voted to stop putting 70,000 barrels of oil each day in the Strategic Petroleum Reserve, less than one-tenth of 1 percent of the world's consumption of oil. Then Iran announced it was going to slow down production.

In the meantime, the U.S. has massive supplies of oil that we're saying "no" to, and Congress continues to say we're not going to drill. Well, "no" is not an energy policy. Begging the Saudis for oil is not an energy policy. Just yelling in cathartic sessions at oil executives is not an energy policy.

America's families know, America's truckers know, let's drill for our own oil. Let's use America's own resources. Let's lower the price of gasoline and make this affordable.

TENNESSEE VALLEY AUTHORITY

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. This month marks the 75th anniversary of the Tennessee Valley Authority.

On May 18, 1933, President Franklin D. Roosevelt signed into the law the TVA Act as part of his New Deal to help lift this Nation out of the Great Depression. Soon thereafter, the city of Tupelo, Mississippi, which is part of the First Congressional District that I now am proud to represent, became the first city to receive power service under the initial TVA wholesale power contract. Furthermore, Tupelo, Mississippi also serves as the home of the Honorable Glen McCullough, the only TVA chairman ever from Mississippi.

In 1933, the Tennessee River Valley faced many challenges and lagged behind this country in almost every indicator, including schools, health and jobs. From the beginning, TVA addressed problems in the valley through providing necessary employment and aspirations of hope to the citizens of Mississippi. TVA has a long and proud history of serving north Mississippi, providing reliable, affordable electricity, supporting a thriving river system, and stimulating economic growth.

I am proud to be the newest serving Member of Congress to represent the First District of Mississippi and our fellow members of the Tennessee Valley.

50TH ANNIVERSARY CELEBRATION OF ED AND JAN SLEVIN

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, my colleague KEN CALVERT and I want to express our love and admiration for Jan and Ed Slevin.

The congressional schedule may not allow our attendance at their 50th anniversary, a celebration that is taking place on June 20.

Both KEN and I want our colleagues to know much more about this outstanding couple and their decades of public service. So together, we are asking consent to include remarks in the RECORD reflecting their lives together and their contribution to our Nation.

CONGRATULATING AMERICAN IDOL WINNER DAVID COOK

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate a fellow Missourian, David Cook, winner of American Idol: Season 7.

Here are some pertinent facts:

Native of Blue Springs, Missouri;

While attending Blue Springs High School performed in The Music Man, West Side Story, and Singin' in the Rain;

Cook formed the band, Axium, his junior year of high school, for which he was the lead singer and guitarist. In 2004, Axium, was chosen the best band in Kansas City and was recognized nationally as one of the top 15 independent bands;

He was a 2006 graduate of the University of Central Missouri with a degree in graphic design;

Upon completion of college, he released his first solo independent album, Analog Heart, which was chosen the fourth-best CD released in 2006;

It is worth noting that David Cook did not originally plan to audition for American Idol; he traveled to Omaha, Nebraska to support his younger brother Andrew;

Cook was often seen playing his electric guitar while performing on American Idol;

He received 56 percent of the vote; 97 million votes were cast.

NATIONAL DRUG COURT MONTH

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, today I stand in recognition of National Drug Court Month and the important work done by drug courts in my district and around the country.

Drug courts combine intense judicial supervision and comprehensive treatment in community-wide approaches to rehabilitation. They bring together teams of judges, attorneys, treatment providers, child advocates and law enforcement officers. Their tireless work gives nonviolent offenders a second chance to get clean and take back their lives.

In my district, drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives. Since 1999, the Snohomish County Drug Court in Everett, Washington, has graduated over 300 participants, of whom 94 percent have remained clean.

Drug courts are widely recognized as the most effective solution for reducing crime and recidivism among drug-addicted offenders. They come at a fraction of the cost of standard incarceration, and they work. It is our responsibility at the Federal level to provide the funds necessary to ensure that their services are available to people that need them.

So congratulations to dedicated drug court professionals and graduates from Washington State and around the country on a job well done. Thank you for your hard work and your dedication.

☐ 1015

CALLING ON CONGRESS TO GIVE THE AMERICAN PEOPLE MORE ACCESS TO AMERICAN OIL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, this morning in my hometown of Columbus, Indiana, gasoline hit $3.99 a gallon, one-tenth of 1 cent just shy of $4 a gallon.

So I rise this morning to ask my colleagues, what's it going to take? What's it going to take to get this Congress to take action to lessen our dependence on foreign oil?

Now Democrats think we can tax our way to lower gas prices or, this week, sue our way to lower gas prices. But the American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil. Only by drilling in an environmentally responsible way on American soil and off American shores can the American people increase global supply and reduce the price of oil.

As Memorial Day weekend approaches and Hoosiers headed to the lake see gasoline prices blow past $4 a gallon, I urge my fellow Americans, after $4 a gallon, after years of inaction, ask this Congress, what's it going to take to give the American people more access to American oil?

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1218

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration in the House of H.R. 5658 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 7. In the engrossment of H.R. 5658, the Clerk shall—

(a) add the text of H.R. 6048, as passed by the House, as new matter at the end of H.R. 5658;

(b) conform the title of H.R. 5658 to reflect the addition to the engrossment of H.R. 6048;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 8. It shall be in order at any time through the legislative day of Thursday, May 22, 2008, for the Speaker to entertain motions that the House suspend the rules relating to any measure pertaining to agricultural programs.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1218 provides for the further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule, without further general debate.

The rule makes in order 58 amendments submitted to the Rules Committee for consideration under this rule. The rule waives all points of order against the amendments printed in the committee report and amendments en bloc except those arising under clause 9 or 10 of rule XXI. The rule provides for one motion to recommit with or without instructions. The rule also provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed by the House, shall be added at the end of H.R. 5658.

Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs.

Mr. Speaker, this rule will allow the House to finish consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. General debate on this measure concluded last night. This two-part process has been used over the years to ensure that the Rules Committee has ample time to consider amendments submitted to the committee. This year, 121 amendments were submitted for consideration.

As my friend from Florida (Mr. HASTINGS) said on the floor yesterday, the defense authorization bill is one of the most comprehensive and important pieces of legislation this House considers each year.

I salute the chairman of the Armed Services Committee, Mr. SKELTON, and Ranking Member HUNTER for their hard work and cooperative effort in bringing this piece of legislation to the floor. Their bill passed the Armed Services Committee by a vote of 61–0, a testament to their bipartisan efforts and desire to ensure our Armed Forces have all the tools they need to maintain our national security and to provide our servicemembers in harm's way with the best gear and force protection possible.

America has the finest military in the world, Mr. Speaker. Unfortunately, the Bush administration's policies in Iraq have depleted our great military, put a tremendous strain on our troops, and dropped the Army's readiness to unprecedented levels.

H.R. 5658 takes us in a new direction. It will help restore our Nation's military readiness and protect our troops in harm's way. This bill supports our troops and their families by giving the military a pay raise larger than was requested by the President and prohibiting TRICARE fee increases. It focuses on the war in Afghanistan. It also includes Iraq policy provisions that ban permanent bases in Iraq and require the Iraqi Government to pay its fair share of reconstruction costs.

In the spirit of maintaining the committee agreement and the overwhelming bipartisan support for this bill and to further ensure that our military is fully prepared and our troops get the benefits they deserve, the Rules Committee has made in order 58 amendments for consideration on the floor today. These are amendments that the Rules Committee and the Armed Services Committee determined would not disrupt the bill's carefully negotiated content and warranted further consideration.

In addition, this rule also allows the Speaker to bring up under suspension of the rules any measure pertaining to agricultural programs.

As we all know and we heard on the floor yesterday, an unintentional clerical error occurred prior to the enrollment of the farm bill. As a result, the President did not receive the full bill. The distinguished majority leader, Mr. HOYER, has been working to remedy this situation so the President may receive the full bill for his consideration.

As a result, if a resolution is reached, and I do not know the status of the negotiations between Mr. HOYER and Mr. BOEHNER, the resulting end product will be brought to the floor without further delay so that we may complete nearly 2 years of effort and deliver once and for all on the promises we made long ago to America's farmers and ranchers.

In the meantime I must remind our colleagues that the current farm bill extension is set to expire unless we act today. Whether a resolution is reached in the coming days or how we resolve this clerical error, we must, Mr. Speaker, extend the current farm bill and this rule will simply allow that to occur.

□ 1030

Much will be made of this rule by my friends on the other side of the aisle, but I will remind them that any farm bill measure that may come before the House today will come up under suspension of the rules. That means that two-thirds of the House must support any suspension bill in order for it to pass the House. That further means that there will be no political gamesmanship and we must have a strong bipartisan vote in order to pass any bill that reaches the floor.

The farm bill conference report has overwhelming bipartisan support. It passed this House with 318 votes. It passed the Senate with 81 votes. It represents the tireless effort of many Members, including myself, and is far too important to fail, Mr. Speaker, especially in light of what was an unintended clerical error.

This rule ensures swift passage of a bipartisan defense bill and a remedy to our already passed bipartisan farm bill, and I demand that my colleagues on both sides of the aisle support the rule.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and colleague from California (Mr. CARDOZA) for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. Speaker, there are two primary purposes to the rule that is before the House today. One purpose, legitimate, though unfair, relating to the defense authorization bill. The other purpose, a unilateral, partisan abuse of power by the liberal leaders of the House.

The first purpose. This rule provides for consideration of 58 amendments to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Of the 58 amendments that this rule makes in order, 42 are Democrat amendments. Just 14 Republican amendments were allowed. Two of those amendments have bipartisan support.

The Rules Committee has blocked two-thirds of the amendments submitted by members of the Republican Party. Reasonable, responsible amendments that raise legitimate national defense issues relating to the security of American troops and the American people are not being permitted to be debated on the House floor.

The defense authorization bill was approved by a unanimous bipartisan support, Mr. Speaker, of the Armed Services Committee. But that does not mean that that bill is perfect. Indeed, amendments to the bill were filed with the Rules Committee by both Democrats and Republican members of the Armed Services Committee. These members, who had worked in a bipartisan way in committee and who wanted to have their ideas for improving the defense authorization bill considered by the House, were denied that opportunity, and among those amendments that were blocked by the Rules Committee is the ranking Republican member of the Armed Services Committee, for whom this bill is named.

At the same time we are applauding those committee members for their bipartisan work, the Rules Committee steps in and shuts down what has been an open, cooperative process by blocking so many Republican amendments.

Mr. Speaker, the House should recognize that when a committee works in an open and honest manner to produce a truly bipartisan bill, we should recognize that, especially because it has become a rarity in this Congress.

Despite the promises made by the Democrat leaders to run the most open and honest House in history, they have made it a matter of routine to close down debate, take away the ability of every Representative to offer amendments on the House floor, to defy rules, and to ignore over 200 years of legislative precedents. Yet, Mr. Speaker, this House has never seen anything the likes of what the Democrat leaders did last night with the vote to override the President's veto of the farm bill.

Despite having full knowledge that the bill that the Speaker of the House certified with her signature and sent to the President was not the exact same bill that passed both the House and the Senate, Democrat leaders deliberately acted to have this House vote on overriding the President's veto. The bill that the Speaker sent to the President completely omitted title III of the farm bill. This is the entire trade section that runs several dozen pages.

It has been asserted that deletion of this title from the farm bill that the Speaker sent to the President was simply a mistake, an oversight, or a technical error. That may very well be. That may very well be, Mr. Speaker. Yet Democrat leaders deliberately acted yesterday to have the House vote to override a Presidential veto on a bill that the House had never, ever passed. They took this action in direct contradiction to the simple procedures established in article I, section 7 of the United States Constitution.

Mr. Speaker, like many of my colleagues, I have often spoken to elementary and high school students about my job as a Congressman and how Congress works. The most fundamental lesson I always convey is how a bill becomes law in this Congress. It's very simple. The House and the Senate must pass the exact same bill. It must be exact. No comma difference. When they do that, the bill is sent to the President to be signed into law or vetoed and returned to the Congress.

Mr. Speaker, this did not happen with the farm bill. The bill passed by both the House and the Senate was not the bill that the Speaker of the House signed and sent to the President.

Mr. Speaker, last week I stood right here on the House floor and stated that while I believed that the farm bill was far from perfect, I would vote for the bill because of the positive provisions it included for specialty crop growers in my congressional district.

In my speech to the House and in my communications with my constituents, I specifically cited parts of the farm bill that helped convince me to vote to pass it. In particular, I spoke about the Market Access Program in reference to technical trade assistance for specialty crops, both of which help to break down unfair trade barriers and open new markets for farmers overseas. Both of these programs are part of title III of the farm bill which passed the House and Senate but was not sent to the President.

Mr. Speaker, the farm bill I voted for, and the very reasons I voted for it, was not the bill that the House voted to override yesterday.

Democrat leaders of this Congress acted in an unconstitutional way in voting to override the veto vote yesterday. That the leaders acted unconstitutionally is not a matter of my personal opinion, it is a matter that has been ruled upon by the United States Supreme Court. In a 6–3 majority opinion written by Justice Stevens in the 1998 line-item veto case, Clinton v. The City of New York, the court concluded, and I quote:

"The Balanced Budget Act of 1997 is a 500-page document that became Public Law 105–33 after three procedural steps were taken. One, a bill containing its exact text was approved by a majority of the Members of the House of Representatives. Two, the Senate approved precisely the same text. Three, that text was signed into law by the President. The Constitution explicitly requires that each of these three steps be taken before a bill may 'become a law.' Article 1, section 7. If one paragraph of that text had been omitted at any one of those three stages, Public Law 105–33 would not have been validly enacted."

Mr. Speaker, last night it wasn't until Republicans objected that the Democrat majority took any action to speak on the floor and inform the House of what had occurred by the omission of title III of the bill. The Democrat majority then responded, as they have for the past 16 months, by choosing the path of unilateral, partisan action over working in a bipartisan way. Keep in mind, this farm bill passed by over 300 votes in a bipartisan way.

As I stated at the beginning of my remarks, there are two parts to this rule. The first makes in order amendments to the defense authorization bill. The second provides blanket authority for any bill relating to agricultural programs to be considered under suspension of the House rules.

The inclusion of this blanket authority to suspend House rules and consider bills was not even discussed with Republicans. I say that with the knowledge I have as I speak here today, right now, at 10:39 a.m.

My colleagues on the other side of the aisle will claim that this is simply an effort to fix the farm bill. Mr. Speaker, I voted for the farm bill and I support getting it enacted into law. But this isn't just about a fix or finding the most convenient or face-saving way to act on the farm bill. It's about following the Constitution and holding Democrat leaders accountable for their deliberate actions yesterday, Mr. Speaker.

They knew the bill they put to an override vote yesterday had never passed the House in the version that it was presented to us for the override, but they did it anyway. The House should not gloss over an incident of this magnitude with such serious constitutional violations.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. I would just like to say to my friend and the gentleman from Washington State that his claim that it was never brought before the House is simply not the facts. I was on the floor. I heard Mr. PETERSON announce to the floor that in fact there had been an error yesterday during the debate for the override. In fact, Mr. PETERSON said that he had been discussing with Mr. GOODLATTE the situation and how to remedy it. In fact, Mr. HOYER acknowledged it on the floor.

There has been no glossing over this. Mr. HOYER readily acknowledged on the floor last night that there was a clerical error about this. Certainly we are concerned about how to remedy this. That is why we are bringing this rule to the floor. We are also concerned that the farm bill expires. We have brought a resolution to the floor that allows for a bipartisan compromise that would fix that situation.

We are trying to solve problems here today. We are trying to do right by our military, we are trying to do right by our farmers, and we are doing it in a manner that would require, with regard to the farmers, at least, a two-thirds vote of this House to resolve the problem.

So, Mr. Speaker, I would submit that we are doing everything possible to remedy this situation, and we are doing it in a bipartisan manner.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee, a leader in the farm bill debate, and a great friend.

Ms. MATSUI. I want to thank the gentleman from California for yielding me time.

Mr. Speaker, I rise today in support of the rule and the Duncan Hunter National Defense Authorization Bill. I want to thank Chairman SKELTON and Ranking Member HUNTER for the way they worked together to craft the balanced bill before us today.

Mr. Speaker, this bill is about the men and women who serve and defend our country. One of these heroes lives in my home town of Sacramento, Sergeant Jeremiah Anderson. Sergeant Anderson is a decorated soldier who served as an armored crewman for more than 4 years. He is an American hero.

But a provision in current law has kept him from receiving the full scope of Army College Fund benefits he earned and deserves. At least 40 other veterans around the country have had the same thing happen to them. The military's educational benefits are a crucial part of the promise we make to our soldiers. We vow to repay their service by providing them with opportunities to further their education. These education benefits help our soldiers reintegrate into their communities when they return from overseas, and in return, our communities benefit from their invaluable contributions, both in the military and here at home.

We must deliver on what we promise, Mr. Speaker. I urge my colleagues to support the defense authorization bill for the good of our military families and for the safety of our Nation in the future.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the gentleman from California, I just want to make this point, and this is a very, very important point. Yesterday, prior to taking up the veto override of the farm bill, the Democrat leaders knew that title III was out of the bill. Therefore, it was not a bill that had passed either House. Therefore, the ultimate rule of this land, the Constitution, was violated.

It was at that point, Mr. Speaker, that there should have been discussions on how to remedy this in a way, but there was no discussions on that, at least with the leaders on our side. Yet we went ahead with the action of overriding a veto, overriding a bill that the House had not passed.

That is what the facts were yesterday, and it was not brought to the full House's attention until the leaders on our side stood up after the vote to ask what the procedures were for clarification. Had we known that ahead of time, we probably could have gone through regular order and got this resolved in such a way that would have been acceptable to all sides.

With that, Mr. Speaker, I am pleased to yield 3 minutes to the namesake of the bill that we are debating later on, the Duncan Hunter Defense Authorization Act of 2009. The gentleman from California served as chairman of the Armed Services Committee. He has been somebody that I have looked up to in my years in Congress. He probably, if not the most knowledgable person in this House on military affairs, he is certainly one of the most.

I yield 3 minutes to my friend from California (Mr. HUNTER).

□ 1045

Mr. HUNTER. Mr. Speaker, I want to thank my great friend from Washington for his kind remarks, and also thank the Rules Committee and the gentleman from California for his work on this bill too.

We have had a great opening session on the Armed Services bill. Our chairman, Mr. SKELTON, who brought this bill up and brought it through the committee with a unanimous vote, I think is to be greatly commended. But let me register my objection to the Rules Committee's determination that one of the amendments that I had offered was not made in order, and that is the amendment that goes to the so-called tanker deal.

Let me just explain to my colleagues that this tanker deal involves hundreds of thousands of American jobs. The Air Force has determined that the European competitor has won the tanker contest. This buy could ultimately be in excess of some $30 billion, so there are enormous numbers of American jobs at stake.

As we went through the markup process, the Members on both sides indicated that they didn't want to try to pass something that would in some way prejudice the GAO protest which is being undertaken right now. But let me tell you as a guy who has looked at the industrial base and the fact that big pieces of our industrial base are moving offshore at a rapid rate, at some point that is going to affect our ability to defend this country.

This is a huge deal. It is a huge transfer of high-paying aerospace jobs, basically a massive economic stimulus package for Europe. Even with the 58 percent of the tanker work that is stated by the European company will be built in the United States, that still is 42 percent of the work that will not be built in the United States, and that is compared to the American company, which does about an 85–15 split.

Now Cap Weinberger talked about this formula that he used, that for every $1 billion you create of defense spending, you create 30,000 jobs. That means that the number of jobs at stake here, the difference between going with the European competitor or the American competitor, is well over 100,000 American high-paying aerospace jobs.

All my amendment said was this: It said that no matter who won, 85 percent of the work had to be done in the United States. That is important to keep our industrial base intact. For those folks that like the European competitor and the American company that was marrying up with it, that is Northrop Grumman, a great company that would be building the European aircraft, that would have been good for them, because they would then, instead of having 58 percent of the work done in the United States, they would have had, if my amendment had been offered and passed, that would have allowed them to get 85 percent of the work done in the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. HUNTER. That would have meant jobs for the American workers, and it would have meant that we kept a lot of that talent pool, that industrial base capability, in the United States. This would have been a huge win for American workers and it would not have prejudiced the present GAO protest that is underway right now.

So I am disappointed that this amendment was not allowed, and I hope at some point down the line the Democrat leadership will allow us to put this amendment up, which will help American workers, help the industrial base, and help to secure the defense of the United States.

Mr. CARDOZA. Mr. Speaker, with regard to the comments we just heard from our distinguished former chairman of the committee, while a lot of us have sympathy for the amendment that the gentleman put forward, it is my understanding that no defense contractor currently can meet the requirements of that 85 percent. So that is an issue that is bigger than just simply this bill. It probably needs to be dealt with in the Armed Services Committee so they can decide the proper course of action, and it was not ruled in order for that reason.

Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), the chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. Speaker, I rise to correct the record. This bill has had a long and tortuous path, and now, unfortunately, is the victim of an unintended clerical error, and I just need to set the record straight about what happened here.

I notified Mr. GOODLATTE, who I worked on this bill with on a bipartisan basis, as soon as I found him after I found out about this. We also talked to Mr. BLUNT before the vote. So we had discussions on a bipartisan basis.

This error, apparently what happened here is that there was a procedure that used to be in place where people would initial each page after they had done the enrollment on the parchment, but that was eliminated apparently 10 years ago when the Republicans were in charge, for whatever reason. So a mistake was made on both ends of Pennsylvania Avenue. The White House vetoed a bill that was missing this title. We sent a bill down there that was missing this title. So that was the reality of what happened. I notified everybody before the override immediately about what the situation was. So that is what happened.

Now, the way we came to the conclusion to move ahead with this was discussions with the Parliamentarian and others that this in fact was a bill that was vetoed that was passed in the identical form in both the House and the Senate. We had passed all 14 of those titles in the House that were vetoed. They passed them in the Senate in identical form. It was vetoed by the White House.

There is a case from 1892, Field v. Clark, that was the exact same similar situation. It is very clear that they do not look beyond the parchment when they look at this veto. So the decision to move ahead was made on a bipartisan basis between Mr. GOODLATTE and me.

Mr. DREIER. Will the gentleman yield on that point?

Mr. PETERSON of Minnesota. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

Let me just say my friend has just indicated that there was discussion that took place with the ranking minority member and the Republican Whip before the vote took place. The concern that we have on this issue is the fact that we even moved ahead with consideration when there was protest raised by our leadership staff saying that we have a problem here, it needs to be addressed. I didn't even know that this was taking place until we were well into debate on the attempt to override the President's veto.

So that is a concern we have raised. We acknowledge that mistakes are made. We know that happens. It has happened under both parties in the past. But to proceed when there has been concern raised by the minority staff is another matter.

I thank my friend for yielding.

Mr. PETERSON of Minnesota. Reclaiming my time, we made a decision at the time that we thought was appropriate, and that is that we had the 14 titles. They were passed in the same way between the House and the Senate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman 1 additional minute.

Mr. PETERSON of Minnesota. The idea at the time was that we would ask unanimous consent to move title III after the veto override so we could marry the bill back up. There was objection raised on that regard. So what we are doing now is a process to try to fix this. This is a clerical error. This is not anything that anybody has tried to cover up. I made this clear to everybody at the beginning of the process.

Looking at this the next day, I think we made the right decision, because clearly the Senate is going to override the veto and the 14 titles that are overridden will become the law of the land. This is backed up by Field v. Clark.

We have still got the issue to deal with on the trade title. We have a process set up to get that resolved. It is not a partisan issue. We are just trying to get this fixed.

So you can disagree with the decision we made, and if you have a problem with it, I will take the blame. But at the time, we talked to the Parliamentarian, we discussed it among ourselves, and we decided this is the way to proceed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding. I am happy to continue engaging in a colloquy with the distinguished Chair of the Committee on Agriculture.

What I would say, Mr. Speaker, is that, again, we all acknowledge that mistakes are made. But this is a bill that has enjoyed bipartisan support. I am not going to give all my arguments. I have given them during debate on the bill. I voted against the bill, but I am not standing here trying to block it from becoming public law. We saw there were only 108 of us yesterday that voted to sustain the President's veto, so that much is there.

But the fact is that is not the bill that we voted on in this institution before, and with this concern that has come to the forefront, Mr. Speaker, it seems to me that since our Republican leadership staff indicated to members of the majority that we should not proceed until we resolve this matter, and as we discussed yesterday in our colloquy with the distinguished majority leader, Mr. HOYER, the notion of all of a sudden taking part of one bill, having it signed or vetoed, and that bill not all being included as one, it has created a tremendous confusion and a potential constitutional quagmire.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PETERSON of Minnesota. It is not a constitutional quagmire. I don't know why people bring this up, because it was clear in this 1892 court case what the situation is. The thing is, we initially asked, if I could explain, if it was possible to re-enroll the bill and send it back to the President in the way that it should have been done in the first place. We were told that could not be done.

The problem that we have is not so much a problem in the House, but a problem in the Senate, that there is no way that you could get this bill redone without re-passing the bill.

Mr. DREIER. Reclaiming my time, I simply want to say that the concern that we have was the rush to proceed with that veto override vote last night, when in fact from what I infer from what the distinguished chairman has just said, Mr. Speaker, that obviously the bill should be together. We should in fact move ahead, for all intents and purposes, from scratch on this so that we can follow, as Mr. HASTINGS up in the Rules Committee last night explained when we talk to school groups, how a bill becomes the law.

This is not the way it is done. This is not the way it was envisaged by the Framers of our Constitution. And, as I said last night in the Rules Committee, we have Members looking at article I, section 7 of the U.S. Constitution, which does raise this.

All we are saying is we acknowledge mistakes were made. We don't believe there was any intent here, until we proceeded after, and, again this is a bipartisan bill, after there was concern raised from our minority leadership staff members.

So that is why I believe that the decision was an incorrect one. And the notion of our now including in this Duncan Hunter National Defense Authorization bill in the rule to allow that bill to come up a provision that allows us to proceed with this kind of debate is just plain wrong.

Mr. Speaker, I thank my friend for yielding.

Mr. CARDOZA. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California has 16½ minutes remaining and the gentleman from Washington has 12½ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON) to respond to Mr. DREIER's remarks.

Mr. PETERSON of Minnesota. Again, one of the reasons that we were moving was because the extension of the current law expires Friday and we were trying to make sure we got the work done so that we could finally get this bill passed into law, after all the time that we have been working on this.

□ 1100

If people think that I made the wrong decision here, I will take responsibility for it. But I talked to minority members. There were some on the other side that agreed with the process that we were setting forward. I apologize.

There is nobody that has spent more time working on this bill. I personally looked over everything that has been in this bill. I guess the one mistake I made was that I didn't personally read the enrolled copy of this bill and actually check each page of it before it was sent to the White House. I guess I should have done that.

A procedure was eliminated that used to be there under the Republicans. I think that procedure is now going to be reinstated after this experience. Really, this is just an error. And now we have to fix this.

So what we are doing with this rule is allowing us to pass the whole bill again, send it over to the Senate. We are also going to pass a bill that just has title III in it, send that to the Senate, so that we give the Senate all of the options that they need so that we can get this expedited and fixed as soon as possible. That is what we are trying to do here.

I apologize if some people's feelings were hurt, but we were doing the best we could.

Mr. DREIER. Would the gentleman yield?

It has nothing to do with feelings being hurt on this issue. My feelings aren't hurt at all over this issue. My concern happens to be the U.S. Constitution. I know that raising the term "the Constitution" is something that my friend might not like. And I congratulate him on his work product on this bill through the process and all. I know he has worked very hard. My feelings aren't hurt. I am just saying that we believe that things need to be done correctly, under the Constitution.

Mr. PETERSON of Minnesota. Reclaiming my time. This was done correctly. The 14 titles that were overridden yesterday were passed in an identical manner between the House and the Senate. They were vetoed by the President in that manner. The bill, once the Senate overrides, will become law. This is clarified in Field v. Clark in 1892, a similar situation. This is information that we knew before we proceeded, and we believe we proceeded correctly under the circumstances. Had we had unanimous consent, we wouldn't be here today. We would have had this resolved by now.

I just would hope the gentleman would help us move past all of this and in good faith let us finally get this farm bill accomplished.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee.

Mr. BISHOP of Utah. I appreciate the opportunity of speaking on this very unique rule, which I assume covers parts of at least two or three bills. I would like to talk about one section of it, which is the Department of Defense portion.

I would also like to first congratulate Chairman SKELTON and the two subcommittee chairmen with whom I work, ABERCROMBIE and ORTIZ, for producing a bipartisan bill. They have given the image that I think could be used on other committees that if the leadership of the committee wants to come up with a bipartisan bill, it is easily possible to do that. They have done that in this particular committee. They have been fair in their leadership, their staffs have been very helpful, they have produced a good bill.

I also want to thank Representative BOREN of Oklahoma, who has taken the issue upon which I wish to address very quickly, and continues to move that forward in an attempt to be a bipartisan way.

Unfortunately, the amendment made in order under his name on this particular issue has very vague language in there and, I am afraid, only codifies the existing problem as opposed to trying to find a solution to it.

The problem exists in that a different committee with very little understanding and no jurisdiction over military affairs has passed legislation which has caused a massive problem for the military of this particular country.

A CEO of one of the major airlines has said that for every penny of unexpected cost in fuel, it costs them $1 million of unexpected costs for their overall product. The military has the same problem of fuel costs. In 2001, we spent $2 billion a year for fuel. This year, it may go anywhere between $12 billion to $13 billion a year for fuel. And three-fourths of our oil reserves in this Nation are with countries that are at least hostile or potentially hostile to this country.

Realizing that fact, the military has tried to make some provisions for the future. We have enough oil shale and coal in this country to provide for the needs of the military. There is 1 trillion barrels locked in my State. Decades ago, the Department of Defense recognized this and established certain of those sections as part of the Naval Oil Reserve, a reserve that is untapped which we could go in today and use in defense of this country, except for section 526 of the energy bill that was already passed, which cuts the knees out from under the military and its efforts.

One of the things I think they did not realize when they passed this bill was that coal——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. BISHOP of Utah. Coal and oil shale have greater Btus, which simply means that, for the same amount of fuel, our fighters, our Humvees, our trucks could go farther or we could do what we are doing now with less energy consumption that we need.

The military has attempted to make sure we have a process with alternative fuels to make sure that we have security for the future. 526 stops that. The Rules Committee could have waived the issues of sequential referral and allowed us to discuss that on the floor, but instead they limited and restricted the debate, so that we will not have a full debate on this important issue that is about the security of the military of this country.

Mr. CARDOZA. Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York, a gentleman who worked tirelessly on the farm bill and who has worked tirelessly on behalf of defense matters, my good friend, the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my friend and colleague from California for yielding time to me.

Mr. Speaker, I rise in strong support today of this rule, the fiscal year 2009 Defense Authorization Act, which this year is appropriately named after the distinguished Republican ranking member, Mr. HUNTER.

I commend Chairman SKELTON and the entire House Armed Services Committee for their ability to work in a strong bipartisan fashion to produce a defense authorization bill that will enhance our Nation's security by providing our troops with superior equipment, and improve the quality of life for our servicemembers and their families by providing a 3.9 percent pay raise for all servicemembers, and require the administration to provide the American people with more transparency and accountability regarding the funding of the war in Iraq and Afghanistan.

When it comes down to it, maintaining a strong national defense and providing for our troops should never be a partisan issue. We can disagree regarding specific provisions and proposals on occasion, but the fact remains that the American people want bipartisan solutions from Republicans and Democrats. That moves our Nation forward, and that is exactly what this rule and the underlying defense authorization will do.

In closing, Mr. Speaker, I would just like to urge my colleagues to resist the temptation to point fingers and be partisan on this issue with the farm bill. We need to work in a bipartisan way, because this is what is important to America's farmers, and very, very important to America. By passing this rule and the defense authorization bill today, we can prove to the American people that bipartisanship still exists inside the walls of Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee and now a member of the Armed Services Committee.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. We just heard from the gentleman from Utah in regard to section 526 of the Energy Independence and Security Act of 2007, the Democratic Energy Act.

Section 526, as the gentleman described, puts handcuffs on our Federal Government, particularly the Department of Defense, in regard to the ability to get other sources of fuel. 380,000 barrels of refined products per year are used by the Department of Defense, mainly by the United States Air Force, Mr. Speaker. And the cost of that fuel from 2003 to 2007 has gone from $5 billion to $12 billion a year. It is anticipated that in this current year it will go up another $9 billion. This amendment that the gentleman was speaking of that I submitted to the Rules Committee last night offered by the gentleman from Texas (Mr. HENSARLING), the gentlelady from Tennessee (Mrs. BLACKBURN), and the gentleman from Hawaii (Mr. ABERCROMBIE), making this a bipartisan amendment, and of course myself, to just simply strike that section 526 so we can allow the Federal Government, in particular the Department of Defense, to utilize things like coal liquefaction or shale products, tar sand, that can convert to energy and let us utilize that fuel and cut down this cost to our Department of Defense.

I mean, we needed an opportunity, clearly, Mr. Speaker, to be able to debate that amendment on this floor. I think that overwhelmingly the majority on a bipartisan basis would support striking that amendment. We are in a crisis, and everybody knows it, in what we are paying for. It is not just individuals, but of course the whole Department of Defense. And this goes to being able to purchase jet fuel.

That is why I am opposed to this rule. That amendment should indeed, Mr. Speaker, have been made in order.

Mr. CARDOZA. Mr. Speaker, at this time I yield 1 minute to the gentleman from Maryland, the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this rule. I suggest further, if we were all adults on this floor, everybody would say this rule, outside of the ambit of what amendments are made in order on the defense bill, is an appropriate rule. It is an appropriate rule to respond to a mistake that was made.

As the gentleman from California observed earlier in debate, mistakes are made. Unlike the previous instance some years ago, which were discussed on this floor of the deficit reduction bill where the minority was not notified, the assertion the minority was not notified was absolutely inaccurate, and Mr. GOODLATTE would say that. In point of fact what happened was Mr. PETERSON learned of it, talked to Mr. GOODLATTE about it, then discussed it with me, and they decided jointly and bipartisanly to proceed.

Unlike the Deficit Reduction Act, the first thing that Mr. PETERSON said in arguing for the override of the President's veto was, there is a problem here. He wanted all the Members to know what the problem was. There was not a Member on the floor who didn't know what the problem was.

When they voted, a majority of the minority party voted to override the President's veto because they believed the policy proposed in that bill is a good one. The overwhelming majority of Democrats voted for that bill, and 316 out of 435 of us—there weren't 435 of us; there were 11 absentees. So 316 out of about 424 voted for this bill.

This bill, unfortunately, included fourteen-fifteenths of the bill we passed, and really a larger proportion of that because in terms of pages it was probably 95 percent, 98 percent of the bill.

Now, a mistake was made. It was not a venal mistake. It was not a conscious mistake. And the mistake was made, as everybody ought to know, by the Clerk of the Congress and OMB, and they both made the same mistake. And the mistake they made was reading from the printed copy as opposed to the parchment copy. OMB didn't read from the parchment copy, we didn't read from the parchment copy, because the belief was a decision made 10 years ago by the Deputy Clerk not to proofread the parchment because changing the parchment was too expensive, but to read from the printed copy which then, if found in error, could be corrected and reprinted and then programmed for the parchment to be printed from that. And both our side—our side, the Congress—and the OMB made the same mistake. They assumed, as normally is the case, that the parchment reflected exactly what the conference printed report said.

Unfortunately, in this instance it did not. We still don't have a full explanation of how that happened. But obviously, notwithstanding the fact that parchment indicates that title III in the table of contents is included, when you go to page 169, the end of title II, and you turn the page to 170, you go to title IV. Now, one would have thought it would have been a pretty simple proofreading job if you read the parchment. Unfortunately, the print document which was used by OMB and the Congress to proof did in fact include title III.

Okay. So we made a mistake. The administration made a mistake, we made a mistake, the bill was not whole.

This is, my friends, not an unusual situation. In an 1892 case, which was relied upon in the budget case as well, the Court clearly said: Whatever the facts are internally to the House of Representatives, what the President signs is the statute, is the law.

The Supreme Court says clearly, therefore, that what the President sent us back and the veto overridden is in fact what the court has found is the law. Now, unfortunately, it doesn't include title III. We want to pass title III.

This bill took some 15 months, 18 months of deliberation. The farm bill expires tonight or tomorrow, Friday. So we can either do another extension, which is possible, or we can pass what was overwhelmingly passed in the Senate, overwhelmingly passed in the House of Representatives, and, as I said on the floor last night, was passed in exactly the same form without title III as was passed in both Houses. There were no changes. No alterations. That was not the case in the deficit bill that was referred to by Mr. BOEHNER yesterday.

□ 1115

In fact, a very substantial difference was made in the bill without notice to the Democrats, a $2 billion change, I might add, changing from 36 months to 13 months the implications of the reimbursement of Medicare for implements.

Now, that is all to say that this is not without precedent, number one. There are a number of cases that hold that what we did yesterday was exactly appropriate, and that law is not subject to question. Everything is subject to question, but not valid question or winning question.

So what have we done?

First of all, I discussed it with the Parliamentarian. I had not done so when we had the colloquy with Mr. BOEHNER. I then discussed it with the chairman. The chairman discussed it throughout the next few hours with Mr. GOODLATTE, Mr. CHAMBLISS, Mr. HARKIN and others.

I discussed it with Mr. REID to figure out, a mistake has been made, how do we correct that, in fairness to everybody, on a bill, that, by the way, the Deficit Reduction Act was passed by a two-vote margin in the House, and in the United States Senate was passed because of the Vice President's vote. And we were not informed, so we were somewhat concerned about the $2 billion mistake that had been made.

In this case, that is not the issue at all, and it's a bill that was, in a bipartisan basis, passed by a majority of the Republicans and overwhelming majority of Democrats.

So what solution did we come up with? Resending the bill that, under the Supreme Court's edict is, in fact, law if it is overridden in the Senate, so that fourteen-fifteenths of what is the Congress's intent will be accomplished.

The rule then says, but in an abundance of caution, we'll also provide for the passage of the entire bill and send it over to the Senate, as has been passed overwhelmingly in both Houses.

In addition to that, we said, the bill does not include title III that is going to be in the veto message that's sent to the Senate.

I know for the public, this is pretty esoteric, and they don't really care. What they care is the substance.

But the point that I'm trying to make is, we are trying to correct a mistake and serve the agricultural community, serve those millions of people who are relying on the nutritional aid, serving those people who are relying on the conservation assistance throughout this country, to have this bill, after 18 months almost of consideration, serious bipartisan working and overwhelming bipartisan votes in both Houses, enacted into law.

But we are also providing separately for the passage of title III. In other words, we're doing title III twice, once as the full bill so we can repass the full bill. If the Senate decides, as I hope it will, to pass that again, then we will not only have passed fourteen-fifteenths, we will have passed fifteen-fifteenths in another bill, and they will be reconciled and they will be consistent with the law and with the will of this body representing the American people.

Now at about 7 p.m. last night, those of you who heard the colloquy, I indicated to Mr. BOEHNER we ought to talk about this. I went by Mr. BOEHNER's office to explain to him what I thought the solution to this problem was and discuss it with him. He was not at his office. I left a message and my phone number at 7 o'clock last night. I have not yet received a response to that visit.

I went to his office to suggest that, pursuant to my representation on the floor, we discuss that. I have not yet received a phone call.

I did talk to Mr. BLUNT last night. I've talked to Mr. BLUNT this morning. I frankly am offended, I will tell you, by the mischaracterization of what we are doing here by the representatives of the minority leader's office.

There are no games being played here. There was a mistake made. And if we were adults and nonpartisan and wanted to deal with this in a responsible way, I suggest we would have agreed on this proposal.

Now, unfortunately, we didn't get to an agreement. I don't allege that anybody on your side has agreed to this. But to suggest that it hasn't been discussed, informed, and I called as soon as I came in this morning, the leadership on your side, to explain exactly this procedure.

Now you can disagree with the farm bill or not disagree with the farm bill. I understand that additional games are going to be played, as it was my perception last week were played. On Thursday, 131 or 132 of you decided, notwithstanding the fact that I am sure you are for funding the troops in Iraq, you voted "present." That was your decision.

It's my understanding now that perhaps you're being urged, some of you who are for this bill, to deny the two-thirds on the suspension of a bill that has gotten essentially three-quarters of this House and 80 percent of the United States Senate supporting it.

Ladies and gentlemen, at some point in time the American public expects us to act as adults, not simply as partisan protagonists, to conduct business, notwithstanding the fact because we are humans, and those who work for us are humans and are under great stress. They have to work around the clock. They work 15-hour days, sometimes longer days. And we expect them to act without ever making a mistake. That is unreasonable. And when they make mistakes, and when we make mistakes, it is appropriate for us respond in a way that will correct those mistakes and, at the same time, carry out the policies that are overwhelmingly supported by this body.

My friends on both sides of the aisle, I would hope that we could do that. I regret that the minority leader has not called me back. I regret that he has not sat down and, with me, had the opportunity to discuss this. I had a discussion with him before the vote last night. It was a very calm, reasonable discussion, Mr. Lawrence and I, outside the middle door. We knew there was a problem. We knew we had to solve it. I think this does, in fact, solve it from the standpoint of adopting the policy overwhelmingly supported by this Congress of assuring that title III is addressed, and assuring us of the opportunity to make sure that it's not subject even to any lawsuit question by, again, passing the entire bill supported by, as I said, over 75 percent of the Congress of the United States.

I understand there may be questions about which amendment was allowed in order to the defense bill and which wasn't, so on that case, you may vote differently on the rule. But on the addressing of the mistake that was inadvertently made, and I stress again, by the Congress and by the Office of Management and Budget, same mistake apparently was made, that we can correct this as adults treating one another in a way that each of us would want to be treated to act so that we adopt policies that are supported by this Congress.

Mr. HOYER. I would be glad to yield to my friend, Mr. BLUNT, if he wants time.

Mr. BLUNT. Well, I thank my friend for yielding. And certainly we do have a disagreement here on how to move forward. I tend to agree with the idea that the only way to rectify this and not have future court challenges is to send a bill to President that there's no question about. Let's go through that process and get it done.

I would say that the lecture on adult behavior from my very good friend, the majority leader, and he and I both know we are good friends; we're going to be friends when we leave here with this discussion today, is I don't know that that's very helpful.

The standards of the House on trying to help people through mistakes did not just begin yesterday. And I, personally, the Republican leaders generally, were challenged over and over again on anything that could potentially be a way to challenge our integrity, our goodwill on the issue that you just brought up of the Deficit Reduction Act.

Let me tell you the big difference in that and this. The big difference in that and this is that at least this Republican leader had no idea until we were at the bill signing ceremony that there was a problem because it all happened in the Senate.

I'm just saying what I knew, Mr. HOYER. I had no idea. My guess is that nobody else did either or they wouldn't have scheduled a bill signing ceremony where 100 people were sitting in the East Room waiting for 30 minutes beyond the time it was supposed to start because the White House was deciding how to deal with this particular problem. And they did decide how to deal with it, and they may very well have looked at the case that you looked at, the 1892 case, because the Court eventually looked at that. The Parliamentarian may have given advice at that time on that case. It may have been the same advice you're getting now.

But the big difference in then and now was that the President signed the bill. And I don't really know how the House would have started that process again. It wasn't something that back at the House that we had some options to deal with.

That's why I'm supportive of the option that would give the President the bill we intended to give him. I'm not supportive of sitting here all day and being told that that's not an adult point of view.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. It's your time, and if you'd give me back time, I'd yield to you right now.

Mr. HOYER. I thank you. I hope I didn't imply that. What I said, what I meant to say, if I misspoke, not that the—we, first of all agree and, as I've said, we're going to do what you suggest in an abundance of caution to assure us, ourselves, and I would hope that we would all, or least those who are for the farm bill would vote for it, the entire bill will be put on suspension. In light of the fact we had 75 percent of this House support that bill, that would be more than enough to pass it on suspension. We're going to do that in an abundance of caution.

In addition, we're going to do title III separately so the Senate can have that option as well, so if on the veto override they do fourteen-fifteenths of the bill, they can do the one-fifteenth, that is, title III at the same time so they would contemporaneously move forward.

When I refer to, and if I offended the gentleman, adult behavior, this is not a political problem. It is a procedural problem that we need to cure, and we've been working to cure it. You and I have had discussions about it, very positive discussions about it over the last 12 hours. And I would hope that we could proceed on that basis.

And I yield back some time.

Mr. BLUNT. Well, I thank my friend for yielding back. You know, it's possible, for instance, on dividing this bill up, that I could have been for the farm bill, which I was, at great criticism from my colleagues and some editorial writers in the country. I was for the farm bill 6 years ago. I live in a district where the farm bill matters.

It's very possible that I'm not all that excited about the soft wood lumber provision in title III. I would just suggest to my friend, I might vote against title III and be doing that because I have real opportunities to do that since we divided this up, which was part of my case yesterday as to why a partial bill sent to the President doesn't mean that the entire House was in favor of the bill in its division rather than its totality. I hate to start down that line where that happens.

I would also say that I read from the Clerk of the House today that somehow this is a problem because of a Republican procedure, change in procedure 10 years ago. 10 years ago. And again, instead of the majority saying it's a mistake, which I'm willing to accept, the majority has to say, well, it's really something foisted upon us by the Republicans a decade ago.

Amazingly, we dealt with those same procedures for a decade, and on our side of the building, I'm not aware of any problems created by that. Certainly the problem we've talked about was a Senate side of the building problem, and I think we all know that. But, again, you know, looking back 10 years.

Now, if you want to change the procedures, apparently Republicans changed them 10 years ago, lived with those for 10 years or more. If you want to change the procedures to have a greater protection of the process, I think that's fine.

But to have to reach back 10 years and say this was a mistake created by the Republicans, there's only so long that we can take blame for everything on anything that happens on the House floor.

This is a procedural problem. I'm not sure it's the first one. We haven't really sent that many bills to the White House that were either substantive or controversial, in my view, in this Congress. But I'm not opposed to that.

But, you know, again, looking back 10 years and saying this is really a problem the Republicans created a decade ago does not move us toward acting like adults on the floor of the House.

I hope we can solve this problem. I hope I can be part of that solution. Frankly, I don't think dividing up the bill is part of that solution, and I think it subjects the whole process to court cases. And you might win again on the 1892 case.

But the difference in this and the last case, the most recent case, is that the House has the bill back under its control, as opposed to a bill signed by the President, exactly like the 1892 case was, where the President signed the bill and then the courts say, well, the President signed a bill that the House and Senate purported was the finally passed bill, and so it's the law.

Well, the President didn't sign this bill, and so we have a great opportunity to do something to ensure that we don't spend all kinds of time and effort in court proving that a 1892 standard would still be the case in 2008 or 2009.

I thank the gentleman for yielding. I'm sure we're going to have a vigorous debate today.

Mr. HOYER. Reclaiming my time. I thank the gentleman for his comments.

I simply rise to say that this rule accomplishes exactly, in my opinion, what the minority whip wants to accomplish. It provides for the full passage of this bill under suspension, which the gentleman was for when it passed before, which I was for, and I will vote for. And that suspension accomplishes exactly that objective, so that any defect caused by the mistake will be cured.

Secondly, it's not blame. I, frankly, think the decision that was made 10 years ago was a rational decision. The decision was not to use the parchment copy as a copy to mark on to correct. There was no criticism there. It was simply that's when the decision was made. I think it, frankly, was a good decision.

The problem was, neither OMB nor ourselves used the parchment copy. We used the printed copy. The printed copy did, in fact, have title III in there. And obviously both the President and ourselves thought that the bill that was signed was the full bill. It ended up not being so, so we're going to correct that. I think we're correcting it properly.

I would urge all Members to vote for the rule, vote for the full bill, the farm bill which, as I said, got over 75 percent of the House and over 80 percent the Senate. Vote for title III so that, frankly, that can be passed more quickly by the Senate under its rules, and the leader has already indicated he will move forward on that.

If you have a disagreement, you won't vote for that. I understand that. And I think we will, therefore, cure the issue at hand.

I congratulate the Rules Committee for adopting this rule. I urge my colleagues to vote for the rule, and if we do so, we will adopt a farm bill that I think will be good for the country. I think we will enact a farm bill which will be unimpeachable in either aspect, and I think we will have done what the American people expect us to do.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. It's kind of a mouthful to hear this is a bipartisan bill when 42 amendments go to Democrats and 14 go to Republicans. That's one Republican amendment for every three Democratic amendments. But it's a bipartisan bill?

It's kind of amazing for me to hear Democrats who talk about the war and talk about the need for Iraqis to start to cover their own expenses, and then they don't allow an amendment that says, when we train their security, we pay. The Iraqis don't have to pay the bill. In this legislation if we use our $1 billion that's in the section provided the Iraqis don't have to pay us back. Our amendment would treat it as a loan.

This amendment is not being allowed on the floor today. Why not? Why not have a debate about whether the Iraqis should have to pay for their own expenditures, for their own security, when they have amassed over $40 billion in a separate fund that they're not spending, and they have over $15 billion in their checking account which continues to grow each and every day.

Why wasn't our amendment allowed? There's a simple reason. It would have passed.

What a fraud to say you want Iraqis to pay, and you won't even allow an amendment to be offered on the floor of the House that would require them to pay.

Mr. Speaker, there is no reason not to have this debate. There is no reason not to educate ourselves about the dollars that the Iraqis have that they're not spending. This is not a bipartisan debate. This is a partisan debate.

☐ 1130

Anything to deal with Iraq, if you have Republicans who wanted to be part of the solution, you say, No way. It's just going to be our way or the highway.

I oppose this rule. It is a fraud to say it's bipartisan.

Mr. CARDOZA. Mr. Speaker, I just want to commend the gentleman from Maryland for giving us an incredibly articulate, accurate, and statesmanlike presentation.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. For the purpose of a unanimous consent, I yield to the gentleman from Georgia (Mr. BROUN).

Mr. BROWN of Georgia. Mr. Speaker, Scripture states in Ephesians 5:6–7, "Let no one deceive you with empty words, for because of these things the wrath of God comes upon the sons of disobedience. Therefore, do not be partakers with them."

I want to talk about the truth. The fight against earmarks is a fight against abusing the legislative process to fund non-constitutional, Member pet projects—that usually lack any federal purpose—with the American taxpayer's money. Not all earmarks are bad, but the process has become so corrupted that it has led to blatant abuse—bridges to nowhere, teapot museums, tropical rainforests, wine centers in California, and other highly questionable items. In the past few years, literally thousands of earmarks have frequently been added in the dead of night, without any oversight, without hearings, without transparency, and without accountability.

I signed a pledge this year not to seek earmarks until this process has been cleaned up, for which I have been attacked on all sides. Nevertheless, I will not partake in a corrupt process. It must be reformed, and I for one am willing to lead that fight. It is a fight that will determine if our children have a better standard of living than we do, or a worse standard of living.

This bill has made the process more difficult to weed out the pork, instead of easier to eliminate real abuse of taxpayers' dollars. It makes it difficult to regulate because it expands the definition of an earmark to include prudent, relevant changes within the normal committee structure. I believe that the Chairman is well intentioned, but we all know where the road of good intentions leads to . . . to ruin and destruction. The Chairman's definition of an earmark is overly broad and misleading. The Armed Services Committee is the appropriate committee to oversee and modify military programs and to make adjustments when needed. Mr. FRANKS for example, offered an amendment in committee to restore $6 million to the Joint Tactical Ground System Pre-Planned Product Improvement effort and offered an offset from a program that could not use it yet. The Commanding General of U.S. Army Space Missile Defense Command/Army

Forces Strategic Command sent a letter calling attention to the risks caused by underfunding this upgrade. The Armed Services Committee is the appropriate place to address this issue. The Committee exercised proper oversight, and the amendment was offered during the committee mark-up. Are we now calling this an earmark? Can Members of the Armed Services Committee no longer exercise oversight? Where else would we legislate, if it is not on the authorization bill?

We've cut our military into muscle and bone, and yet we're asking more now of them than ever. Threats to America are real and rapidly growing. Countries like China, North Korea, Iran, and others could potentially challenge us, and yet we're underfunding programs like missile defense, we're not replacing our aging aircraft as quickly as we should, and when Members of the Armed Services Committee offer amendments to strengthen our national security, to strengthen our defense, now . . . for the first time, we are treating amendments offered in the normal committee mark-up process as if they are pork projects for Members. Are badly needed aircraft and ships—that have gone through the committee process—now to be treated in the same manner as pork projects tucked into bills during the middle of the night? We're diluting the entire meaning of the word earmark . . . and we're making this broken earmarking process even worse.

I would like to be able to offer an amendment today, that would give the President the authority to take some of these earmarks . . . some that are not needed as badly as are life-protecting and lifesaving equipment needed immediately to save lives of our troops in Iraq . . . I would like to let the President use the unnecessary earmarks for that purpose, but I can't offer my amendment. I cannot offer my amendment now for fear that it would potentially strip vital equipment—F–22s, C–17s, LPDs, and other legitimate, reviewed, debated items out of the bill that are now deemed earmarks. I urge my colleagues to reconsider; this is not the path to transparency and accountability.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. CARDOZA. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, you know, we just heard the gentleman, the majority leader, say the public expects us to act as adults, not as partisan protagonists. That, I certainly hope, is the case. And let me draw attention not to the farm bill portion of the rule but to the defense authorization portion of this rule.

As Members of this body know, over the last couple of years I have brought more than 100 amendments to the floor to strike particular earmarks. Not once, not once on one bill did I target just Democrat earmarks or Republican earmarks. Earmarking is a bipartisan problem. We have a former Member of this body in jail today because we didn't do proper vetting and oversight on earmarks that came through the committee process or just through the appropriations process and then sailed through the floor. That same thing is happening today.

There are more than 500 earmarks in this bill. I'm told that Members of the minority party weren't even given the list during the markup. So there was never any opportunity to challenge those earmarks or to even find out what they are. Now we get the list, and when I submit amendments to be offered to strike the particular earmarks, I'm given one. I offered four: two Democrat earmarks, two Republican earmarks. And the only earmark amendment made in order was one challenging one Republican earmark.

Now, we just heard that the public expects us to act as adults, not as partisan protagonists. I spoke to the majority leader this morning. I asked him to please rectify this problem. I asked him to please just make in order one of the Democratic earmarks. He said he would work at it.

I know this isn't the proper forum. We can't ask for unanimous consent. This is for debate only. But if we really want to act as adults and not partisan protagonists, then we can't treat this earmark debate as a Republican problem or a Democrat problem. It's our problem.

And I would urge a "no" vote on the rule unless it's corrected.

Mr. CARDOZA. Mr. Speaker, in reference to the gentleman from Arizona, I would certainly like to say he's certainly been bipartisan in his offering of striking of earmarks. He's offered them in the past on both sides, and I will acknowledge that the gentleman has talked to the majority leader and it will be under discussion.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona, a member of the Armed Services Committee, Mr. FRANKS.

Mr. FRANKS of Arizona. I thank the gentleman. Thank you, Mr. Chairman.

Mr. Speaker, as we have told ourselves time and time again, the first purpose of this body is to help this government defend its citizens against external national security threats. I believe that the most dangerous threat to peace on the planet today is the danger of Iran gaining nuclear capabilities. Yet the majority of this Congress has prevented us from even voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Speaker, the reality is that Iran is moving inexorably toward the capability to have nuclear weapons. If they gain those weapons, we will see proliferation across the world, and I am convinced that terrorists will gain this deadly technology. If one such weapon is detonated in the United States of America, it will change our concept of freedom forever.

Mr. Speaker, there should be an opportunity for this body to vote to make it clear that if Iran continues to pursue that, that the military option is on the table. There are only two reasons, in my judgment, ultimately that Iran will not pursue this capability: that is a military intervention, or the conviction on the part of Iranian leaders that that will indeed take place if they do not desist from this effort to gain nuclear capability.

Mr. Speaker, the highway of history is littered with the consequences of strategic ambiguity. And this is a danger here today. We tell Iran that it is our policy that they will not gain nuclear capability, and yet we do nothing to make it clear to them that the military option is on the table if they proceed.

The best chance for us to prevent Iran from gaining a nuclear capability and at once to prevent war with Iran is to make sure that they know that we will not avoid the military option if it becomes necessary. It is the best hope of doing both of those things, Mr. Speaker. We must proceed to do everything in every way, diplomatically and otherwise, to prevent this, but we must not take the military option off the table.

Mr. CARDOZA. Mr. Speaker, I would like to inquire from the gentleman from Washington if he has any remaining speakers.

Mr. HASTINGS of Washington. I have numerous people that would like to speak, but I haven't got the time for that. If the gentleman would entertain an extension of time on both sides, I would be more than happy to allow my Members to speak. But I'm constrained for time.

So if the gentleman would allow me unanimous consent for some more, I would do that. But I will leave it up to the gentleman.

I am the last speaker under the regular time.

Mr. CARDOZA. Mr. Speaker, I cannot entertain a motion on unanimous consent to extend. We've been debating this for longer than the allotted period of time already.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I woke up today and heard on the news that oil is $137 a barrel on the worldwide market, and I think it's time for the House to debate ideas. I know there are a number of ideas in this House on lowering the cost of gasoline specifically.

So I'm going to ask my colleagues to vote to defeat the previous question so that this House can finally consider solutions to rising energy costs. When the previous question is defeated, I will move to add a section to the rule, not rewrite the entire rule. But that section would say it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. With that, Mr. Speaker, I urge my colleagues to defeat the previous question so we can now really have a dialogue on the rising price of energy in this country. I believe it's strongly the responsibility of the elected leaders of the people to take this issue up, and we will have this opportunity by defeating the previous question.

I yield back my time.

Mr. CARDOZA. Mr. Speaker, I will let the numbers speak for themselves.

The bipartisan defense bill passed through the committee by a vote of 61–0. Fifty-eight amendments were made in order in the spirit of maintaining that bipartisan vote. The bipartisanship that was exhibited on the farm bill and the farm bill vote was 318 ayes, and 81 in the Senate voted "aye."

However you look at it, the facts remain that these overwhelmingly bipartisan measures deserve and demand our strongest support. I encourage the House to vote in the affirmative.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1218 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution. add the following:

SEC. 9. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall he considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1218, if ordered; and suspending the rules and adopting House Resolution 986.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 14, as follows:

[Roll No. 350]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt

Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Andrews
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Kind
Paul
Rush
Walden (OR)
Wexler
Young (AK)

☐ 1209

Messrs. McKEON and TURNER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 350, On Ordering the Previous Question, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 14, as follows:

[Roll No. 351]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Andrews
Blumenauer
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Paul
Rush
Walden (OR)
Wexler
Young (AK)

☐ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 351, On Agreeing to the Resolution H. Res. 1218, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I as unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 350 and 351, had I been present, I would have voted "yea" on No. 350 and "yea" on No. 351.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SERRANO). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1221

Whereas the Democratic Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation;

Whereas the conference report on H.R. 2419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contained title III, relating to trade, which contained sections 3001 through 3301;

Whereas the Speaker and the Clerk certified that the enrolled copy of H.R. 2419 transmitted to the President was a true and accurate reflection of the actions taken by the House and Senate;

Whereas the enrolled copy certified by the Speaker and the Clerk and presented to the President failed to include title III and sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy;

Whereas before laying the President's message before the House, the Speaker and the Democratic Leadership were informed by the Office of the Law Revision Counsel and the Committee on Agriculture that said certified copy was erroneous and not an accurate or complete document;

Whereas on May 21, 2008, the Democratic Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas a veto override requires ⅔ of the House to vote in the affirmative, and knowledge of this mistake may have influenced each Member's decision and therefore changed the outcome of this vote, which is why the Democratic Leadership chose not to pursue a correction of this legislation;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation;

Whereas Speaker Pelosi and Majority Leader Hoyer knowingly scheduled and began consideration of the President's veto of H.R. 2419, without regard to the serious and obvious constitutional questions and detrimental implications to the sanctity of the House and its process;

Whereas at the direction of the Republican Leader, senior staff contacted the Chief-of-Staff to the Speaker and the Floor Director for the Majority Leader, requesting that they immediately halt consideration of the veto message until the facts surrounding the errors could be sorted out and all Members could be notified;

Whereas the Democratic Leadership refused that request;

Whereas in the 109th Congress, the current Speaker, Nancy Pelosi, offered a privileged resolution, H. Res. 683, accusing the Republicans of concealment, incompetence, and corruption with respect to the enrollment error of the Deficit Reduction Act;

Whereas the Deficit Reduction Act was the subject of numerous lawsuits questioning its validity due to the enrollment error, including a lawsuit filed by several Democratic Members;

Whereas in a memorandum from the Clerk of the House to Speaker Nancy Pelosi entitled "Farm Bill Omission" and dated May 21, 2008, the Clerk stated "Enrolling Division staff expressed concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process."; and

Whereas the Democratic Leadership's repeated efforts to thwart the normal legislative process by cutting corners, ignoring requirements of the Constitution and House rules, and rushing through legislation with major errors, forces Members to vote on controversial legislation without thorough time for review and must be denounced:

Now, therefore, be it

Resolved, That——

(1) the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the process and enrollment of H.R. 2419, Food and Energy Security Act of 2007, vetoed by the President on May 21, 2008; and,

(2) the Speaker, Majority Leader and other Members of the Democratic Leadership are hereby admonished for their roles in the events surrounding this enrollment error.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CARDOZA. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 188, answered "present" 10, not voting 16, as follows:

[Roll No. 352]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED "PRESENT"—10

Barrett (SC)
Bonner
Delahunt
Doyle
Green, Gene
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard

NOT VOTING—16

Andrews
Carter
Castor
Cleaver
Crenshaw
Dingell
Gillibrand
Hobson
Kennedy
Kilpatrick
Lynch
Paul
Rush
Walden (OR)
Wexler
Young (AK)

☐ 1242

Mr. GENE GREEN of Texas changed his vote from "yea" to "present."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 352, On Motion To Table H. Res. 1221, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food, Conservation, and Energy Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Explanatory statement.
Sec. 4. Repeal of duplicative enactment.

TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Base acres.
Sec. 1102. Payment yields.
Sec. 1103. Availability of direct payments.
Sec. 1104. Availability of counter-cyclical payments.
Sec. 1105. Average crop revenue election program.
Sec. 1106. Producer agreement required as condition of provision of payments.
Sec. 1107. Planting flexibility.
Sec. 1108. Special rule for long grain and medium grain rice.
Sec. 1109. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Adjustments of loans.

Subtitle C—Peanuts

Sec. 1301. Definitions.
Sec. 1302. Base acres for peanuts for a farm.
Sec. 1303. Availability of direct payments for peanuts.
Sec. 1304. Availability of counter-cyclical payments for peanuts.
Sec. 1305. Producer agreement required as condition on provision of payments.
Sec. 1306. Planting flexibility.
Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 1308. Adjustments of loans.

Subtitle D—Sugar

Sec. 1401. Sugar program.
Sec. 1402. United States membership in the International Sugar Organization.
Sec. 1403. Flexible marketing allotments for sugar.
Sec. 1404. Storage facility loans.
Sec. 1405. Commodity Credit Corporation storage payments.

Subtitle E—Dairy

Sec. 1501. Dairy product price support program.
Sec. 1502. Dairy forward pricing program.
Sec. 1503. Dairy export incentive program.
Sec. 1504. Revision of Federal marketing order amendment procedures.
Sec. 1505. Dairy indemnity program.
Sec. 1506. Milk income loss contract program.
Sec. 1507. Dairy promotion and research program.
Sec. 1508. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1509. Federal Milk Marketing Order Review Commission.
Sec. 1510. Mandatory reporting of dairy commodities.

Subtitle F—Administration

Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Adjusted gross income limitation.
Sec. 1605. Availability of quality incentive payments for covered oilseed producers.
Sec. 1606. Personal liability of producers for deficiencies.
Sec. 1607. Extension of existing administrative authority regarding loans.
Sec. 1608. Assignment of payments.
Sec. 1609. Tracking of benefits.
Sec. 1610. Government publication of cotton price forecasts.
Sec. 1611. Prevention of deceased individuals receiving payments under farm commodity programs.
Sec. 1612. Hard white wheat development program.
Sec. 1613. Durum wheat quality program.
Sec. 1614. Storage facility loans.
Sec. 1615. State, county, and area committees.
Sec. 1616. Prohibition on charging certain fees.
Sec. 1617. Signature authority.
Sec. 1618. Modernization of Farm Service Agency.
Sec. 1619. Information gathering.
Sec. 1620. Leasing of office space.
Sec. 1621. Geographically disadvantaged farmers and ranchers.
Sec. 1622. Implementation.
Sec. 1623. Repeals.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

Sec. 2001. Definitions relating to conservation title of Food Security Act of 1985.
Sec. 2002. Review of good faith determinations related to highly erodible land conservation.
Sec. 2003. Review of good faith determinations related to wetland conservation.

Subtitle B—Conservation Reserve Program

Sec. 2101. Extension of conservation reserve program.
Sec. 2102. Land eligible for enrollment in conservation reserve.
Sec. 2103. Maximum enrollment of acreage in conservation reserve.
Sec. 2104. Designation of conservation priority areas.
Sec. 2105. Treatment of multi-year grasses and legumes.
Sec. 2106. Revised pilot program for enrollment of wetland and buffer acreage in conservation reserve.
Sec. 2107. Additional duty of participants under conservation reserve contracts.
Sec. 2108. Managed haying, grazing, or other commercial use of forage on enrolled land and installation of wind turbines.
Sec. 2109. Cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors.
Sec. 2110. Evaluation and acceptance of contract offers, annual rental payments, and payment limitations.

Sec. 2111. Conservation reserve program transition incentives for beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

Subtitle C—Wetlands Reserve Program

Sec. 2201. Establishment and purpose of wetlands reserve program.
Sec. 2202. Maximum enrollment and enrollment methods.
Sec. 2203. Duration of wetlands reserve program and lands eligible for enrollment.
Sec. 2204. Terms of wetlands reserve program easements.
Sec. 2205. Compensation for easements under wetlands reserve program.
Sec. 2206. Wetlands reserve enhancement program and reserved rights pilot program.
Sec. 2207. Duties of Secretary of Agriculture under wetlands reserve program.
Sec. 2208. Payment limitations under wetlands reserve contracts and agreements.
Sec. 2209. Repeal of payment limitations exception for State agreements for wetlands reserve enhancement.
Sec. 2210. Report on implications of long-term nature of conservation easements.

Subtitle D—Conservation Stewardship Program

Sec. 2301. Conservation stewardship program.

Subtitle E—Farmland Protection and Grassland Reserve

Sec. 2401. Farmland protection program.
Sec. 2402. Farm viability program.
Sec. 2403. Grassland reserve program.

Subtitle F—Environmental Quality Incentives Program

Sec. 2501. Purposes of environmental quality incentives program.
Sec. 2502. Definitions.
Sec. 2503. Establishment and administration of environmental quality incentives program.
Sec. 2504. Evaluation of applications.
Sec. 2505. Duties of producers under environmental quality incentives program.
Sec. 2506. Environmental quality incentives program plan.
Sec. 2507. Duties of the Secretary.
Sec. 2508. Limitation on environmental quality incentives program payments.
Sec. 2509. Conservation innovation grants and payments.
Sec. 2510. Agricultural water enhancement program.

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

Sec. 2601. Conservation of private grazing land.
Sec. 2602. Wildlife habitat incentive program.
Sec. 2603. Grassroots source water protection program.
Sec. 2604. Great Lakes Basin Program for soil erosion and sediment control.
Sec. 2605. Chesapeake Bay watershed program.
Sec. 2606. Voluntary public access and habitat incentive program.

Subtitle H—Funding and Administration of Conservation Programs

Sec. 2701. Funding of conservation programs under Food Security Act of 1985.
Sec. 2702. Authority to accept contributions to support conservation programs.
Sec. 2703. Regional equity and flexibility.
Sec. 2704. Assistance to certain farmers and ranchers to improve their access to conservation programs.
Sec. 2705. Report regarding enrollments and assistance under conservation programs.
Sec. 2706. Delivery of conservation technical assistance.
Sec. 2707. Cooperative conservation partnership initiative.
Sec. 2708. Administrative requirements for conservation programs.
Sec. 2709. Environmental services markets.
Sec. 2710. Agriculture conservation experienced services program.
Sec. 2711. Establishment of State technical committees and their responsibilities.

Subtitle I—Conservation Programs Under Other Laws

Sec. 2801. Agricultural management assistance program.
Sec. 2802. Technical assistance under Soil Conservation and Domestic Allotment Act.
Sec. 2803. Small watershed rehabilitation program.
Sec. 2804. Amendments to Soil and Water Resources Conservation Act of 1977.
Sec. 2805. Resource Conservation and Development Program.
Sec. 2806. Use of funds in Basin Funds for salinity control activities upstream of Imperial Dam.
Sec. 2807. Desert terminal lakes.

Subtitle J—Miscellaneous Conservation Provisions

Sec. 2901. High Plains water study.
Sec. 2902. Naming of National Plant Materials Center at Beltsville, Maryland, in honor of Norman A. Berg.
Sec. 2903. Transition.
Sec. 2904. Regulations.

TITLE III—TRADE

Subtitle A—Food for Peace Act

Sec. 3001. Short title.
Sec. 3002. United States policy.
Sec. 3003. Food aid to developing countries.
Sec. 3004. Trade and development assistance.
Sec. 3005. Agreements regarding eligible countries and private entities.
Sec. 3006. Use of local currency payments.
Sec. 3007. General authority.
Sec. 3008. Provision of agricultural commodities.
Sec. 3009. Generation and use of currencies by private voluntary organizations and cooperatives.
Sec. 3010. Levels of assistance.
Sec. 3011. Food Aid Consultative Group.
Sec. 3012. Administration.
Sec. 3013. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.
Sec. 3014. General authorities and requirements.
Sec. 3015. Definitions.
Sec. 3016. Use of Commodity Credit Corporation.
Sec. 3017. Administrative provisions.
Sec. 3018. Consolidation and modification of annual reports regarding agricultural trade issues.
Sec. 3019. Expiration of assistance.
Sec. 3020. Authorization of appropriations.
Sec. 3021. Minimum level of nonemergency food assistance.
Sec. 3022. Coordination of foreign assistance programs.
Sec. 3023. Micronutrient fortification programs.
Sec. 3024. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

Sec. 3101. Export credit guarantee program.
Sec. 3102. Market access program.
Sec. 3103. Export enhancement program.
Sec. 3104. Foreign market development cooperator program.
Sec. 3105. Food for Progress Act of 1985.
Sec. 3106. McGovern-Dole International Food for Education and Child Nutrition Program.

Subtitle C—Miscellaneous

Sec. 3201. Bill Emerson Humanitarian Trust.
Sec. 3202. Global Crop Diversity Trust.
Sec. 3203. Technical assistance for specialty crops.
Sec, 3204. Emerging markets and facility guarantee loan program.
Sec. 3205. Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products.
Sec. 3206. Local and regional food aid procurement projects.

Subtitle D—Softwood Lumber

Sec. 3301. Softwood lumber.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

Sec. 4001. Renaming of Food Stamp Act and program.
Sec. 4002. Conforming amendments.

PART II—BENEFIT IMPROVEMENTS

Sec. 4101. Exclusion of certain military payments from income.
Sec. 4102. Strengthening the food purchasing power of low-income Americans.
Sec. 4103. Supporting working families with child care expenses.
Sec. 4104. Asset indexation, education, and retirement accounts.
Sec. 4105. Facilitating simplified reporting.
Sec. 4106. Transitional benefits option.
Sec. 4107. Increasing the minimum benefit.
Sec. 4108. Employment, training, and job retention.

PART III—PROGRAM OPERATIONS

Sec. 4111. Nutrition education.
Sec. 4112. Technical clarification regarding eligibility.
Sec. 4113. Clarification of split issuance.
Sec. 4114. Accrual of benefits.
Sec. 4115. Issuance and use of program benefits.
Sec. 4116. Review of major changes in program design.
Sec. 4117. Civil rights compliance.
Sec. 4118. Codification of access rules.
Sec. 4119. State option for telephonic signature.
Sec. 4120. Privacy protections.
Sec. 4121. Preservation of access and payment accuracy.
Sec. 4122. Funding of employment and training programs.

PART IV—PROGRAM INTEGRITY

Sec. 4131. Eligibility disqualification.
Sec. 4132. Civil penalties and disqualification of retail food stores and wholesale food concerns.
Sec. 4133. Major systems failures.

PART V—MISCELLANEOUS

Sec. 4141. Pilot projects to evaluate health and nutrition promotion in the supplemental nutrition assistance program.
Sec. 4142. Study on comparable access to supplemental nutrition assistance for Puerto Rico.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

Sec. 4201. Emergency food assistance.
Sec. 4202. Emergency food program infrastructure grants.

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Sec. 4211. Assessing the nutritional value of the FDPIR food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

Sec. 4221. Commodity supplemental food program.

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

Sec. 4231. Seniors farmers' market nutrition program.

Subtitle C—Child Nutrition and Related Programs

Sec. 4301. State performance on enrolling children receiving program benefits for free school meals.
Sec. 4302. Purchases of locally produced foods.
Sec. 4303. Healthy food education and program replicability.
Sec. 4304. Fresh fruit and vegetable program.
Sec. 4305. Whole grain products.
Sec. 4306. Buy American requirements.
Sec. 4307. Survey of foods purchased by school food authorities.

Subtitle D—Miscellaneous

Sec. 4401. Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows.
Sec. 4402. Assistance for community food projects.
Sec. 4403. Joint nutrition monitoring and related research activities.
Sec. 4404. Section 32 funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs.
Sec. 4405. Hunger-free communities.
Sec. 4406. Reauthorization of Federal food assistance programs.
Sec. 4407. Effective and implementation dates.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 5001. Direct loans.
Sec. 5002. Conservation loan and loan guarantee program.
Sec. 5003. Limitations on amount of farm ownership loans.
Sec. 5004. Down payment loan program.
Sec. 5005. Beginning farmer or rancher and socially disadvantaged farmer or rancher contract land sales program.

Subtitle B—Operating Loans

Sec. 5101. Farming experience as eligibility requirement.
Sec. 5102. Limitations on amount of operating loans.
Sec. 5103. Suspension of limitation on period for which borrowers are eligible for guaranteed assistance.

Subtitle C—Emergency Loans

Sec. 5201. Eligibility of equine farmers and ranchers for emergency loans.

Subtitle D—Administrative Provisions

Sec. 5301. Beginning farmer and rancher individual development accounts pilot program.
Sec. 5302. Inventory sales preferences; loan fund set-asides.
Sec. 5303. Loan authorization levels.
Sec. 5304. Transition to private commercial or other sources of credit.
Sec. 5305. Extension of the right of first refusal to reacquire homestead property to immediate family members of borrower-owner.
Sec. 5306. Rural development and farm loan program activities.

Subtitle E—Farm Credit

Sec. 5401. Farm Credit System Insurance Corporation.
Sec. 5402. Technical correction.
Sec. 5403. Bank for cooperatives voting stock.
Sec. 5404. Premiums.
Sec. 5405. Certification of premiums.
Sec. 5406. Rural utility loans.
Sec. 5407. Equalization of loan-making powers of certain district associations.

Subtitle F—Miscellaneous

Sec. 5501. Loans to purchasers of highly fractioned land.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

Sec. 6001. Water, waste disposal, and wastewater facility grants.
Sec. 6002. SEARCH grants.
Sec. 6003. Rural business opportunity grants.
Sec. 6004. Child day care facility grants, loans, and loan guarantees.
Sec. 6005. Community facility grants to advance broadband.
Sec. 6006. Rural water and wastewater circuit rider program.
Sec. 6007. Tribal College and University essential community facilities.
Sec. 6008. Emergency and imminent community water assistance grant program.
Sec. 6009. Water systems for rural and native villages in Alaska.
Sec. 6010. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes.
Sec. 6011. Interest rates for water and waste disposal facilities loans.
Sec. 6012. Cooperative equity security guarantee.
Sec. 6013. Rural cooperative development grants.
Sec. 6014. Grants to broadcasting systems.
Sec. 6015. Locally or regionally produced agricultural food products.
Sec. 6016. Appropriate technology transfer for rural areas.
Sec. 6017. Rural economic area partnership zones.
Sec. 6018. Definitions.
Sec. 6019. National rural development partnership.
Sec. 6020. Historic barn preservation.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 3. EXPLANATORY STATEMENT.

The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-627) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419.

SEC. 4. REPEAL OF DUPLICATIVE ENACTMENT.

(a) IN GENERAL.—The Act entitled "An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes" (H.R. 2419 of the 110th Congress), and the amendments made by that Act, are repealed, effective on the date of enactment of that Act.

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the earlier of—

(1) the date of enactment of this Act; or

(2) the date of the enactment of the Act entitled "An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes" (H.R. 2419 of the 110th Congress).

TITLE I—COMMODITY PROGRAMS

SEC. 1001. DEFINITIONS.

In this title (other than subtitle C):

(1) AVERAGE CROP REVENUE ELECTION PAYMENT.—The term "average crop revenue election payment" means a payment made to producers on a farm under section 1105.

(2) BASE ACRES.—

(A) IN GENERAL.—The term "base acres", with respect to a covered commodity on a farm, means the number of acres established under section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

(B) PEANUTS.—The term "base acres for peanuts" has the meaning given the term in section 1301.

(3) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers on a farm under section 1104.

(4) COVERED COMMODITY.—The term "covered commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

(5) DIRECT PAYMENT.—The term "direct payment" means a payment made to producers on a farm under section 1103.

(6) EFFECTIVE PRICE.—The term "effective price", with respect to a covered commodity

for a crop year, means the price calculated by the Secretary under section 1104 to determine whether counter-cyclical payments are required to be made for that crop year.

(7) EXTRA LONG STAPLE COTTON.—The term "extra long staple cotton" means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(8) LOAN COMMODITY.—The term "loan commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(9) MEDIUM GRAIN RICE.—The term "medium grain rice" includes short grain rice.

(10) OTHER OILSEED.—The term "other oilseed" means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(11) PAYMENT ACRES.—The term "payment acres" means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.

(12) PAYMENT YIELD.—The term "payment yield" means the yield established for direct payments and the yield established for counter-cyclical payments under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) as in effect on September 30, 2007, or under section 1102 of this Act, for a farm for a covered commodity.

(13) PRODUCER.—

(A) IN GENERAL.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(14) PULSE CROP.—The term "pulse crop" means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(16) TARGET PRICE.—The term "target price" means the price per bushel, pound, or hundredweight (or other appropriate unit) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(17) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term "United States Premium Factor" means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) $1\frac{1}{8}$-inch upland cotton and for Middling (M) $1\frac{3}{32}$-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. BASE ACRES.

(a) ADJUSTMENT OF BASE ACRES.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm or the base acres for peanuts for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for peanuts for the farm.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or the base acres for peanuts for the farm against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1302(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for covered commodities for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

(1) PROHIBITION ON PAYMENTS.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1102. PAYMENT YIELDS.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making direct payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a yield for each farm for any designated oilseed or eligible pulse crop for which a payment yield was not established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) in accordance with this section.

(b) PAYMENT YIELDS FOR DESIGNATED OILSEEDS AND ELIGIBLE PULSE CROPS.—

(1) DETERMINATION OF AVERAGE YIELD.—In the case of designated oilseeds and eligible pulse crops, the Secretary shall determine the average yield per planted acre for the designated oilseed or pulse crop on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(2) ADJUSTMENT FOR PAYMENT YIELD.—

(A) IN GENERAL.—The payment yield for a farm for a designated oilseed or eligible pulse crop shall be equal to the product of the following:

(i) The average yield for the designated oilseed or pulse crop determined under paragraph (1).

(ii) The ratio resulting from dividing the national average yield for the designated oilseed or pulse crop for the 1981 through 1985 crops by the national average yield for the designated oilseed or pulse crop for the 1998 through 2001 crops.

(B) NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.—To the extent that national average yield information for a designated oilseed or pulse crop is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to establish a national average yield under this section.

(3) USE OF PARTIAL COUNTY AVERAGE YIELD.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(4) NO HISTORIC YIELD DATA AVAILABLE.—In the case of establishing yields for designated oilseeds and eligible pulse crops, if historic yield data is not available, the Secretary shall use the ratio for dry peas calculated under paragraph (2)(A)(ii) in determining the yields for designated oilseeds and eligible pulse crops, as determined to be fair and equitable by the Secretary.

SEC. 1103. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity (other than pulse crops), the Secretary shall make direct payments to producers on farms for which base acres and payment yields are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rates used to make direct payments with respect to covered commodities for a crop year shall be as follows:

(1) Wheat, $0.52 per bushel.

(2) Corn, $0.28 per bushel.

(3) Grain sorghum, $0.35 per bushel.

(4) Barley, $0.24 per bushel.

(5) Oats, $0.024 per bushel.

(6) Upland cotton, $0.0667 per pound.

(7) Long grain rice, $2.35 per hundredweight.

(8) Medium grain rice, $2.35 per hundredweight.

(9) Soybeans, $0.44 per bushel.

(10) Other oilseeds, $0.80 per hundredweight.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for a covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—

(1) COVERED COMMODITIES OTHER THAN RICE.—Except as provided in paragraph (2), for purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the covered commodity under section 1103 for the purpose of making direct payments with respect to the covered commodity.

(2) RICE.—In the case of long grain rice and medium grain rice, for purposes of subsection (a), the effective price for each type or class of rice is equal to the sum of the following:

(A) The higher of the following:

(i). The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the type or class of rice under section 1103 for the purpose of making direct payments with respect to the type or class of rice.

(c) TARGET PRICE.—

(1) 2008 CROP YEAR.—For purposes of the 2008 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(2) 2009 CROP YEAR.—For purposes of the 2009 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(3) SUBSEQUENT CROP YEARS.—For purposes of each of the 2010 through 2012 crop years, the target prices for covered commodities shall be as follows:

(A) Wheat, $4.17 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.63 per bushel.

(D) Barley, $2.63 per bushel.

(E) Oats, $1.79 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $6.00 per bushel.

(J) Other oilseeds, $12.68 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, beginning October 1, or as soon as practicable thereafter, after the end of the marketing year for the covered commodity, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments for a covered commodity under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for that covered commodity.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for the covered commodity; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENT.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crops of a covered commodity, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a covered commodity for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1202 or 1307; with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue election (referred to in this section as "ACRE") payments under this section for the initial crop year for which the election is made through the 2012 crop year.

(2) LIMITATION.—

(A) IN GENERAL.—The total number of planted acres for which the producers on a farm may receive ACRE payments under this section may not exceed the total base acreage for all covered commodities and peanuts on the farm.

(B) ELECTION.—If the total number of planted acres to all covered commodities and peanuts of the producers on a farm exceeds the total base acreage of the farm, the producers on the farm may choose which planted acres to enroll in the program under this section.

(3) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make each of the elections described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election made under paragraph (1).

(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made the election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts on the farm, and to otherwise not have made the election described in paragraph (1), for the applicable crop years.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

(2) ACRE PAYMENT.—

(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make ACRE payments available to the producers on a farm for each crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) INDIVIDUAL LOSS.—The Secretary shall make ACRE payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the actual farm revenue for the crop year for the covered commodity or peanuts, as determined under subsection (e); is less than

(ii) the farm ACRE benchmark revenue for the crop year for the covered commodity or peanuts, as determined under subsection (f).

(3) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make ACRE payments beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the amount of the actual State revenue for a crop year of a covered commodity or peanuts shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the national average market price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) NATIONAL AVERAGE MARKET PRICE.—For purposes of paragraph (1)(B), the national average market price for a crop year for a covered commodity or peanuts in a State shall equal the greater of—

(A) the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, as determined by the Secretary; or

(B) the marketing assistance loan rate for the covered commodity or peanuts under section 1202 or 1307, as reduced under subsection (a)(1).

(d) ACRE PROGRAM GUARANTEE.—

(1) AMOUNT.—

(A) IN GENERAL.—For purposes of subsection (b)(2)(A) and subject to subparagraph (B), the ACRE program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(i) the benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(ii) the ACRE program guarantee price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(B) MINIMUM AND MAXIMUM GUARANTEE.—In the case of each of the 2010 through 2012 crop years, the ACRE program guarantee for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 10 percent from the guarantee for the preceding crop year.

(2) BENCHMARK STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), subject to subparagraph (B), the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the average yield per planted acre for the covered commodity or peanuts in the State for the most recent 5 crop year yields, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State (as determined by the Secretary), the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of—

(i) previous average yields for a period of 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(ii) benchmark State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) ACRE PROGRAM GUARANTEE PRICE.—For purposes of paragraph (1)(A)(ii), the ACRE program guarantee price for a crop year for a covered commodity or peanuts in a State shall be the simple average of the national average market price received by producers of the covered commodity or peanuts for the most recent 2 crop years, as determined by the Secretary.

(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the acreage planted to a covered commodity or peanuts in the State is irrigated and at least 25 percent of the acreage planted to the covered commodity or peanuts in the State is not irrigated, the Secretary shall calculate a separate ACRE program guarantee for the irrigated and nonirrigated areas of the State for the covered commodity or peanuts.

(e) ACTUAL FARM REVENUE.—For purposes of subsection (b)(2)(B)(i), the amount of the actual farm revenue for a crop year for a covered commodity or peanuts shall equal the amount determined by multiplying—

(1) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(2) the national average market price for the crop year for the covered commodity or peanuts determined under subsection (c)(3).

(f) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B)(ii), the farm ACRE benchmark revenue for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

(1) the amount determined by multiplying—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3); and

(2) the amount of the per acre crop insurance premium required to be paid by the producers on the farm for the applicable crop year for the covered commodity or peanuts on the farm.

(g) PAYMENT AMOUNT.—If ACRE payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under this section, the amount of the ACRE payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

(1) the lesser of—

(A) the difference between—

(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(ii) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c); and

(B) 25 percent of the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

(2)(A) for each of the 2009 through 2011 crop years, 83.3 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(B) for the 2012 crop year, 85 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(3) the quotient obtained by dividing—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; by

(B) the benchmark State yield for the crop year, as determined under subsection (d)(2).

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments, counter-cyclical payments, or average crop revenue election payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1107;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under subtitle C, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) REPORTS.—

(1) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm that receive payments under section 1105 to submit to the Secretary annual production reports with respect to all covered commodities and peanuts produced on the farm.

(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments among the producers on a farm on a fair and equitable basis.

SEC. 1107. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—Notwithstanding paragraphs (1) and (2) of subsection (b) and in addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project to permit the planting of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes grown for processing on base acres during each of the 2009 through 2012 crop years.

(2) PILOT PROJECT STATES AND ACRES.—The number of base acres eligible during each crop year for the pilot project under paragraph (1) shall be—

(A) 9,000 acres in the State of Illinois;

(B) 9,000 acres in the State of Indiana;

(C) 1,000 acres in the State of Iowa;

(D) 9,000 acres in the State of Michigan;

(E) 34,000 acres in the State of Minnesota;

(F) 4,000 acres in the State of Ohio; and

(G) 9,000 acres in the State of Wisconsin.

(3) CONTRACT AND MANAGEMENT REQUIREMENTS.—To be eligible for selection to participate in the pilot project, the producers on a farm shall—

(A) demonstrate to the Secretary that the producers on the farm have entered into a contract to produce a crop of a commodity specified in paragraph (1) for processing;

(B) agree to produce the crop as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits; and

(C) provide evidence of the disposition of the crop.

(4) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted under the pilot program.

(5) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (4) shall expire at the end of the crop year.

(6) RECALCULATION OF BASE ACRES.—

(A) IN GENERAL.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of a crop of a commodity specified in paragraph (1) on base acres for which a temporary reduction was made under this section shall be considered to be the same as the planting and production of a covered commodity.

(B) PROHIBITION.—Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

(7) PILOT IMPACT EVALUATION.—

(A) IN GENERAL.—The Secretary shall periodically evaluate the pilot project conducted under this subsection to determine the effects of the pilot project on the supply and price of—

(i) fresh fruits and vegetables; and

(ii) fruits and vegetables for processing.

(B) DETERMINATION.—An evaluation under subparagraph (A) shall include a determination as to whether—

(i) producers of fresh fruits and vegetables are being negatively impacted; and

(ii) existing production capacities are being supplanted.

(C) REPORT.—As soon as practicable after conducting an evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation.

SEC. 1108. SPECIAL RULE FOR LONG GRAIN AND MEDIUM GRAIN RICE.

(a) CALCULATION METHOD.—Subject to subsections (b) and (c), for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 1104, the base acres of rice on the farm shall be apportioned using the 4-year average of the percentages of acreage planted in the applicable State to long grain rice and medium grain rice during the 2003 through 2006 crop years, as determined by the Secretary.

(b) PRODUCER ELECTION.—As an alternative to the calculation method described in subsection (a), the Secretary shall provide producers on a farm the opportunity to elect to apportion rice base acres on the farm using the 4-year average of—

(1) the percentages of acreage planted on the farm to long grain rice and medium grain rice during the 2003 through 2006 crop years;

(2) the percentages of any acreage on the farm that the producers were prevented from planting to long grain rice and medium grain rice during the 2003 through 2006 crop years because of drought, flood, other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; and

(3) in the case of a crop year for which a producer on a farm elected not to plant to long grain and medium grain rice during the 2003 through 2006 crop years, the percentages of acreage planted in the applicable State to long grain rice and medium grain rice, as determined by the Secretary.

(c) LIMITATION.—In carrying out this section, the Secretary shall use the same total base acres, payment acres, and payment yields established with respect to rice under sections 1101 and 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912), as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

SEC. 1109. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) 2008 CROP YEAR.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $6.22 per hundredweight.

(13) In the case of lentils, $11.72 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of graded wool, $1.00 per pound.

(16) In the case of nongraded wool, $0.40 per pound..

(17) In the case of mohair, $4.20 per pound.

(18) In the case,of honey, $0.60 per pound.

(b) 2009 CROP YEAR.—Except as provided in section 1105, for purposes of the 2009 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

(c) 2010 THROUGH 2012 CROP YEARS.—Except as provided in section 1105, for purposes of each of the 2010 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.95 per bushel.

(5) In the case of oats, $1.39 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.15 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.69 per pound.

(d) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(11), (b)(11), and (c)(11).

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—

(1) RICE.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) $1\frac{3}{32}$-inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2013, if the Secretary determines the adjustment is necessary to—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) GUIDELINES FOR ADDITIONAL ADJUSTMENTS.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) PAYMENT OF COTTON STORAGE COSTS.—

(1) 2008 THROUGH 2011 CROP YEARS.—Effective for each of the 2008 through 2011 crop years, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(2) SUBSEQUENT CROP YEARS.—Beginning with the 2012 crop year, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(1) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) DURATION.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to 1 week's consumption of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered

into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) DEMAND.—The term "demand" means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available or as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, provide economic adjustment assistance to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—

(A) BEGINNING PERIOD.—During the period beginning on August 1, 2008, and ending on July 31, 2012, the value of the assistance provided under paragraph (1) shall be 4 cents per pound.

(B) SUBSEQUENT PERIOD.—Effective beginning on August 1, 2012, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable to repay the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) MANNER OF ADJUSTMENT.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B through E.

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) MANDATORY REVISIONS.—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) DISCRETIONARY REVISIONS.—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) CONSULTATION WITH PRIVATE SECTOR.—

(A) PRIOR TO REVISION.—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) RICE.—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Peanuts

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASE ACRES FOR PEANUTS.—

(A) IN GENERAL.—The term "base acres for peanuts" means the number of acres assigned to a farm pursuant to section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, subject to any adjustment under section 1302 of this Act.

(B) COVERED COMMODITIES.—The term "base acres", with respect to a covered commodity, has the meaning given the term in section 1101.

(2) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers on a farm under section 1304.

(3) DIRECT PAYMENT.—The term "direct payment" means a direct payment made to producers on a farm under section 1303.

(4) EFFECTIVE PRICE.—The term "effective price" means the price calculated by the Secretary under section 1304 for peanuts to determine whether counter-cyclical payments are required to be made under that section for a crop year.

(5) PAYMENT ACRES.—The term "payment acres" means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of peanuts on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for peanuts on a farm on which direct payments are made.

(6) PAYMENT YIELD.—The term "payment yield" means the yield established for direct payments and the yield established for counter-cyclical payments under section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, for a farm for peanuts.

(7) PRODUCER.—

(A) IN GENERAL.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop on a farm and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this subtitle.

(8) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) TARGET PRICE.—The term "target price" means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(10) UNITED STATES.—The term "'United States", when used in a geographical sense, means all of the States.

SEC. 1302. BASE ACRES FOR PEANUTS FOR A FARM.

(a) ADJUSTMENT OF BASE ACREAGE FOR PEANUTS.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for peanuts for a farm whenever any of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres for peanuts adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) Prevention of Excess Base Acres for Peanuts.—

(1) Required reduction.—If the sum of the base acres for peanuts for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for peanuts for the farm or the base acres for 1 or more covered commodities for the farm so that the sum of the base acres for peanuts and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) Other acreage.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for the farm for a covered commodity.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) Selection of acres.—The Secretary shall give the owner of the farm the opportunity to select the base acres for peanuts or the base acres for covered commodities against which the reduction required by paragraph (1) will be made.

(4) Exception for double-cropped acreage.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) Coordinated application of requirements.—The Secretary shall take into account section 1101(b) when applying the requirements of this subsection.

(c) Reduction in Base Acres.—

(1) Reduction at option of owner.—

(A) In general.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) Effect of reduction.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) Required action by secretary.—

(A) In general.—The Secretary shall proportionately reduce base acres on a farm for peanuts for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) Requirement.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) Review and report.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) Treatment of Farms With Limited Base Acres.—

(1) Prohibition on payments.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) Exceptions.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) Data collection and publication.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1303. AVAILABILITY OF DIRECT PAYMENTS FOR PEANUTS.

(a) Payment Required.—For each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

(b) Payment Rate.—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to $36 per ton.

(c) Payment Amount.—The amount of the direct payment to be paid to the producers on a farm for peanuts for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(d) Time for Payment.—

(1) In general.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments under this section before October 1 of the calendar year in which the crop is harvested.

(2) Advance payments.—

(A) Option.—

(i) In general.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for peanuts for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 crop year.—If the producers on a farm elect to receive advance direct payments under clause (i) for peanuts for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) Month.—

(i) Selection.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) Options.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of peanuts is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) Change.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) Repayment of advance payments.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1304. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

(a) Payment Required.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for peanuts, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres for peanuts are established if the Secretary determines that the effective price for peanuts is less than the target price for peanuts.

(b) Effective Price.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price for peanuts received by producers during the 12-month marketing year for peanuts, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the applicable period under this subtitle.

(2) The payment rate in effect for peanuts under section 1303 for the purpose of making direct payments.

(c) Target Price.—For purposes of subsection (a), the target price for peanuts shall be equal to $495 per ton.

(d) Payment Rate.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

(1) the target price for peanuts; and

(2) the effective price determined under subsection (b) for peanuts.

(e) Payment Amount.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(f) Time for Payments.—

(1) General rule.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for a crop of peanuts, beginning October 1, or as soon as practicable after the end of the marketing year, the Secretary shall make the counter-cyclical payments for the crop.

(2) Availability of partial payments.—

(A) In general.—If, before the end of the 12-month marketing year, the Secretary estimates that counter-cyclical payments will be required under this section for a crop year, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for the crop.

(B) Election.—

(i) In general.—The Secretary shall allow producers on a farm to make an election to receive partial payments under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for the crop.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for that crop; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for that crop.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for that crop year.

SEC. 1305. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments under this subtitle, or average crop revenue election payments under section 1105, with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1306;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for peanuts and any base acres for the farm under subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in the base acres for peanuts for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under this subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments under section 1105 among the producers on a farm on a fair and equitable basis.

SEC. 1306. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on the base acres for peanuts on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres for peanuts unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres for peanuts.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on the base acres for peanuts, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

SEC. 1307. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of peanuts, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(3) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under this subsection for any quantity of peanuts produced on the farm.

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(5) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(6) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

(A) IN GENERAL.—Beginning with the 2008 crop of peanuts, to ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(7) Marketing.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(b) Loan Rate.—Except as provided in section 1105, the loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $355 per ton.

(c) Term of Loan.—

(1) In general.—A marketing assistance loan for peanuts under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(2) Extensions prohibited.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

(d) Repayment Rate.—

(1) In general.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(A) the loan rate established for peanuts under subsection (b), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of peanuts by the Federal Government;

(iii) minimize the cost incurred by the Federal Government in storing peanuts; and

(iv) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) Authority to temporarily adjust repayment rates.—

(A) Adjustment authority.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

(B) Duration.—An adjustment made under subparagraph (A) in the repayment rate for marketing assistance loans for peanuts shall be in effect on a short-term and temporary basis, as determined by the Secretary.

(e) Loan Deficiency Payments.—

(1) Availability.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for loan deficiency payments under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a).

(3) Payment rate.—For purposes of this subsection, the payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(4) Effective date for payment rate determination.—The Secretary shall determine the amount of the loan deficiency payment to be made under this subsection to the producers on a farm with respect to a quantity of peanuts using the payment rate in effect under paragraph (3) as of the date the producers request the payment.

(f) Compliance With Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) Reimbursable Agreements and Payment of Administrative Expenses.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subtitle only in a manner that is consistent with such activities in regard to other commodities.

SEC. 1308. ADJUSTMENTS OF LOANS.

(a) Adjustment Authority.—The Secretary may make appropriate adjustments in the loan rates for peanuts for differences in grade, type, quality, location, and other factors.

(b) Manner of Adjustment.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for peanuts will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B, D, and E.

(c) Adjustment on County Basis.—

(1) In general.—Subject to paragraph (2), the Secretary may establish loan rates for a crop of peanuts for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) Prohibition.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

Subtitle D—Sugar

SEC. 1401. SUGAR PROGRAM.

(a) In General.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. SUGAR PROGRAM.

"(a) Sugarcane.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

"(1) 18.00 cents per pound for raw cane sugar for the 2008 crop year;

"(2) 18.25 cents per pound for raw cane sugar for the 2009 crop year;

"(3) 18.50 cents per pound for raw cane sugar for the 2010 crop year;

"(4) 18.75 cents per pound for raw cane sugar for the 2011 crop year; and

"(5) 18.75 cents per pound for raw cane sugar for the 2012 crop year.

"(b) Sugar Beets.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to—

"(1) 22.9 cents per pound for refined beet sugar for the 2008 crop year; and

"(2) a rate that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a) for each of the 2009 through 2012 crop years.

"(c) Term of Loans.—

"(1) In general.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

"(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

"(B) the end of the fiscal year in which the loan is made.

"(2) Supplemental loans.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

"(A) be made at the loan rate in effect at the time the first loan was made; and

"(B) mature in 9 months less the quantity of time that the first loan was in effect.

"(d) Loan Type; Processor Assurances.—

"(1) Nonrecourse loans.—The Secretary shall carry out this section through the use of nonrecourse loans.

"(2) Processor assurances.—

"(A) In general.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

"(B) Minimum payments.—

"(i) In general.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

"(ii) Limitation.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

"(3) Administration.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

"(e) Loans for In-Process Sugar.—

"(1) Definition of in-process sugars and syrups.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

"(2) Availability.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

"(3) Loan rate.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

"(4) Further processing on forfeiture.—

"(A) In general.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

"(B) Transfer to corporation.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

"(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

"(i) the difference between—

"(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

"(II) the loan rate the processor received under paragraph (3); by

"(ii) the quantity of sugar transferred to the Secretary.

"(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

"(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

"(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

"(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) INVENTORY DISPOSITION.—

"(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

"(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

"(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

"(g) INFORMATION REPORTING.—

"(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

"(2) DUTY OF PRODUCERS TO REPORT.—

"(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

"(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

"(3) DUTY OF IMPORTERS TO REPORT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

"(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

"(4) COLLECTION OF INFORMATION ON MEXICO.—

"(A) COLLECTION.—The Secretary shall collect—

"(i) information on the production, consumption, stocks, and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

"(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups.

"(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

"(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

"(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

"(h) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

"(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.".

(b) TRANSITION.—The Secretary shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of enactment of this Act.

SEC. 1402. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary shall work with the Secretary of State to restore United States membership in the International Sugar Organization not later than 1 year after the date of enactment of this Act.

SEC. 1403. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITIONS.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (4), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products."; and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) MARKET.—

"(A) IN GENERAL.—The term 'market' means to sell or otherwise dispose of in commerce in the United States.

"(B) INCLUSIONS.—The term 'market' includes—

"(i) the forfeiture of sugar under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272);

"(ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

"(iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

"(C) MARKETING YEAR.—Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.".

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

"SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

"(a) SUGAR ESTIMATES.—

"(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

"(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

"(B) the quantity of sugar that would provide for reasonable carryover stocks;

"(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

"(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

"(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

"(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the beginning of each of the second through fourth quarters of the crop year.

"(b) SUGAR ALLOTMENTS.—

"(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether the sugar beets or in-process beet sugar was produced domestically or imported) at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

"(B) not less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugar cane, sugar beets, molasses, or sugar in the allotments established under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

"(c) COVERAGE OF ALLOTMENTS.—

"(1) IN GENERAL.—The marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane, sugar beets, or in-process beet sugar, whether such sugar beets or in-process beet sugar was produced domestically or imported.

"(2) EXCEPTIONS.—Consistent with the administration of marketing allotments for each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar sold—

"(A) to facilitate the exportation of the sugar to a foreign country, except that the exports of sugar shall not be eligible to receive credits under reexport programs for refined sugar or sugar containing products administered by the Secretary;

"(B) to enable another processor to fulfill an allocation established for that processor; or

"(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

"(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

"(A) made prior to May 1; and

"(B) reported to the Secretary.

"(d) PROHIBITIONS.—

"(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for the processor, except—

"(A) to enable another processor to fulfill an allocation established for that other processor; or

"(B) to facilitate the exportation of the sugar.

"(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.".

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) OVERALL ALLOTMENT QUANTITY.—

"(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid forfeiture of sugar to the Commodity Credit Corporation; but

"(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) ADJUSTMENT.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

"(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

"(B) adequate supplies of raw and refined sugar in the domestic market.";

(2) in subsection (d)(2), by inserting "or in-process beet sugar" before the period at the end;

(3) in subsection (g)(1)—

(A) by striking "(1) IN GENERAL.—The Secretary" and inserting the following:

"(1) ADJUSTMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary"; and

(B) by adding at the end the following:

"(B) LIMITATION.—In carrying out subparagraph (A), the Secretary may not reduce the overall allotment quantity to a quantity of less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year."; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking "Except as otherwise provided in section 359f(c)(8), if" and inserting "If"; and

(2) in paragraph (2), by striking subparagraphs (G), (H), and (I) and inserting the following:

"(G) SALE OF FACTORIES OF A PROCESSOR TO ANOTHER PROCESSOR.—

"(i) EFFECT OF SALE.—Subject to subparagraphs (E) and (F), if 1 or more factories of a processor of beet sugar (but not all of the assets of the processor) are sold to another processor of beet sugar during a crop year, the Secretary shall assign a pro rata portion of the allocation of the seller to the allocation of the buyer to reflect the historical contribution of the production of the sold 1 or more factories to the total allocation of the seller, unless the buyer and the seller have agreed upon the transfer of a different portion of the allocation of the seller, in which case, the Secretary shall transfer that portion agreed upon by the buyer and seller.

"(ii) APPLICATION OF ALLOCATION.—The assignment of the allocation under clause (i) shall apply—

"(I) during the remainder of the crop year for which the sale described in clause (i) occurs; and

"(II) during each subsequent crop year.

"(iii) USE OF OTHER FACTORIES TO FILL ALLOCATION.—If the assignment of the allocation under clause (i) to the buyer for the 1 or more purchased factories cannot be filled by the production of the 1 or more purchased factories, the remainder of the allocation may be filled by beet sugar produced by the buyer from other factories of the buyer.

"(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

"(i) DEFINITION OF NEW ENTRANT.—

"(I) IN GENERAL.—In this subparagraph, the term 'new entrant' means an individual, corporation, or other entity that—

"(aa) does not have an allocation of the beet sugar allotment under this part;

"(bb) is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a 'third party'); and

"(cc) will process sugar beets produced by sugar beet growers under contract with the new entrant for the production of sugar at the new or re-opened factory that is the basis for the new entrant allocation.

"(II) AFFILIATION.—For purposes of subclause (I)(bb), a new entrant and a third party shall be considered to be affiliated if—

"(aa) the third party has an ownership interest in the new entrant;

"(bb) the new entrant and the third party have owners in common;

"(cc) the third party has the ability to exercise control over the new entrant by organizational rights, contractual rights, or any other means;

"(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or

"(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

"(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATED SINCE BEFORE 1998.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

"(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

"(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the new entrant.

"(iii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—

"(I) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1998 or subsequent crop year and has a production history, on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

"(II) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

"(iv) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359i.".

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in paragraphs (1)(D) and (2)(C), by inserting "of raw cane sugar" after "imports" each place it appears.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

"(1) DEFINITION OF SEED.—

"(A) IN GENERAL.—In this subsection, the term 'seed' means only those varieties of seed that are dedicated to the production of sugarcane from which is produced sugar for human consumption.

"(B) EXCLUSION.—The term 'seed' does not include seed of a high-fiber cane variety dedicated to other uses, as determined by the Secretary";

(4) in paragraph (3) (as so redesignated)—

(A) in the first sentence—

(i) by striking "paragraph (1)" and inserting "paragraph (2)"; and

(ii) by inserting "sugar produced from" after "quantity of"; and

(B) in the second sentence, by striking "paragraph (7)" and inserting "paragraph (8)";

(5) in the first sentence of paragraph (6)(C) (as so redesignated), by inserting "for sugar" before "in excess of the farm's proportionate share"; and

(6) in paragraph (8) (as so redesignated), by inserting "sugar from" after "the amount of".

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSFER OF ACREAGE BASE HISTORY.—

"(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

"(2) CONVERTED ACREAGE BASE.—

"(A) IN GENERAL.—Sugarcane acreage base established under section 359f(c) that has been or is converted to nonagricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

"(B) NOTIFICATION.—Not later than 90 days after the Secretary becomes aware of a conversion of any sugarcane acreage base to a nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

"(C) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to 1 or more farms owned by the owner.

"(D) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

"(i) be notified; and

"(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

"(E) POOL DISTRIBUTION.—

"(i) IN GENERAL.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

"(ii) ACCEPTANCE OF REQUESTS.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

"(iii) ASSIGNMENT.—The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

"(F) STATEWIDE REALLOCATION.—

"(i) IN GENERAL.—Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

"(ii) ALLOCATION.—Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

"(G) STATUS OF REASSIGNED BASE.—After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

"(i) remain on the farm; and

"(ii) be subject to the transfer provisions of paragraph (1)."; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "affected" before "cropshare owners" each place it appears; and

(ii) by striking ", and from the processing company holding the applicable allocation for such shares,"; and

(B) in paragraph (2), by striking "based on" and all that follows through the end of subparagraph (B) and inserting "based on—

"(A) the number of acres of sugarcane base being transferred; and

"(B) the pro rata amount of allocation at the processing company holding the applicable allocation that equals the contribution of the grower to allocation of the processing company for the sugarcane acreage base being transferred.".

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting "or 359g(d)" after "359f"; and

(2) by striking subsection (c).

(i) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is repealed.

(j) ADMINISTRATION OF TARIFF RATE QUOTAS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (i)) is amended by adding at the end the following:

"SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

"(2) EXCEPTION.—Paragraph (1) shall not apply to specialty sugar.

"(b) ADJUSTMENT.—

"(1) BEFORE APRIL 1.—Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

"(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

"(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, and domestic raw cane sugar refining capacity has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

"(2) ON OR AFTER APRIL 1.—On or after April 1 of each fiscal year—

"(A) the Secretary may take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

"(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).".

(k) PERIOD OF EFFECTIVENESS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (j)) is amended by adding at the end the following:

"SEC. 359l. PERIOD OF EFFECTIVENESS.

"(a) IN GENERAL.—This part shall be effective only for the 2008 through 2012 crop years for sugar.

"(b) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this part as in effect on the day before the date of enactment of this section.".

SEC. 1404. STORAGE FACILITY LOANS.

Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) not include any penalty for prepayment; and"; and

(4) in paragraph (3) (as redesignated by paragraph (2)), by inserting "other" after "on such".

SEC. 1405. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

"SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

"(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than—

"(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

"(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.

"(b) SUBSEQUENT CROP YEARS.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as was used on the day before the date of enactment of this section.".

Subtitle E—Dairy

SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) DEFINITION OF NET REMOVALS.—In this section, the term "net removals" means—

(1) the sum of—

(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

(B) the quantity of the product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

(b) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(c) PURCHASE PRICE.—To carry out subsection (b) during the period specified in that subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(d) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

(e) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

(f) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (c) that is available for unrestricted use in the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (c) for that commodity.

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

(1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of subparagraph (C) of that paragraph.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—

(1) IN GENERAL.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

(2) PRICING.—A producer or cooperative association described in paragraph (1) may continue to have their milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

(3) COMPLAINTS.—

(A) IN GENERAL.—The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts.

(B) ACTION.—If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

(e) DURATION.—

(1) NEW CONTRACTS.—No forward price contract may be entered into under the program established under this section after September 30, 2012.

(2) APPLICATION.—No forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1503. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking "2007" and inserting "2012".

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and"; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following:

"(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.".

SEC. 1504. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

"(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

"(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

"(B) SUPPLEMENTAL RULES OF PRACTICE.—

"(i) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall issue, using informal rulemaking, supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

"(ii) ISSUES.—At a minimum, the supplemental rules of practice shall establish—

"(I) proposal submission requirements;

"(II) pre-hearing information session specifications;

"(III) written testimony and data request requirements;

"(IV) public participation timeframes; and

"(V) electronic document submission standards.

"(iii) EFFECTIVE DATE.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subparagraph, as determined by the Secretary.

"(C) HEARING TIMEFRAMES.—

"(i) IN GENERAL.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

"(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 120 days after the date of the issuance of the notice;

"(II)(aa) issue a request for additional information to be used by the Secretary in making a determination regarding the proposal; and

"(bb) if the additional information is not provided to the Secretary within the timeframe requested by the Secretary, issue a denial of the request; or

"(III) issue a denial of the request.

"(ii) REQUIREMENT.—A post-hearing brief may be filed under this paragraph not later than 60 days after the date of an amendment hearing regarding a milk marketing order.

"(iii) RECOMMENDED DECISIONS.—A recommended decision on a proposed amendment to an order shall be issued not later than 90 days after the deadline for the submission of post-hearing briefs.

"(iv) FINAL DECISIONS.—A final decision on a proposed amendment to an order shall be issued not later than 60 days after the deadline for submission of comments and exceptions to the recommended decision issued under clause (iii).

"(D) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement appropriated funds for the procurement of service providers, such as court reporters.

"(E) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, to amend orders, other than provisions of orders that directly affect milk prices.

"(F) AVOIDING DUPLICATION.—The Secretary shall not be required to hold a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on the proposed amendment if—

"(i) the application requesting the hearing is received by the Secretary not later than 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order; and

"(ii) the 2 proposed amendments are essentially the same, as determined by the Secretary.

"(G) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders commencing prior to September 30, 2012, the Secretary shall—

"(i) determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area;

"(ii) consider the most recent monthly feed and fuel price data available; and

"(iii) consider those prices in determining whether or not to adjust make allowances.".

SEC. 1505. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 4501) is amended by striking "2007" and inserting "2012".

SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLASS I MILK.—The term "Class I milk" means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

(2) ELIGIBLE PRODUCTION.—The term "eligible production" means milk produced by a producer in a participating State.

(3) FEDERAL MILK MARKETING ORDER.—The term "Federal milk marketing order" means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(4) PARTICIPATING STATE.—The term "participating State" means each State.

(5) PRODUCER.—The term "producer" means an individual or entity that directly or indirectly (as determined by the Secretary)—

(A) shares in the risk of producing milk; and

(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

(1) the payment quantity for the producer during the applicable month established under subsection (e);

(2) the amount equal to—

(A) $16.94 per hundredweight, as adjusted under subsection (d); less

(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

(B) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

(C) for the period beginning September 1, 2012, and thereafter, 34 percent.

(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2012, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.

(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2012, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate a National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 16% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

(e) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

(2) LIMITATION.—

(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 2,985,000 pounds for each fiscal year; and

(iii) effective beginning September 1, 2012, 2,400,000 pounds per fiscal year.

(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

(f) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

(g) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2012.

(h) DURATION OF CONTRACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

(A) terminate the contract and allow the producer to retain any payments received under the contract; or

(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1507. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) Extension of Dairy Promotion and Research Authority.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking "2007" and inserting "2012".

(b) Definition of United States for Promotion Program.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) by striking subsection (l) and inserting the following:

"(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;"; and

(2) in subsection (m), by striking "(as defined in subsection (l))".

(c) Definition of United States for Research Program.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following:

"(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(d) Assessment Rate for Imported Dairy Products.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by striking paragraph (3) and inserting the following:

"(3) Rate.—

"(A) In general.—The rate of assessment for milk produced in the United States prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.

"(B) Imported dairy products.—The rate of assessment for imported dairy products prescribed by the order shall be 7.5 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.".

(e) Time and Method of Importer Payments.—Section 113(g)(6) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)(6)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(f) Refund of Assessments on Certain Imported Dairy Products.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

"(7) Refund of assessments on certain imported products.—

"(A) In general.—An importer shall be entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to the date of enactment of the Food, Conservation, and Energy Act of 2008.

"(B) Expiration.—Refunds under subparagraph (A) shall expire 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008.".

SEC. 1508. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of enactment of this Act.

SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) Establishment.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a commission to be known as the "Federal Milk Marketing Order Review Commission" (referred to in this section as the "commission"), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and

(2) non-Federal milk marketing order systems.

(b) Elements of Review and Evaluation.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) ensuring the competitiveness and transparency in dairy pricing;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and

(7) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) Membership.—

(1) Composition.—The commission shall consist of 14 members.

(2) Members.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

(A) At least 1 member shall represent a national consumer organization.

(B) At least 4 members shall represent land-grant universities or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics.

(C) At least 1 member shall represent the food and beverage retail sector.

(D) 4 dairy producers and 4 dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(3) Chair.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

(4) Vacancy.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(5) Compensation.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) Report.—

(1) In general.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

(2) Opinions.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) Advisory Nature.—The commission is wholly advisory in nature, and the recommendations of the commission are nonbinding.

(f) No Effect on Existing Programs.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) Administrative Assistance.—The Secretary shall provide administrative support to the commission, and expend to carry out this section such funds as necessary from budget authority available to the Secretary.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) Termination.—The commission shall terminate effective on the date of the submission of the report under subsection (d).

SEC. 1510. MANDATORY REPORTING OF DAIRY COMMODITIES.

(a) Electronic Reporting.—Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) Electronic Reporting.—

"(1) In general.—Subject to the availability of funds under paragraph (3), the Secretary shall establish an electronic reporting system to carry out this section.

"(2) Frequency of reports.—After the establishment of the electronic reporting system in accordance with paragraph (1), the Secretary shall increase the frequency of the reports required under this section.

"(3) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

(b) Quarterly Audits.—Section 273(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(c)) is amended by striking paragraph (3) and inserting the following:

"(3) Verification.—

"(A) In general.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(B) Quarterly audits.—The Secretary shall quarterly conduct an audit of information submitted or reported under this subtitle and compare such information with other related dairy market statistics.".

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) Use of Commodity Credit Corporation.—Except as otherwise provided in this title, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) TREATMENT OF ADVANCE PAYMENT OPTION.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008.".

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1603. PAYMENT LIMITATIONS.

(a) EXTENSION OF LIMITATIONS.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking "Farm Security and Rural Investment Act of 2002" each place it appears and inserting "Food, Conservation, and Energy Act of 2008".

(b) REVISION OF LIMITATIONS.—

(1) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "through section 1001F"after "section";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

"(2) FAMILY MEMBER.—The term 'family member' means a person to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

"(3) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

"(A) owns land or an agricultural commodity; or

"(B) produces an agricultural commodity.

"(4) PERSON.—The term 'person' means a natural person, and does not include a legal entity.".

(2) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b), (c), and (d) and inserting the following:

"(b) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

"(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

"(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

"(i) the payment limit specified in subparagraph (A); less

"(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

"(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle A of title I of that Act for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

"(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments and counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) may not exceed the sum of—

"(A) $65,000; and

"(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

"(c) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR PEANUTS.—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Food, Conservation, and Energy Act of 2008 for peanuts may not exceed—

"(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

"(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

"(i) the payment limit specified in subparagraph (A); less

"(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

"(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle C of title I of that Act for peanuts may not exceed $65,000.

"(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

"(A) $65,000; and

"(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

"(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008.".

(3) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (d) the following:

"(e) ATTRIBUTION OF PAYMENTS.—

"(1) IN GENERAL.—In implementing subsections (b) and (c) and a program described in paragraphs (1)(C) and (2)(B) of section 1001D(b), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive the payments.

"(2) PAYMENTS TO A PERSON.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

"(3) PAYMENTS TO A LEGAL ENTITY.—

"(A) IN GENERAL.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

"(B) ATTRIBUTION OF PAYMENTS.—

"(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

"(ii) EXCEPTION FOR JOINT VENTURES AND GENERAL PARTNERSHIPS.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

"(iii) REDUCTION.—Payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity by any person or legal entity that has otherwise exceeded the applicable maximum payment limitation.

"(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED LEGAL ENTITIES.—

"(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through 4 levels of ownership in legal entities.

"(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier legal entity by the person.

"(C) SECOND LEVEL.—

"(i) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the second-tier legal entity in proportion to the ownership of the second-tier legal entity in the first-tier legal entity.

"(ii) OWNERSHIP BY A PERSON.—If the second-tier legal entity is owned (in whole or in part) by a person, the amount of the payment made to the first-tier legal entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier legal entity by the person.

"(D) THIRD AND FOURTH LEVELS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

"(ii) FOURTH-TIER OWNERSHIP.—If the fourth-tier of ownership is that of a fourth-tier legal entity and not that of a person, the Secretary shall reduce the amount of the payment to be made to the first-tier legal entity in the amount that represents the indirect ownership in the first-tier legal entity by the fourth-tier legal entity.

"(f) SPECIAL RULES.—

"(1) MINOR CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), payments received by a child under the age of 18 shall be attributed to the parents of the child.

"(B) REGULATIONS.—The Secretary shall issue regulations specifying the conditions under which payments received by a child under the age of 18 will not be attributed to the parents of the child.

"(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by the members of the association that are marketed by the association on behalf of the members of the association but shall apply to the producers as persons.

"(3) TRUSTS AND ESTATES.—

"(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer this section through section 1001F in such manner as the Secretary determines will ensure the fair and equitable treatment of the beneficiaries of the trusts and estates.

"(B) IRREVOCABLE TRUST.—

"(i) IN GENERAL.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement shall not—

"(I) allow for modification or termination of the trust by the grantor;

"(II) allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust; or

"(III) except as provided in clause (ii), provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years beginning on the date the trust is established.

"(ii) EXCEPTION.—Clause (i)(III) shall not apply in a case in which the transfer is—

"(I) contingent on the remainder beneficiary achieving at least the age of majority; or

"(II) contingent on the death of the grantor or income beneficiary.

"(C) REVOCABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust shall be considered to be the same person as the grantor of the trust.

"(4) CASH RENT TENANTS.—

"(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

"(i) for cash; or

"(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

"(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant makes a significant contribution of equipment to the farming operation.

"(5) FEDERAL AGENCIES.—

"(A) IN GENERAL.—Notwithstanding subsection (d), a Federal agency shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

"(B) LAND RENTAL.—A lessee of land owned by a Federal agency may receive a payment described in subsection (b), (c), or (d) if the lessee otherwise meets all applicable criteria.

"(6) STATE AND LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

"(B) TENANTS.—A lessee of land owned by a State or local government, or political subdivision or agency of the government, may receive payments described in subsections (b), (c), and (d) if the lessee otherwise meets all applicable criteria.

"(7) CHANGES IN FARMING OPERATIONS.—

"(A) IN GENERAL.—In the administration of this section through section 1001F, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

"(B) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

"(8) DEATH OF OWNER.—

"(A) IN GENERAL.—If any ownership interest in land or a commodity is transferred as the result of the death of a program participant, the new owner of the land or commodity may, if the person is otherwise eligible to participate in the applicable program, succeed to the contract of the prior owner and receive payments subject to this section without regard to the amount of payments received by the new owner.

"(B) LIMITATIONS ON PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

"(g) PUBLIC SCHOOLS.—

"(1) IN GENERAL.—Notwithstanding subsection (f)(6)(A), a State or local government, or political subdivision or agency of the government, shall be eligible, subject to the limitation in paragraph (2), to receive a payment described in subsection (b) or (c) for land owned by the State or local government, or political subdivision or agency of the government, that is used to maintain a public school.

"(2) LIMITATION.—

"(A) IN GENERAL.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and local government and all political subdivisions or agencies of those governments shall not exceed $500,000.

"(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to States with a population of less than 1,500,000.".

(c) REPEAL OF 3-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in the section heading, by striking "**PREVENTION OF CREATION OF ENTITIES TO QUALIFY AS SEPARATE PERSONS**" and inserting "**NOTIFICATION OF INTERESTS**"; and

(2) by striking subsection (a) and inserting the following:

"(a) NOTIFICATION OF INTERESTS.—To facilitate administration of section 1001 and this section, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary—

"(1) the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires an ownership interest in the separate person or legal entity; and

"(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.".

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by striking subsection (b) and inserting the following:

"(b) ACTIVELY ENGAGED.—

"(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) or (c) of section 1001, a person or legal entity shall be actively engaged in farming with respect to a farming operation as provided in this subsection or subsection (c).

"(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

"(A) a person (including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity, as determined by the Secretary) shall be considered to be actively engaged in farming with respect to a farming operation if—

"(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

"(I) capital, equipment, or land; and

"(II) personal labor or active personal management;

"(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

"(iii) the contributions of the person are at risk;

"(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary (including any such legal entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to a farming operation if—

"(i) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

"(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

"(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity;

"(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

"(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

"(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

"(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if—

"(A) the landowner receives rent or income for the use of the land based on the production on the land or the operating results of the operation; and

"(B) the person or legal entity meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(2) ADULT FAMILY MEMBER.—If a majority of the participants in a farming operation are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

"(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

"(B) with respect to such contribution, meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(5) CUSTOM FARMING SERVICES.—

"(A) IN GENERAL.—A person or legal entity receiving custom farming services shall be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

"(B) PROHIBITION.—No other rules with respect to custom farming shall apply.

"(6) SPOUSE.—If 1 spouse (or estate of a deceased spouse) is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subsection (b)(2)(A)(i)(II).

"(d) CLASSES NOT ACTIVELY ENGAGED.—

"(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

"(2) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity that the Secretary determines does not meet the standards described in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.".

(e) DENIAL OF PROGRAM BENEFITS.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended to read as follows:

"SEC. 1001B. DENIAL OF PROGRAM BENEFITS.

"(a) 2-YEAR DENIAL OF PROGRAM BENEFITS.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) of section 1001 for the crop year, and the succeeding crop year, in which the Secretary determines that the person or legal entity—

"(1) failed to comply with section 1001A(b) and adopted or participated in adopting a scheme or device to evade the application of section 1001, 1001A, or 1001C; or

"(2) intentionally concealed the interest of the person or legal entity in any farm or legal entity engaged in farming.

"(b) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for the benefit of the person or legal entity or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of a fraudulent document, failed to disclose material information relevant to the administration of sections 1001 through 1001F, or committed other equally serious actions (as identified in regulations issued by the Secretary), the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the person or legal entity.

"(c) PRO RATA DENIAL.—

"(1) IN GENERAL.—Payments otherwise owed to a person or legal entity described in subsections (a) or (b) shall be denied in a pro rata manner based on the ownership interest of the person or legal entity in a farm.

"(2) CASH RENT TENANT.—Payments otherwise payable to a person or legal entity shall be denied in a pro rata manner if the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity with respect to which a determination has been made under subsection (a) or (b).

"(d) JOINT AND SEVERAL LIABILITY.—Any legal entity (including partnerships and joint ventures) and any member of any legal entity determined to have knowingly participated in a scheme or device to evade, or that has the purpose of evading, sections 1001, 1001A, or 1001C shall be jointly and severally liable for any amounts that are payable to the Secretary as the result of the scheme or device (including amounts necessary to recover those amounts).

"(e) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary in enforcing sections 1001, 1001A, and 1001C, and this section.".

(f) CONFORMING AMENDMENT TO APPLY DIRECT ATTRIBUTION TO NAP.—

(1) IN GENERAL.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) DEFINITIONS.—In this subsection, the terms 'legal entity' and 'person' have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

"(2) PAYMENT LIMITATION.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year may not exceed $100,000.";

(B) by striking paragraph (4) and inserting the following:

"(4) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity that has an average adjusted gross income in excess of the average adjusted gross income limitation applicable under section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)), or a successor provision, shall not be eligible to receive noninsured crop disaster assistance under this section."; and

(C) in paragraph (5)—

(i) by striking "necessary to ensure" and inserting "necessary—

"(A) to ensure"; and

(ii) by striking "this subsection." and inserting the following: "this subsection; and

"(B) to ensure that payments under this section are attributed to a person or legal entity (excluding a joint venture or general partnership) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), as determined by the Secretary.".

(2) TRANSITION:—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.

(g) CONFORMING AMENDMENTS.—

(1) Section 1009(e) of the Food Security Act of 1985 (7 U.S.C. 1308a(e)) is amended in the second sentence by striking "of $50,000".

(2) Section 609(b)(1) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471g(b)(1)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1985".

(3) Section 524(b)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(3)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308(5)))".

(4) Section 10204(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(c)(1)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(5) Section 1271(c)(3)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(A)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(6) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" before the period at the end.

(h) TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2), as in effect on September 30, 2007, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended to read as follows:

"SEC. 1001D. ADJUSTED GROSS INCOME LIMITATION.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—In this section:

"(A) AVERAGE ADJUSTED GROSS INCOME.—The term 'average adjusted gross income', with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

"(B) AVERAGE ADJUSTED GROSS FARM INCOME.—The term 'average adjusted gross farm income', with respect to a person or legal entity, means the average of the portion of adjusted gross income of the person or legal entity that is attributable to activities related to farming, ranching, or forestry for the 3 taxable years described in subparagraph (A), as determined by the Secretary in accordance with subsection (c).

"(C) AVERAGE ADJUSTED GROSS NONFARM INCOME.—The term 'average adjusted gross nonfarm income', with respect to a person or legal entity, means the difference between—

"(i) the average adjusted gross income of the person or legal entity; and

"(ii) the average adjusted gross farm income of the person or legal entity.

"(2) SPECIAL RULES FOR CERTAIN PERSONS AND LEGAL ENTITIES.—In the case of a legal entity that is not required to file a Federal income tax return or a person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under subparagraph (A) or (B) of paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income, the average adjusted gross farm income, and the average adjusted gross nonfarm income of the person or legal entity for purposes of this section.

"(3) ALLOCATION OF INCOME.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income among the persons filing the return if—

"(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income would have been declared and reported had the persons filed 2 separate returns; and

"(B) the Secretary determines that the method described in the statement is consistent with the information supporting the filed joint tax return.

"(b) LIMITATIONS.—

"(1) COMMODITY PROGRAMS.—

"(A) NONFARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

"(B) FARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 during a crop year, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

"(C) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 or an average crop revenue election payment under subtitle A of title I of that Act.

"(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

"(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

"(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

"(2) CONSERVATION PROGRAMS.—

"(A) LIMITS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income.

"(ii) EXCEPTION.—The Secretary may waive the limitation established under clause (i) on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.

"(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

"(i) A payment or benefit under title XII of this Act.

"(ii) A payment or benefit under title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223) or title II of the Food, Conservation, and Energy Act of 2008.

"(iii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

"(c) INCOME DETERMINATION.—

"(1) IN GENERAL.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

"(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

"(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish, and other aquacultural products used for food, honeybees, and other animals designated by the Secretary) and products produced by, or derived from, livestock;

"(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

"(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or environmental benefits;

"(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

"(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

"(G) the feeding, rearing, or finishing of livestock;

"(H) the sale of land that has been used for agriculture;

"(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) or title I of the Food, Conservation, and Energy Act of 2008;

"(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223), or title II of the Food, Conservation, and Energy Act of 2008;

"(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

"(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

"(M) risk management practices, including benefits received under a program authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

"(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

"(2) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service, to the extent such income is not already included under paragraph (1).

"(3) SPECIAL RULE.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

"(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

"(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

"(d) ENFORCEMENT.—

"(1) IN GENERAL.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

"(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity does not exceed the applicable limitation specified in that subsection; or

"(B) information and documentation regarding the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity through other procedures established by the Secretary.

"(2) DENIAL OF PROGRAM BENEFITS.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of applicable payments and benefits specified in paragraphs (1)(C) and (2)(B) of subsection (b) to the person or legal entity, under similar terms and conditions as described in section 1001B.

"(3) AUDIT.—The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under subsection (b).

"(e) COMMENSURATE REDUCTION.—In the case of a payment or benefit described in paragraphs (1)(C) and (2)(B) of subsection (b) made in a crop, program, or fiscal year, as appropriate, to an entity, general partnership, or joint venture, the amount of the payment or benefit shall be reduced by an amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income, average adjusted gross farm income, or average adjusted gross nonfarm income in excess of the applicable limitation specified in subsection (b).

"(f) EFFECTIVE PERIOD.—This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.".

(b) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as amended by subsection (a)).

SEC. 1605. AVAILABILITY OF QUALITY INCENTIVE PAYMENTS FOR COVERED OILSEED PRODUCERS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to subsection (b) and the availability of appropriations under subsection (h), the Secretary shall use funds made available under subsection (h) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—A proponent may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed ⅓ of the total premium offered for any year;

(F) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) TIMING OF PAYMENTS.—The Secretary shall make payments to producers under this section after the Secretary receives documentation that the premium required under a contract has been paid to covered producers.

(e) ADMINISTRATION.—

(1) IN GENERAL.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) PRORATED PAYMENTS.—If funding provided for a crop year is less than the amount otherwise approved by the Secretary or for which approval is sought, the Secretary shall prorate the payments or approvals in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) PROPRIETARY INFORMATION.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) PROGRAM COMPLIANCE AND PENALTIES.—

(1) GUARANTEE.—The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) NONCOMPLIANCE.—If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the producer of the oilseeds; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) DOCUMENTATION.—The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) ADDITIONAL PENALTIES.—

(A) IN GENERAL.—In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the intended use.

(B) AMOUNT.—The amount of a penalty under this paragraph shall—

(i) be in an amount determined appropriated by the Secretary; but

(ii) not to exceed twice the full value of the oilseeds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking "and title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting "title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008".

SEC. 1607. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking "and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting ", title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008"; and

(2) in subsection (c), by adding at the end the following:

"(3) TERMINATION OF AUTHORITY.—The authority to carry out paragraph (1) terminates effective ending with the 2009 crop year.".

SEC. 1608. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1609. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1610. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1611. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) describe the circumstances under which, in order to allow for the settlement of estates and for related purposes, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for the payments.

(b) COORDINATION.—At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

SEC. 1612. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE HARD WHITE WHEAT SEED.—The term "eligible hard white wheat seed" means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) PROGRAM.—The term "program" means the hard white wheat development program established under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary shall make available incentive payments to producers of those crops.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subparagraph (A) shall be—

(i) in an amount that is not less than $0.20 per bushel; and

(ii) in an amount that is not less than $2.00 per acre for planting eligible hard white wheat seed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for the period of fiscal years 2009 through 2012.

SEC. 1613. DURUM WHEAT QUALITY PROGRAM.

(a) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) INSUFFICIENT FUNDS.—If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2012.

SEC. 1614. STORAGE FACILITY LOANS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) ELIGIBLE PRODUCERS.—A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

(1) has a satisfactory credit history;

(2) has a need for increased storage capacity; and

(3) demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—A storage facility loan under this section shall have a maximum term of 12 years.

(d) LOAN AMOUNT.—The maximum principal amount of a storage facility loan under this section shall be $500,000.

(e) LOAN DISBURSEMENTS.—The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) LOAN SECURITY.—Approval of a storage facility loan under this section shall—

(1) require the borrower to provide loan security to the Secretary, in the form of—

(A) a lien on the real estate parcel on which the storage facility is located; or

(B) such other security as is acceptable to the Secretary;

(2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—

(A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or

(B) provides other security acceptable to the Secretary; and

(3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—

(A) of adequate size and value to adequately secure the loan; and

(B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

SEC. 1615. STATE, COUNTY, AND AREA COMMITTEES.

Section 8(b)(5)(B)(ii) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(2) in the matter preceding item (aa) (as redesignated by paragraph (1)), by striking "A committee established" and inserting the following:

"(I) IN GENERAL.—Except as provided in subclause (II), a committee established"; and

(3) by adding at the end the following:

"(II) COMBINATION OR CONSOLIDATION OF AREAS.—A committee established by combining or consolidating 2 or more county or area committees shall consist of not fewer than 3 nor more than 11 members that—

"(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

"(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

"(III) REPRESENTATION OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Secretary shall develop procedures to maintain representation of socially disadvantaged farmers and ranchers on combined or consolidated committees.

"(IV) ELIGIBILITY FOR MEMBERSHIP.—Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.".

SEC. 1616. PROHIBITION ON CHARGING CERTAIN FEES.

Public Law 108–470 (7 U.S.C. 7416a) is amended—

(1) in subsection (a), by striking "may" and inserting "shall"; and

(2) by adding at the end the following:

"(c) PROHIBITION ON CHARGING CERTAIN FEES.—The Secretary may not charge any fees or related costs for the collection of commodity assessments pursuant to this Act.".

SEC. 1617. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements

SEC. 1618. MODERNIZATION OF FARM SERVICE AGENCY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report prepared by a third party that describes—

(1) the data processing and information technology challenges experienced in local offices of the Farm Service Agency;

(2) the impact of those challenges on service to producers, on efficiency of personnel, and on implementation of this Act;

(3) the need for information technology system upgrades of the Farm Service Agency relative to other agencies of the Department of Agriculture;

(4) the detailed plan needed to fulfill the needs of the Department that are identified in paragraph (3), including hardware, software, and infrastructure requirements;

(5) the estimated cost and timeframe for long-term modernization and stabilization of Farm Service Agency information technology systems;

(6) the benefits associated with such modernization and stabilization; and

(7) an evaluation of the existence of appropriate oversight within the Department to ensure that funds needed for systems upgrades can be appropriately managed.

SEC. 1619. INFORMATION GATHERING.

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) DEFINITION OF AGRICULTURAL OPERATION.—In this subsection, the term "agricultural operation" includes the production and marketing of agricultural commodities and livestock.

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) AUTHORIZED DISCLOSURES.—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

SEC. 1620. LEASING OF OFFICE SPACE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report that describes—

(1) the costs and time associated with complying with leasing procedures of the General Services Administration relative to the previous independent leasing procedures of the Department of Agriculture;

(2) the additional staffing needs associated with complying with those procedures; and

(3) the value added to the leasing process and the ability of the Department to secure best-value leases by complying with the General Services Administration leasing procedures.

SEC. 1621. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term "geographically disadvantaged farmer or rancher" has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107–171).

(b) AUTHORIZATION.—Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) TRANSPORTATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for a fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1622. IMPLEMENTATION.

The Secretary shall make available to the Farm Service Agency to carry out this title $50,000,000.

SEC. 1623. REPEALS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) Renewed Availability of Market Loss Assistance and Certain Emergency Assistance to Persons That Failed To Receive Assistance Under Earlier Authorities.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

SEC. 2001. DEFINITIONS RELATING TO CONSERVATION TITLE OF FOOD SECURITY ACT OF 1985.

(a) Beginning Farmer or Rancher.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (6), (7) through (11), (12), (13) through (15), (16), (17), and (18) as paragraphs (3) through (7), (9) through (13), (15), (20) through (22), (24), (26), and (27), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Beginning farmer or rancher.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8)).".

(b) Farm.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (7), as redesignated by subsection (a)(1), the following new paragraph:

"(8) Farm.—The term 'farm' means a farm that—

"(A) is under the general control of one operator;

"(B) has one or more owners;

"(C) consists of one or more tracts of land, whether or not contiguous;

"(D) is located within a county or region, as determined by the Secretary; and

"(E) may contain lands that are incidental to the production of perennial crops, including conserving uses, forestry, and livestock, as determined by the Secretary.".

(c) Indian Tribe.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (13), as redesignated by subsection (a)(1), the following new paragraph:

"(14) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) Integrated Pest Management; Livestock; Nonindustrial Private Forest Land; Person and Legal Entity.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (15), as redesignated by subsection (a)(1), the following new paragraphs:

"(16) Integrated pest management.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

"(17) Livestock.—The term 'livestock' means all animals raised on farms, as determined by the Secretary.

"(18) Nonindustrial private forest land.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(A) has existing tree cover or is suitable for growing trees; and

"(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

"(19) Person and legal entity.—For purposes of applying payment limitations under subtitle D, the terms 'person' and 'legal entity' have the meanings given those terms in section 1001(a) of this Act (7 U.S.C. 1308(a)).".

(e) Socially Disadvantaged Farmer or Rancher.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (22), as redesignated by subsection (a)(1), the following new paragraph:

"(23) Socially disadvantaged farmer or rancher.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)).".

(f) Technical Assistance.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (24), as redesignated by subsection (a)(1), the following new paragraph:

"(25) Technical assistance.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

"(A) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices.

"(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.".

SEC. 2002. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO HIGHLY ERODIBLE LAND CONSERVATION.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by striking subsection (f) and inserting the following new subsection:

"(f) Graduated Penalties.—

"(1) Ineligibility.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

"(2) Eligible reviewers.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

"(A) State Executive Director, with the technical concurrence of the State Conservationist; or

"(B) district director, with the technical concurrence of the area conservationist.

"(3) Period for implementation.—A person who meets the requirements of paragraph (1) shall be allowed a reasonable period of time, as determined by the Secretary, but not to exceed 1 year, during which to implement the measures and practices necessary to be considered to be actively applying the conservation plan of the person.

"(4) Penalties.—

"(A) Application.—This paragraph applies if the Secretary determines that—

"(i) a person has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

"(ii) the violation—

"(I) is technical and minor in nature; and

"(II) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

"(B) Reduction.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation, as determined by the Secretary.

"(5) Subsequent crop years.—Any person whose benefits are reduced for any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.".

SEC. 2003. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO WETLAND CONSERVATION.

Section 1222(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Eligible reviewers.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

"(A) State Executive Director, with the technical concurrence of the State Conservationist; or

"(B) district director, with the technical concurrence of the area conservationist."; and

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting "be" before "actively".

Subtitle B—Conservation Reserve Program

SEC. 2101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking "2007 calendar year" and inserting "2012 fiscal year"; and

(2) by inserting before the period the following: "and to address issues raised by State, regional, and national conservation initiatives"; and

SEC. 2102. LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "Farm Security and Rural Investment Act of 2002" and inserting "Food, Conservation, and Energy Act of 2008"; and

(B) by striking the period at the end and inserting a semicolon; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking "; or" and inserting a semicolon;

(B) in subparagraph (D), by striking "and" at the end and inserting "or"; and

(C) in subparagraph (E), by inserting "or" after the semicolon at the end.

SEC. 2103. MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.

Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking "2007 calendar years" and inserting "2009 fiscal years";

(2) by striking "(16 U.S.C." and inserting "(16 U.S.C."; and

(3) by adding at the end the following new sentence: "During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.".

SEC. 2104. DESIGNATION OF CONSERVATION PRIORITY AREAS.

Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking "the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)" and inserting "the Chesapeake Bay Region".

SEC. 2105. TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.

Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

"(g) Multi-Year Grasses and Legumes.—

"(1) In general.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

"(2) Cropping history.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.".

SEC. 2106. REVISED PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) Revised Program.—

(1) In general.—Title XII of the Food Security Act of 1985 is amended by inserting after section 1231 (16 U.S.C. 3831) the following new section:

"SEC. 1231B. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

"(a) Program Required.—

"(1) In general.—During the 2008 through 2012 fiscal years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

"(2) Participation among states.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the program established under this section.

"(b) Eligible Acreage.—

"(1) Wetland and related land.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

"(A) that is wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

"(B) on which a constructed wetland is to be developed that will receive flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions;

"(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

"(D) that, after January 1, 1990, and before December 31, 2002, was—

"(i) cropped during at least 3 of 10 crop years; and

"(ii) subject to the natural overflow of a prairie wetland.

"(2) Buffer acreage.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acreage that—

"(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

"(i) is contiguous to such land

"(ii) is used to protect such land; and

"(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

"(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

"(c) Program Limitations.—

"(1) Acreage limitation.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

"(A) 100,000 acres in any State; and

"(B) a total of 1,000,000 acres.

"(2) Relationship to maximum enrollment.—Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

"(3) Relationship to other enrolled acreage.—Acreage enrolled in the conservation reserve under this section shall not affect for any fiscal year the quantity of—

"(A) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

"(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

"(4) Review; potential increase in enrollment acreage.—The Secretary shall conduct a review of the program established under this section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in a State under the program to not more than 200,000 acres, notwithstanding paragraph (1)(A).

"(d) Owner or Operator Enrollment Limitations.—

"(1) Wetland and related land.—

"(A) Wetlands and constructed wetlands.—The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 40 contiguous acres.

"(B) Flooded farmland.—The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

"(C) Coverage.—All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

"(2) Buffer acreage.—The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

"(3) Tracts.—Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

"(e) Duties of Owners and Operators.—During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

"(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

"(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

"(3) to a general prohibition of commercial use of the enrolled land; and

"(4) to carry out other duties described in section 1232.

"(f) Duties of the Secretary.—

"(1) In general.—Except as provided in paragraphs (2) and (3), in return for a contract entered into under this section, the Secretary shall—

"(A) make payments to the owner or operator based on rental rates for cropland; and

"(B) provide assistance to the owner or operator in accordance with sections 1233 and 1234.

"(2) Contract offers and payments.—The Secretary shall use the method of determination described in section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this section.

"(3) Incentives.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.".

(2) Repeal of superceded program.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(b) Conforming Changes to Emergency Forestry Conservation Reserve Program.—Subsection (k) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by striking "(k) Emergency Forestry Conservation Reserve Program.—" and inserting the following:

"SEC. 1231A. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.";

(2) by striking "subsection" each place it appears (other than paragraph (3)(C)(ii)) and inserting "section";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(5) in subsection (c), as so redesignated—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(B) in paragraph (1), as so redesignated, by striking "subparagraph (B)" and "subparagraph (G)" and inserting "paragraph (2)" and "paragraph (7)", respectively;

(C) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) by striking "subsection (d)" and inserting "section 1231(d)";

(D) in paragraph (4), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(E) in paragraph (5), as so redesignated—

(i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) in subparagraph (B), as so redesignated, by striking "clause (i)(I)" and inserting "subparagraph (A)(i)"; and

(iii) in subparagraph (C), as so redesignated, by striking "clause (i)(II)" and inserting "subparagraph (A)(ii)"; and

(F) in paragraph (9), as so redesignated, by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and subclauses (I) through (III) as clauses (i) through (iii), respectively.

SEC. 2107. ADDITIONAL DUTY OF PARTICIPANTS UNDER CONSERVATION RESERVE CONTRACTS.

Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;".

SEC. 2108. MANAGED HAYING, GRAZING, OR OTHER COMMERCIAL USE OF FORAGE ON ENROLLED LAND AND INSTALLATION OF WIND TURBINES.

(a) General Prohibition; Exceptions.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (8), as redesignated by section 2107, and inserting the following new paragraph:

"(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)—

"(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

"(i) shall develop appropriate vegetation management requirements; and

"(ii) shall identify periods during which managed harvesting may be conducted;

"(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

"(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

"(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

"(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as—

"(I) climate, soil type, and natural resources;

"(II) the number of years that should be required between routine grazing activities; and

"(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

"(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

"(i) the location, size, and other physical characteristics of the land;

"(ii) the extent to which the land contains wildlife and wildlife habitat; and

"(iii) the purposes of the conservation reserve program under this subchapter;".

(b) Rental Payment Reduction.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following new subsection:

"(d) Rental Payment Reduction for Certain Authorized Uses of Enrolled Land.—In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.".

SEC. 2109. COST SHARING PAYMENTS RELATING TO TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.

Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) Trees, windbreaks, shelterbelts, and wildlife corridors.—

"(A) Applicability.—This paragraph applies to—

"(i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990;

"(ii) land converted to such production under section 1235A; and

"(iii) land on which an owner or operator agrees to conduct thinning authorized by section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

"(B) Payments.—

"(i) Percentage.—In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.

"(ii) Duration.—The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of—

"(I) the planting of the trees or shrubs; or

"(II) the thinning of existing stands to improve the condition of resources on the land.".

SEC. 2110. EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS, ANNUAL RENTAL PAYMENTS, AND PAYMENT LIMITATIONS.

(a) Evaluation and Acceptance of Contract Offers.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) Acceptance of contract offers.—

"(A) Evaluation of offers.—In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat or provide other environmental benefits.

"(B) Establishment of different criteria in various states and regions.—The Secretary may establish different criteria for determining the acceptability of contract offers in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.

"(C) Local preference.—In determining the acceptability of contract offers for new enrollments, the Secretary shall accept, to the maximum extent practicable, an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers.".

(b) Annual Survey of Dryland and Irrigated Cash Rental Rates.—

(1) Annual estimates required.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

"(5) Rental rates.—

"(A) Annual estimates.—The Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

"(B) Public availability of estimates.—The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.".

(2) First survey.—The first survey required by paragraph (5) of section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)), as added by subsection (a), shall be conducted not later than 1 year after the date of enactment of this Act.

(c) Payment Limitations.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking "made to a person" and inserting "received by a person or legal entity, directly or indirectly,";

(2) by striking paragraph (2); and

(3) in paragraph (4), by striking "any person" and inserting "any person or legal entity".

SEC. 2111. CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES FOR BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) Contract Modification Authority.—Section 1235(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3835(c)(1)(B)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or".

(b) Transition Option.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

"(f) Transition Option for Certain Farmers or Ranchers.—

"(1) Duties of the secretary.—In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer or rancher or socially disadvantaged farmer or rancher (in this subsection referred to as a 'covered farmer or rancher'), the Secretary shall—

"(A) beginning on the date that is 1 year before the date of termination of the contract—

"(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

"(ii) allow the covered farmer or rancher to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

"(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

"(C) require the covered farmer or rancher to develop and implement a conservation plan;

"(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

"(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

"(2) REENROLLMENT.—The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that—

"(A) is eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

"(B) is part of an approved conservation plan.".

Subtitle C—Wetlands Reserve Program

SEC. 2201. ESTABLISHMENT AND PURPOSE OF WETLANDS RESERVE PROGRAM.

Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

"(a) ESTABLISHMENT AND PURPOSES.—

"(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

"(2) PURPOSES.—The purposes of the wetlands reserve program are to restore, protect, or enhance wetlands on private or tribal lands that are eligible under subsections (c) and (d).".

SEC. 2202. MAXIMUM ENROLLMENT AND ENROLLMENT METHODS.

Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.";

(2) in paragraph (2), by striking "The Secretary" and inserting "Subject to paragraph (3), the Secretary"; and

(3) by adding at the end the following new paragraph:

"(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

"(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

"(B) restoration cost-share agreements; or

"(C) any combination of the options described in subparagraphs (A) and (B).".

SEC. 2203. DURATION OF WETLANDS RESERVE PROGRAM AND LANDS ELIGIBLE FOR ENROLLMENT.

(a) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "2007 calendar" and inserting "2012 fiscal"; and

(B) by inserting "private or tribal" before "land" the second place it appears;

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) such land is—

"(A) farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except that converted wetland with respect to which the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; or

"(B) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland; and".

(b) CHANGE OF OWNERSHIP.—Section 1237E(a) of the Food Security Act of 1985 (16 U.S.C. 3837e(a)) is amended by striking "in the preceding 12 months" and inserting "during the preceding 7-year period".

(c) ANNUAL SURVEY AND REALLOCATION.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended by adding at the end the following new subsection:

"(c) PRAIRIE POTHOLE REGION SURVEY AND REALLOCATION.—

"(1) SURVEY.—The Secretary shall conduct a survey during fiscal year 2008 and each subsequent fiscal year for the purpose of determining interest and allocations for the Prairie Pothole Region to enroll eligible land described in section 1237(c)(2)(B).

"(2) ANNUAL ADJUSTMENT.—The Secretary shall make an adjustment to the allocation for an interested State for a fiscal year, based on the results of the survey conducted under paragraph (1) for the State during the previous fiscal year.".

SEC. 2204. TERMS OF WETLANDS RESERVE PROGRAM EASEMENTS.

Section 1237A(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3837a(b)(2)(B)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking "; and" and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) to meet habitat needs of specific wildlife species; and".

SEC. 2205. COMPENSATION FOR EASEMENTS UNDER WETLANDS RESERVE PROGRAM.

Subsection (f) of section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended to read as follows:

"(f) COMPENSATION.—

"(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

"(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

"(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

"(C) the offer made by the landowner.

"(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (1) and specified in the easement agreement.

"(3) PAYMENT SCHEDULE FOR EASEMENTS.—

"(A) EASEMENTS VALUED AT $500,000 OR LESS.—For easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

"(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

"(4) RESTORATION AGREEMENT PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

"(5) ENROLLMENT PROCEDURE.—Lands may be enrolled under this subchapter through the submission of bids under a procedure established by the Secretary.".

SEC. 2206. WETLANDS RESERVE ENHANCEMENT PROGRAM AND RESERVED RIGHTS PILOT PROGRAM.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subsection:

"(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

"(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

"(2) RESERVED RIGHTS PILOT PROGRAM.—

"(A) RESERVATION OF GRAZING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program for land in which a landowner may reserve grazing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grazing rights—

"(i) is compatible with the land subject to the easement;

"(ii) is consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

"(iii) complies with a conservation plan.

"(B) DURATION.—The pilot program established under this paragraph shall terminate on September 30, 2012.".

SEC. 2207. DUTIES OF SECRETARY OF AGRICULTURE UNDER WETLANDS RESERVE PROGRAM.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1), by inserting "including necessary maintenance activities," after "values,"; and

(2) by striking subsection (c) and inserting the following new subsection:

"(c) RANKING OF OFFERS.—

"(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

"(A) the conservation benefits of obtaining an easement or other interest in the land;

"(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

"(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

"(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

"(A) the extent to which the purposes of the easement program would be achieved on the land;

"(B) the productivity of the land; and

"(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.".

SEC. 2208. PAYMENT LIMITATIONS UNDER WETLANDS RESERVE CONTRACTS AND AGREEMENTS.

Section 1237D(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)(1)) is amended—

(1) by striking "The total amount of easement payments made to a person" and inserting "The total amount of payments that a person or legal entity may receive, directly or indirectly,"; and

(2) by inserting "or under 30-year contracts" before the period at the end.

SEC. 2209. REPEAL OF PAYMENT LIMITATIONS EXCEPTION FOR STATE AGREEMENTS FOR WETLANDS RESERVE ENHANCEMENT.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4).

SEC. 2210. REPORT ON IMPLICATIONS OF LONG-TERM NATURE OF CONSERVATION EASEMENTS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

(b) INCLUSIONS.—The report required by subsection (a) shall include the following:

(1) Data relating to the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in monitoring or managing.

(2) An assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance.

(3) An assessment of the uses and value of agreements with partner organizations.

(4) Any other relevant information relating to costs or other effects that would be helpful to the Committees referred to in subsection (a).

Subtitle D—Conservation Stewardship Program

SEC. 2301. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended—

(1) by redesignating subchapters B (farmland protection program) and C (grassland reserve program) as subchapters C and D, respectively; and

(2) by inserting after subchapter A the following new subchapter:

"Subchapter B—Conservation Stewardship Program

"SEC. 1238D. DEFINITIONS.

"In this subchapter:

"(1) CONSERVATION ACTIVITIES.—

"(A) IN GENERAL.—The term 'conservation activities' means conservation systems, practices, or management measures that are designed to address a resource concern.

"(B) INCLUSIONS.—The term 'conservation activities' includes—

"(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

"(ii) planning needed to address a resource concern.

"(2) CONSERVATION MEASUREMENT TOOLS.—The term 'conservation measurement tools' means procedures to estimate the level of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

"(3) CONSERVATION STEWARDSHIP PLAN.—The term 'conservation stewardship plan' means a plan that—

"(A) identifies and inventories resource concerns;

"(B) establishes benchmark data and conservation objectives;

"(C) describes conservation activities to be implemented, managed, or improved; and

"(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

"(4) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or area of the State.

"(5) PROGRAM.—The term 'program' means the conservation stewardship program established by this subchapter.

"(6) RESOURCE CONCERN.—The term 'resource concern' means a specific natural resource impairment or problem, as determined by the Secretary, that—

"(A) represents a significant concern in a State or region; and

"(B) is likely to be addressed successfully through the implementation of conservation activities by producers on land eligible for enrollment in the program.

"(7) STEWARDSHIP THRESHOLD.—The term 'stewardship threshold' means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the quality and condition of a resource concern.

"SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2009 through 2012, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner—

"(1) by undertaking additional conservation activities; and

"(2) by improving, maintaining and managing existing conservation activities.

"(b) ELIGIBLE LAND.—

"(1) IN GENERAL.—Except as provided in subsection (c), the following land is eligible for enrollment in the program:

"(A) Private agricultural land (including cropland, grassland, prairie land, improved pastureland, rangeland, and land used for agro-forestry).

"(B) Agricultural land under the jurisdiction of an Indian tribe.

"(C) Forested land that is an incidental part of an agricultural operation.

"(D) Other private agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

"(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

"(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation of a producer, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

"(c) EXCLUSIONS.—

"(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not be eligible for enrollment in the program:

"(A) Land enrolled in the conservation reserve program.

"(B) Land enrolled in the wetlands reserve program.

"(C) Land enrolled in the grassland reserve program.

"(2) CONVERSION TO CROPLAND.—Land used for crop production after the date of enactment of the Food, Conservation, and Energy Act of 2008 that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

"(A) the land had previously been enrolled in the conservation reserve program;

"(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

"(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

"SEC. 1238F. STEWARDSHIP CONTRACTS.

"(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary for approval a contract offer that—

"(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least one resource concern; and

"(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 priority resource concern by the end of the stewardship contract by—

"(A) installing and adopting additional conservation activities; and

"(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

"(b) EVALUATION OF CONTRACT OFFERS.—

"(1) RANKING OF APPLICATIONS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall rank applications based on—

"(A) the level of conservation treatment on all applicable priority resource concerns at the time of application, based to the maximum extent practicable on conservation measurement tools;

"(B) the degree to which the proposed conservation treatment on applicable priority resource concerns effectively increases conservation performance, based to the maximum extent possible on conservation measurement tools;

"(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

"(D) the extent to which other resource concerns, in addition to priority resource concerns, will be addressed to meet or exceed the stewardship threshold by the end of the contract period; and

"(E) the extent to which the actual and anticipated environmental benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers.

"(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

"(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

"(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

"(d) CONTRACT PROVISIONS.—

"(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

"(2) PROVISIONS.—The conservation stewardship contract of a producer shall—

"(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(e);

"(B) require the producer—

"(i) to implement during the term of the conservation stewardship contract the conservation stewardship plan approved by the Secretary;

"(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation stewardship contract; and

"(iii) not to engage in any activity during the term of the conservation stewardship contract on the eligible land covered by the contract that would interfere with the purposes of the conservation stewardship contract;

"(C) permit all economic uses of the land that—

"(i) maintain the agricultural nature of the land; and

"(ii) are consistent with the conservation purposes of the conservation stewardship contract;

"(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary; and

"(E) include such other provisions as the Secretary determines necessary to ensure the purposes of the program are achieved.

"(e) CONTRACT RENEWAL.—At the end of an initial conservation stewardship contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

"(1) demonstrates compliance with the terms of the existing contract; and

"(2) agrees to adopt new conservation activities, as determined by the Secretary.

"(f) MODIFICATION.—The Secretary may allow a producer to modify a stewardship contract if the Secretary determines that the modification is consistent with achieving the purposes of the program.

"(g) CONTRACT TERMINATION.—

"(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation stewardship contract if the Secretary determines that termination would not defeat the purposes of the program.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

"(3) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

"(A) allow the producer to retain payments already received under the contract; or

"(B) require repayment, in whole or in part, of payments already received and assess liquidated damages.

"(4) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

"(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this chapter shall result in the termination of the contract with regard to that land.

"(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

"(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

"(ii) the transferee meets the eligibility requirements of the program.

"(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.) while participating in a contract under this subchapter.

"(i) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a contract offer under this subchapter that includes—

"(1) on-farm conservation research and demonstration activities; and

"(2) pilot testing of new technologies or innovative conservation practices.

"SEC. 1238G. DUTIES OF THE SECRETARY.

"(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

"(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

"(2) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

"(3) develop reliable conservation measurement tools for purposes of carrying out the program.

"(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

"(1) primarily on each State's proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and

"(2) also on consideration of—

"(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

"(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

"(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

"(c) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

"(d) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable—

"(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and

"(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

"(e) CONSERVATION STEWARDSHIP PAYMENTS.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a payment under the program to compensate the producer for—

"(A) installing and adopting additional conservation activities; and

"(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

"(2) PAYMENT AMOUNT.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

"(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

"(B) Income forgone by the producer.

"(C) Expected environmental benefits as determined by conservation measurement tools.

"(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

"(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

"(B) conservation activities for which there is no cost incurred or income forgone to the producer.

"(4) TIMING OF PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

"(B) ADDITIONAL ACTIVITIES.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.

"(f) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.

"(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

"(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

"(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term 'resource-conserving crop rotation' means a crop rotation that—

"(A) includes at least 1 resource conserving crop (as defined by the Secretary);

"(B) reduces erosion;

"(C) improves soil fertility and tilth;

"(D) interrupts pest cycles; and

"(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

"(g) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $200,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.

"(h) REGULATIONS.—The Secretary shall promulgate regulations that—

"(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and

"(2) otherwise enable the Secretary to carry out the program.

"(i) DATA.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—

"(1) the installation and adoption of additional conservation activities and improvements to conservation activities in place on the operation of a producer at the time the conservation stewardship offer is accepted by the Secretary;

"(2) participation in research, demonstration, and pilot projects; and

"(3) the development and periodic assessment and evaluation of conservation plans developed under this subchapter.".

(b) TERMINATION OF CONSERVATION SECURITY PROGRAM AUTHORITY; EFFECT ON EXISTING CONTRACTS.—Section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a) is amended by adding at the end the following new subsection:

"(g) PROHIBITION ON CONSERVATION SECURITY PROGRAM CONTRACTS; EFFECT ON EXISTING CONTRACTS.—

"(1) PROHIBITION.—A conservation security contract may not be entered into or renewed under this subchapter after September 30, 2008.

"(2) EXCEPTION.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to—

"(A) conservation security contracts entered into on or before September 30, 2008; and

"(B) any conservation security contract entered into after that date, but for which the application for the contract was received during the 2008 sign-up period.

"(3) EFFECT ON PAYMENTS.—The Secretary shall make payments under this subchapter with respect to conservation security contracts described in paragraph (2) during the remaining term of the contracts.

"(4) REGULATIONS.—A contract described in paragraph (2) may not be administered under the regulations issued to carry out the conservation stewardship program.".

(c) REFERENCE TO REDESIGNATED SUBCHAPTER.—Section 1238A(b)(3)(C) of title XII of the Food Security Act of 1985 (16 U.S.C. 3838a(b)(3)(C)) is amended by striking "subchapter C" and inserting "subchapter D".

Subtitle E—Farmland Protection and Grassland Reserve

SEC. 2401. FARMLAND PROTECTION PROGRAM.

(a) DEFINITIONS.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

"(B) any organization that—

"(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

"(iii) is—

"(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

"(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "that—" and inserting "that is subject to a pending offer for purchase from an eligible entity and—"; and

(ii) by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) has prime, unique, or other productive soil;

"(ii) contains historical or archaeological resources; or

"(iii) the protection of which will further a State or local policy consistent with the purposes of the program."; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking "and" at the end; and

(ii) by striking clause (v) and inserting the following new clauses:

"(v) forest land that—

"(I) contributes to the economic viability of an agricultural operation; or

"(II) serves as a buffer to protect an agricultural operation from development; and

"(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.".

(b) FARMLAND PROTECTION.—Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended to read as follows:

"SEC. 1238I. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and carry out a farmland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.

"(b) PURPOSE.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.

"(c) COST-SHARE ASSISTANCE.—

"(1) PROVISION OF ASSISTANCE.—The Secretary shall provide cost-share assistance to eligible entities for purchasing a conservation easement or other interest in eligible land.

"(2) FEDERAL SHARE.—The share of the cost provided by the Secretary for purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

"(3) NON-FEDERAL SHARE.—

"(A) SHARE PROVIDED BY ELIGIBLE ENTITY.—The eligible entity shall provide a share of the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the acquisition purchase price.

"(B) LANDOWNER CONTRIBUTION.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the conservation easement or other interest in land will be purchased.

"(d) DETERMINATION OF FAIR MARKET VALUE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, the fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity and approved by the Secretary.

"(e) BIDDING DOWN PROHIBITED.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the program.

"(f) CONDITION ON ASSISTANCE.—

"(1) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased using cost-share assistance provided under the program shall be subject to a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

"(2) CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary shall require the inclusion of a contingent right of enforcement for the Secretary in the terms of a conservation easement or other interest in eligible land that is purchased using cost-share assistance provided under the program.

"(g) AGREEMENTS WITH ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under subsection (c).

"(2) LENGTH OF AGREEMENTS.—An agreement under this subsection shall be for a term that is—

"(A) in the case of an eligible entity certified under the process described in subsection (h), a minimum of five years; and

"(B) for all other eligible entities, at least three, but not more than five years.

"(3) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

"(4) MINIMUM REQUIREMENTS.—An eligible entity shall be authorized to use its own terms and conditions, as approved by the Secretary, for conservation easements and other purchases of interests in land, so long as such terms and conditions—

"(A) are consistent with the purposes of the program;

"(B) permit effective enforcement of the conservation purposes of such easements or other interests; and

"(C) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

"(5) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement entered into under this subsection—

"(A) the agreement shall remain in force; and

"(B) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

"(h) CERTIFICATION OF ELIGIBLE ENTITIES.—

"(1) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

"(A) directly certify eligible entities that meet established criteria;

"(B) enter into long-term agreements with certified entities, as authorized by subsection (g)(2)(A); and

"(C) accept proposals for cost-share assistance to certified entities for the purchase of conservation easements or other interests in eligible land throughout the duration of such agreements.

"(2) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

"(A) a plan for administering easements that is consistent with the purpose of this subchapter;

"(B) the capacity and resources to monitor and enforce conservation easements or other interests in land; and

"(C) policies and procedures to ensure—

"(i) the long-term integrity of conservation easements or other interests in eligible land;

"(ii) timely completion of acquisitions of easements or other interests in eligible land; and

"(iii) timely and complete evaluation and reporting to the Secretary on the use of funds provided by the Secretary under the program.

"(3) REVIEW AND REVISION.—

"(A) REVIEW.—The Secretary shall conduct a review of eligible entities certified under paragraph (1) every three years to ensure that such entities are meeting the criteria established under paragraph (2).

"(B) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—

"(i) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

"(ii) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet the criteria established in paragraph (2).".

SEC. 2402. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking "2007" and inserting "2012".

SEC. 2403. GRASSLAND RESERVE PROGRAM.

Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), as redesignated by section 2301(a)(1), is amended to read as follows:

"Subchapter D—Grassland Reserve Program

"SEC. 1238N. GRASSLAND RESERVE PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a grassland reserve program (referred to in this subchapter as the 'program') for the purpose of assisting owners and operators in protecting grazing uses and related conservation values by restoring and conserving eligible land through rental contracts, easements, and restoration agreements.

"(b) ENROLLMENT OF ACREAGE.—

"(1) ACREAGE ENROLLED.—The Secretary shall enroll an additional 1,220,000 acres of eligible land in the program during fiscal years 2009 through 2012.

"(2) METHODS OF ENROLLMENT.—The Secretary shall enroll eligible land in the program through the use of;

"(A) a 10-year, 15-year, or 20-year rental contract;

"(B) a permanent easement; or

"(C) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under the law of that State.

"(3) LIMITATION.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—

"(A) 40 percent for rental contacts; and

"(B) 60 percent for easements.

"(4) ENROLLMENT OF CONSERVATION RESERVE LAND.—

"(A) PRIORITY.—Upon expiration of a contract under subchapter B of chapter 1 of this subtitle, the Secretary shall give priority for enrollment in the program to land previously enrolled in the conservation reserve program if—

"(i) the land is eligible land, as defined in subsection (c); and

"(ii) the Secretary determines that the land is of high ecological value and under significant threat of conversion to uses other than grazing.

"(B) MAXIMUM ENROLLMENT.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.

"(c) ELIGIBLE LAND DEFINED.—For purposes of the program, the term 'eligible land' means private or tribal land that—

"(1) is grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

"(2) is located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—

"(A) could provide habitat for animal or plant populations of significant ecological value if the land—

"(i) is retained in its current use; or

"(ii) is restored to a natural condition;

"(B) contains historical or archaeological resources; or

"(C) would address issues raised by State, regional, and national conservation priorities; or

"(3) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

"SEC. 1238O. DUTIES OF OWNERS AND OPERATORS.

"(a) RENTAL CONTRACTS.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—

"(1) to comply with the terms of the contract and, when applicable, a restoration agreement;

"(2) to suspend any existing cropland base and allotment history for the land under another program administered by the Secretary; and

"(3) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties.

"(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

"(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q;

"(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

"(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

"(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

"(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

"(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

"(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

"(c) RESTORATION AGREEMENTS.—

"(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land shall agree to comply with the terms of a restoration agreement.

"(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

"(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

"(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

"(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

"(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

"(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

"(C) fire presuppression, rehabilitation, and construction of fire breaks; and

"(D) grazing related activities, such as fencing and livestock watering.

"(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

"(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

"(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

"(3) ADDITIONAL TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the purposes and administration of the program.

"(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

"(1) the contract or easement shall remain in force; and

"(2) the Secretary may require the owner or operator to refund all or part of any payments received under the program, with interest on the payments as determined appropriate by the Secretary.

"SEC. 1238P. DUTIES OF SECRETARY.

"(a) EVALUATION AND RANKING OF APPLICATIONS.—

"(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program .

"(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

"(A) grazing operations;

"(B) plant and animal biodiversity; and

"(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to uses other than grazing.

"(b) PAYMENTS.—

"(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

"(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

"(B) make payments to the owner or operator under a restoration agreement for the Federal share of the cost of restoration in accordance with paragraph (4).

"(2) RENTAL CONTRACT PAYMENTS.—

"(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall make annual payments during the term of the contract in an amount, subject to subparagraph (B), that is not more than 75 percent of the grazing value of the land covered by the contract.

"(B) PAYMENT LIMITATION.—Payments made under 1 or more rental contracts to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

"(3) EASEMENT PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in return for the granting of an easement by an owner under the program, the Secretary shall make easement payments in an amount not to exceed the fair market value of the land less the grazing value of the land encumbered by the easement.

"(B) METHOD FOR DETERMINATION OF COMPENSATION.—In making a determination under subparagraph (A), the Secretary shall pay as compensation for a easement acquired under the program the lowest of—

"(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using—

"(I) the Uniform Standards of Professional Appraisal Practices; or

"(II) an area-wide market analysis or survey;

"(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

"(iii) the offer made by the landowner.

"(C) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

"(4) RESTORATION AGREEMENT PAYMENTS.—

"(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

"(B) PAYMENT LIMITATION.—Payments made under 1 or more restoration agreements to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

"(5) PAYMENTS TO OTHERS.—If an owner or operator who is entitled to a payment under the program dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

"SEC. 1238Q. DELEGATION OF DUTY.

"(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

"(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

"(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) an agency of State or local government or an Indian tribe; or

"(2) an organization that—

"(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

"(C) is described in—

"(i) paragraph (1) or (2) of section 509(a) of that Code; or

"(ii) in section 509(a)(3) of that Code, and is controlled by an organization described in section 509(a)(2) of that Code.

"(c) TRANSFER OF TITLE OF OWNERSHIP.—

"(1) TRANSFER.—The Secretary may transfer title of ownership to an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

"(A) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland;

"(B) the owner authorizes the eligible entity to hold or enforce the easement; and

"(C) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

"(2) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

"(3) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

"(A) has the relevant experience necessary, as appropriate for the application, to administer an easement on grassland, land that contains forbs, or shrubland;

"(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

"(C) has the resources necessary to effectuate the purposes of the charter.

"(d) COOPERATIVE AGREEMENTS.—

"(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under which an eligible entity shall use funds provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.

"(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

"(A) specify the qualification of the eligible entity to carry out the entity's responsibilities under the program, including acquisition, monitoring, enforcement, and implementation of management policies and procedures that ensure the long-term integrity of the easement protections;

"(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity;

"(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity's enforcement of the easement;

"(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

"(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

"(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

"(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to enable effective enforcement of the easements;

"(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity's share of the cost to purchase an easement; and

"(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

"(3) COST SHARING.—

"(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

"(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

"(C) PRIORITY.—The Secretary may accord a higher priority to proposals from eligible entities that leverage a greater share of the purchase price of the easement.

"(4) VIOLATION.—If an eligible entity violates the terms or conditions of a cooperative agreement entered into under this subsection—

"(A) the cooperative agreement shall remain in force; and

"(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the program, with interest on the payments as determined appropriate by the Secretary.

"(e) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.".

Subtitle F—Environmental Quality Incentives Program

SEC. 2501. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) REVISED PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting ", forest management," after "agricultural production"; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

"(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

"(B) conserving energy;

"(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and".

(b) TECHNICAL CORRECTION.—The Food Security Act of 1985 is amended by inserting immediately before section 1240 (16 U.S.C. 3839aa) the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM".

SEC. 2502. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended to read as follows:

"SEC. 1240A. DEFINITIONS.

"In this chapter:

"(1) ELIGIBLE LAND.—

"(A) IN GENERAL.—The term 'eligible land' means land on which agricultural commodities, livestock, or forest-related products are produced.

"(B) INCLUSIONS.—The term 'eligible land' includes the following:

"(i) Cropland.

"(ii) Grassland.

"(iii) Rangeland.

"(iv) Pasture land.

"(v) Nonindustrial private forest land.

"(vi) Other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary.

"(2) NATIONAL ORGANIC PROGRAM.—The term 'national organic program' means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

"(3) ORGANIC SYSTEM PLAN.—The term 'organic system plan' means an organic plan approved under the national organic program.

"(4) PAYMENT.—The term 'payment' means financial assistance provided to a producer for performing practices under this chapter, including compensation for—

"(A) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

"(B) income forgone by the producer.

"(5) PRACTICE.—The term 'practice' means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—

"(A) improvements to eligible land of the producer, including—

"(i) structural practices;

"(ii) land management practices;

"(iii) vegetative practices;

"(iv) forest management; and

"(v) other practices that the Secretary determines would further the purposes of the program; and

"(B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—

"(i) comprehensive nutrient management planning; and

"(ii) other plans that the Secretary determines would further the purposes of the program under this chapter.

"(6) PROGRAM.—The term 'program' means the environmental quality incentives program established by this chapter.".

SEC. 2503. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended to read as follows:

"SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

"(a) ESTABLISHMENT.—During each of the 2002 through 2012 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

"(b) PRACTICES AND TERM.—

"(1) PRACTICES.—A contract under the program may apply to the performance of one or more practices.

"(2) TERM.—A contract under the program shall have a term that—

"(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

"(B) not to exceed 10 years.

"(c) BIDDING DOWN.—If the Secretary determines that the environmental values of two or more applications for payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program.

"(d) PAYMENTS.—

"(1) AVAILABILITY OF PAYMENTS.—Payments are provided to a producer to implement one or more practices under the program.

"(2) LIMITATION ON PAYMENT AMOUNTS.—A payment to a producer for performing a practice may not exceed, as determined by the Secretary—

"(A) 75 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training;

"(B) 100 percent of income foregone by the producer; or

"(C) in the case of a practice consisting of elements covered under subparagraphs (A) and (B)—

"(i) 75 percent of the costs incurred for those elements covered under subparagraph (A); and

"(ii) 100 percent of income foregone for those elements covered under subparagraph (B).

"(3) SPECIAL RULE INVOLVING PAYMENTS FOR FOREGONE INCOME.—In determining the amount and rate of payments under paragraph (2)(B), the Secretary may accord great significance to a practice that, as determined by the Secretary, promotes—

"(A) residue management;

"(B) nutrient management;

"(C) air quality management;

"(D) invasive species management;

"(E) pollinator habitat;

"(F) animal carcass management technology; or

"(G) pest management.

"(4) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

"(i) to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

"(ii) to not less than 25 percent above the otherwise applicable rate.

"(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

"(5) FINANCIAL ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (6), any payments received by a producer from a State or private organization or person for the implementation of one or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under this subsection.

"(6) OTHER PAYMENTS.—A producer shall not be eligible for payments for practices on eligible land under the program if the producer receives payments or other benefits for the same practice on the same land under another program under this subtitle.

"(e) MODIFICATION OR TERMINATION OF CONTRACTS.—

"(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under the program if—

"(A) the producer agrees to the modification or termination; and

"(B) the Secretary determines that the modification or termination is in the public interest.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under the program if the Secretary determines that the producer violated the contract.

"(f) ALLOCATION OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

"(g) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal or Native Corporation member.

"(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide payments under this subsection to a producer for a water conservation or irrigation practice.

"(2) PRIORITY.—In providing payments to a producer for a water conservation or irrigation practice, the Secretary shall give priority to applications in which—

"(A) consistent with the law of the State in which the eligible land of the producer is located, there is a reduction in water use in the operation of the producer; or

"(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, under irrigated production, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.

"(i) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—

"(1) PAYMENTS AUTHORIZED.—The Secretary shall provide payments under this subsection for conservation practices, on some or all of the operations of a producer, related—

"(A) to organic production; and

"(B) to the transition to organic production.

"(2) ELIGIBILITY REQUIREMENTS.—As a condition for receiving payments under this subsection, a producer shall agree—

"(A) to develop and carry out an organic system plan; or

"(B) to develop and implement conservation practices for certified organic production that are consistent with an organic system plan and the purposes of this chapter.

"(3) PAYMENT LIMITATIONS.—Payments under this subsection to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $20,000 per year or $80,000 during any 6-year period. In applying these limitations, the Secretary shall not take into account payments received for technical assistance.

"(4) EXCLUSION OF CERTAIN ORGANIC CERTIFICATION COSTS.—Payments may not be made under this subsection to cover the costs associated with organic certification that are eligible for cost-share payments under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

"(5) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract to provide payments under this subsection if the Secretary determines that the producer—

"(A) is not pursuing organic certification; or

"(B) is not in compliance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq).".

SEC. 2504. EVALUATION OF APPLICATIONS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa-3) is amended to read as follows:

"SEC. 1240C. EVALUATION OF APPLICATIONS.

"(a) EVALUATION CRITERIA.—The Secretary shall develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed.

"(b) PRIORITIZATION OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

"(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

"(2) based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

"(3) that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1); and

"(4) that improve conservation practices or systems in place on the operation at the time the contract offer is accepted or that will complete a conservation system.

"(c) GROUPING OF APPLICATIONS.—To the greatest extent practicable, the Secretary shall group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.".

SEC. 2505. DUTIES OF PRODUCERS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240D of the Food Security Act of 1985 (16 U.S.C. 3839aa-4) is amended—

(1) in the matter preceding paragraph (1), by striking "technical assistance, cost-share payments, or incentive";

(2) in paragraph (2), by striking "farm or ranch" and inserting "farm, ranch, or forest land"; and

(3) in paragraph (4), by striking "cost-share payments and incentive".

SEC. 2506. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) PLAN OF OPERATIONS.—Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa-5(a)) is amended—

(1) in the subsection heading, by striking "IN GENERAL" and inserting "PLAN OF OPERATIONS";

(2) in matter preceding paragraph (1), by striking "cost-share payments or incentive";

(3) in paragraph (2), by striking "and" after the semicolon at the end;

(4) in paragraph (3), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

"(A) a forest stewardship plan described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a);

"(B) another practice plan approved by the State forester; or

"(C) another plan determined appropriate by the Secretary.".

(b) AVOIDANCE OF DUPLICATION.—Subsection (b) of section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa-5) is amended to read as follows:

"(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

"(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a), if the plan contains elements equivalent to those elements required by a plan of operations; and

"(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.".

SEC. 2507. DUTIES OF THE SECRETARY.

Section 1240F(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-6(1)) is amended by striking "cost-share payments or incentive".

SEC. 2508. LIMITATION ON ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended—

(1) by striking "An individual or entity" and inserting "(a) limitation.—Subject to subsection (b), a person or legal entity";

(2) by striking "$450,000" and inserting "$300,000";

(3) by striking "the individual" both places it appears and inserting "the person"; and

(4) by adding at the end the following new subsection:

"(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

"(1) waive the limitation otherwise applicable under subsection (a); and

"(2) raise the limitation to not more than $450,000 during any six-year period.".

SEC. 2509. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended to read as follows:

"SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

"(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

"(1) GRANTS.—Out of the funds made available to carry out this chapter, the Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

"(2) USE.—The Secretary may provide grants under this subsection to governmental and non-governmental organizations and persons, on a competitive basis, to carry out projects that—

"(A) involve producers who are eligible for payments or technical assistance under the program;

"(B) leverage Federal funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

"(C) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section, such as market systems for pollution reduction and practices for the storage of carbon in soil; and

"(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

"(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—

"(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall provide payments under this subsection to producers to implement practices to address air quality concerns from agricultural operations and to meet Federal, State, and local regulatory requirements. The funds shall be made available on the basis of air quality concerns in a State and shall be used to provide payments to producers that are cost effective and reflect innovative technologies.

"(2) FUNDING.—Of the funds made available to carry out this chapter, the Secretary shall carry out this subsection using $37,500,000 for each of fiscal years 2009 through 2012.".

SEC. 2510. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

"SEC. 1240I. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL WATER ENHANCEMENT ACTIVITY.—The term 'agricultural water enhancement activity' includes the following activities carried out with respect to agricultural land:

"(A) Water quality or water conservation plan development, including resource condition assessment and modeling.

"(B) Water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dryland farming.

"(C) Water quality or quantity restoration or enhancement projects.

"(D) Irrigation system improvement and irrigation efficiency enhancement.

"(E) Activities designed to mitigate the effects of drought.

"(F) Related activities that the Secretary determines will help achieve water quality or water conservation benefits on agricultural land.

"(2) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out agricultural water enhancement activities on a regional basis, including—

"(A) an agricultural or silvicultural producer association or other group of such producers;

"(B) a State or unit of local government; or

"(C) a federally recognized Indian tribe.

"(3) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner.

"(4) PROGRAM.—The term 'program' means the agricultural water enhancement program established under subsection (b).

"(b) ESTABLISHMENT OF PROGRAM.—Beginning in fiscal year 2009, the Secretary shall carry out, in accordance with this section and using such procedures as the Secretary determines to be appropriate, an agricultural water enhancement program as part of the environmental quality incentives program to promote ground and surface water conservation and improve water quality on agricultural lands—

"(1) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

"(2) by entering into partnership agreements with partners, in accordance with subsection (c), on a regional level to benefit working agricultural land.

"(c) PARTNERSHIP AGREEMENTS.—

"(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

"(2) APPLICATIONS.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following:

"(A) A description of the geographical area to be covered by the partnership agreement.

"(B) A description of the agricultural water quality or water conservation issues to be addressed by the partnership agreement.

"(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

"(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

"(E) A description of the program resources, including payments the Secretary is requested to make.

"(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnership agreements.

"(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

"(A) identify producers participating in the project and act on their behalf in applying for the program;

"(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

"(C) conduct monitoring and evaluation of project effects; and

"(D) at the conclusion of the project, report to the Secretary on project results.

"(d) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities proposed by producers according to applicable requirements under the environmental quality incentives program.

"(e) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

"(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

"(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

"(A) include high percentages of agricultural land and producers in a region or other appropriate area;

"(B) result in high levels of applied agricultural water quality and water conservation activities;

"(C) significantly enhance agricultural activity;

"(D) allow for monitoring and evaluation; and

"(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer's operation.

"(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

"(A) include the conversion of agricultural land from irrigated farming to dryland farming;

"(B) leverage Federal funds provided under the program with funds provided by partners; and

"(C) assist producers in States with water quantity concerns, as determined by the Secretary.

"(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

"(A) accept qualified applications—

"(i) directly from partners applying on behalf of producers; or

"(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

"(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

"(f) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1240, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

"(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

"(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

"(g) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1001D(b)(2)(B) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

"(h) PAYMENTS UNDER PROGRAM.—

"(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary to be necessary to achieve the purposes of the program described in subsection (b).

"(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

"(i) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

"(j) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

"(A) $73,000,000 for each of fiscal years 2009 and 2010;

"(B) $74,000,000 for fiscal year 2011; and

"(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available for regional agricultural water conservation activities under the program may be used to pay for the administrative expenses of partners.".

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

SEC. 2601. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking "2007" and inserting "2012".

SEC. 2602. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) ELIGIBILITY.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands".

(2) in subsection (b)(1), by striking "landowners" and inserting "owners of lands referred to in subsection (a)".

(b) INCLUSION OF PIVOT CORNERS AND IRREGULAR AREAS.—Section 1240N(b)(1)(E) of the

Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(1)(E)) is amended by inserting before the period at the end the following: “, including habitat developed on pivot corners and irregular areas”.

(c) COST SHARE FOR LONG-TERM AGREEMENTS.—Section 1240N(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(2)(B)) is amended by striking “15 percent” and inserting “25 percent”.

(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES; PAYMENT LIMITATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended by adding at the end the following new subsections:

“(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

“(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.”.

SEC. 2603. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by striking “$5,000,000 for each of fiscal years 2002 through 2007” and inserting “$20,000,000 for each of fiscal years 2008 through 2012”.

SEC. 2604. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb–3) is amended to read as follows:

“SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

“(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the ‘program’), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

“(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

“(c) ASSISTANCE.—In carrying out the program, the Secretary may—

“(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

“(2) establish a priority for projects and activities that—

“(A) directly reduce soil erosion or improve sediment control;

“(B) reduce soil loss in degraded rural watersheds; or

“(C) improve water quality for downstream watersheds.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.”.

SEC. 2605. CHESAPEAKE BAY WATERSHED PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

“SEC. 1240Q. CHESAPEAKE BAY WATERSHED.

“(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term ‘Chesapeake Bay watershed’ means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

“(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

“(1) improving water quality and quantity in the Chesapeake Bay watershed; and

“(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

“(c) CONSERVATION ACTIVITIES.—The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subtitle to assist producers in enhancing land and water resources—

“(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

“(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

“(A) retained in their current use; or

“(B) restored to their natural condition.

“(d) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) enter into agreements with producers to carry out the purposes of this section; and

“(B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

“(2) SPECIAL CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

“(A) The Susquehanna River.

“(B) The Shenandoah River.

“(C) The Potomac River (including North and South Potomac).

“(D) The Patuxent River.

“(e) DUTIES OF THE SECRETARY.—In carrying out the purposes in this section, the Secretary shall—

“(1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and

“(2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

“(f) CONSULTATION.—The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

“(g) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).

“(h) FUNDING.—

“(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

“(A) $23,000,000 for fiscal year 2009;

“(B) $43,000,000 for fiscal year 2010;

“(C) $72,000,000 for fiscal year 2011; and

“(D) $50,000,000 for fiscal year 2012.

“(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.”

SEC. 2606. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by inserting after section 1240Q, as added by section 2605, the following new section:

“SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

“(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

“(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

“(A) hunting and fishing; and

“(B) to the maximum extent practicable, other recreational purposes; and

“(2) the methods that will be used to achieve those benefits.

“(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

“(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

“(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

“(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land;

“(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

“(5) to make available to the public the location of land enrolled.

“(d) RELATIONSHIP TO OTHER LAWS.—

“(1) NO PREEMPTION.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

“(2) EFFECT OF INCONSISTENT OPENING DATES FOR MIGRATORY BIRD HUNTING.—The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

“(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012.”.

Subtitle H—Funding and Administration of Conservation Programs

SEC. 2701. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking “2007” and inserting “2012”.

(b) CONSERVATION RESERVE PROGRAM.—Paragraph (1) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking the period at the end and inserting the following: ", including to the maximum extent practicable—

"(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

"(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.".

(c) CONSERVATION SECURITY AND CONSERVATION STEWARDSHIP PROGRAMS.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subchapter A of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

"(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subchapter B of chapter 2.".

(d) FARMLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

"(A) $97,000,000 in fiscal year 2008;

"(B) $121,000,000 in fiscal year 2009;

"(C) $150,000,000 in fiscal year 2010;

"(D) $175,000,000 in fiscal year 2011; and

"(E) $200,000,000 in fiscal year 2012.".

(e) GRASSLAND RESERVE PROGRAM.—Paragraph (5) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(5) The grassland reserve program under subchapter D of chapter 2.".

(f) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

"(A) $1,200,000,000 in fiscal year 2008;

"(B) $1,337,000,000 in fiscal year 2009;

"(C) $1,450,000,000 in fiscal year 2010;

"(D) $1,588,000,000 in fiscal year 2011; and

"(E) $1,750,000,000 in fiscal year 2012.".

(g) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2007" and inserting "2012".

SEC. 2702. AUTHORITY TO ACCEPT CONTRIBUTIONS TO SUPPORT CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following new subsection:

"(e) ACCEPTANCE AND USE OF CONTRIBUTIONS.—

"(1) AUTHORITY TO ESTABLISH CONTRIBUTION ACCOUNTS.—Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subtitle D to accept contributions of non-Federal funds to support the purposes of the program.

"(2) DEPOSIT AND USE OF CONTRIBUTIONS.—Contributions of non-Federal funds received for a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account established under this subsection for the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.".

SEC. 2703. REGIONAL EQUITY AND FLEXIBILITY.

(a) REGIONAL EQUITY AND FLEXIBILITY.—Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended—

(1) by striking "Before April 1" and inserting the following:

"(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1";

(2) by striking "$12,000,000" and inserting "$15,000,000"; and

(3) by adding at the end the following new paragraph:

"(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.".

(b) ALLOCATIONS REVIEW AND UPDATE.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2702, the following new subsection:

"(f) ALLOCATIONS REVIEW AND UPDATE.—

"(1) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this title that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

"(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.".

SEC. 2704. ASSISTANCE TO CERTAIN FARMERS AND RANCHERS TO IMPROVE THEIR ACCESS TO CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (f), as added by section 2703(b), the following new subsection:

"(g) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—

"(1) ASSISTANCE.—Of the funds made available for each of fiscal years 2009 through 2012 to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

"(A) 5 percent to assist beginning farmers or ranchers; and

"(B) 5 percent to assist socially disadvantaged farmers or ranchers.

"(2) REPOOLING OF FUNDS.—In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the environmental quality incentives program.

"(3) REPOOLING OF ACRES.—In any fiscal year, acres not obligated under paragraph (1) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.".

SEC. 2705. REPORT REGARDING ENROLLMENTS AND ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (g), as added by section 2704, the following new subsection:

"(h) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Beginning in calendar year 2009, and each year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a semiannual report containing statistics by State related to enrollments in conservation programs under this subtitle, as follows:

"(1) Payments made under the wetlands reserve program for easements valued at $250,000 or greater.

"(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

"(3) Payments made under the grassland reserve program valued at $250,000 or greater.

"(4) Payments made under the environmental quality incentives program for land determined to have special environmental significance pursuant to section 1240G(b).

"(5) Payments made under the agricultural water enhancement program subject to the waiver of adjusted gross income limitations pursuant to section 1240I(g).

"(6) Waivers granted by the Secretary under section 1001D(b)(2) of this Act in order to protect environmentally sensitive land of special significance.".

SEC. 2706. DELIVERY OF CONSERVATION TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

"SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

"(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In this section, the term 'eligible participant' means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is otherwise eligible to participate in under this title or the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524).

"(b) PURPOSE OF TECHNICAL ASSISTANCE.—The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

"(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance under this title to an eligible participant—

"(1) directly;

"(2) through an agreement with a third-party provider; or

"(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

"(d) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this title.

"(e) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

"(1) PURPOSE.—The purpose of the third-party provider program is to increase the availability and range of technical expertise available to eligible participants to plan and implement conservation measures.

"(2) REGULATIONS.—Not later than 180 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall promulgate such regulations as are necessary to carry out this section.

“(3) EXPERTISE.—In promulgating such regulations, the Secretary, to the maximum extent practicable, shall—

“(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

“(B) provide national criteria for the certification of third-party providers; and

“(C) approve any unique certification standards established at the State level.

“(f) ADMINISTRATION.—

“(1) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 1241 shall be available for the provision of technical assistance from third-party providers under this section.

“(2) TERM OF AGREEMENT.—An agreement with a third-party provider under this section shall have a term that—

“(A) at a minimum, is equal to the period beginning on the date on which the agreement is entered into and ending on the date that is 1 year after the date on which all activities performed pursuant to the agreement have been completed;

“(B) does not exceed 3 years; and

“(C) can be renewed, as determined by the Secretary.

“(3) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall—

“(A) review certification requirements for third-party providers; and

“(B) make any adjustments considered necessary by the Secretary to improve participation.

“(4) ELIGIBLE ACTIVITIES.—

“(A) INCLUSION OF ACTIVITIES.—The Secretary may include as activities eligible for payments to a third party provider—

“(i) technical services provided directly to eligible participants, such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices; and

“(ii) related technical assistance services that accelerate conservation program delivery.

“(B) EXCLUSIONS.—The Secretary shall not designate as an activity eligible for payments to a third party provider any service that is provided by a business, or equivalent, in connection with conducting business and that is customarily provided at no cost.

“(5) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

“(g) AVAILABILITY OF TECHNICAL SERVICES.—

“(1) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

“(2) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraph (1), the Secretary may enter into a technical service contract with the eligible participant for the purposes of assisting in the planning, design, or installation of an eligible practice.

“(h) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

“(1) REVIEW REQUIRED.—The Secretary shall—

“(A) review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008;

“(B) ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by the Secretary; and

“(C) ensure that the standards provide for the optimal balance between meeting site-specific conservation needs and minimizing risks of design failure and associated costs of construction and installation.

“(2) CONSULTATION.—In conducting the review under paragraph (1), the Secretary shall consult with eligible participants, crop consultants, cooperative extension and land grant universities, nongovernmental organizations, and other qualified entities.

“(3) EXPEDITED REVISION OF STANDARDS.—If the Secretary determines under paragraph (1) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.

“(i) ADDRESSING CONCERNS OF SPECIALITY CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) to the maximum extent practicable, fully incorporate specialty crop production, organic crop production, and precision agriculture into the conservation practice standards; and

“(B) provide for the appropriate range of conservation practices and resource mitigation measures available to producers involved with organic or specialty crop production or precision agriculture.

“(2) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by producers involved with organic, specialty crop production, or precision agriculture through Federal conservation programs.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall develop—

“(i) programs that meet specific needs of producers involved with organic, specialty crop production or precision agriculture through cooperative agreements with other agencies and nongovernmental organizations; and

“(ii) program specifications that allow for innovative approaches to engage local resources in providing technical assistance for planning and implementation of conservation practices.”.

SEC. 2707. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (a), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

“SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

“(a) ESTABLISHMENT OF INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the ‘Initiative’) to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

“(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be—

“(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

“(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

“(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or

“(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

“(c) INITIATIVE PROGRAMS.—

“(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D.

“(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

“(A) Conservation reserve program.

“(B) Wetlands reserve program.

“(C) Farmland protection program

“(D) Grassland reserve program.

“(d) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

“(1) States and local governments.

“(2) Indian tribes.

“(3) Producer associations.

“(4) Farmer cooperatives.

“(5) Institutions of higher education.

“(6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

“(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

“(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

“(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

“(f) APPLICATIONS.—

“(1) REQUIRED INFORMATION.—An application to enter into a partnership agreement under the Initiative shall include the following:

“(A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

“(B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.

“(C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.

“(D) A description of the plan for monitoring, evaluating, and reporting on progress made towards achieving the objectives of the agreement.

“(E) Such other information that may be required by the Secretary.

“(2) PRIORITIES.—The Secretary shall give priority to applications for agreements that—

“(A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;

“(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

“(C) deliver high percentages of applied conservation to address water quality, water conservation, or State, regional, or national conservation initiatives;

“(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

“(E) meet other factors, as determined by the Secretary.

“(g) RELATIONSHIP TO COVERED PROGRAMS.—

“(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

“(2) ADJUSTMENT.—The Secretary may adjust the elements of any program specified in subsection (c)(1)—

“(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

“(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

“(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

“(i) FUNDING.—

“(1) RESERVATION.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

“(2) ALLOCATION REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

“(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

“(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

“(3) UNUSED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

“(4) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.”.

SEC. 2708. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2707, is further amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

“(1) INCENTIVES AUTHORIZED.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

“(A) to foster new farming and ranching opportunities; and

“(B) to enhance long-term environmental goals.

“(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

“(A) Beginning farmers or ranchers.

“(B) Socially disadvantaged farmers or ranchers.

“(C) Limited resource farmers or ranchers.

“(D) Indian tribes.”; and

(2) by adding at the end the following new subsections:

“(f) ACREAGE LIMITATIONS.—

“(1) LIMITATIONS.—

“(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of chapter 1 of subtitle D.

“(B) EASEMENTS.—Not more than 10 percent of the cropland in a country may be subject to an easement acquired under subchapter C of chapter 1 of subtitle D.

“(2) EXCEPTIONS.—The Secretary may exceed the limitation in paragraph (1)(A), if the Secretary determines that—

“(A) the action would not adversely affect the local economy of a county; and

“(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

“(3) WAIVER TO EXCLUDE CERTAIN ACREAGE.—The Secretary may grant a waiver to exclude acreage enrolled under subsection (c)(2)(B) or (f)(4) of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

“(4) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter C of chapter 1 that is used for the establishment of shelterbelts and windbreaks.

“(g) COMPLIANCE AND PERFORMANCE.—For each conservation program under subtitle D, the Secretary shall develop procedures—

“(1) to monitor compliance with program requirements;

“(2) to measure program performance;

“(3) to demonstrate whether the long-term conservation benefits of the program are being achieved;

“(4) to track participation by crop and livestock types; and

“(5) to coordinate activities described in this subsection with the national conservation program authorized under section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004).

“(h) ENCOURAGEMENT OF POLLINATOR HABITAT DEVELOPMENT AND PROTECTION.—In carrying out any conservation program administered by the Secretary, the Secretary may, as appropriate, encourage—

“(1) the development of habitat for native and managed pollinators; and

“(2) the use of conservation practices that benefit native and managed pollinators.

“(i) STREAMLINED APPLICATION PROCESS.—

“(1) IN GENERAL.—In carrying out each conservation program under this title, the Secretary shall ensure that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

“(2) REVIEW AND STREAMLINING.—

“(A) REVIEW.—The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

“(B) STREAMLINING.—On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

“(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

“(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

“(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

“(iv) information technology is used effectively to minimize data and information input requirements.

“(3) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.”.

SEC. 2709. ENVIRONMENTAL SERVICES MARKETS.

Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

“SEC. 1245. ENVIRONMENTAL SERVICES MARKETS.

“(a) TECHNICAL GUIDELINES REQUIRED.—The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

“(b) ESTABLISHMENT.—The Secretary shall establish guidelines under subsection (a) for use in developing the following:

“(1) A procedure to measure environmental services benefits.

“(2) A protocol to report environmental services benefits.

“(3) A registry to collect, record and maintain the benefits measured.

“(c) VERIFICATION REQUIREMENTS.—

“(1) VERIFICATION OF REPORTS.—The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

“(2) ROLE OF THIRD PARTIES.—In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

"(d) USE OF EXISTING INFORMATION.—In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

"(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the following:

"(1) Federal and State government agencies.

"(2) Nongovernmental interests including—

"(A) farm, ranch, and forestry producers;

"(B) financial institutions involved in environmental services trading;

"(C) institutions of higher education with relevant expertise or experience;

"(D) nongovernmental organizations with relevant expertise or experience; and

"(E) private sector representatives with relevant expertise or experience.

"(3) Other interested persons, as determined by the Secretary.".

SEC. 2710. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

"SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a conservation experienced services program (in this section referred to as the 'ACES Program') for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employees of the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and implementation of conservation practices.

"(b) PROGRAM AGREEMENTS.—

"(1) RELATION TO OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3056 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

"(2) REQUIRED DETERMINATION.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would not—

"(A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

"(B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

"(C) affect existing contracts for services.

"(c) FUNDING SOURCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

"(2) EXCLUSIONS.—Funds made available to carry out the following programs may not be used to carry out the ACES program:

"(A) The conservation reserve program.

"(B) The wetlands reserve program.

"(C) The grassland reserve program.

"(D) The conservation stewardship program.

"(d) LIABILITY.—An individual providing technical services under the ACES program is deemed to be an employee of the United States Government for purposes of chapter 171 of title 28, United States Code, if the individual—

"(1) is providing technical services pursuant to an agreement entered into under subsection (b); and

"(2) is acting within the scope of the agreement.".

SEC. 2711. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

"Subtitle G—State Technical Committees

"SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

"(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

"(b) STANDARDS.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop—

"(1) standard operating procedures to standardize the operations of State technical committees; and

"(2) standards to be used by State technical committees in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

"(c) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

"(1) The Natural Resources Conservation Service.

"(2) The Farm Service Agency.

"(3) The Forest Service.

"(4) The National Institute of Food and Agriculture.

"(5) The State fish and wildlife agency.

"(6) The State forester or equivalent State official.

"(7) The State water resources agency.

"(8) The State department of agriculture.

"(9) The State association of soil and water conservation districts.

"(10) Agricultural producers representing the variety of crops and livestock or poultry raised within the State.

"(11) Owners of nonindustrial private forest land.

"(12) Nonprofit organizations within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

"(13) Agribusiness.

"SEC. 1262. RESPONSIBILITIES.

"(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

"(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

"(c) ROLE.—

"(1) IN GENERAL.—The role of State technical committees is advisory in nature, and such committees shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such committees in administering the programs under this title.

"(2) ADVISORY ROLE IN ESTABLISHING PROGRAM PRIORITIES AND CRITERIA.—Each State technical committee shall advise the Secretary in establishing priorities and criteria for the programs in this title, including the review of whether local working groups are addressing those priorities.

"(d) FACA REQUIREMENTS.—

"(1) EXEMPTION.—Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

"(2) LOCAL WORKING GROUPS.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subtitle shall be considered to be a subcommittee of the applicable State technical committee.".

Subtitle I—Conservation Programs Under Other Laws

SEC. 2801. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended by inserting "Hawaii," after "Delaware,".

(b) FUNDING.—Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by striking "Except as provided in clauses (ii) and (iii)" and inserting "Except as provided in clause (ii)"; and

(2) by striking clauses (ii) and (iii) and inserting the following new clause:

"(ii) EXCEPTION FOR FISCAL YEARS 2008 THROUGH 2012.—For each of fiscal years 2008 through 2012, the Commodity Credit Corporation shall make available to carry out this subsection $15,000,000.".

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

"(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

"(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

"(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.".

SEC. 2802. TECHNICAL ASSISTANCE UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

(a) PREVENTION OF SOIL EROSION.—

(1) IN GENERAL.—The first section of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) is amended—

(A) by striking "That it" and inserting the following:

"SECTION 1. PURPOSE.

"It"; and

(B) in the matter preceding paragraph (1), by striking "and thereby to preserve natural resources," and inserting "to preserve soil, water, and related resources, promote soil and water quality,".

(2) POLICIES AND PURPOSES.—Section 7(a)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)(1)) is amended by striking "fertility" and inserting "and water quality and related resources".

(b) DEFINITIONS.—Section 10 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590j) is amended to read as follows:

"SEC. 10. DEFINITIONS.

"In this Act:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

"(A) an agricultural commodity; and

"(B) any regional or market classification, type, or grade of an agricultural commodity.

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

"(B) INCLUSIONS.—The term 'technical assistance' includes—

"(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

"(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.".

SEC. 2803. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

"(G) $100,000,000 for fiscal year 2009, to be available until expended.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2008 through 2012".

SEC. 2804. AMENDMENTS TO SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977.

(a) CONGRESSIONAL FINDINGS.—Section 2 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(1) in paragraph (2), by striking "base, of the" and inserting "base of the"; and

(2) in paragraph (3), by striking "(3)" and all that follows through "Since individual" and inserting the following:

"(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs are basic to effective soil, water, and related natural resource conservation.

"(4) Since individual".

(b) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.";

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following new subsection:

"(d) EVALUATION OF APPRAISAL.—In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary."; and

(4) in subsection (e), as redesignated by paragraph (2), by striking the first sentence and inserting the following: "The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015.".

(c) SOIL AND WATER CONSERVATION PROGRAM.—Section 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005) is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) by inserting after subsection (a) the following new subsections:

"(b) EVALUATION OF EXISTING CONSERVATION PROGRAMS.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

"(c) IMPROVEMENT TO PROGRAM.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "December 31, 1979" and all that follows through "December 31, 2007" and inserting "December 31, 2011, and December 31, 2016".

(d) REPORTS TO CONGRESS.—Section 7 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2006) is amended to read as follows:

"SEC. 7. REPORTS TO CONGRESS.

"(a) APPRAISAL.—Not later than the date on which Congress convenes in 2011 and 2016, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the appraisal developed under section 5 and completed before the end of the previous year.

"(b) PROGRAM AND STATEMENT OF POLICY.—Not later than the date on which Congress convenes in 2012 and 2017, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

"(1) the initial program or updated program developed under section 6 and completed before the end of the previous year;

"(2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and

"(3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

"(c) IMPROVEMENTS TO APPRAISAL AND PROGRAM.—Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this Act, based on the recommendations received under sections 5(d) and 6(c).".

(e) TERMINATION OF PROGRAM.—Section 10 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2009) is amended by striking "2008" and inserting "2018".

SEC. 2805. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "planning process" and inserting "locally led planning process";

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and moving those paragraphs so as to appear in numerical order;

(3) in paragraph (8) (as so redesignated)—

(A) by striking "**PLANNING PROCESS**" and inserting "LOCALLY LED PLANNING PROCESS"; and

(B) by striking "council" and inserting "locally led council".

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) providing assistance for the implementation of area plans and projects; and

"(D) providing services that involve the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.".

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting "(a) IN GENERAL.—" before "In carrying"; and

(2) by adding at the end the following new subsection:

"(b) COORDINATOR.—

"(1) IN GENERAL.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate for each council an individual to be the coordinator for the council.

"(2) RESPONSIBILITY.—A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.".

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2806. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following new paragraph:

"(7) BASIN STATES PROGRAM.—

"(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

"(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

"(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

"(i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;

"(ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and

"(iii) studies, planning, and administration of salinity control activities.

"(D) REPORT.—

"(i) IN GENERAL.—Not later than 30 days before implementing the program established under this paragraph, the Secretary shall submit to the appropriate committees of Congress a planning report that describes the proposed implementation of the program.

"(ii) IMPLEMENTATION.—The Secretary may not expend funds to implement the program established under this paragraph before the expiration of the 30-day period beginning on the date on which the Secretary submits the report, or any revision to the report, under clause (i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "program" and inserting "programs"; and

(B) in subsection (b)(4)—

(i) by striking "program" and inserting "programs"; and

(ii) by striking "and (6)" and inserting "(6), and (7)".

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (f) and inserting the following new subsection:

"(f) UP-FRONT COST SHARE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an up-front cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

"(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

"(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this section for all salinity control activities for which repayment was commenced prior to the date of enactment of this paragraph.".

SEC. 2807. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through "$200,000,000" and inserting "(a) TRANSFER.—Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer $175,000,000"; and

(B) by striking the quotation marks at the beginning of paragraphs (1) and (2); and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

"(1) to lease water; or

"(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).".

Subtitle J—Miscellaneous Conservation Provisions

SEC. 2901. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

SEC. 2902. NAMING OF NATIONAL PLANT MATERIALS CENTER AT BELTSVILLE, MARYLAND, IN HONOR OF NORMAN A. BERG.

The National Plant Materials Center at Beltsville, Maryland, referenced in section 613.5(a) of title 7, Code of Federal Regulations, shall be known and designated as the "Norman A. Berg National Plant Materials Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such National Plant Materials Center shall be deemed to be a reference to the Norman A. Berg National Plant Materials Center.

SEC. 2903. TRANSITION.

(a) CONTINUATION OF PROGRAMS IN FISCAL YEAR 2008.—Except as otherwise provided by an amendment made by this title, the Secretary of Agriculture shall continue to carry out any program or activity covered by title XII of the Food Security Act (16 U.S.C. 3801 et seq.) until September 30, 2008, using the provisions of law applicable to the program or activity as they existed on the day before the date of the enactment of this Act and using funds made available under such title for fiscal year 2008 for the program or activity.

(b) GROUND AND SURFACE WATER CONSERVATION PROGRAM.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2008, the Secretary of Agriculture shall continue to carry out the ground and surface water conservation program under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9), as in effect before the amendment made by section 2510, using the terms, conditions, and funds available to the Secretary to carry out such program on the day before the date of the enactment of this Act.

SEC. 2904. REGULATIONS.

(a) ISSUANCE.—Except as otherwise provided in this title or an amendment made by this title, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

(b) APPLICABLE AUTHORITY.—The promulgation of regulations under subsection (a) and administration of this title—

(1) shall be carried out without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(2) may—

(A) be promulgated with an opportunity for notice and comment; or

(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Corporation, as an interim rule effective on publication with an opportunity for notice and comment.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

(a) IN GENERAL.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 note; 104 Stat. 3633) is amended by striking "Agricultural Trade Development and Assistance Act of 1954" and inserting "Food for Peace Act".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended—

(A) by striking "Agricultural Trade Development and Assistance Act of 1954" each place it appears and inserting "Food for Peace Act"; and

(B) in each section heading, by striking "**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**" each place it appears and inserting "FOOD FOR PEACE ACT".

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(B) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(C) Section 9(a) of the Military Construction Codification Act (7 U.S.C. 1704c).

(D) Section 201 of the Africa: Seeds of Hope Act of 1998 (7 U.S.C. 1721 note; Public Law 105–385).

(E) The Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.).

(F) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(G) Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(H) Sections 605B and 606C of the Act of August 28, 1954 (commonly known as the "Agricultural Act of 1954") (7 U.S.C. 1765b, 1766b).

(I) Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856).

(J) The Agricultural Competitiveness and Trade Act of 1988 (7 U.S.C. 5201 et seq.).

(K) The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

(L) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(M) Section 301 of title 13, United States Code.

(N) Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537).

(O) Section 604 of the Enterprise for the Americas Act of 1992 (22 U.S.C. 2077).

(P) Section 5 of the International Health Research Act of 1960 (22 U.S.C. 2103).

(Q) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(R) The Horn of Africa Recovery and Food Security Act (22 U.S.C. 2151 note; Public Law 102–274).

(S) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455).

(T) Section 35 of the Foreign Military Sales Act (22 U.S.C. 2775).

(U) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(V) Section 1707 of the Cuban Democracy Act of 1992 (22 U.S.C. 6006).

(W) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

(X) Section 902 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201).

(Y) Chapter 553 of title 46, United State Code.

(Z) Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(AA) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(BB) Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–34).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the "Agricultural Trade Development and Assistance Act of 1954" shall be considered to be a reference to the "Food for Peace Act".

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1691a(b)) is amended by striking "(b)" and all that follows through paragraph (1) and inserting the following:

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) in negotiations at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

"(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

"(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, charitable bodies, and international organizations shall continue—

"(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

"(ii) to implement food aid programs in agreements with donor countries; and

"(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency needs shall not be subject to limitation, including in-kind commodities, provision of funds for agricultural commodity procurement, and monetization of commodities, on the condition that the provision of those commodities or funds—

"(i) is based on assessments of need and intended to benefit the food security of, or otherwise assist, recipients, and

"(ii) is provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and".

SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.

(a) Title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) is amended in the title heading, by striking "**TRADE AND DEVELOPMENT ASSISTANCE**" and inserting "**ECONOMIC ASSISTANCE AND FOOD SECURITY**".

(b) Section 101 of the Food for Peace Act (7 U.S.C. 1701) is amended in the section heading, by striking "**TRADE AND DEVELOPMENT ASSISTANCE**" and inserting "**ECONOMIC ASSISTANCE AND FOOD SECURITY**".

SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Food for Peace Act (7 U.S.C. 1702) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) by striking subsection (c).

SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.

Section 104(c) of the Food for Peace Act (7 U.S.C. 1704(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", through agreements with recipient governments, private voluntary organizations, and cooperatives," after "developing country";

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) the improvement of the trade capacity of the recipient country.";

(4) in paragraph (3), by striking "agricultural business development and agricultural trade expansion" and inserting "development of agricultural businesses and agricultural trade capacity";

(5) in paragraph (4), by striking ", or otherwise" and all that follows through "United States";

(6) in paragraph (5), by inserting "to promote agricultural products produced in appropriate developing countries" after "trade fairs"; and

(7) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) address famine and food crises, and respond to emergency food needs, arising from man-made and natural disasters;";

(2) in paragraph (5)—

(A) by inserting "food security and support" after "promote"; and

(B) by striking "; and" and inserting a semicolon;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) promote economic and nutritional security by increasing educational, training, and other productive activities.".

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

(1) in subsection (b)(2), by striking "may not deny a request for funds" and inserting "may not use as a sole rationale for denying a request for funds";

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking "not less than 5 percent nor more than 10 percent" and inserting "not less than 7.5 percent nor more than 13 percent";

(B) in subparagraph (A), by striking "; and" and inserting a semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) improving and implementing methodologies for food aid programs, including needs assessments (upon the request of the Administrator), monitoring, and evaluation."; and

(3) by striking subsection (h) and inserting the following:

"(h) FOOD AID QUALITY.—

"(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2009 and subsequent fiscal years to carry out this title—

"(A) to assess the types and quality of agricultural commodities and products donated for food aid;

"(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; and

"(C) to test prototypes.

"(2) ADMINISTRATION.—The Administrator—

"(A) shall carry out this subsection in consultation with and through independent entities with proven expertise in food aid commodity quality enhancements;

"(B) may enter into contracts to obtain the services of such entities; and

"(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

"(3) FUNDING LIMITATION.—Of the funds made available under section 207(f), for fiscal years 2009 through 2011, not more than $4,500,000 may be used to carry out this subsection.".

SEC. 3009. GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

Section 203(b) of the Food for Peace Act (7 U.S.C. 1723(b)) is amended by striking "1 or more recipient countries" and inserting "in 1 or more recipient countries".

SEC. 3010. LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking "2002 through 2007" and inserting "2008 through 2012"; and

(2) in paragraph (2), by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 3011. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act."; and

(2) in subsection (f), by striking "2007" and inserting "2012".

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(3), by striking "and the conditions that must be met for the approval of such proposal";

(2) in subsection (c), by striking paragraph (3);

(3) by striking subsection (d) and inserting the following:

“(d) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules.”; and

(4) by adding at the end the following:

“(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

“(1) DUTIES OF ADMINISTRATOR.—The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

“(A) to determine the need for assistance provided under this title; and

“(B) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this title to maximize the impact of the assistance.

“(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

“(A) program monitors in countries that receive assistance under this title;

“(B) country and regional food aid impact evaluations;

“(C) the identification and implementation of best practices for food aid programs;

“(D) the evaluation of monetization programs;

“(E) early warning assessments and systems to help prevent famines; and

“(F) upgraded information technology systems.

“(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

“(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

“(A) a review of, and comments addressing, the report described in paragraph (3); and

“(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.

“(5) CONTRACT AUTHORITY.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in carrying out administrative and management activities relating to each activity carried out by the Administrator under paragraph (1), the Administrator may enter into contracts with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

“(B) PROHIBITION.—An individual who enters into a contract with the Administrator under subparagraph (A) shall not be considered to be an employee of the Federal Government for the purpose of any law (including regulations) administered by the Office of Personnel Management.

“(C) PERSONAL SERVICE.—Subparagraph (A) does not limit the ability of the Administrator to enter into a contract with any individual for personal service under section 202(a).

“(6) FUNDING.—

“(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

“(ii) CONDITION.—No funds shall be made available under subparagraph (A), in accordance with clause (i), unless not less than $8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

“(g) PROJECT REPORTING.—

“(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

“(2) CONFIDENTIAL INFORMATION.—An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.”.

SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended—

(1) by striking “$3,000,000” and inserting “$8,000,000”; and

(2) by striking “2007” and inserting “2012”.

SEC. 3014. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking “(b)(1)” and inserting “(a)(1)”.

(b) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736(a)) is amended by striking “(that have been determined to be available under section 401(a))”.

(2) Subsection (e)(1) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by striking “determined to be available under section 401 of the Food for Peace Act”.

SEC. 3015. DEFINITIONS.

Section 402 of the Food for Peace Act (7 U.S.C. 1732) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) APPROPRIATE COMMITTEE OF CONGRESS.—The term ‘appropriate committee of Congress’ means—

“(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

“(B) the Committee on Agriculture of the House of Representatives; and

“(C) the Committee on Foreign Affairs of the House of Representatives.”.

SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting “, including the costs of carrying out section 415” before the semicolon.

SEC. 3017. ADMINISTRATIVE PROVISIONS.

Section 407(c) of the Food for Peace Act (7 U.S.C. 1736a(c)) is amended—

(1) in paragraph (4)—

(A) by striking “Funds made” and inserting the following:

“(A) IN GENERAL.—Funds made”;

(B) in subparagraph (A) (as so designated)—

(i) by striking “2007” and inserting “2012”; and

(ii) by striking “$2,000,000” and inserting “$10,000,000”; and

(C) by adding at the end the following:

“(B) ADDITIONAL PREPOSITIONING SITES.—

“(i) FEASIBILITY ASSESSMENTS.—The Administrator may carry out assessments for the establishment of not less than 2 sites to determine the feasibility of, and costs associated with, using the sites to store and handle agricultural commodities for prepositioning in foreign countries.

“(ii) ESTABLISHMENT OF SITES.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.”; and

(2) by adding at the end the following:

“(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual resource requests for ongoing nonemergency or ongoing multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.”.

SEC. 3018. CONSOLIDATION AND MODIFICATION OF ANNUAL REPORTS REGARDING AGRICULTURAL TRADE ISSUES.

(a) ANNUAL REPORTS.—Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended by striking subsection (f) and inserting the following:

“(f) ANNUAL REPORTS.—

“(1) ANNUAL REPORT REGARDING AGRICULTURAL TRADE PROGRAMS AND ACTIVITIES.—

“(A) ANNUAL REPORT.—Not later than April 1 of each fiscal year, the Administrator and the Secretary shall jointly prepare and submit to the appropriate committees of Congress a report regarding each program and activity carried out under this Act during the prior fiscal year.

“(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

“(i) a list that contains a description of each country and organization that receives food and other assistance under this Act (including the quantity of food and assistance provided to each country and organization);

“(ii) a general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies);

“(iii) a statement describing the quantity of agricultural commodities made available to each country pursuant to—

“(I) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

“(II) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

“(iv) an assessment of the progress made through programs under this Act towards reducing food insecurity in the populations receiving food assistance from the United States;

"(v) a description of efforts undertaken by the Food Aid Consultative Group under section 205 to achieve an integrated and effective food assistance program;

"(vi) an assessment of—

"(I) each program oversight, monitoring, and evaluation system implemented under section 207(f); and

"(II) the impact of each program oversight, monitoring, and evaluation system on the effectiveness and efficiency of assistance provided under this title; and

"(vii) an assessment of the progress made by the Administrator in addressing issues relating to quality with respect to the provision of food assistance.

"(2) ANNUAL REPORT REGARDING THE PROVISION OF AGRICULTURAL COMMODITIES TO FOREIGN COUNTRIES.—

"(A) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Administrator shall prepare and submit to the appropriate committees of Congress a report regarding the administration of food assistance programs under title II to benefit foreign countries during the prior fiscal year.

"(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

"(i) a list that contains a description of each program, country, and commodity approved for assistance under section 207; and

"(ii) a statement that contains a description of the total amount of funds approved for transportation and administrative costs under section 207.".

(b) CONFORMING AMENDMENT.—Section 207(e) of the Food for Peace Act (7 U.S.C. 1726a(e)) is amended—

(1) by striking "TIMELY APPROVAL." and all that follows through "The Administrator" and inserting "TIMELY APPROVAL.—The Administrator"; and

(2) by striking paragraph (2).

SEC. 3019. EXPIRATION OF ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking "2007" and inserting "2012".

SEC. 3020. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for fiscal year 2008 and each fiscal year thereafter, $2,500,000,000 to carry out the emergency and nonemergency food assistance programs under title II; and

"(2) such sums as are necessary—

"(A) to carry out the concessional credit sales program established under title I;

"(B) to carry out the grant program established under title III; and

"(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by the Commodity Credit Corporation in carrying out such programs.".

SEC. 3021. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by adding at the end the following:

"(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

"(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $375,000,000 for fiscal year 2009, $400,000,000 for fiscal year 2010, $425,000,000 for fiscal year 2011, and $450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.

"(2) EXCEPTION.—The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under title II only if—

"(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

"(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

"(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for nonemergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

"(3) NOTIFICATION TO CONGRESS.—If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.".

SEC. 3022. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking "To the maximum" and inserting the following:

"(a) IN GENERAL.—To the maximum"; and

(2) by adding at the end the following:

"(b) REPORT REGARDING EFFORTS TO IMPROVE PROCUREMENT PLANNING.—

"(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator and the Secretary shall submit to each appropriate committee of Congress a report that contains a description of each effort taken by the Administrator and the Secretary to improve planning for food and transportation procurement (including efforts to eliminate bunching of food purchases).

"(2) CONTENTS.—A report required under paragraph (1) should include a description of each effort taken by the Administrator and the Secretary—

"(A) to improve the coordination of food purchases made by—

"(i) the United States Agency for International Development; and

"(ii) the Department of Agriculture;

"(B) to increase flexibility with respect to procurement schedules;

"(C) to increase the use of historical analyses and forecasting; and

"(D) to improve and streamline legal claims processes for resolving transportation disputes.".

SEC. 3023. MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415 of the Food for Peace Act (7 U.S.C. 1736g–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "Not later than September 30, 2003, the Administrator, in consultation with the Secretary" and inserting "Not later than September 30, 2008, the Administrator, in consultation with the Secretary"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding "and" after the semicolon at the end; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

"(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities, using recommendations included in the report entitled 'Micronutrient Compliance Review of Fortified Public Law 480 Commodities', published in October 2001, with implementation by independent entities with proven experience and expertise in food aid commodity quality enhancements.";

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "2007" and inserting "2012".

SEC. 3024. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING.—Section 501(d) of the Food for Peace Act (7 U.S.C. 1737(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "not less than" and inserting "not less than the greater of $10,000,000 or"; and

(2) by striking "2002 through 2007" and inserting "2008 through 2012".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Food for Peace Act (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

"(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

"(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subparagraph (A).".

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking "GUARANTEES.—" and all that follows through "The Commodity" in paragraph (1) and inserting "GUARANTEES.—The Commodity"; and

(B) by striking paragraphs (2) and (3);

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively; and

(4) by adding at the end the following:

"(k) ADMINISTRATION.—

"(1) DEFINITION OF LONG TERM.—In this subsection, the term 'long term' means a period of 10 or more years.

"(2) GUARANTEES.—In administering the export credit guarantees authorized under this section, the Secretary shall—

"(A) maximize the export sales of agricultural commodities;

"(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

"(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

"(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

"(E) work with industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.".

(b) FUNDING LEVELS.—Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

"(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 credit guarantees under section 202(a) in an amount equal to but not more than the lesser of—

"(1) $5,500,000,000 in credit guarantees; or

"(2) the sum of—

"(A) the amount of credit guarantees that the Commodity Credit Corporation can make available using budget authority of $40,000,000 for each fiscal year for the costs of the credit guarantees; and

"(B) the amount of credit guarantees that the Commodity Credit Corporation can make available using unobligated budget authority for prior fiscal years.".

(c) CONFORMING AMENDMENTS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (b)(4) (as redesignated by subsection (a)(3)), by striking ", consistent with the provisions of subsection (c)";

(2) in subsection (d) (as redesignated by subsection (a)(3))—

(A) by striking "(1)" and all that follows through "The Commodity" and inserting "The Commodity"; and

(B) by striking paragraph (2); and

(3) in subsection (g)(2) (as redesignated by subsection (a)(3)), by striking "subsections (a) and (b)" and inserting "subsection (a)".

SEC. 3102. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after "agricultural commodities" the following: "(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)))".

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking "$200,000,000 for each of fiscal years 2006 and 2007" and inserting "$200,000,000 for each of fiscal years 2008 through 2012".

SEC. 3103. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

"TITLE III—BARRIERS TO EXPORTS";

(2) by redesignating sections 302 and 303 (7 U.S.C. 5652 and 5653) as sections 301 and 302, respectively;

(3) in section 302 (as redesignated by paragraph (2)), by striking ", such as that established under section 301,";

(4) in section 401 (7 U.S.C. 5661)—

(A) in subsection (a), by striking "section 201, 202, or 301" and inserting "section 201 or 202"; and

(B) in subsection (b), by striking "sections 201, 202, and 301" and inserting "sections 201 and 202"; and

(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking "sections 201, 202, 203, and 301" and inserting "sections 201, 202, and 203".

SEC. 3104. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) REPORT TO CONGRESS.—Section 702(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5722(c)) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(b) FUNDING.—Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 3105. FOOD FOR PROGRESS ACT OF 1985.

(a) IN GENERAL.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking "2007" each place it appears and inserting "2012".

(b) DESIGNATION OF PROJECT IN SUB-SAHARAN AFRICA.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (f) by adding at the end the following:

"(6) PROJECT IN MALAWI.—

"(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi—

"(i) to promote sustainable agriculture; and

"(ii) to increase the number of women in leadership positions.

"(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.".

SEC. 3106. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsections (b), (c)(2)(B), (f)(1), (h), (i), and (l)(1), by striking "President" each place it appears and inserting "Secretary";

(2) in subsection (d), by striking "The President shall designate 1 or more Federal agencies" and inserting "The Secretary shall";

(3) in paragraph (f)(2), by striking "implementing agency" and inserting "Secretary"; and

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $84,000,000 for fiscal year 2009, to remain available until expended.";

(B) in paragraph (2), by striking "2004 through 2007" and inserting "2008 through 2012"; and

(C) in paragraph (3), by striking "any Federal agency implementing or assisting" and inserting "the Department of Agriculture or any other Federal agency assisting".

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (a)—

(A) by striking "establish a trust stock" and inserting "establish and maintain a trust"; and

(B) by striking "or any combination of the commodities, totaling not more than 4,000,000 metric tons" and inserting "any combination of the commodities, or funds";

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

"(D) funds made available—

"(i) under paragraph (2)(B);

"(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; or

"(iii) to maximize the value of the trust, in accordance with subsection (d)(3)."; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking "2007" each place it appears and inserting "2012";

(II) by striking "(c)(2)" and inserting "(c)(1)"; and

(III) by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) from funds accrued through the management of the trust under subsection (d).";

(3) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) RELEASES FOR EMERGENCY ASSISTANCE.—

"(A) DEFINITION OF EMERGENCY.—

"(i) IN GENERAL.—In this paragraph, the term 'emergency' means an urgent situation—

"(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

"(aa) that causes human suffering; and

"(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

"(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

"(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes 1 or more of—

"(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

"(II) a human-made emergency resulting in—

"(aa) a significant influx of refugees;

"(bb) the internal displacement of populations; or

"(cc) the suffering of otherwise affected populations;

"(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

"(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

"(B) RELEASES.—

"(i) IN GENERAL.—Any funds or commodities held in the trust may be released to provide food, and cover any associated costs, under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)—

"(I) to assist in averting an emergency, including during the period immediately preceding the emergency;

"(II) to respond to an emergency; or

"(III) for recovery and rehabilitation after an emergency.

"(ii) PROCEDURE.—A release under clause (i) shall be carried out in the same manner, and pursuant to the same authority as provided in title II of that Act.

"(C) INSUFFICIENCY OF OTHER FUNDS.—The funds and commodities held in the trust shall be made immediately available on a determination by the Administrator that funds available for emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year are insufficient to meet emergency needs during the fiscal year.

"(D) WAIVER RELATING TO MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph requires a waiver by the Administrator of the Agency for International Development under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3)) as a condition for a release of funds or commodities under subparagraph (B)."; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through "provide—" and inserting the following:

"(d) MANAGEMENT OF TRUST.—

"(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

"(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—";

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking "and" at the end; and

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) FUNDS.—

"(A) EXCHANGES.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii), the funds shall be held in the trust until the date on which the funds are released in the case of an emergency under subsection (c).

"(B) INVESTMENT.—The Secretary may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia."; and

(5) in subsection (h), in each of paragraphs (1) and (2), by striking "2007" each place it appears and inserting "2012".

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the "Trust") to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

(5) the operation and maintenance of a back-up facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and

(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total amount of funds contributed to the Trust from all sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.

SEC. 3203. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking subsection (d) and inserting the following:

"(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of each factor that affects the export of specialty crops, including each factor relating to any—

"(1) significant sanitary or phytosanitary issue; or

"(2) trade barrier.

"(e) FUNDING.—

"(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $4,000,000 for fiscal year 2008;

"(B) $7,000,000 for fiscal year 2009;

"(C) $8,000,000 for fiscal year 2010;

"(D) $9,000,000 for fiscal year 2011; and

"(E) $9,000,000 for fiscal year 2012.".

SEC. 3204. EMERGING MARKETS AND FACILITY GUARANTEE LOAN PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101-624) is amended—

(1) in subsection (a), by striking "2007" and inserting "2012";

(2) in subsection (b)—

(A) in the first sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking "A portion" and inserting the following:

"(1) IN GENERAL.—A portion";

(C) in the second sentence, by striking "The Commodity Credit Corporation" and inserting the following:

"(2) PRIORITY.—The Commodity Credit Corporation"; and

(D) by adding at the end the following:

"(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

"(A) goods from the United States are not available; or

"(B) the use of goods from the United States is not practicable.

"(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

"(A) the term of the depreciation schedule of the facility assisted; or

"(B) 20 years."; and

(3) in subsection (d)(1)(A)(i) by striking "2007" and inserting "2012".

SEC. 3205. CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term "child labor" means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) CONSULTATIVE GROUP.—The term "Consultative Group" means the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products established under subsection (b).

(3) FORCED LABOR.—The term "forced labor" means all work or service—

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which—

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

(B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

(b) ESTABLISHMENT.—There is established a group to be known as the "Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products" to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and in accordance with section 105(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(B) REQUIREMENTS.—Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

(d) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary of State;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers,

and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

(5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;

(6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and

(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

(e) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

(f) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.

(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.

(i) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.

SEC. 3206. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEE OF CONGRESS.—The term "appropriate committee of Congress" means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE COMMODITY.—The term "eligible commodity" means an agricultural commodity (or the product of an agricultural commodity) that—

(A) is produced in, and procured from, a developing country; and

(B) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that is—

(A) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(B) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.

(b) STUDY; FIELD-BASED PROJECTS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study of prior local and regional procurements for food aid programs conducted by—

(i) other donor countries;

(ii) private voluntary organizations; and

(iii) the World Food Program of the United Nations.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under subparagraph (A).

(2) FIELD-BASED PROJECTS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that consist of local or regional procurements of eligible commodities to respond to food crises and disasters in accordance with this section.

(B) CONSULTATION WITH ADMINISTRATOR.—In carrying out the development and implementation of field-based projects under subparagraph (A), the Secretary shall consult with the Administrator.

(c) PROCUREMENT.—

(1) IN GENERAL.—Any eligible commodity that is procured for a field-based project carried out under subsection (b)(2) shall be procured through any approach or methodology that the Secretary considers to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same markets at which the eligible commodity is procured.

(2) REQUIREMENTS.—

(A) IMPACT ON LOCAL FARMERS AND COUNTRIES.—The Secretary shall ensure that the local or regional procurement of any eligible commodity under this section will not have a disruptive impact on farmers located in, or the economy of—

(i) the recipient country of the eligible commodity; or

(ii) any country in the region in which the eligible commodity may be procured.

(B) TRANSSHIPMENT.—The Secretary shall, in accordance with such terms and conditions as the Secretary considers to be appropriate, require from each eligible organization commitments designed to prevent or restrict—

(i) the resale or transshipment of any eligible commodity procured under this section to any country other than the recipient country; and

(ii) the use of the eligible commodity for any purpose other than food aid.

(C) WORLD PRICES.—

(i) IN GENERAL.—In carrying out this section, the Secretary shall take any precaution that the Secretary considers to be reasonable to ensure that the procurement of eligible commodities will not unduly disrupt—

(I) world prices for agricultural commodities; or

(II) normal patterns of commercial trade with foreign countries.

(ii) PROCUREMENT PRICE.—The procurement of any eligible commodity shall be made at a reasonable market price with respect to the economy of the country in which the eligible commodity is procured, as determined by the Secretary.

(d) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—In accordance with paragraph (2), not later than 180 days after the date of completion of the study under subsection (b)(1), the Secretary shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—

(A) USE OF STUDY.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall take into consideration the results of the study described in subsection (b)(1).

(B) PUBLIC REVIEW AND COMMENT.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall provide an opportunity for public review and comment.

(3) AVAILABILITY.—The Secretary shall not approve the procurement of any eligible commodity under this section until the date on which the Secretary promulgates regulations or issues guidelines under paragraph (1).

(e) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall submit to the Secretary an application by such date, in such manner, and containing such information as the Secretary may require.

(ii) OTHER APPLICABLE REQUIREMENTS.—Any other applicable requirement relating to the submission of proposals for consideration shall apply to the submission of an application required under clause (i), as determined by the Secretary.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

(ii) to provide to the Secretary the data collected under clause (i).

(3) REQUIREMENTS OF SECRETARY.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Secretary shall select a diversity of projects, including projects located in—

(I) food surplus regions;

(II) food deficit regions (that are carried out using regional procurement methods); and

(III) multiple geographical regions.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Secretary shall ensure that the majority of selected proposals are for field-based projects that—

(I) are located in Africa; and

(II) procure eligible commodities that are produced in Africa.

(B) DEVELOPMENT ASSISTANCE.—A portion of the funds provided under this subsection shall be made available for field-based projects that provide development assistance for a period of not less than 1 year.

(4) AVAILABILITY.—The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1).

(f) INDEPENDENT EVALUATIONS; REPORT.—

(1) INDEPENDENT EVALUATIONS.—

(A) IN GENERAL.—Not later than November 1, 2011, the Secretary shall ensure that an independent third party conducts an independent evaluation of all field-based projects that—

(i) addresses each factor described in subparagraph (B); and

(ii) is conducted in accordance with this section.

(B) REQUIRED FACTORS.—The Secretary shall require the independent third party to develop—

(i) with respect to each relevant market in which an eligible commodity was procured under this section, a description of—

(I) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);

(II) the impact of the procurement of the eligible commodity on producer and consumer prices in the market;

(III) each government market interference or other activity of the donor country that might have significantly affected the supply or demand of the eligible commodity in the area at which the local or regional procurement occurred;

(IV) the quantities and types of eligible commodities procured in the market;

(V) the time frame for procurement of each eligible commodity; and

(VI) the total cost of the procurement of each eligible commodity (including storage, handling, transportation, and administrative costs);

(ii) an assessment regarding—

(I) whether the requirements of this section have been met;

(II) the impact of different methodologies and approaches on—

(aa) local and regional agricultural producers (including large and small agricultural producers);

(bb) markets;

(cc) low-income consumers; and

(dd) program recipients; and

(III) the length of the period beginning on the date on which the Secretary initiated the procurement process and ending on the date of delivery of eligible commodities;

(iii) a comparison of different methodologies used to carry out this section, with respect to—

(I) the benefits to local agriculture;

(II) the impact on markets and consumers;

(III) the period of time required for procurement and delivery;

(IV) quality and safety assurances; and

(V) implementation costs; and

(iv) to the extent adequate information is available (including the results of the report required under subsection (b)(1)(B)), a comparison of the different methodologies used by other donor countries to make local and regional procurements.

(C) INDEPENDENT THIRD PARTY ACCESS TO RECORDS AND REPORTS.—The Secretary shall provide to the independent third party access to each record and report that the independent third party determines to be necessary to complete the independent evaluation.

(D) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 180 days after the date described in paragraph (2), the Secretary shall provide public access to each record and report described in subparagraph (C).

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains the analysis and findings of the independent evaluation conducted under paragraph (1)(A).

(g) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) $5,000,000 for fiscal year 2009;

(B) $25,000,000 for fiscal year 2010;

(C) $25,000,000 for fiscal year 2011; and

(D) $5,000,000 for fiscal year 2012.

Subtitle D—Softwood Lumber

SEC. 3301. SOFTWOOD LUMBER.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—SOFTWOOD LUMBER

"SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This title may be cited as the 'Softwood Lumber Act of 2008'.

"(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

"TITLE VIII—SOFTWOOD LUMBER

"Sec. 801. Short title; table of contents.
"Sec. 802. Definitions.
"Sec. 803. Establishment of softwood lumber importer declaration program.
"Sec. 804. Scope of softwood lumber importer declaration program.
"Sec. 805. Export charge determination and publication.
"Sec. 806. Reconciliation.
"Sec. 807. Verification.
"Sec. 808. Penalties.
"Sec. 809. Reports.

"SEC. 802. DEFINITIONS.

"In this title:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

"(2) COUNTRY OF EXPORT.—The term 'country of export' means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the United States.

"(3) CUSTOMS LAWS OF THE UNITED STATES.—The term 'customs laws of the United States' means any law or regulation enforced or administered by U.S. Customs and Border Protection.

"(4) EXPORT CHARGES.—The term 'export charges' means any tax, charge, or other fee collected by the country from which softwood lumber or a softwood lumber product, described in section 804(a), is exported pursuant to an international agreement entered into by that country and the United States.

"(5) EXPORT PRICE.—

"(A) IN GENERAL.—The term 'export price' means one of the following:

"(i) In the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined F.O.B. at the facility where the product underwent the last primary processing before export.

"(ii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the lumber or product underwent the last primary processing.

"(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that underwent the last remanufacturing before export by a manufacturer who—

"(aa) does not hold tenure rights provided by the country of export;

"(bb) did not acquire standing timber directly from the country of export; and

"(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export.

"(iii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the product underwent the last processing before export.

"(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that undergoes the last remanufacturing before export by a manufacturer who—

"(aa) holds tenure rights provided by the country of export;

"(bb) acquired standing timber directly from the country of export; or

"(cc) is related to a person who holds tenure rights or acquired standing timber directly from the country of export.

"(B) RELATED PERSONS.—For purposes of this paragraph, a person is related to another person if—

"(i) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986;

"(ii) the person bears a relationship to such other person described in section 267(b) of such Code, except that '5 percent' shall be substituted for '50 percent' each place it appears;

"(iii) the person and such other person are part of a controlled group of corporations, as that term is defined in section 1563(a) of such Code, except that '5 percent' shall be substituted for '80 percent' each place it appears;

"(iv) the person is an officer or director of such other person; or

"(v) the person is the employer of such other person.

"(C) TENURE RIGHTS.—For purposes of this paragraph, the term 'tenure rights' means rights to harvest timber from public land granted by the country of export.

"(D) EXPORT PRICE WHERE F.O.B. VALUE CANNOT BE DETERMINED.—

"(i) IN GENERAL.—In the case of softwood lumber or a softwood lumber product described in clause (i), (ii), or (iii) of subparagraph (A) for which an F.O.B. value cannot be determined, the export price shall be the market price for the identical lumber or product sold in an arm's-length transaction in the country of export at approximately the same time as the exported lumber or product. The market price shall be determined in the following order of preference:

"(I) The market price for the lumber or a product sold at substantially the same level of trade as the exported lumber or product but in different quantities.

"(II) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product but in similar quantities.

“(III) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product and in different quantities.

“(ii) LEVEL OF TRADE.—For purposes of clause (i), ‘level of trade’ shall be determined in the same manner as provided under section 351.412(c) of title 19, Code of Federal Regulations (as in effect on January 1, 2008).

“(6) F.O.B.—The term ‘F.O.B.’ means a value consisting of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the actual shipping charges or any applicable export charges.

“(7) HTS.—The term ‘HTS’ means the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (as in effect on January 1, 2008).

“(8) PERSON.—The term ‘person’ includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

“(9) UNITED STATES.—The term ‘United States’ means the customs territory of the United States, as defined in General Note 2 of the HTS.

“SEC. 803. ESTABLISHMENT OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 804(a). The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 804(a) to provide the information required under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

“(2) ELECTRONIC RECORD.—The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

“(b) REQUIRED INFORMATION.—The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 804(a):

“(1) The export price for each shipment of softwood lumber or softwood lumber products.

“(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805 to the export price provided in subsection (b)(1).

“(c) IMPORTER DECLARATIONS.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

“(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

“(2) to the best of the person’s knowledge and belief—

“(A) the export price provided pursuant to subsection (b)(1) is determined in accordance with the definition provided in section 802(5);

“(B) the export price provided pursuant to subsection (b)(1) is consistent with the export price provided on the export permit, if any, granted by the country of export; and

“(C) the exporter has paid, or committed to pay, all export charges due—

“(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

“(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 805(b).

“SEC. 804. SCOPE OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

“(a) PRODUCTS INCLUDED IN PROGRAM.—The following products shall be subject to the importer declaration program established under section 803:

“(1) IN GENERAL.—All softwood lumber and softwood lumber products classified under subheading 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of the HTS, including the following softwood lumber, flooring, and siding:

“(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

“(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

“(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

“(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

“(E) Coniferous drilled and notched lumber and angle cut lumber.

“(2) PRODUCTS CONTINUALLY SHAPED.—Any product classified under subheading 4409.10.05 of the HTS that is continually shaped along its end or side edges.

“(3) OTHER LUMBER PRODUCTS.—Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers, radius-cut box-spring frame components, fence pickets, truss components, pallet components, and door and window frame parts classified under subheading 4418.90.46.95, 4421.90.70.40, or 4421.90.97.40 of the HTS.

“(b) PRODUCTS EXCLUDED FROM PROGRAM.—The following products shall be excluded from the importer declaration program established under section 803:

“(1) Trusses and truss kits, properly classified under subheading 4418.90 of the HTS.

“(2) I-joist beams.

“(3) Assembled box-spring frames.

“(4) Pallets and pallet kits, properly classified under subheading 4415.20 of HTS.

“(5) Garage doors.

“(6) Edge-glued wood, properly classified under subheading 4421.90.97.40 of the HTS.

“(7) Complete door frames.

“(8) Complete window frames.

“(9) Furniture.

“(10) Articles brought into the United States temporarily and for which an exemption from duty is claimed under subchapter XIII of chapter 98 of the HTS.

“(11) Household and personal effects.

“(c) EXCEPTIONS FOR CERTAIN PRODUCTS.—The following softwood lumber products shall not be subject to the importer declaration program established under section 803:

“(1) STRINGERS.—Stringers (pallet components used for runners), if the stringers—

“(A) have at least 2 notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades; and

“(B) are properly classified under subheading 4421.90.97.40 of the HTS.

“(2) BOX-SPRING FRAME KITS.—

“(A) IN GENERAL.—Box-spring frame kits, if—

“(i) the kits contain—

“(I) 2 wooden side rails;

“(II) 2 wooden end (or top) rails; and

“(III) varying numbers of wooden slats; and

“(ii) the side rails and the end rails are radius-cut at both ends.

“(B) PACKAGING.—Any kit described in subparagraph (A) shall be individually packaged, and contain the exact number of wooden components needed to make the box-spring frame described on the entry documents, with no further processing required. None of the components contained in the package may exceed 1 inch in actual thickness or 83 inches in length.

“(3) RADIUS-CUT BOX-SPRING FRAME COMPONENTS.—Radius-cut box-spring frame components, not exceeding 1 inch in actual thickness or 83 inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

“(4) FENCE PICKETS.—Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring ¾ of an inch or more.

“(5) UNITED STATES-ORIGIN LUMBER.—Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

“(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

“(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

“(6) SOFTWOOD LUMBER.—Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

“(7) HOME PACKAGES OR KITS.—

“(A) IN GENERAL.—Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

“(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

“(ii) The package or kit contains—

“(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

“(II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the plan, design, or blueprint.

“(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

“(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

“(B) ADDITIONAL DOCUMENTATION REQUIRED FOR HOME PACKAGES AND KITS.—In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

“(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

“(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

“(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

“(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

“(d) PRODUCTS COVERED.—For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

“SEC. 805. EXPORT CHARGE DETERMINATION AND PUBLICATION.

“(a) DETERMINATION.—The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 804(a) in order to ensure compliance with any international agreement entered into by that country and the United States.

“(b) PUBLICATION.—The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

“SEC. 806. RECONCILIATION.

“The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 804(a) and the United States. The Secretary of Treasury shall reconcile the following:

“(1) The export price declared by a United States importer pursuant to section 803(b)(1) with the export price reported to the United States by the country of export, if any.

“(2) The export price declared by a United States importer pursuant to section 803(b)(1) with the revised export price reported to the United States by the country of export, if any.

“SEC. 807. VERIFICATION.

“(a) IN GENERAL.—The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 803(c), including by determining whether—

“(1) the export price declared by a United States importer pursuant to section 803(b)(1) is the same as the export price provided on the export permit, if any, issued by the country of export; and

“(2) the estimated export charge declared by a United States importer pursuant to section 803(b)(2) is consistent with the determination published by the Under Secretary for International Trade pursuant to section 805(b).

“(b) EXAMINATION OF BOOKS AND RECORDS.—

“(1) IN GENERAL.—Any record relating to the importer declaration program required under section 803 shall be treated as a record required to be maintained and produced under title V of this Act.

“(2) EXAMINATION OF RECORDS.—The Secretary of the Treasury is authorized to take such action, and examine such records, under section 509 of this Act, as the Secretary determines necessary to verify the declarations made pursuant to section 803(c) are true and accurate.

“SEC. 808. PENALTIES.

“(a) IN GENERAL.—It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

“(b) CIVIL PENALTIES.—Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

“(c) OTHER PENALTIES.—In addition to the penalties provided for in subsection (b), any violation of this title that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, United States Code, with respect to the importation of softwood lumber and softwood lumber products described in section 804(a).

“(d) FACTORS TO CONSIDER IN ASSESSING PENALTIES.—In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this title by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

“(e) NOTICE.—No penalty may be assessed under this section against a person for violating a provision of this title unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

“(f) EXCEPTION.—Notwithstanding any other provision of this title, and without limitation, an importer shall not be found to have violated subsection 803(c) if—

“(1) the importer made an appropriate inquiry in accordance with section 803(c)(1) with respect to the declaration;

“(2) the importer produces records maintained pursuant to section 807(b) that substantiate the declaration; and

“(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

“SEC. 809. REPORTS.

“(a) SEMIANNUAL REPORTS.—Not later than 180 days after the effective date of this title, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

“(1) describing the reconciliations conducted under section 806, and the verifications conducted under section 807;

“(2) identifying the manner in which the United States importers subject to reconciliations conducted under section 806 and verifications conducted under section 807 were chosen;

“(3) identifying any penalties imposed under section 808;

“(4) identifying any patterns of noncompliance with this title; and

“(5) identifying any problems or obstacles encountered in the implementation and enforcement of this title.

“(b) SUBSIDIES REPORTS.—Not later than 180 days after the date of the enactment of this title, and every 180 days thereafter, the Secretary of Commerce shall provide to the appropriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

“(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

“(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

“(2) Not later than 12 months after the date of the enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking “Food Stamp Act of 1977” and inserting “Food and Nutrition Act of 2008”.

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking “**FOOD STAMP PROGRAM**” each place it appears and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”.

SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking “**FOOD STAMP PROGRAM**” and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”.

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)(2)(A)) is amended by striking “Food Stamp Disaster Task Force” and inserting “Disaster Task Force”.

(3) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking “for food stamps”;

(B) in subsection (j), in the subsection heading, by striking “FOOD STAMP”; and

(C) in subsection (o)—

(i) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking “a food stamp recipient” and inserting “a member of a household that receives supplemental nutrition assistance program benefits”; and

(BB) by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”; and

(II) in subparagraphs (D) and (E), by striking “food stamp recipients” each place it appears and inserting “members of households that receive supplemental nutrition assistance program benefits”.

(4) Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(A) in subsection (i)—

(i) in paragraph (3)(B)(ii), by striking “food stamp households” and inserting “households receiving supplemental nutrition assistance program benefits”; and

(ii) in paragraph (7), by striking “food stamp issuance” and inserting “supplemental nutrition assistance issuance”; and

(B) in subsection (k)—

(i) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(ii) in paragraph (3), by striking “food stamp retail” and inserting “retail”.

(5) Section 9(b)(1) of that Food and Nutrition Act of 2008 (7 U.S.C. 2018(b)(1)) is amended by striking “food stamp households” and inserting “households that receive supplemental nutrition assistance program benefits”.

(6) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) by striking “food stamps” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(ii) by striking “food stamp offices” each place it appears and inserting “supplemental nutrition assistance program offices”;

(iii) by striking “food stamp office” each place it appears and inserting “supplemental nutrition assistance program office”; and

(iv) in paragraph (25)—

(I) in the matter preceding subparagraph (A), by striking “Simplified Food Stamp Program” and inserting “Simplified Supplemental Nutrition Assistance Program”; and

(II) in subparagraph (A), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;

(B) in subsection (k), by striking “may issue, upon request by the State agency, food stamps” and inserting “may provide, on request by the State agency, supplemental nutrition assistance program benefits”;

(C) in subsection (l), by striking “food stamp participation” and inserting “supplemental nutrition assistance program participation”;

(D) in subsections (q) and (r), in the subsection headings, by striking “FOOD STAMPS” each place it appears and inserting “BENEFITS”;

(E) in subsection (s), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”; and

(F) in subsection (t)(1)—

(i) in subparagraph (A), by striking “food stamp application” and inserting “supplemental nutrition assistance program application”; and

(ii) in subparagraph (B), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”.

(7) Section 14(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2023(b)) is amended by striking “food stamp”.

(8) Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a)(4), by striking “food stamp informational activities” and inserting “informational activities relating to the supplemental nutrition assistance program”;

(B) in subsection (c)(9)(C), by striking “food stamp caseload” and inserting “the caseload under the supplemental nutrition assistance program”; and

(C) in subsection (h)(1)(E)(i), by striking “food stamp recipients” and inserting “members of households receiving supplemental nutrition assistance program benefits”.

(9) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(II) in subparagraph (B)—

(aa) in clause (ii)(II), by striking “food stamp recipients” and inserting “supplemental nutrition assistance program recipients”;

(bb) in clause (iii)(I), by striking “the State's food stamp households” and inserting “the number of households in the State receiving supplemental nutrition assistance program benefits”; and

(cc) in clause (iv)(IV)(bb), by striking “food stamp deductions” and inserting “supplemental nutrition assistance program deductions”;

(ii) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking “food stamp employment” and inserting “supplemental nutrition assistance program employment”;

(II) in subparagraph (B), by striking “food stamp recipients” and inserting “supplemental nutrition assistance program recipients”;

(III) in subparagraph (C), by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”; and

(IV) in subparagraph (D), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;

(C) in subsection (c), by striking “food stamps” and inserting “supplemental nutrition assistance”;

(D) in subsection (d)—

(i) in paragraph (1)(B), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “food stamp allotments” each place it appears and inserting “allotments”; and

(II) in subparagraph (C)(ii), by striking “food stamp benefit” and inserting “supplemental nutrition assistance program benefits”; and

(iii) in paragraph (3)(E), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;

(E) in subsections (e) and (f), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(F) in subsection (g), in the first sentence, by striking “receipt of food stamp” and inserting “receipt of supplemental nutrition assistance program”; and

(G) in subsection (j), by striking “food stamp agencies” and inserting “supplemental nutrition assistance program agencies”.

(10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”.

(11) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) in the section heading, by striking “**FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN**” and inserting “**MINNESOTA FAMILY INVESTMENT PROJECT**”;

(B) in subsections (b)(12) and (d)(3), by striking “the Food Stamp Act, as amended,” each place it appears and inserting “this Act”; and

(C) in subsection (g)(1), by striking “the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)” and inserting “this Act”.

(12) Section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2035) is amended—

(A) in the section heading, by striking “**SIMPLIFIED FOOD STAMP PROGRAM**” and inserting “**SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”; and

(B) in subsection (b), by striking “simplified food stamp program” and inserting “simplified supplemental nutrition assistance program”.

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking “food stamp program” each place it appears and inserting “supplemental nutrition assistance program”;

(B) by striking “Food Stamp Act of 1977” each place it appears and inserting “Food and Nutrition Act of 2008”;

(C) by striking “Food Stamp Act” each place it appears and inserting “Food and Nutrition Act of 2008”;

(D) by striking “food stamp” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(E) by striking “food stamps” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking “**FOOD STAMP ACT**” each place it appears and inserting “**FOOD AND NUTRITION ACT OF 2008**”;

(G) in each applicable subsection and appropriations heading, by striking “FOOD STAMP ACT” each place it appears and inserting “FOOD AND NUTRITION ACT OF 2008”;

(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “**FOOD STAMP ACT**” each place it appears and inserting “**FOOD AND NUTRITION ACT OF 2008**”;

(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking "**FOOD STAMP PROGRAM**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**";

(J) in each applicable subsection and appropriations heading, by striking "FOOD STAMP PROGRAM" each place it appears and inserting "SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM";

(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking "**FOOD STAMP PROGRAM**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**";

(L) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking "**FOOD STAMPS**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**";

(M) in each applicable subsection and appropriations heading, by striking "FOOD STAMPS" each place it appears and inserting "SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS"; and

(N) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking "**FOOD STAMPS**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**".

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the "food stamp program" established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the "supplemental nutrition assistance program" established under that Act.

PART II—BENEFIT IMPROVEMENTS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) by striking "(d) Household" and inserting "(d) EXCLUSIONS FROM INCOME.—Household";

(2) by striking "only (1) any" and inserting "only—

"(1) any";

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking "like (A) awarded" and inserting "like—

"(A) awarded";

(B) by striking "thereof, (B) to" and inserting "thereof;

"(B) to"; and

(C) by striking "program, and (C) to" and inserting "program; and

"(C) to";

(6) in paragraph (11), by striking ")), or (B) a" and inserting ")); or

"(B) a";

(7) in paragraph (17), by striking ", and" at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting "; and"; and

(9) by adding at the end the following:

"(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

"(A) is the result of deployment to or service in a combat zone; and

"(B) was not received immediately prior to serving in a combat zone.".

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "not less than $134" and all that follows through the end of the clause and inserting the following: "not less than—

"(I) for fiscal year 2009, $144, $246, $203, and $127, respectively; and

"(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.";

(2) in subparagraph (B)(ii), by striking "not less than $269" and all that follows through the end of the clause and inserting the following: "not less than—

"(I) for fiscal year 2009, $289; and

"(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food."; and

(3) by adding at the end the following:

"(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.".

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(e)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(3)(A)) is amended by striking ", the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,".

SEC. 4104. ASSET INDEXATION, EDUCATION, AND RETIREMENT ACCOUNTS.

(a) ADJUSTING COUNTABLE RESOURCES FOR INFLATION.—Section (5)(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended—

(1) by striking "(g)(1) The Secretary" and inserting the following:

"(g) ALLOWABLE FINANCIAL RESOURCES.—

"(1) TOTAL AMOUNT.—

"(A) IN GENERAL.—The Secretary".

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting “(as adjusted in accordance with subparagraph (B))” after “$2,000”; and

(B) by inserting “(as adjusted in accordance with subparagraph (B))” after “$3,000”; and

(3) by adding at the end the following:

“(B) ADJUSTMENT FOR INFLATION.—

“(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest $250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.”.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking “or retirement account (including an individual account)” and inserting “account”.

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

“(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

“(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

“(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

“(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

“(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).”.

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

“(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

“(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

“(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).”.

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

(1) by striking “reporting by” and inserting “reporting”;

(2) in clause (i), by inserting “for periods shorter than 4 months by” before “migrant”;

(3) in clause (ii), by inserting “for periods shorter than 4 months by” before “households”; and

(4) in clause (iii), by inserting “for periods shorter than 1 year by” before “households”.

SEC. 4106. TRANSITIONAL BENEFITS OPTION.

Section 11(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(s)(1)) is amended—

(1) by striking “benefits to a household”; and inserting “benefits—

“(A) to a household”;

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.”.

SEC. 4107. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking “$10 per month” and inserting “8 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment”.

SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following:

“(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.”; and

(2) in subparagraph (F), by adding at the end the following:

“(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).”.

PART III—PROGRAM OPERATIONS

SEC. 4111. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting “and, through an approved State plan, nutrition education” after “an allotment”.

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

“(f) NUTRITION EDUCATION.—

“(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expanded food and nutrition education program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

“(3) NUTRITION EDUCATION STATE PLANS.—

“(A) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

“(B) REQUIREMENTS.—The plan shall—

“(i) identify the uses of the funding for local projects; and

“(ii) conform to standards established by the Secretary through regulations or guidance.

“(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

“(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.”.

SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking “No member” and inserting the following:

“(1) IN GENERAL.—No member”; and

(3) by adding at the end the following:

“(2) PROCEDURES.—The Secretary shall—

“(A) define the terms ‘fleeing’ and ‘actively seeking’ for purposes of this subsection; and

“(B) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.”.

SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

“(i) not reduce the allotment of any household for any period; and

“(ii) ensure that no household experiences an interval between issuances of more than 40 days.

“(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.”.

SEC. 4114. ACCRUAL OF BENEFITS.

Section 7(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

“(12) RECOVERING ELECTRONIC BENEFITS.—

“(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

“(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits off-line in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

“(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

“(D) NOTICE.—A State agency shall—

“(i) send notice to a household the benefits of which are stored under subparagraph (B); and

“(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.”.

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through "subsection (j)) shall be" and inserting the following:

"SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

"(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be";

(2) in subsection (b)—

(A) by striking "(b) Coupons" and inserting the following:

"(b) USE.—Benefits"; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking "(c) Coupons" and inserting the following:

"(c) DESIGN.—

"(1) IN GENERAL.—EBT cards";

(B) in the first sentence, by striking "and define their denomination"; and

(C) by striking the second sentence and inserting the following:

"(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.";

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "coupon issuers" each place it appears and inserting "benefit issuers";

(6) in subsection (f)—

(A) by striking "coupons" each place it appears and inserting "benefits";

(B) by striking "coupon issuer" and inserting "benefit issuers";

(C) by striking "including any losses" and all that follows through "section 11(e)(20),"; and

(D) by striking "and allotments";

(7) by striking subsection (g) and inserting the following:

"(g) ALTERNATIVE BENEFIT DELIVERY.—

"(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

"(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

"(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

"(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

"(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

"(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

"(i) no longer be an obligation of the Federal Government; and

"(ii) not be redeemable.";

(8) in subsection (h)(1), by striking "coupons" and inserting "benefits";

(9) in subsection (i), by adding at the end the following:

"(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.";

(10) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking "printing, shipping, and redeeming coupons" and inserting "issuing and redeeming benefits"; and

(B) in paragraph (5), by striking "coupon" and inserting "benefit";

(11) in subsection (k)—

(A) by striking "coupons in the form of" each place it appears and inserting "program benefits in the form of";

(B) by striking "a coupon issued in the form of" each place it appears and inserting "program benefits in the form of"; and

(C) in subparagraph (A), by striking "subsection (i)(11)(A)" and inserting "subsection (h)(11)(A)"; and

(12) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(A) in subsection (a), by striking "coupons" and inserting "benefits";

(B) by striking subsection (b) and inserting the following:

"(b) BENEFIT.—The term 'benefit' means the value of supplemental nutrition assistance provided to a household by means of—

"(1) an electronic benefit transfer under section 7(i); or

"(2) other means of providing assistance, as determined by the Secretary.";

(C) in subsection (c), in the first sentence, by striking "authorization cards" and inserting "benefits";

(D) in subsection (d), by striking "or access device" and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking "(e) 'Coupon issuer' means" and inserting the following:

"(e) BENEFIT ISSUER.—The term 'benefit issuer' means"; and

(ii) by striking "coupons" and inserting "benefits";

(F) in subsection (g)(7), by striking "subsection (r)" and inserting "subsection (j)";

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking "subsection (r)" and inserting "subsection (j)"; and

(ii) in subparagraph (D), by striking "coupons" and inserting "benefits";

(H) in subsection (j), by striking "(as that term is defined in subsection (p))";

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking "subsection (u)(1)" and inserting "subsection (r)(1)";

(ii) in paragraph (2), by striking "subsections (g)(3), (4), (5), (7), (8), and (9) of this section" and inserting "paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)"; and

(iii) in paragraph (3), by striking "subsection (g)(6) of this section" and inserting "subsection (k)(6)";

(J) in subsection (t), by inserting ", including point of sale devices," after "other means of access";

(K) in subsection (u), by striking "(as defined in subsection (g))";

(L) by adding at the end the following:

"(v) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i)."; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving the subsections so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "Coupons issued" and inserting "benefits issued".

(3) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection ([illegible]), by striking "section 3(i)(4)" and inserting "section 3(n)(4)";

(B) in subsection (h)(3)(B), in the second sentence, by striking "section 7(i)" and inserting "section 7(h)"; and

(C) in subsection (i)(2)(E), by striking ", as defined in section 3(i) of this Act,".

(4) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking "coupons or authorization cards" and inserting "program benefits"; and

(ii) by striking "coupons" each place it appears and inserting "benefits"; and

(B) in subsection (d)(4)(L), by striking "section 11(e)(22)" and inserting "section 11(e)(19)".

(5) Section 8 of the Food and Nutrition Act of 2008 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking ", whether through coupons, access devices, or otherwise"; and

(B) in subsections (e)(1) and (f), by striking "section 3(i)(5)" each place it appears and inserting "section 3(n)(5)".

(6) Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits";

(B) in subsection (a)—

(i) in paragraph (1), by striking "coupon business" and inserting "benefit transactions"; and

(ii) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the supplemental nutrition assistance program."; and

(C) in subsection (g), by striking "section 3(g)(9)" and inserting "section 3(k)(9)".

(7) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through "Regulations" and inserting the following:

"SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

"Regulations";

(B) by striking "section 3(k)(4) of this Act" and inserting "section 3(p)(4)";

(C) by striking "section 7(i)" and inserting "section 7(h)"; and

(D) by striking "coupons" each place it appears and inserting "benefits".

(8) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking "section 3(n)(1) of this Act" each place it appears and inserting "section 3(t)(1)"; and

(ii) by striking "section 3(n)(2) of this Act" each place it appears and inserting "section 3(t)(2)";

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking "paragraph (16) or (20)(B)" and inserting "paragraph (15) or (18)(B)";

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking "(described in section 3(n)(1) of this Act)" and inserting "described in section 3(t)(1)";

(C) in subsection (h), by striking "coupon or coupons" and inserting "benefits";

(D) by striking "coupon" each place it appears and inserting "benefit";

(E) by striking "coupons" each place it appears and inserting "benefits"; and

(F) in subsection (q), by striking "section 11(e)(20)(B)" and inserting "subsection (e)(18)(B)".

(9) Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking "coupons" each place it appears and inserting "benefits".

(10) Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking "coupons" and inserting "benefits";

(B) in subsection (b)(1)—

(i) by striking "coupons, authorization cards, or access devices" each place it appears and inserting "benefits";

(ii) by striking "coupons or authorization cards" and inserting "benefits"; and

(iii) by striking "access device" each place it appears and inserting "benefit";

(C) in subsection (c), by striking "coupons" each place it appears and inserting "benefits";

(D) in subsection (d), by striking "Coupons" and inserting "Benefits";

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking "coupon, authorization cards or access devices" and inserting "benefits".

(11) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking "coupons" each place it appears and inserting "benefits".

(12) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking "coupon" and inserting "benefit";

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting "or otherwise providing benefits in a form not restricted to the purchase of food" after "of cash";

(bb) in subclause (III)(aa), by striking "section 3(i)" and inserting "section 3(n)"; and

(cc) in subclause (VII), by striking "section 7(j)" and inserting "section 7(i)"; and

(II) in clause (v)—

(aa) by striking "countersigned food coupons or similar"; and

(bb) by striking "food coupons" and inserting "EBT cards"; and

(ii) in subparagraph (C)(i)(I), by striking "coupons" and inserting "EBT cards";

(C) in subsection (f), by striking "section 7(g)(2)" and inserting "section 7(f)(2)"; and

(D) in subsection (j), by striking "coupon" and inserting "benefit".

(13) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking "section 3(o)(4)" and inserting "section 3(u)(4)".

(14) Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(15) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking "food coupons" each place it appears and inserting "benefits";

(B) by striking "coupons" each place it appears and inserting "benefits"; and

(C) in subsection (g)(1)(A), by striking "coupon" and inserting "benefits".

(16) Section 26(f)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking "subsections (a) through (g)" and inserting "subsections (a) through (f)"; and

(B) in subparagraph (E), by striking "(16), (18), (20), (24), and (25)" and inserting "(15), (17), (18), (22), and (23)".

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking "coupons" each place it appears and inserting "benefits";

(ii) by striking "coupon" each place it appears and inserting "benefit";

(iii) by striking "food coupons" each place it appears and inserting "benefits";

(iv) in each section heading, by striking "**FOOD COUPONS**" each place it appears and inserting "**BENEFITS**";

(v) by striking "food stamp coupon" each place it appears and inserting "benefit"; and

(vi) by striking "food stamps" each place it appears and inserting "benefits".

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking "section 3(k)(1)" and inserting "section 3(p)(1)".

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking "section 3(k) of such Act (as amended by section 201)" and inserting "section 3(p) of that Act".

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking "section 3(h)" each place it appears and inserting "section 3(l)"; and

(ii) in subsection (e)(2), by striking "section 3(m)" and inserting "section 3(s)".

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking "section 3(r)" and inserting "section 3(j)"; and

(ii) in paragraph (3)(B), by striking "section 3(h)" and inserting "section 3(l)".

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking "section 3(h)" and inserting "section 3(l)".

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking "section 3(n)(1)" and inserting "section 3(t)(1)".

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking "section 3(h)" each place it appears and inserting "section 3(l)".

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking "section 3(h)" each place it appears and inserting "section 3(l)".

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended by striking "(as defined in section 3(e) of such Act)".

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a "coupon", "authorization card", or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a "benefit" provided under that Act.

SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:

"SEC. 11. ADMINISTRATION.

"(a) STATE RESPONSIBILITY.—

"(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

"(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

"(3) RECORDS.—

"(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

"(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

"(i) be available for inspection and audit at any reasonable time;

"(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

"(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

"(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

"(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

"(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

"(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

"(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

"(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

"(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

"(i) notify the Secretary; and

"(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).".

SEC. 4117. CIVIL RIGHTS COMPLIANCE.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

"(c) CIVIL RIGHTS COMPLIANCE.—

"(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

"(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

"(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).".

SEC. 4118. CODIFICATION OF ACCESS RULES.

Section 11(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking "shall (A) at" and inserting "shall—

"(A) at"; and

(2) by striking "and (B) use" and inserting "and

"(B) comply with regulations of the Secretary requiring the use of".

SEC. 4119. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking "(C) Nothing in this Act" and inserting the following:

"(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

"(i) IN GENERAL.—Nothing in this Act"; and

(2) by adding at the end the following:

"(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

"(iii) REQUIREMENTS.—A system established under clause (ii) shall—

"(I) record for future reference the verbal assent of the household member and the information to which assent was given;

"(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

"(III) not deny or interfere with the right of the household to apply in writing;

"(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

"(V) comply with paragraph (1)(B);

"(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the supplemental nutrition assistance program, with the date on which the household member provides verbal assent considered as the date of application for all purposes; and

"(VII) comply with such other standards as the Secretary may establish.".

SEC. 4120. PRIVACY PROTECTIONS.

Section 11(e)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "limit" and inserting "prohibit"; and

(B) by striking "to persons" and all that follows through "State programs";

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) the safeguards shall permit—

"(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

"(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;"; and

(4) in subparagraph (F) (as so redesignated) by inserting "or subsection (u)" before the semicolon at the end.

SEC. 4121. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

"(g) COST SHARING FOR COMPUTERIZATION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

"(A) would assist in meeting the requirements of this Act;

"(B) meet such conditions as the Secretary prescribes;

"(C) are likely to provide more efficient and effective administration of the supplemental nutrition assistance program;

"(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

"(F) would be operated in accordance with an adequate plan for—

"(i) continuous updating to reflect changed policy and circumstances; and

"(ii) testing the effect of the system on access for eligible households and on payment accuracy.

"(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

"(A) is reimbursed for the costs under any other Federal program; or

"(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.".

SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking "to remain available until expended" and inserting "to remain available for 15 months".

PART IV—PROGRAM INTEGRITY

SEC. 4131. ELIGIBILITY DISQUALIFICATION.

Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

"(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

"(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.".

SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

"(a) DISQUALIFICATION.—

"(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

"(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

"(B) assessed a civil penalty of up to $100,000 for each violation; or

"(C) both.

"(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.";

(2) in subsection (b)—

(A) by striking "(b) Disqualification" and inserting the following:

"(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification";

(B) in paragraph (1), by striking "of no less than six months nor more than five years" and inserting "not to exceed 5 years";

(C) in paragraph (2), by striking "of no less than twelve months nor more than ten years" and inserting "not to exceed 10 years";

(D) in paragraph (3)(B)—

(i) by inserting "or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards" after "concern" the first place it appears; and

(ii) by striking "civil money penalties" and inserting "civil penalties"; and

(E) by striking "civil money penalty" each place it appears and inserting "civil penalty";

(3) in subsection (c)—

(A) by striking "(c) The action" and inserting the following:

"(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

"(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed $100,000 for each violation.

"(2) Review.—The action"; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking "civil money penalty" and inserting "civil penalty";

(4) in subsection (d)—

(A) by striking "(d)" and all that follows through ". The Secretary shall" and inserting the following:

"(d) Conditions of Authorization.—

"(1) In general.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

"(2) Collateral.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

"(3) Bond requirements.—The Secretary shall";

(B) by striking "If the Secretary finds" and inserting the following

"(4) Forfeiture.—If the Secretary finds"; and

(C) by striking "Such store or concern" and inserting the following:

"(5) Hearing.—A store or concern described in paragraph (4)";

(5) in subsection (e), by striking "civil money penalty" each place it appears and inserting "civil penalty"; and

(6) by adding at the end the following:

"(h) Flagrant Violations.—

"(1) In general.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

"(2) Requirements.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

"(A) may be suspended; and

"(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to section 15(g); or

"(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

"(3) No liability for interest.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.".

SEC. 4133. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

"(5) Overissuances caused by systemic State errors.—

"(A) In general.—If the Secretary determines that a State agency overissued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as defined by the Secretary, the Secretary may prohibit the State agency from collecting these overissuances from some or all households.

"(B) Procedures.—

"(i) Information reporting by States.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

"(ii) Final determination.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

"(I) whether the State agency overissued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

"(II) as to the amount of the overissuance in the applicable fiscal year for which the State agency is liable.

"(iii) Establishing a claim.—Upon determining under clause (ii) that a State agency has overissued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the overissuance caused by the systemic error.

"(iv) Administrative and judicial review.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

"(v) Remission to the Secretary.—

"(I) Determination not appealed.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

"(II) Determination appealed.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding made in the administrative and judicial review.

"(vi) Alternative method of collection.—

"(I) In general.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

"(II) Accrual of interest.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

"(vii) Limitation.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.".

PART V—MISCELLANEOUS

SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

"(k) Pilot Projects to Evaluate Health and Nutrition Promotion in the Supplemental Nutrition Assistance Program.—

"(1) In general.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

"(A) of using the supplemental nutrition assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

"(B) to reduce overweight, obesity (including childhood obesity), and associated comorbidities in the United States.

"(2) Grants.—

"(A) In general.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as defined by the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

"(B) Application.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(C) Selection criteria.—Pilot projects shall be evaluated against publicly disseminated criteria that may include—

"(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

"(ii) incorporation of a scientifically based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

"(iii) a commitment to a pilot project that allows for a rigorous outcome evaluation, including data collection;

"(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

"(v) innovative ways to provide significant improvement to the health and wellness of children;

"(vi) other criteria, as determined by the Secretary.

"(D) Use of funds.—Funds provided under this paragraph shall not be used for any project that limits the use of benefits under this Act.

"(3) Projects.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food purchases by and healthier diets among households participating in the supplemental nutrition assistance program result from projects that—

"(A) increase the supplemental nutrition assistance purchasing power of the participating households by providing increased supplemental nutrition assistance program benefit allotments to the participating households;

"(B) increase access to farmers markets by participating households through the electronic redemption of supplemental nutrition assistance program benefits at farmers' markets;

"(C) provide incentives to authorized supplemental nutrition assistance program retailers to increase the availability of healthy foods to participating households;

"(D) subject authorized supplemental nutrition assistance program retailers to stricter retailer requirements with respect to carrying and stocking healthful foods;

"(E) provide incentives at the point of purchase to encourage households participating in the supplemental nutrition assistance program to purchase fruits, vegetables, or other healthful foods; or

"(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school-based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

"(4) EVALUATION AND REPORTING.—

"(A) EVALUATION.—

"(i) INDEPENDENT EVALUATION.—

"(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

"(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

"(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

"(B) REPORTING.—Not later than 90 days after the last day of fiscal year 2009 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

"(i) the status of each pilot project;

"(ii) the results of the evaluation completed during the previous fiscal year; and

"(iii) to the maximum extent practicable—

"(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

"(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

"(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

"(C) PUBLIC DISSEMINATION.—In addition to the reporting requirements under subparagraph (B), evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

"(5) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

"(B) MANDATORY FUNDING.—Out of any funds made available under section 18, on October 1, 2008, the Secretary shall make available $20,000,000 to carry out a project described in paragraph (3)(E), to remain available until expended.".

SEC. 4142. STUDY ON COMPARABLE ACCESS TO SUPPLEMENTAL NUTRITION ASSISTANCE FOR PUERTO RICO.

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term "State" under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable supplemental nutrition assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

SEC. 4201. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended by—

(1) by striking "(A) PURCHASE OF COMMODITIES" and all that follows through "$140,000,000 of" and inserting the following:

"(a) PURCHASE OF COMMODITIES.—

"(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of"; and

(2) by adding at the end the following:

"(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

"(A) for fiscal year 2008, $190,000,000;

"(B) for fiscal year 2009, $250,000,000; and

"(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year.".

(b) STATE PLANS.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

"(a) PLANS.—

"(1) IN GENERAL.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

"(2) UPDATES.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.".

(c) AUTHORIZATION AND APPROPRIATIONS.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking "$60,000,000" and inserting "$100,000,000"; and

(2) by inserting "and donated wild game" before the period at the end.

SEC. 4202. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

The Emergency Food Assistance Act of 1983 is amended by inserting after section 208 (7 U.S.C. 7511) the following:

"SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an emergency feeding organization.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

"(2) RURAL PREFERENCE.—The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

"(A) expanding the capacity and infrastructure of food banks, State-wide food bank associations, and food bank collaboratives that operate in rural areas; and

"(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

"(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

"(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

"(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

"(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

"(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

"(5) improving the identification of—

"(A) potential providers of donated foods;

"(B) potential nonprofit emergency food providers; and

"(C) persons in need of emergency food assistance in rural areas; and

"(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.".

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 4211. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) IN GENERAL.—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

"(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

"(1) IN GENERAL.—Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

"(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

"(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

"(3) DISQUALIFIED PARTICIPANTS.—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this Act for a period of time to be determined by the Secretary.

"(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

"(5) BISON MEAT.—Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

"(A) Native American bison producers; and

"(B) producer-owned cooperatives of bison ranchers.

"(6) TRADITIONAL AND LOCALLY-GROWN FOOD FUND.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

"(B) NATIVE AMERICAN PRODUCERS.—Where practicable, of the food provided under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

"(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary shall determine the definition of the term 'traditional and locally-grown' with respect to food distributed under this paragraph.

"(D) SURVEY.—In carrying out this paragraph, the Secretary shall—

"(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

"(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

"(E) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through 2012.".

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this subsection as the "food package");

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans compared to the supplemental nutrition assistance program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges in infrastructure; and

(3)(A) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; or

(B) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

"(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

"(1) low-income persons aged 60 and older; or

"(2) women, infants, and children.".

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

SEC. 4231. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (b)(1), by inserting "honey," after "vegetables,";

(2) by striking subsection (c) and inserting the following:

"(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law."; and

(3) by adding at the end the following:

"(d) PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers' market nutrition program.

"(e) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers' market nutrition program.".

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) IN GENERAL.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as "program benefits") for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

SEC. 4302. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

"(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

"(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate;

"(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and paragraph (3) and post information concerning the policy on the website maintained by the Secretary; and

"(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.".

SEC. 4303. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.

Section 18(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)) is amended—

(1) in paragraph (1)(C), by inserting "promotes healthy food education in the school curriculum and" before "incorporates";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

"(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

"(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

"(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

"(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

"(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

"(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

"(i) be planted, cared for, and harvested by students at the eligible schools; and

"(ii) teach the students participating in the community gardens about agriculture production practices and diet.

"(C) PRIORITY STATES.—Of the States in which grantees under this paragraph are located—

"(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

"(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

"(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

"(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

"(i) used to supplement food provided at the eligible school;

"(ii) distributed to students to bring home to the families of the students; or

"(iii) donated to a local food bank or senior center nutrition program.

"(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

"(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).".

SEC. 4304. FRESH FRUIT AND VEGETABLE PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

"SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.

"(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the 'program').

"(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

"(c) FUNDING TO STATES.—

"(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

"(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

"(A) the population of the State; bears to

"(B) the population of the United States.

"(d) SELECTION OF SCHOOLS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

"(A) ensure that each school chosen to participate in the program is a school—

"(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

"(ii) that submits an application in accordance with subparagraph (D);

"(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act;

"(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

"(D) solicit applications from interested schools that include—

"(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

"(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

"(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

"(iv) such other information as may be requested by the Secretary; and

"(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).

"(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if all schools that meet the requirements of that clause have been selected and the State does not have a sufficient number of additional schools that meet the requirement of that clause.

"(3) OUTREACH TO LOW-INCOME SCHOOLS.—

"(A) IN GENERAL.—Prior to making decisions regarding school participation in the program, a State agency shall inform the schools within the State with the highest proportion of free and reduced price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced price eligibility under paragraph (1)(B).

"(B) REQUIREMENT.—In providing information to schools in accordance with subparagraph (A), a State agency shall inform the schools that would likely be chosen to participate in the program under paragraph (1)(B).

"(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

"(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

"(1) determined by a State agency; and

"(2) not less than $50, nor more than $75.

"(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(h) EVALUATION AND REPORTS.—

"(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

"(A) increased consumption of fruits and vegetables;

"(B) other dietary changes, such as decreased consumption of less nutritious foods; and

"(C) such other outcomes as are considered appropriate by the Secretary.

"(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under paragraph (1).

"(i) FUNDING.—

"(1) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use the following amounts to carry out this section:

"(A) On October 1, 2008, $40,000,000.

"(B) On July 1, 2009, $65,000,000.

"(C) On July 1, 2010, $101,000,000.

"(D) On July 1, 2011, $150,000,000.

"(E) On July 1, 2012, and each July 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding April 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

"(2) MAINTENANCE OF EXISTING FUNDING.—In allocating funding made available under paragraph (1) among the States in accordance with subsection (c), the Secretary shall ensure that each State that received funding under section 18(f) on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008 shall continue to receive sufficient funding under this section to maintain the caseload level of the State under that section as in effect on that date.

"(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), $3,000,000, to remain available for obligation until September 30, 2010.

"(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

"(6) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $500,000 for the administrative costs of carrying out the program.

"(B) RESERVATION OF FUNDS.—The Secretary shall allow each State to reserve such funding as the Secretary determines to be necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but not to exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

"(7) REALLOCATION.—

"(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

"(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.".

(2) TRANSITION OF EXISTING SCHOOLS.—

(A) EXISTING SECONDARY SCHOOLS.—Section 19(d)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2010, for each secondary school in the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(B) SCHOOL YEAR BEGINNING JULY 1, 2008.—To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 4305. WHOLE GRAIN PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of whole grain products available to schoolchildren, as recommended by the 2005 Dietary Guidelines for Americans.

(b) DEFINITION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms "whole grains" and "whole grain products" have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in the school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representative a report describing the results of the evaluation.

SEC. 4306. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) INTERIM REQUIREMENT.—If the initial report required under paragraph (1) is not submitted to the Committees referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than $3,000,000.

Subtitle D—Miscellaneous

SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is amended to read as follows:

"SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

"(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2008'.

"(b) DEFINITIONS.—In this subsection:

"(1) DIRECTOR.—The term 'Director' means the head of the Congressional Hunger Center.

"(2) FELLOW.—The term 'fellow' means—

"(A) a Bill Emerson Hunger Fellow; or

"(B) Mickey Leland Hunger Fellow.

"(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (c)(1).

"(c) FELLOWSHIP PROGRAMS.—

"(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

"(2) PURPOSES.—

"(A) IN GENERAL.—The purposes of the Fellowship Programs are—

"(i) to encourage future leaders of the United States—

"(I) to pursue careers in humanitarian and public service;

"(II) to recognize the needs of low-income people and hungry people;

"(III) to provide assistance to people in need; and

"(IV) to seek public policy solutions to the challenges of hunger and poverty;

"(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

"(iii) to increase awareness of the importance of public service.

"(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

"(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to provide a grant to the Congressional Hunger Center to administer the Fellowship Programs.

"(B) TERMS OF GRANT.—The terms of the grant provided under subparagraph (A), including the length of the grant and provisions for the alteration or termination of the grant, shall be determined by the Secretary in accordance with this section.

"(d) FELLOWSHIPS.—

"(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

"(2) CURRICULUM.—

"(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (c)(2), including—

"(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

"(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

"(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

"(3) PERIOD OF FELLOWSHIP.—

"(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

"(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

"(4) SELECTION OF FELLOWS.—

"(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

"(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

"(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

"(ii) leadership potential or actual leadership experience;

"(iii) diverse life experience;

"(iv) proficient writing and speaking skills;

"(v) an ability to live in poor or diverse communities; and

"(vi) such other attributes as are considered to be appropriate by the Director.

"(5) AMOUNT OF AWARD.—

"(A) IN GENERAL.—A fellow shall receive—

"(i) a living allowance during the term of the Fellowship; and

"(ii) subject to subparagraph (B), an end-of-service award.

"(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

"(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

"(i) the Department of Agriculture;

"(ii) the Congressional Hunger Center; or

"(iii) a host agency in the field or policy placement of the fellow.

"(D) RECOGNITION OF FELLOWSHIP AWARD.—

"(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

"(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

"(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (c)(3), the Director shall—

"(A) conduct periodic evaluations of the Fellowship Programs; and

"(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

"(e) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

"(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

"(f) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (g); and

"(2) includes the results of evaluations and audits required by subsection (d).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.".

SEC. 4402. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) COMMUNITY FOOD PROJECT.—In this section, the term 'community food project' means a community-based project that—

"(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

"(B) is designed—

"(i)(I) to meet the food needs of low-income individuals;

"(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

"(III) to promote comprehensive responses to local food, farm, and nutrition issues; or

"(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

"(I) infrastructure improvement and development;

"(II) planning for long-term solutions; or

"(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

"(2) CENTER.—The term 'Center' means the healthy urban food enterprise development center established under subsection (h).

"(3) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

"(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

"(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

"(C) a high rate of hunger or food insecurity; or

"(D) severe or persistent poverty.";

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

"(h) HEALTHY URBAN FOOD ENTERPRISE DEVELOPMENT CENTER.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a nonprofit organization;

"(B) a cooperative;

"(C) a commercial entity;

"(D) an agricultural producer;

"(E) an academic institution;

"(F) an individual; and

"(G) such other entities as the Secretary may designate.

"(2) ESTABLISHMENT.—The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

"(3) PURPOSE.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

"(4) ACTIVITIES.—

"(A) TECHNICAL ASSISTANCE AND INFORMATION.—The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

"(B) AUTHORITY TO SUBGRANT.—The Center may provide subgrants to eligible entities—

"(i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

"(ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

"(5) PRIORITY.—In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

"(A) to benefit underserved communities; and

"(B) to develop market opportunities for small and mid-sized farm and ranch operations.

"(6) REPORT.—For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

"(A) a description of technical assistance provided by the Center;

"(B) the total number and a description of the subgrants provided under paragraph (4)(B);

"(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

"(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

"(7) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

"(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

"(9) FUNDING.—

"(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2011.

"(B) ADDITIONAL FUNDING.—There is authorized to be appropriated $2,000,000 to carry out this subsection for fiscal year 2012.".

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 4404. SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 for fiscal year 2008.

(2) $193,000,000 for fiscal year 2009.

(3) $199,000,000 for fiscal year 2010.

(4) $203,000,000 for fiscal year 2011.

(5) $206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c-4) is amended by striking subsection (b) and inserting the following:

"(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through 2012.".

SEC. 4405. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) EMERGENCY FEEDING ORGANIZATION.—The term "emergency feeding organization" has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) HUNGER-FREE COMMUNITIES GOAL.—The term "hunger-free communities goal" means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(2) USE OF FUNDS.—An eligible entity in a community shall use a grant received under this subsection for any fiscal year for hunger relief activities, including—

(A) meeting the immediate needs of people who experience hunger in the community served by the eligible entity by—

(i) distributing food;

(ii) providing community outreach to assist in participation in federally assisted nutrition programs, including—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(II) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) the summer food service program for children established under section 13 of that Act; and

(IV) other Federal programs that provide food for children in child care facilities and homeless and older individuals; or

(iii) improving access to food as part of a comprehensive service; and

(B) developing new resources and strategies to help reduce hunger in the community and prevent hunger in the future by—

(i) developing creative food resources, such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(ii) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(iii) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

(c) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available for a fiscal year under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and.

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking "for each of the fiscal years 2003 through 2007" and inserting "for each of fiscal years 2008 through 2012".

(2) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—Section 11(t)(1)

of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)(1)) is amended by striking "For each of fiscal years 2003 through 2007" and inserting "Subject to the availability of appropriations under section 18(a), for each fiscal year".

(3) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)) is amended—

(A) in subparagraph (A), by striking "the amount of—" and all that follows through the end of the subparagraph and inserting ", $90,000,000 for each fiscal year."; and

(B) in subparagraph (E)(i), by striking "for each of fiscal years 2002 through 2007" and inserting "for each fiscal year".

(4) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(k)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking "effective for each of fiscal years 1999 through 2007,"; and

(B) in subparagraph (B)(ii), by striking "through fiscal year 2007".

(5) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended—

(A) by striking "Any pilot" and inserting "Subject to the availability of appropriations under section 18(a), any pilot"; and

(B) by striking "through October 1, 2007,".

(6) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking "for each of fiscal years 2004 through 2007" and inserting "subject to the availability of appropriations under section 18(a), for each fiscal year thereafter".

(7) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(A) in subsection (b)(2)(B), by striking "for each of fiscal years 1997 through 2007" and inserting "for fiscal year 2008 and each fiscal year thereafter"; and

(B) in subsection (i)(4) (as redesignated by section 4402), by striking "of fiscal years 2003 through 2007" and inserting "fiscal year thereafter".

(b) COMMODITY DISTRIBUTION.—

(1) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking "for each of the fiscal years 2003 through 2007" and inserting "for fiscal year 2008 and each fiscal year thereafter".

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended in the first sentence by striking "years 1991 through 2007" and inserting "years 2008 through 2012".

(3) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "each of fiscal years 2003 through 2007" and inserting "each of fiscal years 2008 through 2012"; and

(ii) in paragraph (2)(B), by striking the subparagraph designation and heading and all that follows through "2007" and inserting the following:

"(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2012"; and

(B) in subsection (d)(2), by striking "each of the fiscal years 1991 through 2007" and inserting "each of fiscal years 2008 through 2012".

(4) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking "Effective through September 30, 2007" and inserting "For each of fiscal years 2008 through 2012".

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS' MARKET NUTRITION PROGRAM.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by striking by striking subsection (a) and inserting the following:

"(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program $20,600,000 for each of fiscal years 2008 through 2012.".

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107-171) is amended by striking "2007" and inserting "2012".

SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2008.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through "(a) The Secretary is authorized to" and inserting the following:

"SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

"(a) IN GENERAL.—The Secretary may"; and

(2) in subsection (a)(2), by inserting ", taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences" after "farming operations".

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

"SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

"(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

"(b) DEFINITIONS.—In this section:

"(1) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

"(2) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means conservation measures that address provisions of a conservation plan of the eligible borrower.

"(3) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

"(A) the installation of conservation structures to address soil, water, and related resources;

"(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

"(C) the installation of water conservation measures;

"(D) the installation of waste management systems;

"(E) the establishment or improvement of permanent pasture;

"(F) compliance with section 1212 of the Food Security Act of 1985; and

"(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

"(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).

"(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

"(1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

"(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

"(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

"(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be 75 percent of the principal amount of the loan.

"(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

"(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 333 shall not apply to loans made or guaranteed under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.".

SEC. 5003. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended by striking "$200,000" and inserting "$300,000".

SEC. 5004. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

"(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

"(A) the purchase price of the farm or ranch to be acquired;

"(B) the appraised value of the farm or ranch to be acquired; or

"(C) $500,000.

"(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

"(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

"(B) 1.5 percent."; and

(B) in paragraph (3), by striking "15" and inserting "20";

(3) in subsection (c)—

(A) in paragraph (1), by striking "10" and inserting "5";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking "15-year" and inserting "20-year";

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting "and socially disadvantaged farmers or ranchers" after "ranchers"; and

(ii) by striking "and" at the end;

(B) in paragraph (4), by striking "and ranchers." and inserting " or ranchers or socially disadvantaged farmers or ranchers; and"; and

(C) by adding at the end the following:

"(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher."; and

(5) by adding at the end the following:

"(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER DEFINED.—In this section, the term 'socially disadvantaged farmer or rancher' has the meaning given that term in section 355(e)(2).".

SEC. 5005. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

"SEC. 310F. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

"(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

"(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

"(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

"(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm or ranch that is the subject of the contract land sale;

"(B) have a credit history that—

"(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

"(ii) is acceptable to the Secretary; and

"(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be, at a reasonable rate or term; and

"(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

"(c) LIMITATIONS.—

"(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

"(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

"(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

"(e) GUARANTEE PLAN.—

"(1) SELECTION OF PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

"(A) a prompt payment guarantee plan, which shall cover—

"(i) 3 amortized annual installments; or

"(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

"(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

"(2) ELIGIBLITY FOR STANDARD GUARANTEE PLAN.—In order for a private seller to be eligible for a standard guarantee plan referred to in paragraph (1)(B), the private seller shall—

"(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

"(B) in cooperation with the farmer or rancher, use an appropriate alternate arrangement, as determined by the Secretary.

"(f) TRANSITION FROM PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary may phase-in the implementation of the changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program provided for in this section.

"(2) LIMITATION.—All changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program must be implemented for the 2011 Fiscal Year.".

Subtitle B—Operating Loans

SEC. 5101. FARMING EXPERIENCE AS ELIGIBILITY REQUIREMENT.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended—

(1) by striking the section designation and all that follows through "(a) The Secretary is authorized to" and inserting the following:

"SEC. 311. PERSONS ELIGIBLE FOR LOANS.

"(a) IN GENERAL.—The Secretary may";

(2) in subsection (a)(2), by inserting ", taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences" after "farming operations".

SEC. 5102. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking "$200,000" and inserting "$300,000".

SEC. 5103. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking "September 30, 2007" and inserting "December 31, 2010".

Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in paragraph (1), by striking "farmers, ranchers" and inserting "farmers or ranchers (including equine farmers or ranchers)"; and

(2) in paragraph (2)(A), by striking "farming, ranching," and inserting "farming or ranching (including equine farming or ranching)".

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 333A the following:

"SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

"(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a qualified beginning farmer or rancher that—

"(A) lacks significant financial resources or assets; and

"(B) has an income that is less than—

"(i) 80 percent of the median income of the State in which the farmer or rancher resides; or

"(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

"(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a savings account described in subsection (b)(4)(A).

"(4) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) 1 or more organizations—

"(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

"(II) exempt from taxation under section 501(a) of such Code; or

"(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

"(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

"(b) PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the 'New Farmer Individual Development Accounts Pilot Program' under which the Secretary shall work through qualified entities to establish demonstration programs—

"(A) of at least 5 years in duration; and

"(B) in at least 15 States.

"(2) COORDINATION.—The Secretary shall operate the pilot program through, and in coordination with the farm loan programs of, the Farm Service Agency.

"(3) RESERVE FUNDS.—

"(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

"(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

"(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

"(i) may use up to 10 percent for administrative expenses; and

"(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

"(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

"(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

"(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

"(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

"(ii) the total amount of funds deposited in the reserve fund.

"(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

"(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

"(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

"(i) the eligible participant agrees—

"(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

"(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

"(III) to complete financial training; and

"(ii) the qualified entity agrees—

"(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

"(II) with uses of funds proposed by the eligible participant.

"(C) LIMITATION.—

"(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than $6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

"(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

"(5) ELIGIBLE EXPENDITURES.—

"(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

"(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

"(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

"(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

"(iv) for other similar expenditures, as determined by the Secretary.

"(B) TIMING.—

"(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

"(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

"(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

"(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

"(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

"(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

"(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

"(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

"(F) such other factors as the Secretary considers to be appropriate.

"(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

"(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers or ranchers (as defined in section 355(e)(2)); and

"(B) expertise in dealing with financial management aspects of farming.

"(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

"(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

"(d) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

"(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $250,000.

"(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

"(A) on the awarding of the grant; or

"(B) pursuant to such payment plan as the qualified entity may specify.

"(e) REPORTS.—

"(1) ANNUAL PROGRESS REPORTS.—

"(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

"(i) an evaluation of the progress of the demonstration program;

"(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

"(iii) such other information as the Secretary may require.

"(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

"(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

"(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

"(1) to assess the financial soundness of the qualified entity; and

"(2) to determine the use of grant funds made available to the qualified entity under this section.

"(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

"(1) the termination of demonstration programs;

"(2) control of the reserve funds in the case of such a termination;

"(3) transfer of demonstration programs to other qualified entities; and

"(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.".

SEC. 5302. INVENTORY SALES PREFERENCES; LOAN FUND SET-ASIDES.

(a) INVENTORY SALES PREFERENCES.—Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) in clause (i), by inserting " or a socially disadvantaged farmer or rancher" after "or rancher";

(iii) in clause (ii), by inserting "or socially disadvantaged farmer or rancher" after "or rancher";

(iv) in clause (iii), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(v) in clause (iv), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers"; and

(B) in subparagraph (C), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher";

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) by inserting "or a socially disadvantaged farmer or rancher" after "a beginning farmer or rancher"; and

(iii) by inserting "or the socially disadvantaged farmer or rancher" after "the beginning farmer or rancher"; and

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(ii) in subclause (II), by inserting "or the socially disadvantaged farmer or rancher" after "or rancher"; and

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers"; and

(ii) in clause (ii), by inserting "or socially disadvantaged farmers or ranchers" after "or ranchers".

(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of such Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking "70 percent" and inserting "an amount that is not less than 75 percent of the total amount"; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting "; JOINT FINANCING ARRANGEMENTS" after "PAYMENT LOANS";

(II) by striking "60 percent" and inserting "an amount not less than ⅔ of the amount"; and

(III) by inserting "and joint financing arrangements under section 307(a)(3)(D)" after "section 310E"; and

(B) in clause (ii)(III), by striking "2003 through 2007, 35 percent" and inserting "2008 through 2012, an amount that is not less than 50 percent of the total amount"; and

(2) in subparagraph (B)(i), by striking "25 percent" and inserting "an amount that is not less than 40 percent of the total amount".

SEC. 5303. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "$3,796,000,000 for each of fiscal years 2003 through 2007" and inserting "$4,226,000,000 for each of fiscal years 2008 through 2012"; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "$770,000,000" and inserting "$1,200,000,000";

(B) in clause (i), by striking "$205,000,000" and inserting "$350,000,000"; and

(C) in clause (ii), by striking "$565,000,000" and inserting "$850,000,000".

SEC. 5304. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

"SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

"(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

"(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

"(1) the borrower training program established by section 359;

"(2) the loan assessment process established by section 360;

"(3) the supervised credit requirement established by section 361;

"(4) the market placement program established by section 362; and

"(5) other appropriate programs and authorities, as determined by the Secretary.".

SEC. 5305. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking ", the borrower-owner" inserting "of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner"; and

(2) in the 2nd sentence, by inserting "or immediate family member, as the case may be," before "from".

SEC. 5306. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

"SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

"The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.".

Subtitle E—Farm Credit

SEC. 5401. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) IN GENERAL.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(1) in the first sentence, by striking "Each Farm" and inserting the following;

"(1) IN GENERAL.—Each Farm"; and

(2) by striking the second sentence and inserting the following:

"(2) COMPUTATION.—The assessment on any association or other financing institution described in paragraph (1) for any period shall be computed in an equitable manner, as determined by the Corporation.".

(b) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting "and section 1.12(b)" after "part".

SEC. 5402. TECHNICAL CORRECTION.

Section 3.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2124(b)) is amended in the first sentence, by striking "per" and inserting "par".

SEC. 5403. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking "and (ii)" and inserting "(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)".

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

"(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);".

SEC. 5404. PREMIUMS.

(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(ii) by striking "annual" ; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020; and

"(B) the product obtained by multiplying—

"(i) the sum of—

"(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and

"(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank; by

"(ii) 0.0010.";

(2) by striking paragraph (4);

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

"(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—

"(A) 90 percent of each of—

"(i) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

"(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and

"(B) 80 percent of each of—

"(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

"(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired.";

(5) in paragraph (3) (as so redesignated by paragraph (3) of this subsection), by striking "annual"; and

(6) in paragraph (4) (as so redesignated by paragraph (3) of this subsection)—

(A) in the paragraph heading, by inserting "OR INVESTMENTS" after "LOANS"; and

(B) in the matter preceding subparagraph (A), by striking "As used" and all that follows through "guaranteed—" and inserting "In this section, the term 'government-guaranteed', when applied to a loan or an investment, means a loan, credit, or investment, or portion of a loan, credit, or investment, that is guaranteed—".

(b) AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking "annual".

(c) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended—

(1) by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—For purposes";

(2) by striking "(adjusted downward" and all that follows through "by the Corporation)" and inserting "(as adjusted under paragraph (2))"; and

(3) by adding at the end the following:

"(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured System banks under paragraph (1) shall be adjusted downward to exclude an amount equal to the sum of (as determined by the corporation)—

"(A) 90 percent of each of—

"(i) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks; and

"(ii) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and

"(B) 80 percent of each of—

"(i) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks; and

"(ii) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired.".

(d) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking "PRINCIPAL OUTSTANDING" and inserting "LOAN AND INVESTMENT AMOUNTS";

(2) in the matter preceding paragraph (1), by striking "For the purpose" and all that follows through "made—" and inserting "For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—";

(3) in each of paragraphs (1), (2), and (3), by inserting "all loans or investments made" before "by" the first place it appears; and

(4) in each of paragraphs (1) and (2), by inserting "or investments" after "that is able to make such loans" each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking "the average secure base amount for the calendar year (as calculated on an average daily balance basis)" and inserting "the secure base amount";

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

"(B) there shall be credited to the allocated insurance reserves account of each insured system bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as—

"(i) the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)); bears to

"(ii) the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)).''; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "beginning more" and all that follows through "January 1, 2005";

(ii) by striking clause (i) and inserting the following:

"(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in the Allocated Insurance Reserves Account of the System bank; and"; and

(iii) in clause (ii)—

(I) by striking "subparagraphs (C), (E), and (F)" and inserting "subparagraphs (C) and (E)"; and

(II) by striking ", of the lesser of—" and all that follows through the end of subclause (II) and inserting "at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B).";

(B) in subparagraph (C)—

(i) in clause (i), by striking "(in addition to the amounts described in subparagraph (F)(ii))"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) TERMINATION OF ACCOUNT.—On disbursement of an amount equal to $56,000,000, the Corporation shall—

"(I) close the account established under paragraph (1)(B); and

"(II) transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs."; and

(C) by striking subparagraph (F).

SEC. 5405. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5) is amended by striking subsection (a) and inserting the following:

"(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (referred to in this section as the 'period') shall file with the Corporation a certified statement showing—

"(1) the average outstanding insured obligations for the period issued by the bank;

"(2)(A) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status; and

"(B) the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

"(3)(A) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status; and

"(B) the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

"(4)(A) the average principal outstanding for the period on loans that are in nonaccrual status; and

"(B) the average amount outstanding for the period of other-than-temporarily impaired investments; and

"(5) the amount of the premium due the Corporation from the bank for the period.".

(b) PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended by striking subsection (c) and inserting the following:

"(c) PREMIUM PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such 1 or more times as the Board of Directors shall prescribe.

"(2) PREMIUM AMOUNT.—The amount of the premium shall be established not later than 60 days after filing the certified statement specifying the amount of the premium.".

(c) SUBSEQUENT PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 5406. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

(1) in subparagraph (A)(iii), by striking "or" at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).".

(b) GUARANTEE OF QUALIFIED LOANS.—Section 8.6(a)(1) of such Act (12 U.S.C. 2279aa-6(a)(1)) is amended by inserting "applicable" before "standards" each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Section 8.8 of such Act (12 U.S.C. 2279aa-8) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

"(1) IN GENERAL.—The Corporation shall establish underwriting, security appraisal, and repayment standards for qualified loans taking into account the nature, risk profile, and other differences between different categories of qualified loans.

"(2) SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.—The standards shall be subject to the authorities of the Farm Credit Administration under section 8.11."; and

(B) in the last sentence, by striking "In establishing" and inserting the following:

"(3) MORTGAGE LOANS.—In establishing";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "with respect to loans secured by agricultural real estate" after "subsection (a)"; and

(B) in paragraph (5)—

(i) by striking "borrower" the first place it appears and inserting "farmer or rancher"; and

(ii) by striking "site" and inserting "farm or ranch";

(3) in subsection (c)(1), by inserting "secured by agricultural real estate" after "A loan";

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

(d) RISK-BASED CAPITAL LEVELS.—Section 8.32(a)(1) of such Act (12 U.S.C. 2279bb-1(a)(1)) is amended—

(1) by striking "With respect" and inserting the following:

"(A) IN GENERAL.—With respect"; and

(2) by adding at the end the following:

"(B) RURAL UTILITY LOANS.—With respect to securities representing an interest in, or obligation backed by, a pool of qualified loans described in section 8.0(9)(C) owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.".

SEC. 5407. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) IN GENERAL.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

"SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

"(a) EQUALIZATION OF LOAN-MAKING POWERS.—

"(1) IN GENERAL.—

"(A) FEDERAL LAND BANK ASSOCIATIONS.—Subject to paragraph (2), any association that owns a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

"(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

"(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other comparable financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

"(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

"(A) the board of directors of the association; and

"(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

"(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).".

(b) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

"(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

"(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration, subject to any conditions of approval imposed, by not later than 30 days after the date on which the Farm Credit Administration receives all approvals required by section 7.7(a)(2).".

(c) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking "(2)(A)" and inserting "(2)"; and

(B) by striking subparagraphs (B) and (C).

(2) SECTION 410 OF THE 1987 ACT.—Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting "(except section 7.7 of that Act)" after "(12 U.S.C. 2001 et seq.)".

(3) SECTION 401 OF THE 1992 ACT.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting "(except section 7.7 of the Farm Credit Act of 1971)" after "provision of law"; and

(B) by striking ", subject to such limitations" and all that follows through the end of the paragraph and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle F—Miscellaneous

SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) by striking "That the Secretary" and inserting the following:

"SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) HIGHLY FRACTIONATED LAND.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

"(2) EXCLUSION.—Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgaged in accordance with paragraph (1).".

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6002. SEARCH GRANTS.

(a) IN GENERAL.—Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by adding at the end the following:

"(C) SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLDS PROGRAM.—

"(i) IN GENERAL.—The Secretary may establish the Special Evaluation Assistance for Rural Communities and Households (SEARCH) program, to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in paragraph (1), this paragraph, and paragraph (24).

"(ii) TERMS.—

"(I) DOCUMENTATION.—With respect to grants made under this subparagraph, the Secretary shall require the lowest amount of documentation practicable.

"(II) MATCHING.—Notwithstanding any other provisions in this subsection, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this subparagraph, as determined by the Secretary.

"(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this title to carry out this subparagraph.

"(iv) RELATIONSHIP TO OTHER AUTHORITY.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in clause (i).".

(b) CONFORMING AMENDMENT.—Subtitle D of title VI of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009ee et seq.) is repealed.

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking "1996 through 2007" and inserting "2008 through 2012".

SEC. 6004. CHILD DAY CARE FACILITY GRANTS, LOANS, AND LOAN GUARANTEES.

Section 306(a)(19)(C)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(C)(ii)) is amended by striking "April" and inserting "June".

SEC. 6005. COMMUNITY FACILITY GRANTS TO ADVANCE BROADBAND.

Section 306(a)(20)(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended—

(1) by striking "state" and inserting "State"; and

(2) by striking "dial-up Internet access or".

SEC. 6006. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C.

1926(a)(22)(C)) is amended by striking "$15,000,000 for fiscal year 2003" and inserting "$25,000,000 for fiscal year 2008".

SEC. 6007. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) in subparagraph (A)—

(A) by striking "tribal colleges and universities" and inserting "an entity that is a Tribal College or University"; and

(B) by striking "tribal college or university" and inserting "Tribal College or University";

(2) by striking subparagraph (B) and inserting the following:

"(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the facility."; and

(3) in subparagraph (C), by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6008. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6009. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

(a) IN GENERAL.—Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

(b) RURAL COMMUNITIES ASSISTANCE.—Section 4009 of the Solid Waste Disposal Act (42 U.S.C. 6949) is amended by adding at the end the following:

"(e) ADDITIONAL APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for the Denali Commission to provide assistance to municipalities in the State of Alaska $1,500,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATION.—For the purpose of carrying out this subsection, the Denali Commission shall—

"(A) be considered a State; and

"(B) comply with all other requirements and limitations of this section.".

SEC. 6010. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) is amended—

(1) in subsection (b)(2)(C), by striking "$8,000" and inserting "$11,000"; and

(2) in subsection (d), by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6011. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

"(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

"(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

"(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent; and

"(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent.

"(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of this subparagraph.".

SEC. 6012. COOPERATIVE EQUITY SECURITY GUARANTEE.

(a) IN GENERAL.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) by striking "SEC. 310B. (a)" and inserting the following:

"SEC. 310B. ASSISTANCE FOR RURAL ENTITIES.

"(a) LOANS TO PRIVATE BUSINESS ENTERPRISES.—

"(1) DEFINITIONS.—In this subsection:";

(2) in subsection (a)—

(A) by moving the second and fourth sentences so as to appear as the second and first sentences, respectively;

(B) in the sentence beginning "As used in this subsection, the" (as moved by subparagraph (A)), by striking "As used in this subsection, the" and inserting the following:

"(A) AQUACULTURE.—The";

(C) in the sentence beginning "For the purposes of this subsection, the", by striking "For the purposes of this subsection, the" and inserting the following:

"(B) SOLAR ENERGY.—The";

(D) in the sentence beginning "The Secretary may also"—

(i) by striking "The Secretary may also" and inserting the following:

"(2) LOAN PURPOSES.—The Secretary may";

(ii) by inserting "and private investment funds that invest primarily in cooperative organizations" after "or nonprofit";

(iii) by striking "of (1) improving" and inserting "of—

"(A) improving";

(iv) by striking "control, (2) the" and inserting "control;

"(B) the";

(v) by striking "areas, (3) reducing" and inserting "areas;

"(C) reducing";

(vi) by striking "areas, and (4) to" and inserting "areas; and

"(D) to";

(E) in the sentence beginning "Such loans,", by striking "Such loans," and inserting the following:

"(3) LOAN GUARANTEES.—Loans described in paragraph (2),"; and

(F) in the last sentence, by striking "No loan" and inserting the following:

"(4) MAXIMUM AMOUNT OF PRINCIPAL.—No loan"; and

(3) in subsection (g)—

(A) in paragraph (1), by inserting ", including guarantees described in paragraph (3)(A)(ii)" before the period at the end;

(B) in paragraph (3)(A)—

(i) by striking "(A) IN GENERAL.—The Secretary" and inserting the following:

"(A) ELIGIBILITY.—

"(i) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary."; and

(C) in paragraph (8)(A)(ii), by striking "a project—" and all that follows through the end of subclause (II) and inserting "a project that—

"(I)(aa) is in a rural area; and

"(bb) provides for the value-added processing of agricultural commodities; or

"(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) section 310B(a)(2)(A); and".

(2) Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by striking "subsection (a)(1)" each place it appears in paragraphs (1), (6)(A)(iii), and (8)(C) and inserting "subsection (a)(2)(A)".

(3) Section 333A(g)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)(B)) is amended by striking "section 310B(a)(1)" and inserting "section 310B(a)(2)(A)".

(4) Section 381E(d)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(3)(B)) is amended by striking "section 310B(a)(1)" and inserting "section 310B(a)(2)(A)".

SEC. 6013. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking "administering a nationally coordinated, regionally or State-wide operated project" and inserting "carrying out activities to promote and assist the development of cooperatively and mutually owned businesses";

(2) in subparagraph (B), by inserting "to promote and assist the development of cooperatively and mutually owned businesses" before the semicolon;

(3) by striking subparagraph (D);

(4) by redesignating subparagraph (E) as subparagraph (D);

(5) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(6) by inserting after subparagraph (D) (as so redesignated) the following:

"(E) demonstrate a commitment to—

"(i) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

"(ii) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and"; and

(7) in subparagraph (F), by striking "providing greater than" and inserting "providing".

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated

Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by striking paragraph (6) and inserting the following:

"(6) GRANT PERIOD.—

"(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

"(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the parameters described in paragraph (5), as determined by the Secretary.".

(c) AUTHORITY TO EXTEND GRANT PERIOD.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (12), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.".

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (9) (as redesignated by subsection (c)(1)) the following:

"(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.".

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (10) (as added by subsection (d)) the following:

"(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

"(A) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—In this paragraph, the term 'socially disadvantaged group' has the meaning given the term in section 355(e).

"(B) RESERVATION OF FUNDS.—

"(i) IN GENERAL.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

"(I) that serve socially disadvantaged groups; and

"(II) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

"(ii) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out clause (i), the Secretary shall use the funds as otherwise authorized by this subsection.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (12) of section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking "1996 through 2007" and inserting "2008 through 2012".

SEC. 6014. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)(3)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6015. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

"(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term 'locally or regionally produced agricultural food product' means any agricultural food product that is raised, produced, and distributed in—

"(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

"(II) the State in which the product is produced.

"(ii) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

"(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

"(II) a high rate of hunger or food insecurity or a high poverty rate.

"(B) LOAN AND LOAN GUARANTEE PROGRAM.—

"(i) IN GENERAL.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income.

"(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

"(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to projects that have components benefitting underserved communities.

"(iv) REPORTS.—Not later than 2 years after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

"(I) the characteristics of the communities served; and

"(II) resulting benefits.

"(v) RESERVATION OF FUNDS.—

"(I) IN GENERAL.—For each of fiscal years 2008 through 2012, the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

"(II) AVAILABILITY OF FUNDS.—Funds reserved under subclause (I) for a fiscal year shall be reserved until April 1 of the fiscal year.".

SEC. 6016. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

"(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

"(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

"(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

"(B) has staff and offices in multiple regions of the United States;

"(C) has experience and expertise in operating national agriculture technical assistance programs;

"(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

"(E) improves the economic viability of agricultural operations.

"(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to—

"(A) reduce input costs;

"(B) conserve energy resources;

"(C) diversify operations through new energy crops and energy generation facilities; and

"(D) expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

"(3) IMPLEMENTATION.—

"(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

"(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6017. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6016) is amended by adding at the end the following:

"(j) RURAL ECONOMIC AREA PARTNERSHIP ZONES.—Effective beginning on the date of enactment of this subsection through September 30, 2012, the Secretary shall carry out those rural economic area partnership zones administratively in effect on the date of enactment of this subsection in accordance with the terms and conditions contained in the memorandums of agreement entered into by the Secretary for the rural economic area partnership zones, except as otherwise provided in this subsection.".

SEC. 6018. DEFINITIONS.

(a) RURAL AREA.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking paragraph (13) and inserting the following:

"(13) RURAL AND RURAL AREA.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (G), the terms 'rural' and 'rural area' mean any area other than—

"(i) a city or town that has a population of greater than 50,000 inhabitants; and

"(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

"(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

"(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

"(D) AREAS RURAL IN CHARACTER.—

"(i) APPLICATION.—This subparagraph applies to—

"(I) an urbanized area described in subparagraphs (A)(ii) and (F) that—

"(aa) has 2 points on its boundary that are at least 40 miles apart; and

"(bb) is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or an urbanized area of such city or town; and

"(II) an area within an urbanized area described in subparagraphs (A)(ii) and (F) that is within ¼-mile of a rural area described in subparagraph (A).

"(ii) DETERMINATION.—Notwithstanding any other provision of this paragraph, on the petition of a unit of local government in an area described in clause (i) or on the initiative of the Under Secretary for Rural Development, the Under Secretary may determine that a part of an area described in clause (i) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the part is rural in character, as determined by the Under Secretary.

"(iii) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary for Rural Development shall—

"(I) not delegate the authority to carry out this subparagraph;

"(II) consult with the applicable rural development State or regional director of the Department of Agriculture and the governor of the respective State;

"(III) provide to the petitioner an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

"(IV) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or the commencement of the initiative, as appropriate;

"(V) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (IV);

"(VI) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph; and

"(VII) terminate a determination under this subparagraph that part of an area is a rural area on the date that data is available for the next decennial census conducted under section 141(a) of title 13, United States Code.

"(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

"(F) URBAN AREA GROWTH.—

"(i) APPLICATION.—This subparagraph applies to—

"(I) any area that—

"(aa) is a collection of census blocks that are contiguous to each other;

"(bb) has a housing density that the Secretary estimates is greater than 200 housing units per square mile; and

"(cc) is contiguous or adjacent to an existing boundary of a rural area; and

"(II) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A)(i).

"(ii) ADJUSTMENTS.—The Secretary may, by regulation only, consider—

"(I) an area described in clause (i)(I) not to be a rural area for purposes of subparagraphs (A) and (C); and

"(II) an area described in clause (i)(II) not to be a rural area for purposes of subparagraph (C).

"(iii) APPEALS.—A program applicant may appeal an estimate made under clause (i)(I) based on appropriate data for an area, as determined by the Secretary.

"(G) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.".

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term "rural" and "rural area" that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs; and

(4) determines the effect of the amendment made by subsection (a) on the level of rural development funding and participation in those programs in each State.

SEC. 6019. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking "2003 through 2007" and inserting "2008 through 2012"; and

(2) in subsection (h), by striking "the date that is 5 years after the date of enactment of this section" and inserting "September 30, 2012".

SEC. 6020. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraphs (A) and (B), by striking "a historic barn" each place it appears and inserting "historic barns"; and

(B) in subparagraph (C), by striking "on a historic barn" and inserting "on historic barns (including surveys)";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

"(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)(5)) (as redesignated by subsection (a)(2)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6021. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6022. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 379E. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) MICROENTREPRENEUR.—The term 'microentrepreneur' means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

"(3) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means an organization that—

"(A) is—

"(i) a nonprofit entity;

"(ii) an Indian tribe, the tribal government of which certifies to the Secretary that—

"(I) no microenterprise development organization serves the Indian tribe; and

"(II) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe; or

"(iii) a public institution of higher education;

"(B) provides training and technical assistance to rural microentrepreneurs;

"(C) facilitates access to capital or another service described in subsection (b) for rural microenterprises; and

"(D) has a demonstrated record of delivering services to rural microentrepreneurs, or an effective plan to develop a program to deliver services to rural microentrepreneurs, as determined by the Secretary.

"(4) MICROLOAN.—The term 'microloan' means a business loan of not more than $50,000 that is provided to a rural microenterprise.

"(5) PROGRAM.—The term 'program' means the rural microentrepreneur assistance program established under subsection (b).

"(6) RURAL MICROENTERPRISE.—The term 'rural microenterprise' means—

"(A) a sole proprietorship located in a rural area; or

"(B) a business entity with not more than 10 full-time-equivalent employees located in a rural area.

"(b) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

"(2) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

"(A) the skills necessary to establish new rural microenterprises; and

"(B) continuing technical and financial assistance related to the successful operation of rural microenterprises.

"(3) LOANS.—

"(A) IN GENERAL.—The Secretary shall make loans to microenterprise development organizations for the purpose of providing fixed interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

"(B) LOAN TERMS.—A loan made by the Secretary to a microenterprise development organization under this paragraph shall—

"(i) be for a term not to exceed 20 years; and

"(ii) bear an annual interest rate of at least 1 percent.

"(C) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this paragraph to—

"(i) establish a loan loss reserve fund; and

"(ii) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

"(D) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date the loan is made.

"(4) GRANTS.—

"(A) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

"(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to—

"(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

"(II) carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

"(ii) SELECTION.—In making grants under clause (i), the Secretary shall—

"(I) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

"(II) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations—

"(aa) of varying sizes; and

"(bb) that serve racially and ethnically diverse populations.

"(B) GRANTS TO ASSIST MICROENTREPRENEURS.—

"(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microentrepreneurs that—

"(I) received a loan from the microenterprise development organization under paragraph (3); or

"(II) are seeking a loan from the microenterprise development organization under paragraph (3).

"(ii) MAXIMUM AMOUNT OF GRANT.—A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

"(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

"(c) ADMINISTRATION.—

"(1) COST SHARE.—

"(A) FEDERAL SHARE.—Subject to subparagraph (B), the Federal share of the cost of a project funded under this section shall not exceed 75 percent.

"(B) MATCHING REQUIREMENT.—As a condition of any grant made under this subparagraph, the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds, indirect costs, or in-kind goods or services.

"(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under this section may be provided—

"(i) in cash (including through fees, grants (including community development block grants), and gifts); or

"(ii) in the form of in-kind contributions.

"(2) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $4,000,000 for each of fiscal years 2009 through 2011; and

"(B) $3,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2009 through 2012.".

SEC. 6023. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6022) is amended by adding at the end the following:

"SEC. 379F. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

"(a) DEFINITIONS.—In this section:

"(1) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(2) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

"(b) GRANTS.—The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have—

"(1) a significant focus on serving the needs of individuals with disabilities;

"(2) demonstrated knowledge and expertise in—

"(A) employment of individuals with disabilities; and

"(B) advising private entities on accessibility issues involving individuals with disabilities;

"(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations; and

"(4) existing relationships with national organizations focused primarily on the needs of rural areas.

"(d) USES.—A grant received under this section may be used only to expand or enhance—

"(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses in a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

"(2) self-employment and entrepreneurship opportunities for individuals with disabilities in a rural area.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6024. HEALTH CARE SERVICES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6023) is amended by adding at the end the following:

"SEC. 379G. HEALTH CARE SERVICES.

"(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

"(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for –

"(1) the development of –

"(A) health care services;

"(B) health education programs; and

"(C) health care job training programs; and

"(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

"(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $3,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6025. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking "2007" and inserting "2012".

(c) EXPANSION.—Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended—

(1) in subparagraph (D), by inserting "Beauregard, Bienville, Cameron, Claiborne, DeSoto, Jefferson Davis, Red River, St. Mary, Vermillion, Webster," after "St. James,"; and

(2) in subparagraph (E)—

(A) by inserting "Jasper," after "Copiah,"; and

(B) by inserting "Smith," after "Simpson,".

SEC. 6026. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) DEFINITION OF REGION.—Section 383A(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb(4)) is amended by inserting "Missouri (other than counties included in the Delta Regional Authority)," after "Minnesota,".

(b) ESTABLISHMENT.—Section 383B of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) FAILURE TO CONFIRM.—

"(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

"(B) INDIAN CHAIRPERSON.—In the case of the Indian Chairperson, if no Indian Chairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.";

(2) in subsection (d)—

(A) in paragraph (1), by striking "to establish priorities and" and inserting "for multistate cooperation to advance the economic and social well-being of the region and to";

(B) in paragraph (3), by striking "local development districts," and inserting "regional and local development districts or organizations, regional boards established under subtitle I,";

(C) in paragraph (4), by striking "cooperation;" and inserting "cooperation for—

"(i) renewable energy development and transmission;

"(ii) transportation planning and economic development;

"(iii) information technology;

"(iv) movement of freight and individuals within the region;

"(v) federally-funded research at institutions of higher education; and

"(vi) conservation land management;";

(D) by striking paragraph (6) and inserting the following:

"(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;"; and

(E) in paragraph (7), by inserting "renewable energy," after "commercial,".

(3) in subsection (f)(2), by striking "the Federal cochairperson" and inserting "a cochairperson";

(4) in subsection (g)(1), by striking subparagraphs (A) through (C) and inserting the following:

"(A) for each of fiscal years 2008 and 2009, 100 percent;

"(B) for fiscal year 2010, 75 percent; and

"(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.".

(c) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) by redesignating sections 383C through 383N (7 U.S.C. 2009bb–2 through 2009bb–13) as sections 383D through 383O, respectively; and

(B) by inserting after section 383B (7 U.S.C. 2009bb–1) the following:

"SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

"(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

"(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

"(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

"(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

"(4) to establish a Regional Working Group on Agriculture Development and Transportation.

"(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

"(1) renewable energy development and transmission;

"(2) transportation planning and economic development;

"(3) information technology;

"(4) movement of freight and individuals within the region;

"(5) federally-funded research at institutions of higher education; and

"(6) conservation land management.".

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(c)(3)(B)) is amended by striking "383I" and inserting "383J".

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking "383I" and inserting "383J".

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking "383F(b)" and inserting "383G(b)"; and

(ii) in subsection (c)(2)(A), by striking "383I" and inserting "383J".

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking "383M" and inserting "383N"; and

(II) in paragraph (2), by striking "383D(b)" and inserting "383E(b)";

(ii) in subsection (c)(2)(A), by striking "383E(b)" and inserting "383F(b)"; and

(iii) in subsection (d)—

(I) by striking "383M" and inserting "383N"; and

(II) by striking "383C(a)" and inserting "383D(a)".

(E) Section 383J(c)(2) of the Consolidated Farm and Rural Development Act (as so redesignated) is amended by striking "383H" and inserting "383I".

(d) ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—Section 383D of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "transportation and telecommunication" and inserting "transportation, renewable energy transmission, and telecommunication"; and

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) in subsection (b)(2), by striking "the activities in the following order or priority" and inserting "the following activities".

(e) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 383E(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ", including local development districts,".

(f) MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.—Section 383F of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) by striking the section heading and inserting "**MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.**"; and

(2) by striking subsections (a) through (c) and inserting the following:

"(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term 'multistate and local development district or organization' means an entity—

"(1) that—

"(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

"(B) is—

"(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

"(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

"(iii) a nonprofit agency or instrumentality of a State or local government;

"(iv) a public organization established before the date of enactment of this subtitle under State law for creation of multijurisdictional, area-wide planning organizations;

"(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

"(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

"(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

"(A) inappropriately used Federal grant funds from any Federal source; or

"(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

"(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

"(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

"(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

"(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.".

(g) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (b)(1), by striking "75" and inserting "50";

(2) by striking subsection (c);

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c) (as so redesignated)—

(A) in the subsection heading, by inserting "RENEWABLE ENERGY," after "TELECOMMUNICATION"; and

(B) by inserting ", renewable energy," after "telecommunication,".

(h) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

"(A) multistate, regional, and local development districts and organizations; and"; and

(2) in subsection (d)(1), by striking "State and local development districts" and inserting "multistate, regional, and local development districts and organizations".

(i) PROGRAM DEVELOPMENT CRITERIA.—Section 383I(a)(1) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by inserting "multistate or" before "regional".

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

(k) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking "2007" and inserting "2012".

SEC. 6027. RURAL BUSINESS INVESTMENT PROGRAM.

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F(b)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–5(b)(3)(A)) is amended by striking "In the event" and inserting the following:

"(i) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

"(ii) REDUCTION OF GUARANTEE.—Subject to clause (i), if".

(b) FEES.—Section 384G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsection (a), by striking "such fees as the Secretary considers appropriate" and inserting "a fee that does not exceed $500";

(2) in subsection (b), by striking "approved by the Secretary" and inserting "that does not exceed $500"; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "The" and inserting "Except as provided in paragraph (3), the";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) shall not exceed $500 for any fee collected under this subsection."; and

(C) by adding at the end the following:

"(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.".

(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384I(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–8(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this subsection.".

(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–9) is amended—

(1) in subsection (a)(1), by inserting ", including an investment pool created entirely by such bank or savings association" before the period at the end; and

(2) in subsection (c), by striking "15" and inserting "25".

(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–16) is repealed.

(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc–18) and inserting the following:

"SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $50,000,000 for the period of fiscal years 2008 through 2012.".

SEC. 6028. RURAL COLLABORATIVE INVESTMENT PROGRAM.

Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd et seq.) is amended to read as follows:

"Subtitle I—Rural Collaborative Investment Program

"SEC. 385A. PURPOSE.

"The purpose of this subtitle is to establish a regional rural collaborative investment program—

"(1) to provide rural regions with a flexible investment vehicle, allowing for local control with Federal oversight, assistance, and accountability;

"(2) to provide rural regions with incentives and resources to develop and implement comprehensive strategies for achieving regional competitiveness, innovation, and prosperity;

"(3) to foster multisector community and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of quality jobs;

"(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and

"(5) to better use Department of Agriculture and other Federal, State, and local governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, in order to achieve measurable community and economic prosperity, growth, and sustainability.

"SEC. 385B. DEFINITIONS.

"In this subtitle:

"(1) BENCHMARK.—The term 'benchmark' means an annual set of goals and performance measures established for the purpose of assessing performance in meeting a regional investment strategy of a Regional Board.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NATIONAL BOARD.—The term 'National Board' means the National Rural Investment Board established under section 385C(c).

"(4) NATIONAL INSTITUTE.—The term 'National Institute' means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).

"(5) REGIONAL BOARD.—The term 'Regional Board' means a Regional Rural Investment Board described in section 385D(a).

"(6) REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.

"(7) REGIONAL INVESTMENT STRATEGY GRANT.—The term 'regional investment strategy grant' means a grant made by the Secretary to a certified Regional Board under section 385E.

"(8) RURAL HERITAGE.—

"(A) IN GENERAL.—The term 'rural heritage' means historic sites, structures, and districts.

"(B) INCLUSIONS.—The term 'rural heritage' includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.

"SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.

"(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—

"(1) appoint and provide administrative and program support to the National Board;

"(2) establish a national institute, to be known as the 'National Institute on Regional Rural Competitiveness and Entrepreneurship', to provide technical assistance to the Secretary and the National Board regarding regional competitiveness and rural entrepreneurship, including technical assistance for—

"(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest regional competitive advantage;

"(B) the provision of support for best practices developed by the Regional Boards;

"(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and

"(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;

"(3) work with the National Board to develop a national rural investment plan that shall—

"(A) create a framework to encourage and support a more collaborative and targeted rural investment portfolio in the United States;

"(B) establish a Rural Philanthropic Initiative, to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development;

"(C) cooperate with the Regional Boards and State and local governments, organizations, and entities to ensure investment strategies are developed that take into consideration existing rural assets; and

"(D) encourage the organization of Regional Boards;

"(4) certify the eligibility of Regional Boards to receive regional investment strategy grants and regional innovation grants;

"(5) provide grants for Regional Boards to develop and implement regional investment strategies;

"(6) provide technical assistance to Regional Boards on issues, best practices, and emerging trends relating to rural development, in cooperation with the National Rural Investment Board; and

"(7) provide analytic and programmatic support for regional rural competitiveness through the National Institute, including—

"(A) programs to assist Regional Boards in determining the challenges and opportunities that must be addressed to receive the greatest regional competitive advantage;

"(B) support for best practices development by the regional investment boards;

"(C) programs to support the development of appropriate governance and leadership skills in the region; and

"(D) a review and evaluation of the performance of the Regional Boards (including progress in achieving benchmarks established in a regional investment strategy) in an annual report submitted to—

"(i) the Committee on Agriculture of the House of Representatives; and

"(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Rural Investment Board'.

"(d) DUTIES OF NATIONAL BOARD.—The National Board shall—

"(1) not later than 180 days after the date of establishment of the National Board, develop rules relating to the operation of the National Board; and

"(2) provide advice to—

"(A) the Secretary and subsequently review the design, development, and execution of the National Rural Investment Plan;

"(B) Regional Boards on issues, best practices, and emerging trends relating to rural development; and

"(C) the Secretary and the National Institute on the development and execution of the program under this subtitle.

"(e) MEMBERSHIP.—

"(1) IN GENERAL.—The National Board shall consist of 14 members appointed by the Secretary not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008.

"(2) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.

"(3) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—

"(A) nationally recognized entrepreneurship organizations;

"(B) regional strategy and development organizations;

"(C) community-based organizations;

"(D) elected members of local governments;

"(E) members of State legislatures;

"(F) primary, secondary, and higher education, job skills training, and workforce development institutions;

"(G) the rural philanthropic community;

"(H) financial, lending, venture capital, entrepreneurship, and other related institutions;

"(I) private sector business organizations, including chambers of commerce and other for-profit business interests;

"(J) Indian tribes; and

"(K) cooperative organizations.

"(4) SELECTION OF MEMBERS.—

"(A) IN GENERAL.—In selecting members of the National Board, the Secretary shall consider recommendations made by—

"(i) the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(ii) the Majority Leader and Minority Leader of the Senate; and

"(iii) the Speaker and Minority Leader of the House of Representatives.

"(B) EX-OFFICIO MEMBERS.—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, nonvoting members of the National Board.

"(5) TERM OF OFFICE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board appointed under paragraph (1)(A) shall be for a period of not more than 4 years.

"(B) STAGGERED TERMS.—The members of the National Board shall be appointed to serve staggered terms.

"(6) INITIAL APPOINTMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall appoint the initial members of the National Board.

"(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

"(8) COMPENSATION.—A member of the National Board shall receive no compensation for service on the National Board, but shall be reimbursed for related travel and other expenses incurred in carrying out the duties of the member of the National Board in accordance with section 5702 and 5703 of title 5, United States Code.

"(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

"(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 18, United States Code).

"(f) ADMINISTRATIVE SUPPORT.—The Secretary, on a reimbursable basis from funds made available under section 385H, may provide such administrative support to the National Board as the Secretary determines is necessary.

"SEC. 385D. REGIONAL RURAL INVESTMENT BOARDS.

"(a) IN GENERAL.—A Regional Rural Investment Board shall be a multijurisdictional and multisectoral group that—

"(1) represents the long-term economic, community, and cultural interests of a region;

"(2) is certified by the Secretary to establish a rural investment strategy and compete for regional innovation grants;

"(3) is composed of residents of a region that are broadly representative of diverse public, nonprofit, and private sector interests in investment in the region, including (to the maximum extent practicable) representatives of—

"(A) units of local, multijurisdictional, or State government, including not more than 1 representative from each State in the region;

"(B) nonprofit community-based development organizations, including community development financial institutions and community development corporations;

"(C) agricultural, natural resource, and other asset-based related industries;

"(D) in the case of regions with federally recognized Indian tribes, Indian tribes;

"(E) regional development organizations;

"(F) private business organizations, including chambers of commerce;

"(G)(i) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

"(ii) tribally controlled colleges or universities (as defined in section 2(a) of Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a))); and

"(iii) tribal technical institutions;

"(H) workforce and job training organizations;

"(I) other entities and organizations, as determined by the Regional Board;

"(J) cooperatives; and

"(K) consortia of entities and organizations described in subparagraphs (A) through (J);

"(4) represents a region inhabited by—

"(A) more than 25,000 individuals, as determined in the latest available decennial census conducted under section 141(a) of title 13, United States Code; or

"(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census;

"(5) has a membership of which not less than 25 percent, nor more than 40 percent, represents—

"(A) units of local government and Indian tribes described in subparagraphs (A) and (D) of paragraph (3);

"(B) nonprofit community and economic development organizations and institutions of higher education described in subparagraphs (B) and (G) of paragraph (3); or

"(C) private business (including chambers of commerce and cooperatives) and agricultural, natural resource, and other asset-based related industries described in subparagraphs (C) and (F) of paragraph (3);

"(6) has a membership that may include an officer or employee of a Federal agency, serving as an ex-officio, nonvoting member of the Regional Board to represent the agency; and

"(7) has organizational documents that demonstrate that the Regional Board will—

"(A) create a collaborative public-private strategy process;

"(B) develop, and submit to the Secretary for approval, a regional investment strategy that meets the requirements of section 385E, with benchmarks—

"(i) to promote investment in rural areas through the use of grants made available under this subtitle; and

"(ii) to provide financial and technical assistance to promote a broad-based regional development program aimed at increasing and diversifying economic growth, improved community facilities, and improved quality of life;

"(C) implement the approved regional investment strategy;

"(D) provide annual reports to the Secretary and the National Board on progress made in achieving the benchmarks of the regional investment strategy, including an annual financial statement; and

"(E) select a non-Federal organization (such as a regional development organization) in the local area served by the Regional Board that has previous experience in the management of Federal funds to serve as fiscal manager of any funds of the Regional Board.

"(b) URBAN AREAS.—A resident of an urban area may serve as an ex-officio member of a Regional Board.

"(c) DUTIES.—A Regional Board shall—

"(1) create a collaborative planning process for public-private investment within a region;

"(2) develop, and submit to the Secretary for approval, a regional investment strategy;

"(3) develop approaches that will create permanent resources for philanthropic giving in the region, to the maximum extent practicable;

"(4) implement an approved strategy; and

"(5) provide annual reports to the Secretary and the National Board on progress made in achieving the strategy, including an annual financial statement.

"SEC. 385E. REGIONAL INVESTMENT STRATEGY GRANTS.

"(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

"(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—

"(1) an assessment of the competitive advantage of a region, including—

"(A) an analysis of the economic conditions of the region;

"(B) an assessment of the current economic performance of the region;

"(C) an overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and

"(D) such other pertinent information as the Secretary may request;

"(2) an analysis of regional economic and community development challenges and opportunities, including—

"(A) incorporation of relevant material from other government-sponsored or supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans; and

"(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;

"(3) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;

"(4) an overview of resources available in the region for use in—

"(A) establishing regional goals and objectives;

"(B) developing and implementing a regional action strategy;

"(C) identifying investment priorities and funding sources; and

"(D) identifying lead organizations to execute portions of the strategy;

"(5) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;

"(6) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—

"(A) other potential funding sources; and

"(B) recommendations for leveraging past and potential investments;

"(7) a plan of action to implement the goals and objectives of the regional investment strategy;

"(8) a list of performance measures to be used to evaluate implementation of the regional investment strategy, including—

"(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;

"(B) the number and types of investments made in the region;

"(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;

"(D) changes in per capita income and the rate of unemployment; and

"(E) other changes in the economic environment of the region;

"(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and

"(10) such other information as the Secretary determines to be appropriate.

"(c) MAXIMUM AMOUNT OF GRANT.—A regional investment strategy grant shall not exceed $150,000.

"(d) COST SHARING.—

"(1) IN GENERAL.—Subject to paragraph (2), of the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—

"(A) not more than 40 percent may be paid using funds from the grant; and

"(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

"(2) FORM.—A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

"SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary shall provide, on a competitive basis, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy approved under section 385E.

"(2) TIMING.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

"(b) ELIGIBILITY.—To be eligible to receive a regional innovation grant, a Regional Board shall demonstrate to the Secretary that—

"(1) the regional rural investment strategy of a Regional Board has been reviewed by the National Board prior to approval by the Secretary;

"(2) the management and organizational structure of the Regional Board is sufficient to oversee grant projects, including management of Federal funds; and

"(3) the Regional Board has a plan to achieve, to the maximum extent practicable, the performance-based benchmarks of the project in the regional rural investment strategy.

"(c) LIMITATIONS.—

"(1) AMOUNT RECEIVED.—A Regional Board may not receive more than $6,000,000 in regional innovation grants under this section during any 5-year period.

"(2) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount of a regional innovation grant based on—

"(A) the needs of the region being addressed by the applicable regional rural investment strategy consistent with the purposes described in subsection (f)(2); and

"(B) the size of the geographical area of the region.

"(3) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

"(d) COST-SHARING.—

"(1) LIMITATION.—Subject to paragraph (2), the amount of a grant made under this section shall not exceed 50 percent of the cost of the project.

"(2) WAIVER OF GRANTEE SHARE.—The Secretary may waive the limitation in paragraph (1) under special circumstances, as determined by the Secretary, including—

"(A) a sudden or severe economic dislocation;

"(B) significant chronic unemployment or poverty;

"(C) a natural disaster; or

"(D) other severe economic, social, or cultural duress.

"(3) OTHER FEDERAL ASSISTANCE.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

"(e) PREFERENCES.—In providing regional innovation grants under this section, the Secretary shall give—

"(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and

"(2) a preference to an application proposing projects and initiatives that would—

"(A) advance the overall regional competitiveness of a region;

"(B) address the priorities of a regional rural investment strategy, including priorities that—

"(i) promote cross-sector collaboration, public-private partnerships, or the provision of interim financing or seed capital for program implementation;

"(ii) exhibit collaborative innovation and entrepreneurship, particularly within a public-private partnership; and

"(iii) represent a broad coalition of interests described in section 385D(a);

"(C) include a strategy to leverage public non-Federal and private funds and existing assets, including agricultural, natural resource, and public infrastructure assets, with substantial emphasis placed on the existence of real financial commitments to leverage available funds;

"(D) create quality jobs;

"(E) enhance the role, relevance, and leveraging potential of community and regional foundations in support of regional investment strategies;

"(F) demonstrate a history, or involve organizations with a history, of successful leveraging of capital for economic development and public purposes;

"(G) address gaps in existing basic services, including technology, within a region;

"(H) address economic diversification, including agricultural and non-agriculturally based economies, within a regional framework;

"(I) improve the overall quality of life in the region;

"(J) enhance the potential to expand economic development successes across diverse stakeholder groups within the region;

"(K) include an effective working relationship with 1 or more institutions of higher education, tribally controlled colleges or universities, or tribal technical institutions;

"(L) help to meet the other regional competitiveness needs identified by a Regional Board; or

"(M) protect and promote rural heritage.

"(f) USES.—

"(1) LEVERAGE.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the degree to which members of the Regional Board are able to leverage additional funds for the implementation of the projects.

"(2) PURPOSES.—A Regional Board may use a regional innovation grant—

"(A) to support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of a region;

"(B) to provide assistance to entities within the region that provide essential public and community services;

"(C) to enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage;

"(D) to assist with entrepreneurship, job training, workforce development, housing, educational, or other quality of life services or needs, relating to the development and maintenance of strong local and regional economies;

"(E) to assist in the development of unique new collaborations that link public, private, and philanthropic resources, including community foundations;

"(F) to provide support for business and entrepreneurial investment, strategy, expansion, and development, including feasibility strategies, technical assistance, peer networks, business development funds, and other activities to strengthen the economic competitiveness of the region;

"(G) to provide matching funds to enable community foundations located within the region to build endowments which provide permanent philanthropic resources to implement a regional investment strategy; and

"(H) to preserve and promote rural heritage.

"(3) AVAILABILITY OF FUNDS.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

"(g) COST SHARING.—

"(1) WAIVER OF GRANTEE SHARE.—The Secretary may waive the share of a grantee of the costs of a project funded by a regional innovation grant under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event an area experiences—

"(A) a sudden or severe economic dislocation;

"(B) significant chronic unemployment or poverty;

"(C) a natural disaster; or

"(D) other severe economic, social, or cultural duress.

"(2) OTHER FEDERAL PROGRAMS.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

"(h) NONCOMPLIANCE.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

"(1) take such actions as are necessary to obtain reimbursement of unused grant funds; and

"(2) reprogram the recaptured funds for purposes relating to implementation of this subtitle.

"(i) PRIORITY TO AREAS WITH AWARDS AND APPROVED STRATEGIES.—

"(1) IN GENERAL.—Subject to paragraph (3), in providing rural development assistance under other programs, the Secretary shall give a high priority to areas that receive innovation grants under this section.

"(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal agencies to promote the development of priorities similar to those described in paragraph (1).

"(3) EXCLUSION OF CERTAIN PROGRAMS.—Paragraph (1) shall not apply to the provision of rural development assistance under any program relating to basic health, safety, or infrastructure, including broadband deployment or minimum environmental needs.

"SEC. 385G. RURAL ENDOWMENT LOANS PROGRAM.

"(a) IN GENERAL.—The Secretary may provide long-term loans to eligible community foundations to assist in the implementation of regional investment strategies.

"(b) ELIGIBLE COMMUNITY FOUNDATIONS.—To be eligible to receive a loan under this section, a community foundation shall—

"(1) be located in an area that is covered by a regional investment strategy;

"(2) match the amount of the loan with an amount that is at least 250 percent of the amount of the loan; and

"(3) use the loan and the matching amount to carry out the regional investment strategy in a manner that is targeted to community and economic development, including through the development of community foundation endowments.

"(c) TERMS.—A loan made under this section shall—

"(1) have a term of not less than 10, nor more than 20, years;

"(2) bear an interest rate of 1 percent per annum; and

"(3) be subject to such other terms and conditions as are determined appropriate by the Secretary.

"SEC. 385H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $135,000,000 for the period of fiscal years 2009 through 2012.".

SEC. 6029. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) DEFINITION OF APPLICATION.—In this section, the term "application" does not include an application for a loan or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary in effect on the date of enactment of this Act.

(b) USE OF FUNDS.—Subject to subsection (c), the Secretary shall use funds made available under subsection (d) to provide funds for applications that are pending on the date of enactment of this Act for—

(1) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

(2) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a).

(c) LIMITATIONS.—

(1) APPROPRIATED AMOUNTS.—Funds made available under this section shall be available to the Secretary to provide funds for applications for loans and grants described in subsection (b) that are pending on the date of enactment of this Act only to the extent that funds for the loans and grants appropriated in the annual appropriations Act for fiscal year 2007 have been exhausted.

(2) PROGRAM REQUIREMENTS.—The Secretary may use funds made available under this section to provide funds for a pending application for a loan or grant described in subsection (b) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

(3) PRIORITY.—In providing funding under this section for pending applications for loans or grants described in subsection (b), the Secretary shall provide funding in the following order of priority (until funds made available under this section are exhausted):

(A) Pending applications for water systems.

(B) Pending applications for waste disposal systems.

(d) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $120,000,000, to remain available until expended.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. ENERGY EFFICIENCY PROGRAMS.

Sections 2(a) and 4 of the Rural Electrification Act of 1936 (7 U.S.C. 902(a), 904) are amended by inserting "efficiency and" before "conservation" each place it appears.

SEC. 6102. REINSTATEMENT OF RURAL UTILITY SERVICES DIRECT LENDING.

(a) IN GENERAL.—Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (d), respectively; and

(2) by inserting after subsection (b) (as so designated) the following:

"(c) DIRECT LOANS.—

"(1) DIRECT HARDSHIP LOANS.—Direct hardship loans under this section shall be for the same purposes and on the same terms and conditions as hardship loans made under section 305(c)(1).

"(2) OTHER DIRECT LOANS.—All other direct loans under this section shall bear interest at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, plus ⅛ of 1 percent.''.

(b) ELIMINATION OF FEDERAL FINANCING BANK GUARANTEED LOANS.—Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended—

(1) in the third sentence, by striking ''guarantee, accommodation, or subordination'' and inserting ''accommodation or subordination''; and

(2) by striking the fourth sentence.

SEC. 6103. DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION AND FOR ENERGY EFFICIENCY AND USE AUDITS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by adding at the end the following:

''(c) DEFERMENT OF PAYMENTS ON LOANS.—

''(1) IN GENERAL.—The Secretary shall allow borrowers to defer payment of principal and interest on any direct loan made under this Act to enable the borrower to make loans to residential, commercial, and industrial consumers—

''(A) to conduct energy efficiency and use audits; and

''(B) to install energy efficient measures or devices that reduce the demand on electric systems.

''(2) AMOUNT.—The total amount of a deferment under this subsection shall not exceed the sum of the principal and interest on the loans made to a customer of the borrower, as determined by the Secretary.

''(3) TERM.—The term of a deferment under this subsection shall not exceed 60 months.''.

SEC. 6104. RURAL ELECTRIFICATION ASSISTANCE.

Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

''SEC. 13. DEFINITIONS.

''In this Act:

''(1) FARM.—The term 'farm' means a farm, as defined by the Bureau of the Census.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) RURAL AREA.—Except as provided otherwise in this Act, the term 'rural area' means the farm and nonfarm population of—

''(A) any area described in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)); and

''(B) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

''(4) TERRITORY.—The term 'territory' includes any insular possession of the United States.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.''.

SEC. 6105. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

''SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PROGRAM.—The term 'eligible program' means a program administered by the Rural Utilities Service and authorized in—

''(A) this Act; or

''(B) paragraph (1), (2), (14), (22), or (24) of section 306(a) or section 306A, 306C, 306D, or 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a), 1926a, 1926c, 1926d, 1926e).

''(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term 'substantially underserved trust area' means a community in 'trust land' (as defined in section 3765 of title 38, United States Code) with respect to which the Secretary determines has a high need for the benefits of an eligible program.

''(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

''(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

''(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and with extended repayment terms;

''(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure;

''(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

''(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

''(1) the progress of the initiative implemented under subsection (b); and

''(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.''.

SEC. 6106. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for electrification'' and all that follows through the end and inserting ''for eligible electrification or telephone purposes consistent with this Act.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) ANNUAL AMOUNT.—The total amount of guarantees provided by the Secretary under this section during a fiscal year shall not exceed $1,000,000,000, subject to the availability of funds under subsection (e).'';

(2) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

''(2) AMOUNT.—

''(A) IN GENERAL.—The amount of the annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

''(B) PROHIBITION.—Except as otherwise provided in this subsection and subsection (e)(2), no other fees shall be assessed.

''(3) PAYMENT.—

''(A) IN GENERAL.—A lender shall pay the fees required under this subsection on a semiannual basis.

''(B) STRUCTURED SCHEDULE.—The Secretary shall, with the consent of the lender, structure the schedule for payment of the fee to ensure that sufficient funds are available to pay the subsidy costs for note or bond guarantees as provided for in subsection (e)(2).''; and

(3) in subsection (f), by striking ''2007'' and inserting ''2012''.

(b) ADMINISTRATION.—The Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) in the same manner as on the day before the date of enactment of this Act, except without regard to the limitations prescribed in subsection (b)(1) of that section, until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

SEC. 6107. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended to read as follows:

''SEC. 315. EXPANSION OF 911 ACCESS.

''(a) IN GENERAL.—Subject to subsection (c) and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand or improve in rural areas—

''(1) 911 access;

''(2) integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services;

''(3) homeland security communications;

''(4) transportation safety communications; or

''(5) location technologies used outside an urbanized area.

''(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

''(c) EMERGENCY COMMUNICATIONS EQUIPMENT PROVIDERS.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications or technologies described in subsection (a) if the local government that has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

''(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone loans for each of fiscal years 2008 through 2012.''.

SEC. 6108. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 940f) the following:

''SEC. 317. ELECTRIC LOANS FOR RENEWABLE ENERGY.

''(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term 'renewable energy source' means an energy conversion system fueled from a solar, wind, hydropower, biomass, or geothermal source of energy.

''(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for electric generation from renewable energy resources for resale to rural and nonrural residents.

''(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturities.''.

SEC. 6109. BONDING REQUIREMENTS.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 317 (as added by section 6108) the following:

"SEC. 318. BONDING REQUIREMENTS.

"The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

"(1) the interests of the Secretary are adequately protected by product warranties; or

"(2) the costs or conditions associated with a bond exceed the benefit of the bond.".

SEC. 6110. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

"SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

"(a) PURPOSE.—The purpose of this section is to provide loans and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in rural areas.

"(b) DEFINITIONS.—In this section:

"(1) BROADBAND SERVICE.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

"(2) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider', with respect to an application submitted under this section, means an entity that, as of the date of submission of the application, is providing broadband service to not less than 5 percent of the households in the service territory proposed in the application.

"(3) RURAL AREA.—

"(A) IN GENERAL.—The term 'rural area' means any area other than—

"(i) an area described in clause (i) or (ii) of section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)); and

"(ii) a city, town, or incorporated area that has a population of greater than 20,000 inhabitants.

"(B) URBAN AREA GROWTH.—The Secretary may, by regulation only, consider an area described in section 343(a)(13)(F)(i)(I) of that Act to not be a rural area for purposes of this section.

"(c) LOANS AND LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall make or guarantee loans to eligible entities described in subsection (d) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

"(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider.

"(d) ELIGIBILITY.—

"(1) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—To be eligible to obtain a loan or loan guarantee under this section, an entity shall—

"(i) demonstrate the ability to furnish, improve, or extend a broadband service to a rural area;

"(ii) submit to the Secretary a loan application at such time, in such manner, and containing such information as the Secretary may require; and

"(iii) agree to complete buildout of the broadband service described in the loan application by not later than 3 years after the initial date on which proceeds from the loan made or guaranteed under this section are made available.

"(B) LIMITATION.—An eligible entity that provides telecommunications or broadband service to at least 20 percent of the households in the United States may not receive an amount of funds under this section for a fiscal year in excess of 15 percent of the funds authorized and appropriated under subsection (k) for the fiscal year.

"(2) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the proceeds of a loan made or guaranteed under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application for the loan or loan guarantee is submitted—

"(i) not less than 25 percent of the households in the proposed service territory is offered broadband service by not more than 1 incumbent service provider; and

"(ii) broadband service is not provided in any part of the proposed service territory by 3 or more incumbent service providers.

"(B) EXCEPTION TO 25 PERCENT REQUIREMENT.—Subparagraph (A)(i) shall not apply to the proposed service territory of a project if a loan or loan guarantee has been made under this section to the applicant to provide broadband service in the proposed service territory.

"(C) EXCEPTION TO 3 OR MORE INCUMBENT SERVICE PROVIDER REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A)(ii) shall not apply to an incumbent service provider that is upgrading broadband service to the existing territory of the incumbent service provider.

"(ii) EXCEPTION.—Clause (i) shall not apply if the applicant is eligible for funding under another title of this Act.

"(3) EQUITY AND MARKET SURVEY REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested in the application of the entity, unless the Secretary determines that a higher percentage is required for financial feasibility.

"(B) MARKET SURVEY.—

"(i) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

"(ii) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

"(4) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

"(5) NOTICE REQUIREMENT.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

"(A) the identity of the applicant;

"(B) each area proposed to be served by the applicant; and

"(C) the estimated number of households without terrestrial-based broadband service in those areas.

"(6) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce, to the maximum extent practicable, the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants (particularly first-time applicants who are small and start-up broadband service providers), including by providing for a new application that maintains the ability of the Secretary to make an analysis of the risk associated with the loan involved.

"(7) PREAPPLICATION PROCESS.—The Secretary shall establish a process under which a prospective applicant may seek a determination of area eligibility prior to preparing a loan application under this section.

"(e) BROADBAND SERVICE.—

"(1) IN GENERAL.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

"(2) PROHIBITION.—The Secretary shall not establish requirements for bandwidth or speed that have the effect of precluding the use of evolving technologies appropriate for rural areas.

"(f) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether to make a loan or loan guarantee for a project under this section, the Secretary shall use criteria that are technologically neutral.

"(g) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a loan or loan guarantee under this section shall—

"(A) bear interest at an annual rate of, as determined by the Secretary—

"(i) in the case of a direct loan, a rate equivalent to—

"(I) the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

"(II) 4 percent; and

"(ii) in the case of a guaranteed loan, the current applicable market rate for a loan of comparable maturity; and

"(B) have a term of such length, not exceeding 35 years, as the borrower may request, if the Secretary determines that the loan is adequately secured.

"(2) TERM.—In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services.

"(3) RECURRING REVENUE.—The Secretary shall consider the existing recurring revenues of the entity at the time of application in determining an adequate level of credit support.

"(h) ADEQUACY OF SECURITY.—

"(1) IN GENERAL.—The Secretary shall ensure that the type and amount of, and method of security used to secure, any loan or loan guarantee under this section is commensurate to the risk involved with the loan or loan guarantee, particularly in any case in which the loan or loan guarantee is issued to a financially strong and stable entity, as determined by the Secretary.

"(2) DETERMINATION OF AMOUNT AND METHOD OF SECURITY.—In determining the amount of, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the security in a rural area that does not have broadband service.

"(i) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the proceeds for that purpose will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

"(j) REPORTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, and annually thereafter, the Administrator shall submit to Congress a report that describes the extent of participation in the loan and loan guarantee program under this section for the preceding fiscal year, including a description of —

"(1) the number of loans applied for and provided under this section;

"(2)(A) the communities proposed to be served in each loan application submitted for the fiscal year; and

"(B) the communities served by projects funded by loans and loan guarantees provided under this section;

"(3) the period of time required to approve each loan application under this section;

"(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

"(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of subsection (b)(1); and

"(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

"(k) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"(2) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

"(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

"(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

"(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

"(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

"(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

"(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

"(l) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2012.".

(b) REGULATIONS.—The Secretary may implement the amendment made by subsection (a) through the promulgation of an interim regulation.

(c) APPLICATION.—The amendment made by subsection (a) shall not apply to—

(1) an application submitted under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) (as it existed before the amendment made by subsection (a)) that—

(A) was pending on the date that is 45 days prior to the date of enactment of this Act; and

(B) is pending on the date of enactment of this Act; or

(2) a petition for reconsideration of a decision on an application described in paragraph (1).

SEC. 6111. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

"SEC. 602. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

"(a) DESIGNATION OF CENTER.—The Secretary shall designate an entity to serve as the National Center for Rural Telecommunications Assessment (referred to in this section as the 'Center').

"(b) CRITERIA.—In designating the Center under subsection (a), the Secretary shall take into consideration the following criteria:

"(1) The Center shall be an entity that demonstrates to the Secretary—

"(A) a focus on rural policy research; and

"(B) a minimum of 5 years of experience relating to rural telecommunications research and assessment.

"(2) The Center shall be capable of assessing broadband services in rural areas.

"(3) The Center shall have significant experience involving other rural economic development centers and organizations with respect to the assessment of rural policies and the formulation of policy solutions at the Federal, State, and local levels.

"(c) BOARD OF DIRECTORS.—The Center shall be managed by a board of directors, which shall be responsible for the duties of the Center described in subsection (d).

"(d) DUTIES.—The Center shall—

"(1) assess the effectiveness of programs carried out under this title in increasing broadband penetration and purchase in rural areas, especially in rural communities identified by the Secretary as having no broadband service before the provision of a loan or loan guarantee under this title;

"(2) work with existing rural development centers selected by the Center to identify policies and initiatives at the Federal, State, and local levels that have increased broadband penetration and purchase in rural areas and provide recommendations to Federal, State, and local policymakers on effective strategies to bring affordable broadband services to residents of rural areas, particularly residents located outside of the municipal boundaries of a rural city or town; and

"(3) develop and publish reports describing the activities carried out by the Center under this section.

"(e) REPORTING REQUIREMENTS.—Not later than December 1 of each applicable fiscal year, the board of directors of the Center shall submit to Congress and the Secretary a report describing the activities carried out by the Center during the preceding fiscal year and the results of any research conducted by the Center during that fiscal year, including—

"(1) an assessment of each program carried out under this title; and

"(2) an assessment of the effects of the policy initiatives identified under subsection (d)(2).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6112. COMPREHENSIVE RURAL BROADBAND STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to Congress a report describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to streamline or otherwise improve and streamline the policies, programs, and services;

(B) to coordinate existing Federal rural broadband or rural initiatives;

(C) to address both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and application of the recommendations for Federal, State, regional, and local government policymakers; and

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(2) a description of goals and timeframes to achieve the purposes of the report.

(b) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary, shall update and evaluate the report described in subsection (a) during the third year after the date of enactment of this Act.

SEC. 6113. STUDY ON RURAL ELECTRIC POWER GENERATION.

(a) IN GENERAL.—The Secretary shall conduct a study on the electric power generation needs in rural areas of the United States.

(b) COMPONENTS.—The study shall include an examination of—

(1) generation in various areas in rural areas of the United States, particularly by rural electric cooperatives;

(2) financing available for capacity, including financing available through programs authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);

(3) the impact of electricity costs on consumers and local economic development;

(4) the ability of fuel feedstock technology to meet regulatory requirements, such as carbon capture and sequestration; and

(5) any other factors that the Secretary considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study under this section.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) IN GENERAL.—Section 2333(c)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa-2(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) libraries.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking "2007" and inserting "2012".

(c) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note; Public Law 102–551) is amended by striking "2007" and inserting "2012".

SEC. 6202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM GRANTS.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) FAMILY FARM.—The term 'family farm' has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

"(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

"(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

"(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

"(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(5) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

"(A)(i) has undergone a change in physical state;

"(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

"(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

"(iv) is a source of farm- or ranch-based renewable energy, including E–85 fuel; or

"(v) is aggregated and marketed as a locally-produced agricultural food product; and

"(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

"(i) the customer base for the agricultural commodity or product is expanded; and

"(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.".

(b) GRANT PROGRAM.—Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (7)"; and

(2) by striking paragraph (4) and inserting the following:

"(4) TERM.—A grant under this subsection shall have a term that does not exceed 3 years.

"(5) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000.

"(6) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects that contribute to increasing opportunities for—

"(A) beginning farmers or ranchers;

"(B) socially disadvantaged farmers or ranchers; and

"(C) operators of small- and medium-sized farms and ranches that are structured as a family farm.

"(7) FUNDING.—

"(A) MANDATORY FUNDING.—On October 1, 2008, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000, to remain available until expended.

"(B) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2008 through 2012.

"(C) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS OR RANCHERS, SOCIALLY DISADVANTAGED FARMERS OR RANCHERS, AND MID-TIER VALUE CHAINS.—

"(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

"(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

"(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.".

SEC. 6203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6204. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

"SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

"(a) DEFINITION OF EMERGENCY MEDICAL SERVICES.—In this section:

"(1) IN GENERAL.—The term 'emergency medical services' means resources used by a public or nonprofit entity to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

"(A) the condition of a patient; or

"(B) a natural disaster or related condition.

"(2) INCLUSION.—The term 'emergency medical services' includes services (whether compensated or volunteer) delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as—

"(A) an emergency medical technician or the equivalent (as determined by the State);

"(B) a registered nurse;

"(C) a physician assistant; or

"(D) a physician that provides services similar to services provided by such an emergency medical services provider.

"(b) GRANTS.—The Secretary shall award grants to eligible entities—

"(1) to enable the entities to provide for improved emergency medical services in rural areas; and

"(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

"(A) a State emergency medical services office;

"(B) a State emergency medical services association;

"(C) a State office of rural health or an equivalent agency;

"(D) a local government entity;

"(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(F) a State or local ambulance provider; or

"(G) any other public or nonprofit entity determined appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

"(A) a description of the activities to be carried out under the grant; and

"(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in a rural area—

"(1) to hire or recruit emergency medical service personnel;

"(2) to recruit or retain volunteer emergency medical service personnel;

"(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, or other topics relevant to the delivery of emergency medical services;

"(4) to fund training to meet State or Federal certification requirements;

"(5) to provide training for firefighters or emergency medical personnel for improvements to the training facility, equipment, curricula, or personnel;

"(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(7) to acquire emergency medical services vehicles, including ambulances;

"(8) to acquire emergency medical services equipment, including cardiac defibrillators;

"(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; or

"(10) to educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, or other related emergency preparedness topics.

"(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

"(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity makes available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to at least 5 percent of the amount received under the grant.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses incurred in carrying out this section.".

SEC. 6205. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)) is amended by striking "or the handling of such commodities in the unprocessed stage" and inserting ", the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities".

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit to Congress a report that contains the results of the study required by subsection (a).

Subtitle D—Housing Assistance Council

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the "Housing Assistance Council Authorization Act of 2008".

SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by the Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council $10,000,000 for each of fiscal years 2009 through 2011.

SEC. 6303. AUDITS AND REPORTS.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

(B) generally accepted government auditing standards.

(3) REPORT TO CONGRESS.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative a report detailing each audit completed under paragraph (1).

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

SEC. 6304. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6305. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(B) by striking "(4) The terms" and inserting the following:

"(4) COLLEGE AND UNIVERSITY.—

"(A) IN GENERAL.—The terms"; and

(C) by adding at the end the following:

"(B) INCLUSIONS.—The terms 'college' and 'university' include a research foundation maintained by a college or university described in subparagraph (A).";

(2) by redesignating paragraphs (5) through (8), (9) through (11), (12) through (14), (15), (16), (17), and (18) as paragraphs (6) through (9), (11) through (13), (15) through (17), (20), (5), (18), and (19), respectively, and moving the paragraphs so as to appear in alphabetical and numerical order;

(3) in paragraph (9) (as redesignated by paragraph (2))—

(A) by striking "renewable natural resources" and inserting "renewable energy and natural resources"; and

(B) by striking subparagraph (F) and inserting the following:

"(F) Soil, water, and related resource conservation and improvement.";

(4) by inserting after paragraph (9) (as so redesignated) the following:

"(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

"(A) IN GENERAL.—The term 'Hispanic-serving agricultural colleges and universities' means colleges or universities that—

"(i) qualify as Hispanic-serving institutions; and

"(ii) offer associate, bachelors, or other accredited degree programs in agriculture-related fields.

"(B) EXCEPTION.—The term 'Hispanic-serving agricultural colleges and universities' does not include 1862 institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)).";

(5) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).''; and

(6) by inserting after paragraph (13) (as so redesignated) the following:

''(14) NLGCA INSTITUTION; NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

''(A) IN GENERAL.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' mean a public college or university offering a baccalaureate or higher degree in the study of agriculture or forestry.

''(B) EXCLUSIONS.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' do not include—

''(i) Hispanic-serving agricultural colleges and universities; or

''(ii) any institution designated under—

''(I) the Act of July 2, 1862 (commonly known as the 'First Morrill Act'; 7 U.S.C. 301 et seq.);

''(II) the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.);

''(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note); or

''(IV) Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(3) of the Research Facilities Act (7 U.S.C. 390(3)) is amended by striking ''section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(2) Section 2(k) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(k)) is amended in the second sentence by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(3) Section 18(a)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(B)) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))''.

(4) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking ''section 1404(16) of this title'' and inserting ''section 1404(18)''.

(5) Section 1619(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—

(A) in paragraph (1), by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)'';

(B) in paragraph (5), by striking ''section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''; and

(C) in paragraph (8), by striking ''section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(6) Section 125(c)(1)(C) of Public Law 100–238 (5 U.S.C. 8432 note) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''31'' and inserting ''25''; and

(B) by striking paragraph (3) and inserting the following:

''(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

''(A) 1 member representing a national farm organization.

''(B) 1 member representing farm cooperatives.

''(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

''(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

''(E) 1 member actively engaged in aquaculture, recommended by a coalition of national aquacultural organizations.

''(F) 1 member representing a national food animal science society.

''(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

''(H) 1 member representing a national food science organization.

''(I) 1 member representing a national human health association.

''(J) 1 member representing a national nutritional science society.

''(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

''(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

''(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

''(N) 1 member representing NLGCA Institutions.

''(O) 1 member representing Hispanic-serving institutions.

''(P) 1 member representing the American Colleges of Veterinary Medicine.

''(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

''(R) 1 member representing food retailing and marketing interests.

''(S) 1 member representing food and fiber processors.

''(T) 1 member actively engaged in rural economic development.

''(U) 1 member representing a national consumer interest group.

''(V) 1 member representing a national forestry group.

''(W) 1 member representing a national conservation or natural resource group.

''(X) 1 member representing private sector organizations involved in international development.

''(Y) 1 member representing a national social science association.'';

(2) in subsection (g)(1), by striking ''$350,000'' and inserting ''$500,000''; and

(3) in subsection (h), by striking ''2007'' and inserting ''2012''.

(b) NO EFFECT ON TERMS.—Nothing in this section or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act.

SEC. 7103. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

''(4) Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

''(5) Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.''.

SEC. 7104. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A (7 U.S.C. 3123a) the following:

''SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

''(a) INITIAL MEMBERS.—Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

''(b) DUTIES.—The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

''(c) NONADVISORY BOARD MEMBERS.—

''(1) IN GENERAL.—An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

''(2) SERVICE.—A member of the renewable energy committee shall serve at the discretion of the executive committee.

''(d) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the date of establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report that contains the findings and any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

''(e) CONSULTATION.—In carrying out the duties described in subsection (b), the renewable energy committee shall consult with the Biomass Research and Development Technical Advisory Committee established under section 9008(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8605).

''(f) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

"(g) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).".

SEC. 7105. VETERINARY MEDICINE LOAN REPAYMENT.

(a) IN GENERAL.—Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) DETERMINATION OF VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations', the Secretary may consider—

"(1) geographical areas that the Secretary determines have a shortage of veterinarians; and

"(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety.";

(2) in subsection (c), by adding at the end the following:

"(8) PRIORITY.—In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.";

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following:

"(d) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (f) may be used to carry out section 5379 of title 5, United States Code.

"(e) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.".

(b) DISAPPROVAL OF TRANSFER OF FUNDS.—Congress disapproves the transfer of funds from the Cooperative State Research, Education, and Extension Service to the Food Safety and Inspection Service described in the notice of use of funds for implementation of the veterinary medicine loan repayment program authorized by the National Veterinary Medical Service Act (72 Fed. Reg. 48609 (August 24, 2007)), and such funds shall be rescinded on the date of enactment of this Act and made available to the Secretary, without further appropriation or fiscal year limitation, for use only in accordance with section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) (as amended by subsection (a)).

SEC. 7106. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by inserting "(including the University of the District of Columbia)" after "land-grant colleges and universities"; and

(2) in subsection (d)(2), by inserting "(including the University of the District of Columbia)" after "universities".

SEC. 7107. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking "teaching and research" and inserting "teaching, research, and extension".

SEC. 7108. EXPANSION OF FOOD AND AGRICULTURAL SCIENCES AWARDS.

Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—

(1) in the subsection heading, by striking "Teaching Awards" and inserting "Teaching, Extension, and Research Awards"; and

(2) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

"(B) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.".

SEC. 7109. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking "SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS" and inserting "SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM"; and

(2) in paragraph (3)—

(A) by striking "secondary schools, and institutions of higher education that award an associate's degree" and inserting "secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(G) to support current agriculture in the classroom programs for grades K–12.".

(b) REPORT.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biennial report detailing the distribution of funds used to implement the teaching programs under subsection (j).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as redesignated by subsection (b)(1)) is amended by striking "2007" and inserting "2012".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2008.

SEC. 7110. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

(a) IN GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is repealed.

(b) CONFORMING AMENDMENT.—Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking "1419,".

SEC. 7111. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (a)(1), by inserting "(including commodities, livestock, dairy, and specialty crops)" after "agricultural sectors";

(2) in subsection (b), by inserting "(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)" after "research institutions and organizations"; and

(3) in subsection (d), by striking "2007" and inserting "2012".

SEC. 7112. EDUCATION GRANTS TO ALASKA NATIVE-SERVING INSTITUTIONS AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242)—

(1) is amended—

(A) in subsection (a)(3), by striking "2006" and inserting "2012"; and

(B) in subsection (b)—

(i) in paragraph (2)(A), by inserting before the semicolon at the end the following: ", including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section"; and

(ii) in paragraph (3), by striking "2006" and inserting "2012";

(2) is redesignated as section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; and

(3) is moved so as to appear after section 1419A of that Act (7 U.S.C. 3155).

SEC. 7113. EMPHASIS OF HUMAN NUTRITION INITIATIVE.

Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking "and,";

(2) in paragraph (2), by striking the comma at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;".

SEC. 7114. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2007" and inserting "2012".

SEC. 7115. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2007" and inserting "2012".

SEC. 7116. NUTRITION EDUCATION PROGRAM.

(a) In General.—Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and designation and inserting the following:

"SEC. 1425. NUTRITION EDUCATION PROGRAM.

"(a) Definition of 1862 Institution and 1890 Institution.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).";

(3) in subsection (b) (as redesignated by paragraph (1)), by striking "(b) The Secretary" and inserting the following:

"(b) Establishment.—The Secretary";

(4) in subsection (c) (as so redesignated), by striking "(c) In order to enable" and inserting the following:

"(c) Employment and Training.—To enable";

(5) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "(d) Beginning" and inserting the following:

"(d) Allocation of Funding.—Beginning";

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Notwithstanding section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), the remainder shall be allocated among the States as follows:

"(i) $100,000 shall be distributed to each 1862 Institution and 1890 Institution.

"(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

"(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State; bears to

"(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

"(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

"(aa) 10 percent for fiscal year 2009.

"(bb) 11 percent for fiscal year 2010.

"(cc) 12 percent for fiscal year 2011.

"(dd) 13 percent for fiscal year 2012.

"(ee) 14 percent for fiscal year 2013.

"(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

"(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

"(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State in which the 1890 Institution is located; bears to

"(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

"(iv) Nothing in this subparagraph precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subparagraph."; and

(C) by striking paragraph (3); and

(6) by adding at the end the following:

"(e) Complementary Administration.—The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through 2012.".

(b) Conforming Amendment.—Section 1588(b) of the Food Security Act of 1985 (7 U.S.C. 3175e(b)) is amended by striking "section 1425(c)(2)" and inserting "section 1425(d)(2)".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2008.

SEC. 7117. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "2007" and inserting "2012".

SEC. 7118. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by adding at the end the following:

"(g) Cooperation Among Eligible Institutions.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.".

SEC. 7119. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "2007" and inserting "2012".

SEC. 7120. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after "universities" the following: "(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)))".

SEC. 7121. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7122. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 7123. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "2007" and inserting "2012".

SEC. 7124. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

"SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

"(a) Purpose.—It is the intent of Congress to assist the land-grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.".

SEC. 7125. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447A (as added by section 7124) the following:

"SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

"(a) Purpose.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) Method of Awarding Grants.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

"(c) Regulations.—The Secretary may promulgate such rules and regulations as the Secretary considers to be necessary to carry out this section.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7126. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy

Act of 1977 (7 U.S.C. 3222c) is amended by striking "2007" each place it appears in subsections (a)(1) and (f) and inserting "2012".

SEC. 7127. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended—

(1) in the first sentence—

(A) by striking "for each of fiscal years 2003 through 2007,"; and

(B) by inserting "equal" before "matching"; and

(2) by striking the second sentence and all that follows through paragraph (5).

SEC. 7128. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking "(or grants without regard to any requirement for competition)";

(2) in subsection (b)(1), by striking "of consortia"; and

(3) in subsection (c)—

(A) by striking "$20,000,000" and inserting "$40,000,000"; and

(B) by striking "2007" and inserting "2012".

SEC. 7129. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

"SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

"(a) DEFINITION OF ENDOWMENT FUND.—In this section, the term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

"(b) ENDOWMENT.—

"(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

"(2) AGREEMENTS.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

"(3) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

"(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

"(B) interest earned on the endowment fund corpus.

"(4) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

"(5) WITHDRAWALS AND EXPENDITURES.—

"(A) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

"(B) WITHDRAWALS.—On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

"(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

"(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

"(6) ENDOWMENTS.—Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

"(c) AUTHORIZATION FOR ANNUAL PAYMENTS.—

"(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

"(A) $80,000; by

"(B) the number of Hispanic-serving agricultural colleges and universities.

"(2) PAYMENTS.—For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-serving agricultural college and university an amount equal to—

"(A) the total amount made available by appropriations under paragraph (1); divided by

"(B) the number of Hispanic-serving agricultural colleges and universities.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.).

"(B) RELATIONSHIP TO OTHER LAW.—Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

"(d) INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

"(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

"(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

"(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) DEMONSTRATION OF NEED.—

"(i) IN GENERAL.—As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

"(ii) OTHER SOURCES OF FUNDING.—The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

"(C) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

"(e) COMPETITIVE GRANTS PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.".

(b) EXTENSION.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following:

"(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for payments to Hispanic-serving agricultural colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

"(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

"(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

"(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

"(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.); and

"(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary."; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting "AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES" after "1994 INSTITUTIONS"; and

(B) by striking "pursuant to subsection (b)(3)" and inserting "or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)".

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

"(6) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).".

(2) Section 102(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)) is amended—

(A) in the subsection heading, by inserting "AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES" after "INSTITUTIONS"; and

(B) in paragraph (1), by striking " and 1994 Institution" and inserting "1994 Institution, and Hispanic-serving agricultural college and university".

(3) Section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)) is amended by adding at the end the following:

"(3) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with such process.".

(4) Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by striking "and 1994 Institutions" and inserting ", 1994 Institutions, and Hispanic-serving agricultural colleges and universities".

SEC. 7130. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by adding "and" at the end; and

(C) by adding at the end the following:

"(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;";

(2) by striking paragraph (3) and inserting the following:

"(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

"(A) the development of a viable and sustainable global agricultural system;

"(B) antihunger and improved international nutrition efforts; and

"(C) increased quantity, quality, and availability of food;";

(3) in paragraph (7)(A), by striking "and land-grant colleges and universities" and inserting ", land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities";

(4) in paragraph (9)—

(A) in subparagraph (A), by striking "or other colleges and universities" and inserting ", Hispanic-serving agricultural colleges and universities, or other colleges and universities"; and

(B) in subparagraph (D), by striking "and" at the end;

(5) in paragraph (10), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).".

SEC. 7131. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking "2007" and inserting "2012".

SEC. 7132. ADMINISTRATION.

(a) LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.—Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended—

(1) by striking "a competitive" and inserting "any"; and

(2) by striking "19 percent" and inserting "22 percent".

(b) AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.—Section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)) is amended by striking "appropriated" and inserting "made available".

SEC. 7133. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking "2007" and inserting "2012".

SEC. 7134. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking "2007" each place it appears in subsections (a) and (b) and inserting "2012".

SEC. 7135. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "2007" and inserting "2012".

SEC. 7136. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7137. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

"SEC. 1473E. NEW ERA RURAL TECHNOLOGY PROGRAM.

"(a) DEFINITION OF COMMUNITY COLLEGE.—In this section, the term 'community college' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))—

"(1) that admits as regular students individuals who—

"(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

"(B) have the ability to benefit from the training offered by the institution;

"(2) that does not provide an educational program for which the institution awards a bachelor's degree or an equivalent degree; and

"(3) that—

"(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

"(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"(b) FUNCTIONS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a program to be known as the 'New Era Rural Technology Program', to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

"(B) SUPPORT.—The initiative under this section shall support the fields of—

"(i) bioenergy;

"(ii) pulp and paper manufacturing; and

"(iii) agriculture-based renewable energy resources.

"(2) REQUIREMENTS FOR FUNDING.—To receive funding under this section, an entity shall—

"(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

"(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

"(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

"(c) GRANT PRIORITY.—In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

"(1) to improve information-sharing capacity; and

"(2) to maximize the ability to meet the requirements of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7138. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7137) is amended by adding at the end the following:

"SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

"(A) agriculture;

"(B) renewable resources; and

"(C) other similar disciplines.

"(2) USE OF FUNDS.—An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

"(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

"(B) to disseminate information relating to priority concerns to—

"(i) interested members of the agriculture, renewable resources, and other relevant communities;

"(ii) the public; and

"(iii) any other interested entity;

"(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

"(D) through—

"(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

"(ii) the professional growth and development of the faculty of the NLGCA Institution; and

"(iii) the development of graduate assistantships.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7139. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7138) is amended by adding at the end the following:

"SEC. 1473G. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

"(a) FELLOWSHIP PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a fellowship program, to be known as the 'Borlaug International Agricultural Science and Technology Fellowship Program,' to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

"(2) PROGRAMS.—The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

"(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

"(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

"(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

"(b) ELIGIBLE COUNTRIES.—An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

"(c) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

"(1) promote food security and economic growth in eligible countries by—

"(A) educating a new generation of agricultural scientists;

"(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

"(C) extending that knowledge to users and intermediaries in the marketplace; and

"(2) shall support—

"(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

"(B) collaborative research to improve agricultural productivity;

"(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

"(D) the reduction of barriers to technology adoption.

"(d) FELLOWSHIP RECIPIENTS.—

"(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

"(A) individuals from the public and private sectors; and

"(B) private agricultural producers.

"(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

"(e) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

"(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

"(2) to support fellowship recipients through programs described in subsection (a)(2).

"(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.".

SEC. 7140. AQUACULTURE ASSISTANCE PROGRAMS.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "2007" and inserting "2012".

SEC. 7141. RANGELAND RESEARCH GRANTS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "2007" and inserting "2012".

SEC. 7142. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking "2007" and inserting "2012".

SEC. 7143. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking "2007" and inserting "2012".

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking "2007" and inserting "2012".

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "2007" and inserting "2012".

SEC. 7202. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking "1991 through 1997" and inserting "2008 through 2012".

SEC. 7203. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking "may" and inserting "shall".

SEC. 7204. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

(a) IN GENERAL.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (e)—

(A) in paragraph (3), by striking "and controlling aflatoxin in the food and feed chains." and inserting ", improving, and eventually commercializing, alfatoxin controls in corn and other affected agricultural products and crops.";

(B) by striking paragraphs (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41), (42), (43), and (45);

(C) by redesignating paragraphs (2), (3), (5), (6), (9) through (14), (16), (18) through (20), (22), (24), (25), (28) through (31), (33), (35) through (40), and (44) as paragraphs (1) through (29), respectively; and

(D) by adding at the end the following:

"(30) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

"(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

"(32) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health.

"(33) SYNTHETIC GYPSUM.—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

"(34) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

"(35) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

"(36) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

"(37) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

"(38) AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.—Research and extension grants may be made under this section—

"(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

"(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

"(39) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

"(40) DEER INITIATIVE.—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

"(41) PASTURE-BASED BEEF SYSTEMS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

"(42) AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.—Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

"(43) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

"(44) BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

"(45) AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.—Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

"(46) TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at the land-grant institutions in the Caribbean and Pacific regions.

"(47) VIRAL HEMORRHAGIC SEPTICEMIA.—Research and extension grants may be made under this section to study—

"(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as 'VHS') on freshwater fish throughout the natural and expanding range of VHS; and

"(B) methods for transmission and human-mediated transport of VHS among waterbodies.

"(48) FARM AND RANCH SAFETY.—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

"(A) on-site farm or ranch safety reviews;

"(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

"(C) agricultural safety education and training.

"(49) WOMEN AND MINORITIES IN STEM FIELDS.—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

"(50) ALFALFA AND FORAGE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

"(51) FOOD SYSTEMS VETERINARY MEDICINE.—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

"(52) BIOCHAR RESEARCH.—Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of coproduction with bioenergy, and the value of soil enhancements and soil carbon sequestration.";

(2) by redesignating subsection (h) as subsection (j);

(3) by inserting after subsection (g) the following:

"(h) POLLINATOR PROTECTION.—

"(1) RESEARCH AND EXTENSION.—

"(A) GRANTS.—Research and extension grants may be made under this section—

"(i) to survey and collect data on bee colony production and health;

"(ii) to investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

"(iii) to conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

"(I) parasites and pathogens of pollinators; and

"(II) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

"(iv) to develop mitigative and preventative measures to improve native and managed pollinator health; and

"(v) to promote the health of honey bees and native pollinators through habitat conservation and best management practices.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2008 through 2012.

"(2) DEPARTMENT OF AGRICULTURE CAPACITY AND INFRASTRUCTURE.—

"(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, increase the capacity and infrastructure of the Department—

"(i) to address colony collapse disorder and other long-term threats to pollinator health, including the hiring of additional personnel; and

"(ii) to conduct research on colony collapse disorder and other pollinator issues at the facilities of the Department.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

"(3) HONEY BEE PEST AND PATHOGEN SURVEILLANCE.—There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program $2,750,000 for each of fiscal years 2008 through 2012.

"(4) ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in—

"(A) investigating the cause or causes of honey bee colony collapse; and

"(B) finding appropriate strategies to reduce colony loss.

"(i) REGIONAL CENTERS OF EXCELLENCE.—

"(1) ESTABLISHMENT.—The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

"(2) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

"(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

"(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

"(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

"(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

"(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

"(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine)."; and

(4) in subsection (j) (as redesignated by paragraph (2)), by striking "2007" and inserting "2012".

(b) CONFORMING AMENDMENTS.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking "(e), (f), and (g)" and inserting "(e) through (i)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "paragraphs (1), (6), (7), and (11)" and inserting "paragraphs (4), (7), (8), and (11)(B)"; and

(B) in paragraph (2), by striking "subsection (e)" and inserting "subsections (e) through (i)".

SEC. 7205. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.";

(2) by striking subsection (d) and inserting the following:

"(d) PRIORITY.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give priority to those grant proposals that involve—

"(1) the cooperation of multiple entities; and

"(2) States or regions with a high concentration of livestock, dairy, or poultry operations.";

(3) in subsection (e)—

(A) in paragraph (1)(B), by inserting "and dairy and beef cattle waste" after "swine waste"; and

(B) by striking paragraph (5) and inserting the following:

"(5) ALTERNATIVE USES AND RENEWABLE ENERGY.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.";

(4) by redesignating subsection (g) as subsection (f); and

(5) in subsection (f) (as so redesignated), by striking "2007" and inserting "2012".

SEC. 7206. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) IN GENERAL.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (commonly known as the "Organic Agriculture Research and Extension Initiative") is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

"(8) developing new and improved seed varieties that are particularly suited for organic agriculture."; and

(2) by adding at the end the following:

"(f) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $18,000,000 for fiscal year 2009; and

"(B) $20,000,000 for each of fiscal years 2010 through 2012.

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.".

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7207. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.) is amended by inserting after section 1672B (7 U.S.C. 5925b) the following:

"SEC. 1672C. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

"(a) ESTABLISHMENT AND PURPOSE.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the 'Initiative') for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

"(b) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

"(c) AGRICULTURAL BIOENERGY FEEDSTOCK RESEARCH AND EXTENSION AREAS.—

"(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

"(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

"(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

"(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

"(i) plant genetics and breeding;

"(ii) crop production;

"(iii) soil and water science;

"(iv) use of agricultural waste; and

"(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

"(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

"(2) SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

"(A) the capabilities and experiences of the applicant, including—

"(i) research in actual field conditions; and

"(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

"(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

"(C) the need for regional diversity among feedstocks;

"(D) the importance of developing multiyear data relevant to the production of biomass feedstock crops;

"(E) the extent to which the project involves direct participation of agricultural producers;

"(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

"(G) such other factors as the Secretary may determine.

"(d) ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

"(1) improving on-farm renewable energy production;

"(2) encouraging efficient on-farm energy use;

"(3) promoting on-farm energy conservation;

"(4) making a farm or ranch energy-neutral; and

"(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

"(e) BEST PRACTICES DATABASE.—The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

"(1) the production potential of a variety of biomass crops; and

"(2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to making grants under this section.

"(2) CONSULTATION AND COORDINATION.—The Secretary shall—

"(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

"(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

"(i) unnecessary duplication of effort is eliminated or minimized; and "(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

"(3) GRANT PRIORITY.—The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

"(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

"(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

"(A) to be scientifically meritorious; and

"(B) that involve cooperation—

"(i) among multiple entities; and

"(ii) with agricultural producers.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7208. FARM BUSINESS MANAGEMENT AND BENCHMARKING.

The Food, Agriculture, Conservation and Trade Act of 1990 is amended by inserting after section 1672C (as added by section 7207) the following:

"SEC. 1672D. FARM BUSINESS MANAGEMENT.

"(a) IN GENERAL.—The Secretary may make competitive research and extension grants for the purpose of—

"(1) improving the farm management knowledge and skills of agricultural producers; and

"(2) establishing and maintaining a national, publicly available farm financial management database to support improved farm management.

"(b) SELECTION CRITERIA.—In allocating funds made available to carry out this section, the Secretary may give priority to grants that—

"(1) demonstrate an ability to work directly with agricultural producers;

"(2) collaborate with farm management and producer associations;

"(3) address the farm management needs of a variety of crops and regions of the United States; and

"(4) use and support the national farm financial management database.

"(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of grants under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 7209. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is repealed.

SEC. 7210. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking "2007" and inserting "2012".

SEC. 7211. RESEARCH ON HONEY BEE DISEASES.

Section 1681 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5934) is repealed.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "2007" and inserting "2012".

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. PEER AND MERIT REVIEW.

Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended by adding at the end the following:

"(3) CONSIDERATION.—Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.".

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking "2007" and inserting "2012".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking "2007" and inserting "2012".

SEC. 7305. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625) is repealed.

SEC. 7306. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking "2007" and inserting "2012".

SEC. 7307. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628) is amended—

(1) in subsection (a), in the subsection heading, by striking "GRANT" and inserting "GRANTS"; and

(2) in subsection (e), by striking "2007" and inserting "2012".

SEC. 7308. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking "2007" and inserting "2012".

SEC. 7309. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

"(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs, are fully met.

"(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section may redistribute all or part of the funds received to individual councils or local chapters within the councils without further need of approval from the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7310. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking "2007" and inserting "2012".

SEC. 7311. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) INITIATIVE.—The term 'Initiative' means the specialty crop research and extension initiative established by subsection (b).

"(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given that term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

"(b) ESTABLISHMENT.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

"(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

"(A) product, taste, quality, and appearance;

"(B) environmental responses and tolerances;

"(C) nutrient management, including plant nutrient uptake efficiency;

"(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

"(E) enhanced phytonutrient content;

"(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

"(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

"(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening; and

"(5) methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.

"(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

"(1) Federal agencies;

"(2) national laboratories;

"(3) colleges and universities;

"(4) research institutions and organizations;

"(5) private organizations or corporations;

"(6) State agricultural experiment stations;

"(7) individuals; or

"(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

"(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—With respect to grants awarded under subsection (d), the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103; and

"(C) award grants on the basis of merit, quality, and relevance.

"(2) TERM.—The term of a grant under this section may not exceed 10 years.

"(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

"(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

"(f) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to projects that—

"(1) are multistate, multi-institutional, or multidisciplinary; and

"(2) include explicit mechanisms to communicate results to producers and the public.

"(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

"(h) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2008 and $50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

"(3) TRANSFER.—Of the funds made available to the Secretary under paragraph (1) for fiscal year 2008 and authorized for use for payment of administrative expenses under section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)), the Secretary shall transfer, upon the date of enactment of this section, $200,000 to the Office of Prevention, Pesticides, and Toxic Substances of the Environmental Protection Agency for use in conducting a meta-analysis relating to methyl bromide.

"(4) AVAILABILITY.—Funds made available pursuant to this subsection for a fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.".

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7312. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642) is amended by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through 2012.".

SEC. 7313. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking "2007" and inserting "2012".

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "2007" and inserting "2012".

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by adding at the end the following:

"(34) Ilisagvik College.".

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) in subsection (a)(3), in the matter preceding subparagraph (A), by inserting "this section and" before "sections 534,"; and

(2) in the first sentence of subsection (b), by striking "2007" and inserting "2012".

(c) REDISTRIBUTION.—Section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) by striking "The amounts" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts"; and

(2) by adding at the end the following:

"(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

"(i) declines to accept funds under paragraph (2); or

"(ii) fails to meet the accreditation requirements under section 533(a)(3).".

(d) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "2007" each place it appears and inserting "2012".

(e) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2007" and inserting "2012".

(f) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7403. SMITH-LEVER ACT.

(a) PROGRAM.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by striking "apply for and receive" and all that follows through paragraph (2) and inserting "compete for and receive funds directly from the Secretary of Agriculture.".

(b) ELIMINATION OF THE GOVERNOR'S REPORT REQUIREMENT FOR EXTENSION ACTIVITIES.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

(c) CONFORMING AMENDMENT.—Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d))" and all that follows through the end of the sentence and inserting "under section 3(d) of that Act (7 U.S.C. 343(d)).".

SEC. 7404. HATCH ACT OF 1887.

(a) DISTRICT OF COLUMBIA.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended—

(1) in the paragraph heading, by inserting "AND THE DISTRICT OF COLUMBIA" after "AREAS";

(2) in subparagraph (A)—

(A) by inserting "and the District of Columbia" after "United States"; and

(B) by inserting "and the District of Columbia" after "respectively,"; and

(3) in subparagraph (B), by inserting "or the District of Columbia" after "area".

(b) ELIMINATION OF PENALTY MAIL AUTHORITIES.—

(1) IN GENERAL.—Section 6 of the Hatch Act of 1887 (7 U.S.C. 361f) is amended in the first sentence by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(2) CONFORMING AMENDMENTS IN OTHER LAWS.—

(A) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(i) Section 1444(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(f)) is amended by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(ii) Section 1445(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(e)) is amended by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(B) OTHER PROVISIONS.—Section 3202(a) of title 39, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by adding "and" at the end;

(II) in subparagraph (E), by striking "sections; and" and inserting "sections."; and

(III) by striking subparagraph (F);

(ii) in paragraph (2), by adding "and" at the end;

(iii) in paragraph (3) by striking "thereof; and" and inserting "thereof."; and

(iv) by striking paragraph (4).

SEC. 7405. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7406. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

(a) IN GENERAL.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended to read as follows:

"(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

"(1) ESTABLISHMENT.—There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as 'the Secretary') may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

"(2) PRIORITY AREAS.—The competitive grants program established under this subsection shall address the following areas:

"(A) PLANT HEALTH AND PRODUCTION AND PLANT PRODUCTS.—Plant systems, including—

"(i) plant genome structure and function;

"(ii) molecular and cellular genetics and plant biotechnology;

"(iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

"(iv) plant-pest interactions and biocontrol systems;

"(v) crop plant response to environmental stresses;

"(vi) unproved nutrient qualities of plant products; and

"(vii) new food and industrial uses of plant products.

"(B) ANIMAL HEALTH AND PRODUCTION AND ANIMAL PRODUCTS.—Animal systems, including—

"(i) aquaculture;

"(ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

"(iii) animal biotechnology;

"(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

"(v) identification of genes responsible for improved production traits and resistance to disease;

"(vi) improved nutritional performance of animals;

"(vii) improved nutrient qualities of animal products and uses; and

"(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

"(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

"(i) microbial contaminants and pesticides residue relating to human health;

"(ii) links between diet and health;

"(iii) bioavailability of nutrients;

"(iv) postharvest physiology and practices; and

"(v) improved processing technologies.

"(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

"(i) fundamental structures and functions of ecosystems;

"(ii) biological and physical bases of sustainable production systems;

"(iii) minimizing soil and water losses and sustaining surface water and ground water quality;

"(iv) global climate effects on agriculture;

"(v) forestry; and

"(vi) biological diversity.

"(E) AGRICULTURE SYSTEMS AND TECHNOLOGY.—Engineering, products, and processes, including—

"(i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;

"(ii) robotics, energy efficiency, computing, and expert systems;

"(iii) new hazard and risk assessment and mitigation measures; and

"(iv) water quality and management.

"(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, and policy, including—

"(i) strategies for entering into and being competitive in domestic and overseas markets;

"(ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;

"(iii) new decision tools for farm and market systems;

"(iv) choices and applications of technology;

"(v) technology assessment; and

"(vi) new approaches to rural development, including rural entrepreneurship.

"(3) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

"(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

"(C) award grants on the basis of merit, quality, and relevance;

"(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

"(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

"(5) ALLOCATION OF FUNDS.—In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

"(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)), of which—

"(i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and

"(ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

"(B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)).

"(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

"(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

"(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

"(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

"(D) to improve research, extension, and education capabilities in States (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

"(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

"(A) State agricultural experiment stations;

"(B) colleges and universities;

"(C) university research foundations;

"(D) other research institutions and organizations;

"(E) Federal agencies;

"(F) national laboratories;

"(G) private organizations or corporations;

"(H) individuals; or

"(I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

"(8) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

"(9) MATCHING FUNDS.—

"(A) EQUIPMENT GRANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

"(ii) WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest ⅓ of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

"(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (5)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

"(i) commodity-specific; and

"(ii) not of national scope.

"(10) PROGRAM ADMINISTRATION.—To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)).

"(11) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through 2012, of which—

"(i) not less than 30 percent shall be made available for integrated research pursuant to section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626); and

"(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

"(B) AVAILABILITY.—Funds made available under this paragraph shall—

"(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

"(ii) remain available until expended to pay for obligations incurred during that 2-year period.".

(b) REPEALS.—

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is repealed.

(2) Subsection (d) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(d)) is repealed.

(c) EFFECT ON CURRENT SOLICITATIONS.—The amendments made by this section shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking "and subsection (d)".

(2) Section 1671(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(d) is amended by striking "Paragraphs (1), (6), (7), and (11)" and inserting "Paragraphs (4), (7), (8), and (11)(B)".

(3) Section 1672B(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(b)) is amended by striking "Paragraphs (1), (6), (7), and (11)" and inserting "Paragraphs (4), (7), (8), and (11)(B)".

SEC. 7407. AGRICULTURAL RISK PROTECTION ACT OF 2000.

Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.".

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) is amended by adding at the end the following:

"SEC. 307. EXCHANGE OR SALE AUTHORITY.

"(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term 'qualified item of personal property' means—

"(1) an animal;

"(2) an animal product;

"(3) a plant; or

"(4) a plant product.

"(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

"(1) to acquire any qualified item of personal property; or

"(2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

"(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act') (7 U.S.C. 2201).".

SEC. 7409. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) (as amended by section 7408) is amended by adding at the end the following:

"SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

"(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

"(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

"(B) will enhance the use of the property;

"(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

"(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

"(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

"(2) TERM.—The term of a lease under this section shall not exceed 30 years.

"(3) CONSIDERATION.—

"(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(i) in an amount equal to fair market value, as determined by the Secretary; and

"(ii) in the form of cash.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(I) deposited in a capital asset account to be established by the Secretary; and

"(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

"(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

"(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

"(A) the project to be carried out on property or at a facility covered by the lease;

"(B) provision and administration of the lease;

"(C) construction of any needed facilities;

"(D) provision of applicable utilities; and

"(E) any other facility cost normally associated with the operation of a leased facility.

"(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

"(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

"(A) on the date that is 5 years after the date of enactment of this section; or

"(B) with respect to any particular leased property, on the date of termination of the lease.

"(c) EFFECT OF OTHER LAWS.—

"(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329-417).

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

"(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

"(A) a copy of each lease entered into pursuant to this section; and

"(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.".

SEC. 7410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) MAXIMUM TERM AND SIZE OF GRANT.—

"(A) IN GENERAL.—A grant under this subsection shall—

"(i) have a term that is not more than 3 years; and

"(ii) be in an amount that is not more than $250,000 for each year.

"(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.";

(2) by redesignating paragraphs (5) through (7) as paragraphs (8) through (10), respectively;

(3) by inserting after paragraph (4) the following:

"(5) EVALUATION CRITERIA.—In making grants under this subsection, the Secretary shall evaluate—

"(A) relevancy;

"(B) technical merit;

"(C) achievability;

"(D) the expertise and track record of 1 or more applicants;

"(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

"(F) other appropriate factors, as determined by the Secretary.

"(6) REGIONAL BALANCE.—In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

"(7) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.".

(b) FUNDING.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following:

"(h) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $18,000,000 for fiscal year 2009; and

"(B) $19,000,000 for each of fiscal years 2010 through 2012.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7411. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a) is repealed.

SEC. 7412. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) IN GENERAL.—Section 2 of Public Law 87–788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a–1) is amended by inserting "and 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601))," before "and (b)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7413. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking "2007" and inserting "2012".

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking "2007" and inserting "2012".

SEC. 7414. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "2007" each place it appears and inserting "2012".

SEC. 7415. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

"SEC. 7. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

"A Chinese Garden may be constructed at the National Arboretum established under this Act with—

"(1) funds accepted under section 5;

"(2) authorities provided to the Secretary of Agriculture under section 6; and

"(3) appropriations provided for this purpose.".

SEC. 7416. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking "2007" and inserting "2012".

SEC. 7417. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

(a) IN GENERAL.—Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking ", except" and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking "section 3" each place it appears and inserting "section 3(c)"; and

(B) by striking "Such sums may be used to pay" and all that follows through "work.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

SEC. 7501. DEFINITIONS.

Except as otherwise provided in this subtitle, in this subtitle:

(1) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term "capacity and infrastructure program" has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(2) CAPACITY AND INFRASTRUCTURE PROGRAM CRITICAL BASE FUNDING.—The term "capacity and infrastructure program critical base funding" means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

(3) COMPETITIVE PROGRAM.—The term "competitive program" has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term "competitive program critical base funding" means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term "Hispanic-serving agricultural colleges and universities" has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(6) NLGCA INSTITUTION.—The term "NLGCA Institution" has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(7) 1862 INSTITUTION; 1890 INSTITUTION; 1994 INSTITUTION.—The terms "1862 Institution", "1890 Institution", and "1994 Institution" have the meanings given the terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.

Except as otherwise specifically authorized by law and notwithstanding any other provision of law, the Federal land and facilities at El Reno, Oklahoma, administered by the Secretary (as of the date of enactment of this Act) as the Grazinglands Research Laboratory, shall not at any time, in whole or in part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part, for the 5-year period beginning on the date of enactment of this Act.

SEC. 7503. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7504. ROADMAP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary of Research, Education, and Economics (referred to in this section as the "Under Secretary"), shall commence preparation of a roadmap for agricultural research, education, and extension that—

(1) identifies current trends and constraints;

(2) identifies major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually;

(3) involves—

(A) interested parties from the Federal Government and nongovernmental entities; and

(B) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123);

(4) incorporates roadmaps for agricultural research, education, and extension made publicly available by other Federal entities, agencies, or offices; and

(5) describes recommended funding levels for areas of agricultural research, education, and extension, including—

(A) competitive programs;

(B) capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine; and

(C) intramural programs at agencies within the research, education, and economics mission area; and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, extension, and education across the Department of Agriculture, including minimization of unnecessary programmatic and administrative duplication.

(b) REVIEWABILITY.—The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) ROADMAP IMPLEMENTATION AND REPORT.—Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

SEC. 7505. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those requirements under—

(1) sections 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land-grant institutions.

SEC. 7506. BUDGET SUBMISSION AND FUNDING.

(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term "competitive programs" includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) CAPACITY AND INFRASTRUCTURE PROGRAM REQUEST.—Of the funds requested for capacity and infrastructure programs in excess of the capacity and infrastructure program critical base funding level, budgetary emphasis should be placed on enhancing funding for—

(1) 1890 Institutions;

(2) 1994 Institutions;

(3) NLGCA Institutions;

(4) Hispanic-serving agricultural colleges and universities; and

(5) small 1862 Institutions.

(d) COMPETITIVE PROGRAM REQUEST.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis should be placed on—

(1) enhancing funding for emerging problems; and

(2) finding solutions for those problems.

PART II—RESEARCH, EDUCATION, AND ECONOMICS

SEC. 7511. RESEARCH, EDUCATION, AND ECONOMICS.

(a) IN GENERAL.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) is amended—

(1) in subsection (a), by inserting "(referred to in this section as the 'Under Secretary')" before the period at the end;

(2) by striking subsections (b) through (d);

(3) by redesignating subsection (e) as subsection (g); and

(4) by inserting after subsection (a) the following:

"(b) CONFIRMATION REQUIRED.—The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

"(c) CHIEF SCIENTIST.—The Under Secretary shall—

"(1) hold the title of Chief Scientist of the Department; and

"(2) be responsible for the coordination of the research, education, and extension activities of the Department.

"(d) FUNCTIONS OF UNDER SECRETARY.—

"(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

"(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—

"(A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding);

"(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

"(i) across disciplines, agencies, and institutions; and

"(ii) among applicable participants, grantees, and beneficiaries;

"(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

"(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

"(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

"(e) RESEARCH, EDUCATION, AND EXTENSION OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the 'Research, Education, and Extension Office', which shall coordinate the research programs and activities of the Department.

"(2) DIVISION DESIGNATIONS.—The Divisions within the Research, Education, and Extension Office shall be as follows:

"(A) Renewable energy, natural resources, and environment.

"(B) Food safety, nutrition, and health.

"(C) Plant health and production and plant products.

"(D) Animal health and production and animal products.

"(E) Agricultural systems and technology.

"(F) Agricultural economics and rural communities.

"(3) DIVISION CHIEFS.—

"(A) SELECTION.—The Under Secretary shall select a Division Chief for each Division using available personnel authority under title 5, United States Code, including—

"(i) by term, temporary, or other appointment, without regard to—

"(I) the provisions of title 5, United States Code, governing appointments in the competitive service;

"(II) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference; and

"(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates;

"(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

"(iii) by reassignment or transfer from any other civil service position; and

"(iv) by an assignment under subchapter VI of chapter 33 of title 5, United States Code.

"(B) SELECTION GUIDELINES.—To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

"(i) promotes leadership and professional development;

"(ii) enables personnel to interact with other agencies of the Department; and

"(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

"(C) TERM OF SERVICE.—Notwithstanding title 5, United States Code, the maximum length of service for an individual selected as a Division Chief under subparagraph (A) shall not exceed 4 years.

"(D) QUALIFICATIONS.—To be eligible for selection as a Division Chief, an individual shall have—

"(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

"(ii) earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(E) DUTIES OF DIVISION CHIEFS.—Except as otherwise provided in this Act, each Division Chief shall—

"(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

"(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

"(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

"(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

"(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7504 of the Food, Conservation, and Energy Act of 2008; and

"(vi) perform such other duties as the Under Secretary may determine.

"(4) GENERAL ADMINISTRATION.—

"(A) FUNDING.—Notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

"(B) LIMITATION.—To the maximum extent practicable—

"(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and “(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

“(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

“(i) promotes leadership and professional development; and

“(ii) enables personnel to interact with other agencies of the Department.

“(5) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.

“(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADVISORY BOARD.—The term ‘Advisory Board’ means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

“(B) APPLIED RESEARCH.—The term ‘applied research’ means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

“(C) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term ‘capacity and infrastructure program’ means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

“(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

“(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

“(iii) Each program established under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

“(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

“(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

“(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

“(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

“(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

“(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

“(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

“(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

“(xii) Each research and development and related program established under Public Law 87–788 (commonly known as the ‘McIntire-Stennis Cooperative Forestry Act’) (16 U.S.C. 582a et seq.).

“(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

“(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

“(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

“(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

“(D) COMPETITIVE PROGRAM.—The term ‘competitive program’ means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

“(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)).

“(ii) The program providing competitive grants for risk management education established under section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)).

“(iii) The program providing community food project competitive grants established under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

“(iv) The program providing grants for beginning farmer and rancher development established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

“(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

“(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

“(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

“(viii) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811).

“(ix) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

“(x) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

“(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990.

“(xii) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

“(xiii) Other programs that are competitive programs, as determined by the Secretary.

“(E) DIRECTOR.—The term ‘Director’ means the Director of the Institute.

“(F) FUNDAMENTAL RESEARCH.—The term ‘fundamental research’ means research that—

“(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

“(ii) has an effect on agriculture, food, nutrition, or the environment.

“(G) INSTITUTE.—The term ‘Institute’ means the National Institute of Food and Agriculture established by paragraph (2)(A).

“(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

“(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the ‘National Institute of Food and Agriculture’.

“(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

“(i) the capacity and infrastructure programs;

“(ii) the competitive programs;

“(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

“(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

“(3) DIRECTOR.—

“(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

“(i) a distinguished scientist; and

“(ii) appointed by the President.

“(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

“(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

“(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

“(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

“(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

“(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

“(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

“(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

“(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

“(i) exercise all of the authority provided to the Institute by this subsection;

“(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

“(iii) establish offices within the Institute;

“(iv) establish procedures for the provision and administration of grants by the Institute; and

“(v) consult regularly with the Advisory Board.

“(4) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

“(5) ADMINISTRATION.—

“(A) IN GENERAL.—The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

“(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

“(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

“(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

“(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

“(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

“(i) promote the use and growth of grants awarded through a competitive process; and

“(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

“(E) COORDINATION.—The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

“(6) FUNDING.—

“(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

“(B) ALLOCATION.—Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7504 of the Food, Conservation, and Energy Act of 2008.”.

(b) FUNCTIONS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (4), by striking “or” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(6) the authority of the Secretary to establish in the Department, under section 251—

“(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

“(B) the Research, Education, and Extension Office; and

“(C) the National Institute of Food and Agriculture.”.

(c) CONFORMING AMENDMENTS.—The following conforming amendments shall take effect on October 1, 2009:

(1) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(2) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking “the Cooperative State Research, Education, and Extension Service” each place it appears and inserting “the National Institute of Food and Agriculture”.

(3) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(4) Section 5(b)(2)(E) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554) is amended by striking “Cooperative Extension Service” and inserting “National Institute of Food and Agriculture”.

(5) Section 11(f)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(f)(1)) is amended by striking “Cooperative Extension Service” and inserting “National Institute of Food and Agriculture”.

(6) Section 502(h) of the Rural Development Act of 1972 (7 U.S.C. 2662(h)) is amended—

(A) in paragraph (1), by striking “Extension Service” and inserting “National Institute of Food and Agriculture”; and

(B) in paragraph (4), by striking “Extension Service staff” and inserting “National Institute of Food and Agriculture staff”.

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is amended by striking clause (vi) and inserting the following:

“(vi) the National Institute of Food and Agriculture.”.

(8) Section 1408(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)(4)) is amended by striking “the Administrator of the Cooperative State Research, Education, and Extension Service” and inserting “the Director of the National Institute of Food and Agriculture”.

(9) Section 2381(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(a)) is amended by striking “Extension Service” and inserting “National Institute of Food and Agriculture”.

(10) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1424A(b) (7 U.S.C. 3174a(b)), by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”; and

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(11) Section 1587(a) of the Food Security Act of 1985 (7 U.S.C. 3175d(a)) is amended by striking “Extension Service” each place it appears and inserting “National Institute of Food and Agriculture”.

(12) Section 1444(b)(2)(A) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(b)(2)(A)) is amended by striking “Extension Service” and inserting “National Institute of Food and Agriculture”.

(13) Section 1473D(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(d)) is amended by striking “the Cooperative State Research Service, the Extension Service” and inserting “the National Institute of Food and Agriculture”.

(14) Section 1499(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking “the Cooperative State Research Service” and all that follows through “extension services;” and inserting “the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service;”.

(15) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(A) in subsection (a)(1), by striking “the Cooperative State Research Service in close cooperation with the Extension Service” and inserting “the National Institute of Food and Agriculture”;

(B) in subsection (b)(1)—

(i) by striking subparagraphs (B) and (C) and inserting the following:

“(B) the National Institute of Food and Agriculture;”; and

(ii) by redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively.

(16) Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking “Extension Service” and inserting “National Institute of Food and Agriculture”.

(17) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended—

(A) in subsection (b), in the first sentence, by striking “the Extension Service” and inserting “the National Institute of Food and Agriculture”; and

(B) in subsection (h), by striking “Extension Service” and inserting “National Institute of Food and Agriculture”.

(18) Section 1638(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5852(b)) is amended—

(A) in paragraph (3), by striking “Cooperative State Research Service” and inserting “National Institute of Food and Agriculture”; and

(B) in paragraph (5), by striking “Cooperative State Research Service” and inserting “National Institute of Food and Agriculture”.

(19) Section 1640(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(a)(2)) is amended by striking “the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service” and inserting “the Director of the National Institute of Food and Agriculture”.

(20) Section 1641(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(a)) is amended—

(A) in paragraph (2), by striking "Cooperative State Research Service" and inserting "National Institute of Food and Agriculture"; and

(B) in paragraph (4,) by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(21) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture".

(22) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking "the Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(23) Section 1677(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(24) Section 2122(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6521(b)(1)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(25) Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended—

(A) in subsection (a), by striking "Extension Service" and inserting "National Institute of Food and Agriculture"; and

(B) in subsection (c)(3), by striking "Service" and inserting "System".

(26) Section 2377(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6615(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(27) Section 212(a)(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(a)(2)(A)) is amended by striking "251(d)," and inserting "251(f),".

(28) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking "Cooperative State Research, Education, and Extension Service" and inserting "cooperative extension".

(29) Section 101(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7611(b)(2)) is amended by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture".

(30) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—

(A) in the subsection heading, by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture"; and

(B) in each of paragraphs (1) and (2)(A), by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(31) Section 407(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627(c)) is amended by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(32) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking "the Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(33) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking "Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "Director of the National Institute of Food and Agriculture".

(34) Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674a(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(35) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b(b)) is amended by striking "the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials" and inserting "the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or cooperative extension officials".

(36) Section 9(g)(2)(A)(viii) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(g)(2)(A)(viii)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(37) Section 19(b)(1)(B)(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(1)(B)(i)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(38) Section 1261(c)(4) of the Food Security Act of 1985 (16 U.S.C. 3861(c)(4)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(39) Section 105(a) of the Africa: Seeds of Hope Act of 1998 (22 U.S.C. 2293 note; Public Law 105–385) is amended by striking "the Cooperative State, Research, Education, and Extension Service (CSREES)" and inserting "the National Institute of Food and Agriculture".

(40) Section 307(a)(4) of the National Aeronautic and Space Administration Authorization Act of 2005 (42 U.S.C. 16657(a)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) the program and structure of, peer review process of, management of conflicts of interest by, compensation of reviewers of, and the effects of compensation on reviewer efficiency and quality within, the National Institute of Food and Agriculture of the Department of Agriculture;".

PART III—NEW GRANT AND RESEARCH PROGRAMS

SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.

(a) In General.—The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) Administration.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7522. FARM AND RANCH STRESS ASSISTANCE NETWORK.

(a) In General.—The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

(b) Eligible Programs.—Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

(1) farm telephone helplines and websites;

(2) community education;

(3) support groups;

(4) outreach services and activities; and

(5) home delivery of assistance, in a case in which a farm resident is homebound.

(c) Extension Services.—Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7523. SEED DISTRIBUTION.

(a) In General.—The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

(b) Purposes.—The purposes of this program include—

(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

(A) individuals;

(B) groups;

(C) institutions;

(D) governmental and nongovernmental organizations; and

(E) such other entities as the Secretary may designate;

(2) distribution of seeds to underserved communities, such as communities that experience—

(A) limited access to affordable fresh vegetables;

(B) a high rate of hunger or food insecurity; or

(C) severe or persistent poverty.

(c) Administration.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research

Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(d) SELECTION.—An eligible entity selected to receive a grant under subsection (a) shall have—

(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

(2) the ability to achieve the purpose of the seed distribution program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7524. LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the "successor facility").

(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Department a natural products research program.

(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

(2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products; and

(3) other research priorities identified by the Secretary.

(c) PEER AND MERIT REVIEW.—The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

(d) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 7526. SUN GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) the Department of Energy; and

(C) land-grant colleges and universities.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103 (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) MANNER OF DISTRIBUTION.—

(A) CENTERS.—In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) SUBCENTER.—The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) FAILURE TO COMPLY WITH REQUIREMENTS.—If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

(i) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

(ii) located in the region covered by the sun grant center or subcenter.

(B) ACTIVITIES.—Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(i) research, extension, and education programs on technology development; and

(ii) integrated research, extension, and education programs on technology implementation.

(C) FUNDING ALLOCATION.—Of the amount of funds that is used to provide grants under subparagraph (A), the sun grant center or subcenter shall use—

(i) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(i); and

(ii) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(ii).

(D) ADMINISTRATION.—

(i) PEER AND MERIT REVIEW.—In making grants under this paragraph, a sun grant center or subcenter shall—

(I) seek and accept proposals for grants;

(II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) PRIORITY.—A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) TERM.—A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) MATCHING FUNDS REQUIRED.—

(I) IN GENERAL.—Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) EXCLUSION.—Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(III) REDUCTION.—The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)) if the sun grant center or subcenter determines that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(v) BUILDINGS AND FACILITIES.—Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) LIMITATION ON INDIRECT COSTS.—A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) ADMINISTRATIVE EXPENSES.—A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(A) research, extension, and educational programs on technology development; and

(B) integrated research, extension, and educational programs on technology implementation.

(d) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy at the State and regional levels.

(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.

(3) FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(4) USE OF PLAN.—The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) GRANT INFORMATION ANALYSIS CENTER.—The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D)(i); and

(2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012, of which not more than $4,000,000 for each fiscal year shall be made available to carry out subsection (e).

SEC. 7527. STUDY AND REPORT ON FOOD DESERTS.

(a) DEFINITION OF FOOD DESERT.—In this section, the term "food desert" means an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.

(b) STUDY AND REPORT.—The Secretary shall carry out a study of, and prepare a report on, food deserts.

(c) CONTENTS.—The study and report shall—

(1) assess the incidence and prevalence of food deserts;

(2) identify—

(A) characteristics and factors causing and influencing food deserts; and

(B) the effect on local populations of limited access to affordable and nutritious food; and

(3) provide recommendations for addressing the causes and effects of food deserts through measures that include—

(A) community and economic development initiatives;

(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

(C) improvements to Federal food assistance and nutrition education programs.

(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

(1) the Secretary of Health and Human Services;

(2) the Administrator of the Small Business Administration;

(3) the Institute of Medicine; and

(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the report prepared under this section, including the findings and recommendations described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 7528. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 4703(d)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture (67 Fed. Reg. 70776 (2002)), shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7529. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs of agricultural producers and related rural businesses, including—

(1) the transportation of biofuels; and

(2) the export of agricultural products.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

(f) GRANT REVIEW.—A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)).

(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE VIII—FORESTRY

Subtitle A—Amendments to Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

"(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

"(1) Conserving and managing working forest landscapes for multiple values and uses.

"(2) Protecting forests from threats, including catastrophic wildfires, hurricanes, tornados, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest types in response to such threats.

"(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife, wildlife corridors and wildlife habitat, and recreation.

"(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funds were used under this Act, and through other programs administered by the Secretary, to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.".

SEC. 8002. LONG-TERM STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

"SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

"(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of that State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the following:

"(1) A State-wide assessment of forest resource conditions, including—

"(A) the conditions and trends of forest resources in that State;

"(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

"(C) any areas or regions of that State that are a priority; and

"(D) any multi-State areas that are a regional priority.

"(2) A long-term State-wide forest resource strategy, including—

"(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

"(B) a description of the resources necessary for the State forester or equivalent State official from all sources to address the State-wide strategy.

"(b) UPDATING.—At such times as the Secretary determines to be necessary, the State forester or equivalent State official shall update and resubmit to the Secretary the State-wide assessment and State-wide strategy required by subsection (a).

"(c) COORDINATION.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

"(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

"(2) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

"(3) the State Technical Committee;

"(4) applicable Federal land management agencies; and

"(5) for purposes of the Forest Legacy Program under section 7, the State lead agency designated by the Governor.

"(d) INCORPORATION OF OTHER PLANS.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State forester or equivalent State official shall incorporate any forest management plan of the State, including community wildfire protection plans and State wildlife action plans.

"(e) SUFFICIENCY.—Once approved by the Secretary, a State-wide assessment and State-wide strategy developed under subsection (a) shall be deemed to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section up to $10,000,000 for each of fiscal years 2008 through 2012.

"(2) ADDITIONAL FUNDING SOURCES.—In addition to the funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1) to carry out this section, the Secretary may use any other funds made available for planning under this Act to carry out this section, except that the total amount of combined funding used to carry out this section may not exceed $10,000,000 in any fiscal year.

"(g) ANNUAL REPORT ON USE OF FUNDS.—The State forester or equivalent State official shall submit to the Secretary an annual report detailing how funds made available to the State under this Act are being used.".

SEC. 8003. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the United States;

(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.

(b) COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following new section:

"SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) LOCAL GOVERNMENTAL ENTITY.—The term 'local governmental entity' includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

"(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that—

"(A) is described in section 170(h)(3) of the Internal Revenue Code of 1986; and

"(B) operates in accordance with 1 or more of the purposes specified in section 170(h)(4)(A) of that Code.

"(5) PROGRAM.—The term 'Program' means the community forest and open space conservation program established under subsection (b).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'community forest and open space conservation program'.

"(c) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to acquire private forest land, to be owned in fee simple, that—

"(A) are threatened by conversion to nonforest uses; and

"(B) provide public benefits to communities, including—

"(i) economic benefits through sustainable forest management;

"(ii) environmental benefits, including clean water and wildlife habitat;

"(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

"(iv) benefits from serving as models of effective forest stewardship for private landowners; and

"(v) recreational benefits, including hunting and fishing.

"(2) FEDERAL COST SHARE.—An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

"(3) NON-FEDERAL SHARE.—As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

"(4) APPRAISAL OF PARCELS.—To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

"(5) APPLICATION.—An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

"(A) a description of the land to be acquired;

"(B) a forest plan that provides—

"(i) a description of community benefits to be achieved from the acquisition of the private forest land; and

"(ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and

"(C) such other relevant information as the Secretary may require.

"(6) EFFECT ON TRUST LAND.—

"(A) INELIGIBILITY.—The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

"(B) ACQUIRED LAND.—No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

"(7) APPLICATIONS TO SECRETARY.—The State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

"(d) DUTIES OF ELIGIBLE ENTITY.—An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program.

"(e) PROHIBITED USES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

"(2) REIMBURSEMENT OF FUNDS.—An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

"(3) LOSS OF ELIGIBILITY.—An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

"(f) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 8004. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking "the Trust Territory of the Pacific Islands," and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,".

SEC. 8005. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

"(a) FOREST RESOURCE COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate nonindustrial private forestry activities within the Department of Agriculture and with the private sector.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

"(A) The Chief of the Forest Service.

"(B) The Chief of the Natural Resources Conservation Service.

"(C) The Director of the Farm Service Agency.

"(D) The Director of the National Institute of Food and Agriculture.

"(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

"(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

"(ii) A representative of a State fish and wildlife agency.

"(iii) An owner of nonindustrial private forest land.

"(iv) A forest industry representative.

"(v) A conservation organization representative.

"(vi) A land-grant university or college representative.

"(vii) A private forestry consultant.

"(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

"(F) Such other persons as determined by the Secretary to be appropriate.

"(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

"(4) DUTIES.—The Coordinating Committee shall—

"(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus owners of nonindustrial private forest land;

"(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

"(C) provide advice on the allocation of funds, including the competitive funds setaside by sections 13A and 13B; and

"(D) assist the Secretary in developing and reviewing the report required by section 2(d).

"(5) MEETING.—The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding nonindustrial private forest land.

"(6) COMPENSATION.—

"(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

"(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.".

SEC. 8006. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking "and" at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

"(IX) the State Technical Committee.".

(2) in paragraph (2)(C), by striking "a Forest Stewardship Plan under paragraph (3)" and inserting "the State-wide assessment and strategy regarding forest resource conditions under section 2A";

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8007. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13 (16 U.S.C. 2109) the following new section:

"SEC. 13A. COMPETITIVE ALLOCATION OF FUNDS TO STATE FORESTERS OR EQUIVALENT STATE OFFICIALS.

"(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this Act to State foresters or equivalent State officials.

"(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a).

"(c) PRIORITY.—The Secretary shall give priority for funding to States for which the long-term State-wide forest resource strategies submitted under section 2A(a)(2) will best promote the national priorities specified in section 2(c).".

SEC. 8008. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13A, as added by section 8006, the following new section:

"SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

"(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary may competitively allocate not more than 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

"(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained in this Act, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

"(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.".

Subtitle B—Cultural and Heritage Cooperation Authority

SEC. 8101. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;

(3) to authorize the Secretary of Agriculture to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products, without consideration, to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) ADJACENT SITE.—The term "adjacent site" means a site that borders a boundary line of National Forest System land.

(2) CULTURAL ITEMS.—The term "cultural items" has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), except that the term does not include human remains.

(3) HUMAN REMAINS.—The term "human remains" means the physical remains of the body of a person of Indian ancestry.

(4) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(5) INDIAN TRIBE.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(6) LINEAL DESCENDANT.—The term "lineal descendant" means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(7) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(8) REBURIAL SITE.—The term "reburial site" means a specific physical location at which cultural items or human remains are reburied.

(9) TRADITIONAL AND CULTURAL PURPOSE.—The term "traditional and cultural purpose", with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

SEC. 8103. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL SITES.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendent, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) AUTHORIZATION OF USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize such uses of reburial sites on National Forest System land, or on the National Forest System land immediately surrounding a reburial site, as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS.—In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

SEC. 8104. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—To the maximum extent practicable, the Secretary shall ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) AUTHORITY TO CLOSE.—Upon the approval by the Secretary of a request from an Indian tribe, the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY.—Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) IN GENERAL.—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) PROHIBITION.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8106. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), information relating to—

(A) subject to subsection (b)(1), human remains or cultural items reburied on National Forest System land under section 8103; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8103.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REBURIAL.—The Secretary may disclose information described in subsection (a)(1)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this subtitle; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2). OTHER INFORMATION.—The Secretary, in consultation with appropriate Indian tribes, may disclose information described under paragraph (1)(B) or (2) of subsection (a) if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this subtitle;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8107. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle, or the application of any provision of this subtitle to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this subtitle shall not be affected thereby.

(b) SAVINGS.—Nothing in this subtitle—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking "2004 through 2008" and inserting "2008 through 2012".

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking "2007" and inserting "2012".

SEC. 8203. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 407. EMERGENCY FOREST RESTORATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) EMERGENCY MEASURES.—The term 'emergency measures' means those measures that—

"(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

"(i) would impair or endanger the natural resources on the land; and

"(ii) would materially affect future use of the land; and

"(B) would restore forest health and forest-related resources on the land.

"(2) NATURAL DISASTER.—The term 'natural disaster' includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

"(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

"(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

"(c) Eligibility.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

"(d) Cost Share Requirement.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.".

(b) Regulations.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) Definitions.—

(1) Plant.—Subsection (f) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

"(f) Plant.—

"(1) In general.—The terms 'plant' and 'plants' mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

"(2) Exclusions.—The terms 'plant' and 'plants' exclude—

"(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

"(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

"(C) any plant that is to remain planted or to be planted or replanted.

"(3) Exceptions to application of exclusions.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

"(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

"(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

"(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.".

(2) Inclusion of Secretary of Agriculture.—Section 2(h) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended by striking "plants the term means" and inserting "plants, the term also means".

(3) Taken and taking.—Subsection (j) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

"(j) Taken and Taking.—

"(1) Taken.—The term 'taken' means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

"(2) Taking.—The term 'taking' means the act by which fish, wildlife, or plants are taken.".

(b) Prohibited Acts.—

(1) Offenses other than marking.—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or"; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

"(B) to possess any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or".

(2) Plant declarations.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended by adding at the end the following new subsection:

"(f) Plant Declarations.—

"(1) Import declaration.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) Declaration relating to plant products.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and

"(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

"(3) Exclusions.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

"(4) Review.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

"(5) Report.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(A) an evaluation of—

"(i) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

"(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

"(C) an analysis of the effect of subsection (a) and this subsection on—

"(i) the cost of legal plant imports; and

"(ii) the extent and methodology of illegal logging practices and trafficking.

"(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

"(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

"(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.".

(c) CROSS-REFERENCES TO NEW REQUIREMENT.—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

(1) by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (f)";

(2) by striking "section 3(d)" each place it appears and inserting "subsection (d) or (f) of section 3"; and

(3) in subsection (a)(2), by striking "subsection 3(b)" and inserting "subsection (b) or (f) of section 3, except as provided in paragraph (1),".

(d) CIVIL FORFEITURES.—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended by adding at the end the following new subsection:

"(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.".

(e) ADMINISTRATION.—Section 7 of the Lacey Act Amendments of 1981 (16 U.S.C. 3376) is amended—

(1) in subsection (a)(1), by striking "section 4 and section" and inserting "sections 3(f), 4, and"; and

(2) by adding at the end the following new subsection:

"(c) CLARIFICATION OF EXCLUSIONS FROM DEFINITION OF PLANT.—The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in section 2(f)(2)(A) for the purposes of enforcement under this Act.".

(f) TECHNICAL CORRECTION.—Effective as of November 14, 1988, and as if included therein as enacted, section 102(c) of Public Law 100-653 (102 Stat. 3825) is amended—

(1) by inserting "of the Lacey Act Amendments of 1981" after "Section 4"; and

(2) by striking "(other than section 3(b))" and inserting "(other than subsection 3(b))".

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) ENROLLMENT.—Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(f)(1)) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) METHODS OF ENROLLMENT.—

"(1) AUTHORIZED METHODS.—Land may be enrolled in the healthy forests reserve program in accordance with—

"(A) a 10-year cost-share agreement;

"(B) a 30-year easement; or

"(C)(i) a permanent easement; or

"(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

"(2) LIMITATION ON USE OF COST-SHARE AGREEMENTS AND EASEMENTS.—

"(A) IN GENERAL.—Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—

"(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

"(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

"(B) REPOOLING.—The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

"(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

"(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

"(B) a 10-year cost-share agreement; or

"(C) any combination of the options described in subparagraphs (A) and (B).".

(b) FINANCIAL ASSISTANCE.—Section 504(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6574(a)) is amended by striking "(a) EASEMENTS OF NOT MORE THAN 99 YEARS" and all that follows through "502(f)(1)(C)" and inserting the following:

"(a) PERMANENT EASEMENTS.—In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 502(f)(1)(C)(ii))".

(c) FUNDING.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

"SEC. 508. FUNDING.

"(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

"(b) DURATION OF AVAILABILITY.—The funds made available under subsection (a) shall remain available until expended.".

Subtitle D—Boundary Adjustments and Land Conveyance Provisions

SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 13 designated expansion units as generally depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II" and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.

(a) CHIHUAHUAN DESERT NATURE PARK CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and subsection (b), the Secretary of Agriculture shall convey to the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico (in this section referred to as the "Nature Park"), by quitclaim deed and for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(b) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Chihuahuan Desert Nature Park Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (c); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(c) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (b)(4)(A), the land may, at the discretion of the Secretary, revert to the United States. If the Secretary chooses to have the land revert to the United States, the Secretary shall—

(1) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(2) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(d) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land to be conveyed under subsection (a) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(e) WATER RIGHTS.—Nothing in subsection (a) authorizes the conveyance of water rights to the Nature Park.

(f) GEORGE WASHINGTON NATIONAL FOREST CONVEYANCE, VIRGINIA.—

(1) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Central Advent Christian Church of Alleghany County, Virginia (in this subsection referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property in the George Washington National Forest, Alleghany County, Virginia, consisting of not more than 8 acres, including a cemetery encompassing approximately 6 acres designated as an area of special use for the recipient, and depicted on the Forest Service map showing tract G-2032c and dated August 20, 2002, and the Forest Service map showing the area of special use and dated March 14, 2001.

(2) CONDITION OF CONVEYANCE.—The conveyance under this subsection shall be subject to the condition that the recipient accept the real property described in paragraph (1) in its condition at the time of the conveyance, commonly known as conveyance "as is".

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—The term "Bromley" means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term "map" means the map entitled "Proposed Bromley Land Sale or Exchange" and dated April 7, 2004.

(3) STATE.—The term "State" means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary of Agriculture may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS.—Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS.—The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS.—In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION.—Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) EXEMPTION FROM CERTAIN LAWS.—Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

Subtitle E—Miscellaneous Provisions

SEC. 8401. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED PRODUCER PRICE INDEX.—The term "authorized Producer Price Index" includes—

(A) the softwood commodity index (code number WPU 0811);

(B) the hardwood commodity index (code number WPU 0812);

(C) the wood chip index (code number PCU 3211133211135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.

(2) QUALIFYING CONTRACT.—The term "qualifying contract" means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b);

(D) that is not a salvage sale;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions that developed after the award of the contract; and

(F) that is not in breach or in default.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) OPTIONS FOR QUALIFYING CONTRACTS.—

(1) CANCELLATION OR RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original bid rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the timber remaining in the qualifying contract based on bid rates;

(ii) completes each contractual obligation (including the removal of downed timber, the completion of road work, and the completion of erosion control work) of the timber purchaser with respect to each unit on which harvest has begun to a logical stopping point, as determined by the Secretary after consultation with the timber purchaser; and

(iii) terminates its rights under the qualifying contract; or

(B) modify the qualifying contract to redetermine the current contract rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX.—

(A) SUBSTITUTION.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index specified in the qualifying contract of a timber purchaser if the timber purchaser identifies—

(i) the products the timber purchaser intends to produce from the timber harvested under the qualifying contract; and

(ii) a substitute index from an authorized Producer Price Index that more accurately represents the predominant product identified in clause (i) for which there is an index.

(B) RATE REDETERMINATION FOLLOWING SUBSTITUTION OF INDEX.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract to provide for—

(i) an emergency rate redetermination under the terms of the contract; or

(ii) a rate redetermination under paragraph (1)(B).

(C) LIMITATION ON MARKET-RELATED CONTRACT TERM ADDITION; PERIODIC PAYMENTS.—Notwithstanding any other provision of law, if the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract—

(i) to adjust the term in accordance with the market-related contract term addition provision in the qualifying contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the adjustment, but only if the drastic reduction criteria in such section are met for 2 or more consecutive calendar year quarters beginning with the calendar quarter in which the Secretary substitutes the Producer Price Index under subparagraph (A); and

(ii) to adjust the periodic payments required under the contract in accordance with applicable law and policies.

(3) CONTRACTS USING HARDWOOD LUMBER INDEX.—With respect to a qualifying contract using the hardwood commodity index referred to in subsection (a)(1)(B) for which the Secretary does not substitute the Producer Price Index under paragraph (2), the Secretary may, at the sole discretion of the Secretary—

(A) extend the contract term for a 1-year period beginning on the current contract termination date; and

(B) adjust the periodic payments required under the contract in accordance with applicable law and policies.

(c) EXTENSION OF MARKET-RELATED CONTRACT TERM ADDITION TIME LIMIT FOR CERTAIN CONTRACTS.—Notwithstanding any other provision of law, upon the written request of a timber purchaser, the Secretary may, at the sole discretion of the Secretary, modify a timber sale contract (including a qualifying contract) awarded to the purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in the contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

(d) EFFECT OF OPTIONS.—

(1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose—

(A) under a qualifying contract before the date on which the Secretary cancels the contract or redetermines the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), or modifies the contract under subsection (b)(3); or

(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (c).

(2) RELEASE OF LIABILITY.—In the written request for any option provided under subsections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the cancellation of a qualifying contract of the purchaser or rate redetermination under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3) or a determination by the Secretary not to provide the cancellation, redetermination, substitution, or modification; or

(B) the modification of the term of a timber sale contract (including a qualifying contract) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

(3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.

SEC. 8402. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term "Hispanic-serving institution" has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

SEC. 9001. ENERGY.

(a) IN GENERAL.—Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended to read as follows:

"TITLE IX—ENERGY

"SEC. 9001. DEFINITIONS.

"Except as otherwise provided, in this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 9008(d)(1).

"(3) ADVANCED BIOFUEL.—

"(A) IN GENERAL.—The term 'advanced biofuel' means fuel derived from renewable biomass other than corn kernel starch.

"(B) INCLUSIONS.—Subject to subparagraph (A), the term 'advanced biofuel' includes—

"(i) biofuel derived from cellulose, hemicellulose, or lignin;

"(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

"(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

"(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

"(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

"(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

"(vii) other fuel derived from cellulosic biomass.

"(4) BIOBASED PRODUCT.—The term 'biobased product' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

"(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

"(B) an intermediate ingredient or feedstock.

"(5) BIOFUEL.—The term 'biofuel' means a fuel derived from renewable biomass.

"(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into—

"(A) heat;

"(B) power;

"(C) biobased products; or

"(D) advanced biofuels.

"(7) BIOREFINERY.—The term 'biorefinery' means a facility (including equipment and processes) that—

"(A) converts renewable biomass into biofuels and biobased products; and

"(B) may produce electricity.

"(8) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 9008(c).

"(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

"(11) INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term 'intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

“(12) RENEWABLE BIOMASS.—The term ‘renewable biomass’ means—

“(A) materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

“(i) are byproducts of preventive treatments that are removed—

“(I) to reduce hazardous fuels;

“(II) to reduce or contain disease or insect infestation; or

“(III) to restore ecosystem health;

“(ii) would not otherwise be used for higher-value products; and

“(iii) are harvested in accordance with—

“(I) applicable law and land management plans; and

“(II) the requirements for—

“(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

“(bb) large-tree retention of subsection (f) of that section; or

“(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

“(i) renewable plant material, including—

“(I) feed grains;

“(II) other agricultural commodities;

“(III) other plants and trees; and

“(IV) algae; and

“(ii) waste material, including—

“(I) crop residue;

“(II) other vegetative waste material (including wood waste and wood residues);

“(III) animal waste and byproducts (including fats, oils, greases, and manure); and

“(IV) food waste and yard waste.

“(13) RENEWABLE ENERGY.—The term ‘renewable energy’ means energy derived from—

“(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or

“(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

“(14) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“SEC. 9002. BIOBASED MARKETS PROGRAM.

“(a) FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.—

“(1) DEFINITION OF PROCURING AGENCY.—In this subsection, the term ‘procuring agency’ means—

“(A) any Federal agency that is using Federal funds for procurement; or

“(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

“(2) PROCUREMENT PREFERENCE.—

“(A) IN GENERAL.—

“(i) PROCURING AGENCY DUTIES.—Except as provided in clause (ii) and subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (3), each procuring agency shall—

“(I) establish a procurement program, develop procurement specifications, and procure biobased products identified under the guidelines described in paragraph (3) in accordance with this section; and

“(II) with respect to items described in the guidelines, give a procurement preference to those items that—

“(aa) are composed of the highest percentage of biobased products practicable; or

“(bb) comply with the regulations issued under section 103 of Public Law 100–556 (42 U.S.C. 6914b–1).

“(ii) EXCEPTION.—The requirements of clause (i)(I) to establish a procurement program and develop procurement specifications shall not apply to a person described in paragraph (1)(B).

“(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

“(i) are not reasonably available within a reasonable period of time;

“(ii) fail to meet—

“(I) the performance standards set forth in the applicable specifications; or

“(II) the reasonable performance standards of the procuring agencies; or

“(iii) are available only at an unreasonable price.

“(C) MINIMUM REQUIREMENTS.—Each procurement program required under this subsection shall, at a minimum—

“(i) be consistent with applicable provisions of Federal procurement law;

“(ii) ensure that items composed of biobased products will be purchased to the maximum extent practicable;

“(iii) include a component to promote the procurement program;

“(iv) provide for an annual review and monitoring of the effectiveness of the procurement program; and

“(v) adopt 1 of the 2 polices described in subparagraph (D) or (E), or a policy substantially equivalent to either of those policies.

“(D) CASE-BY-CASE POLICY.—

“(i) IN GENERAL.—Subject to subparagraph (B) and except as provided in clause (ii), a procuring agency adopting the case-by-case policy shall award a contract to the vendor offering an item composed of the highest percentage of biobased products practicable.

“(ii) EXCEPTION.—Subject to subparagraph (B), an agency adopting the policy described in clause (i) may make an award to a vendor offering items with less than the maximum biobased products content.

“(E) MINIMUM CONTENT STANDARDS.—Subject to subparagraph (B), a procuring agency adopting the minimum content standards policy shall establish minimum biobased products content specifications for awarding contracts in a manner that ensures that the biobased products content required is consistent with this subsection.

“(F) CERTIFICATION.—After the date specified in any applicable guidelines prepared pursuant to paragraph (3), contracting offices shall require that vendors certify that the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contractual requirements.

“(3) GUIDELINES.—

“(A) IN GENERAL.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and the Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), shall prepare, and from time to time revise, guidelines for the use of procuring agencies in complying with the requirements of this subsection.

“(B) REQUIREMENTS.—The guidelines under this paragraph shall—

“(i) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) that will be subject to the preference described in paragraph (2);

“(ii) designate those intermediate ingredients and feedstocks that are or can be used to produce items that will be subject to the preference described in paragraph (2);

“(iii) automatically designate items composed of intermediate ingredients and feedstocks designated under clause (ii), if the content of the designated intermediate ingredients and feedstocks exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate);

“(iv) set forth recommended practices with respect to the procurement of biobased products and items containing such materials;

“(v) provide information as to the availability, relative price, performance, and environmental and public health benefits of such materials and items; and

“(vi) take effect on the date established in the guidelines, which may not exceed 1 year after publication.

“(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(v) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

“(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

“(E) QUALIFYING PURCHASES.—The guidelines shall apply with respect to any purchase or acquisition of a procurement item for which—

“(i) the purchase price of the item exceeds $10,000; or

“(ii) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

“(4) ADMINISTRATION.—

“(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

“(i) coordinate the implementation of this subsection with other policies for Federal procurement;

“(ii) annually collect the information required to be reported under subparagraph (B) and make the information publicly available;

“(iii) take a leading role in informing Federal agencies concerning, and promoting the adoption of and compliance with, procurement requirements for biobased products by Federal agencies; and

“(iv) not less than once every 2 years, submit to Congress a report that—

“(I) describes the progress made in carrying out this subsection; and

“(II) contains a summary of the information reported pursuant to subparagraph (B).

“(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out subparagraph (A)—

“(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning—

“(I) actions taken to implement paragraph (2);

"(II) the results of the annual review and monitoring program established under paragraph (2)(C)(iv);

"(III) the number and dollar value of contracts entered into during the year that include the direct procurement of biobased products;

"(IV) the number of service and construction (including renovations) contracts entered into during the year that include language on the use of biobased products; and

"(V) the types and dollar value of biobased products actually used by contractors in carrying out service and construction (including renovations) contracts during the previous year; and

"(ii) the General Services Administration and the Defense Logistics Agency shall submit each year to the Office of Federal Procurement Policy information concerning, to the maximum extent practicable, the types and dollar value of biobased products purchased by procuring agencies.

"(C) PROCUREMENT SUBJECT TO OTHER LAW.—Any procurement by any Federal agency that is subject to regulations of the Administrator under section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) shall not be subject to the requirements of this section to the extent that the requirements are inconsistent with the regulations.

"(b) LABELING.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall establish a voluntary program under which the Secretary authorizes producers of biobased products to use the label 'USDA Certified Biobased Product'.

"(2) ELIGIBILITY CRITERIA.—

"(A) CRITERIA.—

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and except as provided in clause (ii), the Secretary, in consultation with the Administrator and representatives from small and large businesses, academia, other Federal agencies, and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of that Act) for determining which products may qualify to receive the label under paragraph (1).

"(ii) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of that Act) by the Secretary.

"(B) REQUIREMENTS.—Criteria issued under subparagraph (A) shall—

"(i) encourage the purchase of products with the maximum biobased content;

"(ii) provide that the Secretary may designate as biobased for the purposes of the voluntary program established under this subsection finished products that contain significant portions of biobased materials or components; and

"(iii) to the maximum extent practicable, be consistent with the guidelines issued under subsection (a)(3).

"(3) USE OF LABEL.—The Secretary shall ensure that the label referred to in paragraph (1) is used only on products that meet the criteria issued pursuant to paragraph (2).

"(c) RECOGNITION.—The Secretary shall—

"(1) establish a program to recognize Federal agencies and private entities that use a substantial amount of biobased products; and

"(2) encourage Federal agencies to establish incentives programs to recognize Federal employees or contractors that make exceptional contributions to the expanded use of biobased products.

"(d) LIMITATION.—Nothing in this section shall apply to the procurement of motor vehicle fuels, heating oil, or electricity.

"(e) INCLUSION.—Effective beginning on the date that is 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall consider the biobased product designations made under this section in making procurement decisions for the Capitol Complex.

"(f) NATIONAL TESTING CENTER REGISTRY.—The Secretary shall establish a national registry of testing centers for biobased products that will serve biobased product manufacturers.

"(g) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section.

"(2) CONTENTS.—The report shall include—

"(A) a comprehensive management plan that establishes tasks, milestones, and timelines, organizational roles and responsibilities, and funding allocations for fully implementing this section; and

"(B) information on the status of implementation of—

"(i) item designations (including designation of intermediate ingredients and feedstocks); and

"(ii) the voluntary labeling program established under subsection (b).

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for biobased products testing and labeling as required to carry out this section—

"(A) $1,000,000 for fiscal year 2008; and

"(B) $2,000,000 for each of fiscal years 2009 through 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9003. BIOREFINERY ASSISTANCE.

"(a) PURPOSE.—The purpose of this section is to assist in the development of new and emerging technologies for the development of advanced biofuels, so as to—

"(1) increase the energy independence of the United States;

"(2) promote resource conservation, public health, and the environment;

"(3) diversify markets for agricultural and forestry products and agriculture waste material; and

"(4) create jobs and enhance the economic development of the rural economy.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an individual, entity, Indian tribe, or unit of State or local government, including a corporation, farm cooperative, farmer cooperative organization, association of agricultural producers, National Laboratory, institution of higher education, rural electric cooperative, public power entity, or consortium of any of those entities.

"(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means, as determined by the Secretary—

"(A) a technology that is being adopted in a viable commercial-scale operation of a biorefinery that produces an advanced biofuel; and

"(B) a technology not described in subparagraph (A) that has been demonstrated to have technical and economic potential for commercial application in a biorefinery that produces an advanced biofuel.

"(c) ASSISTANCE.—The Secretary shall make available to eligible entities—

"(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

"(2) guarantees for loans made to fund the development, construction, and retrofitting of commercial-scale biorefineries using eligible technology.

"(d) GRANTS.—

"(1) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (c)(1) on a competitive basis.

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—In approving grant applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

"(B) FEASIBILITY.—In approving a grant application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

"(C) SCORING SYSTEM.—In determining the priority scoring system, the Secretary shall consider—

"(i) the potential market for the advanced biofuel and the byproducts produced;

"(ii) the level of financial participation by the applicant, including support from non-Federal and private sources;

"(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

"(iv) whether the applicant is proposing to work with producer associations or cooperatives;

"(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

"(vi) the potential for rural economic development;

"(vii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;

"(viii) whether the project can be replicated; and

"(ix) scalability for commercial use.

"(3) COST SHARING.—

"(A) LIMITS.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1) shall not exceed an amount equal to 30 percent of the cost of the project.

"(B) FORM OF GRANTEE SHARE.—

"(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or material.

"(ii) LIMITATION.—The amount of the grantee share that is made in the form of material shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).

"(e) LOAN GUARANTEES.—

"(1) SELECTION CRITERIA.—

"(A) IN GENERAL.—In approving loan guarantee applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

"(B) FEASIBILITY.—In approving a loan guarantee application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

"(C) SCORING SYSTEM.—In determining the priority scoring system for loan guarantees under subsection (c)(2), the Secretary shall consider—

"(i) whether the applicant has established a market for the advanced biofuel and the byproducts produced;

"(ii) whether the area in which the applicant proposes to place the biorefinery has other similar facilities;

"(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

"(iv) whether the applicant is proposing to work with producer associations or cooperatives;

"(v) the level of financial participation by the applicant, including support from non-Federal and private sources;

"(vi) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

"(vii) whether the applicant can establish that if adopted, the biofuels production technology proposed in the application will not have any significant negative impacts on existing manufacturing plants or other facilities that use similar feedstocks;

"(viii) the potential for rural economic development;

"(ix) the level of local ownership proposed in the application; and

"(x) whether the project can be replicated.

"(2) LIMITATIONS.—

"(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—The principal amount of a loan guaranteed under subsection (c)(2) may not exceed $250,000,000.

"(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a loan guaranteed under subsection (c)(2) shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

"(ii) OTHER DIRECT FEDERAL FUNDING.—The amount of a loan guaranteed for a project under subsection (c)(2) shall be reduced by the amount of other direct Federal funding that the eligible entity receives for the same project.

"(iii) AUTHORITY TO GUARANTEE THE LOAN.—The Secretary may guarantee up to 90 percent of the principal and interest due on a loan guaranteed under subsection (c)(2).

"(C) LOAN GUARANTEE FUND DISTRIBUTION.—Of the funds made available for loan guarantees for a fiscal year under subsection (h), 50 percent of the funds shall be reserved for obligation during the second half of the fiscal year.

"(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

"(g) CONDITION ON PROVISION OF ASSISTANCE.—

"(1) IN GENERAL.—As a condition of receiving a grant or loan guarantee under this section, an eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed, in whole or in part, with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

"(2) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App) and section 3145 of title 40, United States Code.

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

"(A) $75,000,000 for fiscal year 2009; and

"(B) $245,000,000 for fiscal year 2010.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9004. REPOWERING ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall carry out a program to encourage biorefineries in existence on the date of enactment of the Food, Conservation, and Energy Act of 2008 to replace fossil fuels used to produce heat or power to operate the biorefineries by making payments for—

"(1) the installation of new systems that use renewable biomass; or

"(2) the new production of energy from renewable biomass.

"(b) PAYMENTS.—

"(1) IN GENERAL.—The Secretary may make payments under this section to any biorefinery that meets the requirements of this section for a period determined by the Secretary.

"(2) AMOUNT.—The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

"(A) the quantity of fossil fuels a renewable biomass system is replacing;

"(B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and

"(C) the cost and cost effectiveness of the renewable biomass system.

"(c) ELIGIBILITY.—To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section $35,000,000 for fiscal year 2009, to remain available until expended.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

"(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term 'eligible producer' means a producer of advanced biofuels.

"(b) PAYMENTS.—The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

"(c) CONTRACTS.—To receive a payment, an eligible producer shall—

"(1) enter into a contract with the Secretary for production of advanced biofuels; and

"(2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

"(d) BASIS FOR PAYMENTS.—The Secretary shall make payments under this section to eligible producers based on—

"(1) the quantity and duration of production by the eligible producer of an advanced biofuel;

"(2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

"(3) other appropriate factors, as determined by the Secretary.

"(e) EQUITABLE DISTRIBUTION.—The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

"(f) OTHER REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

"(g) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $55,000,000 for fiscal year 2009;

"(B) $55,000,000 for fiscal year 2010;

"(C) $85,000,000 for fiscal year 2011; and

"(D) $105,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

"(3) LIMITATION.—Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

"SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

"(b) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

"(1) be a nonprofit organization or institution of higher education;

"(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

"(3) have demonstrated the ability to conduct educational and technical support programs.

"(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

"(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

"SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America

Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

"(1) grants for energy audits and renewable energy development assistance; and

"(2) financial assistance for energy efficiency improvements and renewable energy systems.

"(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

"(A) to become more energy efficient; and

"(B) to use renewable energy technologies and resources.

"(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

"(A) a unit of State, tribal, or local government;

"(B) a land-grant college or university or other institution of higher education;

"(C) a rural electric cooperative or public power entity; and

"(D) any other similar entity, as determined by the Secretary.

"(3) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

"(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

"(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

"(C) the number of agricultural producers and rural small businesses to be assisted by the program;

"(D) the potential of the proposed program to produce energy savings and environmental benefits;

"(E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

"(F) the ability of the eligible entity to leverage other sources of funding.

"(4) USE OF GRANT FUNDS.—A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

"(A) conducting and promoting energy audits; and

"(B) providing recommendations and information on how—

"(i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and

"(ii) to use renewable energy technologies and resources in the operations.

"(5) LIMITATION.—Grant recipients may not use more than 5 percent of a grant for administrative expenses.

"(6) COST SHARING.—A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

"(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

"(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

"(A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

"(B) to make energy efficiency improvements.

"(2) AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

"(A) the type of renewable energy system to be purchased;

"(B) the estimated quantity of energy to be generated by the renewable energy system;

"(C) the expected environmental benefits of the renewable energy system;

"(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;

"(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;

"(F) the expected energy efficiency of the renewable energy system; and

"(G) other appropriate factors.

"(3) FEASIBILITY STUDIES.—

"(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

"(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

"(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.

"(4) LIMITS.—

"(A) GRANTS.—The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

"(B) MAXIMUM AMOUNT OF LOAN GUARANTEES.—The amount of a loan guaranteed under this subsection shall not exceed $25,000,000.

"(C) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN GUARANTEE.—The combined amount of a grant and loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity funded under this subsection.

"(d) OUTREACH.—The Secretary shall ensure, to the maximum extent practicable, that adequate outreach relating to this section is being conducted at the State and local levels.

"(e) LOWER-COST ACTIVITIES.—

"(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), the Secretary shall use not less than 20 percent of the funds made available under subsection (g) to provide grants of $20,000 or less.

"(2) EXCEPTION.—Effective beginning on June 30 of each fiscal year, paragraph (1) shall not apply to funds made available under subsection (g) for the fiscal year.

"(f) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

"(g) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $55,000,000 for fiscal year 2009;

"(B) $60,000,000 for fiscal year 2010;

"(C) $70,000,000 for fiscal year 2011; and

"(D) $70,000,000 for fiscal year 2012.

"(2) AUDIT AND TECHNICAL ASSISTANCE FUNDING.—

"(A) IN GENERAL.—Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

"(B) OTHER USE.—Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

"(3) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

"(a) DEFINITIONS.—In this section:

"(1) BIOBASED PRODUCT.—The term 'biobased product' means—

"(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or

"(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

"(2) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

"(3) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under subsection (e).

"(b) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

"(2) POINTS OF CONTACT.—To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments—

"(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

"(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

"(c) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board to carry out the duties described in paragraph (3).

"(2) MEMBERSHIP.—The Board shall consist of—

"(A) the point of contacts of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

"(B) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall have a rank that is equivalent to the rank of the points of contact; and

"(C) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the Board).

"(3) DUTIES.—The Board shall—

"(A) coordinate research and development activities relating to biofuels and biobased products—

"(i) between the Department of Agriculture and the Department of Energy; and

"(ii) with other departments and agencies of the Federal Government;

"(B) provide recommendations to the points of contact concerning administration of this title;

"(C) ensure that—

"(i) solicitations are open and competitive with awards made annually; and

"(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

"(D) ensure that the panel of scientific and technical peers assembled under subsection (e) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

"(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

"(5) MEETINGS.—The Board shall meet at least quarterly.

"(d) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Advisory Committee shall consist of—

"(i) an individual affiliated with the biofuels industry;

"(ii) an individual affiliated with the biobased industrial and commercial products industry;

"(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

"(iv) 2 prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

"(v) an individual affiliated with a commodity trade association;

"(vi) 2 individuals affiliated with environmental or conservation organizations;

"(vii) an individual associated with State government who has expertise in biofuels and biobased products;

"(viii) an individual with expertise in energy and environmental analysis;

"(ix) an individual with expertise in the economics of biofuels and biobased products;

"(x) an individual with expertise in agricultural economics;

"(xi) an individual with expertise in plant biology and biomass feedstock development;

"(xii) an individual with expertise in agronomy, crop science, or soil science; and

"(xiii) at the option of the points of contact, other members.

"(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

"(3) DUTIES.—The Advisory Committee shall—

"(A) advise the points of contact with respect to the Initiative; and

"(B) evaluate and make recommendations in writing to the Board regarding whether—

"(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

"(ii) solicitations are open and competitive with awards made annually;

"(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

"(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

"(v) activities under this title are carried out in accordance with this title.

"(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

"(5) MEETINGS.—The Advisory Committee shall meet at least quarterly.

"(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years.

"(e) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

"(A) biofuels and biobased products; and

"(B) the methods, practices, and technologies, for the production of biofuels and biobased products.

"(2) OBJECTIVES.—The objectives of the Initiative are to develop—

"(A) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels;

"(B) high-value biobased products—

"(i) to enhance the economic viability of biofuels and power;

"(ii) to serve as substitutes for petroleum-based feedstocks and products; and

"(iii) to enhance the value of coproducts produced using the technologies and processes; and

"(C) a diversity of economically and environmentally sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, and biobased products.

"(3) TECHNICAL AREAS.—The Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct the Initiative in the 3 following areas:

"(A) FEEDSTOCKS DEVELOPMENT.—Research, development, and demonstration activities regarding feedstocks and feedstock logistics (including the harvest, handling, transport, preprocessing, and storage) relevant to production of raw materials for conversion to biofuels and biobased products.

"(B) BIOFUELS AND BIOBASED PRODUCTS DEVELOPMENT.—Research, development, and demonstration activities to support—

"(i) the development of diverse cost-effective technologies for the use of cellulosic biomass in the production of biofuels and biobased products; and

"(ii) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that potentially can increase the feasibility of fuel production in a biorefinery.

"(C) BIOFUELS DEVELOPMENT ANALYSIS.—

"(i) STRATEGIC GUIDANCE.—The development of analysis that provides strategic guidance for the application of renewable biomass technologies to improve sustainability and environmental quality, cost effectiveness, security, and rural economic development.

"(ii) ENERGY AND ENVIRONMENTAL IMPACT.—Development of systematic evaluations of the impact of expanded biofuel production on the environment (including forest land) and on the food supply for humans and animals, including the improvement and development of tools for life cycle analysis of current and potential biofuels.

"(iii) ASSESSMENT OF FEDERAL LAND.—Assessments of the potential of Federal land resources to increase the production of feedstocks for biofuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

"(4) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (3), the Secretaries shall support research and development—

"(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices;

"(B) to maximize the environmental, economic, and social benefits of production of biofuels and derived biobased products on a large scale; and

"(C) to facilitate small-scale production and local and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

"(5) ELIGIBILITY.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(A) an institution of higher education;

"(B) a National Laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

"(6) ADMINISTRATION.—

"(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

"(i) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this subsection;

"(ii) require that grants, contracts, and assistance under this section be awarded based on a scientific peer review by an independent panel of scientific and technical peers;

"(iii) give special consideration to applications that—

"(I) involve a consortia of experts from multiple institutions;

"(II) encourage the integration of disciplines and application of the best technical resources; and

"(III) increase the geographic diversity of demonstration projects; and

"(iv) require that the technical areas described in each of subparagraphs (A), (B), and (C) of paragraph (3) receive not less than 15 percent of funds made available to carry out this section.

"(B) COST SHARE.—

"(i) RESEARCH AND DEVELOPMENT PROJECTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of a research or development project under this section shall be not less than 20 percent.

"(II) REDUCTION.—The Secretary of Agriculture or the Secretary of Energy, as appropriate, may reduce the non-Federal share required under subclause (I) if the appropriate Secretary determines the reduction to be necessary and appropriate.

"(ii) DEMONSTRATION AND COMMERCIAL PROJECTS.—The non-Federal share of the cost of a demonstration or commercial project under this section shall be not less than 50 percent.

"(C) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary of Agriculture and the Secretary of Energy shall ensure that applicable research results and technologies from the Initiative are—

"(i) adapted, made available, and disseminated, as appropriate; and

"(ii) included in the best practices database established under section 1672C(e) of the Food, Agriculture, Conservation, and Trade Act of 1990.

"(f) ADMINISTRATIVE SUPPORT AND FUNDS.—

"(1) IN GENERAL.—The Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

"(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (c)(2)(B), and the other members of the Board appointed under subsection (c)(2)(C), are encouraged to provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

"(3) LIMITATION.—Not more than 4 percent of the amount made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

"(g) REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

"(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that is consistent with the objectives and requirements of this section;

"(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biofuels and biobased products; and

"(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

"(A) $20,000,000 for fiscal year 2009;

"(B) $28,000,000 for fiscal year 2010;

"(C) $30,000,000 for fiscal year 2011; and

"(D) $40,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9009. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means a community located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))).

"(2) INITIATIVE.—The term 'Initiative' means the Rural Energy Self-Sufficiency Initiative established under this section.

"(3) INTEGRATED RENEWABLE ENERGY SYSTEM.—The term 'integrated renewable energy system' means a community-wide energy system that—

"(A) reduces conventional energy use; and

"(B) increases the use of energy from renewable sources.

"(b) ESTABLISHMENT.—The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

"(c) GRANT ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make grants available under the Initiative to eligible rural communities to carry out an activity described in paragraph (2).

"(2) USE OF GRANT FUNDS.—An eligible rural community may use a grant—

"(A) to conduct an energy assessment that assesses the total energy use of all energy users in the eligible rural community;

"(B) to formulate and analyze ideas for reducing energy usage by the eligible rural community from conventional sources; and

"(C) to develop and install an integrated renewable energy system.

"(3) GRANT SELECTION.—

"(A) APPLICATION.—To be considered for a grant, an eligible rural community shall submit an application to the Secretary that describes the ways in which the community would use the grant to carry out an activity described in paragraph (2).

"(B) PREFERENCE.—The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

"(i) institutions of higher education or nonprofit foundations of institutions of higher education;

"(ii) Federal, State, or local government agencies;

"(iii) public or private power generation entities; or

"(iv) government entities with responsibility for water or natural resources.

"(4) REPORT.—An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

"(5) COST-SHARING.—The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

"(a) DEFINITIONS.—In this section:

"(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

"(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

"(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

"(1) IN GENERAL.—

"(A) PURCHASES AND SALES.—For each of the 2008 through 2012 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

"(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(2) NOTICE.—

"(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2012, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

"(B) REESTIMATES.—Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

"(3) COMMODITY CREDIT CORPORATION INVENTORY.—

"(A) DISPOSITIONS.—

"(i) BIOENERGY AND GENERALLY.—Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall—

"(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

"(II) dispose of the eligible commodity in accordance with section 156(f)(2) of that Act; or

"(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

“(ii) PRESERVATION OF OTHER AUTHORITIES.—Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 156(f)(1) of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272(f)(1)).

“(B) EMERGENCY SHORTAGES.—Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event, the Secretary may dispose of an eligible commodity that is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)) through disposition as authorized under section 156(f) of that Act or through the use of any other authority of the Commodity Credit Corporation.

“(4) TRANSFER RULE; STORAGE FEES.—

“(A) GENERAL TRANSFER RULE.—Except with regard to emergency dispositions under paragraph (3)(B) and as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this section take possession of the eligible commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

“(B) PAYMENT OF STORAGE FEES PROHIBITED.—

“(i) IN GENERAL.—The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

“(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

“(C) OPTION TO PREVENT STORAGE FEES.—

“(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

“(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases the eligible commodities.

“(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, the sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

“(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

“SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) BCAP.—The term ‘BCAP’ means the Biomass Crop Assistance Program established under this section.

“(2) BCAP PROJECT AREA.—The term ‘BCAP project area’ means an area that—

“(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

“(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

“(C) is physically located within an economically practicable distance from the biomass conversion facility.

“(3) CONTRACT ACREAGE.—The term ‘contract acreage’ means eligible land that is covered by a BCAP contract entered into with the Secretary.

“(4) ELIGIBLE CROP.—

“(A) IN GENERAL.—The term ‘eligible crop’ means a crop of renewable biomass.

“(B) EXCLUSIONS.—The term ‘eligible crop’ does not include—

“(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

“(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

“(5) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ includes agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

“(B) EXCLUSIONS.—The term ‘eligible land’ does not include—

“(i) Federal- or State-owned land;

“(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

“(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); or

“(v) land enrolled in the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.).

“(6) ELIGIBLE MATERIAL.—

“(A) IN GENERAL.—The term ‘eligible material’ means renewable biomass.

“(B) EXCLUSIONS.—The term ‘eligible material’ does not include—

“(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title;

“(ii) animal waste and byproducts (including fats, oils, greases, and manure);

“(iii) food waste and yard waste; or

“(iv) algae.

“(7) PRODUCER.—The term ‘producer’ means an owner or operator of contract acreage that is physically located within a BCAP project area.

“(8) PROJECT SPONSOR.—The term ‘project sponsor’ means—

“(A) a group of producers; or

“(B) a biomass conversion facility.

“(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

“(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

“(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

“(c) BCAP PROJECT AREA.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to producers of eligible crops in a BCAP project area.

“(2) SELECTION OF PROJECT AREAS.—

“(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that includes, at a minimum—

“(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

“(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops intended to be produced in the proposed BCAP project area;

“(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

“(iv) any other appropriate information about the biomass conversion facility or proposed biomass conversion facility that gives the Secretary a reasonable assurance that the plant will be in operation by the time that the eligible crops are ready for harvest.

“(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

“(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of the BCAP;

“(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

“(iii) the anticipated economic impact in the proposed BCAP project area;

“(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

“(v) the participation rate by—

“(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

“(II) socially disadvantaged farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)));

“(vi) the impact on soil, water, and related resources;

“(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

“(I) agronomic conditions;

“(II) harvest and postharvest practices; and

“(III) monoculture and polyculture crop mixes;

“(viii) the range of eligible crops among project areas; and

“(ix) any additional information, as determined by the Secretary.

“(3) CONTRACT.—

“(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

"(B) MINIMUM TERMS.—At a minimum, contracts shall include terms that cover—

"(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

"(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

"(iii) the implementation of (as determined by the Secretary)—

"(I) a conservation plan; or

"(II) a forest stewardship plan or an equivalent plan; and

"(iv) any additional requirements the Secretary considers appropriate.

"(C) DURATION.—A contract under this subsection shall have a term of up to—

"(i) 5 years for annual and perennial crops; or

"(ii) 15 years for woody biomass.

"(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

"(5) PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

"(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—The amount of an establishment payment under this subsection shall be up to 75 percent of the costs of establishing an eligible perennial crop covered by the contract, including—

"(i) the cost of seeds and stock for perennials;

"(ii) the cost of planting the perennial crop, as determined by the Secretary; and

"(iii) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

"(C) AMOUNT OF ANNUAL PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

"(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

"(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

"(II) an eligible crop is delivered to the biomass conversion facility;

"(III) the producer receives a payment under subsection (d);

"(IV) the producer violates a term of the contract; or

"(V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

"(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

"(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

"(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

"(B) a person with the right to collect or harvest eligible material.

"(2) PAYMENTS.—

"(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

"(i) collection;

"(ii) harvest;

"(iii) storage; and

"(iv) transportation to a biomass conversion facility.

"(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton provided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

"(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

"(e) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

"(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

"SEC. 9012. FOREST BIOMASS FOR ENERGY.

"(a) IN GENERAL.—The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

"(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program under this section include—

"(1) the Forest Service (acting through Research and Development);

"(2) other Federal agencies;

"(3) State and local governments;

"(4) Indian tribes;

"(5) land-grant colleges and universities; and

"(6) private entities.

"(c) PRIORITY FOR PROJECT SELECTION.—In carrying out this section, the Secretary shall give priority to projects that—

"(1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

"(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

"(3) develop new transportation fuels from forest biomass; and

"(4) improve the growth and yield of trees intended for renewable energy production.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMUNITY WOOD ENERGY PLAN.—The term 'community wood energy plan' means an assessment of—

"(A) available feedstocks necessary to supply a community wood energy system; and

"(B) the long-term feasibility of supplying and operating a community wood energy system.

"(2) COMMUNITY WOOD ENERGY SYSTEM.—

"(A) IN GENERAL.—The term 'community wood energy system' means an energy system that—

"(i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and

"(ii) uses woody biomass as the primary fuel.

"(B) INCLUSIONS.—The term 'community wood energy system' includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

"(b) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the 'Community Wood Energy Program' to provide—

"(A) grants of up to $50,000 to State and local governments (or designees) to develop community wood energy plans; and

"(B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

"(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

"(A) the energy efficiency of the proposed system;

"(B) the cost effectiveness of the proposed system; and

"(C) other conservation and environmental criteria that the Secretary considers appropriate.

"(3) USE OF PLAN.—A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

"(c) LIMITATION.—A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

"(1) 50,000,000 Btu per hour for heating; and

"(2) 2 megawatts for electric power production.

"(d) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.".

(b) CONFORMING AMENDMENT.—The Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq.) is repealed.

SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation (referred to in this section as the "Secretaries"), shall jointly conduct a study that includes—

(1) an assessment of the infrastructure needs for expanding the domestic production, transport, and distribution of biofuels given current and likely future market trends;

(2) recommendations for infrastructure needs and development approaches, taking into account cost and other associated factors; and

(3) a report that includes—

(A) a summary of infrastructure needs;

(B) an analysis of alternative development approaches to meeting the needs described in subparagraph (A), including cost, siting, and other regulatory issues; and

(C) recommendations for specific infrastructure development actions to be taken.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—In conducting the study described in subsection (a), the Secretaries shall address—

(A) current and likely future market trends for biofuels through calendar year 2025;

(B) current and future availability of feedstocks;

(C) water resource needs, including water requirements for biorefineries;

(D) shipping and storage needs for biomass feedstock and biofuels, including the adequacy of rural roads; and

(E) modes of transportation and delivery for biofuels (including shipment by rail, truck, pipeline or barge) and associated infrastructure issues.

(2) CONSIDERATIONS.—In addressing the issues described in paragraph (1), the Secretaries shall consider—

(A) the effects of increased tank truck, rail, and barge transport on existing infrastructure and safety;

(B) the feasibility of shipping biofuels through pipelines in existence as the date of enactment of this Act;

(C) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

(D) the implications of various biofuel blend levels on infrastructure needs;

(E) the implications of various approaches to infrastructure development on resource use and conservation;

(F) regional differences in biofuels infrastructure needs; and

(G) other infrastructure issues, as determined by the Secretaries.

(c) IMPLEMENTATION.—In carrying out this section, the Secretaries —

(1) shall—

(A) consult with individuals and entities with interest or expertise in the areas described in subsection (b);

(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

(C) submit to Congress the report required under subsection (a)(3), including—

(i) in the Senate—

(I) the Committee on Agriculture, Nutrition, and Forestry ;

(II) the Committee on Commerce, Science, and Transportation;

(III) the Committee on Energy and Natural Resources; and

(IV) the Committee on Environment and Public Works; and

(ii) in the House of Representatives—

(I) the Committee on Agriculture;

(II) the Committee on Energy and Commerce;

(III) the Committee on Transportation and Infrastructure; and

(IV) the Committee on Science and Technology; and

(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

SEC. 9003. RENEWABLE FERTILIZER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

SEC. 10001. DEFINITIONS.

In this title:

(1) SPECIALTY CROP.—The term "specialty crop" has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(2) STATE DEPARTMENT OF AGRICULTURE.—The term "State department of agriculture" means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

Subtitle A—Horticulture Marketing and Information

SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes (including the budgetary, statutory, and regulatory authority underlying the processes) used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting "clementines," after "nectarines,".

SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended—

(1) by striking "In 1998" and inserting the following:

"(1) IN GENERAL.—In 1998"; and

(2) by adding at the end the following:

"(2) INCLUSION OF SPECIALTY CROPS.—Effective beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).".

SEC. 10104. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking "4 regions" and inserting "3 regions";

(2) in subparagraph (D), by striking "35,000,000 pounds" and inserting "50,000,000 pounds"; and

(3) by striking subparagraph (E) and inserting the following:

"(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members on the Council provided in that paragraph, the Secretary shall appoint additional members to the council from a region that attains additional pounds of production as follows:

"(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

"(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

"(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.".

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) to develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;".

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10106. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting "and to promote direct producer-to-consumer marketing" before the period at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting "agri-tourism activities," after "programs,"; and

(B) in subparagraph (B)—

(i) by inserting "agri-tourism activities," after "programs," and

(ii) by striking "infrastructure" and inserting "marketing opportunities";

(3) in subsection (c)(1), by inserting "or a producer network or association" after "cooperative"; and

(4) by striking subsection (e) and inserting the following:

"(e) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $3,000,000 for fiscal year 2008;

"(B) $5,000,000 for each of fiscal years 2009 through 2010; and

"(C) $10,000,000 for each of fiscal years 2011 and 2012.

"(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

"(3) INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

"(4) LIMITATION.—Funds described in paragraph (2)—

"(A) may not be used for the ongoing cost of carrying out any project; and

"(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.".

SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.

(a) IN GENERAL.—The Secretary shall—

(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and

(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10108. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) EFFECTIVE DATE.—Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SEC. 10109. SPECIALTY CROP BLOCK GRANTS.

(a) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting "horticulture and" before "nursery".

(b) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking "and the Commonwealth of Puerto Rico" and inserting "the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".

(c) SPECIALTY CROP BLOCK GRANTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended—

(1) in subsection (a)—

(A) by striking "Subject to the appropriation of funds to carry out this section" and inserting "Using the funds made available under subsection (j)"; and

(B) by striking "2009" and inserting "2012";

(2) in subsection (b), by striking "appropriated pursuant to the authorization of appropriations in subsection (i)" and inserting "made available under subsection (j)";

(3) by striking subsection (c) and inserting the following:

"(c) MINIMUM GRANT AMOUNT.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least equal to the higher of—

"(1) $100,000; or

"(2) ⅓ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year."; and

(4) by striking subsection (i) and inserting the following:

"(i) REALLOCATION.—

"(1) IN GENERAL.—The Secretary shall reallocate to other States in accordance with paragraph (2) any amounts made available for a fiscal year under this section that are not obligated or expended by a date during that fiscal year determined by the Secretary.

"(2) PRO RATA ALLOCATION.—The Secretary shall allocate funds described in paragraph (1) pro rata to the remaining States that applied during the specified grant application period.

"(3) USE OF REALLOCATED FUNDS.—Funds allocated to a State under this subsection shall be used by the State only to carry out projects that were previously approved in the State plan of the State.

"(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(1) $10,000,000 for fiscal year 2008;

"(2) $49,000,000 for fiscal year 2009; and

"(3) $55,000,000 for each of fiscal years 2010 through 2012.".

Subtitle B—Pest and Disease Management

SEC. 10201. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

(a) IN GENERAL.—Subtitle A of the Plant Protection Act (7 U.S.C. 7711 et seq.) is amended by adding at the end the following:

"SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

"(a) DEFINITIONS.—In this section:

"(1) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

"(A) the plant pests become established; or

"(B) the plant pest infestations become too large and costly to eradicate or control.

"(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

"(3) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

"(b) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

"(1) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

"(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with—

"(A) the National Plant Board; and

"(B) other interested parties.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

"(4) APPLICATION.—

"(A) IN GENERAL.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require.

"(B) NOTIFICATION.—The Secretary shall notify applicants of—

"(i) the requirements to be imposed on a State department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement;

"(ii) the criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments; and

"(iii) the means of identifying pathways of pest introductions.

"(5) USE OF FUNDS.—

"(A) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this subsection shall use the funds to carry out early plant pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a plant pest.

"(B) SUBAGREEMENTS.—Nothing in this subsection prevents a State department of agriculture from using funds received under paragraph (4) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

"(C) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

"(D) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under subparagraph (A) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

"(6) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

"(A) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests or diseases, taking into consideration—

"(i) the number of international ports of entry in the State;

"(ii) the volume of international passenger and cargo entry into the State;

"(iii) the geographic location of the State and if the location or types of agricultural commodities produced in the State are conducive to agricultural pest and disease establishment due to the climate, crop diversity, or natural resources (including unique plant species) of the State; and

"(iv) whether the Secretary has determined that an agricultural pest or disease in the State is a Federal concern ; and

"(B) the early plant pest detection and surveillance activities supported with the funds will likely—

"(i) prevent the introduction and establishment of plant pests; and

"(ii) provide a comprehensive approach to compliment Federal detection efforts.

"(7) REPORTING REQUIREMENT.—Not later than 90 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

"(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops.

"(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—

"(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

"(B) collaborate with the National Plant Board; and

"(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States.

"(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the action plans described in paragraph (2), including an accounting of funds expended on the action plans.

"(d) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

"(1) audit-based certification systems, such as best management practices—

"(A) to address plant pests; and

"(B) to mitigate the risk of plant pests in the movement of plants and plant products; and

"(2) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

"(A) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

"(B) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

"(C) to reduce the risk of and mitigate those plant pests and diseases.

"(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(1) $12,000,000 for fiscal year 2009;

"(2) $45,000,000 for fiscal year 2010;

"(3) $50,000,000 for fiscal year 2011; and

"(4) $50,000,000 for fiscal year 2012 and each fiscal year thereafter.".

(b) CONGRESSIONAL DISAPPROVAL.—Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SEC. 10202. NATIONAL CLEAN PLANT NETWORK.

(a) IN GENERAL.—The Secretary shall establish a program to be known as the "National Clean Plant Network" (referred to in this section as the "Program").

(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

(1) produce clean propagative plant material; and

(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(1) a State for a certified plant program of the State; and

(2) private nurseries and producers.

(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

SEC. 10203. PLANT PROTECTION.

(a) REVIEW OF PAYMENT OF COMPENSATION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended in the second sentence by striking "of longer than 60 days".

(b) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking "of longer than 60 days".

(c) SUBPOENA AUTHORITY.—Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORITY TO ISSUE.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.";

(2) in subsection (b), by striking "documentary"; and

(3) in subsection (c)—

(A) in the first sentence, by striking "testimony of any witness and the production of documentary evidence" and inserting "testimony of any witness, the production of evidence, or the inspection of premises"; and

(B) in the second sentence, by striking "question or to produce documentary evidence" and inserting "question, produce evidence, or permit the inspection of premises".

(d) WILLFUL VIOLATIONS.—Section 424(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking "and $500,000 for all violations adjudicated in a single proceeding" and inserting "$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and $1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation".

SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) take action on each issue identified in the document entitled "Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework", dated October 4, 2007; and

(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement distances;

(8) standards for quality management systems and effective research; and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term "authorized equipment" means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term "authorized equipment" includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term "Fund" means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "Pest and Disease Revolving Loan Fund", consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 10206. COOPERATIVE AGREEMENTS RELATING TO PLANT PEST AND DISEASE PREVENTION ACTIVITIES.

Section 431 of the Plant Protection Act (7 U.S.C. 7751) is amended by adding at the end the following:

"(f) TRANSFER OF COOPERATIVE AGREEMENT FUND.—

"(1) IN GENERAL.—A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

"(2) REQUIREMENTS.—To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

"(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

"(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

"(i) the Department of Agriculture; or

"(ii) the State department of agriculture that has jurisdiction over the unit of local government.".

Subtitle C—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking "$5,000,000 for fiscal year 2002" and inserting "$22,000,000 for fiscal year 2008";

(2) in subsection (b)(2), by striking "$500" and inserting "$750"; and

(3) by adding at the end the following:

"(c) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.".

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

"SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

"(a) IN GENERAL.—The Secretary shall collect and report data on the production and marketing of organic agricultural products.

"(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall, at a minimum—

"(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

"(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

"(3) develop surveys and report statistical analysis on organically produced agricultural products.

"(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(1) describes the progress that has been made in implementing this section; and

"(2) identifies any additional production and marketing data needs.

"(d) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.

"(2) ADDITIONAL FUNDING.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.".

SEC. 10303. NATIONAL ORGANIC PROGRAM.

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking "There are" and inserting the following:

"(a) IN GENERAL.—There are"; and

(2) by adding at the end the following:

"(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this title, there are authorized to be appropriated—

"(1) $5,000,000 for fiscal year 2008;

"(2) $6,500,000 for fiscal year 2009;

"(3) $8,000,000 for fiscal year 2010;

"(4) $9,500,000 for fiscal year 2011;

"(5) $11,000,000 for fiscal year 2012; and

"(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.".

Subtitle D—Miscellaneous

SEC. 10401. NATIONAL HONEY BOARD.

Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:

"(12) REFERENDUM REQUIREMENT.—

"(A) DEFINITION OF EXISTING HONEY BOARD.—The term 'existing Honey Board' means the Honey Board in effect on the date of enactment of this paragraph.

"(B) CONDUCT OF REFERENDA.—Notwithstanding any other provision of law, subject to subparagraph (C), the order providing for the establishment and operation of the existing Honey Board shall continue in force, until the Secretary first conducts, at the earliest practicable date, but not later than 180 days after the date of enactment of this paragraph, referenda on orders to establish a honey packer-importer board or a United States honey producer board.

"(C) REQUIREMENTS.—In conducting referenda under subparagraph (B), and in exercising fiduciary responsibilities in any transition to any 1 or more successor boards, the Secretary shall—

"(i) conduct a referendum of eligible United States honey producers for the establishment of a marketing board solely for United States honey producers;

"(ii) conduct a referendum of eligible packers, importers, and handlers of honey for the establishment of a marketing board for packers, importers, and handlers of honey;

"(iii) notwithstanding the timing of the referenda required under clauses (i) and (ii) or of the establishment of any 1 or more successor boards pursuant to those referenda, ensure that the rights and interests of honey producers, importers, packers, and handlers of honey are equitably protected in any disposition of the assets, facilities, intellectual property, and programs of the existing Honey Board and in the transition to any 1 or more new successor marketing boards;

"(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

"(I) any 1 or more successor boards, if approved, are operational; and

"(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

"(v) discontinue collection of assessments under the order establishing the existing Honey Board on the date the Secretary requires that collections commence pursuant to an order approved in a referendum by eligible producers or processors and importers of honey.

"(D) HONEY BOARD REFERENDUM.—If 1 or more orders are approved pursuant to paragraph (C)—

"(i) the Secretary shall not be required to conduct a continuation referendum on the order in existence on the date of enactment of this paragraph; and

"(ii) that order shall be terminated pursuant to the provisions of the order.".

SEC. 10402. IDENTIFICATION OF HONEY.

(a) IN GENERAL.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

"(6) IDENTIFICATION OF HONEY.—

"(A) IN GENERAL.—The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited under this Act unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

"(B) VIOLATION.—A violation of the requirements of subparagraph (A) may be deemed by the Secretary to be sufficient cause for debarment from the benefits of this Act only with respect to honey.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of, or any combination of:

(1) State and local governments.

(2) Grower cooperatives.

(3) National, State, or regional organizations of producers, shippers, or carriers.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 10404. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.

(b) PAYMENT RATE.—The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.

(c) PAYMENT QUANTITY.—The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make available $15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1), the Secretary shall use—

(A) $7,500,000 to make payments to producers of asparagus for the fresh market; and

(B) $7,500,000 to make payments to producers of asparagus for the processed or frozen market.

TITLE XI—LIVESTOCK

SEC. 11001. LIVESTOCK MANDATORY REPORTING.

(a) WEB SITE IMPROVEMENTS AND USER EDUCATION.—

(1) IN GENERAL.—Section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)) is amended to read as follows:

"(g) ELECTRONIC REPORTING AND PUBLISHING.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

"(2) IMPROVEMENTS AND EDUCATION.—

"(A) ENHANCED ELECTRONIC PUBLISHING.—The Secretary shall develop and implement an enhanced system of electronic publishing to disseminate information collected pursuant to this subtitle. Such system shall—

"(i) present information in a format that can be readily understood by producers, packers, and other market participants;

"(ii) adhere to the publication deadlines in this subtitle;

"(iii) present information in charts and graphs, as appropriate;

"(iv) present comparative information for prior reporting periods, as the Secretary considers appropriate; and

"(v) be updated as soon as practicable after information is reported to the Secretary.

"(B) EDUCATION.—The Secretary shall carry out a market news education program to educate the public and persons in the livestock and meat industries about—

"(i) usage of the system developed under subparagraph (A); and

"(ii) interpreting and understanding information collected and disseminated through such system.".

(2) APPLICABILITY.—

(A) ENHANCED REPORTING.—The Secretary of Agriculture shall develop and implement the system required under paragraph (2)(A) of section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended by paragraph (1), not later than one year after the date on which the Secretary determines sufficient funds have been appropriated pursuant to subsection (c).

(B) CURRENT SYSTEM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall continue to use the information format for disseminating information under subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) in effect on the date of the enactment of this Act at least until the date that is two years after the date on which the Secretary makes the determination referred to in subparagraph (A).

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processing plants to report to the Secretary information on wholesale pork cuts (including price and volume information), including—

(A) the positive or negative economic effects on producers and consumers; and

(B) the effects of a confidentiality requirement on mandatory reporting.

(2) INFORMATION.—During the period preceding the submission of the report under paragraph (3), the Secretary may collect, and each packer processing plant shall provide, such information as is necessary to enable the Secretary to conduct the study required under paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11002. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v), by striking "and";

(B) in clause (vi), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(vii) meat produced from goats;

"(viii) chicken, in whole and in part;

"(ix) ginseng;

"(x) pecans; and

"(xi) macadamia nuts.";

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, CHICKEN, AND GOAT MEAT.—

"(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

"(i) exclusively born, raised, and slaughtered in the United States;

"(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

"(iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States.

"(B) MULTIPLE COUNTRIES OF ORIGIN.—

"(i) IN GENERAL.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is—

"(I) not exclusively born, raised, and slaughtered in the United States,

"(II) born, raised, or slaughtered in the United States, and

"(III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

"(ii) RELATION TO GENERAL REQUIREMENT.—Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

"(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

"(i) the country from which the animal was imported; and

"(ii) the United States.

"(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

"(E) GROUND BEEF, PORK, LAMB, CHICKEN, AND GOAT.—The notice of country of origin for ground beef, ground pork, ground lamb, ground chicken, or ground goat shall include—

"(i) a list of all countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat; or

"(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat.

"(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

"(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

"(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

"(ii) in the case of wild fish, is—

"(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

"(II) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

"(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

"(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES, GINSENG, PEANUTS, PECANS, AND MACADAMIA NUTS.—

"(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

"(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin."; and

(B) by striking subsection (d) and inserting the following:

"(d) AUDIT VERIFICATION SYSTEM.—

"(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

"(2) RECORD REQUIREMENTS.—

"(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

"(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person."; and

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) as subsection (a);

(C) in subsection (a) (as so redesignated), by striking "retailer" and inserting "retailer or person engaged in the business of supplying a covered commodity to a retailer"; and

(D) by adding at the end the following new subsection:

"(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

"(1) not made a good faith effort to comply with section 282, and

"(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.".

SEC. 11003. AGRICULTURAL FAIR PRACTICES ACT OF 1967 DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking "When used in this Act—" and inserting "In this Act:";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking "clause (1), (2), or (3) of this paragraph" and inserting "clause (i), (ii), or (iii)";

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking "The term 'association of producers' means" and inserting the following:

"(2) ASSOCIATION OF PRODUCERS.—

"(A) IN GENERAL.—The term 'association of producers' means"; and

(B) by adding at the end the following:

"(B) INCLUSION.—The term 'association of producers' includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products."; and

(7) in paragraph (3) (as so redesignated)—

(A) by striking "The term" and inserting the following:

"(3) HANDLER.—

"(A) IN GENERAL.—The term"; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

"(B) EXCLUSION.—The term 'handler' does not include a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.".

SEC. 11004. ANNUAL REPORT.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 416 (7 U.S.C. 229) as section 417; and

(2) by inserting after section 415 (7 U.S.C. 228d) the following:

"SEC. 416. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) states, for the preceding year, separately for livestock and poultry and separately by enforcement area category (financial, trade practice, or competitive acts and practices), with respect to investigations into possible violations of this Act—

"(A) the number of investigations opened;

"(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

"(C) for investigations described in subparagraph (B), the length of time from initiation of the investigation to when the investigation was closed or settled without the filing of an enforcement complaint;

"(D) the number of investigations that resulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of enforcement actions filed by the General Counsel;

"(E) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from the referral to the filing of the administrative action;

"(F) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from filing to resolution of the administrative enforcement action;

"(G) the number of investigations that resulted in referral to the Department of Justice for further action, and the number of civil enforcement actions filed by the Department of Justice on behalf of the Secretary pursuant to such a referral;

"(H) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the referral to the filing of the enforcement action;

"(I) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the filing of the enforcement action to resolution; and

"(J) the average civil penalty imposed in administrative or civil enforcement actions for violations of this Act, and the total amount of civil penalties imposed in all such enforcement actions; and

"(2) includes any other additional information the Secretary considers important to include in the annual report.

"(b) FORMAT OF INFORMATION PROVIDED.—For subparagraphs (C), (E), (F), and (H) of subsection (a)(1), the Secretary may, if appropriate due to the number of complaints for a given category, provide summary statistics (including range, maximum, minimum, mean, and average times) and graphical representations.".

(b) SUNSET.—Effective September 30, 2012, section 416 of the Packers and Stockyards Act, 1921, as added by subsection (a)(2), is repealed.

SEC. 11005. PRODUCTION CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 198 et seq.) is amended by adding at the end the following:

"SEC. 208. PRODUCTION CONTRACTS.

"(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL PRODUCTION CONTRACTS.—

"(1) IN GENERAL.—A poultry grower or swine production contract grower may cancel a poultry growing arrangement or swine production contract by mailing a cancellation notice to the live poultry dealer or swine contractor not later than the later of—

"(A) the date that is 3 business days after the date on which the poultry growing arrangement or swine production contract is executed; or

"(B) any cancellation date specified in the poultry growing arrangement or swine production contract.

"(2) DISCLOSURE.—A poultry growing arrangement or swine production contract shall clearly disclose—

"(A) the right of the poultry grower or swine production contract grower to cancel the poultry growing arrangement or swine production contract;

"(B) the method by which the poultry grower or swine production contract grower may cancel the poultry growing arrangement or swine production contract; and

"(C) the deadline for canceling the poultry growing arrangement or swine production contract.

"(b) REQUIRED DISCLOSURE OF ADDITIONAL CAPITAL INVESTMENTS IN PRODUCTION CONTRACTS.—

"(1) IN GENERAL.—A poultry growing arrangement or swine production contract shall contain on the first page a statement identified as 'Additional Capital Investments Disclosure Statement', which shall conspicuously state that additional large capital investments may be required of the poultry grower or swine production contract grower during the term of the poultry growing arrangement or swine production contract.

"(2) APPLICATION.—Paragraph (1) shall apply to any poultry growing arrangement or swine production contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this section.

"SEC. 209. CHOICE OF LAW AND VENUE.

"(a) LOCATION OF FORUM.—The forum for resolving any dispute among the parties to a poultry growing arrangement or swine production or marketing contract that arises out of the arrangement or contract shall be located in the Federal judicial district in which the principle part of the performance takes place under the arrangement or contract.

"(b) CHOICE OF LAW.—A poultry growing arrangement or swine production or marketing contract may specify which State's law is to apply to issues governed by State law in any dispute arising out of the arrangement or contract, except to the extent that doing so is prohibited by the law of the State in which the principal part of the performance takes place under the arrangement or contract.

"SEC. 210. ARBITRATION.

"(a) IN GENERAL.—Any livestock or poultry contract that contains a provision requiring the use of arbitration to resolve any controversy that may arise under the contract shall contain a provision that allows a producer or grower, prior to entering the contract to decline to be bound by the arbitration provision.

"(b) DISCLOSURE.—Any livestock or poultry contract that contains a provision requiring the use of arbitration shall contain terms that conspicuously disclose the right of the contract producer or grower, prior to entering the contract, to decline the requirement to use arbitration to resolve any controversy that may arise under the livestock or poultry contract.

"(c) DISPUTE RESOLUTION.—Any contract producer or grower that declines a requirement of arbitration pursuant to subsection (b) has the right, to nonetheless seek to resolve any controversy that may arise under the livestock or poultry contract, if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(d) APPLICATION.—Subsections (a) (b) and (c) shall apply to any contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of the Food, Conservation, and Energy Act of 2008 .

"(e) UNLAWFUL PRACTICE.—Any action by or on behalf of a packer, swine contractor, or live poultry dealer that violates this section (including any action that has the intent or effect of limiting the ability of a producer or grower to freely make a choice described in subsection (b)) is an unlawful practice under this Act.

"(f) REGULATIONS.—The Secretary shall promulgate regulations to—

"(1) carry out this section; and

"(2) establish criteria that the Secretary will consider in determining whether the arbitration process provided in a contract provides a meaningful opportunity for the grower or producer to participate fully in the arbitration process.".

SEC. 11006. REGULATIONS.

As soon as practicable, but not later than 2 years after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Secretary will consider in determining—

(1) whether an undue or unreasonable preference or advantage has occurred in violation of such Act;

(2) whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds under a poultry growing arrangement;

(3) when a requirement of additional capital investments over the life of a poultry growing arrangement or swine production contract constitutes a violation of such Act; and

(4) if a live poultry dealer or swine contractor has provided a reasonable period of time for a poultry grower or a swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.

SEC. 11007. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire livestock industry;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment and continued support of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11008. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary of Agriculture should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

SEC. 11009. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

(b) REPEAL OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.—

(1) IN GENERAL.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by striking subsection (j).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on May 1, 2007.

SEC. 11010. TRICHINAE CERTIFICATION PROGRAM.

(a) VOLUNTARY TRICHINAE CERTIFICATION.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

(B) the date on which the Secretary expects to issue such final regulations.

(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than $6,200,000 of the funds made available under such subsection to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10405 of the Animal Health Protection Act (7 U.S.C. 8304) is amended by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated—

"(A) $1,500,000 for each of fiscal years 2008 through 2012 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

"(B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

"(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.".

SEC. 11011. LOW PATHOGENIC DISEASES.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) in section 10407(d)(2)(C) (7 U.S.C. 8306(d)(2)(C)), by striking "of longer than 60 days";

(2) in section 10409(b) (7 U.S.C. 8308(b))—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

"(2) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary."; and

(C) in paragraph (3) (as so redesignated), by striking "of longer than 60 days"; and

(3) in section 10417(b)(3) (7 U.S.C. 8316(b)(3)), by striking "of longer than 60 days".

SEC. 11012. ANIMAL PROTECTION.

(a) WILLFUL VIOLATIONS.—Section 10414(b)(1)(A) of the Animal Health Protection Act (7 U.S.C. 8316(b)(1)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) for all violations adjudicated in a single proceeding—

"(I) $500,000 if the violations do not include a willful violation; or

"(II) $1,000,000 if the violations include 1 or more willful violations.".

(b) SUBPOENA AUTHORITY.—Section 10415(a)(2) of the Animal Health Protection Act (7 U.S.C. 8314) is amended

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.";

(2) in subparagraph (B), by striking "documentary"; and

(3) in subparagraph (C)—

(A) in clause (i), by striking "testimony of any witness and the production of documentary evidence" and inserting "testimony of any witness, the production of evidence, or the inspection of premises"; and

(B) in clause (ii), by striking "question or to produce documentary evidence" and inserting "question, produce evidence, or permit the inspection of premises".

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) IN GENERAL.—The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) COOPERATIVE AGREEMENTS BETWEEN ELIGIBLE ENTITIES AND THE SECRETARY.—

(1) DUTIES.—As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) NON-FEDERAL SHARE.—The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic health plan on a case-by-case basis for each such project. Such non-Federal share may be provided in cash or in-kind.

(c) APPLICABILITY OF OTHER LAWS.—In carrying out this section, the Secretary may make use of the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate pests and diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

SEC. 11014. STUDY ON BIOENERGY OPERATIONS.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on consumers and on agricultural operations (by size) resulting from limitations being placed on the utilization of animal manure as fertilizer; and

(3) an evaluation of the effects on agriculture production contributable to the increased competition for animal manure use due to bioenergy production, including as a feedstock or a replacement for fossil fuels.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the results of the study conducted under subsection (a).

SEC. 11015. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

"TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

"SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

"(a) DEFINITIONS.—

"(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 301(b).

"(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

"(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

"(A) the State inspection program of the State in which the establishment is located; and

"(B) this Act, including rules and regulations issued under this Act.

"(4) MEAT ITEM.—The term 'meat item' means—

"(A) a portion of meat; and

"(B) a meat food product.

"(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

"(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

"(A) the carcass, portion of carcass, or meat item qualifies for the mark, stamp, tag, or label of inspection under the requirements of this Act;

"(B) the establishment is an eligible establishment; and

"(C) inspection services for the establishment are provided by designated personnel.

"(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

"(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

"(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act;

"(C)(i) is a Federal establishment;

"(ii) was a Federal establishment that was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

"(iii) was a State establishment as of the date of the enactment of this section that—

"(I) as of the date of the enactment of this section, employed more than 25 employees; and

"(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

"(D) is in violation of this Act;

"(E) is located in a State that does not have a State inspection program; or

"(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

"(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

"(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

"(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

"(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

"(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (j).

"(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

"(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

"(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

"(A) to provide oversight and enforcement of this title; and

"(B) to oversee the training and inspection activities of designated personnel of the State agency.

"(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

"(3) DUTIES OF STATE COORDINATOR.—

"(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

"(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

"(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

"(i) immediately notify the Secretary of the violation; and

"(ii) deselect the selected establishment or suspend inspection at the selected establishment.

"(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

"(e) AUDITS.—

"(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

"(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

"(A) the effectiveness of the implementation of this section; and

"(B) the number of selected establishments selected by the Secretary to ship carcasses, portions of carcasses, or meat items under this section.

"(f) TECHNICAL ASSISTANCE DIVISION.—

"(1) ESTABLISHMENT.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture a technical assistance division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

"(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

"(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

"(2) PERSONNEL.—The technical assistance division shall be comprised of individuals that, as determined by the Secretary—

"(A) are of a quantity sufficient to carry out the duties of the technical assistance division; and

"(B) possess appropriate qualifications and expertise relating to the duties of the technical assistance division.

"(g) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by title III to transition to selected establishments.

"(h) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

"(i) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products under this Act.

"(j) EFFECTIVE DATE.—

"(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

"(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).".

(b) POULTRY AND POULTRY PRODUCTS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

"(a) DEFINITIONS.—

"(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 5(a)(1).

"(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

"(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

"(A) the State inspection program of the State in which the establishment is located; and

"(B) this Act, including rules and regulations issued under this Act.

"(4) POULTRY ITEM.—The term 'poultry item' means—

"(A) a portion of poultry; and

"(B) a poultry product.

"(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

"(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

"(A) the poultry item qualifies for the Federal mark, stamp, tag, or label of inspection under the requirements of this Act;

"(B) the establishment is an eligible establishment; and

"(C) inspection services for the establishment are provided by designated personnel.

"(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

"(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

"(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or poultry items that are inspected by the Secretary in accordance with this Act;

"(C)(i) is a Federal establishment;

"(ii) was a Federal establishment as of the date of the enactment of this section, and was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

"(iii) was a State establishment as of the date of the enactment of this section that—

"(I) as of the date of the enactment of this section, employed more than 25 employees; and

"(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

"(D) is in violation of this Act;

"(E) is located in a State that does not have a State inspection program; or

"(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

"(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

"(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

"(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

"(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

"(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

"(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

"(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

"(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

"(A) to provide oversight and enforcement of this section; and

"(B) to oversee the training and inspection activities of designated personnel of the State agency.

"(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

"(3) DUTIES OF STATE COORDINATOR.—

"(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

"(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

"(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

"(i) immediately notify the Secretary of the violation; and

"(ii) deselect the selected establishment or suspend inspection at the selected establishment.

"(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

"(e) AUDITS.—

"(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (i), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

"(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

"(A) the effectiveness of the implementation of this section; and

"(B) the number of selected establishments selected by the Secretary to ship poultry items under this section.

"(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

"(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

"(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

"(i) EFFECTIVE DATE.—

"(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

"(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).".

SEC. 11016. INSPECTION AND GRADING.

(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

"(n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

"(1) catfish (as defined by the Secretary under paragraph (2) of section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w))); and

"(2) any additional species of farm-raised fish or farm-raised shellfish—

"(A) for which the Secretary receives a petition requesting such voluntary fee based grading; and

"(B) that the Secretary considers appropriate.".

(b) INSPECTION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) in section 1(w) (21 U.S.C. 601(w))—

(i) by striking "and" at the end of paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following new paragraph:

"(2) catfish, as defined by the Secretary; and";

(B) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

"SEC. 6. (a) IN GENERAL.—For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.

"(b) CATFISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment."; and

(C) by adding at the end of title I the following new section:

"SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

(A) staff years;

(B) number of establishments;

(C) volume expected to be produced at such establishments; and

(D) any other information used in estimating the costs of implementing such amendments.

SEC. 11017. FOOD SAFETY IMPROVEMENT.

(a) FEDERAL MEAT INSPECTION ACT.—Title I of the Federal Meat Inspection Act is further amended by inserting after section 11 (21 U.S.C. 611) the following:

"SEC. 12. NOTIFICATION.

"Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

"SEC. 13. PLANS AND REASSESSMENTS.

"The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.".

(b) POULTRY PRODUCTS INSPECTION ACT.—Section 10 of the Poultry Products Inspection Act (21 U.S.C. 459) is amended—

(1) by striking the section heading and all that follows through "**SEC. 10.** No establishment" and inserting the following:

"SEC. 10. COMPLIANCE BY ALL ESTABLISHMENTS.

"(a) IN GENERAL.—No establishment"; and

(2) by adding at the end the following:

"(b) NOTIFICATION.—Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the poultry or poultry product.

"(c) PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all poultry or poultry products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.".

TITLE XII—CROP INSURANCE AND DISASTER ASSISTANCE PROGRAMS

Subtitle A—Crop Insurance and Agricultural Disaster Assistance

SEC. 12001. DEFINITION OF ORGANIC CROP.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) ORGANIC CROP.—The term 'organic crop' means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).".

SEC. 12002. GENERAL POWERS.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) in the first sentence of subsection (d), by striking "The Corporation" and inserting "Subject to section 508(j)(2)(A), the Corporation"; and

(2) by striking subsection (n).

(b) CONFORMING AMENDMENTS.—

(1) Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively.

(2) Section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521) is amended by striking the last sentence.

SEC. 12003. REDUCTION IN LOSS RATIO.

(a) PROJECTED LOSS RATIO.—Subsection (n)(2) of section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) (as redesignated by section 12002(b)(1)) is amended—

(1) in the paragraph heading, by striking "AS OF OCTOBER 1, 1998";

(2) by striking ", on and after October 1, 1998,"; and

(3) by striking "1.075" and inserting "1.0".

(b) PREMIUMS REQUIRED.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking "not greater than 1.1" and all that follows and inserting "not greater than—

"(A) 1.1 through September 30, 1998;

"(B) 1.075 for the period beginning October 1, 1998, and ending on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008; and

"(C) 1.0 on and after the date of enactment of that Act.".

SEC. 12004. PREMIUMS ADJUSTMENTS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(9) PREMIUM ADJUSTMENTS.—

"(A) PROHIBITION.—Except as provided in subparagraph (B), no person shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement not specified in the policy.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to—

"(i) a payment authorized under subsection (b)(5)(B);

"(ii) a performance-based discount authorized under subsection (d)(3); or

"(iii) a patronage dividend, or similar payment, that is paid—

"(I) by an entity that was approved by the Corporation to make such payments for the 2005, 2006, or 2007 reinsurance year, in accordance with subsection (b)(5)(B) as in effect on the day before the date of enactment of this paragraph; and

"(II) in a manner consistent with the payment plan approved in accordance with that subsection for the entity by the Corporation for the applicable reinsurance year.".

SEC. 12005. CONTROLLED BUSINESS INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 12004) is amended by adding at the end the following:

"(10) COMMISSIONS.—

"(A) DEFINITION OF IMMEDIATE FAMILY.—In this paragraph, the term 'immediate family' means an individual's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, the spouse of the foregoing, and the individual's spouse.

"(B) PROHIBITION.—No individual (including a subagent) may receive directly, or indirectly through an entity, any compensation (including any commission, profit sharing, bonus, or any other direct or indirect benefit) for the sale or service of a policy or plan of insurance offered under this title if—

"(i) the individual has a substantial beneficial interest, or a member of the individual's immediate family has a substantial beneficial interest, in the policy or plan of insurance; and

"(ii) the total compensation to be paid to the individual with respect to the sale or service of the policies or plans of insurance that meet the condition described in clause (i) exceeds 30 percent or the percentage specified in State law, whichever is less, of the total of all compensation received directly or indirectly by the individual for the sale or service of all policies and plans of insurance offered under this title for the reinsurance year.

"(C) REPORTING.—Not later than 90 days after the annual settlement date of the reinsurance year, any individual that received directly or indirectly any compensation for the service or sale of any policy or plan of insurance offered under this title in the prior reinsurance year shall certify to applicable approved insurance providers that the compensation that the individual received was in compliance with this paragraph.

"(D) SANCTIONS.—The procedural requirements and sanctions prescribed in section 515(h) shall apply to the prosecution of a violation of this paragraph.

"(E) APPLICABILITY.—

"(i) IN GENERAL.—Sanctions for violations under this paragraph shall only apply to the individuals or entities directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

"(ii) PROHIBITION.—No sanctions shall apply with respect to the policy or plans of insurance upon which compensation is received, including the reinsurance for those policies or plans.".

SEC. 12006. ADMINISTRATIVE FEE.

(a) IN GENERAL.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in the amount of $300 per crop per county."; and

(2) in subparagraph (B)—

(A) by striking "**PAYMENT ON BEHALF OF PRODUCERS**" and inserting "**PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS**";

(B) in clause (i)—

(i) by striking "or other payment"; and

(ii) by striking "with catastrophic risk protection or additional coverage" and inserting "through the payment of catastrophic risk protection administrative fees";

(C) by striking clauses (ii) and (vi);

(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively;

(E) in clause (iii) (as so redesignated), by striking "A policy or plan of insurance" and inserting "Catastrophic risk protection coverage"; and

(F) in clause (iv) (as so redesignated)—

(i) by striking "or other arrangement under this subparagraph"; and

(ii) by striking "additional".

(b) REPEAL.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1508 note; Public Law 105–277) is repealed.

SEC. 12007. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking "the date that premium" and inserting "the same date on which the premium";

(2) in subsection (c)(10), by adding at the end the following:

"(C) TIME FOR PAYMENT.—Subsection (b)(5)(C) shall apply with respect to the collection date for the administrative fee."; and

(3) in subsection (d), by adding at the end the following:

"(4) BILLING DATE FOR PREMIUMS.—Effective beginning with the 2012 reinsurance year, the Corporation shall establish August 15 as the billing date for premiums.".

SEC. 12008. CATASTROPHIC COVERAGE REIMBURSEMENT RATE.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking "8 percent" and inserting "6 percent".

SEC. 12009. GRAIN SORGHUM PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended by adding at the end the following:

"(D) GRAIN SORGHUM PRICE ELECTION.—

"(i) IN GENERAL.—The Corporation, in conjunction with the Secretary (referred to in this subparagraph as the 'Corporation'), shall—

"(I) not later than 60 days after the date of enactment of this subparagraph, make available all methods and data, including data from the Economic Research Service, used by the Corporation to develop the expected market prices for grain sorghum under the production and revenue-based plans of insurance of the Corporation; and

"(II) request applicable data from the grain sorghum industry.

"(ii) EXPERT REVIEWERS.—

"(I) IN GENERAL.—Not later than 120 days after the date of enactment of this subparagraph, the Corporation shall contract individually with 5 expert reviewers described in subclause (II) to develop and recommend a methodology for determining an expected market price for sorghum for both the production and revenue-based plans of insurance to more accurately reflect the actual price at harvest.

"(II) REQUIREMENTS.—The expert reviewers under subclause (I) shall be comprised of agricultural economists with experience in grain sorghum and corn markets, of whom—

"(aa) 2 shall be agricultural economists of institutions of higher education;

"(bb) 2 shall be economists from within the Department; and

"(cc) 1 shall be an economist nominated by the grain sorghum industry.

"(iii) RECOMMENDATIONS.—

"(I) IN GENERAL.—Not later than 90 days after the date of contracting with the expert reviewers under clause (ii), the expert reviewers shall submit, and the Corporation shall make available to the public, the recommendations of the expert reviewers.

"(II) CONSIDERATION.—The Corporation shall consider the recommendations under subclause (I) when determining the appropriate pricing methodology to determine the expected market price for grain sorghum under both the production and revenue-based plans of insurance.

"(III) PUBLICATION.—Not later than 60 days after the date on which the Corporation receives the recommendations of the expert reviewers, the Corporation shall publish the proposed pricing methodology for both the production and revenue-based plans of insurance for notice and comment and, during the comment period, conduct at least 1 public meeting to discuss the proposed pricing methodologies.

"(iv) APPROPRIATE PRICING METHODOLOGY.—

"(I) IN GENERAL.—Not later than 180 days after the close of the comment period in clause (iii)(III), but effective not later than the 2010 crop year, the Corporation shall implement a pricing methodology for grain sorghum under the production and revenue-based plans of insurance that is transparent and replicable.

"(II) INTERIM METHODOLOGY.—Until the date on which the new pricing methodology is implemented, the Corporation may continue to use the pricing methodology that the Corporation determines best establishes the expected market price.

"(III) AVAILABILITY.—On an annual basis, the Corporation shall make available the pricing methodology and data used to determine the expected market prices for grain sorghum under the production and revenue-based plans of insurance, including any changes to the methodology used to determine the expected market prices for grain sorghum from the previous year.".

SEC. 12010. PREMIUM REDUCTION AUTHORITY.

Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), by striking "paragraph (4)" and inserting "paragraph (3)";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 12011. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12010) is amended by adding at the end the following:

"(5) ENTERPRISE AND WHOLE FARM UNITS.—

"(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).

"(B) AMOUNT.—The percentage of the premium paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall, to the maximum extent practicable, provide the same dollar amount of premium subsidy per acre that would otherwise have been paid by the Corporation under paragraph (2) if the policyholder had purchased a basic or optional unit for the crop for the crop year.

"(C) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed 80 percent of the total premium for the enterprise or whole farm unit policy.".

SEC. 12012. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12011) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (6), and (7)"; and

(2) by adding at the end the following:

"(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.".

SEC. 12013. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting "on behalf of the Corporation" after "approved provider".

SEC. 12014. SETTLEMENT OF CROP INSURANCE CLAIMS ON FARM-STORED PRODUCTION.

(a) IN GENERAL.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

"(5) SETTLEMENT OF CLAIMS ON FARM-STORED PRODUCTION.—A producer with farm-stored production may, at the option of the producer, delay settlement of a crop insurance claim relating to the farm-stored production for up to 4 months after the last date on which claims may be submitted under the policy of insurance.".

(b) STUDY ON THE EFFICACY OF PACK FACTORS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the efficacy and accuracy of the application of pack factors regarding the measurement of farm-stored production for purposes of providing policies or plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) CONSIDERATIONS.—The study shall consider—

(A) structural shape and size;

(B) time in storage;

(C) the impact of facility aeration systems; and

(D) any other factors the Secretary considers appropriate.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes the findings of the study and any related policy recommendations.

SEC. 12015. TIME FOR REIMBURSEMENT.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

"(D) TIME FOR REIMBURSEMENT.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs of the providers and agents as soon as practicable after October 1 (but not later than October 31) after the reinsurance year for which reimbursements are earned.".

SEC. 12016. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 12015) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as otherwise provided in this paragraph"; and

(2) by adding at the end the following:

"(E) REIMBURSEMENT RATE REDUCTION.—In the case of a policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 2008 reinsurance year, for each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs shall be 2.3 percentage points below the rates in effect as of the date of enactment of the Food, Conservation, and Energy Act of 2008 for all crop insurance policies used to define loss ratio, except that only ½ of the reduction shall apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

"(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance widely available as of the date of enactment of this subparagraph shall be 12 percent of the premium used to define loss ratio for that reinsurance year.".

SEC. 12017. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

"(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

"(i) to be effective for the 2011 reinsurance year beginning July 1, 2010; and

"(ii) once during each period of 5 reinsurance years thereafter.

"(B) EXCEPTIONS.—

"(i) ADVERSE CIRCUMSTANCES.—Subject to clause (ii), subparagraph (A) shall not apply in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

"(ii) EFFECT OF FEDERAL LAW CHANGES.—If Federal law is enacted after the date of enactment of this paragraph that requires revisions in the financial terms of the Standard Reinsurance Agreement, and changes in the Agreement are made on a mandatory basis by the Corporation, the changes shall not be considered to be a renegotiation of the Agreement for purposes of subparagraph (A).

"(C) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.

"(D) CONSULTATION.—The approved insurance providers may confer with each other and collectively with the Corporation during any renegotiation under subparagraph (A).

"(E) 2011 REINSURANCE YEAR.—

"(i) IN GENERAL.—As part of the Standard Reinsurance Agreement renegotiation authorized under subparagraph (A)(i), the Corporation shall consider alternative methods to determine reimbursement rates for administrative and operating costs.

"(ii) ALTERNATIVE METHODS.—Alternatives considered under clause (i) shall include—

"(I) methods that—

"(aa) are graduated and base reimbursement rates in a State on changes in premiums in that State;

"(bb) are graduated and base reimbursement rates in a State on the loss ratio for crop insurance for that State; and

"(cc) are graduated and base reimbursement rates on individual policies on the level of total premium for each policy; and

"(II) any other method that takes into account current financial conditions of the program and ensures continued availability of the program to producers on a nationwide basis.".

SEC. 12018. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 12017) is amended by adding at the end the following:

"(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

"(A) for the 2011 reinsurance year, October 1, 2012; and

"(B) for each reinsurance year thereafter, October 1 of the following calendar year.".

SEC. 12019. MALTING BARLEY.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

"(5) SPECIAL PROVISIONS FOR MALTING BARLEY.—The Corporation shall promulgate special provisions under this subsection specific to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.".

SEC. 12020. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

"(o) CROP PRODUCTION ON NATIVE SOD.—

"(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

"(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(B) that has never been tilled for the production of an annual crop as of the date of enactment of this subsection.

"(2) INELIGIBILITY FOR BENEFITS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

"(i) this title; and

"(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(B) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

"(3) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

"(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

"(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(ii) that has never been tilled for the production of an annual crop as of the date of enactment of this paragraph.

"(B) INELIGIBILITY FOR BENEFITS.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

"(I) this section; and

"(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(ii) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from clause (i).

"(C) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.".

SEC. 12021. INFORMATION MANAGEMENT.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(a) in subsection (j)(3), by adding before the period at the end the following: ", which shall be subject to competition on a periodic basis, as determined by the Secretary"; and

(b) by striking subsection (k) and inserting the following:

"(k) FUNDING.—

"(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

"(2) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year.".

SEC. 12022. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) RESEARCH AND DEVELOPMENT PAYMENT.—

"(A) IN GENERAL.—The Corporation shall provide a payment to an applicant for research and development costs in accordance with this subsection.

"(B) REIMBURSEMENT.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs directly related to the policy if the policy is approved by the Board for sale to producers.

"(2) ADVANCE PAYMENTS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Board may approve the request of an applicant for advance payment of a portion of reasonable research and development costs prior to submission and approval of the policy by the Board under section 508(h).

"(B) PROCEDURES.—The Board shall establish procedures for approving advance payment of reasonable research and development costs to applicants.

"(C) CONCEPT PROPOSAL.—As a condition of eligibility for advance payments, an applicant shall submit a concept proposal for the policy that the applicant plans to submit to the Board under section 508(h), consistent with procedures established by the Board for submissions under subparagraph (B), including—

"(i) a summary of the qualifications of the applicant, including any prior concept proposals and submissions to the Board under section 508(h) and, if applicable, any work conducted under this section;

"(ii) a projection of total research and development costs that the applicant expects to incur;

"(iii) a description of the need for the policy, the marketability of and expected demand for the policy among affected producers, and the potential impact of the policy on producers and the crop insurance delivery system;

"(iv) a summary of data sources available to demonstrate that the policy can reasonably be developed and actuarially appropriate rates established; and

"(v) an identification of the risks the proposed policy will cover and an explanation of how the identified risks are insurable under this title.

"(D) REVIEW.—

"(i) EXPERTS.—If the requirements of subparagraph (B) and (C) are met, the Board may submit a concept proposal described in subparagraph (C) to not less than 2 independent expert reviewers, whose services are appropriate for the type of concept proposal submitted, to assess the likelihood that the proposed policy being developed will result in a viable and marketable policy, as determined by the Board.

"(ii) TIMING.—The time frames described in subparagraphs (C) and (D) of section 508(h)(4) shall apply to the review of concept proposals under this subparagraph.

"(E) APPROVAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of such payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

"(i) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

"(ii) in the sole opinion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

"(I) in a significantly improved form;

"(II) to a crop or region not traditionally served by the Federal crop insurance program; or

"(III) in a form that addresses a recognized flaw or problem in the program;

"(iii) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

"(iv) the proposed budget and timetable are reasonable; and

"(v) the concept proposal meets any other requirements that the Board determines appropriate.

"(F) SUBMISSION OF POLICY.—If the Board approves an advanced payment under subparagraph (E), the Board shall establish a date by which the applicant shall present a submission in compliance with section 508(h) (including the procedures implemented under that section) to the Board for approval.

"(G) FINAL PAYMENT.—

"(i) APPROVED POLICIES.—If a policy is submitted under subparagraph (F) and approved by the Board under section 508(h) and the procedures established by the Board (including procedures established under subparagraph (B)), the applicant shall be eligible for a payment of reasonable research and development costs in the same manner as policies reimbursed under paragraph (1)(B), less any payments made pursuant to subparagraph (E).

"(ii) POLICIES NOT APPROVED.—If a policy is submitted under subparagraph (F) and is not approved by the Board under section 508(h), the Corporation shall—

"(I) not seek a refund of any payments made in accordance with this paragraph; and

"(II) not make any further research and development cost payments associated with the submission of the policy under this paragraph.

"(H) POLICY NOT SUBMITTED.—If an applicant receives an advance payment and fails to fulfill the obligation of the applicant to the Board by not submitting a completed submission without just cause and in accordance with the procedures established under subparagraph (B)), including notice and reasonable opportunity to respond, as determined by the Board, the applicant shall return to the Board the amount of the advance plus interest.

"(I) REPEATED SUBMISSIONS.—The Board may prohibit advance payments to applicants who have submitted—

"(i) a concept proposal or submission that did not result in a marketable product; or

"(ii) a concept proposal or submission of poor quality.

"(J) CONTINUED ELIGIBILITY.—A determination that an applicant is not eligible for advance payments under this paragraph shall not prevent an applicant from reimbursement under paragraph (1)(B).".

(b) CONFORMING AMENDMENTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (3), by striking "or (2)"; and

(2) in paragraph (4)(A), by striking "and (2)"."

SEC. 12023. CONTRACTS FOR ADDITIONAL POLICIES AND STUDIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (17); and

(2) by inserting after paragraph (9) the following:

"(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

"(A) CONTRACTS REQUIRED.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall enter into 1 or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

"(B) REVIEW OF UNDERWRITING RISK AND LOSS EXPERIENCE.—

"(i) REVIEW REQUIRED.—

"(I) IN GENERAL.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same crop years using nonorganic methods.

"(II) REQUIREMENTS.—The review shall—

"(aa) to the maximum extent practicable, be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and nonorganic production;

"(bb) include the widest available range of data collected by the Secretary and other outside sources of information; and

"(cc) not be limited to loss history under existing crop insurance policies.

"(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of significant, consistent, and systemic variations in loss history between organic and nonorganic crops, either collectively or on an individual crop basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops, as determined in accordance with the results.

"(iii) ANNUAL UPDATES.—Beginning with the 2009 crop year, the review under this subparagraph shall be updated on an annual basis as data is accumulated by the Secretary and other sources, so that the Corporation may make determinations regarding adjustments to the surcharge in a timely manner as quickly as evolving practices and data trends allow.

"(C) ADDITIONAL PRICE ELECTION.—

"(i) IN GENERAL.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that reflects actual prices received by organic producers for crops from the field (including appropriate retail and wholesale prices), as established using data collected and maintained by the Secretary or from other sources.

"(ii) TIMING.—The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2010 crop year.

"(iii) EXPANSION.—The procedure shall be expanded as quickly as practicable as additional data on prices of organic crops collected by the Secretary and other sources of information becomes available, with a goal of applying this procedure to all organic crops not later than the fifth full crop year that begins after the date of enactment of Food, Conservation, and Energy Act of 2008.

"(D) REPORTING REQUIREMENTS.—

"(i) IN GENERAL.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

"(I) the numbers and varieties of organic crops insured;

"(II) the development of new insurance approaches; and

"(III) the progress of implementing the initiatives required under this paragraph, including the rate at which additional price elections are adopted for organic crops.

"(ii) RECOMMENDATIONS.—The report shall include such recommendations as the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.

"(11) ENERGY CROP INSURANCE POLICY.—

"(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

"(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

"(ii) is not typically used for food, feed, or fiber.

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

"(iii) provide protection for production or revenue losses, or both.

"(12) AQUACULTURE INSURANCE POLICY.—

"(A) DEFINITION OF AQUACULTURE.—In this subsection:

"(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

"(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

"(B) AUTHORITY.—

"(i) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall offer to enter into 3 or more contracts with qualified entities to carry out research and development regarding a policy to insure the production of aquacultural species in aquaculture operations.

"(ii) BIVALVE SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of bivalve species, including—

"(I) American oysters (crassostrea virginica);

"(II) hard clams (mercenaria mercenaria);

"(III) Pacific oysters (crassostrea gigas);

"(IV) Manila clams (tapes phillipinnarium); or

"(V) blue mussels (mytilus edulis).

"(iii) FRESHWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of freshwater species, including—

"(I) catfish (icataluridae);

"(II) rainbow trout (oncorhynchus mykiss);

"(III) largemouth bass (micropterus salmoides);

"(IV) striped bass (morone saxatilis);

"(V) bream (abramis brama);

"(VI) shrimp (penaeus); or

"(VII) tilapia (oreochromis niloticus).

"(iv) SALTWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of saltwater species, including—

"(I) Atlantic salmon (salmo salar); or

"(II) shrimp (penaeus).

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of policies and plans of insurance for the production of aquacultural species in aquaculture operations, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of production of aquacultural species in aquaculture operations into existing policies covering adjusted gross revenue; and

"(iii) provide protection for production or revenue losses, or both.

"(13) POULTRY INSURANCE POLICY.—

"(A) DEFINITION OF POULTRY.—In this paragraph, the term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure commercial poultry production.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of poultry, including policies and plans of insurance that provide protection for production or revenue losses, or both, while the poultry is in production.

"(14) APIARY POLICIES.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development regarding insurance policies that cover loss of bees.

"(15) ADJUSTED GROSS REVENUE POLICIES FOR BEGINNING PRODUCERS.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development into needed modifications of adjusted gross revenue insurance policies, consistent with principles of actuarial sufficiency, to permit coverage for beginning producers with no previous production history, including permitting those producers to have production and premium rates based on information with similar farming operations.

"(16) SKIPROW CROPPING PRACTICES.—

"(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

"(B) RESEARCH.—Research described in subparagraph (A) shall—

"(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

"(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

"(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

"(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.".

SEC. 12024. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking "$10,000,000" and all that follows through the end of the paragraph and inserting "$7,500,000 for fiscal year 2008 and each subsequent fiscal year";

(2) in paragraph (2)(A), by striking "$20,000,000 for" and all that follows through "year 2004" and inserting "$12,500,000 for fiscal year 2008"; and

(3) in paragraph (3), by striking "the Corporation may use" and all that follows through the end of the paragraph and inserting "the Corporation may use—

"(A) not more than $5,000,000 for each fiscal year to improve program integrity, including by—

"(i) increasing compliance-related training;

"(ii) improving analysis tools and technology regarding compliance;

"(iii) use of information technology, as determined by the Corporation; and

"(iv) identifying and using innovative compliance strategies; and

"(B) any excess amounts to carry out other activities authorized under this section.".

SEC. 12025. PILOT PROGRAMS.

(a) IN GENERAL.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

"(f) CAMELINA PILOT PROGRAM.—

"(1) IN GENERAL.—The Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 508(h).

"(2) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

"(A) protects the interests of producers;

"(B) is actuarially sound; and

"(C) meets the requirements of this title.

"(3) TIMEFRAME.—The Corporation shall commence the camelina insurance pilot program as soon as practicable after the date of enactment of this subsection.

"(g) SESAME INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a pilot program under which a producer of nondehiscent sesame under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

"(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the sesame insurance pilot program shall—

"(A) be offered through reinsurance arrangements with private insurance companies;

"(B) be actuarially sound; and

"(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

"(3) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

"(4) DURATION.—The Corporation shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this subsection.

"(h) GRASS SEED INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a grass seed pilot program under which a producer of Kentucky bluegrass or perennial rye grass under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

"(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the grass seed insurance pilot program shall—

"(A) be offered through reinsurance arrangements with private insurance companies;

"(B) be actuarially sound; and

"(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

"(3) LOCATION.—The grass seed insurance pilot program shall be carried out only in each of the States of Minnesota and North Dakota.

"(4) DURATION.—The Corporation shall commence the grass seed insurance pilot program as soon as practicable after the date of the enactment of this subsection.".

(b) CONFORMING AMENDMENT.—Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by adding "camelina," after "sea oats,".

SEC. 12026. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS OR RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (5)";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies, education, and outreach specifically targeted at—

"(A) beginning farmers or ranchers;

"(B) legal immigrant farmers or ranchers that are attempting to become established producers in the United States;

"(C) socially disadvantaged farmers or ranchers;

"(D) farmers or ranchers that—

"(i) are preparing to retire; and

"(ii) are using transition strategies to help new farmers or ranchers get started; and

"(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.".

SEC. 12027. COVERAGE FOR AQUACULTURE UNDER NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)(2)) is amended—

(1) by striking "On making" and inserting the following:

"(A) IN GENERAL.—On making"; and

(2) by adding at the end the following:

"(B) AQUACULTURE PRODUCERS.—On making a determination described in subsection (a)(3) for aquaculture producers, the Secretary shall provide assistance under this section to aquaculture producers from all losses related to drought.".

SEC. 12028. INCREASE IN SERVICE FEES FOR NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(k)(1)) is amended—

(1) in subparagraph (A), by striking "$100" and inserting "$250"; and

(2) in subparagraph (B)—

(A) by striking "$300" and inserting "$750"; and

(B) by striking "$900" and inserting "$1,875".

SEC. 12029. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) SWEET POTATOES.—

"(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

"(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.".

SEC. 12030. DECLINING YIELD REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address issues relating to—

(1) declining yields on the actual production histories of producers; and

(2) declining and variable yields for perennial crops, including pecans.

SEC. 12031. DEFINITION OF BASIC UNIT.

The Secretary shall not modify the definition of "basic unit" in accordance with the proposed regulations entitled "Common Crop Insurance Regulations" (72 Fed. Reg. 28895; relating to common crop insurance regulations) or any successor regulation.

SEC. 12032. CROP INSURANCE MEDIATION.

Section 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995) is amended—

(1) by striking "If an officer" and inserting the following:

"(a) IN GENERAL.—If an officer";

(2) by striking "With respect to" and inserting the following:

"(b) FARM SERVICE AGENCY.—With respect to";

(3) by striking "If a mediation"; and inserting the following:

"(c) MEDIATION.—If a mediation"; and

(4) in subsection (c) (as so designated)—

(A) by striking "participant shall be offered" and inserting "participant shall—

"(1) be offered"; and

(B) by striking the period at the end and inserting the following: "; and

"(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.".

SEC. 12033. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"Subtitle B—Supplemental Agricultural Disaster Assistance

"SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subtitle A or the noninsured crop disaster assistance program, respectively.

"(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B), the actual production history for the eligible producer without regard to any yields established under that section;

"(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B), the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B); and

"(C) in all other cases, the actual production history of the eligible producer on a farm.

"(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

"(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

"(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

"(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

"(5) DISASTER COUNTY.—

"(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term 'disaster county' includes—

"(i) a county contiguous to a county described in subparagraph (A); and

"(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(6) ELIGIBLE PRODUCER ON A FARM.—

"(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

"(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

"(i) a citizen of the United States;

"(ii) a resident alien;

"(iii) a partnership of citizens of the United States; or

"(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

"(7) FARM.—

"(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

"(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

"(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

"(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

"(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under subtitle A.

"(10) LIVESTOCK.—The term 'livestock' includes—

"(A) cattle (including dairy cattle);

"(B) bison;

"(C) poultry;

"(D) sheep;

"(E) swine;

"(F) horses; and

"(G) other livestock, as determined by the Secretary.

"(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

"(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(16) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974.

"(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

"(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

"(2) AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

"(i) the disaster assistance program guarantee, as described in paragraph (3); and

"(ii) the total farm revenue for a farm, as described in paragraph (4).

"(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

"(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

"(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

"(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

"(aa) the adjusted actual production history yield; or

"(bb) the counter-cyclical program payment yield for each crop; and

"(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

"(III) the payment yield for the commodity that is equal to the higher of—

"(aa) the adjusted noninsured crop assistance program yield guarantee; or

"(bb) the counter-cyclical program payment yield for each crop.

"(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

"(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

"(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

"(4) FARM REVENUE.—

"(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

"(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

"(I) the actual crop acreage harvested by an eligible producer on a farm;

"(II) the estimated actual yield of the crop production; and

"(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

"(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

"(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

"(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

"(v) the amount of payments for prevented planting on a farm;

"(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

"(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

"(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

"(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

"(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

"(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

"(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

"(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

"(A) the product obtained by multiplying—

"(i) the greatest of—

"(I) the adjusted actual production history yield of the eligible producer on a farm; and

"(II) the counter-cyclical program payment yield;

"(ii) the acreage planted or prevented from being planted for each crop; and

"(iii) 100 percent of the insurance price guarantee; and

"(B) the product obtained by multiplying—

"(i) 100 percent of the adjusted noninsured crop assistance program yield; and

"(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

"(c) LIVESTOCK INDEMNITY PAYMENTS.—

"(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

"(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

"(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED LIVESTOCK.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

"(I) owned;

"(II) leased;

"(III) purchased;

"(IV) entered into a contract to purchase;

"(V) is a contract grower; or

"(VI) sold or otherwise disposed of due to qualifying drought conditions during—

"(aa) the current production year; or

"(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

"(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

"(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

"(C) ELIGIBLE LIVESTOCK PRODUCER.—

"(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

"(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

"(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

"(III) certifies grazing loss; and

"(IV) meets all other eligibility requirements established under this subsection.

"(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

"(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

"(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

"(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

"(A) a drought condition, as described in paragraph (3); or

"(B) fire, as described in paragraph (4).

"(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

"(A) ELIGIBLE LOSSES.—

"(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

"(I) is native or improved pastureland with permanent vegetative cover; or

"(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

"(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(B) MONTHLY PAYMENT RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

"(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

"(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

"(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

"(C) MONTHLY FEED COST.—

"(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

"(I) 30 days;

"(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

"(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

"(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

"(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

"(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

"(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

"(I) the higher of—

"(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

"(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

"(II) 56.

"(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

"(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

"(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

"(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

"(ii) DROUGHT INTENSITY.—

"(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

"(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

"(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

"(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

"(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

"(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

"(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

"(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

"(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

"(C) PAYMENT DURATION.—

"(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

"(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

"(II) ending on the last day of the Federal lease of the eligible livestock producer.

"(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

"(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

"(i) obtained a policy or plan of insurance under subtitle A for the grazing land incurring the losses for which assistance is being requested; or

"(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

"(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

"(i) waive subparagraph (A); and

"(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(D) EQUITABLE RELIEF.—

"(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

"(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

"(6) NO DUPLICATIVE PAYMENTS.—

"(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

"(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

"(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

"(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

"(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

"(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

"(f) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

"(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

"(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

"(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle); or

"(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

"(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

"(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

"(A) waive paragraph (1); and

"(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(5) EQUITABLE RELIEF.—

"(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

"(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

"(h) PAYMENT LIMITATIONS.—

"(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

"(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

"(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

"(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

"(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under subtitle A and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

"(k) APPLICATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any provision of subtitle A, subtitle A shall not apply to this subtitle.

"(2) CROSS REFERENCES.—Paragraph (1) shall not apply to a specific reference in this subtitle to a provision of subtitle A.".

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Federal Crop Insurance Act (7 U.S.C. 1501) is amended by striking the section heading and enumerator and inserting the following:

"Subtitle A—Federal Crop Insurance Act

"SEC. 501. SHORT TITLE AND APPLICATION OF OTHER PROVISIONS.".

(2) Subtitle A of the Federal Crop Insurance Act (as designated under paragraph (1)) is amended—

(A) by striking "This title" each place it appears and inserting "This subtitle"; and

(B) by striking "this title" each place it appears and inserting "this subtitle".

SEC. 12034. FISHERIES DISASTER ASSISTANCE.

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall transfer to the Secretary of Commerce $170,000,000 for fiscal year 2008 for the National Marine Fisheries Service to distribute to commercial and recreational members of the fishing communities affected by the salmon fishery failure in the States of California, Oregon, and Washington designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) on May 1, 2008, in accordance with that section.

Subtitle B—Small Business Disaster Loan Program

SEC. 12051. SHORT TITLE.

This subtitle may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2008".

SEC. 12052. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(3) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(4) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act) and ending on the date on which such declaration terminates;

(5) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(6) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 12061. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after "small business concern" the following: ", private nonprofit organization,"; and

(B) by inserting after "the concern" the following: ", the organization,"; and

(2) in subparagraph (D) by inserting after "small business concerns" the following: ", private nonprofit organizations,".

(b) CONFORMING AMENDMENT.—Section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)) is amended by inserting after "business" the following: ", private nonprofit organization,".

SEC. 12062. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 44; and

(2) by inserting after section 36 the following:

"SEC. 37. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

"(a) COORDINATION REQUIRED.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

"(b) REGULATIONS REQUIRED.—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

"(c) COMPLETION; REVISION.—The initial regulations shall be completed not later than 270 days after the date of the enactment of the Small Business Disaster Response and Loan Improvements Act of 2008. Thereafter, the regulations shall be revised on an annual basis.

"(d) REPORT.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 43.".

SEC. 12063. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3), the following:

"(4) COORDINATION WITH FEMA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster declared under this subsection or major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(5) PUBLIC AWARENESS OF DISASTERS.—If a disaster is declared under this subsection or the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(s) MAJOR DISASTER.—In this Act, the term 'major disaster' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).".

(2) TECHNICAL CORRECTION.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)".

SEC. 12064. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 12065. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking

"$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a major disaster)".

SEC. 12066. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

"(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 12067. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 37, as added by this Act, the following:

"SEC. 38. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

"(a) SYSTEM REQUIRED.—The Administrator shall develop, implement, or maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

"(1) The method of communication.

"(2) The date of communication.

"(3) The identity of the personnel.

"(4) A summary of the subject matter of the communication.

"(b) FOLLOW-UP REQUIRED.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

"(1) When the Administration determines that additional information or documentation is required to process the application.

"(2) When the Administration determines whether to approve or deny the loan.

"(3) When the primary contact person managing the loan application has changed.".

SEC. 12068. INCREASED DEFERMENT PERIOD.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (e), as so redesignated, the following:

"(f) ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.—

"(1) INCREASED DEFERMENT AUTHORIZED.—

"(A) IN GENERAL.—In making loans under subsection (b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

"(B) PERIOD.—The period of a deferment under subparagraph (A) may not exceed 4 years.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

SEC. 12069. DISASTER PROCESSING REDUNDANCY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 38, as added by this Act, the following:

"SEC. 39. DISASTER PROCESSING REDUNDANCY.

"(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 12070. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (f), as added by this Act, the following:

"(g) NET EARNINGS CLAUSES PROHIBITED FOR 7(b) LOANS.—In making loans under subsection (b), the Administrator shall not require the borrower to pay any non-amortized amount for the first five years after repayment begins.".

SEC. 12071. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) ice storms and blizzards.".

SEC. 12072. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to use and integrate District Office personnel of the Administration in the response to a major disaster, including information on the use of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) BIENNIAL DISASTER SIMULATION EXERCISE.—

(1) EXERCISE REQUIRED.—The Administrator shall conduct a disaster simulation exercise at least once every 2 fiscal years. The exercise shall include the participation of, at a minimum, not less than 50 percent of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

(2) REPORT.—The Administrator shall include a report on the disaster simulation exercises conducted under paragraph (1) each time the Administration submits a report required under section 43 of the Small Business Act, as added by this Act.

SEC. 12073. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The disaster planning function of the Administration shall be assigned to an individual appointed by the Administrator who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) has proven management ability;

(3) has substantial knowledge in the field of disaster readiness and emergency response; and

(4) has demonstrated significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The individual assigned the disaster planning function of the Administration shall report directly and solely to the Administrator and shall be responsible for—

(1) creating, maintaining, and implementing the comprehensive disaster response plan of the Administration described in section 12072;

(2) ensuring there are in-service and preservice training procedures for the disaster response staff of the Administration;

(3) coordinating and directing the training exercises of the Administration relating to disasters, including disaster simulation exercises and disaster exercises coordinated with other government departments and agencies; and

(4) other responsibilities relevant to disaster planning and readiness, as determined by the Administrator.

(c) COORDINATION.—In carrying out the responsibilities described in subsection (b), the individual assigned the disaster planning function of the Administration shall coordinate with—

(1) the Office of Disaster Assistance of the Administration;

(2) the Administrator of the Federal Emergency Management Agency; and

(3) other Federal, State, and local disaster planning offices, as necessary.

(d) RESOURCES.—The Administrator shall ensure that the individual assigned the disaster planning function of the Administration has adequate resources to carry out the duties under this section.

(e) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an individual the disaster planning function of the Administration;

(2) information detailing the background and expertise of the individual assigned; and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 12074. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

"(7) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 1,000.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

SEC. 12075. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended inserting after section 39, as added by this Act, the following:

"SEC. 40. COMPREHENSIVE DISASTER RESPONSE PLAN.

"(a) PLAN REQUIRED.—The Administrator shall develop, implement, or maintain a comprehensive written disaster response plan. The plan shall include the following:

"(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

"(2) For each disaster described under paragraph (1)—

"(A) an assessment of the disaster;

"(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

"(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

"(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

"(b) COMPLETION; REVISION.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under section 7(b)(9).

"(c) KNOWLEDGE REQUIRED.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

"(d) REPORT.—The Administrator shall include a report on the plan whenever the Administration submits the report required by section 43.".

SEC. 12076. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

The Small Business Act is amended by inserting after section 40, as added by this Act, the following:

"SEC. 41. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

"(a) PLANS REQUIRED.—The Administrator shall develop long-term plans to secure sufficient office space to accommodate an expanded workforce in times of disaster.

"(b) REPORT.—The Administrator shall include a report on the plans developed under subsection (a) each time the Administration submits a report required under section 43.".

SEC. 12077. APPLICANTS THAT HAVE BECOME A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after "constitutes" the following: ", or have become due to changed economic circumstances,".

SEC. 12078. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration"; and

(2) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 12079. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(c) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out this section only with amounts appropriated in advance specifically to carry out this section.

PART II—DISASTER LENDING

SEC. 12081. ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) DECLARATION OF ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.—

"(A) IN GENERAL.—If the President declares a major disaster, the Administrator may declare eligibility for additional disaster assistance in accordance with this paragraph.

"(B) THRESHOLD.—A major disaster for which the Administrator declares eligibility for additional disaster assistance under this paragraph shall—

"(i) have resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

"(ii) be comparable to the description of a catastrophic incident in the National Response Plan of the Administration, or any successor thereto, unless there is no successor to such plan, in which case this clause shall have no force or effect; and

"(iii) be of such size and scope that—

"(I) the disaster assistance programs under the other paragraphs under this subsection are incapable of providing adequate and timely assistance to individuals or business concerns located within the disaster area; or

"(II) a significant number of business concerns outside the disaster area have suffered disaster-related substantial economic injury as a result of the incident.".

SEC. 12082. ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

Paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by section 12081, is amended by adding at the end the following:

"(C) ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.—

"(i) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under this paragraph, the Administrator may make such loans under this subparagraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to eligible small business concerns located anywhere in the United States.

"(ii) PROCESSING TIME.—

"(I) IN GENERAL.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 15 days, the Administrator shall give priority to the processing of such applications submitted by eligible small business concerns located inside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

"(II) SUSPENSION OF APPLICATIONS FROM OUTSIDE DISASTER AREA.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 30 days, the Administrator shall suspend the processing of such applications submitted by eligible small business concerns located outside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

"(iii) LOAN TERMS.—A loan under this subparagraph shall be made on the same terms as a loan under paragraph (2).

"(D) DEFINITIONS.—In this paragraph—

"(i) the term 'disaster area' means the area for which the applicable major disaster was declared;

"(ii) the term 'disaster-related substantial economic injury' means economic harm to a business concern that results in the inability of the business concern to—

"(I) meet its obligations as it matures;

"(II) meet its ordinary and necessary operating expenses; or

"(III) market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern because the business concern relies on materials from the disaster area or sells or markets in the disaster area; and

"(iii) the term 'eligible small business concern' means a small business concern—

"(I) that has suffered disaster-related substantial economic injury as a result of the applicable major disaster; and

"(II)(aa) for which not less than 25 percent of the market share of that small business concern is from business transacted in the disaster area;

"(bb) for which not less than 25 percent of an input into a production process of that small business concern is from the disaster area; or

"(cc) that relies on a provider located in the disaster area for a service that is not readily available elsewhere.".

SEC. 12083. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means any area for which the President declared a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9), during the period of that major disaster declaration;

"(B) the term 'eligible individual' means an individual who is eligible for disaster assistance under subsection (b)(1) relating to a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9);

"(C) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined under this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958;

"(D) the term 'preferred lender' means a lender participating in the Preferred Lender Program;

"(E) the term 'Preferred Lender Program' has the meaning given that term in subsection (a)(2)(C)(ii); and

"(F) the term 'qualified private lender' means any privately-owned bank or other lending institution that—

"(i) is not a preferred lender; and

"(ii) the Administrator determines meets the criteria established under paragraph (10).

"(2) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Private Disaster Assistance program, under which the Administration may guarantee timely payment of principal and interest, as scheduled, on any loan made to an eligible small business concern located in a disaster area and to an eligible individual.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNT.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) TERMS AND CONDITIONS.—A loan guaranteed under this subsection shall be made under the same terms and conditions as a loan under subsection (b).

"(7) LENDERS.—

"(A) IN GENERAL.—A loan guaranteed under this subsection made to—

"(i) a qualified individual may be made by a preferred lender; and

"(ii) a qualified small business concern may be made by a qualified private lender or by a preferred lender that also makes loans to qualified individuals.

"(B) COMPLIANCE.—If the Administrator determines that a preferred lender knowingly failed to comply with the underwriting standards for loans guaranteed under this subsection or violated the terms of the standard operating procedure agreement between that preferred lender and the Administration, the Administrator shall do 1 or more of the following:

"(i) Exclude the preferred lender from participating in the program under this subsection.

"(ii) Exclude the preferred lender from participating in the Preferred Lender Program for a period of not more than 5 years.

"(8) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender or preferred lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender or preferred lender and the Administrator.

"(9) DOCUMENTATION.—A qualified private lender or preferred lender may use its own loan documentation for a loan guaranteed by the Administrator under this subsection, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (10).

"(10) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(11) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES AND OTHER TERMS AND CONDITIONS.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator to meet the loan terms and conditions specified in paragraph (6).

"(12) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender or preferred lender to purchase any loan guaranteed under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any major disaster declared on or after the date of enactment of this Act.

SEC. 12084. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 41, as added by this Act, the following:

"SEC. 42. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

"(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

"(b) ELIGIBILITY REQUIREMENT.—To receive a loan guaranteed under subsection (a), the applicant shall also apply for, and meet basic eligibility standards for, a loan under subsection (b) or (c) of section 7.

"(c) USE OF PROCEEDS.—A person who receives a loan under subsection (b) or (c) of section 7 shall use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

"(d) LOAN TERMS.—

"(1) NO PREPAYMENT PENALTY.—There shall be no prepayment penalty on a loan guaranteed under subsection (a).

"(2) REPAYMENT.—A person who receives a loan guaranteed under subsection (a) and who is disapproved for a loan under subsection (b) or (c) of section 7, as the case may be, shall repay the loan guaranteed under subsection (a) not later than the date established by the Administrator, which may not be earlier than 10 years after the date on which the loan guaranteed under subsection is disbursed.

"(e) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.".

SEC. 12085. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITION.—In this section, the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program under which the Administration may, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business concern under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the applicable major disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan guaranteed by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 300 basis points above the interest rate established by the Board of Governors of the Federal Reserve System that 1 bank charges another for reserves that are lent on an overnight basis on the date the loan is made;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 12086. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to refinance Gulf Coast disaster loans (in this section referred to as the "program").

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. A deferment under the program shall end not later than 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—If the Administrator provides an option to defer repayment under the program, the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term "Gulf Coast disaster loan" means a loan—

(1) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(2) in response to Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005; and

(3) to a small business concern located in a county or parish designated by the Administrator as a disaster area by reason of a hurricane described in paragraph (2) under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PART III—MISCELLANEOUS

SEC. 12091. REPORTS ON DISASTER ASSISTANCE.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) WEEKLY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each week during a disaster update period, the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) PERIODS WHEN ADDITIONAL DISASTER ASSISTANCE IS MADE AVAILABLE.—

(1) IN GENERAL.—During any period for which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 632(b)), as amended by this Act, the Administrator shall, on a monthly basis, submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration with respect to the applicable major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall specify—

(A) the number of applications for disaster assistance distributed;

(B) the number of applications for disaster assistance received;

(C) the average time for the Administration to approve or disapprove an application for disaster assistance;

(D) the amount of disaster loans approved;

(E) the average time for initial disbursement of disaster loan proceeds; and

(F) the amount of disaster loan proceeds disbursed.

(d) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(e) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(f) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

(g) REPORTS ON DISASTER ASSISTANCE.—The Small Business Act is amended by inserting after section 42, as added by this Act, the following:

"SEC. 43. ANNUAL REPORTS ON DISASTER ASSISTANCE.

"Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

"(1) specify the number of Administration personnel involved in such operations;

"(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

"(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

"(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.".

TITLE XIII—COMMODITY FUTURES

SEC. 13001. SHORT TITLE.

This title may be cited as the "CFTC Reauthorization Act of 2008".

Subtitle A—General Provisions

SEC. 13101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

"(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

"(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(aa) a financial institution;

"(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

"(cc)(AA) a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, is not a person described in item (bb) of this subclause, and maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph; or

"(BB) an affiliated person of a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, and is not a person described in item (bb) of this subclause, if the affiliated person maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is not a person described in such item (bb), and the futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of the affiliated person;

"(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

"(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

"(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))); or

"(gg) a retail foreign exchange dealer that maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is registered in such capacity with the Commission, subject to such terms and conditions as the Commission shall prescribe, and is a member of a futures association registered under section 17.

"(ii) The dollar amount that applies for purposes of this clause is—

"(I) $10,000,000, beginning 120 days after the date of the enactment of this clause;

"(II) $15,000,000, beginning 240 days after such date of enactment; and

"(III) $20,000,000, beginning 360 days after such date of enactment.

"(iii) Notwithstanding items (cc) and (gg) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or retail foreign exchange dealer, or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II) of this subparagraph.

"(iv)(I) Notwithstanding items (cc) and (gg) of clause (i)(II), a person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

"(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

"(bb) exercise discretionary trading authority or obtain written authorization to exercise discretionary trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II); or

"(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(III) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

"(IV) Subclause (III) of this clause shall not apply to—

"(aa) any person described in any of item (aa) through (ff) of clause (i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(v) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

"(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

"(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

"(II) Subclause (I) of this clause shall not apply to—

"(aa) a security that is not a security futures product; or

"(bb) a contract of sale that—

"(AA) results in actual delivery within 2 days; or

"(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

"(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of or to accomplish any of the purposes of this Act in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph if the agreements, contracts, or transactions are offered, or entered into, by a person that is not described in item (aa) through (ff) of subparagraph (B)(i)(II).

"(iii)(I) A person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

"(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

"(bb) exercise discretionary trading authority or obtain written authorization to exercise written trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

"(IV) Subclause (III) of this clause shall not apply to—

"(aa) any person described in item (aa) through (ff) of subparagraph (B)(i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

"(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

"(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.".

(b) EFFECTIVE DATE.—The following provisions of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or at such other time as the Commodity Futures Trading Commission shall determine:

(1) Subparagraphs (B)(i)(II)(gg), (B)(iv), and (C)(iii) of section 2(c)(2).

(2) The provisions of section 2(c)(2)(B)(i)(II)(cc) that set forth adjusted net capital requirements, and the provisions of such section that require a futures commission merchant to be primarily or substantially engaged in certain business activities.

SEC. 13102. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. Section 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking all through the end of subsection (a) and inserting the following:

"SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

"(a) UNLAWFUL ACTIONS.—It shall be unlawful—

"(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

"(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

"(A) to cheat or defraud or attempt to cheat or defraud the other person;

"(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

"(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

"(D)(i) to bucket an order if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

"(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

"(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.".

SEC. 13103. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting "(A)" after "assess such person"; and

(2) by inserting after "each such violation" the following: ", or (B) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d) of this section, or section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each such violation,".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", or, in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty of not more than $1,000,000 for each such violation"; and

(2) in the second sentence, by inserting before the period at the end the following: ", except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(a)(2)".

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a–1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

"(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

"(B) in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.".

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "(or $500,000 in the case of a person who is an individual)"; and

(2) by striking "five years" and inserting "10 years".

SEC. 13104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.".

SEC. 13105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) by inserting "or certified by a registered entity pursuant to section 5c(c)(1)" after "approved by the Commission" ; and

(2) by striking "section 9(c)" and inserting "section 9(a)(5)".

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking "compiled" and inserting "complied".

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93–446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a–2(a)(1), (d)(1)) are each amended by striking "5b(d)(2)" and inserting "5b(c)(2)".

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a–2(f), 21(r)) are each amended by striking "4d(3)" and inserting "4d(c)".

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking "commenced" in the 2nd place it appears; and

(2) by inserting "commenced" after "in a judicial proceeding".

(h) Section 9 of such Act (7 U.S.C. 13) is amended—

(1) in subsection (f)(1), by striking the period and inserting "; or"; and

(2) by redesignating subsection (f) as subsection (e).

(i) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking "5b(b)(1)(E)" and inserting "5b(c)(2)(H)".

(j) Section 1a(33)(A) of such Act (7 U.S.C. 1a(33)(A)) is amended by striking "transactions" and all that follows and inserting "transactions—

"(i) by accepting bids or offers made by other participants that are open to multiple partipants in the facility or system; or

"(ii) through the interaction of multiple bids or multiple offers within a system with a pre-determined non-discretionary automated trade matching and execution algorithm.".

(k) Section 14(d) of such Act (7 U.S.C. 18(d)) is amended—

(1) by inserting "(1)" before "If"; and

(2) by adding after and below the end the following:

"(2) A reparation award shall be directly enforceable in district court as if it were a judgment pursuant to section 1963 of title 28, United States Code. This paragraph shall operate retroactively from the effective date of its enactment, and shall apply to all reparation awards for which a proceeding described in paragraph (1) is commenced within 3 years of the date of the Commission's order.".

SEC. 13106. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2009, risk-based portfolio margining for security options and security futures products (as defined in section 1a(32) of the Commodity Exchange Act); and

(2) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to foreign security indexes.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SEC. 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraph (33) as paragraph (34); and

(2) by inserting after paragraph (32) the following:

"(33) SIGNIFICANT PRICE DISCOVERY CONTRACT.—The term 'significant price discovery contract' means an agreement, contract, or transaction subject to section 2(h)(7).".

(b) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h) of such Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

"(7) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(A) IN GENERAL.—An agreement, contract, or transaction conducted in reliance on the exemption in paragraph (3) shall be subject to the provisions of subparagraphs (B) through (D), under such rules and regulations as the Commission shall promulgate, provided that the Commission determines, in its discretion, that the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B).

"(B) SIGNIFICANT PRICE DISCOVERY DETERMINATION.—In making a determination whether an agreement, contract, or transaction performs a significant price discovery function, the Commission shall consider, as appropriate:

"(i) PRICE LINKAGE.—The extent to which the agreement, contract, or transaction uses or otherwise relies on a daily or final settlement price, or other major price parameter, of a contract or contracts listed for trading on or subject to the rules of a designated contract market or a derivatives transaction execution facility, or a significant price discovery contract traded on an electronic trading facility, to value a position, transfer or convert a position, cash or financially settle a position, or close out a position.

"(ii) ARBITRAGE.—The extent to which the price for the agreement, contract, or transaction is sufficiently related to the price of a contract or contracts listed for trading on or subject to the rules of a designated contract market or derivatives transaction execution facility, or a significant price discovery contract or contracts trading on or subject to the rules of an electronic trading facility, so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the contracts on a frequent and recurring basis.

"(iii) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by agreements, contracts, or transactions being traded or executed on the electronic trading facility.

"(iv) MATERIAL LIQUIDITY.—The extent to which the volume of agreements, contracts, or transactions in the commodity being traded on the electronic trading facility is sufficient to have a material effect on other agreements, contracts, or transactions listed for trading on or subject to the rules of a designated contract market, a derivatives transaction execution facility, or an electronic trading facility operating in reliance on the exemption in paragraph (3).

"(v) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule as relevant to determine whether an agreement, contract, or transaction serves a significant price discovery function.

"(C) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(i) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

"(ii) CORE PRINCIPLES.—The electronic trading facility shall have reasonable discretion (including discretion to account for differences between cleared and uncleared significant price discovery contracts) in establishing the manner in which it complies with the following core principles:

"(I) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

"(II) MONITORING OF TRADING.—The electronic trading facility shall monitor trading in significant price discovery contracts to prevent market manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

"(III) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

"(aa) establish and enforce rules that will allow the electronic trading facility to obtain any necessary information to perform any of the functions described in this subparagraph;

"(bb) provide the information to the Commission upon request; and

"(cc) have the capacity to carry out such international information-sharing agreements as the Commission may require.

"(IV) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt, where necessary and appropriate, position limitations or position accountability for speculators in significant price discovery contracts, taking into account positions in other agreements, contracts, and transactions that are treated by a derivatives clearing organization, whether registered or not registered, as fungible with such significant price discovery contracts to reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month.

"(V) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

"(aa) to liquidate open positions in a significant price discovery contract; and

"(bb) to suspend or curtail trading in a significant price discovery contract.

"(VI) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility shall make public daily information on price, trading volume, and other trading data to the extent appropriate for significant price discovery contracts.

"(VII) COMPLIANCE WITH RULES.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including the terms and conditions of the contracts and any limitations on access to the electronic trading facility with respect to the contracts.

"(VIII) CONFLICT OF INTEREST.—The electronic trading facility, with respect to significant price discovery contracts, shall—

"(aa) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

"(bb) establish a process for resolving the conflicts of interest.

"(IX) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility, with respect to significant price discovery contracts, shall endeavor to avoid—

"(aa) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

"(bb) imposing any material anticompetitive burden on trading on the electronic trading facility.

"(D) IMPLEMENTATION.—

"(i) CLEARING.—The Commission shall take into consideration differences between cleared and uncleared significant price discovery contracts when reviewing the implementation of the core principles by an electronic trading facility.

"(ii) REVIEW.—As part of the Commission's continual monitoring and surveillance activities, the Commission shall, not less frequently than annually, evaluate, as appropriate, all the agreements, contracts, or transactions conducted on an electronic trading facility in reliance on the exemption provided in paragraph (3) to determine whether they serve a significant price discovery function as described in subparagraph (B) of this paragraph.".

SEC. 13202. LARGE TRADER REPORTING.

(a) REPORTING AND RECORDKEEPING.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by inserting ", and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract" after "elsewhere".

(b) REPORTS OF POSITIONS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) by inserting ", or any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract" after "subject to the rules of any contract market or derivatives transaction execution facility"; and

(2) in the matter following paragraph (2), by inserting "or electronic trading facility" after "subject to the rules of any other board of trade".

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting "(other than an electronic trading facility with respect to a significant price discovery contract)" after "registered entity".

(b) Section 1a(29) of such Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded.".

(c) Section 2(a)(1)(A) of such Act (7 U.S.C. 2(a)(1)(A)) is amended by inserting after "future delivery" the following: "(including significant price discovery contracts)".

(d) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended by striking "paragraph (4)" and inserting "paragraphs (4) and (7)".

(e) Section 2(h)(4) of such Act (7 U.S.C. 2(h)(4)) is amended—

(1) in subparagraph (B), by inserting "and, for a significant price discovery contract, requiring large trader reporting," after "proscribing fraud";

(2) by striking "and" at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following:

"(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to a significant price discovery contract traded on or executed on any electronic trading facility; and

"(E) such other provisions of this Act as are applicable by their terms to significant price discovery contracts or to registered entities or electronic trading facilities with respect to significant price discovery contracts.".

(f) Section 2(h)(5)(B)(iii)(I) of such Act (7 U.S.C. 2(h)(5)(B)(iii)(I)) is amended by inserting "or to make the determination described in subparagraph (B) of paragraph (7)" after "paragraph (4)".

(g) Section 4a of such Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", or on electronic trading facilities with respect to a significant price discovery contract" after "derivatives transaction execution facilities"; and

(B) in the second sentence, by inserting ", or on an electronic trading facility with respect to a significant price discovery contract," after "derivatives transaction execution facility"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "facility or facilities"; and

(B) in paragraph (2), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "derivatives transaction execution facility"; and

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting "or by any electronic trading facility" after "registered by the Commission";

(ii) by inserting "or on an electronic trading facility" after "derivatives transaction execution facility" the second place it appears; and

(iii) by inserting "or electronic trading facility" before "or such board of trade" each place it appears; and

(B) in the second sentence, by inserting "or electronic trading facility with respect to a significant price discovery contract" after "registered by the Commission".

(h) Section 5a(d) of such Act (7 U.S.C. 7a(d)(1)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(2) by inserting after paragraph (3) the following:

"(4) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the derivatives transaction execution facility shall adopt position limits or position accountability for speculators, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.".

(i) Section 5c(a) of such Act (7 U.S.C. 7a-2(a)) is amended in paragraph (1) by inserting ", and section 2(h)(7) with respect to significant price discovery contracts," after ", and 5b(d)(2)".

(j) Section 5c(b) of such Act (7 U.S.C. 7a-2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract may comply with any applicable core principle through delegation of any relevant function to a registered futures association or a registered entity that is not an electronic trading facility.";

(2) in paragraph (2), by striking "contract market or derivatives transaction execution facility" and inserting "contract market, derivatives transaction execution facility, or electronic trading facility"; and

(3) in paragraph (3), by striking "contract market or derivatives transaction execution facility" each place it appears and inserting "contract market, derivatives transaction execution facility, or electronic trading facility".

(k) Section 5c(d)(1) of such Act (7 U.S.C. 7a-2(d)(1)) is amended by inserting "or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility," after "5b(d)(2)".

(l) Section 5e of such Act (7 U.S.C. 7b) is amended by inserting ", or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract," after "revocation of designation as a registered entity".

(m) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended by striking the first sentence and all that follows through "hearing on the record: Provided," and inserting the following:

"The Commission is authorized to suspend for a period not to exceed 6 months or to revoke the designation or registration of any contract market or derivatives transaction execution facility, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract, on a showing that the contract market or derivatives transaction execution facility is not enforcing or has not enforced its rules of government, made a condition of its designation or registration as set forth in sections 5 through 5b or section 5f, or that the contract market or derivatives transaction execution facility or electronic trading facility, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Commission thereunder. Such suspension or revocation shall only be made after a notice to the officers of the contract market or derivatives transaction execution facility or electronic trading facility affected and upon a hearing on the record: Provided,”.

(n) Section 22(b)(1) of such Act (7 U.S.C. 25(b)(1)) is amended by inserting “section 2(h)(7) or” before “sections 5”.

SEC. 13204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.

(b) SIGNIFICANT PRICE DISCOVERY STANDARDS RULEMAKING.—

(1) The Commodity Futures Trading Commission shall—

(A) not later than 180 days after the date of the enactment of this Act, issue a proposed rule regarding the implementation of section 2(h)(7) of the Commodity Exchange Act; and

(B) not later than 270 days after the date of enactment of this Act, issue a final rule regarding the implementation.

(2) In its rulemaking pursuant to paragraph (1) of this subsection, the Commission shall include the standards, terms, and conditions under which an electronic trading facility will have the responsibility to notify the Commission that an agreement, contract, or transaction conducted in reliance on the exemption provided in section 2(h)(3) of the Commodity Exchange Act may perform a price discovery function.

(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule issued pursuant to subsection (b)(1), the Commission shall complete a review of the agreements, contracts, and transactions of the facility not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

TITLE XIV—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 14001. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence—

(A) by striking “Agricultural Stabilization and Conservation Service, Soil Conservation Service, and Farmers Home Administration offices” and inserting “Farm Service Agency and Natural Resources Conservation Service”; and

(B) by inserting “where there has been a need demonstrated” after “include”; and

(2) by striking the second sentence.

SEC. 14002. FORECLOSURE.

(a) IN GENERAL.—Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended:

(1) by inserting “(a)” after “SEC. 331A.”; and

(2) by adding at the end the following:

“(b) MORATORIUM.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, effective beginning on the date of the enactment of this subsection, there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, B, or C, on all acceleration and foreclosure proceedings instituted by the Department of Agriculture against any farmer or rancher who—

“(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

“(B) files a claim of program discrimination that is accepted by the Department as valid.

“(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

“(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer or rancher on the earlier of—

“(A) the date the Secretary resolves the claim; or

“(B) if the farmer or rancher appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

“(4) FAILURE TO PREVAIL.—If a farmer or rancher does not prevail on a claim of discrimination described in paragraph (1), the farmer or rancher shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).”.

(b) FORECLOSURE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Agriculture (referred to in this subsection as the “Inspector General”) shall determine whether decisions of the Department to implement foreclosure proceedings with respect to farmer program loans made under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) to socially disadvantaged farmers or ranchers during the 5-year period preceding the date of the enactment of this Act were consistent and in conformity with the applicable laws (including regulations) governing loan foreclosures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).

SEC. 14003. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by adding at the end the following new subsection:

“(e) RECEIPT FOR SERVICE OR DENIAL OF SERVICE.—In any case in which a current or prospective producer or landowner, in person or in writing, requests from the Farm Service Agency, the Natural Resources Conservation Service, or an agency of the Rural Development Mission Area any benefit or service offered by the Department to agricultural producers or landowners and, at the time of the request, also requests a receipt, the Secretary shall issue, on the date of the request, a receipt to the producer or landowner that contains—

“(1) the date, place, and subject of the request; and

“(2) the action taken, not taken, or recommended to the producer or landowner.”.

SEC. 14004. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIREMENTS.—Paragraph (2) of section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)) is amended to read as follows:

“(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

“(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

“(B) to assist the Secretary in—

“(i) reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner; and

“(ii) improving the participation of those farmers and ranchers in Department programs, as reported under section 2501A.”.

(2) GRANTS AND CONTRACTS UNDER PROGRAM.—Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(A) in subparagraph (A), by striking “entity to provide information” and inserting “entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach”; and

(B) by adding at the end the following new subparagraph:

“(D) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available, an annual report that includes a list of the following:

“(i) The recipients of funds made available under the program.

“(ii) The activities undertaken and services provided.

“(iii) The number of current and prospective socially disadvantaged farmers or ranchers served and outcomes of such service.

“(iv) The problems and barriers identified by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.”.

(3) FUNDING AND LIMITATION ON USE OF FUNDS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

“(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(i) $15,000,000 for fiscal year 2009; and

“(ii) $20,000,000 for each of fiscal years 2010 through 2012.”.

(B) by adding at the end the following new subparagraph:

“(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section.”.

(b) ELIGIBLE ENTITY DEFINED.—Section 2501(e)(5)(A)(ii) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(5)(A)(ii)) is amended by striking "work with socially disadvantaged farmers or ranchers during the 2-year period" and inserting "work with, and on behalf of, socially disadvantaged farmers or ranchers during the 3-year period".

SEC. 14005. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

"(h) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers or ranchers in agricultural production.".

SEC. 14006. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

"(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

"(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

"(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

"(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

"(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

"(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

"(A) the entire United States;

"(B) each State; and

"(C) each county in each State.

"(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

"(d) LIMITATIONS ON USE OF DATA.—

"(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

"(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

"(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.".

SEC. 14007. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.

SEC. 14008. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the "Advisory Committee on Minority Farmers" (in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall provide advice to the Secretary on—

(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

(3) civil rights activities within the Department as such activities relate to participants in such programs.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

(A) not less than four socially disadvantaged farmers or ranchers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

(B) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers;

(C) not less than two civil rights professionals;

(D) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and

(E) such other persons as the Secretary considers appropriate.

(2) EX-OFFICIO MEMBERS.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee.

SEC. 14009. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking "On the return" and inserting the following:

"(a) IN GENERAL.—On the return"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

"(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

"(B) the status of implementation of each final determination; and

"(C) if the final determination has not been implemented—

"(i) the reason that the final determination has not been implemented; and

"(ii) the projected date of implementation of the final determination.

"(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).".

SEC. 14010. REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS, AND ACTIONS.

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

SEC. 14011. SENSE OF CONGRESS RELATING TO CLAIMS BROUGHT BY SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

It is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)), including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation should be resolved in an expeditious and just manner.

SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree" means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term "Pigford claim" means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term "Pigford claimant" means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application;

(iii) the date of the loan or benefit decision, as appropriate;

(iv) the location of the office making the loan or benefit decision, as appropriate;

(v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and

(vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(l) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

SEC. 14013. OFFICE OF ADVOCACY AND OUTREACH.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226A (7 U.S.C. 6933) the following:

"SEC. 226B. OFFICE OF ADVOCACY AND OUTREACH.

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) OFFICE.—The term 'Office' means the Office of Advocacy and Outreach established under this section.

"(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(b) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish within the executive operations of the Department an office to be known as the 'Office of Advocacy and Outreach'—

"(A) to improve access to programs of the Department; and

"(B) to improve the viability and profitability of—

"(i) small farms and ranches;

"(ii) beginning farmers or ranchers; and

"(iii) socially disadvantaged farmers or ranchers.

"(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

"(c) DUTIES.—The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

"(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by small, beginning, or socially disadvantaged farmers or ranchers;

"(2) assessing the effectiveness of Department outreach programs;

"(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

"(4) providing input to the agencies and offices on programmatic and policy decisions;

"(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

"(6) recommending new initiatives and programs to the Secretary; and

"(7) carrying out any other related duties that the Secretary determines to be appropriate.

"(d) SOCIALLY DISADVANTAGED FARMERS GROUP.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

"(2) OUTREACH AND ASSISTANCE.—The Socially Disadvantaged Farmers Group—

"(A) shall carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

"(B) in the case of activities described in section 2501(a) of that Act, may conduct such activities through other agencies and offices of the Department.

"(3) SOCIALLY DISADVANTAGED FARMERS AND FARMWORKERS.—The Socially Disadvantaged Farmers Group shall oversee the operations of—

"(A) the Advisory Committee on Minority Farmers established under section 14009 of the Food, Conservation, and Energy Act of 2008; and

"(B) the position of Farmworker Coordinator established under subsection (f).

"(4) OTHER DUTIES.—

"(A) IN GENERAL.—The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

“(B) OFFICE OF OUTREACH AND DIVERSITY.—The Office of Advocacy and Outreach shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

“(e) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

“(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

“(2) DUTIES.—

“(A) OVERSEE OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700-1 (August 3, 2006).

“(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

“(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102-554).

“(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

“(f) FARMWORKER COORDINATOR.—

“(1) ESTABLISHMENT.—The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the ‘Coordinator’).

“(2) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for the following:

“(A) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

“(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

“(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

“(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

“(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

“(F) Assisting farmworkers in becoming agricultural producers or landowners.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.”.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 7511(b), is further amended—

(1) in paragraph (5), by striking “; or” and inserting “;”;

(2) in paragraph (6), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B.”.

Subtitle B—Agricultural Security

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the “Agricultural Security Improvement Act of 2008”.

SEC. 14102. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term “agent” means a nuclear, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) AGRICULTURAL BIOSECURITY.—The term “agricultural biosecurity” means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—The term “agricultural countermeasure”—

(A) means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term “agricultural disease” has the meaning given the term by the Secretary.

(5) AGRICULTURAL DISEASE EMERGENCY.—The term “agricultural disease emergency” means an incident of agricultural disease that requires prompt action to prevent significant damage to people, plants, or animals.

(6) AGROTERRORIST ACT.—The term “agroterrorist act” means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed or appears to be committed with the intent to—

(i) intimidate or coerce a civilian population; or

(ii) disrupt the agricultural industry in order to influence the policy of a government by intimidation or coercion.

(7) ANIMAL.—The term “animal” has the meaning given the term in section 10403 of the Animal Health Protection Act of 2002 (7 U.S.C. 8302).

(8) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(9) DEVELOPMENT.—The term “development” means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures to protect animal health;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of in vitro and in vivo studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to an applicable agency; or

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of Federal Government approval.

(10) PLANT.—The term “plant” has the meaning given the term in section 411 of the Plant Protection Act of 2000 (7 U.S.C. 7702).

(11) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term “qualified agricultural countermeasure” means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat.

CHAPTER 1—AGRICULTURAL SECURITY

SEC. 14111. OFFICE OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established within the Department the Office of Homeland Security (in this section referred to as the “Office”).

(b) DIRECTOR.—The Office shall be headed by a Director of Homeland Security, who shall be appointed by the Secretary.

(c) RESPONSIBILITIES.—The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

(A) agricultural disease emergencies;

(B) agroterrorist acts; and

(C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

SEC. 14112. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) RELATION TO EXISTING DHS COMMUNICATION SYSTEMS.—

(1) CONSISTENCY AND COORDINATION.—The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) AVOIDING REDUNDANCIES.—Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14113. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

CHAPTER 2—OTHER PROVISIONS

SEC. 14121. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to encourage basic and applied research and the development of qualified agricultural countermeasures.

(2) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement under paragraph (1) that a grant be provided on a competitive basis if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) waiving the requirement would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 14122. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

(a) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to promote the development of teaching programs in agriculture, veterinary medicine, and disciplines closely allied to the food and agriculture system to increase the number of trained individuals with an expertise in agricultural biosecurity.

(b) ELIGIBILITY.—The Secretary may award a grant under this section only to an entity that is—

(1) an accredited school of veterinary medicine; or

(2) a department of an institution of higher education with a primary focus on—

(A) comparative medicine;

(B) veterinary science; or

(C) agricultural biosecurity.

(c) PREFERENCE.—The Secretary shall give preference in awarding grants based on the ability of an applicant—

(1) to increase the number of veterinarians or individuals with advanced degrees in food and agriculture disciplines who are trained in agricultural biosecurity practice areas;

(2) to increase research capacity in areas of agricultural biosecurity; or

(3) to fill critical agricultural biosecurity shortage situations outside of the Federal Government.

(d) USE OF FUNDS..—

(1) IN GENERAL.—Amounts received under this section shall be used by a grantee to pay—

(A) costs associated with the acquisition of equipment and other capital costs relating to the expansion of food, agriculture, and veterinary medicine teaching programs in agricultural biosecurity;

(B) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization; or

(C) other capacity and infrastructure program costs that the Secretary considers appropriate.

(2) LIMITATION.—Funds received under this section may not be used for the construction, renovation, or rehabilitation of a building or facility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

Subtitle C—Other Miscellaneous Provisions

SEC. 14201. COTTON CLASSIFICATION SERVICES.

Section 3a of the Act of March 3, 1927 (7 U.S.C. 473a), is amended to read as follows:

"SEC. 3a. COTTON CLASSIFICATION SERVICES.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall—

"(1) make cotton classification services available to producers of cotton; and

"(2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

"(b) FEES.—

"(1) USE OF FEES.—Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

"(2) ANNOUNCEMENT OF FEES.—The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

"(c) CONSULTATION.—

"(1) IN GENERAL.—In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

"(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

"(d) CREDITING OF FEES.—Any fees collected under this section and under section 3d, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

"(1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d; and

"(2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

"(e) INVESTMENT OF FUNDS.—Funds described in subsection (d) may be invested—

"(1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or

"(2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

"(f) LEASE AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this Act, if the Secretary determines that action would best effectuate the purposes of this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 14202. DESIGNATION OF STATES FOR COTTON RESEARCH AND PROMOTION.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended—

(1) by striking "(f) The term" and inserting the following:

"(f) COTTON-PRODUCING STATE.—

"(1) IN GENERAL.—The term";

(2) by striking "more, and the term" and all that follows through the end of the subsection and inserting the following: "more.

"(2) INCLUSIONS.—The term 'cotton-producing State' includes—

"(A) any combination of States described in paragraph (1); and

"(B) effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida.".

SEC. 14203. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a producer of agricultural commodities;

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities; or

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term "nurse tank" shall be considered to be a cargo tank (within the meaning of section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act).

(b) GRANT AUTHORITY.—The Secretary may make a grant to an eligible entity to enable the eligible entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a physical lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

(1) an amount not less than $40 and not more than $60, as determined by the Secretary; and

(2) the number of fertilizer nurse tanks of the eligible entity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $15,000,000 for the period of fiscal years 2008 through 2012.

SEC. 14204. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a)).

(b) GRANTS.—

(1) IN GENERAL.—To assist agricultural employers and farmworkers by improving the supply, stability, safety, and training of the agricultural labor force, the Secretary may provide grants to eligible entities for use in providing services to assist farmworkers who are citizens or otherwise legally present in the United States in securing, retaining, upgrading, or returning from agricultural jobs.

(2) ELIGIBLE SERVICES.—The services referred to in paragraph (1) include—

(A) agricultural labor skills development;

(B) the provision of agricultural labor market information;

(C) transportation;

(D) short-term housing while in transit to an agricultural worksite;

(E) workplace literacy and assistance with English as a second language;

(F) health and safety instruction, including ways of safeguarding the food supply of the United States; and

(G) such other services as the Secretary determines to be appropriate.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the funds made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14205. AMENDMENT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended—

(1) by striking the subsection heading and inserting the following:

"(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Nothing in this title shall apply to the disclosure by the financial institution of information contained in the financial records of any customer to any Government authority that certifies, disburses, or collects payments, where the disclosure of such information is necessary to, and such information is used solely for the purpose of—

"(A) verification of the identity of any person or proper routing and delivery of funds in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

"(B) the investigation or recovery of an improper Federal payment or collection of funds or an improperly negotiated Treasury check.

"(3) Notwithstanding any other provision of law, a request authorized by paragraph (1) or (2) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing information contained in the financial records of the customer to the Government authority requesting the information, and the financial institution and its agents shall be barred from redisclosure of such information. Any Government authority receiving information pursuant to paragraph (1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph.".

SEC. 14206. REPORT ON STORED QUANTITIES OF PROPANE.

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109-295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of—

(A) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(B) the number of agricultural facilities that completed the top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(C) the number of propane facilities initially determined to be high risk by the Secretary;

(D) the number of propane facilities—

(i) required to complete a security vulnerability assessment or a site security plan; or

(ii) that submit to the Secretary an alternative security program;

(E) the number of propane facilities that file an appeal of a finding under the final rule described in paragraph (1); and

(F) to the extent available, the average cost of—

(i) completing a top screen consequence assessment requirement;

(ii) completing a security vulnerability assessment; and

(iii) completing and implementing a site security plan; and

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) EDUCATIONAL OUTREACH.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

SEC. 14207. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ", if any animal in the venture was moved in interstate or foreign commerce"; and

(B) in the heading of paragraph (2), by striking "STATE" and inserting "STATE";

(2) in subsection (b)—

(A) by striking "(b) It shall be" and inserting the following:

"(b) BUYING, SELLING, DELIVERING, POSSESSING, TRAINING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be"; and

(B) by striking "transport, deliver" and all that follows through "participate" and inserting "possess, train, transport, deliver, or receive any animal for purposes of having the animal participate";

(3) in subsection (c)—

(A) by striking "(c) It shall be" and inserting the following:

"(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING OR FURTHERING ANIMAL FIGHTING VENTURE.—It shall be"; and

(B) by inserting "advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture," after "for purposes of";

(4) in subsection (d), by striking "(d) Notwithstanding" and inserting the following:

"(d) VIOLATION OF STATE LAW.—Notwithstanding";

(5) in subsection (e), by striking "(e) It shall be" and inserting the following:

"(e) BUYING, SELLING, DELIVERING, OR TRANSPORTING SHARP INSTRUMENTS FOR USE IN ANIMAL FIGHTING VENTURE.—It shall be";

(6) in subsection (f)—

(A) by striking "(f) The Secretary" and inserting the following:

"(f) INVESTIGATION OF VIOLATIONS BY SECRETARY; ASSISTANCE BY OTHER FEDERAL AGENCIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE; COSTS RECOVERABLE IN FORFEITURE OR CIVIL ACTION.—The Secretary"; and

(B) in the last sentence—

(i) by striking "by the United States";

(ii) by inserting "(1)" after "owner of the animals"; and

(iii) by striking "proceeding or in" and inserting "proceeding, or (2) in";

(7) in subsection (g)—

(A) by striking "(g) For purposes of" and inserting the following:

"(g) DEFINITIONS.—In";

(B) in paragraph (1), by striking "any event" and all that follows through "entertainment" and inserting "any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment,";

(C) by striking paragraph (2);

(D) in paragraph (5)—

(i) by striking "dog or other"; and

(ii) by striking "; and" and inserting a period; and

(E) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(8) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(9) in subsection (i) (as so redesignated), by striking "(i)(1) The provisions" and inserting the following:

"(i) CONFLICT WITH STATE LAW.—

"(1) IN GENERAL.—The provisions";

(10) in subsection (j) (as so redesignated), by striking "(j) The criminal" and inserting the following:

"(j) CRIMINAL PENALTIES.—The criminal"; and

(11) in subsection (g)(6), by striking "(6) the conduct" and inserting the following:

"(h) RELATIONSHIP TO OTHER PROVISIONS.—The conduct".

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended by striking "3 years" and inserting "5 years".

SEC. 14208. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) REPORT.—

(1) REQUIREMENT.—Not later than September 30 of each year, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on conferences sponsored or held by the Department of Agriculture or attended by employees of the Department of Agriculture.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) for each conference sponsored or held by the Department or attended by employees of the Department—

(i) the name of the conference;

(ii) the location of the conference;

(iii) the number of Department of Agriculture employees attending the conference; and

(iv) the costs (including travel expenses) relating to such conference; and

(B) for each conference sponsored or held by the Department of Agriculture for which the Department awarded a procurement contract, a description of the contracting procedures related to such conference.

(3) EXCLUSIONS.—The requirement in paragraph (1) shall not apply to any conference—

(A) for which the cost to the Federal Government was less than $10,000; or

(B) outside of the United States that is attended by the Secretary or the Secretary's designee as an official representative of the United States government.

(b) AVAILABILITY OF REPORT.—Each report submitted in accordance with subsection (a) shall be posted in a searchable format on a Department of Agriculture website that is available to the public.

(c) DEFINITION OF CONFERENCE.—In this section, the term "conference"—

(1) means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants from at least one agency of the Department of Agriculture;

(C) is held in whole or in part at a facility outside of an agency of the Department of Agriculture; and

(D) involves costs associated with travel and lodging for some participants; and

(2) does not include any training program that is continuing education or a curriculum-based educational program, provided that such training program is held independent of a conference of a non-governmental organization.

SEC. 14209. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS.

(a) PAYMENT OF EXPENSES.—Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator"; and

(2) by adding at the end the following new paragraph:

"(2) DEPARTMENT OF STATE EXPENSES.—Any expenses incurred by an employee of the Environmental Protection Agency who participates in any international technical, economic, or policy review board, committee, or other official body that is meeting in relation to an international treaty shall be paid by the Department of State.".

(b) CONTAINER RECYCLING.—Section 19(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136q(a)) is amended by adding at the end the following new paragraph:

"(4) CONTAINER RECYCLING.—The Secretary may promulgate a regulation for the return and recycling of disposable pesticide containers used for the distribution or sale of registered pesticide products in interstate commerce. Any such regulation requiring recycling of disposable pesticide containers shall not apply to antimicrobial pesticides (as defined in section 2) or other pesticide products intended for non-agricultural uses.".

SEC. 14210. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

"SEC. 18. IMPORTATION OF LIVE DOGS.

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

"(2) RESALE.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

"(A) is in good health;

"(B) has received all necessary vaccinations; and

"(C) is at least 6 months of age, if imported for resale.

"(2) EXCEPTION.—

"(A) IN GENERAL.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

"(i) research purposes; or

"(ii) veterinary treatment.

"(B) LAWFUL IMPORTATION INTO HAWAII.—Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

"(c) IMPLEMENTATION AND REGULATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

"(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

"(1) be subject to penalties under section 19; and

"(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 14211. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture shall permanently debar an individual, organization, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

(b) EXCEPTIONS.—

(1) SECRETARY DETERMINATION.—The Secretary may reduce a debarment under subsection (a) to a period of not less than 10 years if the Secretary considers it appropriate.

(2) FOOD ASSISTANCE.—A debarment under subsection (a) shall not apply with respect to participation in domestic food assistance programs (as defined by the Secretary).

SEC. 14212. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) TEMPORARY PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) LIMITATION ON CLOSURE; NOTICE.—

(1) LIMITATION.—After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) NOTICE.—After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

SEC. 14213. USDA GRADUATE SCHOOL.

(a) IN GENERAL.—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended—

(1) in the heading, to read as follows:

"SEC. 921. DEPARTMENT OF AGRICULTURE EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES."; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—

"(1) CEASE OPERATIONS.—Not later than October 1, 2009, the Secretary of Agriculture shall cease to maintain or operate a nonappropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, non-profit organizations, other entities, and members of the general public.

"(2) TRANSITION.—

"(A) IN GENERAL.—The Secretary of Agriculture is authorized to use funds available to the Department of Agriculture and such resources of the Department as the Secretary considers appropriate (including the assignment of such employees of the Department as the Secretary considers appropriate) to assist the General Administrative Board of the Graduate School in the conversion of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, including such privatization activities not otherwise inconsistent with law or regulation.

"(B) TERMINATION OF AUTHORITY.—The authority under paragraph (1) shall terminate on the earlier of—

"(i) the completion of the transition of the Graduate School to an entity that is nongovernmental and not a nonappropriated fund instrumentality of the United States, as determined by the Secretary; or

"(ii) September 30, 2009.".

(b) PROCUREMENT PROCEDURES.—Notwithstanding the amendments made by subsection (a), effective on the date of the enactment of this Act, the Graduate School of the Department of Agriculture shall be subject to Federal procurement laws and regulations in the same manner and subject to the same requirements as a private entity providing services to the Federal Government.

SEC. 14214. FINES FOR VIOLATIONS OF THE ANIMAL WELFARE ACT.

Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended in the first sentence by striking "not more than $2,500 for each such violation" and inserting "not more than $10,000 for each such violation".

SEC. 14215. DEFINITION OF CENTRAL FILING SYSTEM.

Section 1324(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(2)) is amended—

(1) in subparagraph (C)(ii)(II), by inserting after "such debtors" the following: ", except that the numerical list containing social security or taxpayer identification numbers may be encrypted for security purposes if the Secretary of State provides a method by which an effective search of the encrypted numbers may be conducted to determine whether the farm product at issue is subject to 1 or more liens"; and

(2) in subparagraph (E)—

(A) by striking "paragraph (C)" and inserting "subparagraph (C)"; and

(B) by inserting before the semicolon at the end the following: "except that—

"(i) the distribution of the portion of the master list may be in electronic, written, or printed form; and

"(ii) if social security or taxpayer identification numbers on the master list are encrypted, the Secretary of State may distribute the master list only—

"(I) by compact disc or other electronic media that contains—

"(aa) the recorded list of debtor names; and

"(bb) an encryption program that enables the buyer, commission merchant, and selling agent to enter a social security number for matching against the recorded list of encrypted social security or taxpayer identification numbers; and

"(II) on the written request of the buyer, commission merchant, or selling agent, by paper copy of the list to the requestor".

SEC. 14216. CONSIDERATION OF PROPOSED RECOMMENDATIONS OF STUDY ON USE OF CATS AND DOGS IN FEDERAL RESEARCH.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) review—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federally supported research to determine how frequently such dogs and cats are used in research by the National Institutes of Health; and

(B) any recommendations proposed by such panel outlining the parameters of such use; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraph (1)(B) can be applied within the Department of Agriculture to ensure such dogs and cats are treated in accordance with regulations of the Department of Agriculture.

(b) CLASS B DOGS AND CATS DEFINED.—In this section, the term "Class B dogs and cats" means dogs and cats obtained from a Class "B" licensee, as such term is defined in section 1.1 of title 9, Code of Federal Regulations.

SEC. 14217. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

"Subtitle V—Regional Economic and Infrastructure Development

"Chapter ....
"151. GENERAL PROVISIONS 15101
"153. REGIONAL COMMISSIONS 15301
"155. FINANCIAL ASSISTANCE 15501
"157. ADMINISTRATIVE PROVISIONS 15701

"CHAPTER 1—GENERAL PROVISIONS

"Sec.
"15101. Definitions.

"§ 15101. Definitions

"In this subtitle, the following definitions apply:

"(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

"(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

"(A)(i) is an economic development district that is—

"(I) in existence on the date of the enactment of this chapter; and

"(II) located in the region; or

"(ii) if an entity described in clause (i) does not exist—

"(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

"(II) is governed by a policy board with at least a simple majority of members consisting of—

"(aa) elected officials; or

"(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

"(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

"(B) has not, as certified by the Federal Cochairperson—

"(i) inappropriately used Federal grant funds from any Federal source; or

"(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

"(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

"(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

"CHAPTER 2—REGIONAL COMMISSIONS

"Sec.
"15301. Establishment, membership, and employees.
"15302. Decisions.
"15303. Functions.
"15304. Administrative powers and expenses.
"15305. Meetings.
"15306. Personal financial interests.
"15307. Tribal participation.
"15308. Annual report.

"§ 15301. Establishment, membership, and employees

"(a) ESTABLISHMENT.—There are established the following regional Commissions:

"(1) The Southeast Crescent Regional Commission.

"(2) The Southwest Border Regional Commission.

"(3) The Northern Border Regional Commission.

"(b) MEMBERSHIP.—

"(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

"(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

"(B) The Governor of each participating State in the region of the Commission.

"(2) ALTERNATE MEMBERS.—

"(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

"(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

"(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

"(3) COCHAIRPERSONS.—A Commission shall be headed by—

"(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

"(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

"(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

“(c) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

“(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson’s alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

“(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

“(d) EXECUTIVE DIRECTOR AND STAFF.—

“(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

“(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

“§15302. Decisions

“(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

“(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

“(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

“(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

“(2) a State alternate member shall not be counted toward the establishment of a quorum.

“(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

“§15303. Functions

“A Commission shall—

“(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

“(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

“(3) not later than one year after the date of the enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

“(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

“(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

“(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

“(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

“§15304. Administrative powers and expenses

“(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

“(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

“(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

“(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

“(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

“(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

“(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

“(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with a Commission; and

“(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(c) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

“(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

“(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

“(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

“(3) STATE SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

“(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

“(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State’s share of administrative expenses of the Commission under this subsection—

“(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

“(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

“(4) EFFECT ON ASSISTANCE.—A State’s share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

“§15305. Meetings

“(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

“(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

“(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

“§15306. Personal financial interests

“(a) CONFLICTS OF INTEREST.—

“(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

"(A) The individual.

"(B) The individual's spouse, minor child, or partner.

"(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

"(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

"(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

"(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

"(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

"(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

"(c) DETAILED EMPLOYEES.—

"(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

"(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

"(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

"(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

"§15307. Tribal participation

"Governments of Indian tribes in the region of the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

"§15308. Annual report

"(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

"(b) CONTENTS.—The report shall include—

"(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

"(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

"(3) any policy recommendations approved by the Commission.

"CHAPTER 3—FINANCIAL ASSISTANCE

"Sec.

"15501. Economic and infrastructure development grants.

"15502. Comprehensive economic and infrastructure development plans.

"15503. Approval of applications for assistance.

"15504. Program development criteria.

"15505. Local development districts and organizations.

"15506. Supplements to Federal grant programs.

"§15501. Economic and infrastructure development grants

"(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

"(1) to develop the transportation infrastructure of its region;

"(2) to develop the basic public infrastructure of its region;

"(3) to develop the telecommunications infrastructure of its region;

"(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

"(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

"(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

"(7) to promote the development of renewable and alternative energy sources; and

"(8) to otherwise achieve the purposes of this subtitle.

"(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

"(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

"(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

"(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

"(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

"(A) the project or activity involves 3 or more counties or more than one State; and

"(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

"(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

"(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

"§15502. Comprehensive economic and infrastructure development plans

"(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

"(1) consult with local development districts, local units of government, and local colleges and universities; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

"§15503. Approval of applications for assistance

"(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

"(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

"(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

"(2) meets applicable criteria under section 15504;

"(3) adequately ensures that the project will be properly administered, operated, and maintained; and

"(4) otherwise meets the requirements for assistance under this subtitle.

"(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

"§15504. Program development criteria

"In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment and outmigration rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"§15505. Local development districts and organizations

"(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

"(b) CONDITIONS FOR GRANTS.—

"(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

"(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

"(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level;

"(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

"(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

"(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

"§15506. Supplements to Federal grant programs

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

"(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

"(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

"(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

"(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

"(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 4—ADMINISTRATIVE PROVISIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec. 15701. Consent of States.
"Sec. 15702. Distressed counties and areas.
"Sec. 15703. Counties eligible for assistance in more than one region.
"Sec. 15704. Inspector General; records.
"Sec. 15705. Biannual meetings of representatives of all Commissions.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"Sec. 15731. Southeast Crescent Regional Commission.
"Sec. 15732. Southwest Border Regional Commission.
"Sec. 15733. Northern Border Regional Commission.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"Sec. 15751. Authorization of appropriations.

"SUBCHAPTER I—GENERAL PROVISIONS

"§15701. Consent of States

"This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§15702. Distressed counties and areas

"(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, each Commission shall make the following designations:

"(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

"(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

"(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

"(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

"(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(c) ATTAINMENT COUNTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

"(2) EXCEPTIONS.—

"(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

"(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

"(i) a multicounty project that includes participation by an attainment county; and

"(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

"(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

"(A) by the most recent Federal data available; or

"(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§15703. Counties eligible for assistance in more than one region

"(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

"(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

"(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

"(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

"(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

"(b) RECORDS OF A COMMISSION.—

"(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

"(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

"(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

"(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

"(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

"(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

"(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Southeast Crescent Regional Commission

"The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

"§ 15732. Southwest Border Regional Commission

"The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

"(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

"(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

"(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

"(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15733. Northern Border Regional Commission

"The region of the Northern Border Regional Commission shall include the following counties:

"(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

"(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

"(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

"(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§ 15751. Authorization of appropriations

"(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.".

(b) CLERICAL AMENDMENT TO TABLE OF SUBTITLES.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

"V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
"VI. MISCELLANEOUS .... 17101".

(c) CONFORMING AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the President of the Export-Import Bank;" and inserting "the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;"; and

(2) in paragraph (2), by striking "or the Export-Import Bank," and inserting "the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,".

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 14218. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the "Coordinator"), to be located in the Rural Development Mission Area.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 14219. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

"(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

SEC. 14220. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

In addition to any other authority, the Secretary of Agriculture may make available to an organization excess or surplus computers or other technical equipment of the Department of Agriculture for the purposes of distribution to a city, town, or local government entity in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act).

SEC. 14221. REPEAL OF SECTION 3068 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007.

Effective upon the date of enactment of this Act, section 3068 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1123), and the item relating to section 3068 in the table of contents of that Act, are repealed.

SEC. 14222. DOMESTIC FOOD ASSISTANCE PROGRAMS.

(a) DEFINITION OF SECTION 32.—In this section, the term "section 32" means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) TRANSFER TO FOOD AND NUTRITION SERVICE.—

(1) IN GENERAL.—Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) MAXIMUM AMOUNT.—The maximum amount calculated under this paragraph for a fiscal year is the sum of—

(A)(i) in the case of fiscal year 2009, $1,173,000,000;

(ii) in the case of fiscal year 2010, $1,199,000,000;

(iii) in the case of fiscal year 2011, $1,215,000,000;

(iv) in the case of fiscal year 2012, $1,231,000,000;

(v) in the case of fiscal year 2013, $1,248,000,000;

(vi) in the case of fiscal year 2014, $1,266,000,000;

(vii) in the case of fiscal year 2015, $1,284,000,000;

(viii) in the case of fiscal year 2016, $1,303,000,000;

(ix) in the case of fiscal year 2017, $1,322,000,000; and

(x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) FRESH FRUIT AND VEGETABLE PROGRAM.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act the amounts specified in subsection (i) of that section.

(d) WHOLE GRAIN PRODUCTS.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 4305 $4,000,000 for fiscal year 2009.

(e) MAINTENANCE OF FUNDING.—The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act;

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(3) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036).

SEC. 14223. TECHNICAL CORRECTION.

Section 923(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a(1)(B)) is amended by striking "as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))" and inserting "as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5))".

TITLE XV—TRADE AND TAX PROVISIONS

SEC. 15001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Heartland, Habitat, Harvest, and Horticulture Act of 2008".

(b) AMENDMENTS TO 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Supplemental Agricultural Disaster Assistance From the Agricultural Disaster Relief Trust Fund

SEC. 15101. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

"SEC. 901. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

"(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)), the actual production history for the eligible producer without regard to any yields established under that section;

"(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B) of that Act, the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B) of that Act; and

"(C) in all other cases, the actual production history of the eligible producer on a farm.

"(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

"(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

"(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

"(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

"(5) DISASTER COUNTY.—

"(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term 'disaster county' includes—

"(i) a county contiguous to a county described in subparagraph (A); and

"(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(6) ELIGIBLE PRODUCER ON A FARM.—

"(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

"(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

"(i) a citizen of the United States;

"(ii) a resident alien;

"(iii) a partnership of citizens of the United States; or

"(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

"(7) FARM.—

"(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

"(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

"(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

"(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

"(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(10) LIVESTOCK.—The term 'livestock' includes—

"(A) cattle (including dairy cattle);

"(B) bison;

"(C) poultry;

"(D) sheep;

"(E) swine;

"(F) horses; and

"(G) other livestock, as determined by the Secretary.

"(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

"(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(16) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902.

"(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

"(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

"(2) AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

"(i) the disaster assistance program guarantee, as described in paragraph (3); and

"(ii) the total farm revenue for a farm, as described in paragraph (4).

"(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

"(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

"(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

"(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

"(aa) the adjusted actual production history yield; or

"(bb) the counter-cyclical program payment yield for each crop; and

"(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

"(III) the payment yield for the commodity that is equal to the higher of—

"(aa) the adjusted noninsured crop assistance program yield guarantee; or

"(bb) the counter-cyclical program payment yield for each crop.

"(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

"(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

"(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

"(4) FARM REVENUE.—

"(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

"(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

"(I) the actual crop acreage harvested by an eligible producer on a farm;

"(II) the estimated actual yield of the crop production; and

"(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

"(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

"(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

"(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

"(v) the amount of payments for prevented planting on a farm;

"(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

"(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

"(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

"(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

"(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

"(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

"(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

"(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

"(A) the product obtained by multiplying—

"(i) the greatest of—

"(I) the adjusted actual production history yield of the eligible producer on a farm; and

"(II) the counter-cyclical program payment yield;

"(ii) the acreage planted or prevented from being planted for each crop; and

"(iii) 100 percent of the insurance price guarantee; and

"(B) the product obtained by multiplying—

"(i) 100 percent of the adjusted noninsured crop assistance program yield; and

"(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

"(c) LIVESTOCK INDEMNITY PAYMENTS.—

"(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

"(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

"(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED LIVESTOCK.—

"(i) IN GENERAL.—The term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

"(I) owned;

"(II) leased;

"(III) purchased;

"(IV) entered into a contract to purchase;

"(V) is a contract grower; or

"(VI) sold or otherwise disposed of due to qualifying drought conditions during—

"(aa) the current production year; or

"(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

"(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

"(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

"(C) ELIGIBLE LIVESTOCK PRODUCER.—

"(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

"(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

"(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

"(III) certifies grazing loss; and

"(IV) meets all other eligibility requirements established under this subsection.

"(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

"(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

"(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

"(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

"(A) a drought condition, as described in paragraph (3); or

"(B) fire, as described in paragraph (4).

"(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

"(A) ELIGIBLE LOSSES.—

"(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

"(I) is native or improved pastureland with permanent vegetative cover; or

"(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

"(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(B) MONTHLY PAYMENT RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

"(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

"(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

"(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

"(C) MONTHLY FEED COST.—

"(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

"(I) 30 days;

"(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

"(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

"(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

"(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

"(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

"(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

"(I) the higher of—

"(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

"(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

"(II) 56.

"(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

"(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

"(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

"(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

"(ii) DROUGHT INTENSITY.—

"(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

"(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

"(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

"(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

"(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

"(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

"(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

"(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

"(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

"(C) PAYMENT DURATION.—

"(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

"(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

"(II) ending on the last day of the Federal lease of the eligible livestock producer.

"(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

"(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

"(i) obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the grazing land incurring the losses for which assistance is being requested; or

"(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

"(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

"(i) waive subparagraph (A); and

"(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(D) EQUITABLE RELIEF.—

"(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

"(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

"(6) NO DUPLICATIVE PAYMENTS.—

"(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

"(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

"(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

"(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

"(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

"(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

"(f) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

"(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

"(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

"(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act); or

"(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

"(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

"(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

"(A) waive paragraph (1); and

"(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(5) EQUITABLE RELIEF:—

"(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

"(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

"(h) PAYMENT LIMITATIONS.—

"(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

"(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) or any successor provision shall apply with respect to assistance provided under this section.

"(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

"(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

"(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

"SEC. 902. AGRICULTURAL DISASTER RELIEF TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agricultural Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFER TO TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Agricultural Disaster Relief Trust Fund amounts equivalent to 3.08 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2011 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

"(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agricultural Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) LIMITATION ON TRANSFERS TO AGRICULTURAL DISASTER RELIEF TRUST FUND.—No amount may be appropriated to the Agricultural Disaster Relief Trust Fund on and after the date of any expenditure from the Agricultural Disaster Relief Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(c) ADMINISTRATION.—

"(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agricultural Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 4 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(2) INVESTMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agricultural Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agricultural Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agricultural Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901 or section 531 of the Federal Crop Insurance Act (as such sections are in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008).

"(e) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agricultural Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Agricultural Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

"(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

"(ii) compounded annually.

"SEC. 903. JURISDICTION.

"Legislation in the Senate of the United States amending section 901 or 902 shall be referred to the Committee on Finance of the Senate.".

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 901 of the Trade Act of 1974 (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

"Sec. 901. Supplemental agricultural disaster assistance.
"Sec. 902. Agricultural Disaster Relief Trust Fund.
"Sec. 903. Jurisdiction.".

Subtitle B—Revenue Provisions for Agriculture Programs

SEC. 15201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "December 27, 2014" and inserting "November 14, 2017".

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "December 27, 2014" and inserting "September 30, 2017".

(c) TIME FOR REMITTING CERTAIN COBRA FEES.—Notwithstanding any other provision of law, any fees authorized under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (1) through (8)) with respect to customs services provided on or after July 1, 2017, and before September 20, 2017, shall be paid not later than September 25, 2017.

(d) TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2017, and before November 15, 2017, shall be paid not later than September 25, 2017, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2016, and before November 15, 2016, as determined by the Secretary of the Treasury.

(2) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—Not later than December 15, 2017, the Secretary of the Treasury shall reconcile the fees paid pursuant to paragraph (1) with the fees for services actually provided on or after October 1, 2017, and before November 15, 2017, and shall refund with interest any overpayment of such fees and make proper adjustments with respect to any underpayment of such fees. No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2016, and before November 15, 2016.

SEC. 15202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

Subtitle C—Tax Provisions

PART I—CONSERVATION

Subpart A—Land and Species Preservation Provisions

SEC. 15301. EXCLUSION OF CONSERVATION RESERVE PROGRAM PAYMENTS FROM SECA TAX FOR CERTAIN INDIVIDUALS.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting ", and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223 of the Social Security Act" after "crop shares".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1) of the Social Security Act is amended by inserting ", and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223" after "crop shares".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2007.

SEC. 15302. TWO-YEAR EXTENSION OF SPECIAL RULE ENCOURAGING CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Section 170(b)(1)(E)(vi) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(2) CORPORATIONS.—Section 170(b)(2)(B)(iii) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 15303. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) (relating to definitions) is amended by inserting after the first sentence the following new sentence: "Such term shall include expenditures paid or incurred for the purpose of achieving site-specific management actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.".

(2) CONFORMING AMENDMENTS.—

(A) Section 175 is amended by inserting ", or for endangered species recovery" after "prevention of erosion of land used in farming" each place it appears in subsections (a) and (c).

(B) The heading of section 175 is amended by inserting "; **ENDANGERED SPECIES RECOVERY EXPENDITURES**" before the period.

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 is amended by inserting "; endangered species recovery expenditures" before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) (relating to additional limitations) is amended—

(1) in the heading of subparagraph (A), by inserting "OR ENDANGERED SPECIES RECOVERY PLAN" after "CONSERVATION PLAN", and

(2) in subparagraph (A)(i), by inserting "or the recovery plan approved pursuant to the Endangered Species Act of 1973" after "Department of Agriculture".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2008.

Subpart B—Timber Provisions

SEC. 15311. TEMPORARY REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by adding after subsection (a) the following new subsection:

"(b) SPECIAL RATE FOR QUALIFIED TIMBER GAINS.—

"(1) IN GENERAL.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and beginning on or before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

"(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

"(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

"(i) 15 percent of the least of—

"(I) qualified timber gain,

"(II) net capital gain, or

"(III) taxable income, plus

"(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

"(2) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(B) the sum of the taxpayer's losses described in such subsections for such year.

For purposes of subparagraphs (A) and (B), only timber held more than 15 years shall be taken into account.

"(3) COMPUTATION FOR TAXABLE YEARS IN WHICH RATE FIRST APPLIES OR ENDS.—In the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

"(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the year after such date, and

"(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the year on or before such later date.".

(b) MINIMUM TAX.—Subsection (b) of section 55 is amended by adding at the end the following paragraph:

"(4) MAXIMUM RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.—In the case of any taxable year to which section 1201(b) applies, the amount determined under clause (i) of subparagraph (B) shall not exceed the sum of—

"(A) 20 percent of so much of the taxable excess (if any) as exceeds the qualified timber gain (or, if less, the net capital gain), plus

"(B) 15 percent of the taxable excess in excess of the amount on which a tax is determined under subparagraph (A).

Any term used in this paragraph which is also used in section 1201 shall have the meaning given such term by such section, except to the extent such term is subject to adjustment under this part.".

(c) CONFORMING AMENDMENT.—Section 857(b)(3)(A)(ii) is amended by striking "rate" and inserting "rates".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment.

SEC. 15312. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

"(H) TREATMENT OF TIMBER GAINS.—

"(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

"(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

"(II) recognized under section 631(b); or

"(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

"(ii) SPECIAL RULES.—

"(I) For purposes of this subtitle, cut timber, the gain from which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

"(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

"(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.".

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means, with respect to any taxpayer, the last day of the taxpayer's first taxable year beginning after the date of the enactment of this paragraph and before the date that is 1 year after such date of enactment.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15313. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking "and" at the end of subparagraph (G), by inserting "and" at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

"(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;".

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.".

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15314. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting "(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)" after "REIT subsidiaries".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15315. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of the sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

"(I) by substituting '2 years' for '4 years' in clause (i), and

"(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

"(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.".

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting ", or, in the case of a sale on or before the termination date, a taxable REIT subsidiary" after "any income".

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through the application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.".

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' has the meaning given such term by section 856(c)(8).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15316. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. Qualified forestry conservation bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a qualified forestry conservation bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(e).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. QUALIFIED FORESTRY CONSERVATION BONDS.

"(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified forestry conservation purposes,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

"(d) ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

"(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

"(e) QUALIFIED FORESTRY CONSERVATION PURPOSE.—For purposes of this section, the term 'qualified forestry conservation purpose' means the acquisition by a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

"(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

"(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be conveyed to a State.

"(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

"(4) The amount of acreage acquired must be at least 40,000 acres.

"(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)).

"(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).

"(h) ELECTION TO TREAT 50 PERCENT OF BOND ALLOCATION AS PAYMENT OF TAX.—

"(1) IN GENERAL.—If—

"(A) a qualified issuer receives an allocation of any portion of the national qualified forestry conservation bond limitation described in subsection (c), and

"(B) the qualified issuer elects the application of this subsection with respect to such allocation,

then the qualified issuer (without regard to whether the issuer is subject to tax under this chapter) shall be treated as having made a payment against the tax imposed by this chapter, for the taxable year preceding the taxable year in which the allocation is received, in an amount equal to 50 percent of the amount of such allocation.

"(2) TREATMENT OF DEEMED PAYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the qualified issuer but shall refund such payment to such issuer.

"(B) NO INTEREST.—Except as provided in paragraph (3)(A), the payment described in paragraph (1) shall not be taken into account in determining any amount of interest under this title.

"(3) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

"(A) REQUIREMENT.—No election under this subsection shall take effect unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for 1 or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

"(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

"(i) the issuer may issue no bonds pursuant to the allocation, and

"(ii) the Secretary may not reallocate such allocation for any other purpose.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**".

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(6) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by striking "or 6428 or 53(e)" and inserting ", 53(e), 54B(h), or 6428".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—ENERGY PROVISIONS

Subpart A—Cellulosic Biofuel

SEC. 15321. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (1), by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic biofuel producer credit.".

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

"(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

"(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

"(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

"(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2013.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(H)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking "and every person" and inserting ", every person", and

(ii) by inserting ", and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))" after "section 6426(b)(4)(A))".

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting ", etc.," after "Alcohol".

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production)" after "15,000,000 gallons".

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 15322. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and forest products,

(G) exports and imports of grains and forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by this subpart on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subpart B—Revenue Provisions

SEC. 15331. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking "through 2010" in the first column and inserting ", 2006, 2007, or 2008",

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

"2009 through 2010. 45 cents .... 33.33 cents.".

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

"(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

"(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking "the applicable amount is 51 cents" and inserting "the applicable amount is—

"(i) in the case of calendar years beginning before 2009, 51 cents, and

"(ii) in the case of calendar years beginning after 2008, 45 cents.".

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

"(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'."

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 15332. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 15333. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "1/1/2009" and inserting "1/1/2011".

SEC. 15334. LIMITATIONS ON DUTY DRAWBACK ON CERTAIN IMPORTED ETHANOL.

(a) IN GENERAL.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULES FOR ETHYL ALCOHOL.—For purposes of this subsection, any duty paid under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to—

(1) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 2008; and

(2) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, before October 1, 2008, if a duty drawback claim is filed with respect to such imports on or after October 1, 2010.

PART III—AGRICULTURAL PROVISIONS

SEC. 15341. INCREASE IN LOAN LIMITS ON AGRICULTURAL BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 147(c)(2) (relating to exception for first-time farmers) is amended by striking "$250,000" and inserting "$450,000".

(b) INFLATION ADJUSTMENT.—Section 147(c)(2) is amended by adding at the end the following new subparagraph:

"(H) ADJUSTMENTS FOR INFLATION.—In the case of any calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(c) MODIFICATION OF SUBSTANTIAL FARMLAND DEFINITION.—Section 147(c)(2)(E) (defining substantial farmland) is amended by striking "unless" and all that follows through the period and inserting "unless such parcel is smaller than 30 percent of the median size of a farm in the county in which such parcel is located.".

(d) CONFORMING AMENDMENT.—Section 147(c)(2)(C)(i)(II) is amended by striking "$250,000" and inserting "the amount in effect under subparagraph (A)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 15342. ALLOWANCE OF SECTION 1031 TREATMENT FOR EXCHANGES INVOLVING CERTAIN MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULES FOR MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.—For purposes of subsection (a)(2)(B), the term 'stocks' shall not include shares in a mutual ditch, reservoir, or irrigation company if at the time of the exchange—

"(1) the mutual ditch, reservoir, or irrigation company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage of its income that is collected from its members for the purpose of meeting losses and expenses), and

"(2) the shares in such company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SEC. 15343. AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45O. AGRICULTURAL CHEMICALS SECURITY CREDIT.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

"(b) FACILITY LIMITATION.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

"(1) $100,000, reduced by

"(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

"(c) ANNUAL LIMITATION.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

"(d) QUALIFIED CHEMICAL SECURITY EXPENDITURE.—For purposes of this section, the term 'qualified chemical security expenditure' means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

"(1) employee security training and background checks,

"(2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,

"(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,

"(4) protection of the perimeter of specified agricultural chemicals,

"(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,

"(6) implementation of measures to increase computer or computer network security,

"(7) conducting a security vulnerability assessment,

"(8) implementing a site security plan, and

"(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

"(e) ELIGIBLE AGRICULTURAL BUSINESS.—For purposes of this section, the term 'eligible agricultural business' means any person in the trade or business of—

"(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or

"(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

"(f) SPECIFIED AGRICULTURAL CHEMICAL.—For purposes of this section, the term 'specified agricultural chemical' means—

"(1) any fertilizer commonly used in agricultural operations which is listed under—

"(A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,

"(B) section 101 of part 172 of title 49, Code of Federal Regulations, or

"(C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

"(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

"(g) CONTROLLED GROUPS.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

"(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

"(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

"(i) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2012.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

"(f) CREDIT FOR SECURITY OF AGRICULTURAL CHEMICALS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Agricultural chemicals security credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 15344. 3-YEAR DEPRECIATION FOR RACE HORSES THAT ARE 2-YEARS OLD OR YOUNGER.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) (relating to 3-year property) is amended to read as follows:

"(i) any race horse—

"(I) which is placed in service before January 1, 2014, and

"(II) which is placed in service after December 31, 2013, and which is more than 2 years old at the time such horse is placed in service by such purchaser,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2008.

SEC. 15345. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to the Kansas disaster area in addition to the areas to which such provisions otherwise apply:

(1) Section 1400N(d) of such Code (relating to special allowance for certain property).

(2) Section 1400N(e) of such Code (relating to increase in expensing under section 179).

(3) Section 1400N(f) of such Code (relating to expensing for certain demolition and clean-up costs).

(4) Section 1400N(k) of such Code (relating to treatment of net operating losses attributable to storm losses).

(5) Section 1400N(n) of such Code (relating to treatment of representations regarding income eligibility for purposes of qualified rental project requirements).

(6) Section 1400N(o) of such Code (relating to treatment of public utility property disaster losses).

(7) Section 1400Q of such Code (relating to special rules for use of retirement funds).

(8) Section 1400R(a) of such Code (relating to employee retention credit for employers).

(9) Section 1400S(b) of such Code (relating to suspension of certain limitations on personal casualty losses).

(10) Section 405 of the Katrina Emergency Tax Relief Act of 2005 (relating to extension of replacement period for nonrecognition of gain).

(b) KANSAS DISASTER AREA.—For purposes of this section, the term "Kansas disaster area" means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such storms and tornados.

(c) REFERENCES TO AREA OR LOSS.—

(1) AREA.—Any reference in such provisions to the Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to the Kansas disaster area.

(2) LOSS.—Any reference in such provisions to any loss or damage attributable to Hurricane Katrina shall be treated as a reference to any loss or damage attributable to the May 4, 2007, storms and tornados.

(d) REFERENCES TO DATES, ETC.—

(1) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(2) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(4) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(5) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "May 4, 2007" for "August 28, 2005" in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) disregarding clauses (ii) and (iii) of subsection (a)(4)(A),

(E) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(F) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(G) by substituting "the Kansas disaster area (as defined in section 15345(b) of the Food, Conservation, and Energy Act of 2008) but which was not so purchased or constructed on account of the May 4, 2007, storms and tornados" for "the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina" in subsection (b)(2)(B)(iii),

(H) by substituting "beginning on May 4, 2007, and ending on the date which is 5 months after the date of the enactment of the Heartland, Habitat, Harvest, and Horticulture Act of 2008" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(I) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(J) by substituting "December 31, 2008" for "December 31, 2006" in subsection (c)(2)(A),

(K) by substituting "beginning on the date of the enactment of the Food, Conservation, and Energy Act of 2008 and ending on December 31, 2008" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(L) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(M) by substituting "January 1, 2009" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(6) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(7) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(8) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007" for "on or after August 25, 2005".

SEC. 15346. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

"(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section,

"(2) is requested by the recipient of the competitive certification award, and

"(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

PART IV—OTHER REVENUE PROVISIONS

SEC. 15351. LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 461 (relating to general rule for taxable year of deduction) is amended by adding at the end the following new subsection:

"(j) LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.—

"(1) LIMITATION.—If a taxpayer other than a C corporation receives any applicable subsidy for any taxable year, any excess farm loss of the taxpayer for the taxable year shall not be allowed.

"(2) DISALLOWED LOSS CARRIED TO NEXT TAXABLE YEAR.—Any loss which is disallowed under paragraph (1) shall be treated as a deduction of the taxpayer attributable to farming businesses in the next taxable year.

"(3) APPLICABLE SUBSIDY.—For purposes of this subsection, the term 'applicable subsidy' means—

"(A) any direct or counter-cyclical payment under title I of the Food, Conservation, and Energy Act of 2008, or any payment elected to be received in lieu of any such payment, or

"(B) any Commodity Credit Corporation loan.

"(4) EXCESS FARM LOSS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess farm loss' means the excess of—

"(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to farming businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

"(ii) the sum of—

"(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such farming businesses, plus

"(II) the threshold amount for the taxable year.

"(B) THRESHOLD AMOUNT.—

"(i) IN GENERAL.—The term 'threshold amount' means, with respect to any taxable year, the greater of—

"(I) $300,000 ($150,000 in the case of married individuals filing separately), or

"(II) the excess (if any) of the aggregate amounts described in subparagraph (A)(ii)(I) for the 5-consecutive taxable year period preceding the taxable year over the aggregate amounts described in subparagraph (A)(i) for such period.

"(ii) SPECIAL RULES FOR DETERMINING AGGREGATE AMOUNTS.—For purposes of clause (i)(II)—

"(I) notwithstanding the disregard in subparagraph (A)(i) of any disallowance under paragraph (1), in the case of any loss which is carried forward under paragraph (2) from any taxable year, such loss (or any portion thereof) shall be taken into account for the first taxable year in which a deduction for such loss (or portion) is not disallowed by reason of this subsection, and

"(II) the Secretary shall prescribe rules for the computation of the aggregate amounts described in such clause in cases where the filing status of the taxpayer is not the same for the taxable year and each of the taxable years in the period described in such clause.

"(C) FARMING BUSINESS.—

"(i) IN GENERAL.—The term 'farming business' has the meaning given such term in section 263A(e)(4).

"(ii) CERTAIN TRADES AND BUSINESSES INCLUDED.—If, without regard to this clause, a taxpayer is engaged in a farming business with respect to any agricultural or horticultural commodity—

"(I) the term 'farming business' shall include any trade or business of the taxpayer of the processing of such commodity (without regard to whether the processing is incidental to the growing, raising, or harvesting of such commodity), and

"(II) if the taxpayer is a member of a cooperative to which subchapter T applies, any trade or business of the cooperative described in subclause (I) shall be treated as the trade or business of the taxpayer.

"(D) CERTAIN LOSSES DISREGARDED.—For purposes of subparagraph (A)(i), there shall not be taken into account any deduction for any loss arising by reason of fire, storm, or other casualty, or by reason of disease or drought, involving any farming business.

"(5) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

"(A) this subsection shall be applied at the partner or shareholder level, and

"(B) each partner's or shareholder's proportionate share of the items of income, gain, or deduction of the partnership or S corporation for any taxable year from farming businesses attributable to the partnership or S corporation, and of any applicable subsidies received by the partnership or S corporation during the taxable year, shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

The Secretary may provide rules for the application of this paragraph to any other pass-thru entity to the extent necessary to carry out the provisions of this subsection.

"(6) ADDITIONAL REPORTING.—The Secretary may prescribe such additional reporting requirements as the Secretary determines appropriate to carry out the purposes of this subsection.

"(7) COORDINATION WITH SECTION 469.—This subsection shall be applied before the application of section 469.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 15352. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (17) of section 1402(a) is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 1402 is amended by adding at the end the following new subsection:

"(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

"(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (16) of section 211(a) of the Social Security Act is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

"(k) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

"(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking "For" and inserting "Except as provided in subsection (c), for"; and

(B) by adding at the end the following new subsection:

"(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(16) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 15353. INFORMATION REPORTING FOR COMMODITY CREDIT CORPORATION TRANSACTIONS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039I the following new section:

"SEC. 6039J. INFORMATION REPORTING WITH RESPECT TO COMMODITY CREDIT CORPORATION TRANSACTIONS.

"(a) REQUIREMENT OF REPORTING.—The Commodity Credit Corporation, through the Secretary of Agriculture, shall make a return, according to the forms and regulations prescribed by the Secretary of the Treasury, setting forth any market gain realized by a taxpayer during the taxable year in relation to the repayment of a loan issued by the Commodity Credit Corporation, without regard to the manner in which such loan was repaid.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Secretary of Agriculture shall furnish to each person whose name is required to be set forth in a return required under subsection (a) a written statement showing the amount of market gain reported in such return.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6039I the following new item:

"Sec. 6039J. Information reporting with respect to Commodity Credit Corporation transactions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans repaid on or after January 1, 2007.

PART V—PROTECTION OF SOCIAL SECURITY

SEC. 15361. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer annually from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2009, $5,000,000.
(2) For fiscal year 2010, $9,000,000.
(3) For fiscal year 2011, $8,000,000.
(4) For fiscal year 2012, $7,000,000.
(5) For fiscal year 2013, $8,000,000.
(6) For fiscal year 2014, $8,000,000.
(7) For fiscal year 2015, $8,000,000.
(8) For fiscal year 2016, $6,000,000.
(9) For fiscal year 2017, $7,000,000.

Subtitle D—Trade Provisions

PART I—EXTENSION OF CERTAIN TRADE BENEFITS

SEC. 15401. SHORT TITLE.

This part may be cited as the "Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008" or the "HOPE II Act".

SEC. 15402. BENEFITS FOR APPAREL AND OTHER TEXTILE ARTICLES.

(a) VALUE-ADDED RULE.—Section 213A(b) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended as follows:

(1) The subsection heading is amended to read as follows: "APPAREL AND OTHER TEXTILE ARTICLES".

(2) Paragraph (1) is amended to read as follows:

"(1) VALUE-ADDED RULE FOR APPAREL ARTICLES.—

"(A) IN GENERAL.—Apparel articles described in subparagraph (B) of a producer or entity controlling production that are imported directly from Haiti or the Dominican Republic shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in subparagraphs (B) and (C), and subject to subparagraph (D).".

(3) Paragraph (2) is amended—

(A) in subparagraph (A)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i), by striking "subparagraph (C)" and inserting "clause (iii)";

(iii) in clause (ii), by striking "subparagraph (C)" and inserting "clause (iii)";

(iv) in the matter following clause (ii), by striking "subparagraph (E)(I)" and inserting "clause (v)(I)";

(v) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(vi) by redesignating subparagraph (A) as clause (i);

(B) in subparagraph (B)—

(i) by moving such subparagraph 2 ems to the right;

(ii) by striking "subparagraph (A)(i)" each place it appears and inserting "clause (i)(I)";

(iii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(iv) by redesignating subparagraph (B) as clause (ii);

(C) in subparagraph (C)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "clause (i)";

(iii) in clause (ii), by striking "that enters into force" and all that follows through "et seq.)" and inserting "that enters into force thereafter";

(iv) by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(v) by redesignating subparagraph (C) as clause (iii);

(D) in subparagraph (D)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A)" and inserting "clause (i)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A)" and inserting "clause (i)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) by striking "clause (i)(I) or (ii)(I)" each place it appears and inserting "subclause (I)(aa) or (II)(aa)";

(II) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(III) by redesignating clause (iii) as subclause (III);

(v) by amending clause (iv) to read as follows:

"(IV) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—Entries of apparel articles that receive preferential treatment under any provision of law other than this subparagraph or are subject to the 'General' column 1 rate of duty under the HTS are not included in the annual aggregation under subclause (I) or (II) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation."; and

(vi) by redesignating subparagraph (D) as clause (iv);

(E) in subparagraph (E)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively; and

(II) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) by striking "subparagraph (C)" and inserting "clause (iii)"; and

(II) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (E) as clause (v);

(F) in subparagraph (F)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by striking "The Bureau of Customs and Border Protection" and inserting "U.S. Customs and Border Protection";

(II) by striking "subparagraphs (A) and (D)" and inserting "clauses (i) and (iv)"; and

(III) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by striking "the Bureau of Customs and Border Protection" and inserting "U.S. Customs and Border Protection";

(bb) by striking "subparagraph (A)" each place it appears and inserting "clause (i)"; and

(cc) by striking "subparagraph (D)" and inserting "clause (iv)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) in the matter following subclause (II), by striking "subparagraph (E)(i)" and inserting "clause (v)(I)";

(V) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VI) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) in subclause (I)—

(aa) by striking "paragraph (1)" and inserting "subparagraph (A)"; and (bb) by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)";

(II) in subclause (II), by striking "clause (ii) of this subparagraph" and inserting "subclause (II) of this clause";

(III) in the matter following subclause (II)—

(aa) by striking "the Bureau of Customs and Border Protection" each place it appears and inserting "U.S. Customs and Border Protection"; and

(bb) by striking "subclause (II)" and inserting "item (bb)"; and

(IV) in item (bb)—

(aa) by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(bb) by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)"; and

(V) in the matter following item (bb), by striking "paragraph (1)" and inserting "subparagraph (A)";

(VI) by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively;

(VII) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VIII) by redesignating clause (iii) as subclause (III); and

(v) by redesignating subparagraph (F) as clause (vi);

(G) in subparagraph (G)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)";

(II) in subclause (II)—

(aa) in item (dd), by striking "under the Bipartisan Trade Promotion Authority Act of 2002" and inserting "with respect to the United States"; and

(bb) by redesignating items (aa) through (dd) as subitems (AA) through (DD), respectively;

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in subclause (I), by striking "clause (i)(I)" and inserting "subclause (I)(aa)";

(II) in subclause (II), by striking "clause (i)(II)" and inserting "subclause (I)(bb)";

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (G) as clause (vii); and

(H) by striking "(2) APPAREL ARTICLES DESCRIBED.—" and inserting the following:

"(B) APPAREL ARTICLES DESCRIBED.—".

(4) Paragraph (3) is amended—

(A) by redesignating such paragraph as subparagraph (C) and moving it 2 ems to the right;

(B) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(C) in the table—

(i) by striking "1.5 percent" and inserting "1.25 percent";

(ii) by striking "1.75-percent" and inserting "1.25 percent"; and

(iii) by striking "2 percent" and inserting "1.25 percent".

(5) The following is added after subparagraph (C), as redesignated by paragraph (4)(A) of this subsection:

"(D) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraph (2), (3), (4), or (5) or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitations under subparagraph (C).".

(b) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—Section 213A(b) of the Carribean Basin Economic Recovery Act is amended by striking paragraph (4) and inserting the following:

"(2) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—

"(A) SPECIAL RULE FOR ARTICLES OF CHAPTER 62 OF THE HTS.—

"(i) GENERAL RULE.—Any apparel article classifiable under chapter 62 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii) and (iii), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(ii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

"(iii) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (ii).

"(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—

"(i) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii), (iii), and (iv), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(ii) EXCLUSIONS.—The preferential treatment described in clause (i) shall not apply to the following:

"(I) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6109.10.00 of the HTS:

"(aa) All white T-shirts, with short hemmed sleeves and hemmed bottom, with crew or round neckline or with V-neck and with a mitered seam at the center of the V, and without pockets, trim, or embroidery.

"(bb) All white singlets, without pockets, trim, or embroidery.

"(cc) Other T-shirts, but not including thermal undershirts.

"(II) T-shirts for men or boys that are classifiable under subheading 6109.90.10.

"(III) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6110.20.20 of the HTS:

"(aa) Sweatshirts.

"(bb) Pullovers, other than sweaters, vests, or garments imported as part of playsuits.

"(IV) Sweatshirts for men or boys, of man-made fibers and containing less than 65 percent by weight of man-made fibers, that are classifiable under subheading 6110.30.30 of the HTS.

"(iii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

"(iv) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (A) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (iii).".

(c) SINGLE TRANSFORMATION RULES NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (5) and inserting the following:

"(3) APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.—

"(A) BRASSIERES.—Any apparel article classifiable under subheading 6212.10 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(B) OTHER APPAREL ARTICLES.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

"(i) Any apparel article that is of a type listed in chapter rule 3, 4, or 5 for chapter 61 of the HTS (as such chapter rules are contained in section A of the Annex to Proclamation 8213 of the President of December 20, 2007) as being excluded from the scope of such chapter rule, when such chapter rule is applied to determine whether an apparel article is an originating good for purposes of general note 29(n) to the HTS, except that, for purposes of this clause, reference in such chapter rules to '6104.12.00' shall be deemed to be a reference to '6104.19.60'.

"(ii)(I) Subject to subclause (II), any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rules are contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007.

"(II) Subclause (I) shall not include any apparel article to which subparagraph (A) of this paragraph applies.

"(C) LUGGAGE AND SIMILAR ITEMS.—Any article classifiable under subheading 4202.12, 4202.22, 4202.32 or 4202.92 of the HTS that is wholly assembled in Haiti and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, components, or materials from which the article is made.

"(D) HEADGEAR.—Any article classifiable under heading 6501, 6502, or 6504 of the HTS, or under subheading 6505.90 of the HTS, that is wholly assembled, knit-to-shape, or formed in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(E) CERTAIN SLEEPWEAR.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

"(i) Pajama bottoms and other sleepwear for women and girls, of cotton, that are classifiable under subheading 6208.91.30, or of man-made fibers, that are classifiable under subheading 6208.92.00.

"(ii) Pajama bottoms and other sleepwear for girls, of other textile materials, that are classifiable under subheading 6208.99.20.".

(d) EARNED IMPORT ALLOWANCE RULES.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following new paragraph:

"(4) EARNED IMPORT ALLOWANCE RULE.—

"(A) IN GENERAL.—Apparel articles wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of such apparel articles, in accordance with the program established under subparagraph (B). For purposes of determining the quantity of square meter equivalents under this subparagraph, the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

"(B) EARNED IMPORT ALLOWANCE PROGRAM.—

"(i) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production for purposes of subparagraph (A), based on the elements described in clause (ii).

"(ii) ELEMENTS.—The elements referred to in clause (i) are the following:

"(I) One credit shall be issued to a producer or an entity controlling production for every three square meter equivalents of qualifying woven fabric or qualifying knit fabric that the producer or entity controlling production can demonstrate that it purchased for the manufacture in Haiti of articles like or similar to any article eligible for preferential treatment under subparagraph (A). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits shall be deposited.

"(II) Such producer or entity controlling production may redeem credits issued under subclause (I) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

"(III) The Secretary of Commerce may require any textile mill or other entity located in the United States that exports to Haiti qualifying woven fabric or qualifying knit fabric to submit, upon such export or upon request, documentation, such as a Shipper's Export Declaration, to the Secretary of Commerce—

"(aa) verifying that the qualifying woven fabric or qualifying knit fabric was exported to a producer in Haiti or to an entity controlling production; and

"(bb) identifying such producer or entity controlling production, and the quantity and description of qualifying woven fabric or qualifying knit fabric exported to such producer or entity controlling production.

"(IV) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying woven fabric or qualifying knit fabric.

"(V) The Secretary of Commerce may make available to each person or entity identified in documentation submitted under subclause (III) or (IV) information contained in such documentation that relates to the purchase of qualifying woven fabric or qualifying knit fabric involving such person or entity.

"(VI) The program under this subparagraph shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subparagraph (A)(i).

"(VII) The Secretary of Commerce may reconcile discrepancies in information provided under subclause (III) or (IV) and verify the accuracy of such information.

"(VIII) The Secretary of Commerce shall establish procedures to carry out the program under this subparagraph and may establish additional requirements to carry out this subparagraph. Such additional requirements may include—

"(aa) submissions by textile mills or other entities in the United States documenting exports of yarns wholly formed in the United States to countries described in paragraph (1)(B)(iii) for the manufacture of qualifying knit fabric; and

"(bb) procedures imposed on producers or entities controlling production to allow the Secretary of Commerce to obtain and verify information relating to the production of qualifying knit fabric.

"(iii) QUALIFYING WOVEN FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying woven fabric' means fabric wholly formed in the United States from yarns wholly formed in the United States, except that—

"(I) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying woven fabric because the fabric contains nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

"(II) fabric that would otherwise be ineligible as qualifying woven fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying woven fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric; and

"(III) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying fabric because the fabric contains yarns covered by clause (i) or (ii) of paragraph (5)(A).

"(iv) QUALIFYING KNIT FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying knit fabric' means fabric or knit-to-shape components wholly formed or knit-to-shape in any country or any combination of countries described in paragraph (1)(B)(iii), from yarns wholly formed in the United States, except that—

"(I) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

"(II) fabric or knit-to-shape components that would otherwise be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns not wholly formed in the United States shall not be ineligible as qualifying knit fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric or knit-to-shape components; and

"(III) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns covered by clause (i) or (ii) of paragraph (5)(A).

"(C) REVIEW BY UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

"(D) ENFORCEMENT PROVISIONS.—

"(i) FRAUDULENT CLAIMS OF PREFERENCE.—Any person who makes a false claim for preference under the program established under subparagraph (B) shall be subject to any applicable civil or criminal penalty that may be imposed under the customs laws of the United States or under title 18, United States Code.

"(ii) PENALTIES FOR OTHER FRAUDULENT INFORMATION.—The Secretary of Commerce may establish and impose penalties for the submission to the Secretary of Commerce of fraudulent information under the program established under subparagraph (B), other than a claim described in clause (i).".

(e) SHORT SUPPLY RULES .—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

"(5) SHORT SUPPLY PROVISION.—

"(A) IN GENERAL.—Any apparel article that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabrics, fabric components, components knit-to-shape, or yarns from which the article is made, if the fabrics, fabric components, components knit-to-shape, or yarns comprising the component that determines the tariff classification of the article are of any of the following:

"(i) Fabrics or yarns, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA.

"(ii) Fabrics or yarns, to the extent that such fabrics or yarns are designated as not being available in commercial quantities for purposes of—

"(I) section 213(b)(2)(A)(v) of this Act;

"(II) section 112(b)(5) of the African Growth and Opportunity Act;

"(III) clause (i)(III) or (ii) of section 204(b)(3)(B) of the Andean Trade Preference Act; or

"(IV) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the

United States that is in effect at the time the claim for preferential treatment is made.

"(B) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

"(i) any fabric or yarn described in clause (i) of subparagraph (A) was determined to be eligible for preferential treatment, or

"(ii) any fabric or yarn described in clause (ii) of subparagraph (A) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case ,may be) of that fabric or yarn with respect to articles entered after such removal.".

(f) MISCELLANEOUS PROVISIONS.—

(1) RELATIONSHIP TO OTHER PREFERENTIAL PROGRAMS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

"(6) OTHER PREFERENTIAL TREATMENT NOT AFFECTED.—The duty-free treatment provided under this subsection is in addition to any other preferential treatment under this title.".

(2) DEFINITIONS.—Section 213A(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(a)) is amended by adding at the end the following:

"(3) IMPORTED DIRECTLY FROM HAITI OR THE DOMINICAN REPUBLIC.—Articles are 'imported directly from Haiti or the Dominican Republic' if—

"(A) the articles are shipped directly from Haiti or the Dominican Republic into the United States without passing through the territory of any intermediate country; or

"(B) the articles are shipped from Haiti or the Dominican Republic into the United States through the territory of an intermediate country, and—

"(i) the articles in the shipment do not enter into the commerce of any intermediate country, and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

"(ii) the invoices and other documents do not specify the United States as the final destination, but the articles in the shipment—

"(I) remain under the control of the customs authority in the intermediate country;

"(II) do not enter into the commerce of the intermediate country except for the purpose of a sale other than at retail; and

"(III) have not been subjected to operations in the intermediate country other than loading, unloading, or other activities necessary to preserve the articles in good condition.

"(4) KNIT-TO-SHAPE.—A good is 'knit-to-shape' if 50 percent or more of the exterior surface area of the good is formed by major parts that have been knitted or crocheted directly to the shape used in the good, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether a good is 'knit-to-shape.'

"(5) WHOLLY ASSEMBLED.—A good is 'wholly assembled' in Haiti if all components, of which there must be at least two, pre-existed in essentially the same condition as found in the finished good and were combined to form the finished good in Haiti. Minor attachments and minor embellishments (for example, appliqués, beads, spangles, embroidery, and buttons) not appreciably affecting the identity of the good, and minor subassemblies (for example, collars, cuffs, plackets, and pockets), shall not affect the determination of whether a good is 'wholly assembled' in Haiti.".

(g) TERMINATION.—Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended by adding at the end the following new subsection:

"(g) TERMINATION.—Except as provided in subsection (b)(1), the duty-free treatment provided under this section shall remain in effect until September 30, 2018.".

(h) CONFORMING AMENDMENTS.—Subsection (e)(1) of section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(e)(1)) is amended by striking "the Bureau of Customs and Border Protection" each place it appears and inserting "U.S. Customs and Border Protection".

SEC. 15403. LABOR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by section 15402 of this Act, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (8):

(B) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—. The term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

"(3) CORE LABOR STANDARDS.—The term "core labor standards" means—

"(A) freedom of association;

"(B) the effective recognition of the right to bargain collectively;

"(C) the elimination of all forms of compulsory or forced labor;

"(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

"(E) the elimination of discrimination in respect of employment and occupation."; and

(D) by inserting after paragraph (6) (as redesignated) the following new paragraph:

"(7) TAICNAR PROGRAM.—The term 'TAICNAR Program' means the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program established pursuant to subsection (e).";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

"(e) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

"(1) CONTINUED ELIGIBILITY FOR PREFERENCES.—

"(A) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY HAITI WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Haiti shall continue to be eligible for the preferential treatment provided under subsection (b) only if the President determines and certifies to the Congress that—

"(i) Haiti has implemented the requirements set forth in paragraphs (2) and (3); and

"(ii) Haiti has agreed to require producers of articles for which duty-free treatment may be requested under subsection (b) to participate in the TAICNAR Program described in paragraph (3) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in paragraph (2)(B)(i).

"(B) EXTENSION.—The President may extend the period for compliance by Haiti under subparagraph (A) if the President—

"(i) determines that Haiti has made a good faith effort toward such compliance and has agreed to take additional steps to come into full compliance that are satisfactory to the President; and

"(ii) provides to the appropriate congressional committees, not later than 6 months after the last day of the 16-month period specified in subparagraph (A), and every 6 months thereafter, a report identifying the steps that Haiti has agreed to take to come into full compliance and the progress made over the preceding 6-month period in implementing such steps.

"(C) CONTINUING COMPLIANCE.—

"(i) TERMINATION OF PREFERENTIAL TREATMENT.—If, after making a certification under subparagraph (A), the President determines that Haiti is no longer meeting the requirements set forth in subparagraph (A), the President shall terminate the preferential treatment provided under subsection (b), unless the President determines, after consulting with the appropriate congressional committees, that meeting such requirements is not practicable because of extraordinary circumstances existing in Haiti when the determination is made.

"(ii) SUBSEQUENT COMPLIANCE.—If the President, after terminating preferential treatment under clause (i), determines that Haiti is meeting the requirements set forth in subparagraph (A), the President shall reinstate the application of preferential treatment under subsection (b).

"(2) LABOR OMBUDSMAN.—

"(A) IN GENERAL.—The requirement under this paragraph is that Haiti has established an independent Labor Ombudsman's Office within the national government that—

"(i) reports directly to the President of Haiti;

"(ii) is headed by a Labor Ombudsman chosen by the President of Haiti, in consultation with Haitian labor unions and industry associations; and

"(iii) is vested with the authority to perform the functions described in subparagraph (B).

"(B) FUNCTIONS.—The functions of the Labor Ombudsman's Office shall include—

"(i) developing and maintaining a registry of producers of articles for which duty-free treatment may be requested under subsection (b), and developing, in consultation and coordination with any other appropriate officials of the Government of Haiti, a system to ensure participation by such producers in the TAICNAR Program described in paragraph (3);

"(ii) overseeing the implementation of the TAICNAR Program described in paragraph (3);

"(iii) receiving and investigating comments from any interested party regarding the conditions described in paragraph (3)(B) in facilities of producers listed in the registry described in clause (i) and, where appropriate, referring such comments or the result of such investigations to the appropriate Haitian authorities, or to the entity operating the TAICNAR Program described in paragraph (3);

"(iv) assisting, in consultation and coordination with any other appropriate Haitian authorities, producers listed in the registry described in clause (i) in meeting the conditions set forth in paragraph (3)(B); and

"(v) coordinating, with the assistance of the entity operating the TAICNAR Program described in paragraph (3), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the TAICNAR Program described in paragraph (3), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Haiti, and on other matters of common concern relating to such core labor standards and working conditions.

"(3) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

"(A) IN GENERAL.—The requirement under this paragraph is that Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program meeting the requirements under subparagraph (C)—

"(i) to assess compliance by producers listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and to assist such producers in meeting such conditions; and

"(ii) to provide assistance to improve the capacity of the Government of Haiti—

"(I) to inspect facilities of producers listed in the registry described in paragraph (2)(B)(i); and

"(II) to enforce national labor laws and resolve labor disputes, including through measures described in subparagraph (E).

"(B) CONDITIONS DESCRIBED.—The conditions referred to in subparagraph (A) are—

"(i) compliance with core labor standards; and

"(ii) compliance with the labor laws of Haiti that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

"(C) REQUIREMENTS.—The requirements for the TAICNAR Program are that the program—

"(i) be operated by the International Labor Organization (or any subdivision, instrumentality, or designee thereof), which prepares the biannual reports described in subparagraph (D);

"(ii) be developed through a participatory process that includes the Labor Ombudsman described in paragraph (2) and appropriate representatives of government agencies, employers, and workers;

"(iii) assess compliance by each producer listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

"(I) conducting unannounced site visits to manufacturing facilities of the producer;

"(II) conducting confidential interviews separately with workers and management of the facilities of the producer;

"(III) providing to management and workers, and where applicable, worker organizations in the facilities of the producer, on a confidential basis—

"(aa) the results of the assessment carried out under this clause; and

"(bb) specific suggestions for remediating any such deficiencies;

"(iv) assist the producer in remediating any deficiencies identified under clause (iii);

"(v) conduct prompt follow-up site visits to the facilities of the producer to assess progress on remediation of any deficiencies identified under clause (iii); and

"(vi) provide training to workers and management of the producer, and where appropriate, to other persons or entities, to promote compliance with subparagraph (B).

"(D) BIANNUAL REPORT.—The biannual reports referred to in subparagraph (C)(i) are a report, by the entity operating the TAICNAR Program, that is published (and available to the public in a readily accessible manner) on a biannual basis, beginning 6 months after Haiti implements the TAICNAR Program under this paragraph, covering the preceding 6-month period, and that includes the following:

"(i) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having met the conditions under subparagraph (B).

"(ii) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having deficiencies with respect to the conditions under subparagraph (B), and has failed to remedy such deficiencies.

"(iii) For each producer listed under clause (ii)—

"(I) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the TAICNAR Program;

"(II) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

"(III) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

"(iv) For each producer identified as having deficiencies with respect to the conditions described under subparagraph (B) in a prior report under this subparagraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

"(E) CAPACITY BUILDING.—The assistance to the Government of Haiti referred to in subparagraph (A)(ii) shall include programs—

"(i) to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards;

"(ii) to develop additional strategies for facilitating protection of core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

"(iii) to increase awareness of worker rights, including under core labor standards and national labor laws;

"(iv) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

"(v) to assist the Labor Ombudsman appointed pursuant to paragraph (2) in establishing and coordinating operation of the committee described in paragraph (2)(B)(v);

"(vi) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

"(vii) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

"(4) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

"(A) COUNTRY COMPLIANCE WITH WORKER RIGHTS ELIGIBILITY CRITERIA.—In making a determination of whether Haiti is meeting the requirement set forth in subsection (d)(1)(A)(vi) relating to internationally recognized worker rights, the President shall consider the reports produced under paragraph (3)(D).

"(B) PRODUCER ELIGIBILITY.—

"(i) IDENTIFICATION OF PRODUCERS.—Beginning in the second calendar year after the President makes the certification under paragraph (1)(A), the President shall identify on a biennial basis whether a producer listed in the registry described in paragraph (2)(B)(i) has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.

"(ii) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF PREFERENTIAL TREATMENT.—For each producer that the President identifies under clause (i), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. If such efforts fail, the President shall withdraw, suspend, or limit the application of preferential treatment under subsection (b) to articles of such producer.

"(iii) REINSTATING PREFERENTIAL TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of preferential treatment under clause (ii) to articles of a producer, determines that such producer is complying with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards, the President shall reinstate the application of preferential treatment under subsection (b) to the articles of the producer.

"(iv) CONSIDERATION OF REPORTS.—In making the identification under clause (i) and the determination under clause (iii), the President shall consider the reports made available under paragraph (3)(D).

"(5) REPORTS BY THE PRESIDENT.—

"(A) IN GENERAL.—Not later than one year after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this subsection during the preceding 1-year period.

"(B) MATTERS TO BE INCLUDED.—Each report required by subparagraph (A) shall include the following:

"(i) An explanation of the efforts of Haiti, the President, and the International Labor Organization to carry out this subsection.

"(ii) A summary of each report produced under paragraph (3)(D) during the preceding 1-year period and a summary of the findings contained in such report.

"(iii) Identifications made under paragraph (4)(B)(i) and determinations made under paragraph (4)(B)(iii).

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection the sum of $10,000,000 for the period beginning on October 1, 2008, and ending on September 30, 2013.".

SEC. 15404. PETITION PROCESS.

Section 213A(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(d)) is amended by adding at the end the following new paragraph:

"(4) PETITION PROCESS.—Any interested party may file a request to have the status of Haiti reviewed with respect to the eligibility requirements listed in paragraph (1), and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2642 (b) and (c)).".

SEC. 15405. CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.

Section 213A(f) of the Caribbean Basin Economic Recovery Act, as redesignated by section 15403(2) of this Act, is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON GOODS SHIPPED FROM THE DOMINICAN REPUBLIC.—

"(A) LIMITATION.—Notwithstanding subsection (a)(5), relating to the definition of 'imported directly from Haiti or the Dominican Republic', articles described in subsection (b) that are shipped from the Dominican Republic, directly or through the territory of an intermediate country, whether or not such articles undergo processing in the Dominican Republic, shall not be considered to be 'imported directly from Haiti or the Dominican Republic' until the President certifies to the Congress that Haiti and the Dominican Republic have developed procedures to prevent unlawful transshipment of the articles and the use of counterfeit documents related to the importation of the articles into the United States.

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Commissioner responsible for U.S. Customs and Border Protection shall provide technical and other assistance to Haiti and the Dominican Republic to develop expeditiously the procedures described in subparagraph (A).".

SEC. 15406. PRESIDENTIAL PROCLAMATION AUTHORITY.

The President may exercise the authority under section 604 of the Trade Act of 1974 to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part and the amendments made by this part.

SEC. 15407. REGULATIONS AND PROCEDURES.

The President shall issue such regulations as may be necessary to carry out the amendments made by sections 15402, 15403, and 15404. Regulations to carry out the amendments made by section 15402 shall be issued not later than September 30, 2008. The Secretary of Commerce shall issue such procedures as may be necessary to carry out the amendment made by section 15402(d) not later than September 30, 2008.

SEC. 15408. EXTENSION OF CBTPA.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (iii)—

(i) in subclause (II)(cc), by striking "2008" and inserting "2010"; and

(ii) in subclause (IV)(dd), by striking "2008" and inserting "2010"; and

(B) in clause (iv)(II), by striking "6" and inserting "8"; and

(2) in paragraph (5)(D)—

(A) in clause (i), by striking "2008" and inserting "2010"; and

(B) in clause (ii), by striking "108(b)(5)" and inserting "section 108(b)(5)".

SEC. 15409. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as amended by section 15402 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of articles eligible for preferential treatment under such section 213A(b).

SEC. 15410. SENSE OF CONGRESS ON TRADE MISSION TO HAITI.

It is the sense of the Congress that the Secretary of Commerce, in coordination with the United States Trade Representative, the Secretary of State, and the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security, should lead a trade mission to Haiti, within 6 months after the date of the enactment of this Act, to promote trade between the United States and Haiti, to promote new economic opportunities afforded under the amendments made by section 15402 of this Act, and to help educate United States and Haitian business concerns about such opportunities.

SEC. 15411. SENSE OF CONGRESS ON VISA SYSTEMS.

It is the sense of the Congress that Haiti, and other countries that receive preferences under trade preference programs of the United States that require effective visa systems to prevent transshipment, should ensure that monetary compensation for such visas is not required beyond the costs of processing the visa, including ensuring that such monetary compensation does not violate an applicable system to combat corruption and bribery.

SEC. 15412. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—The amendments made by section 15402 shall take effect on October 1, 2008, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after that date.

PART II—MISCELLANEOUS TRADE PROVISIONS

SEC. 15421. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: "For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 15422. REQUIREMENTS RELATING TO DETERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE.

(a) REQUIREMENT ON IMPORTERS.—

(1) IN GENERAL.—Pursuant to sections 484 and 485 of the Tariff Act of 1930 (19 U.S.C. 1484 and 1485), the Commissioner responsible for U.S. Customs and Border Protection shall require each importer of merchandise to provide to U.S. Customs and Border Protection at the time of entry of the merchandise the information described in paragraph (2).

(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) is a declaration as to whether the transaction value of the imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

(3) EFFECTIVE DATE.—The requirement to provide information under this subsection shall be effective for the 1-year period beginning 90 days after the date of the enactment of this Act.

(b) REPORT TO INTERNATIONAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commissioner responsible for U.S. Customs and Border Protection shall submit to the United States International Trade Commission on a monthly basis for the 1-year period specified in subsection (a)(3) a report on the information provided by importers under subsection (a)(2) during the preceding month. The report required under this paragraph shall be submitted in a form agreed upon between U.S. Customs and Border Protection and the United States International Trade Commission.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2);

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States; and

(C) the transaction value of such imported merchandise.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the final report under subsection (b), the United States International Trade Commission shall submit to the appropriate congressional committees a report on the information contained in all reports submitted under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the aggregate number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2), including a description of the frequency of the use of such method;

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis;

(C) the aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(D) the aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in subsection (a)(3).

(d) SENSE OF CONGRESS REGARDING PROHIBITION ON PROPOSED INTERPRETATION OF THE TERM "SOLD FOR EXPORTATION TO THE UNITED STATES".—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should not implement a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term "sold for

exportation to the United States", as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, before January 1, 2011.

(2) EXCEPTION.—It is the sense of Congress that beginning on January 1, 2011, the Commissioner responsible for U.S. Customs and Border Protection may propose to change or change U.S. Customs and Border Protection's interpretation of the term "sold for exportation to the United States", as described in paragraph (1), only if U.S. Customs and Border Protection—

(A) consults with, and provides notice to, the appropriate congressional committees—

(i) not less than 180 days prior to proposing a change; and

(ii) not less than 90 days prior to publishing a change;

(B) consults with, provides notice to, and takes into consideration views expressed by, the Commercial Operations Advisory Committee—

(i) not less than 120 days prior to proposing a change; and

(ii) not less than 60 days prior to publishing a change; and

(C) receives the explicit approval of the Secretary of the Treasury prior to publishing a change.

(3) CONSIDERATION OF INTERNATIONAL TRADE COMMISSION REPORT.—It is the sense of Congress that prior to publishing a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term "sold for exportation to the United States", as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, the Commissioner responsible for U.S. Customs and Border Protection should take into consideration the matters included in the report prepared by the United States International Trade Commission under subsection (c).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term "Commercial Operations Advisory Committee" means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) IMPORTER.—The term "importer" means one of the parties qualifying as an "importer of record" under section 484(a)(2)(B) in the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(4) TRANSACTION VALUE OF THE IMPORTED MERCHANDISE.—The term "transaction value of the imported merchandise" has the meaning described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Ohio (Mr. BOEHNER) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

The bill before the House is identical to the provisions of the conference agreement on H.R. 2419 as adopted by the House and the Senate, with the exception of the added provisions to ensure, number one, that the legislative history associated with H.R. 2419 is carried forward; and, number two, that the two bills do not have simultaneous force and effect. Otherwise, by passing this bill, we are giving ourselves another opportunity to send to the President exactly what the House and the Senate have already passed by large bipartisan votes.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the House voted to override a bill that the President vetoed, except that it wasn't the bill that the House and Senate had passed. And rather than stop, try to determine what the problem was and then to work toward an agreement as to how we proceed, it didn't happen. As a result, we are now stuck in this quagmire of trying to determine how best to get this bill enacted into law. Yet, once again, instead of stopping, sitting down and working in a bipartisan way to understand what happened and how we ought to resolve this, the majority is continuing to just move vehicles to the Senate, hoping that they can sort it out.

Now, my colleague and friend from Minnesota says that this 1,768-page bill is identical, with exceptions, to the bill that the House passed. If I could ask the gentleman from Minnesota, did you read all 1,768 pages of this?

Mr. PETERSON of Minnesota. Not this morning.

Mr. BOEHNER. Did anybody read all 1,768 pages of this?

Mr. PETERSON of Minnesota. My staff worked through this and assured me this is the exact same bill that passed the House and Senate and was sent to the President.

Mr. BOEHNER. Reclaiming my time, this bill, 1,768 pages, was introduced less than 1 hour ago. There are no Members who have read this. I doubt there is any staff that has read all of this, because you couldn't possibly have read all of this over the course of the last hour. 1,768 pages, $300 billion over the next 5 years, $600 billion over the next 10 years. Yet we are going to expect Members to come down here and cast a vote on this, not knowing what is in here.

We thought that when we passed the farm bill, it was the bill that passed the House and the Senate. The President thought the bill sent to him was the bill that the House and Senate passed. We thought it was the bill the House and Senate passed. But, guess what? It wasn't. Now we are being asked to vote on a 1,768-page bill that spends nearly $300 billion over the next 5 years, we have had the bill for less than an hour, and everybody is hoping, hoping, it is the same bill that we passed, except with some enrolling corrections. I think that is a real stretch.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, when we pass legislation like this, 1,700 pages, barely have time to print it, let alone read it, we are going to have problems like this. Let me just mention a couple of the problems and issues that have come up over the last couple of days when we have been trying to deal with this legislation.

Our office found out just a couple of days ago after the bill had already passed that there was another subsidy program actually added to the bill during the conference that was not part of the House bill and was not part of the Senate bill. This is potentially a massive, massive liability for the taxpayers. According to the Department of Agriculture, this could mean as much as $16 billion, in addition to everything else in the bill, additional liability for the taxpayers annually.

We don't know much about this program at all. All we know is that for years now the farming community has been upset that they haven't been able to collect money off the countercyclical program and the loan deficiency payment program because prices have been so high. So this new program was put in so the threshold would be much higher at which subsidies kicked in.

The only way this could be scored by the CBO as being compliant with our budget rules is to baseline shop. What that means is instead of taking this year's baseline where we should benchmark our spending off of, it is to go back to last year's baseline. And I believe the information is correct that had we used this year's baseline instead of last year's baseline, CBO informs us that they would have scored this as a $2 billion hit additionally, rather than being scored even, as it is in the bill. I mention this only because this is just another example of what we get when we move with haste like this, when we get a bill that virtually nobody has read.

Now, the things that we know well about the farm bill should give us pause enough. I mentioned before that we face tremendous problems going forward in terms of entitlements and unfunded liabilities. We are, according to USA Today, and we probably get better information there than what we say on this floor, when you include all of our unfunded liabilities and our debt that is out there, it means that every person in America has a debt of about $500,000. Half a million dollars in debt is what we owe when you total unfunded liabilities and our debt.

We simply cannot go forward like this and add a $300 billion bill that pays a farm couple that earns as much as $2.5 million subsidies and continue to pay down the debt. We are simply adding more.

With that, I would urge rejection of this measure.

Mr. PETERSON of Minnesota. Mr. Speaker, this is, as I said earlier, the exact bill that was voted on and passed by the House and the Senate. The gentleman is wrong. The provision that he is referring to was in both the House bill and the Senate bill, and it was also an original idea from the White House that was in their original farm proposal. So this is not some new program that came about in the conference committee. It was in the bill that passed the House, it was in the bill that passed the Senate, and it was in the President's bill that they proposed. In fact, this was a reform that was suggested by the White House and the administration.

So you can make all kinds of outrageous assumptions and come up with outrageous charges, which has been done for some time on this bill. The idea that there is going to be anybody in this country that has $2.5 million of adjusted gross income and is going to be able to collect farm payments is complete lunacy. That is not true. And whatever people they have been able to get to score this to come up with these numbers, nobody can verify that. These are more charges that we have dealt with.

This bill was filed on May 13. It has been available for everybody to read since May 13. It is exactly the same bill that has been out there all of this time. The error that was made was made by the Enrolling Clerk, not by this committee, and it is unfortunate. What we are trying to do here is fix the situation.

I am not sure that we need to do what we are doing here. But to try to accommodate some concerns on the part of the minority and others that have raised issues, what we are doing here is re-passing the bill exactly the way that it passed the House and the Senate, the way that it should have gone to the President, so that we can move this bill out of the House, the Senate can deal with it, the President can veto it, we can override it, and in the provisions we will vitiate the work that has been done with the House and Senate overriding the veto of the current bill.

It is a messy process. It is something we would just as soon not go through. But it is where we are at. We are trying to deal with fixing a clerical error that was caused by the Enrolling Clerk, and we think this is an appropriate way to do that.

I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the ranking Republican on the House Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the leader for yielding and for all of the effort that he and virtually every Member of this House put into this legislation now. If some of us are experiencing a sense of deja vu, it is because we are considering the exact same bill that we passed with overwhelming bipartisan support last Wednesday. The Senate also passed the bill by a significant margin.

However, yesterday it was determined that somewhere between the House and Senate passage of the farm bill, while the bill was being enrolled, title III, the trade title, was accidentally omitted from the enrolled bill that was then sent to the President. To avoid future uncertainty or constitutional questions about the bill omitting the trade title, we are presenting the same farm bill that we passed last week to both chambers and running it back through the necessary procedures to ensure the whole bill becomes law.

While the substance and content of the bill is the exact same as we passed last week, three technical items have been added to reflect the technical corrections necessary. The technical changes to correct the clerical error include, one, a slight change to the long title in order to distinguish the bill from H.R. 2419; a provision that deems the conference report on H.R. 2419 to be the legislative history of this new bill; and a provision that prevents duplication of the identical sections on H.R. 2419 upon adoption. This would prevent double spending if the Senate overrides the veto and 14 titles are in law when this new bill is enacted.

Other than those technical corrections, we are simply redoing the farm bill to correct the error.

Let me say that while it was an unfortunate error, it also was an egregious error. This is a very serious problem that has been created, and we are seeing that reflected in the fact that we are taking several different approaches to try to make sure that the farm bill which had that strong bipartisan support is indeed enacted into law. So it is with some disappointment that I see the majority table the privileged resolution offered by the Republican leader and not look into this in greater detail. I think it certainly deserves that attention, and it would be my hope that the majority would reconsider that approach and bring that privileged resolution to a vote so we can get to the bottom of all the considerations that need to be made regarding this and how this can be avoided in the future, but also to find out exactly what indeed did happen in the past few days that led to the unfortunate situation we find ourselves in today of again finding it necessary to pass this legislation, which I urge my colleagues to again adopt, as they already have voted for it once and have subsequently voted to override the President's veto, so we can indeed do what America's farmers and ranchers seek, and that is to have a new farm bill that is forward looking and that does address the concerns that have been brought to the attention of the committees.

Mr. PETERSON of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Does the gentleman have further speakers?

Mr. BOEHNER. Just myself. I will be happy to close.

Mr. PETERSON of Minnesota. Okay. We will give the minority leader the opportunity to close. I will just make some brief comments, and then yield back my time.

At this point I will reserve my time.

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Mr. BOEHNER. So I can assume that the gentleman only has himself to close.

Let me yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just wanted to respond to the statement that was made that we were wrong on the ACRE program in terms of what bills it was in. The ACRE program was not in the House-passed bill. It was in the conference report that passed the House later, is my understanding. It may have been in the Senate bill, but it wasn't a version that ended up in the bill itself.

Mr. PETERSON of Minnesota. If the gentleman will yield, we had an optional ACRE in our bill that passed the House.

Mr. FLAKE. That is not the information that I had.

And the point that I made with regard to the scoring by CBO stands. If you use an earlier baseline, it affects it tremendously. If you use the baseline that we should be using under the budget rules adopted by this House, by this majority, then the program would not score as it did; it would score as a big hit to the taxpayer rather than something else.

Mr. PETERSON of Minnesota. Would the gentleman yield?

We had an option to ACRE in the House bill that was different than the Senate. We had a national trigger, they had a State trigger. So it was in both bills.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOEHNER. I yield the gentleman 1 additional minute.

Mr. FLAKE. I would like to see it. My information was that it was not in the House bill; and, that if it was in the Senate, it was considerably different than what came over here.

But I think one thing we know is it was not appropriately vetted, because USDA was completely surprised at the numbers that came out. They are the ones, when they are saying all these numbers are flying around, the $16 billion in exposure is from the USDA. It is not pulled from some outside group or some other group, it is the USDA that is saying that this could cost us an additional $16 billion. And that should be considered, and it wasn't in this House; it simply was swept under the rug. That is what happens when you deal with a bill this big this quickly.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Most of my colleagues know that I opposed the farm bill when it originally came up, and I opposed it because it was filled with earmarks. There was a $250 million earmark for a ranch in Montana, there was an earmark for $170 million for salmon fisheries on the West Coast, and a number of other earmarks in the bill. And as has been pointed out, the more that this bill has lain around, the more that we have found other provisions in the bill that Members, let's say, it may have not caught their eye when it went through the House or the Senate.

The point that I am making is that given the commodity prices that we have in America, we can do better with this farm bill.

I understand the need for a farm bill and a need to ensure that America's farmers and ranchers have the kind of program that will ensure that America has a sufficient food supply and, frankly, a sufficient supply of food to export to many countries around the world.

But having said that, when we have over $5 a bushel corn, over $13 a bushel for soybeans, wheat in double digits, to be spending some $287 billion on this program I think is unwarranted. As I said when we considered the conference report on the farm bill last week, we can do better. This is the same old-same old that we have been doing for some 50 years.

While I appreciate the work that my colleagues put into it, I have worked closely with Mr. PETERSON and Mr. GOODLATTE for an awful long time, 18 years with my friend Mr. PETERSON, 16 years with my friend Mr. GOODLATTE. We have been through a lot of farm bills together and a lot of agriculture issues together. But at some point the American people look up and say, whoa, Washington, you are broken. And my point has been is that this farm bill is just another example; that at a time when we have got the highest food prices in the history of the country, we have the highest commodity prices we have ever had, we are continuing to go down the same old path.

The point that Mr. FLAKE brings up, something that I was unaware of in the bill, something I think most Members were unaware of in the bill, is this new revenue assurance program that allows American farmers over the next 2 years to lock in at today's prices for the future.

Now I think that is the best deal in the world. How many Americans wouldn't like to say, I am going to lock my salary in for the next 5 years, guaranteed. No chance they would ever lose their job, no chance that their pay will ever get cut. Let me tell you, when it is too good to be true, it usually is.

Now if the farm bill isn't bad enough, the process that we are going through to try to rectify an error is—again, remember we have had this bill just over an hour. I am hurting my back trying to lift this thing, 1,768 pages, and just over 1 hour ago we got this.

I know the intent of the gentleman from Minnesota, the chairman, is that this be identical to the conference report that we passed. But nobody knows. Nobody has read it. Nobody has had a chance to read it. I urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I have a copy of the House-passed bill, and in our bill we had a countercyclical revenue assurance program that was a national trigger, as I said earlier.

This is an idea that came about from the White House, and it is not something that is going to be given to people just automatically. This is reviewed as a reform and it was sold as a reform by the White House, and I was skeptical of it.

But you have to give up 20 percent of your direct payments in order to get into this program. You have to lower your loan rate 30 percent. And this works not only going up, it works going down. So people are taking a risk by getting involved in this program as well as opportunity on the other side.

So you can have your arguments about it, but this is something that we are trying out as an option. It is something we are going to see how it works between now and 2012. There are a lot of people, including the administration, that think that this is a better way to go than the current target priced countercyclical marketing loan situation that we have. We will see. I have been skeptical of it. But there are people in the Senate and other places that were thinking that this is a good reform.

Now this idea that was just put forward by the minority leader that somehow or another this $287 billion goes to farmers, we have editorial writers saying the same thing around this country. The reality is that what actually goes to farmers under this bill is less than 9 percent of the bill, the traditional crop supports. 73.5 percent of the 10-year bill goes to nutrition. And if you add in crop insurance and the new disaster program, which is paid for, for the first time, you are up to about 15 percent of the total bill going to farmers.

So this idea that $287 billion is going to farmers is not true. All of the new money in this bill is going to nutrition, going to conservation, going to fruits and vegetables, going to energy. The reality is that what is in this bill for farmers is less than it was in the old law. This bill is less than the total cost of the 2002 bill. This bill is less than what passed the House and the Senate. And this bill is exactly what we passed in the House, exactly what we passed in the Senate, and was sent to the President. What we are trying to do here today is fix this problem. I encourage my colleagues to support this bill, and let us get this farm bill finally resolved.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the nutrition title of the pending bill. It includes many urgently needed improvements to our food assistance programs for low-income people.

As a senior member of the Judiciary Committee, I am particularly pleased to see this title includes language to correct a couple of problems that have arisen relating to the enforceability of the Act and to ensure that no further problems exist.

The Food Stamp Act has long been recognized as fully enforceable on behalf of active and prospective participants. This history of enforceability is comparable to that of securities regulations, which the courts have long accepted. When, many years ago, a panel of the Fifth Circuit found no private right of action under the Food Stamp Act in a case brought by a pro se plaintiff, several other circuits, and ultimately the Fifth Circuit en banc, rejected that conclusion. Had they not done so, I have no doubt we would have intervened.

Recently, a couple of Federal courts cast doubt on this long-held principle, one by finding the Department's regulations on bilingual service unenforceable and another by forcing plaintiffs to meet the high standards for supervisory liability when suing a State to enforce the act and regulations against local agencies. I am pleased that this legislation overrules both of those decisions.

More broadly, the legislation recognizes that lawsuits by individual households or classes of household to enforce their rights under the act and regulations are an important part of the program. There now should be no doubt, if there ever was any, that all provisions of the act and regulations that help individuals get food assistance, or that protect them from burdens in their pursuit of food aid, are intended to create enforceable rights, with corrective injunctions or back benefits (the latter subject to the limitations in the act) as appropriate.

The act does not require States or the Department only to exercise reasonable efforts or to substantially comply with its requirements and those in the regulations: it gives each individual a right to be treated as the act and rules provide. The act and regulations have an unmistakable focus on the benefited class of participants and prospective participants, they are written in mandatory, not precatory terms, and they are concerned with the treatment of individuals as much as they are with aggregate or system-wide performance.

I cannot imagine how Congress could be any clearer in this regard. I anticipate that we will have no further confusion concerning the enforceability of the act and regulations.

Mr. BACA. Mr. Speaker, the nutrition title in the Conference Report for the 2008 Farm Bill is a monumental achievement for the millions of Americans who struggle to put enough healthy, nutritious food on the table. I know it's not always easy to make ends meet and to put food on the table each day. I've walked in those shoes, and I've sat at that table. But with this bill we start to fulfill our responsibility to our neighbors. We have improved and strengthened food stamps and other important nutrition programs for our children and seniors. I want to take a few minutes to expand upon some of the accomplishments that are in this nutrition title.

First off, we have updated the name of the program. The new name will be SNAP: The Supplemental Nutrition Assistance Program. We needed a new name because there are no places left in this country where food stamps actually are "stamps." Instead, like with other modern transactions, people swipe their cards at the store to access their benefits. This has been a huge success for reducing fraud and stigma in the program. We hope and expect that the new name and new image for the program will help us to continue to chip away at the stigma that keeps some proud people, especially senior citizens, from signing up for help in paying for their groceries and puts them at risk of hunger.

The name reflects the fact that the program provides a "supplement" to help people afford an adequate diet when their own resources are not quite enough. We also say "nutrition," instead of "food," because the program is about more than just food. It has got a vibrant nutrition education component to help our low-income population learn about healthy diets and make the choices that will improve their health status over their lifetimes. So I'm very proud of this new name for food stamps: an established program that is one of the best government programs we've got. Let me be clear, however, that in changing the name and eliminating food stamp coupons we did not intend to make any other policy changes to the program.

I think the biggest single accomplishment in the nutrition title is to end the decades of erosion in the value of food stamp benefits. We're all aware of the rising gas and food prices of recent months and the bite they've taken out of the pocketbooks of most Americans. But for many low-income Americans the squeeze has been getting tighter for decades, as the value of their food stamps has been able to purchase less and less food with each passing year. Food stamp benefits average only $1 per person per day. It's not easy to purchase a healthy, nutritious diet on such a limited amount.

So in this bill we have addressed this problem. We made critical improvements, and, for the first time in the program's history, we have ensured that, in every aspect, the food stamp program keeps its purchasing power over time. We raise the standard deduction from $134 to $144 and index it for inflation. That is an important accomplishment. It helps about 10 million people afford more food—families, seniors, people with disabilities—all types of low-income food stamp recipients are helped by this change. We raise the minimum benefit, and index it for inflation. We uncap the dependent care deduction so that families can deduct the full cost of the child care they so desperately depend on to hold down their jobs. And we index the asset limits. We don't know what the future will hold. Hopefully, the high inflation of the past months will shortly subside as the country gets back on track. But we now can rest assured, as never before, that if there is substantial inflation our low-income families and senior citizens won't lose out on food.

For me what this bill really is about is people. It's about our senior citizens who have worked hard their whole lives and deserve better than to face the fear of hunger in their last years. It's about children, who come home from school and look to their parents to put a nutritious meal on the table.

One of the groups that will be most helped are our Nation's senior citizens. We were able to increase the minimum benefit, which goes predominantly to senior citizens, from $10 to about $14 a month. This is the first increase in almost 30 years in the minimum benefit. I would have liked to have increased it even more, but this change will help make it worthwhile for some of our seniors who qualify for a low benefit to participate in the program. We did this by setting the minimum benefit at 8 percent of the thrifty food plan for a single person. Because USDA adjusts the thrifty food plan every year for increases in food prices, so too will the minimum benefit now adjust. In addition, because of higher food prices in some places, like Alaska, Hawaii, and some of the territories, seniors in these places will now also see a modestly higher minimum benefit. For example in some parts of Alaska, the minimum benefit will be as high as $25 per month.

In this bill we've also excluded retirement accounts from assets and indexed the asset limits to inflation. These changes will help seniors and working families to save for the future. It makes no sense to require people who fall on hard times to virtually liquidate all of the savings they've managed to put away in order to get help paying for groceries for themselves and their families. Our seniors, especially, may have no ability to replace these savings, and as a result, no cushion to deal with unexpected expenses. And a working family who is forced to spend down savings now will be that much closer to poverty in their older years. So this is an important change for the long-term ability of low-income individuals to move toward financial independence and for our senior citizens to be able to retain an ability to support themselves in their retirement.

But I also want to reaffirm that we did not take away, as President Bush proposed, the State option in the food stamp program to design a more appropriate asset test at the State level. In my home State of California the legislature and Governor have been working together to design an "expanded categorical eligibility" program that will revise the asset limit for many food stamp recipients and make it easier for them to save for the future. I hope that other States consider this option, and I urge USDA to work with other States to promote this important policy.

In another major improvement for senior citizens, we have expanded to seniors a State option from the 2002 farm bill that dramatically reduces paperwork requirements. This policy is known as "simplified reporting" and it will allow seniors to participate without filing paperwork for 12 month periods, unless they have a major increase in their income that makes them ineligible for food stamps. I urge USDA to make this option as simple and streamlined for seniors and States as possible, and to find ways to insulate food stamp benefits from interactions with other programs that low-income seniors participate in, particularly Medicaid.

Finally, we have heard reports that despite the overwhelming success of the electronic benefits, some seniors can find the technology confusing. For those at the minimum benefit who receive maybe only $10 to $20 a month, we've heard concerns that if they don't use their benefits fast enough those benefits can be taken away—or moved "offline"—sometimes in as short a period as 3 months, with the senior citizen not understanding why this has occurred. I don't think this is a very common problem, but it is understandable that a senior citizen might want to store up small benefits to use at one shopping trip every few months, rather than have to keep track of the card every month. This bill allows States to move benefits off-line after 6 months of inactivity, but requires them to notify the household and restore the benefits within 48 hours upon request. This benefit reinstatement should be a simple process, and States should aim to help seniors navigate it, so we don't have our seniors being bounced around an EBT call center trying to figure out what happened to their food stamp benefits.

For children and families, the biggest change we make is the increase and indexing of the standard deduction which will significantly boost the ability of low-wage workers to afford food for their families, especially over time. More than $5 billion of the nutrition title's 10-year investment go to this change, which primarily benefits families with children.

We also lift the limit on the dependent care deduction. This change will help about 100,000 families who pay out-of-pocket child care costs above $175 per child per month (or $200 for infants), by recognizing that money that is needed to pay for child care so that a parent can work is not available to purchase food. On average, families who are helped will receive an additional $40 a month (or $500 a year), according to the Congressional Budget Office. The dependent care cap has not been raised since the early 1990s, despite the increases in the costs of safe, reliable child care. Families incur all types of costs in order to secure child care for their children, and USDA should continue to allow all of these expenses to count toward the deduction—such as transportation costs to and from day care and the cost of informal care. Finally, as states roll this out to the 100,000 families currently on the program, its important that they make it easy for eligible families to claim the new deduction. Families shouldn't have to make extra trips to the food stamp office or be at risk of losing benefits if they fail to claim a new higher deduction. A household should never have its benefits cut or reduced because of a failure to document child care expenses, but should be given a full opportunity to receive the higher deduction if they have expenses above the current capped amounts.

We hear all the time that despite the importance and success of the food stamp program, for most families the benefits run out before the end of the month. That is why it is so important that we provide more than $1.2 billion in this farm bill for additional food purchases for emergency food organizations, like church food pantries and soup kitchens, to feed our families and seniors. We provide $50 million in additional funds this year to help meet food banks needs in light of rising food costs. And, we increase the basic The Emergency Food Assistance Program annual funding level to $250 million. That amount will be adjusted for inflation in future years to insure that this program does not lose any of its food purchasing power.

Another important provision for our children is a provision that ensures that children who receive food stamps can automatically, or "directly" be certified as eligible for free meals. The eligibility rules for the two programs overlap: virtually every child who receives food stamps is eligible for free meals. So making that connection in an automated way can save the family from falling through the cracks or from having to file duplicative paperwork. Unfortunately, too many States and schools don't currently make the connection adequately. So this bill requires USDA to report to Congress annually on each State's progress in directly certifying food stamp recipients for free school meals, and asks for USDA to report on best practices among the various States and school districts. This is a provision that is about good government—there is no reason the government can't make these connections, instead of requiring school administrators and families to be responsible for duplicative paperwork.

In addition to my role as the Agriculture's Subcommittee Chair on Operations, Oversight, Nutrition, and Forestry, I also have the great pleasure to assess this bill from the perspective of my role as the chairman of the Congressional Hispanic Caucus. More than 5 million Latinos, or more than 10 percent of the Latino population, receive food stamps each month. Food stamps constitute 25 percent of total monthly income for a typical Latino family that participates in the food stamp program. All of the changes that I have just described will benefit low-income Latinos who rely upon this program.

I must take one moment to express my deep personal disappointment that we were not able to restore food stamp benefits to all legal immigrants who are currently ineligible for the program. Keeping food assistance from hard-working immigrants with whom we live side by side is simply wrong and I will not stop fighting until we fully repeal the benefit cuts to legal immigrants enacted in 1996.

In spite of this major setback, we have achieved a number of important improvements for the Latino community. First, USDA will conduct a study on the possibility of bringing the Commonwealth of Puerto Rico back into the national food stamp program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance.

The poverty rate in Puerto Rico (45 percent) is more than three times the national poverty rate. However, because of the block grant, Puerto Rico cannot afford to provide benefits to all households poor enough to qualify for benefits using food stamp program standards. Instead they have been forced to impose rigid eligibility criteria. For example, a family of four with net income above about $600 a month (or 34 percent of the Federal poverty level) cannot get any food assistance in Puerto Rico. The same family living in California, or any other State on the mainland, could have almost three times as much income and still be eligible for food assistance. An elderly person living alone faces an income limit of $192 per month—just 23 percent of the poverty level.

Clearly, some of our most vulnerable American citizens are at risk of being denied food assistance they greatly need. It seems just plain wrong to knowingly leave some Americans with insufficient food. With this study we hope to get a better understanding of what the local conditions are in Puerto Rico, in terms of food costs, poverty and other programmatic factors so that we can figure out how to address the issue in the next farm bill, or earlier if possible.

Another important achievement of the bill is to ensure that both Federal statute and regulations have the full force of law, ensuring that clients who do not receive adequate service under these rules and standards may bring suit. Recently, a district court in Ohio dismissed a case brought against the State to enforce the Department's regulations for serving people whose primary language is not English. I can't speak to whether the case had any merit, but my colleagues and I were surprised and disturbed to learn about the court's dismissal. We felt that it was critical to clarify in this bill that it has always been Congress's intent that the program's regulations should be fully enforceable and fully complied with to the same extent as the statute. The farm bill, therefore, clarifies that the Department's rules on serving non- and limited-English speaking people have the force of law and create rights for households.

Beyond the issue of bilingual access rules, this legislation makes clear that the Department's civil rights regulations are among those which have the full force of law and which households have the right to enforce. Discrimination is not acceptable in any form or at any point in the food stamp certification process. Households should not be assisted, or not assisted, approved or denied for any reason other than an individual assessment of their need for help or their eligibility by the State. I am pleased to be playing a role in making clear that the committee and the Congress wish the program to be administered in compliance with the Food Stamp Act and its regulations.

I'd like to also talk about a somewhat related matter that we did not manage to agree to include in this farm bill, much to my disappointment. I worked hard to include in the House bill, and shepherd through the conference negotiations, a provision that would have strengthened the long-standing policy in the food stamp program that certification and eligibility decisions should be done by State employees, rather than private companies. We would have added to the traditional restrictions around merit systems and provided specific exceptions for certain activities, such as outreach. In recent years the Bush Administration has let two States, Texas and Indiana, experiment with using private companies to collect and review food stamp applications and conduct the sensitive eligibility interview. In my view, these projects are not consistent with current law or good sense. These experiments have been disastrous to the States' treasuries but, more importantly, to the vulnerable families and senior citizens who rely on food stamps and found their applications delayed or improperly denied. Some people even had their private, personal information shared inappropriately. The activities involved in determining eligibility—and ineligibility—for food stamps should be public functions and should not be governed by profit motive or a company's responsibility to its shareholders.

While the House voted to include this provision in the conference agreement, the Senate did not because of opposition from the other party and a veto threat from President Bush. I regret this outcome and I am determined to not drop this issue until we have restored the proper balance to food stamp administration.

But I urge my colleagues to not forget, that separate from this "privatization" issue, in recent years States have been experimenting with a wide variety of changes to food stamp policies and practices that incorporate new technologies and modern business practices. For example, some States are using technology to create new pathways to apply for and retain benefits such as food stamps, health insurance, and child care, including online applications, online program redetermination or recertification, phone interviews, and call centers where changes in circumstances can be reported.

On the one hand, creating ways for families to participate in these programs without having to travel to a human service office can expand access and save time and money for States and families alike. In fact, in this bill we've created a new option for States to accept food stamp applications over the telephone. No doubt technology offers numerous opportunities for improved customer service and simpler application and retention processes.

On the other hand, if these processes are not well-designed, evaluated, and implemented, then families can face new access barriers. Moreover, some States are exploring these options at the same time that they are reducing human service staffing and closing local welfare offices. These steps can create new access barriers for certain groups of families and need to be carefully monitored. And I am concerned because neither States nor

USDA appear to be asking the important questions about what has been the effect of these technological changes on access for food stamp households, particularly vulnerable populations like seniors, people with physical or mental disabilities, or people who do not speak English proficiently. The Government Accountability Office (GAO) last year published a report that found that USDA has not sufficiently monitored the States' "modernization" efforts in terms of their effects on program access, payment accuracy, or administrative costs.

So in this bill we have included several provisions to require that States that are eager to pursue modernized systems are pausing to ask the necessary questions about how to ensure that the new systems are designed in such a way that they are effective tools for connecting eligible families to benefits. In this bill we require USDA to establish standards for when States are making major changes in program operations and to monitor the effects on households, especially the types of households I just mentioned. I urge USDA to do this in a way that yields useful information so that States can refine and improve their systems to make them as accessible as possible to all clients.

Another provision requires States to adequately pilot test new computer systems before they go full-scale. This responds to situations where States have implemented new computer systems without adequate testing. This occurred even though some at USDA knew that there were weaknesses in the system and that serious benefit delays and errors were likely to occur. We also included a provision the Administration suggested to require States, instead of households, to repay any over-issuances that occur because of one of these preventable major systems failures.

Finally, in light of all of the modernization changes and the potential access to sensitive information that new players may have, we strengthened the act's privacy protections to ensure that anyone receiving confidential information for appropriate program purposes cannot then share that information with a third party. In addition to our fears that too many people may have access to private food stamp information as a result of new technology, we were also concerned that clients have not been able to access their private records. We heard about clients in Texas who had their benefits cut off, or who never were able to obtain benefits, and could not get access to their case records in order to pursue a claim against the State. That is unacceptable. We also clarified that despite all of the changes in how States are storing and maintaining client records, clients can access these records in litigation. These changes are not in conflict because confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

Another concern I have is about two new provisions that would disqualify certain people from food stamps for misusing their benefits. One relates to situations where a recipient of food stamps intentionally uses food stamp benefits to buy a product, like water, that is in a disposable container that can be redeemed for cash, then discards the product and redeems the container in order to obtain the cash deposit. The other new disqualification addresses individuals who intentionally purchase food with food stamp benefits in order to resell the food for a cash profit. I agree that both of these practices are contrary to the purposes of the food stamp program in assisting people in obtaining an adequate diet and it's appropriate to address them in this bill. However, I caution USDA to implement them in a way that ensures that only those who intended to defraud the system in these manners be disqualified. I do not want to see innocent people—who may simply have bought groceries for a neighbor or relative—be caught up as somehow engaging in fraud under this provision.

My concerns here are not completely without precedent. In this bill we are revisiting and clarifying a different disqualification rule that was enacted in 1996, and that has, in fact, ensnared innocent people and denied food stamp benefits in inappropriate ways. The intent of the law was to aid law enforcement and prevent criminals who are fleeing to avoid prosecution from receiving food stamps. Unfortunately, in practice, the provision has disqualified innocent people who had their identities stolen, or who have outstanding warrants for minor infractions that are many years old and where the police have no interest in apprehending and prosecuting the case.

So in this bill we direct USDA to clarify that people should only be subject to disqualification if they are actively fleeing law enforcement authorities who are, in fact, interested in bringing them to justice.

In addition to the very important changes we have made to the food stamp program and new funding for food banks through TEFAP, the bill would expand and improve the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act. This program has been receiving $9 million a year in mandatory funds and operates in 14 States. (Three Indian tribes also operate the program.)

Under the conference agreement, mandatory funding would increase to $40 million for the 2008–2009 school year and continue to grow. By 2012, the program would be funded at nearly 8 times its current size: $150 million each year, with annual adjustments for inflation in years after that.

In addition to providing increased funding, the conference agreement takes important steps to target program funds to elementary schools with a significant share of low-income children. Our goal is to provide free fresh fruits and vegetables to all elementary schools in the country where more than half of the children are eligible for free or reduced price school meals. This program should expose a whole new generation of children to a healthy way of eating.

To sum up, I am extremely proud of the work that our committee and our Congress have undertaken in the nutrition title of the farm bill. With these changes, we are building a healthier better fed population. As a result, we are taking a few important steps towards a stronger future for our children and our communities.

Mr. ETHERIDGE. Mr. Speaker, I rise again today, in strong support of the 2008 Farm Bill.

Mr. Speaker, because of a technical glitch, this Farm Bill will have a new number, but this is the same bill.

This is the same bill that was passed on a bipartisan vote in the House of Representatives, and an overwhelming vote in the other body, and it is still, as it was last week, one of the most important pieces of legislation this Congress has passed this year.

Mr. Speaker, it is critical that we have a stable farm policy in this Nation, for our farmers, and for every child who participates in a nutrition program. This is legislation that affects every citizen in this country.

Again, this is a bill we can all be proud of.

I urge my colleagues to support this legislation.

Mr. KUCINICH. Mr. Speaker, although my colleagues have worked hard to provide meaningful reform, this bill maintains agriculture policies that are driving several underlying problems. For example, the single biggest share of subsidies under this bill goes to corn, which drives up food prices through corn based ethanol incentives and which contributes to obesity and diabetes through the overproduction of High Fructose Corn Syrup.

The bill short-changes conservation programs that can reduce global warming pollution. It continues to encourage factory farms where our antibiotics are rendered weak or useless because of overuse on cattle, where cattle are treated inhumanely, where toxic runoff contributes to contaminated drinking water, and where employees suffer the highest rates of workplace injuries of almost any other industry.

Finally, this Farm Bill maintains massive giveaways to corporate agribusiness instead of helping the vanishing family farmer.

The president has declared his intent to veto this bill because it does not contain adequate reform. Instead, he asserts that Congress should pass a one year extension of the status quo and come back with a farm bill containing more meaningful reform. I agree that the bill falls far short. In voting against the previous version of the Farm Bill, my hope was that Congress would take the last remaining opportunity to construct a farm bill that did not exacerbate the obesity and diabetes epidemics, that was good for the environment, and that favored family farmers over corporate agribusiness.

However, there are now no other opportunities to improve the bill in the near future. At the same time, this Farm Bill contains provisions that give immediate relief from hunger caused by rising food costs. Northeast Ohio, where the situation is particularly urgent, simply cannot wait another year for relief.

Portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74% increase in participation in the Food Stamp Program between 2002 and 2007. Participation in the food stamp program has increased over the last several years, with an additional 1.3 million people participating in the program in the last year alone.

An unprecedented $10.4 billion over 10 years has been included in the Nutrition Title of the Farm Bill. Proper nutrition is vital to human life and a basic human right. Funding for the Nutrition Title will have an important impact on preventing domestic hunger by increasing the Food Stamp Program's minimum monthly benefit and The Emergency Food Assistance Program's mandatory funding level.

There are over 35 million people in our nation who face hunger, 12.5 million of whom are children. Hunger centers in Cleveland, Ohio and around the nation report that demand for food assistance has risen by 15 to 20 percent over the last year. Increasingly, middle-class families are turning to food banks to meet their basic nutritional needs. In a recent survey, 83 percent of food banks reported that they are experiencing difficulty in meeting the needs of their communities. The bill increases assistance to food banks by $1.25 billion. This is an important step to curbing hunger in our nation and upholding the dignity of our citizens.

I will continue to work with my colleagues to achieve the necessary reform to make certain that our citizens have access to wholesome and nutritious foods while preserving our family farms, improving public health and protecting our environment. But the immediate needs of the people of Northeast Ohio, combined with the lack of opportunity to craft a more sustainable alternative, leave me no choice but to vote for this Farm Bill.

Mr. PETERSON of Minnesota. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6124.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOEHNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H.R. 6124 will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 1194.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 353]

YEAS—306

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth

NAYS—110

Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Cubin
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Goode
Granger
Harman
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Pence
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Andrews
Bilirakis
Carter
Castor
Crenshaw
Gillibrand
Hobson
Hoekstra
Kennedy
Lewis (GA)
Paul
Ros-Lehtinen
Rush
Scott (GA)
Sullivan
Walden (OR)
Walsh (NY)
Wexler
Young (AK)

☐ 1333

Mr. BACHUS changed his vote from "yea" to "nay."

Messrs. WELLER of Illinois, BUYER, HALL of Texas, MILLER of North Carolina, PEARCE, Ms. GINNY BROWN-WAITE of Florida, and Mr. TURNER changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARTER. Mr. Speaker, on rollcall No. 353, On Motion to Suspend the Rules and Pass H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through the fiscal year 2012, and for other purposes, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1194, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1194.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 10, answered "present" 2, not voting 21, as follows:

[Roll No. 354]

YEAS—401

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—10

Abercrombie
Baldwin
Hinchey
Jones (NC)
Kucinich
Lee
McDermott
Moore (WI)
Stark
Woolsey

ANSWERED "PRESENT"—2

DeFazio
Watt

NOT VOTING—21

Andrews
Carter
Castor
Crenshaw
Fossella
Gillibrand
Herger
Hobson
Johnson (GA)
Kennedy
Lewis (GA)
Paul
Rangel
Rush
Spratt
Sullivan
Turner
Walden (OR)
Walsh (NY)
Wexler
Young (AK)

□ 1342

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Madam Speaker, I was unavoidably detained. I would have voted "yea."

Mr. CARTER. Madam Speaker, on rollcall No. 354, On Motion to Suspend the Rules and Agree to H. Res. 1194, Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

Mr. SULLIVAN. Madam Speaker, I rise to state that due to unforseen circumstances, I missed rollcall vote 354 to H. Res. 1194 taken on May 22, 2008. Had I been present for this vote, I would have voted "yea" on this measure.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, I wish to inform my colleagues that the classified annex to H.R. 5959, the Intelligence Authorization Act for fiscal year 2009, will be available for review by Members only during regular committee business hours. Staff are requested to call the committee to schedule a viewing appointment for Members. Members will be required to fill out the appropriate security paperwork to view the classified documents.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

□ 1344

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. SERRANO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Mr. HOYER. Mr. Chairman, I first want to recognize Congressman IKE SKELTON, Chairman of the Armed Services Committee. I know how tirelessly he's worked to put this authorization bill together; and more than that, I know that no one in this House is a more dedicated advocate for our men and women in uniform.

This bill passed out of committee unanimously, and I expect it to pass the full House overwhelmingly, as well. That's because it's a bill that begins to repair our military while putting the needs of our troops first, a bill that responds to the Armed Forces' immense challenges while keeping them on the cutting edge. Let me touch on a few of its key provisions.

First, it authorizes $70 billion for operations in Iraq, Afghanistan, and the war on terrorism. No doubt, an overwhelming majority of the

American public would agree that our mission in Iraq has been marred by gross errors of judgment from our highest-ranking civilian officials, unending bloodshed, and a chronic lack of political progress. But at the same time, 150,000 American troops are still on the ground in the midst of that violence, they have done everything our Nation has asked of them, and I believe they must have the resources they need to defend themselves and try to stabilize Iraq. This bill recognizes that reality, and it includes funds to keep our troops safer under fire: funds for Mine Resistant Ambush Protected Vehicles, up-armored Humvees, and personal body armor.

Second, this bill acknowledges the tremendous debt we owe our troops in this time of war. And the bill's military pay raise—a higher raise than the president requested—is a small way of beginning to pay that debt back. It also protects their access to health care by keeping down medical fees for our troops and retirees.

Third, this bill begins to restore our Nation's military readiness. With our forces stretched to the breaking point, Army National Guard units have, on average, less than two thirds of their required equipment. Army Vice Chief of Staff Richard Cody has testified that the Army "no longer has fully ready combat brigades on standby should a threat or conflict occur." That is simply too dangerous a risk to take. I'm glad that this bill takes some steps to mitigate it, authorizing nearly $2 billion for unfunded readiness initiatives, $800 million for National Guard and Reserve equipment, and larger active duty forces: 7,000 new soldiers, 5,000 more Marines, and more than 1,000 new sailors.

Fourth and finally, this bill's investments in high-tech equipment will keep our military the world's most advanced. It includes funding for next-generation fighters, like the F/A–22 Raptor and the F–35 Joint Strike Fighter; for advanced Navy vessels, from small littoral combat ships to new attack submarines; and for the initial deployment of a national missile defense system. At the same time, I realize that spending on this scale always opens the possibility of waste and abuse; that's why I'm grateful that this bill also comes equipped with increased congressional oversight of Defense acquisition programs.

Mr. Speaker, never in recent memory has our military been so worn down. The road back to readiness will be long and hard—but it can begin today. I urge my colleagues to support this vital piece of legislation—vital for our troops and our families, and equally vital for our Nation's security.

Mr. DINGELL. Mr. Chairman, I rise today in support of the Department of Defense (DOD) Authorization Act for Fiscal Year 2009. This legislation achieves a number of very important goals. First and foremost, it provides our troops and their families with the support they need. This includes a military a pay raise of 3.9 percent, which is larger than that requested by the President, a prohibition against fee increases for the military health care program known as TRICARE, an expansion of available health care services, and improved support for military families.

The bill also helps protect our troops by improving military readiness, and providing them with the equipment they need to keep them safe. The bill authorizes nearly $2 billion for unfunded readiness initiatives, and authorizes $800 million to provide the National Guard and Reserve, which are terribly stretched thin due to repeated deployments to Iraq, equipment they critically need. It also authorizes $2.6 billion for additional Mine Resistant Ambush Protected (MRAP) vehicles, $947 million for additional Up-Armored Humvees, and $783 million for the continued procurement and enhancement of personal body armor. This is equipment that will save countless lives in Iraq.

Finally, this legislation includes provisions making important changes to the government contracting system and adds increased accountability for those who are working for the government in Iraq. This bill reforms the DOD acquisition process, provides for a better trained acquisition workforce, and cracks down on conflicts of interest in defense contracts.

I want to thank my friend and colleague Chairman SKELTON for his hard work on this legislation. It has always been the bipartisan goal of the Congress to ensure that the United States military is the best trained, best equipped, and most capable fighting force in the world. This legislation accomplishes those goals, and has my strong support.

Mr. KIND. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I would like to start by commending the outstanding service provided by our men and women in the armed forces and thanking them for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. In return, I believe it is our duty as Congress to provide our troops with the support and resources they need to do their job as safely and effectively as possible. It is a credit to Chairman SKELTON and Ranking Member HUNTER that we have been able to fulfill this important obligation with strong bipartisan support.

I especially thank the committee for addressing an issue of particular importance to me and one of my constituents in this legislation. During a 15-month deployment in Afghanistan, U.S. Army Sergeant Jeff Frawley endured extremely harsh conditions in the mountains near Pakistan. Despite these hardships, he selflessly re-enlisted to serve his country for another 4 years.

Upon his return to the United States, Sergeant Frawley's company was forced to live in barracks at Fort Bragg that were infested with mold, suffered from decrepit plumbing, and were structurally unsound. While visiting his son, Sergeant Frawley's father took pictures of the barracks and eventually posted a video of them on the internet.

The appalling conditions to which soldiers such as Sergeant Frawley have been subjected upon their return to the United States are an embarrassment. The improvement of these facilities must be of the highest priority for this country. Our returning troops deserve better. That is why I am proud to support H.R. 5658, which increases the Sustainment, Restoration, and Modernization account for the Department of Defense by $650 million. This additional funding is directly targeted at modernizing and fixing existing barracks, and will go a long way in ensuring that Sergeant Frawley and other soldiers are provided with the resources and facilities they deserve.

I thank Armed Services Committee Chairman SKELTON and Ranking Member HUNTER for their leadership on this critical issue. I applaud their work and urge my colleagues to support this important bill.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2009. Having served on the House Armed Services Committee, I know that it handles some of the most complicated and contentious issues before Congress, but through a combination of hard work and a commitment to bipartisanship, it has been able to assemble a good bill that all Members should support. I would particularly like to thank Chairman SKELTON and Ranking Member HUNTER for their leadership and their efforts to enhance our national security.

The members of this body hold significantly different opinions about what our Nation's role should be in Iraq. Personally, having voted against the authorization of the use of force in Iraq, I believe that our current combat operations are doing significant and systemic damage to our military readiness and that we need a new strategy that emphasizes diplomatic and economic efforts and that allows us to bring our troops home. Despite our differences on Iraq policy, though, my colleagues and I stand in full support of the men and women in uniform who serve our Nation, as well as their families. This legislation recognizes their service by providing a pay raise of 3.9 percent—an increase of 0.5 percent over the President's budget request. It also rejects the President's ill-advised proposal to raise premiums and co-pays for participants of TRICARE, the military health care system. Congress recognizes that other options exist to reduce the cost of health care and that we must not place an undue burden on our military families. To that end, H.R. 5658 establishes several new preventive health initiatives, which will keep people healthier and reduce future costs.

As co-chair of the House Submarine Caucus, I am particularly pleased that the bill before us makes a major investment in our national security by providing an additional $722 million for advanced procurement of a second VIRGINIA-class submarine in FY2010—one year ahead of schedule. Last year, Congress provided $588 million to expedite the VIRGINIA-class construction schedule to attain two submarines in FY2011, and this legislation moves the target date even sooner. Submarines are one of the most effective and flexible platforms in our military, but if we don't build more quickly, we will lose our strategic advantage over nations that are rapidly expanding their naval forces. Furthermore, this funding will help our submarine industrial base, which, without additional work, will face layoffs, and our Nation could lose their specialized skills and expertise. The men and women who work at Electric Boat in my district make the best submarines in the world, and I am pleased that this legislation will allow them to expand their contributions to our national security. I am deeply grateful to Chairman IKE SKELTON and Seapower Subcommittee Chairman GENE TAYLOR—as well as my friend and neighbor JOE COURTNEY and my co-chair on the Submarine Caucus RANDY FORBES—for their commitment to our submarine force.

This Congress has shown a commitment to our Navy and recognizes the importance of shipbuilding. While I applaud many provisions in this bill that will help restore the size of our fleet, I have concerns about the decision to delay the purchase of the third Zumwalt-class destroyer (DDG–1000). Instead of funding the President's full request, the bill provides $400 million that may be used either to purchase long-lead materials for the thud DDG–1000 or to begin procurement of two Arleigh Burke-class destroyers (DDG–51). The DDG–1000 is the first installment in the Navy's Family of Ships line, which will develop new technology for later insertion in the next-generation cruiser and other surface ships. Delaying DDG–1000 will prevent the development of new technologies and weapons systems that are necessary to address current and future threats. Additionally, while purchasing additional DDG–51s will help us increase the size of our fleet, they cannot fulfill the mission requirements of the DDG–1000, which was specifically built to have greater capability and a smaller crew. As we move forward with this bill, I ask that the committee keep these concerns in mind.

I am very proud to support H.R. 5658, which provides our men and women in uniform with the resources, equipment and services they need to continue their excellent service to the Nation. I urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss H.R. 5658, the Duncan Hunter National Defense Authorization Act for FY 2009 which has many important provisions to help our military personnel and their families. I want to thank my colleague Congressman SKELTON for his leadership on the House Armed Services Committee in bringing a bill to the floor that not only protects but supports our military and our veterans.

Samuel Adams, who was known as the Father of the American Revolution, stated "All might be free if they valued freedom, and defended it as they should." Well, while most of us value freedom many of us do not risk our lives for it the way our men and women in the armed forces do on a daily basis.

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving interagency cooperation, oversight, and accountability in this year's defense authorization bill.

DEFENSE PROVISIONS

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future. This bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services, which includes an additional $932 million to deal with equipment shortages and for equipment maintenance.

The bill also provides $800 million for National Guard and Reserve equipment and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks. To boost readiness and to reduce the strain on our forces, the bill increases the size of the military by 7,000 Army troops and 5,000 Marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 Air Force personnel.

To improve the quality of life for our forces and their families, the bill provides a 3.9 percent pay raise for all service members, which is .5 percent more than the President's budget request, and extends the authority for the Defense Department to offer bonuses and incentive pay. The bill also preserves important health benefits to improve the readiness of our force, keep servicemembers and their families healthy, and to reduce the overall need for care.

The bill establishes a Career Intermission Pilot Program to allow a servicemember to be released from active duty for a maximum of 3 years to focus on personal or professional goals outside of the military. The bill also provides tuition assistance to help military spouses establish their own careers, authorizes Impact Aid funding to assist schools with large enrollments of military children, and establishes a DoD School of Nursing to address the critical nursing shortage in our military services.

This bill addresses the need to improve the command and control structure for military forces operating in Afghanistan providing equipment to train and properly equip the Afghan National Security Forces (ANSF). This bill urges the President to appoint a Special Inspector General for Afghanistan Reconstruction (SIGAR), as required by law, at the earliest possible time.

More importantly this bill contains several layers of transparency and accountability. By requiring more detailed reporting to Congress on the status and strategies of our forces in Iraq and Afghanistan, as well as on the performance of Provincial Reconstruction Teams (PRTs) and information on U.S. contractors—this bill provides greater oversight by this body.

REP. JACKSON-LEE PROPOSED AMENDMENTS

While I do believe that Congressman SKELTON and the Armed Services Committee have done a great job at trying to address the needs of our servicemembers, their families, and our national interests, I am disappointed to see certain areas were not addressed. I offered two amendments to the defense authorization to improve its ultimate outcome.

My first amendment would have added three sense of Congress paragraphs: (1) the war in Iraq should end as safely and quickly as possible and our troops should be brought home; (2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately, including through the observance of a national day of celebration; and (3) the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war.

This amendment was borne from my deeply held belief that we must commend our military for their exemplary performance and success in Iraq. As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. The United States will not and should not permanently prop up the Iraqi government and military. Whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

My amendment explicitly stated that the goals laid out by the Authorization for Use of Military Force against Iraq Resolution of 2002 (AUMF) have all been achieved by our troops in Iraq.

Due to the skill and dedication of the members of the Armed Forces, the entire world has now been assured that Iraq does not possess weapons of mass destruction that could threaten the United States or any member nation of the international community. The United States Armed Forces successfully toppled the regime of Saddam Hussein and captured the key cities of Iraq in only 21 days. The Armed Forces performed magnificently in conducting military operations designed to ensure that the people of Iraq would enjoy the benefits of a democratically elected government governing a country that is capable of sustaining itself economically and politically and defending itself militarily.

While our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts.

My second amendment would have made a declaration of U.S. policy that "The Authorization for Use of Military Force against Iraq Resolution of 2002 (Public Law 107–243; approved on October 16, 2002) is the basis of authority pursuant to which the President launched the invasion of Iraq in March 2003."

Further, it describes the authorization's two stated objectives: to enforce all relevant United Nations Security Council resolutions regarding Iraq, and to defend the national security of the United States (i) by disarming Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region, (ii) by ensuring that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaida, (iii) by changing the Iraqi regime so that Saddam Hussein and his Baathist regime no longer pose a threat to the people of Iraq or Iraq's neighbors, and (iv) by bringing to justice any members of al Qaida bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, known or found to be in Iraq.

Most crucially, my second amendment states unequivocally that "the objectives of Public Law 107–243 described in subparagraphs (A) and (B) of paragraph (2) have been achieved. This amendment would have provided an expressed acknowledgment by the Congress that the objectives for which the Authorization for Use of Military Force (AUMF) resolution of 2002 authorized the use of force in Iraq were achieved by the Armed Forces of the United States.

The objectives for which this Congress authorized war in Iraq have been met; therefore, that authorization should no longer be the basis for ongoing involvement by U.S. armed forces. Our military has already paid too heavy a price for this Administration's ill-advised and poorly planned war effort in Iraq. My amendment would have recognized the exemplary performance of our men and women in uniform, and emphasizes that our military has already achieved the objectives for which it was sent to Iraq.

Mr. Chairman, although I would have liked to see my amendments included in this bill I am supportive of much of the provisions of this bill; however since this legislation provides for continued funding of the Iraq war I will not be able to vote for the continuation of the war. I will vote no.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 21, 2008, all time for general debate pursuant to House Resolution 1213 had expired. Pursuant to House Resolution 1218, no further general debate is in order.

Pursuant to House Resolution 1218, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
Sec. 123. Littoral Combat Ship (LCS) program.
Sec. 124. Report on F/A-18 procurement costs, comparing multiyear to annual.

Subtitle D—Air Force Programs

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Sec. 132. Maintenance of retired KC-135E aircraft.
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Sec. 3503. Student incentive payment agreements.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
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Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
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Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C-5 aircraft.
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Sec. 141. Body armor acquisition strategy.
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Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,912,735,000.

(2) For missiles, $2,201,460,000.

(3) For weapons and tracked combat vehicles, $3,539,177,000.

(4) For ammunition, $2,294,791,000.

(5) For other procurement, $11,201,876,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,627,274,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.

(3) For shipbuilding and conversion, $12,917,919,000.

(4) For other procurement, $5,461,926,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,296,327,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,122,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $12,618,665,000.

(2) For ammunition, $934,478,000.

(3) For missiles, $5,536,728,000.

(4) For other procurement, $16,134,896,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,485,428,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $800,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $50,000,000.

Subtitle B—Army Programs

SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems (FCS) program, to the extent the budget submission includes funding for such elements:

(1) FCS Manned Ground Vehicles.

(2) FCS Unmanned Ground Vehicles.

(3) FCS Unmanned Aerial Systems.

(4) FCS Unattended Ground Systems.

(5) Other FCS elements.

SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR ELEMENTS OF THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) Contracting Restricted.—For fiscal year 2009 and any fiscal year thereafter, the Secretary of Defense and the Secretary of the Army may not award a contract for low-rate initial production or full-rate production of major elements of the Future Combat Systems program to any entity that is under contract to perform the role of lead systems integrator for the Future Combat Systems program.

(b) Inapplicability to Non-Line of Sight Cannon.—Subsection (a) does not apply to contracts entered into in fiscal year 2009 or fiscal year 2010 for procurement of Non-Line of Sight Cannon vehicles.

(c) Inapplicability to Equipment Procured Through Selected Acquisition Methods.—Subsection (a) does not apply to elements of the Future Combat Systems program—

(1) acquired through the Army Rapid Equipping Force program;

(2) acquired through the Joint Improved Explosive Device Defeat Organization; or

(3) acquired specifically to address an Operational Needs Statement or Joint Urgent Operational Needs Statement.

(d) Definitions.—In this section:

(1) The term "major elements of the Future Combat Systems program" includes—

(A) Future Combat Systems Manned Ground Vehicles;

(B) Future Combat Systems Unmanned Ground Vehicles;

(C) Future Combat Systems Unmanned Aerial Vehicles;

(D) Future Combat Systems Non-Line of Sight Missile Launchers;

(E) Future Combat Systems Unattended Ground Sensors; and

(F) Future Combat Systems equipment to upgrade vehicles and other equipment in the Army inventory as of October 1, 2008.

(2) The term "lead systems integrator" has the meaning given such term in section 802(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO PENDING REPORT.

(a) Report Required.—The Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on Army tactical radio fielding plans by March 30, 2009. This report shall include, at a minimum, the following:

(1) A description of the Army tactical radio fielding strategy, including a description of the overall mix of tactical radio systems and how they integrate to provide communications and network capability.

(2) A detailed description of the current and future mix of radios for Army infantry brigade combat teams, heavy brigade combat teams, Stryker brigade combat teams, and Future Combat Systems brigade combat teams.

(3) A description of the current and future mix of radios for Army support brigades, headquarters elements, and training base.

(4) A description of the Army's plan to integrate joint tactical radio system radios, including the number of each type of joint tactical radio the Army plans to procure.

(5) An assessment of the total cost of the Army's tactical radio fielding strategy, including future procurement of joint tactical radio systems.

(b) Restriction on Obligation of Funds Pending Report.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Other Procurement, Army, for tactical radio systems, not more than 75 percent may be obligated or expended until 30 days after the report required by subsection (a) is received by the congressional defense committees.

SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.

(a) Certification Required.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Army Reconnaissance Helicopter has—

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) Restriction on Obligation of Funds Pending Certification.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

Subtitle C—Navy Programs

SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) Amount Authorized From SCN Account.—Of the amount appropriated pursuant to the authorization of appropriations in section 102 or otherwise made available for shipbuilding, conversion, and repair, Navy, for fiscal year 2009, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009. The amount made available in the preceding sentence is the first increment in the three-year funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) Contract Authority.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2009 for the nuclear refueling and overhaul of the U.S.S. Theodore Roosevelt (CVN–71).

(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREEMENTS FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended in subsection (b)—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the Secretary submits to the congressional defense committees a certification that the contract will be awarded to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor as the primary subcontractor to the contract, in accordance with the Team Agreement between the two companies, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.".

SEC. 123. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29), is amended in subsection (d) by adding at the end the following:

"(3) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2007. However, in the case of a vessel the procurement of which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or 2009, the amount of such an increase for such a vessel may not exceed $10,000,000.

"(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels. However, the Secretary of the Navy may make an adjustment under this paragraph only if—

"(A) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

"(B) (i) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat; and

"(ii) the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.".

SEC. 124. REPORT ON F/A-18 PROCUREMENT COSTS, COMPARING MULTIYEAR TO ANNUAL.

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A-18 procurement. The report shall include the following:

(1) The number of F/A-18E/F and EA-18G aircraft programmed for procurement for fiscal years 2010 through 2015.

(2) The estimated procurement costs for those aircraft, if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft, if procured through a multiyear procurement contract.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary considers the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) The recommendations of the Secretary as to whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—Should the Secretary recommend under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall accompany the recommendation with the certifications required by section 2306b of title 10, United States Code, so as to enable to award of a multiyear procurement contract beginning with fiscal year 2010.

(c) FUNDING.—Subject to the availability of appropriations, the Secretary of the Navy may obligate up to $100,000,000 of the amount authorized for procurement of F/A-18E/F or EA-18G aircraft for cost reduction initiatives (CRI) in fiscal year 2009. Such CRI funding may be applied to either single year or multiyear procurements of F/A-18 aircraft.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C-5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not retire C-5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more effective in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the life-cycle cost of C-17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses "constant year dollars" and one analysis that uses "then year dollars".

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;

(G) operations;

(H) training;

(I) maintenance;

(J) sustainment;

(K) military construction;

(L) personnel;

(M) cost of replacement due to attrition; and

(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing RERP on only C-5B and C-5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411) is repealed.

SEC. 132. MAINTENANCE OF RETIRED KC-135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) is amended by striking "each KC-135E aircraft that is retired" and inserting "at least 46 of the KC-135E aircraft retired".

SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.

Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 2401a note) is repealed.

SEC. 134. REPORT ON PROCESSES USED FOR REQUIREMENTS DEVELOPMENT FOR KC-(X).

Not later than December 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report on the processes used for requirements development for the KC-(X). The report shall include—

(1) an examination of the processes by which KC-(X) requirements were established;

(2) a justification for the use of the KC-135R as the comparative baseline for the KC-(X) competition; and

(3) an evaluation of commercial derivative aircraft in the 750,000 pounds maximum gross take-off weight to 1,000,000 pounds maximum gross take-off weight range as a potential aerial refueling platform, which shall include an examination of pertinent aerial refueling capabilities such as range, offload at range, and passenger/cargo capacity.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR ACQUISITION STRATEGY.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate an executive agent for procurement of body armor and associated components.

(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, within each procurement account budget submission to the President, a separate, dedicated procurement line item is designated for procurement of body armor and associated components.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that—

(1) identifies the critical industrial base capacity for body armor, to include all tiers of subcontractor suppliers;

(2) contains a plan for the long-term maintenance of this industrial base capacity; and

(3) identifies specific research and development objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity.

SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) GAO AUDIT AND REPORT.—The Comptroller General of the United States shall audit the requirements generation process of the Department of Defense for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement requirement. Not later than October 1, 2009, the Comptroller General shall submit to the congressional defense committees a report on the results of the audit.

(b) SECRETARY OF DEFENSE REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the small arms industrial base. The report shall include the following:

(1) The current inventory, acquisition objective, operational, and budgetary status of current small arms programs, to include pistols, carbines, rifles, light, medium, and heavy machine guns.

(2) A plan for a joint acquisition strategy for small arms modernization, with emphasis on a possible near term competition for a new pistol and carbine.

(3) An analysis of current small arms research and development programs.

(4) An analysis of current small arms capability gap assessments that have been finalized or are being pursued.

(c) DEFINITION.—In this section, the term "small arms"—

(1) means man portable or vehicle mounted light weapons, designed primarily for use by individual military personnel for anti-personnel use; and

(2) includes pistols, carbines, rifles, and light, medium, and heavy machine guns.

SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems, to be applicable throughout the Department of Defense, to achieve integrated research, development, test, and evaluation, and procurement commonality.

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

(1) Procurement of common payloads by vehicle class, including—

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

(I) national airspace operations avionics or sensors, or both.

(2) Commonality of ground systems by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Open source software code.

(6) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

(7) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

(c) AFFECTED SYSTEMS.—For the purposes of this section, the manned and unmanned aerial vehicle classes and types of manned and unmanned aerial vehicles within each class are as follows:

(1) Tier II class: Vehicles such as Silver Fox and Scan Eagle.

(2) Tactical class: Vehicles such as RQ–7.

(3) Medium altitude class: Vehicles such as MQ–1, MQ–1C, MQ–5, MQ–8, MQ–9, and Warrior Alpha.

(4) High Altitude class: Vehicles such as RQ–4, RQ–4N, Unmanned airship systems, Constant Hawk, Angel Fire, Special Project Aircraft, Aerial Common Sensor, EP–3, Scathe View, Compass Call, and Rivet Joint.

(d) CONSULTATION.—The Secretary shall develop the policy and acquisition strategy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the policy required by subsection (a); and

(2) the acquisition strategy required by subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.
Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.
Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 234. Repeal of requirement for Technology Transition Initiative.
Sec. 235. Trusted defense systems.
Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.
Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 238. Availability of funds for prompt global strike capability development.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,683,695,000.

(2) For the Navy, $19,769,738,000.

(3) For the Air Force, $28,238,349,000.

(4) For Defense-wide activities, $21,033,651,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $12,059,915,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

Section 214(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2123) is amended by striking paragraphs (4) through (6) and inserting the following:

"(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

"(5) Whether the program's planned major communications network demonstrations are sufficiently complex and realistic to inform major program decision points.

"(6) The extent to which Future Combat Systems manned ground vehicle survivability will be reduced in a degraded Future Combat Systems communications network environment.

"(7) The level of network degradation at which Future Combat Systems manned ground vehicle crew survivability is significantly reduced.

"(8) The extent to which the Future Combat Systems communications network will be able to withstand network attack, jamming, or other interference.

"(9) What the cost estimate for the program is, including all spin outs, and an assessment of the confidence level for that estimate.

"(10) What the affordability assessment for the program is, given projected Army budgets, based on that cost estimate.".

SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE.

(a) REPORT REQUIRED.—Not later than July 1, 2009, the Assistant Secretary of Defense, Networks and Information Integration, shall submit to the congressional defense committees a report providing an assessment of the Future Combat Systems communications network and software. This report shall include, at a minimum, the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the impact of the use of significant amounts of commercial software in Future Combat Systems software.

(2) An assessment of the vulnerability of the Future Combat Systems communications network to electronic warfare, jamming, and other potential enemy interference.

(3) An assessment of the vulnerability of the Future Combat Systems communications network to adverse weather and complex terrain.

(4) An assessment of the Future Combat Systems communication network's dependence on satellite communications support, and an assessment of the network's performance in the absence of assumed levels of satellite communications support.

(5) An assessment of the performance of the Future Combat Systems communications network when operating in a degraded condition due to the factors analyzed in paragraphs (1), (2), (3), and (4), and how such a degraded network environment would impact the performance of Future Combat Systems brigades and the survivability of Future Combat Systems manned ground vehicles.

(b) INCLUSION OF CLASSIFIED ANNEX.—The report required by subsection (a) may include a classified annex at the discretion of the Assistant Secretary, for the purpose of providing the assessments required, or to provide additional supporting information.

SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.

(a) REPORT REQUIRED.—For each of the years 2009 through 2015, the Secretary of the Army *shall, not later than February 15 of the year, submit a selected acquisition report for each Future Combat Systems manned ground vehicle variant.*

(b) REQUIRED ELEMENTS.—The reports required by subsection (a) shall include the same information required in comprehensive annual selected acquisition reports for major defense acquisition as defined in section 2432(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "manned ground vehicle variant" includes the eight distinct variants of manned ground vehicle designated on pages seven and eight of the Future Combat Systems selected acquisition report of the Department of Defense dated December 31, 2007, and any additional manned ground vehicle variants designated in Future Combat Systems acquisition reports of the Department of Defense after the date of the enactment of this Act.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the Department of Defense's annual budget submission to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARFIGHTER INFORMATION NETWORK—TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees within five days after the completion of all of the following actions:

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network-Tactical (WIN–T) Increment 3 program.

(2) Completion of the independent cost estimate for the WIN–T Increment 3 program by the Cost Analysis Improvement Group, as required by the June 5, 2007 recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007 recertification by the Under Secretary.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 20 percent of those amounts may be obligated or expended until 15 days after the notification required by subsection (a) is received by the congressional defense committees.

SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN JOINT CARGO AIRCRAFT EXPENDITURES.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army, the Secretary of the Army may fund the following Joint Cargo Aircraft expenditures only through amounts made available for procurement or for research, development, test, and evaluation: support equipment, initial spares, training simulators, systems engineering and management, and post-production modifications.

Subtitle C—Missile Defense Programs

SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE DEFENSE.

(a) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a Federally Funded Research and Development Center to conduct an independent study of concepts and systems for boost phase missile defense.

(b) REQUIREMENTS FOR STUDY.—

(1) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

(A) The Airborne Laser.

(B) The Kinetic Energy Interceptor (land- and sea-based options).

(2) FACTORS TO BE EVALUATED.—The study shall evaluate each system based on the following factors:

(A) Technical capability of the system against scenarios identified in paragraph (3)(A).

(B) Operational issues, including operational effectiveness.

(C) Results of key milestone tests in fiscal year 2009 and fiscal years prior.

(D) Survivability.

(E) Suitability.

(F) Concept-of-Operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command-and-Control.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

(L) Estimated cost of sustaining the system in the field.

(M) Total lifecycle cost estimates.

(3) SCENARIOS TO BE ASSESSED.—

(A) IN GENERAL.—The study shall include, for each system, an assessment of the operational capabilities of the system—

(i) to counter short-, medium-, and intermediate-range ballistic missile threats to the deployed forces of the United States and its friends and allies from rogue states; and

(ii) to defend the territory of the United States against limited ballistic missile attack.

(B) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall also include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the threats referred to in subparagraph (A), and shall compare those capabilities with the predicted performance and operational capabilities of the boost phase missile defense systems to counter those threats. For purposes of this subparagraph, the non-boost missile defense systems shall include, at a minimum—

(i) the Patriot PAC–3 system and the Medium Extended Air Defense System (MEADS) follow-on system;

(ii) the Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor;

(iii) the Terminal High Altitude Area Defense (THAAD) system; and

(iv) the Ground-based Midcourse Defense system.

(4) ASSESSMENTS AND RECOMMENDATIONS.—The study shall include the following:

(A) Assessment of the developmental efforts to date and feasibility of the currently funded boost phase missile defense systems, using the factors outlined in paragraph (2).

(B) Assessment of the cost and benefits of the currently funded boost phase missile defense systems.

(C) A recommended strategy for boost phase missile defense investment over the Future Years Defense Program.

(D) Any other matter that the Federally Funded Research and Development Center considers appropriate.

(c) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(d) REPORT.—Not later than January 31, 2010, the Federally Funded Research and Development Center shall submit to the congressional defense committees a report on its findings, conclusions, and recommendations. The report shall be in unclassified form, but may include a classified annex.

(e) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for the acquisition of the second Airborne Laser aircraft until 60 days after the report required by this section is submitted.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The Government of Poland and the Government of the Czech Republic have each signed and ratified the missile defense basing agreements and status of forces agreements that allow for the stationing, in their respective countries, of the United States missile defense assets and personnel needed to carry out the proposed deployment.

(2) Forty-five days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

Subtitle D—Other Matters

SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTECTIVE EQUIPMENT BY DIRECTOR, OPERATIONAL TEST AND EVALUATION.

(a) RESPONSIBILITIES OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION, WITH RESPECT

TO PERSONNEL PROTECTIVE EQUIPMENT.—Section 139 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by adding at the end the following:

"(C) The term 'covered system' means a Department of Defense acquisition program that is a covered system for purposes of section 2366 of this title or that is an item of personnel protective equipment designated as a covered system by the Secretary of Defense, or the Secretary's designee, for purposes of this section."; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (7) as (3) through (6), respectively; and

(C) by amending paragraph (6) (as so redesignated) to read as follows:

"(6) monitor and review the survivability and lethality testing of covered systems, major munition programs, and covered product improvement programs of the Department of Defense provided under section 2366 of this title.".

(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIPMENT IN SURVIVABILITY TESTING REQUIRED BEFORE FULL-SCALE PRODUCTION.—Section 2366 of title 10, United States Code, is amended—

(1) in subsection (e) by amending paragraph (1) to read as follows:

"(1) The term 'covered system' means—

"(A) a vehicle, weapon platform, or conventional weapon system—

"(i) that includes features designed to provide some degree of protection to users in combat; and

"(ii) that is a major system within the meaning of that term in section 2302(5) of this title; or

"(B) an item of personnel protective equipment designated as a covered system in accordance with section 139(a)(2)(C) of this title."; and

(2) by adding at the end the following:

"(f) PERSONNEL PROTECTIVE EQUIPMENT.—In the case of an item of personnel protective equipment designated as a covered system, if, before a decision to proceed beyond low rate initial production, a decision is made within the Department of Defense to proceed to operational use of that equipment or to make procurement funds available for that equipment—

"(1) the milestone decision authority (as defined in Department of Defense Directive 5000.1, dated May 12, 2003) for the associated acquisition program shall notify the Director of Operational Test and Evaluation of such a decision, along with supporting rationale; and

"(2) the Director of Operational Test and Evaluation shall submit to the Secretary of Defense and the congressional defense committees the report required by subsection (d) as soon as practicable.".

SEC. 232. ASSESSMENT OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS PROGRAM.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall—

(1) carry out an assessment of the capability of Historically Black Colleges and Universities and Minority Serving Institutions (HBCU/MI) to participate in research, development, test, and evaluation programs for the Department of Defense; and

(2) not later than twelve months after the date of the enactment of this Act, submit to the congressional defense committees a report on the assessment.

(b) MATTERS ASSESSED.—The report under subsection (a) shall include the following:

(1) Summarized findings and lessons learned from HBCU/MI programs based on contracts, grants, or cooperative agreement awards.

(2) An assessment of the relevance, to include outcomes and impacts, of those programs to the research mission of the Department.

(3) An assessment of the national and regional conferences held annually to provide technical assistance and information regarding research, development, test, and evaluation activities of the Department, including the following:

(A) The number of such conferences held over the last three years, and a description of each such conference, to include a description of activities conducted to meet the goals of the conference.

(B) A follow-up assessment of the success of such conferences from the perspective both of the Department and of the attending institutions.

(C) An assessment as to whether such conferences are appropriately targeted to institutions that have not historically received contracts, grants or cooperative agreements with the Department.

(4) As directed in Executive Order 13256, a plan documenting the Department's effort in increasing the capacity of HBCU/MIs to participate in the research programs of the Department.

(5) Any other matters the Secretary considers appropriate.

SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—

(1) in subsection (h)(1) by adding at the end the following:

"(C) A description and analysis of the level of interoperability and security of technologies for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

"(D) A description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with, and the progress such agencies are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records.".

(2) by adding at the end the following:

"(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—

"(1) IN GENERAL.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those agencies to effectively select and utilize information technologies to meet the requirements of this section, in a manner that is—

"(A) interoperable;

"(B) inclusive of ongoing Federal efforts that provide technical expertise to harmonize existing standards and assist in the development of interoperability specifications; and

"(C) consistent with relevant guidance and directives for the development of information technology systems with the Department of Defense and the Department of Veterans Affairs.

"(2) ELEMENTS.—The guidelines and standards developed or adopted under subsection (a) shall—

"(A) promote the use by commercially available and open source products to incorporate those guidelines and standards;

"(B) develop uniform testing procedures suitable for determining the conformance of commercially available and other Federally developed healthcare information technology products with the guidelines and standards;

"(C) support and promote the testing of electronic healthcare information technologies utilized by the Department of Defense and the Department of Veterans Affairs;

"(D) provide protection and security profiles;

"(E) establish a core set of specifications in transactions between Federal agencies and their transaction partners; and

"(F) include validation criteria to enable Federal agencies to select healthcare information technologies appropriate to their needs.

"(3) REPORT.—Not later than March 31, 2009, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate congressional committees, a report identifying the guidelines and standards developed or adopted under this subsection. The report shall include—

"(A) a description of how the Office is working with the Business Transformation Agency to integrate these standards into the Enterprise Transition Plan for the Department of Defense; and

"(B) a synchronization roadmap showing the timeline for the deployment of applicable existing and planned healthcare information technology systems and how they will implement these standards.".

(b) COMPLIANCE WITH REQUIREMENTS.—The amendments made by subsection (a) shall not impede the Secretary of Defense, the Secretary of Veterans Affairs, and the interagency program office from ensuring that the requirements of subsection (d) of section 1635 of that Act, including the date specified in that subsection, are met.

SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2009, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior official of the Department of Defense.

(2) OSD PROGRAMS INCLUDED.—Such assessment shall include, but shall not be limited to, the following programs within the Office of the Secretary of Defense: Technology Transition Initiative, Foreign Comparative Test, Defense Acquisition Challenge Program, Quick Reaction Fund, Manufacturing Technology, Joint Capability Technology Demonstrations, Defense Technology Link, Joint Capability Technology Demonstration Transition Program, Defense Acquisition Executive, Rapid Reaction Fund, and Operational Experimentation Division.

(3) MILITARY DEPARTMENT PROGRAMS INCLUDED.—Such assessment shall also include, as appropriate, the technology transition initiatives of the military departments.

(b) INITIATIVE REQUIREMENT REPEALED.—

(1) IN GENERAL.—Section 2359a of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§2359a. Technology Transition Council";

(B) by striking subsections (a), (b), (c), (d), (e), (f), and (h); and

(C) by redesignating subsections (g) and (i) as (a) and (b), respectively.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2359a and inserting the following new item:

"2359a. Technology Transition Council.".

SEC. 235. TRUSTED DEFENSE SYSTEMS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct a comprehensive assessment of covered acquisition programs to identify

vulnerabilities in the supply chain of each program's information processing systems that potentially compromise the level of trust in such systems. Such assessment shall also—

(1) assess vulnerabilities at multiple levels of the information processing system, including but not limited to, microcircuits, software, and firmware;

(2) prioritize the potential vulnerabilities and impacts of the various elements and stages of the system supply chain to identify the most effective balance of investments to minimize the effects of compromise;

(3) provide recommendations regarding ways to improve trust in the supply chain for covered acquisition programs; and

(4) identify the appropriate lead, and supporting elements, within the Department of Defense for the development of an integrated strategy for ensuring trust in the supply chain for acquisition programs.

(b) STRATEGY REQUIRED.—The lead identified pursuant to subsection (a)(4), in cooperation with the supporting elements also identified by the Secretary of Defense, shall develop an integrated strategy for ensuring trust in the supply chain for acquisition programs. Such strategy shall—

(1) address the vulnerabilities identified by the Secretary's assessment under subsection (a);

(2) reflect the priorities identified by such assessment;

(3) be executable by the defense acquisition community; and

(4) be sufficiently specific to provide guidance for the planning, programming, budgeting, and execution process in order to ensure acquisition programs have the necessary resources to implement all appropriate elements of the strategy.

(c) INTERIM POLICY FOR APPLICATION SPECIFIC INTEGRATED CIRCUITS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy requiring covered trusted systems to employ only trusted foundry services to fabricate their custom designed integrated circuits.

(d) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) the assessment required by subsection (a); and

(2) the strategy required by subsection (b).

(e) DEFINITIONS.—In this section:

(1) The term "covered acquisition programs" means a Department of Defense acquisition program that is a major system for purposes of section 2302(5) of title 10, United States Code, and—

(A) has not yet entered low-rate initial production, as defined in section 2400 of title 10, United States Code; or

(B) is currently in production or no longer in production, and information processing system upgrades are still planned over the life cycle of the system.

(2) The terms "trust" and "trusted" refer to the high confidence by the Department of Defense in the national ability to secure national security systems by assessing the integrity of the people and processes used to design, generate, manufacture, and distribute national security critical components.

(3) The term "covered trusted systems" means—

(A) all Mission Assurance Category I systems, as defined in Department of Defense Directive 8500.01E and associated Department of Defense Instruction 8500.2; and

(B) any other system identified by the Secretary of Defense as a system—

(i) that is vital to mission effectiveness or operational readiness of deployed or contingency forces;

(ii) the loss or degradation of which results in immediate and sustained loss of mission effectiveness;

(iii) that is highly accurate and highly available; and

(iv) for which the most stringent protection measures are required.

(4) The term "trusted foundry services" means the program co-funded by the National Security Agency and the Department of Defense, through program element 0605140D8Z, or any such similar program approved by the Secretary of Defense.

SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ-36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.

Of the amounts appropriated pursuant to section 201(1) of this Act or otherwise made available for fiscal year 2009 for research, development, test, and evaluation, Army, for the Enhanced AN/TPQ-36 radar system, not more than 70 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees a report describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift aircraft and rotorcraft for all of the military services. The assessment shall—

(1) address critical technologies required for future development, including a technology roadmap;

(2) include the development of a strategic plan that—

(A) formalizes the Department of Defense's strategic vision for the next generation of Department of Defense vertical lift aircraft and rotorcraft;

(B) establishes joint requirements for the next generation of Department of Defense vertical lift aircraft and rotorcraft technology; and

(C) emphasizes the development of common service requirements; and

(3) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement it.

(b) REPORT.—The Secretary and the Chairman shall submit to the congressional defense committees a report on the assessment under subsection (a). The report shall include—

(1) the technology roadmap referred to in subsection (a)(1);

(2) the strategic plan referred to in subsection (a)(2);

(3) the plan and the identification of resources referred to in subsection (a)(3); and

(4) a detailed plan to establish a Joint Vertical Lift Aircraft/Rotorcraft Office based on lessons learned from the Joint Advanced Strike Technology (JAST) Office.

SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, or those activities otherwise expressly authorized by Congress.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, concurrently with the President's budget request for fiscal year 2010, a report that describes each conventional prompt global strike concept that—

(1) has been, or will be, affected by the technology applications developed pursuant to conventional prompt global strike activities within fiscal year 2009; and

(2) will be considered within the context of any conventional prompt global strike concept decision in fiscal year 2010.

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Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,788,395,000.

(2) For the Navy, $34,870,098,000.

(3) For the Marine Corps, $5,680,054,000.

(4) For the Air Force, $35,060,427,000.

(5) For Defense-wide activities, $25,806,657,000.

(6) For the Army Reserve, $2,659,141,000.

(7) For the Naval Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,202,892,000.

(10) For the Army National Guard, $5,900,346,000.

(11) For the Air National Guard, $5,929,576,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $445,135,000.

(20) For the Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) PARTICIPATION AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

“§2694c. Participation in conservation banking programs

“(a) AUTHORITY TO PARTICIPATE.—Subject to the availability of appropriated funds to carry out this section, the Secretary concerned, when engaged or proposing to engage in an activity described in subsection (b) that may or will result in an adverse impact to one or more species protected (or pending protection) under any applicable provision of law, or habitat for such species, may make payments to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor approved in accordance with—

“(1) the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995);

“(2) the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003);

“(3) the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (65 Fed. Reg. 66915; November 7, 2000); or

“(4) any successor or related administrative guidance or regulation.

“(b) COVERED ACTIVITIES.—Payments to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

“(1) Military testing, operations, training, or other military activity.

“(2) Military construction.

“(c) TREATMENT OF AMOUNTS FOR CONSERVATION BANKING.—Payments made under subsection (a) to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

“(d) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of a military department; and

“(2) the Secretary of Defense with respect to a Defense Agency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

“2694c. Participation in conservation banking programs.”.

(c) EFFECTIVE DATE.—Section 2694c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and only funds appropriated for fiscal years beginning after September 30, 2008, may be used to carry out such section.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $64,049.40 during fiscal year 2009 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended—

(1) by striking “to provide for the” and inserting “to provide for the following:

“(1) The”; and

(2) by adding at the end the following new paragraph:

“(2) The maintenance and improvement of natural resources located off of a Department of Defense installation if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.”.

Subtitle C—Workplace and Depot Issues

SEC. 321. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.”.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 322. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT-WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.

(a) DEVELOPMENT AND IMPLEMENTATION OF DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—The Director of the Office of Management and Budget, in consultation with appropriate representatives of the Chief Acquisition Officers Council under section 16A of the

Office of Federal Procurement Policy Act (41 U.S.C. 414b) and the Chief Human Capital Council under section 1401 of title 5, United States Code, shall—

(1) review the definitions of the term "inherently governmental function" described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency;

(2) develop a single consistent definition for such term that would—

(A) address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

(B) reasonably apply to all Federal departments and agencies;

(C) ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(D) allow the head of each such department or agency to identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces;

(3) in addition to the actions described under paragraphs (1) and (2), provide criteria that would identify positions within Federal departments and agencies that are to be performed by officers or employees of the Federal Government or members of the Armed Forces to ensure that the head of each Federal department or agency—

(A) develops and maintains sufficient organic expertise and technical capability;

(B) develops guidance to implement the definition of inherently governmental as described in paragraph (2) in a manner that is consistent with agency missions and operational goals; and

(C) develops guidance to manage internal decisions regarding staffing in an integrated manner to ensure officers or employees of the Federal Government or members of the Armed Forces are filling critical management roles by identifying—

(i) functions, activities, or positions, or some combination thereof, or

(ii) additional mechanisms;

(4) in undertaking the actions described in paragraphs (1) and (2), take into account the final recommendations and related findings concerning performance of inherently governmental functions in the Final Report of the Acquisition Advisory Panel established pursuant to section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note) and any other relevant reports or documents; and

(5) solicit the views of the public regarding the matters identified in this section.

(b) DEFINITIONS OF INHERENTLY GOVERNMENTAL FUNCTION.—The definitions of inherently governmental function described in this subsection are the definitions of such term that are contained in—

(1) the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note);

(2) section 2383 of title 10, United States Code;

(3) Office of Management and Budget Circular A–76;

(4) the Federal Acquisition Regulation; and

(5) any other relevant Federal law or regulation, as determined by the Director of the Office of Management and Budget in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition developed under this section is consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circular, policy letters, agency guidance and other documents determined to be superseded by the definition developed under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing and contracting decisions, along with appropriate milestones.

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations to implement actions taken under this section to develop a single definition of inherently governmental function.

SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a federally-funded research and development center with appropriate expertise in logistics and logistics analytical capability to carry out a study on the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

(b) CONTENTS OF STUDY.—The study carried out under subsection (a) shall—

(1) be a quantitative analysis of the post-reset Department of Defense depot capability required to provide life cycle sustainment of military legacy systems and new systems and military equipment;

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel support and depot commanders;

(3) take into consideration input from regular and reserve components of the Armed Forces, both with respect to requirements for sustainment-level maintenance and the capability and capacity to perform depot-level maintenance and repair;

(4) identify and address each type of activity carried out at depots, installation directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, including with respect to programming and budgeting; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

(c) ISSUES TO BE ADDRESSED.—The study required under subsection (a) shall address each of the following issues with respect to depots and depot capabilities:

(1) The life cycle sustainment maintenance strategies and implementation plans of the Department of Defense and the military departments that cover—

(A) the role of each type of maintenance activity;

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

(E) the adequacy of information technology systems, including workload management systems;

(F) the workforce, including skills required and development;

(G) budget and fiscal planning policies; and

(H) capital investment strategies, including the implementation of section 2476 of title 10, United States Code.

(2) Current and future maintenance environments, including—

(A) performance-based logistics;

(B) supply chain management;

(C) condition-based maintenance;

(D) reliability-based maintenance;

(E) consolidation and centralization, including—

(i) regionalization;

(ii) two-level maintenance; and

(iii) forward-based depot capacity;

(F) public-private partnerships;

(G) private-sector depot capability and capacity; and

(H) the impact of proprietary technical documentation.

(d) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretaries of each of the military departments shall make available to the entity carrying out the study under subsection (a) all necessary and relevant information to allow the entity to conduct the study in a quantitative and analytical manner.

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under this section, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(B) Recommendations with respect to what would be required to maintain, in a post-reset environment, an efficient and enduring Department of Defense depot capability necessary for national defense.

(C) Recommendations with respect to any changes to any applicable law that would be appropriate for a post-reset depot maintenance environment.

(D) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(E) Proposed business rules that would provide incentives for the Secretary of Defense and the Secretaries of the military departments to keep Department of Defense depots efficient and cost effective, including the workload level required for efficiency.

(F) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

(G) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection (d) is submitted, the Comptroller General shall review the report and submit to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations and whether the findings are supported by the data and information examined.

(g) DEFINITIONS.—In this section:

(1) The term "depot-level maintenance and repair" has the meaning given that term under section 2460 of title 10, United States Code.

(2) The term "reset" means actions taken to repair, enhance, or replace military equipment used in support of operations underway as of the date of the enactment of this Act and associated sustainment.

(3) The term "military equipment" includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

SEC. 324. HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS RE-ENGINEERING.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

"§129d. High-performing organizations

"(a) GUIDELINES FOR ESTABLISHMENT OF HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense shall develop guidelines for the establishment of a high-performing organization conducted through a business process reengineering initiative. The guidelines shall ensure consideration and assessment of the following:

"(1) Number of employees to be affected by the initiative.

"(2) Resources needed to conduct the initiative.

"(3) Location where the initiative will be performed, and the location of the affected employees if different from the initiative location.

"(4) Functions to be included in the initiative.

"(5) Timeline for implementation of the initiative.

"(6) Estimated duration of the initiative if such initiative is deemed to be temporary.

"(b) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense, with respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

"(1) the Secretary submits to Congress the notification required by subsection (d); and

"(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with.

"(c) CERTAIN INITIATIVES PROHIBITED.—The Secretary of Defense, or the Secretary of a military department, may not implement a high-performing organization if—

"(1) it were to result in a change of the collective bargaining status of an employee in the Department of Defense or in the representation status of a labor organization with exclusive representation status, as provided in section 7114 of title 5; or

"(2) any planned reductions in staffing are based on cost savings assumptions that are unrelated to the establishment of the high performing organization.

"(d) CONGRESSIONAL NOTIFICATION.—Forty-five days before commencing a high-performing organization under subsection (a), the Secretary of Defense or the Secretary of the military department concerned shall submit to Congress a notification describing the assessment required by subsection (a).

"(e) ANNUAL EVALUATION.—The Secretary of Defense or the Secretary of the military department concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Secretary. The reviews shall be submitted to Congress. Each review shall evaluate the performance of the high performance organization in the following areas;

"(1) Costs, savings, and overall financial performance of the organization.

"(2) Organic knowledge, skills or expertise.

"(3) Efficiency and effectiveness of key functions or processes.

"(4) Efficiency and effectiveness of the overall organization.

"(f) DEFINITIONS.—In this section,

"(1) The term 'high-performing organization' means an organization whose performance exceeds that of comparable providers, whether public or private.

"(2) The term 'business process reengineering initiative' means an approach to reinvent or consolidate functions whether they are inherently governmental, military essential, or commercial activities, or a reorganization that is undertaken at the direction of the Office of Management and Budget.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

"129d. High-performing organizations.".

SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUBLIC-PRIVATE COMPETITIONS REGARDING CONVERSION OF FUNCTIONS OF THE DEPARTMENT OF DEFENSE PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) FINDINGS.—Congress finds the following:

(1) The turbulence caused by the efforts of the Department of Defense to increase the size of the Armed Forces, implement the decisions of the 2005 round of base realignments and closures, and execute transformational initiatives, combined with the strain on the Armed Forces due to ongoing contingency operations, could impede sound decisions regarding the conversion to contractor performance of functions of the Department of Defense performed by civilian employees.

(2) Public-private competitions may unnecessarily divert Department of Defense personnel and resources away from operational obligations.

(3) The Secretary of Defense needs to ensure that readiness is fully supported.

(b) SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.

(a) ROLE OF NATIONAL GUARD BUREAU.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force until the Secretary consults with, and obtains the consent of, the National Guard Bureau.

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation actions, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation's recommendations, the Air Force's assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PERSONNEL WORK UNDER AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGEMENT CONSOLIDATION.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequently anticipated positive or negative impact upon mission accomplishment at the different commands. This analysis shall be customized for each affected command, taking into account such factors as the size and complexity of the civilian workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed "transactional" or "nontransactional" may vary for each affected command. In general, more of the civilian personnel management functions for smaller, less civilian dependent commands may be consolidated in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) PROHIBITION ON CONSOLIDATION OF CERTAIN FUNCTIONS.—For the Large Civilian Centers, the Secretary of the Air Force will not consolidate in a central or regional location or command at least the following functions:

(1) Staffing positions filled through internal or external recruitment processes.

(2) Development of position classifications or job descriptions.

(3) Employee management relations, including performance management programs, conduct or

discipline programs and labor management programs.

(4) Labor force planning and management, including internal pay pool management and employee performance reviews.

(5) Managing workers compensation program pursuant to chapter 81 of title 5, United States Code, or relevant State workers' compensation programs.

(c) LARGE CIVILIAN CENTER DEFINED.—In this section, the term "Large Civilian Center" refers to installations or commands with operational missions primarily dependent upon the productivity of civilian workforces typically numbering in the thousands and engaged in program management, systems engineering, research or development, logistics management, software management, management of existing aircraft systems, and depot level maintenance. Such an installation or command typically includes occupational series far in excess of those assigned to other, more typical, Air Force installations or commands.

SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

In an effort to ensure the Air Force is meeting the minimum safety standards for staffing, equipment, and training as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, not later than 90 days after the date of the enactment of this Act, a report on the effect of the reduction in fire fighters on Air Force bases as a result of PBD720. Such report shall include the following:

(1) An evaluation of current fire fighting capability and whether the reduction has increased the risk of harm to either fire fighters or those they may serve in response to an emergency.

(2) An evaluation on whether there is adequate capability within the surrounding municipal communities to support a base aircraft rescue or respond to a fire involving a combat aircraft, cargo aircraft or weapon system.

(4) An evaluation of the impact on certifications of the base fire departments as a result of the reductions in fire fighting personnel and or functions at the base.

(5) A plan to restore personnel needed to support the mission should it be determined that personnel reductions resulting from PBD720 have negatively impacted the ability to perform their mission.

Subtitle D—Energy Security

SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MANAGEMENT AND IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

(a) REPORT REQUIRED.—Section 2925 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

"(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 139b of this title.

"(2) The annual report under this subsection shall address and include the following:

"(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

"(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

"(C) A description of each initiative related to the operational energy strategy and a summary of funds appropriated for each initiative in the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

"(D) An evaluation of progress made by the Department of Defense—

"(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

"(ii) in meeting the operational energy goals set forth in the strategy.

"(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

"(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

"(4) In this subsection, the term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2925. Annual Department of Defense energy management reports".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

"2925. Annual Department of Defense energy management reports.".

SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.

(a) PLANNING.—In the case of campaign analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that campaign analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics and their relationship to operational capability.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROCESS.—The Secretary of Defense shall develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process.

(c) ACQUISITION PROCESS.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for implementation of the requirements not later than three years after such date.

(e) REPORT.—Until the certification required by subsection (g) is provided, the Secretary of Defense shall submit to the congressional defense committees a report, not later than January 1 of each year, describing progress made to implement the requirements of this section during the preceding fiscal year.

(f) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term "fully burdened cost of fuel" means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(g) CERTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the certification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing—

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD OPERATING LOCATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study to examine the feasibility of using solar energy to provide electricity at forward operating locations.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential for solar energy to reduce the fuel supply needed to provide electricity at forward operating locations and the extent to which such reduction will decrease the risk of casualties by reducing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar energy to provide electricity.

(3) The potential savings of using solar energy to provide electricity compared to current methods.

(4) The environmental benefits of using solar energy to provide electricity instead of the current methods.

(5) The sustainability and operating requirements of solar energy systems for providing electricity compared to current methods.

(c) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department's mobility energy requirements.

(b) MATTERS EXAMINES.—The study shall examine, at a minimum, the following:

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, and wind energies.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of coal-to-liquid fuels for military operations and for use by expeditionary forces compared with the military utility and life cycle emissions of mobile, in-theater synthetic fuel processes.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development

center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

Subtitle E—Reports

SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS OF ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the readiness of the regular and reserve components of the Armed Forces. The report shall be unclassified but may contain a classified annex.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the readiness status, as of the date of the enactment of this Act, of the regular and reserve components of the Army and the Marine Corps, including any significant changes in any trends with respect to such components since 2001.

(2) An analysis of the readiness status, as of such date, of the regular and reserve components of the Air Force and the Navy, including a description of any major factors that affect the ability of the Navy or Air Force to provide trained and ready forces for ongoing operations and to meet overall readiness goals.

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Secretary.

SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS OF NAVY AND AIR FORCE PERSONNEL.

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the plans of the Secretary of the Navy to improve the combat skills of the members of the Navy; and

(2) the plans of the Secretary of the Air Force to improve the combat skills of the members of the Air Force.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Secretary of the Army and the Commandant of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and Air Force, respectively, together with a complete list of bases or locations that were considered as possible sites for the coordinated training.

(3) The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

(4) The estimated cost savings, if any, which could result by carrying out such combat skills training at existing Department of Defense facilities or by using existing ground combat training resources.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF THE ARMY RESERVE AND NATIONAL GUARD AS AN OPERATIONAL RESERVE.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the Army Reserve and National Guard forces as an operational reserve.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of current and programmed resources, force structure, and organizational challenges that the Army Reserve and National Guard forces may face serving as an operational reserve, including—

(1) equipment availability, maintenance, and logistics issues;

(2) manning and force structure;

(3) training constraints limiting—

(A) facilities and ranges;

(B) access to military schools and skill training; and

(C) access to the Combat Training Centers; and

(4) any conflicts with requirements under title 32, United States Code.

SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the link between the preparation and operational use of the Army's reserve component forces.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the Army's ability to train and employ reserve component units—

(A) to execute the wartime or primary missions for which the units are designed; and

(B) for non-traditional missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the National Training Center and the Joint Readiness Training Center; and

(2) an analysis of the effect of mobilization and deployment laws, goals, and policies on the Army's ability to train and employ reserve component units for the purposes described in paragraph (1).

SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY OF FUNDING, STAFFING, AND ORGANIZATION OF DEPARTMENT OF DEFENSE MILITARY MUNITIONS RESPONSE PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the funding, staffing, and organization of the Military Munitions Response Program; and

(2) an assessment of the Program mechanisms for the accountability, reporting, and monitoring of the progress of munitions response projects and methods to reduce the length of time of such projects.

SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR CAPABILITIES TO SUPPORT SHIPS OPERATING NEAR GUAM.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Navy shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the best option or combination of options for providing voyage repair capabilities to support all United States Navy ships operating at or near Guam.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The Secretary's estimate, based on the quantitative data determined to be most appropriate by the Secretary, of the requirements for voyage repairs for all United States Navy vessels operating at or near Guam, including—

(A) such requirements for ships operated by the Military Sealift Command; and

(B) such requirements for United States Navy vessels for which the designated homeport of the vessel is anticipated to become Guam as a result of the realignment of the Armed Forces from Okinawa, Japan, to Guam.

(2) The recommendations of the Secretary for ensuring that adequate voyage repair capabilities are available for all United States Navy ships operating at or near Guam and an estimate of the amount of time required to implement such capabilities.

(3) The Secretary's assessment of the benefits and limitations of each option for providing voyage repairs to all United States Navy ships operating at or near Guam and of the anticipated costs and strategic and operational risks associated with each such option.

(4) A plan and schedule for implementing a course of action to ensure that the required ship repair capability is available by not later than October 31, 2012.

Subtitle F—Other Matters

SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN REPORTING REQUIREMENT.

Section 2222(i) of title 10, United States Code, is amended by striking "2009" and inserting "2013".

SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.

Section 2572(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized, as determined necessary by the Secretary or the Secretary's delegee, to the extent necessary to render the item unserviceable in the interest of public safety."; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: ", including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible".

SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A-10 AIRCRAFT.

(a) REPEAL.—Chapter 901 of title 10, United States Code, is amended by striking section 9316.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 9316.

SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display

that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

(A) pay and allowances;

(B) support costs;

(C) Medicare eligible retiree health fund contributions

(D) flying hours; and

(E) any other associated mission costs.

(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1).

(3) The amount in the budget for the Air National Guard for each such item.

SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY ALERT MISSION SHOULD RECEIVE SUFFICIENT FUNDING AND RESOURCES.

It is the sense of Congress that—

(1) since the tragic events of September 11, 2001, the Air National Guard has bravely performed the Air Sovereignty Alert mission to defend the homeland in support of Operation Noble Eagle;

(2) the Air National Guard continues to serve as the backbone of this vital national security mission;

(3) the United States Air Force should include full funding for the Air Sovereignty Alert mission in the baseline budget of the Air Force;

(4) the United States Air Force should program sufficient personnel, equipment, and aircraft resources to the Air National Guard to fully and safely perform the Air Sovereignty Alert mission;

(5) the capability of Air National Guard aircraft assigned to the Air Sovereignty Alert mission is rapidly deteriorating due to age and may impede the ability of the Air National Guard to protect the homeland;

(6) by 2015, many of the Air National Guard's fighter aircraft will have exceeded their service life and will be grounded, resulting in a breach of homeland defense, a potential closure of Air National Guard bases, the loss of critical personnel with the accompanying loss of experience and training, and the loss of the fighter capability of the Air National Guard; and

(7) the United States Air Force should ensure that the Air National Guard and the Air Sovereignty Alert mission are provided with resources, personnel, and aircraft needed to support this critical mission now and in the future.

SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term "mode-neutral approach" means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

SEC. 357. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of Forestry and Fire Protection (hereinafter in this section referred to as "CAL FIRE"), all right, title, and interest of the United States in three C–12 aircraft that the Secretary has determined are surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WARFARE SUPPORT PROGRAM.

Of the amount appropriated pursuant to an authorization of appropriations or otherwise made available for the Joint Improvised Explosive Device Defeat Organization for fiscal year 2009, $75,000,000 shall be available for the Irregular Warfare Support program (program element line 0603121D8Z, SO/LIC Advanced Development).

SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT AND USE OF MUNITIONS.

It is the sense of Congress that the Secretary of Defense should—

(1) in making decisions with respect to procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal; and

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness.

SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR COMBAT COMMAND MANAGEMENT HEADQUARTERS.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for Operation and Maintenance, Air Force, for fiscal year 2009, the amount that may be obligated for Air Force Commander, Air Combat Command Management Headquarters, Sub-Activity Group 012E, for any fiscal quarter of such fiscal year may not exceed 80 percent of the amount of such funds obligated for such purpose for the corresponding fiscal quarter of fiscal year 2008 until the Secretary of Defense certifies to the congressional defense committees that by not later than February 3, 2009, the Future Year's Defense Plan will include funding for 76 commonly configured B–52 aircraft.

SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the "Executive Agent"), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding, with the ultimate goal of procuring all military working dogs through domestic breeders.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term "military working dog" means a dog used in any official military capacity, as defined by the Secretary of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 326,323.

(3) The Marine Corps, 194,000.

(4) The Air Force, 317,050.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 532,400.

"(2) For the Navy, 326,323.

"(3) For the Marine Corps, 194,000.

"(4) For the Air Force, 317,050.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,400.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 17,070.

(3) The Navy Reserve, 11,099.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,337.

(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,452.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting "(1)" before "If at the end"; and

(2) by adding at the end the following new paragraph:

"(2) When a designation of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members of a reserve component who are authorized to be on active duty under subparagraph (A) or (B) of section 115(b)(1) of this title, if the President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.".

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: "TERMINATION OF WAIVER.—(1)";

(2) by striking "subsection (a)" and inserting "subsection (a)(1)"; and

(3) by adding at the end the following new paragraph:

"(2) A waiver granted under subsection (a)(2) shall terminate not later than 90 days after the date on which the designation of the major disaster or emergency that was the basis for the waiver expires.".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 123a. Suspension of end-strength and other strength limitations in time of war or national emergency".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 123a and inserting the following new item:

"123a. Suspension of end-strength and other strength limitations in time of war or national emergency.".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2009 a total of $124,659,768,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.
Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions
Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
Subtitle H—Impact Aid
Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Calculation of payments under Department of Education's Impact Aid program.
Subtitle I—Military Families
Sec. 581. Presentation of burial flag.
Sec. 582. Education and training opportunities for military spouses.
Subtitle J—Other Matters
Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.
Sec. 595. Senior Military Leadership Diversity Commission.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking "A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him" and inserting "(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.".

SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "in line of duty" each place it appears; and

(2) by adding at the end the following new subsection:

"(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.".

(b) POSTHUMOUS WARRANTS.—Section 1522(a) of such title is amended

(1) by striking "in line of duty"; and

(2) by adding at the end the following new subsection:

"(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary of the military department concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.".

SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code; is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

(a) INCREASE.—Section 526(a)(4) of title 10, United States Code, is amended by striking "80" and inserting "81".

(b) CONFORMING AMENDMENTS REGARDING DISTRIBUTION OF MARINE GENERAL OFFICERS.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking "that armed force" and inserting "the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,"; and

(2) in subsection (b)(2)(B), by striking "17.5 percent" and inserting "19 percent".

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF AUTHORITY TO DEFER MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS).

Section 10216(f) of title 10, United States Code, is amended by striking "Secretary of the Army" and inserting "Secretary concerned".

SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in certain grades given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Marine Corps Reserve and inserting the following:

"Marine Corps Reserve:	*Major*	*Lieutenant Colonel*	*Colonel*
1,100	*99*	*63*	*20*
1,200	*103*	*67*	*21*
1,300	*107*	*70*	*22*
1,400	*111*	*73*	*23*
1,500	*114*	*76*	*24*
1,600	*117*	*79*	*25*
1,700	*120*	*82*	*26*
1,800	*123*	*85*	*27*
1,900	*126*	*88*	*28*
2,000	*129*	*91*	*29*
2,100	*132*	*94*	*30*
2,200	*134*	*97*	*31*
2,300	*136*	*99*	*32*
2,400	*138*	*101*	*33*
2,500	*140*	*103*	*34*
2,600	*142*	*105*	*35".*

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking "Except" and inserting "(1) Except";

(B) by striking "unless the officer is ordered" and inserting "unless the officer—

"(A) is ordered";

(C) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new subparagraph:

"(B) has been ordered to or is serving on active duty in support of a contingency operation."; and

(2) in the second sentence, by striking "If" and inserting the following:

"(2) If".

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following: ", or by examination for Federal recognition under title 32".

SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS.

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10,

United States Code, is amended by striking "60 years" and inserting "62 years".

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—

(1) INCREASED AGE.—Section 14702(b) of such title is amended—

(A) in the subsection heading, by striking "AT AGE 60" and inserting "FOR AGE"; and

(B) by striking "subsection (a)(1) or (a)(2)." and all that follows through the period at the end of the last sentence and inserting the following: "paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows:

"§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

"14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.".

SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-STATUS LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.".

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking "67 years" and inserting "68 years".

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.".

SEC. 517. STUDY AND REPORT REGARDING PERSONNEL MOVEMENTS IN MARINE CORPS INDIVIDUAL READY RESERVE.

The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 for the movement of personnel in and out of the Individual Ready Reserve. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) IN GENERAL.—Section 619a of title 10, United States Code, is amended

(1) in subsection (a), by striking "unless—" and all that follows through "the joint specialty" and inserting "unless the officer has been designated as a Joint Qualified Officer";

(2) in subsection (b)—

(A) by striking "paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a)," in the matter preceding paragraph (1) and inserting "subsection (a)"; and

(B) in paragraph (4), by striking "within that immediate organization is not less than two years" and inserting "is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title"; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

"619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions.".

SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking "in such manner as the Secretary of Defense directs" and inserting "as a Joint Qualified Officer or in such other manner as the Secretary of Defense directs".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 661. Management policies for Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

"661. Management policies for Joint Qualified Officers.".

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "JOINT SPECIALTY" and inserting "JOINT QUALIFIED"; and

(B) by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(2) in subsection (b)(1), by striking "do not have the joint specialty" and inserting "are not designated as a Joint Qualified Officer".

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) in subsection (b)(1), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 665. Procedures for monitoring careers of Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

"665. Procedures for monitoring careers of Joint Qualified Officers.".

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) in subparagraph (B), by striking "selection for the joint specialty" and inserting "designation as a Joint Qualified Officer,";

(2) in paragraph (2), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer";

(3) in paragraph (3), by striking "selected for the joint specialty" each place it appears and inserting "designated as a Joint Qualified Officer";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) a comparison of the number of officers who were designated as a Joint Qualified Officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a Joint Qualified Officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.";

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14) (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

"(5) The promotion rate for officers designated as a Joint Qualified Officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

"(6) An analysis of assignments of officers after their designation as a Joint Qualified Officer."; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5), the following new paragraph:

"(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above, certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.".

SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.

Section 662 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "that—" and all that follows through "served in joint duty assignments" and inserting "that officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who are designated as a Joint Qualified Officer"; and

(2) in subsection (b), by striking "officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a)." and inserting "officers in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain) who are designated as a Joint Qualified Officer, especially with respect to the record of officer selection boards in meeting the objective of subsection (a).".

SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph:

"(D) a qualifying reassignment from a joint duty assignment—

"(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

"(ii) to another joint duty assignment immediately after—

"(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

"(II) the officer's position was eliminated in a reorganization."; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).".

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

"(A) Service described in subsection (c).

"(B) Service described in subsection (d).

"(C) Service described in subsection (f)(6).".

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking "Cumulative service" and inserting "Accrued joint experience";

(2) in paragraph (4), by striking "(except" and all that follows through "any time)"; and

(3) by striking paragraph (6) and inserting the following new paragraph:

"(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.".

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

"(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.".

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1), by striking "subsection (f)(1), (f)(2), (f)(4), or (g)(2)" and inserting "paragraphs (1), (2), and (4) of subsection (f)"; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking "a general and flag officer position" and inserting "up to three general and flag officer positions".

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.".

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

(e) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(f) REPORT ON DEFENSE OF THE HOMELAND.—

(1) REVIEW.—The Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall conduct a review of the role of the Department of Defense in the defense of the homeland. In conducting that review, the Secretary shall—

(A) assess section II of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled "Transforming the National Guard and Reserves into a 21st-Century Operational Force"; and

(B) comment on recommendation number 2 under section II of the report described in subparagraph (A).

(2) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall issue to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLISTMENT TERM.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "six years" and inserting "eight years"; and

(2) in paragraph (3)(A), by striking "six years" and inserting "eight years".

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(ii) of title 37, United States Code, is amended by striking "not to exceed six".

SEC. 532. CAREER INTERMISSION PILOT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

"§ 708a. Career intermission pilot program

"(a) PROGRAM AUTHORIZED.—(1) The Secretary of a military department may establish a pilot program under which an officer or enlisted member of an armed force under the jurisdiction of the Secretary—

"(A) is released from active duty for a period not to exceed the period specified in subsection (c)(1) to meet personal or professional needs of the member;

"(B) is transferred to the Ready Reserve of that armed force during such period, as provided in subsection (d); and

"(C) is returned to active duty at the end of such period, as provided in subsection (c)(2).

"(2) The pilot program shall be known as the 'Career Intermission Pilot Program' (in this section referred to as the 'program').

"(b) NUMBER OF PARTICIPANTS.—No more than 20 officers and 20 enlisted members of each *armed force under the jurisdiction of the Secretary of a military department may be selected per year for participation in the program.*

“(c) MAXIMUM DURATION OF ABSENCE; RETURN TO ACTIVE DUTY.—(1) The period during which a member participating in the program will be released from active duty shall be agreed upon by the Secretary concerned and the member, but the period may not exceed three years from the date of the member's release from active duty.

“(2) A member participating in the program shall return to active duty at the end of the agreed-upon period or such earlier date as the member may request.

“(d) RESERVE AGREEMENT.—(1) Before being released from active duty under the program, a member participating in the program shall—

“(A) be appointed or enlisted in the Ready Reserve for the member's armed force; and

“(B) enter into an agreement with the Secretary concerned to serve on active duty in a regular or reserve component, as determined by the Secretary, for a period of not less than two months for every month of program participation following the member's return to active duty.

“(2) During the period of release from active duty, a member participating in the program shall report at least once per month to a location designated by the Secretary concerned and be required to maintain the job specialty qualifications the member held immediately before being released from active duty under the program.

“(3) The Secretary of Defense shall issue regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by this subsection. At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) while the member is released from active duty.

“(e) EXCLUSION OF TIME IN PROGRAM.—Time spent in the program shall not count toward—

“(1) determining eligibility for retirement or transfer to the Ready Reserve under chapter 367, 571, 867, or 1223 of this title;

“(2) computation of retired or retainer pay under chapter 71 or chapter 1223 of this title; or

“(3) computation of total years of commissioned service under section 14706 of this title.

“(f) MEDICAL AND DENTAL CARE.—While a member is participating in the program, the member shall remain entitled to medical and dental care on the same basis as a member of the armed forces on active duty, and dependents of a member participating in the program shall remain entitled to medical and dental care on the same basis as the dependents of a member of the armed forces on active duty.

“(g) PROMOTION ELIGIBILITY.—(1) An officer participating in the program shall not be eligible for consideration for promotion under chapter 36 or 1405 of this title during the period of the officer's release from active duty. Upon return to active duty—

“(A) the officer's date of rank shall be adjusted to a later date under regulations prescribed by the Secretary of Defense; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration.

“(2) An enlisted member participating in the program is ineligible for consideration for promotion during the period of the member's release from active duty and until such time after the member's return to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

“(h) BASIC PAY.—For each month during which a member is released from active duty under the program, the member is entitled to two times one-thirtieth of the basic pay to which the member would be otherwise entitled based on grade and years of service if the member remained on active duty.

“(i) TRAVEL AND TRANSPORTATION ALLOWANCES.—(1) Notwithstanding any other provision of law, a member participating in the program is entitled to the travel and transportation allowances under section 404 of title 37 for travel—

“(A) performed from the member's location, at the time of the member's release from active duty under the program, to the location in the United States designated as the member's permanent residence; and

“(B) performed in connection with the member's return to active duty.

“(2) An allowance will be paid under this subsection for travel to and from only one residence.

“(j) SPECIAL AND INCENTIVE PAYS AND BONUSES.—While released from active duty under the program, a member may not receive any special or incentive pay or bonus under chapter 5 of title 37 to which the member would otherwise be entitled. When the member returns to active duty after the period of participation in the program, the member shall receive all of the special and incentive pays that the member was receiving before being released from active duty and for which the member remains qualified to receive upon the return to active duty.

“(k) DURATION OF PROGRAM AUTHORITY.—The authority to conduct the program commences on January 1, 2009, and no member may be released from active duty under the program after December 31, 2014.”.

(b) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Section 14706(a) of such title is amended by adding at the end the following new paragraph:

“(4) Service while participating in the Career Intermission Pilot Program under section 708a of this title.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

“708a. Career intermission pilot program.”.

Subtitle E—Education and Training

SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT UNITED STATES NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) NAVAL ACADEMY.—Section 6954(h)(1) of title 10, United States Code, is amended by striking the last sentence.

(b) AIR FORCE ACADEMY.—Section 9342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

“§4345a. Foreign and cultural exchange activities

“(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

“(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

“(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

“(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

“(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4345 the following new item:

“4345a. Foreign and cultural exchange activities.”.

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

“§6957b. Foreign and cultural exchange activities

“(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign country to attend the Naval Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of midshipmen.

“(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

“(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

“(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

“(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957a the following new item:

“6957b. Foreign and cultural exchange activities.”.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

“§9345a. Foreign and cultural exchange activities

“(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9345 the following new item:

"9345a. Foreign and cultural exchange activities.".

SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF NAVAL POSTGRADUATE SCHOOL.

Section 7042 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If the individual holding the position of President of the Naval Postgraduate School is a civilian, the Secretary shall pay the individual such compensation for the individual's service as President as the Secretary prescribes, except that—

"(A) basic pay for the President may not exceed the rate of compensation authorized for positions in level I of the Executive Schedule under section 5312 of title 5; and

"(B) total aggregate compensation for the President, including bonuses, awards, allowances, or other similar cash payments, may not exceed the total annual compensation payable under section 104 of title 3.

"(2) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe the salary and other related benefits for the position of President of the Naval Postgraduate School.".

SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a) of title 10, United States Code, is amended by striking "25" and inserting "125".

SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENTS MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(a)(2) of title 10, United States Code, is amended by striking "other than dishonorable conditions" and inserting "honorable conditions".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to persons described in section 16163 of title 10, United States Code, who separate on or after that date from a reserve component.

SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 16302(c) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection (e)(2) of section 2173 of this title for the education loan repayment program under such section.".

SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an up-dated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

Subtitle F—Military Justice

SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

Section 5046(a) of title 10; United States Code, is amended by striking the last sentence and inserting the following new sentence: "The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.".

SEC. 552. STANDING MILITARY PROTECTION ORDER.

(a) IN, GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.

"The issuance of a military protective order by a military commander shall be deemed a standing order until—

"(1) the allegation prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication; or

"(2) the military commander issues a new order.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1567. Standing military protective order.".

SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 552, the following new section:

"SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

"In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

"(1) the issuance of the protective order;

"(2) the duration of the protective order; and

"(3) the individuals involved in the order.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

"1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.".

SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if available, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to provide for the implementation of the database.

(2) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database.

(d) REPORTS.—The database shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph:

"(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use across the Department of Defense, to include a clear definition of the following terms:

"(A) Restricted reports.

"(B) Unrestricted reports.

"(C) Substantiated reports.".

Subtitle G—Decorations, Awards, and Honorary Promotions

SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1135. Replacement of military decorations

"(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

"(b) EXCEPTION.—Subsection (a) does not apply to the medal of honor.

"(c) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1135. Replacement of military decorations.".

SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 8741 of such title to former Chief Master Sergeant Richard L. Etchberger for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force cross.

SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E. MEYER, UNITED STATES NAVY (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT AUTHORIZED.—The President is authorized and requested to appoint, by and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Wayne E. Meyer on the retired list of the Navy under subsection (a) shall not affect the retired pay or other benefits from the United States to which Wayne E. Meyer is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term "eligible veteran" means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

Subtitle H—Impact Aid

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. CALCULATION OF PAYMENTS UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.

Paragraph (2) of section 8003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) is amended to read as follows:

"(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment—

"(A) if such agency is newly established by a State (first year of operation only); or

"(B) if—

"(i) such agency was eligible to receive a payment under this section in the previous fiscal year;

"(ii) such agency has had an overall increase (as determined by the Secretary of Education in consultation with the Secretary of Defense, the Secretary of Interior, or other Federal agencies) of not less than 100 students or 10 percent as described in—

"(I) subparagraphs (A), (B), and (D) of subsection (a)(1); or

"(II) subparagraphs (C), (E), (F) and (G) of subsection (a)(1) if those children described in subparagraphs (C), (E), (F) and (G) are civilian dependents of employees of the Department of Defense; and

"(iii) such increase occurred during the period between the end of the school year preceding the fiscal year for which the application is being made and the beginning of the school year immediately preceding that fiscal year as the result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.".

Subtitle I—Military Families

SEC. 581. PRESENTATION OF BURIAL FLAG.

(a) INCLUSION OF SURVIVING SPOUSE; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

"(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States—

"(A) to the person designated under subsection (c) to direct disposition of the remains;

"(B) to the parents or parent of the decedent, if the person presented a flag under subparagraph (A) is other than a parent of the decedent; and

"(C) to the surviving spouse (including a remarried surviving spouse) of the decedent, if the person presented a flag under subparagraph (A) is other than the spouse."; and

(3) by inserting at the end the following new paragraphs:

"(3) A flag to be presented to a person under subparagraph (B) or (C) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

"(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

"(5) In this subsection, the term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.".

(b) Repeal of Superseded Provisions.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.

(a) Employment and Career Opportunities for Spouses.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

"§ 1784a. Education and training opportunities for military spouses to expand employment and career opportunities

"(a) Programs and Tuition Assistance.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

"(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and career opportunities for the spouse; or

"(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and career opportunities for the spouse.

"(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) Eligible Spouses.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving on active duty.

"(c) Exceptions.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) Regulations.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1784 the following new item:

"1784a. Education and training opportunities for military spouses to expand employment and career opportunities.".

Subtitle J—Other Matters

SEC. 591. INCLUSION OF RESERVES IN PROVIDING FEDERAL AID FOR STATE GOVERNMENTS, ENFORCING FEDERAL AUTHORITY, AND RESPONDING TO MAJOR PUBLIC EMERGENCIES.

(a) Federal Aid for State Governments.—Section 331 of title 10, United States Code, is amended by striking "armed forces, as he" and inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President".

(b) Enforcement of Federal Authority.—Section 332 of such title is amended—

(1) by striking "he may" and inserting "the President may"; and

(2) by striking "armed forces, as he" and inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President".

(c) Response to Public Emergencies.—Section 333(a)(1) of such title is amended by inserting after "Federal service" the following: "and units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose".

SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.

(a) Interest Payable on Claims.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest in effect under section 1035 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.".

(b) Conforming Amendment Regarding Corrections Board Authority To Overturn Convictions.—Subsection (f) of such section is amended by inserting "convened after May 4, 1950, and" after "court-martial cases".

(c) Clerical Amendments.—Subsection (c) of such section is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after "(c)";

(3) by striking "If the claimant" and inserting the following:

"(2) If the claimant"; and

(4) by striking "A claimant's acceptance" and inserting the following:

"(3) A claimant's acceptance".

(d) Retroactive Effectiveness of Amendments.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term "Corrections Board" has the meaning given that term in section 1557 of title 10, United States Code.

SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "December 31, 2010".

SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

Section 12304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "The authority"; and

(3) by adding at the end the following new paragraph:

"(2) The authority under subsection (a) includes authority to order any unit of the Selected Reserve of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty to provide assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).".

SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) Establishment of Commission.—

(1) In General.—There is hereby established a commission to be known as the "Senior Military Leadership Diversity Commission".

(b) Composition.—

(1) Membership.—The commission shall be composed of 23 members, as follows:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) 1 senior military leader from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command shall be appointed by the Secretary of Defense.

(D) 1 retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(E) 1 retired senior noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(F) 5 retired senior officers who served in leadership positions with either a military department command or combatant command shall be appointed by the Secretary of Defense, of which no less than 3 shall represent the views of minority veterans.

(G) 4 individuals with expertise in cultivating diverse leaders in private or non-profit organizations shall be appointed by the Secretary of Defense.

(2) Chairman.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(3) Period of Appointment; Vacancies.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(4) Deadline for Appointment.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(5) Quorum.—12 members of the commission shall constitute a quorum but a lesser number may hold hearings.

(c) Meetings.—

(1) Initial Meeting.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed.

(2) Meetings.—The commission shall meet at the call of the chairman.

(d) Duties.—

(1) Study.—The commission shall study the diversity within the senior leadership of the Armed Forces. The study shall be a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of minority members of the Armed Forces.

(2) Scope of Study.—In carrying out the study, the commission shall examine the following:

(A) Efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.

(C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools.

(D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.

(E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O–5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(3) CONSULTATION WITH PRIVATE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following:

(A) the findings and conclusions of the commission;

(B) the recommendations of the commission for improving diversity within the Department of Defense; and

(C) other information and recommendations the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. Election to receive retired pay for nonregular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for private operation of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009; the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended by striking paragraph (3).

SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

Section 403(b)(2) of title 37, United States Code, is amended by adding at the end the following new sentence: "After June 30, 2009, the determination of what constitutes adequate housing for members in the pay grade E–8 with dependents shall be equivalent to the higher standard in effect for members in the pay grade E–9 with dependents.".

SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

(a) INCREASE.—Section 404a(e) of title 37, United States Code, is amended by striking "$180 a day" and inserting "$290 a day".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "A member";

(2) by striking "Section 421" and inserting the following:

"(3) Section 421";

(3) by striking "However" and inserting "Except as provided in paragraph (2)"; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

"(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together with their dependents immediately before their assignments, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.".

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

"§907. Members appointed or reappointed as officers: no reduction in pay and allowances

"(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

"(1) the pay and allowances to which the officer is entitled as an officer; or

"(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

"(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

"(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

"(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

"(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

"(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

"(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

"907. Members appointed or reappointed as officers: no reduction in pay and allowances.".

SEC. 607. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2010 through 2013".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking "before" and inserting "on or before"; and

(2) by striking "January 1, 2009" and inserting "December 31, 2009".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.

(a) ACCESSION BONUS.—Paragraph (1) of section 2130a(a) of title 10, United States Code, is amended—

(1) by striking "$10,000" and inserting "$20,000"; and

(2) by striking "$5,000" and inserting "$10,000".

(b) MONTHLY STIPEND.—Paragraph (2) of such section is amended by striking "$1,000" and inserting "$1,250".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.

Section 312(a)(3) of title 37, United States Code, is amended by striking "three, four, or five years" and inserting "not less than three years".

SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking "and operational"; and

(2) in subsection (b)(2), by striking "and operational".

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking "section 351" and inserting "section 351(a)(2)".

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking "dental surgeons" and inserting "dental officers".

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking "subsection (a)" and inserting "paragraph (1) or (3) of subsection (a)".

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking "in administering subsection (a)" and inserting "in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)"; and

(2) by striking the last sentence.

(f) TERMINATION PROVISION FOR HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by inserting before the period the following: ", unless receipt of the hazardous duty pay is specified in an agreement entered into between the member and the Secretary concerned before that date".

SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES.

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

"(b) SKILL PROFICIENCY BONUS.—

"(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

"(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

"(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.".

(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

"(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

"(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.".

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsections (a) and (b) in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(1) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(2) Registered nurses.

(b) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in subsection (a).

(c) EFFECTIVE PERIOD.—This section shall take effect on October 1, 2008. The designations made by subsection (a) and the authority to enter into an agreement under subsection (b) expire on September 30, 2010.

Subtitle C—Travel and Transportation Allowances

SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
"E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF MATERIALS ASSOCIATED WITH EMPLOYMENT OF A MEMBER'S SPOUSE OR COMMUNITY SUPPORT VOLUNTEER OR CHARITY ACTIVITIES.

(a) ADDITIONAL WEIGHT ALLOWANCE.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(H) In connection with a change of permanent station of a member, the Secretary concerned shall increase the weight allowance otherwise applicable under subparagraph (C) for the member by 200 pounds for the purpose of facilitating the shipment of materials associated with the employment of the member's spouse or community support volunteer or charity activities of the member and any dependents of the member.".

SEC. 633. TRANSPORTATION OF FAMILY PETS DURING EVACUATION OF NON-ESSENTIAL PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by inserting after subparagraph (H), as added by section 632, the following new subparagraph:

"(I) In connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation of not more than two family household pets, including shipment and the payment of quarantine fees, if any. As an alternative to the provision of transportation for the pets, the Secretary concerned may reimburse the member or provide a monetary allowance under subparagraph (F) if other commercial transportation means are used. A member is not entitled to transportation under this subparagraph for horses, livestock, or pets weighing in excess of 150 pounds or for animals that the Secretary concerned determines are exotic pets or endangered species.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended—

(1) by striking "A member" and inserting "(1) Except as provided in paragraph (2), a member"; and

(2) by adding at the end the following new paragraph:

"(2) If a member of the uniformed services who is not a member of a regular component is retired under this chapter or is placed on the temporary disability retired list under this chapter because of a disability incurred after the date of the enactment of this paragraph for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.".

SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE ON PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY TO SURVIVING SPOUSE OR FORMER SPOUSE WHO PREVIOUSLY TRANSFERRED ANNUITY TO DEPENDENT CHILDREN.

Section 1450(b)(3) of title 10, United States Code, is amended by adding at the end the following new sentence: "The payment of an annuity to a surviving spouse or former spouse under this paragraph shall be resumed even though the surviving spouse or former spouse previously transferred the annuity to a child or children under section 1448(d)(2)(B) of this title if, when the marriage is so terminated, the child or children, due to loss of dependent status, death, or other cause, are no longer eligible for the annuity under such section.".

SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEMBERS WHO DIE ON ACTIVE DUTY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking "section 1448(a)(1) of this title" and inserting "subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by paragraph (6) of subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

"(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

"(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

"(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

"(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

"(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

"(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.".

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and".

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under section 12731(f) of this title"; and

(2) in paragraph (2)(A), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under such section"..

(d) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.—Section 12731(a) of such title is amended—

(1) by inserting "and" at the end of paragraph (2);

(2) by striking "; and" at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

"§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

"12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.".

(f) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

"(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

"(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

"(A) is recalled to serve in a position of adjutant general required under section 314 of title

32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

"(B) completes at least six months of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

(b) RETROACTIVE APPLICABILITY.—The amendment made by this section shall take effect as of January 1, 2008.

SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 19 U.S.C. 1450 note) is amended by adding at the end the following new paragraph:

"(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.".

SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, the Secretary of a military department may not make a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumption of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State; or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin of the participant.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Armed Forces pending satisfaction of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENTS AND RETIRED MEMBERS.

Section 2484(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) in such paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

"(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, Retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.".

SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended in the last sentence by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting "REGULATIONS.—" before "The Secretary"; and

(B) by striking "this subsection" and inserting "subsection (b)"; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

"(2) Subsection (a) does not apply to the purchase and maintenance of specialized golf carts designed to accommodate persons with disabilities and the use of the golf carts at a facility or installation where the Secretary determines the golf carts can be safely operated.".

SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF RESALE ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

"(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

"(B) The Secretary of each of the military departments shall appoint one member of the board.

"(C) A vacancy on the board shall be filled in the same manner as the original appointment.

"(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

"(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

"(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.".

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

"(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States.

"(b) EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense determines that—

"(1) a satisfactory quality and sufficient quantity of an item covered by such subsection and produced in the United States cannot be procured; or

"(2) the purchase of the item produced outside the United States is in the best interests of members of the armed forces.

"(c) CONGRESSIONAL NOTIFICATION.—As soon as practicable after an exception is granted under subsection (b), the Secretary of Defense shall submit to Congress a report explaining the reasons for the exception.

"(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.".

SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST ALLOWANCES OR OVERSEAS COST OF LIVING ALLOWANCES TO NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES SERVING OVERSEAS.

(a) AUTHORITY TO USE APPROPRIATED FUNDS.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587a the following new section:

"§ 1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances.

"(a) USE OF APPROPRIATED FUNDS TO PAY ALLOWANCES.—Subject to the availability of appropriated funds for this purpose, the Secretary of Defense may pay post allowances or cost of living allowances to an nonappropriated fund instrumentality employee who is a citizen of the United States and is employed in a full-time position at a location outside of the continental United States.

"(b) DURATION.—The Secretary of Defense may use the authority provided by this section to pay post allowances or cost of living allowances that have been due to an nonappropriated fund instrumentality employee or former employee since December 1, 2001, but have not been previously paid. No allowance may be provided under this section after December 31, 2011.

"(c) DEFINITIONS.—In this section:

"(1) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587 of this title.

"(2) The term 'continental United States' means the 48 contiguous States and the District of Columbia.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587a the following new item:

"1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE AND BEER IN COMMISSARY STORES IN ADDITION TO EXCHANGE STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study evaluating the propriety, patron convenience, and financial utility of including alcoholic wine and beer as an authorized commissary merchandise category for sale in, at, or by commissary stores.

(b) PILOT PROGRAM.—

(1) AUTHORIZED.—In connection with the study required by subsection (a), the Secretary may conduct a pilot program involving the sale of alcoholic wine and beer in commissary stores if the Secretary determines that such a pilot program would be useful in making the evaluations required by such subsection.

(2) SCOPE.—If the Secretary determines that the pilot program would be useful, the Secretary shall conduct the pilot.program at a minimum of 10 locations for a period of not less than four months nor greater than one year.

(c) REPORT.—Within 120 days after completion of the study required in subsection (a), the Secretary shall submit to Congress a report containing the findings and recommendations of the Secretary developed as a result of the study and the results of the pilot program, if conducted under subsection (b). The Secretary may delay the submission of the report pending the conclusion of the pilot program.

Subtitle F—Other Matters

SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND OTHER PERSONS TO REFER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AVAILABILITY OF BONUS TO TRAINED CIVILIANS.—Subsection (a)(2) of section 3252 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) A member of the general public who has completed a training course provided by the Secretary, directly or through an entity contracted to provide such training, regarding the appropriate procedures used to recruit persons for enlistment in the Army.".

(b) TIME FOR PAYMENT OF BONUS.—Subsection (b) of such section is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) when the individual concerned contacts an entity contracted to recruit persons for enlistment in the Army.".

(c) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (d), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following new subsection:

"(e) PAYMENT METHODS.—At the discretion of the Secretary, a bonus payable for a referral of a person under subsection (a) may be paid—

"(1) directly to the individual referred to in subsection (b) making the referral; or

"(2) through an entity contracted to make bonus payments under this section.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3252 and inserting the following new item:

"3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.".

SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting "; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS" after "MET";

(2) in paragraph (1)—

(A) by striking "A member" and inserting "(A) Except as provided in paragraph (2), a member"; and

(B) by striking "the requirements, except in certain circumstances authorized by the Secretary concerned." and inserting "the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States."; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

"(2)(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

"(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

"(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

"(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

"(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.".

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting "AND TERMINATION" after "REPAYMENT"; and

(ii) by inserting before the period at the end the following: ", and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement"; and

(B) by striking subsection (b) and inserting the following new subsection:

"(b) EXCEPTIONS.—

"(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

"(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

"(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

"(ii) shall require the payment to the member or the member's estate of the remainder of any *bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.*

"(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

"(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.".

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

"§373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met".

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.".

SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED FORCES INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

"SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

"(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than March 31, 2009, the Secretary of Defense shall develop and maintain a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness. Such description shall be published—

"(1) in a handbook; and

"(2) on a publically available, searchable Internet website or comparable successor facility.

"(b) CONTENTS.—The comprehensive description shall include the following:

"(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

"(2) Information concerning the Disability Evaluation System of each military department, including—

"(A) an explanation of the process of the Disability Evaluation System;

"(B) a general timeline of the process of the Disability Evaluation System;

"(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

"(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

"(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

"(4) A list of State veterans service organizations and their contact information and Internet website addresses.

"(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

"(d) UPDATE.—The Secretary of Defense shall update—

"(1) the handbook on a periodic basis, but not less often than annually; and

"(2) the Internet website or comparable successor facility immediately after any change has been made to the compensation or other benefits described in subsection (a).

"(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

"(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 704. Chiropractic health care for members on active duty.
Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.
Sec. 706. Program for health care delivery at military installations projected to grow.
Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.
Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
Sec. 733. Sense of Congress regarding autism therapy services.

Subtitle A—Improvements to Health Benefits

SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2008" and inserting "September 30, 2009".

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2008.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term "military medical or dental position" means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term "civilian medical or dental position" means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term "conversion", with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term "chiropractic services"—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term "doctor of chiropractic" means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RESERVE SELECT PREMIUMS BASED ON ACTUAL COST DATA.

(a) CALCULATION BASED ON ACTUAL COST DATA.—Paragraph (3) of section 1076d(d) of title 10, United States Code, is amended to read as follows:

"(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be not more than the lesser of—

"(A) the amount equal to 28 percent of the total average monthly amount for that coverage, as determined by the Secretary based on actual cost data for the preceding fiscal year; or

"(B) the amount in effect for the month of March 2006.".

(b) EFFECTIVE DATE.—Paragraph (3) of section 1076d(d) of title 10, United States Code, as amended by this section, shall apply with respect to fiscal year 2009 and fiscal years thereafter.

SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—The program shall be implemented at each installation participating in the pilot program conducted pursuant to section 721 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988) and other military installations selected by the Secretary of Defense. Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing the results of the program.

SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL FACILITIES.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Patient priority categories.

(2) Budgeting.

(3) Staffing.

(4) Construction.

(5) Physical plant management.

Subtitle B—Preventive Care

SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary excluded by subsection (b), subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV of this Act for the Defense Health Program, $10,000,000 is authorized for the purposes of the refund authorized under this subsection.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term "preventive services" includes, taking into consideration the age and gender of the beneficiary:

(A) Colorectal screening.

(B) Breast screening.

(C) Cervical screening.

(D) Prostate screening.

(E) Annual physical exam.

(F) Vaccinations

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111((b) of title 10, United States Code.

SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incorporate nationally recognized standards for health and healthy behaviors and shall be offered to determine a baseline and at appropriate intervals determined by the Secretary. The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, including at least—

(i) blood pressure;

(ii) glucose level;

(iii) lipids; and

(iv) nicotine use.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be enrolled in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration

project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (as determined in the wellness assessment).

(2) In the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of the enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk management demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of the enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives to encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) Identification of legislative authorities required to implement a permanent program.

SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under the TRICARE program, to be made available to all beneficiaries under the TRICARE program who are not medicare-eligible. The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(3) Access to printed and Internet web-based tobacco cessation material.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program.

(d) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (b) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for smoking cessation services had been waived pursuant to subsection (b) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV for the Defense Health Program, $3,000,000 is authorized for the purposes of the refund authorized under this subsection.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(f) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term "TRICARE program" has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 714. AVAILABILITY OF ALLOWANCE TO ASSIST MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS PROCURE PREVENTIVE HEALTH CARE SERVICES.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 438. Preventive health services allowance

"(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

"(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

"(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

"(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

"(1) $500 per year, in the case of a member without dependents; and

"(2) $1,000 per year, in the case of a member with dependents.

"(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

"(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

"(A) Colorectal screening.

"(B) Breast screening.

"(C) Cervical screening.

"(D) Prostate screening.

"(E) Annual physical exam.

"(F) Annual dental exam.

"(G) Vaccinations.

"(3) The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

"(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

"(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"438. Preventive health care allowance.".

Subtitle C—Wounded Warrior Matters

SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the "Hearing Loss and Auditory System Injury Registry" (hereinafter referred to as the "Registry").

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.

Section 1623(d) of Public Law 110–181 is amended by striking "in combat" at the end.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) REDESIGNATION OF RESEARCH PROGRAM AS CENTER.—Not later than October 1, 2009, the Secretary of Defense shall designate a center be known as the "National Casualty Care Research Center" (in this section referred to as the "Center"), which shall consist of the program known as the combat casualty care research program at the Army Medical Research and Materiel Command as modified in accordance with this section.

(b) DIRECTOR.—There shall be a director of the Center, who shall be appointed by the Secretary after consultation with the commanding general of the Medical Research and Materiel Command.

(c) ACTIVITIES OF THE CENTER.—In addition to the functions already performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to both civilians and members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes; and

(4) fund the full spectrum of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care;

(E) rehabilitation and reintegration into society; and

(F) coordinate multi-institutional civilian/military collaboration and trauma research.

(d) AUTHORIZATION.—In addition to amounts authorized for the combat casualty care research program of the Army Medical Research and Materiel Command, there is authorized to be appropriated $1,000,000 for the Center established pursuant to this section.

(e) FUNDING ADJUSTMENTS.—For the amounts authorized in subsection (d):

(1) The amount for the Defense Health Program, Research and Development, is hereby increased by $1,000,000, to be available for the United States Army Medical Research and Materiel Command.

(2) The amount for Weapons Procurement, Navy, is hereby reduced by $1,000,000, to be derived from other missiles.

SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EXTREMITY WAR INJURIES.

(a) ESTABLISHMENT OF PEER-REVIEWED ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a competitive, peer-reviewed research program within the Defense Health Program's research and development function to conduct peer-reviewed medical research at military and civilian institutions designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans for establishment, management, and operation of the Peer-Reviewed Research Program on Extremity War Injuries required under this section.

(c) EFFECTIVE DATE.—This section shall be in effect until September 30, 2013.

SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED TO THE DELIVERY OF MAIL TO WOUNDED MEMBERS OF THE ARMED FORCES.

(a) REVIEW OF DELIVERY POLICY AND PROCESSES.—The Secretary of Defense shall review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and addressed generally to wounded and injured members of the Armed Forces (such as "To any Wounded Warrior" or "To Any Wounded Service Member") in military medical treatment facilities and other locations where members of the Armed Forces are treated and rehabilitated.

(b) SPECIFIC PROCESSES.—In conducting the review under subsection (a), the Secretary of Defense shall determine the following:

(1) Whether the current Department of Defense prohibition on the direct delivery of such letters, packages, messages, and other communications to wounded and injured members of the Armed Forces should be modified.

(2) The adequacy, particularly from the perspective of wounded and injured members of the Armed Forces, of the current governmental and non-governmental delivery processes.

(c) CORRECTIVE ACTIONS.—Based on the review under subsection (a), the Secretary of Defense may take actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces as the Secretary determines appropriate.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a) and the ongoing and projected actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces.

Subtitle D—Other Matters

SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Secretary has exercised the authority provided in section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note).

SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO AUTISTIC DEPENDENTS OF MILITARY RETIREES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program (hereafter in this section referred to as the "ECHO program").

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) The most current data on the number of military retirees with autistic dependents and an estimate of the number of future military retirees with autistic dependents.

(2) The cost estimates of providing extended benefits under the ECHO program to autistic dependents of all current and future military retirees.

(3) The feasibility of including autistic dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including autistic dependents of military retirees in the ECHO program.

SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THERAPY SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that the process in determining eligibility for autistic therapy services provided to the children of members of the Armed Forces is conducted in an expeditious manner and without delay.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on autistic therapy services in the Department of Defense. The study shall include—

(A) an evaluation of whether such services would be better managed under the TRICARE program; and

(C) the potential benefits and costs of a transition of the management of such services from the exceptional family member programs to the TRICARE program.

(2) REPORT.—Not later than July 30, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(c) DEFINITIONS.—In this section:

(1) AUTISTIC THERAPY SERVICES.—The term "autistic therapy services" includes applied behavior analysis.

(2) TRICARE PROGRAM.—The term "TRICARE program" has the meaning provided by section 1072 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
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Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
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Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.

Subtitle A—Acquisition Policy and Management

SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—The Secretary of the Air Force, not later than 10 days after a ruling by the World Trade Organization that either or both of the United States or the European Union, or any political entity within the United States or the European Union, has provided illegal subsidies to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such illegal subsidies on the source selection for the KC–45 Aerial Refueling Aircraft Program.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Air Force shall comply with the following requirements:

(1) The Secretary shall seek information from the public on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program through a notice and comment process. The Secretary shall adopt such procedures for handling information provided under such notice and comment process as are necessary to protect national security and confidential business information.

(2) The Secretary shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal government, as appropriate, on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program.

(3) The Secretary shall request information from each of the offerors in the source selection process for the KC–45 Aerial Refueling Aircraft Program on the potential impact of illegal subsidies on such process.

(c) COMPLETION OF REVIEW.—The Secretary of the Air Force shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has ruled on all illegal subsidy cases involving large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

(d) DETERMINATION AND REMEDY REQUIRED.—If the Secretary of the Air Force determines, after performing the review required by subsection (a), that an illegal subsidy or subsidies had a material impact on the source selection process for the KC–45 Aerial Refueling Aircraft Program sufficient to bring into question the fairness of such source selection process, the Secretary shall take such measures as are necessary and appropriate to ensure that the effect of such subsidy or subsidies is removed and the source selection process for the KC–45 Aerial Refueling Aircraft Program is fair to all offerors.

(e) DEFINITIONS.—In this section:

(1) The term "illegal subsidy" means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(3) The term "source selection", with respect to a program of the Department of Defense, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the urgent operational need process.

(2) An evaluation of the extent to which urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment.

(3) A description and evaluation of the effectiveness of the processes used by each of the military departments to prioritize and fulfill urgent operational needs, including the rapid acquisition processes of the military departments.

(4) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the joint urgent operational need process.

(5) An evaluation of the extent to which joint urgent operational need statements are used to document urgent joint capability gaps or are used—

(A) to avoid using service-specific urgent operational need and acquisition processes;

(B) to document non-urgent capability gaps; or

(C) to request specific acquisition outcomes, such as specific systems or equipment.

(6) A description and evaluation of the effectiveness of the processes used by the various elements of the Department of Defense to prioritize and fulfill joint urgent operational needs, including the Joint Improvised Explosive Device Defeat Organization and the Joint Rapid Acquisition Cell.

(7) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long-term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(B) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(C) the extent to which rapid acquisition processes should be consolidated or expanded.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the report resulting from the study conducted pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "urgent operational need" or "urgent operational need statement" means a high priority capability gap from an ongoing, named operation—

(A) that is validated and resourced by a specific military department or defense agency; and

(B) that, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

(2) The term "joint urgent operational need" means a high priority capability gap from an ongoing, named operation—

(A) that is identified by a combatant commander;

(B) that requires validation and resourcing by the Joint Chiefs of Staff;

(C) that falls outside of the established processes of the military departments; and

(D) that, if not addressed immediately will seriously endanger personnel or pose a major threat to ongoing operations.

SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance requiring that all unique tooling associated with the production of hardware for a major defense acquisition program be preserved and stored through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) provide that either a component of the Department of Defense or a contractor (or subcontractor at any tier) may be responsible for preservation and storage of such tooling;

(2) require that the milestone decision authority approve a plan for the preservation and storage of such tooling prior to granting a Milestone C approval;

(3) if such tooling is to be preserved and stored by a component of the Department of Defense, require the component to ensure adequate funds and facilities are available to preserve and store such tooling through the projected service life of the end item;

(4) if such tooling is to be preserved and stored by a contractor, or a subcontractor at any tier, require that any production contract (or subcontract) awarded in support of the major defense acquisition program include a contract clause regarding the preservation and storage of such tooling; and

(5) provide a mechanism for the Secretary of Defense to waive such requirement if—

(A) the Secretary determines that such a waiver is in the best interest of national security; and

(B) notifies the congressional defense committees at least 15 days before taking such action.

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" has the meaning provided in section 2366a(f)(2).

(3) MILESTONE C APPROVAL.—The term "Milestone C approval" has the meaning provided in section 2366(e)(8) of title 10, United States Code.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—Except as provided in subsections (c) and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis, in whole or in part, that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the dispute before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) ADDITIONAL APPLICABILITY.—

(1) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(2) SUBCONTRACTS AND TASK AND DELIVERY ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders or delivery orders at any tier issued under the contract.

(c) EXCEPTIONS TO APPLICABILITY.—

(1) INAPPLICABILITY TO PROGRAMS WITH MILESTONE B APPROVAL.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) INAPPLICABILITY TO CERTAIN PROCUREMENTS.—The prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services from a foreign person being provided a subsidy if—

(A) in any case in which goods or services are the subject of the consultation requested by the United States (as described in subsection (a)(1)), the goods or services to be procured under the contract are not related to the goods and services that are the subject of the consultation; or

(B) in any case in which the subject of the consultation requested by the United States (as described in subsection (a)) is not a good or service (but is law, regulations, or other policies of the foreign country), the Department of Defense contracting officer for the contract has certified that the foreign person has demonstrated that the cost of the offeror's proposal is not materially affected by the subsidy.

(d) WAIVER.—The President may waive the prohibition in this section with respect to a specific contract if the President (without delegation) determines that failure to waive the prohibition would result in a significant and imminent threat to national security. The President shall submit to Congress a notice of any waiver granted under this subsection within 7 days after granting it.

(e) DURATION OF PROHIBITION.—In the case of a subsidy that the World Trade Organization has ruled is a prohibited subsidy as described in subsection (a)(2)(B), the prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services that were the subject of the consultation after—

(1) the dispute is resolved; and

(2) either—

(A) a mutual agreement has been reached between the United States and the foreign government with respect to the prohibited subsidy; or

(B) the foreign government has agreed to comply with the requirements of the ruling issued by the World Trade Organization in the dispute.

(f) DEFINITIONS.—In this section:

(1) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(4) The term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(5) The term "Milestone B approval" has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program of the Department of Defense. Such regulations shall—

(1) allow the source selection authority to consider impacts on the domestic industrial base as an evaluation factor during the source selection process;

(2) provide the source selection authority flexibility with regard to the importance assigned to such an evaluation factor; and

(3) provide defense acquisition officials with the authority to impose penalties on the contractor awarded the contract resulting from the source selection, including fines and contract termination, if—

(A) the domestic industrial base evaluation factor was used during source selection;

(B) the evaluation factor had a material effect on the outcome of the source selection; and

(C) the official determines that the potential contractor knowingly or willfully misrepresented impacts to the domestic industrial base during source selection.

(b) IMPACTS ON DOMESTIC INDUSTRIAL BASE.—For purposes of the regulations, the Secretary shall consider, at a minimum, the following to be impacts on the domestic industrial base:

(1) The creation or maintenance of domestic capability for production of critical supplies.

(2) The creation or maintenance of domestic jobs.

(3) The creation or maintenance of domestic scientific and technological competencies or manufacturing skills.

(c) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees at least 30 days before the issuance of a request for proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. Such notification shall include—

(1) a brief description of the major defense acquisition program;

(2) a justification for not using a domestic industrial base evaluation factor; and

(3) an assessment of potential impacts on the domestic industrial base, if known, as a result of not using a domestic industrial base evaluation factor.

(d) DEFINITIONS.—In this section:

(1) DOMESTIC INDUSTRIAL BASE.—The term "domestic industrial base" means—

(A) persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and United States territories; and

(B) includes, at a minimum, prime contractors, as well as second and third tier subcontractors, engaged in such activities.

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(3) SOURCE SELECTION.—The term "source selection", with respect to a major defense acquisition program, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

(4) SOURCE SELECTION AUTHORITY.—The term "source selection authority", with respect to a major defense acquisition program, means the official in the Department of Defense designated as responsible for the source selection for that program.

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software.

(b) REGULATIONS.—The Secretary of Defense shall review and revise the Defense Federal Acquisition Regulation Supplement, Part 207.103, to clarify that the preference for commercial items in the acquisition process includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS REQUIRED DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the comprehensive evaluation of a proposal for a major defense acquisition program for which a significant proportion of the research, design, development, manufacturing, assembly, or test and evaluation will be performed outside the United States. Such regulations shall—

(1) require the offeror of such a proposal, in addition to providing a breakdown of costs as required by the Federal Acquisition Regulation, to provide a breakdown of costs not borne by the offeror as a result of activities performed outside the United States, and such costs shall—

(A) include, at a minimum, costs borne by a foreign government that are not borne by a local, State, or Federal Government in the United States, such as government-borne—

(i) health care;

(ii) retirement compensation; and

(iii) workman's compensation;

(B) not include direct labor and material costs; and

(C) be limited to those costs that would otherwise be allowable and allocable to the contract for the major defense acquisition program if all activities were performed in the United States;

(2) be applicable only to proposals submitted in response to a solicitation from the Department of Defense that requires cost or pricing data;

(3) require the contracting officer responsible for conducting proposal analysis to consider such costs in any cost and price analysis performed; and

(4) require the contracting officer to certify, prior to source selection, that the contracting officer has no reasonable grounds to believe that the final assessed price excludes any cost or other element of price (such as the monetary policy of a foreign government) that other offers performing in the United States could not also exclude.

(b) ADDITIONAL APPLICABILITY WITH RESPECT TO SUBCONTRACTORS.—The regulations under subsection (a) also shall apply with respect to any subcontractor (at any tier) of a prospective contractor if the subcontractor is expected to perform outside the United States a significant portion of the research, design, development, manufacturing, assembly, or test and evaluation under the proposal being evaluated.

(c) DEFINITION.—In this section, the term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program for the purposes of section 2430 of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) EXPEDITED HIRING AUTHORITY.—

"(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

"(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

"(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

"(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.".

SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) SYSTEM DEFINED.—In this section, the term 'system'—

"(1) means—

"(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

"(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

"(2) includes a major system (as defined in section 2302(5) of this title).".

SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

"§ 1722a. Special requirements for military personnel in the acquisition field

"(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION.—The Secretary of Defense shall require the Secretary of each military department (with respect to the military departments) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and Defense Field Activities), to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

"(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

"(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

"(2) A number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

"(3) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

"(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall establish for each military department a minimum number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers and shall ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of that military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers.

"(2) The Secretary of Defense shall ensure that a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities.

"(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting.

"(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

"(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722 the following new item:

"1722a. Special requirements for military personnel in the acquisition field.".

(b) ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after "officer assignments and grade requirements" the following: ", including requirements relating to the reservation of billets in the acquisition field for general and flag officers,".

SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS.

(a) RIGHTS IN TECHNICAL DATA FOR NON-FAR AGREEMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

"§2320a. Rights in technical data for non-FAR agreements

"(a) POLICY GUIDANCE.—

"(1) The Secretary of Defense shall issue policy guidance with respect to the use of a non-FAR agreement for the development of a major weapon system or an item of personnel protective equipment.

"(2) The guidance shall—

"(A) define the legitimate interest of the United States and a party to such an agreement in technical data pertaining to an item or process to be developed under the agreement, including, at a minimum, the interest of—

"(i) the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture;

"(ii) the United States in the ability to conduct emergency repair and overhaul; or

"(iii) the party to the agreement to restrict the release of technical data relating to an item or process developed at private expense; and

"(B) require that specific rights in technical data shall be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable.

"(b) PROVISIONS IN NON-FAR AGREEMENTS.—Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions—

"(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

"(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

"(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

"(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

"(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made during the performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement; and

"(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data.

"(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA NEEDS.—The Secretary of Defense shall require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

"(d) DEFINITIONS.—In this section:

"(1) The term 'non-FAR agreement' means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

"(A) a transaction authorized under section 2371 of this title; and

"(B) a cooperative research and development agreement.

"(2) The term 'party', with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

"(A) A contractor and its subcontractors (at any tier).

"(B) A joint venture.

"(C) A consortium.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2320 the following new item:

"2320a. Rights in technical data for non-FAR agreements.".

(b) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such strategies made use of priced contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

SEC. 815. CLARIFICATION THAT COST ACCOUNTING STANDARDS APPLY TO FEDERAL CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A)) is amended by adding at the end the following: ", whether the contracts or subcontracts are performed inside or outside the United States".

(b) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the cost accounting standards promulgated under section 26 of such Act shall be amended to take into account the amendment made by subsection (a).

Subtitle C—Provisions Relating to Inherently Governmental Functions

SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF DEPARTMENT OF DEFENSE CONTRACTORS.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a standard policy aimed at preventing personal conflicts of interest by employees of Department of Defense contractors that is similar to the policy of the Department of Defense aimed at preventing such conflicts by Department of Defense civilian employees.

(b) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(1) provide a definition of the term "personal conflict of interest" as it relates to employees of Department of Defense contractors;

(2) identify types of contracts that raise heightened concerns for potential personal conflicts of interest; and

(3) require each contractor that participates in the Department's decision-making in such mission-critical areas as the development, award, and administration of Government contracts, and each contractor that is closely supporting inherently governmental functions, to—

(A) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(B) report any personal conflict-of-interest violation to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(C) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards; and

(D) have procedures in place to screen for potential conflicts of interest for all employees in a position to make or materially influence findings, recommendations, and decisions regarding Department of Defense contracts and other advisory and assistance functions, either by screening on a task-by-task basis or on an annual basis.

(c) CONTRACT CLAUSE.—The Secretary shall include in each contract entered into by the Secretary for the performance of functions described in subsection (b)(3) a clause that reflects the personal conflicts-of-interest policy developed under this section and that sets forth the contractor's responsibility under such policy.

(d) PANEL ON CONTRACTING INTEGRITY RECOMMENDATIONS.—The Department of Defense Panel on Contracting Integrity, established by the section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall consider and make recommendations on the feasibility of applying certain procurement integrity rules to employees of Department of Defense contractors to include such rules related to—

(1) improper business practices and personal conflicts of interest under Federal Acquisition Regulations 3.104;

(2) public corruption;

(3) financial conflicts of interest;

(4) seeking other employment conflicts of interest;

(5) gifts and travel; and

(6) misuse of position or endorsement.

SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance to—

(1) establish a clear definition of the term "personal services contract";

(2) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(3) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(4) assess and take steps to mitigate the risk that, as implemented and administered, nonpersonal services contracts may become personal services contracts.

SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410r. Performance-based logistics arrangements: limitation on product support integrator functions

"(a) LIMITATION.—A function that is a product support integrator function may be performed only by a member of the armed forces or an employee of the Department of Defense.

"(b) DEFINITIONS.—In this section:

"(1) The term 'product support integrator function' means, with respect to a performance-based logistics arrangement, the function of integrating all sources of support, both public and private, to achieve the specific outcomes specified in the arrangement.

"(2) The term 'performance-based logistics arrangement' means a performance-based contract, task order, or other arrangement for the logistics support—

"(A) of a weapon system or major end item over the life cycle of the system or item; or

"(B) of parts, assemblies, subassemblies, or platforms of a weapon system or major end item.

"(3) The term 'performance-based' has the meaning given such term in section 2331(g) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

"2410r. Performance-based logistics arrangements: limitation on product support integrator functions.".

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to performance-based logistics arrangements entered into after September 30, 2010.

Subtitle D—Defense Industrial Security

SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEARANCES.

Chapter 21 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—DEFENSE INDUSTRIAL SECURITY

"Sec. 438. Facility clearances: requirements.

"§438. Facility clearances: requirements

"(a) FACILITY CLEARANCES: GENERAL PROVISIONS.—

"(1) ACCESS TO CLASSIFIED INFORMATION BY CONTRACTORS.—A contractor of the Department of Defense may not be granted custody of classified information unless the contractor has a facility clearance.

"(2) REQUIREMENTS FOR ENTITIES WITH FACILITY CLEARANCES.—An entity may not be granted a facility clearance by the Department of Defense or continue to hold such a facility clearance unless the entity agrees to comply with, and maintains compliance with, the requirements set forth in this subchapter.

"(3) AUTHORITY TO REVOKE OR SUSPEND FACILITY CLEARANCES.—The Secretary of Defense may revoke or suspend a facility clearance granted by the Department of Defense at any time.

"(b) GENERAL REQUIREMENTS FOR FACILITY CLEARANCES.—The Secretary of Defense shall require an entity granted a facility clearance by the Department of Defense to comply with the following requirements:

"(1) The entity shall safeguard classified information in its possession.

"(2) The entity shall safeguard covered controlled unclassified information in its possession.

"(3) The entity shall ensure that it complies with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security.

"(4) The entity shall ensure that its business and management practices do not result in the compromise of classified information or adversely affect the performance of classified contracts.

"(5) The entity shall undergo a determination under section 439 of this title of whether the entity is under foreign ownership control or influence and shall comply with ongoing notification requirements under that section related to foreign ownership and control.

"(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES WITH FACILITY CLEARANCES.—

"(1) REQUIREMENTS.—Except as provided in paragraph (3), the Secretary of Defense shall require an entity with a facility clearance to require the directors on the entity's board of directors to ensure, in their capacity as fiduciaries of the entity, that the entity employs and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

"(2) BY-LAWS REQUIREMENT.—The requirements of paragraph (1) shall be set forth in the by-laws of the entity.

"(3) EXCEPTIONS.—(A) The Secretary of Defense may waive the requirements of paragraph (1) for reasons of national security. In the event the Secretary grants such a waiver, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification that such a waiver has been granted and a justification for granting the waiver.

"(B) The requirements of paragraph (1) shall not apply to an entity determined by the Secretary of Defense under section 439(a) of this title to be under foreign ownership control or influence.

"(d) REQUIREMENTS RELATING TO SECURITY MANAGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

"(1) DESIGNATION OF EMPLOYEE RESPONSIBLE FOR SECURITY.—The Secretary of Defense shall require an entity, in consultation with and subject to the approval of the chairman of its board of directors, to designate an employee who meets the requirements of paragraph (2) to be responsible for the following:

"(A) Reporting to the board of directors of the entity as its principal advisor concerning the general requirements for facility clearances listed in subsection (b), the manner in which they are carried out through the policies and procedures required by subsection (c), and the related Federal requirements for classified information.

"(B) Supervising and directing security measures necessary for implementing such requirements, policies, and procedures.

"(C) Establishing and administering all intracompany procedures to prevent unauthorized disclosure and export of controlled unclassified information and ensuring that the entity otherwise complies with the requirements of Federal export control laws.

"(2) QUALIFICATIONS OF EMPLOYEE.—An employee may not be designated to be responsible for the matters described in paragraph (1) unless the employee—

"(A) is a citizen of the United States;

"(B) obtains a security clearance at the same level as the facility clearance; and

"(C) completes security training that meets the requirements of the Department of Defense.

"(e) REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITIES FOR ENTITIES WITH FACILITY CLEARANCES.—The Secretary of Defense shall require an entity with a facility clearance to provide a certification of security responsibilities to the Secretary. The certification of security responsibilities shall—

"(1) affirm the entity's responsibility—

"(A) to identify the key management personnel of the entity involved in the performance of classified contracts or in the setting of policies and practices for such contracts and to designate a security manager with primary responsibility for security functions;

"(B) to ensure that such key management personnel of the entity meet all eligibility requirements for the performance of classified contracts;

"(C) to provide such key management personnel of the entity with all the authority and capability necessary to safeguard classified information and covered controlled unclassified information in the performance of classified contracts in accordance with regulations prescribed by the Secretary; and

"(D) to manage all subcontractors and suppliers of the entity performing work on a classified contract to ensure that use of such subcontractors and suppliers does not result in the compromise of classified information or adversely affect the performance of classified contracts;

"(2) be signed by an appropriate member of the board of directors of the entity or a similar executive body determined by the Secretary to function as an equivalent to a board of directors;

"(3) be disseminated to all appropriate personnel of the entity; and

"(4) be updated as necessary according to procedures proscribed by the Secretary.

"(f) REPORTING REQUIREMENTS.—The Secretary of Defense shall require an entity with a facility clearance to submit to the Department of Defense a report on any event—

"(1) that affects the status of the facility clearance;

"(2) that affects proper safeguarding of classified information or that indicates classified information has been lost or compromised;

"(3) that affects the entity's compliance with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security; or

"(4) that is related to the entity's business and management practices that results in the compromise of classified information.".

SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) IN GENERAL.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is amended by adding at the end the following new section:

"§439. Foreign ownership control or influence

"(a) DETERMINATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

"(1) IN GENERAL.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall determine whether an entity is under foreign ownership control or influence (in this subchapter referred to as 'FOCI').

"(2) DESCRIPTION OF FOCI.—For purposes of paragraph (1), the Secretary shall determine an entity to be under FOCI if a foreign interest has the power, direct or indirect, whether or not exercised, and whether or not exercisable through the ownership of the entity's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of that entity in a manner that may result in—

"(A) unauthorized access to classified information;

"(B) unauthorized access to covered controlled unclassified information;

"(C) an adverse effect on the performance of classified contracts; or

"(D) an adverse effect on the entity's compliance with Department of Defense security agreements, appropriate contract provisions regarding security, and relevant Department regulations pertaining to industrial security.

"(b) FOCI FACTORS.—

"(1) IN GENERAL.—The following factors relating to an entity, a foreign interest, or a government of a foreign interest shall be considered by the Secretary of Defense in determining under this section whether an entity is under foreign ownership control or influence and the protective measures that may be required to mitigate the FOCI of the entity:

"(A) Record of economic and government espionage against United States targets by the entity, by any foreign interest in the entity, and by the government of any such foreign interest.

"(B) Record of enforcement of covered controlled unclassified information or engagement in unauthorized technology transfer.

"(C) The type and sensitivity of the information expected to be accessed in performing a classified contract,

"(D) The source, nature, and extent of FOCI, including whether foreign interests hold a majority or substantial minority position in the entity, taking into consideration the immediate, intermediate, and ultimate parent entities, sister entities, joint ventures, and hedge funds.

"(E) Record of compliance with pertinent United States laws, regulations, and contracts by the entity, by the foreign interest (if any) in the entity, and by parent entities, sister entities, joint ventures, and hedge funds.

"(F) The nature of any bilateral and multilateral security and information exchange agreements that may pertain to the entity, any foreign interest in the entity, and the government of any such foreign interest.

"(G) Ownership, control, or influence of the entity, in whole or in part, by a foreign government.

"(2) MINORITY POSITION.—For purposes of paragraph (1)(D), a minority position shall be considered substantial if—

"(A) it consists of greater than 5 percent of the ownership interests;

"(B) it consists of greater than 10 percent of the voting interest; or

"(C) the minority position controls a seat on the entity's board of directors.

"(c) MITIGATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

"(1) PROTECTIVE MEASURES AUTHORIZED FOR MITIGATION OF FOCI.—With respect to any entity with a facility clearance under FOCI, as determined under subsection (a), the Secretary of Defense may impose any security method, safeguard, or restriction the Secretary believes necessary to ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

"(2) GOVERNMENT SECURITY COMMITTEE REQUIREMENT FOR MITIGATION OF FOCI.—

"(A) IN GENERAL.—As part of the mitigation of foreign ownership control or influence of an entity determined to be under FOCI, the Secretary of Defense shall require the entity to establish a permanent committee of the entity's board of directors, or equivalent executive body, to be known as the entity's 'Government Security Committee', for purposes of carrying out the requirements of this paragraph.

"(B) RESPONSIBILITIES OF GSC.—The responsibilities of the Government Security Committee of an entity are to ensure that the entity employs and maintains policies and procedures that ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

"(C) ROLE OF SECURITY MANAGER IN GSC.—The employee of the entity designated pursuant to section 438(c)(1)(A) as the security manager shall be the principal advisor to the Government Security Committee and attend committee meetings. The chairman of the Government Security Committee must concur with the appointment and replacement of persons filling the position of security manager selected by management of the entity. The functions of the security manager shall be carried out under the authority of the Government Security Committee.

"(3) RELATIONSHIP TO FACILITY CLEARANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (a), the following provisions apply with respect to the status of the facility clearance of the entity:

"(A) CONTINUATION IN EFFECT WHILE NEGOTIATING MITIGATION MEASURE.—The facility clearance of the entity shall continue in effect if the entity is negotiating with the Secretary a mitigation measure and the Secretary determines that there is no indication that classified information or covered controlled unclassified information is at risk of compromise.

"(B) INVALIDATION IF NO MITIGATION MEASURE WITHIN SIX MONTHS.—(i) Subject to subparagraph (C), the Secretary shall invalidate the facility clearance of the entity if an acceptable mitigation measure has not been agreed to by the Secretary and the entity by the end of the six-month period beginning on the date of the determination by the Secretary that the entity is under FOCI.

"(ii) The six-month period described in clause (i) may be extended for one additional three-month period upon request by the entity if the Secretary approves an extension.

"(C) REVOCATION IF POSSIBILITY OF UNAUTHORIZED ACCESS OR ADVERSE EFFECT.—The Secretary shall revoke the facility clearance of the entity at any time if, regardless of whether the entity is negotiating a mitigation measure with the Secretary, the Secretary determines that security measures cannot be taken to remove the possibility of unauthorized access or an adverse effect on classified contracts.

"(d) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING CHANGE IN FOCI.—The Secretary of Defense shall require an entity to notify the Secretary when material changes occur to information previously submitted to the Department of Defense pertaining to the FOCI factors affecting the entity as soon as such information is known to the entity.

"(e) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY FOREIGN PERSONS.—The Secretary of Defense shall require that when an entity with a facility clearance enters into negotiations for a proposed merger, acquisition, or takeover by a foreign person, the entity shall submit to the Secretary of Defense a notification of the commencement of such negotiations and a plan to negate the FOCI resulting from the transaction.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"Sec. 439. Foreign ownership control or influence.".

SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FACILITY CLEARANCES AND FOREIGN OWNERSHIP CONTROL OR INFLUENCE; DEFINITIONS.

(a) NOTIFICATIONS AND REPORTS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

"§440. Notifications and reports

"(a) NOTIFICATIONS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification within 30 days after the occurrence of any of the following:

"(1) The revocation or suspension by the Secretary of a facility clearance of an entity previously determined to be under foreign ownership control or influence.

"(2) The receipt by the Secretary of a notification under section 439(d) from an entity that the entity has entered into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

"(b) BIANNUAL REPORT.—(1) The Secretary of Defense shall, not later than September 1, 2009, and biannually thereafter, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

"(A) Specific, cumulative, and, as appropriate, trend information on the numbers of entities—

"(i) holding facility clearances;

"(ii) that have reported a material change relating to FOCI factors;

"(iii) that have measures in place to mitigate foreign ownership control or influence; or

"(iv) that have had a facility clearance suspended or revoked.

"(B) Specific, cumulative, and, as appropriate, trend information, on—

"(i) the entities that have filed for or maintain facility clearances;

"(ii) the number of such entities determined to be under foreign ownership control or influence;

"(iii) the countries from which such entities have originated;

"(iv) the number that went through the Committee on Foreign Investment in the United States; and

"(v) the types of security arrangements and conditions that the Government Security Committees of entities have used to mitigate foreign ownership control or influence.

"(C) An analysis of trends in the Industrial Security Program, including an assessment of the number and types of errors found in compliance within the Program.

"(D) An analysis of the details of companies that have committed violations of the Industrial Security Program and the frequency of the violations, including the number of companies that have committed recurring violations.

"(E) A description of the corrective actions, if any, taken by the Defense Security Service to address the violations.

"(2) The information required under paragraph (1)(B) shall be organized and set forth separately in the report by defense sector within the defense industrial base.

"(3) The report shall be submitted in an unclassified form, but may contain a classified annex.".

(b) DEFINITIONS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

"§440a. Definitions

"In this subchapter:

"(1) ENTITY.—The term 'entity' includes a corporation, company, association, firm, partnership, society, or joint stock company, but does not include an individual.

"(2) FACILITY CLEARANCE.—The term 'facility clearance', with respect to an entity, means an administrative determination by the Secretary of Defense that the entity is eligible for—

"(A) access to classified information; or

"(B) award of a classified contract.

"(3) CLASSIFIED INFORMATION.—The term 'classified information' means any information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and is so designated. The classifications 'top secret', 'secret', and 'confidential' are used to designate such information.

"(4) CLASSIFIED CONTRACT.—The term 'classified contract' means any contract requiring access to classified information by a contractor or the contractor's employees in the performance of the contract or in any phase of precontract activity or post-contract activity.

"(5) COVERED CONTROLLED UNCLASSIFIED INFORMATION.—The term 'covered controlled unclassified information' means unclassified information the export of which—

"(A) is controlled, in the case of technical data that is inherently military in nature, by the International Traffic in Arms Regulations (ITAR); and

"(B) is controlled, in the case of technical data that has both military and commercial uses, by the Export Administration Regulations (EAR).".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new items:

"Sec. 440. Notifications and reports.
"Sec. 440a. Definitions.".

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities covered by subchapter III of chapter 21 of title 10, United States Code, as added by this title. The study shall examine investments in such entities by—

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries; and

(D) hedge funds.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

"Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the Government.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.".

SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or the Secretary of Homeland Security" after "Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking "(f) DEFINITIONS.—In this section, the" and inserting the following:

"(f) DEFINITIONS.—In this section:

"(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The term 'Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes—

"(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

"(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.".

SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred so as to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

"2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.
"2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.".

(d) CONFORMING AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking "section 2366a(a)(4), section 2366b(b)," and inserting "section 2366a(b), section 2366b(a)(4),".

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking "2366a" and inserting "2366b"; and

(B) in section 816—

(i) in subsection (a)(2) by striking "2366a" and inserting "2366b";

(ii) in subsection (a)(3) by striking "2366b of title 10, United States Code, as added by section 943 of this Act" and inserting "2366a of title 10, United States Code"; and

(iii) in subsection (c)(2) by striking "2366a" each place such term appears (including in the paragraph heading) and inserting "2366b".

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking "2366a" and inserting "2366b".

SEC. 844. EARNED VALUE MANAGEMENT STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) assesses weaknesses in earned value management implementation, including a review of the methodology, accuracy of data, training, and information technology systems used to develop earned value management data;

(2) audits the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs; and

(3) measures the success of utilizing earned value management to deliver program objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees a report that—

(1) identifies recommendations for improving the implementation of earned value management, including alternatives; and

(2) contains the findings of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) EARNED VALUE MANAGEMENT.—The term "earned value management" has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A–11.

SEC. 845. REPORT ON MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the market research conducted by the Secretary in implementing section 2377 of title 10, United States Code.

(b) SAMPLE EXAMINED.—For purposes of the report, the Secretary shall examine a representative sample of contracts and task or delivery orders, each of which—

(1) is for an amount in excess of $5,000,000; and

(2) is for the acquisition of a mission critical or a complex military system in which computer software is a component or subcomponent.

(c) MATTERS COVERED.—The report shall contain the following:

(1) A statement of the total number of contracts and task or delivery orders awarded in fiscal year 2007 for a mission critical or complex military system in which software is a component or subcomponent.

(2) A statement of the number of contracts and task or delivery orders in the sample examined for purposes of the report (as described in subsection (b)), and a description of those contracts and orders.

(3) For the sampled contracts and orders, a description of how often market research was performed on the sampled contracts and orders.

(4) For the sampled contracts and orders, a description of whether a Government employee or a contractor employee performed the market research and how the market research was performed.

(5) For the sampled contracts and orders, an identification of—

(A) instances when the market research identified software that was available as a commercial item and that could be used to meet the Government's requirements;

(B) instances when the software was modified or proposed to be modified to meet the Department's requirements; or

(C) instances when the Department's requirements were modified to meet the capability of the commercial item software.

(6) An identification of the training tools the Secretary of Defense has developed to assist contracting officials in performing market research.

(7) An identification of actions the Department of Defense intends to take to further implement section 2377 of title 10, United States

Code, and section 826(b) of the National Defense Authorization Act for Fiscal year 2007 (Public Law 110–181; 10 U.S.C. 2377 note), including dissemination of best practices and corrective actions where necessary.

SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.

(a) SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.—

(1) BENCHMARK REPORT REQUIRED.—The Secretary of a military department shall submit a system development and demonstration benchmark report as an annex to the baseline description required in section 2435 of title 10, United States Code, for each major defense acquisition program identified in subsection (b). Such a system development and demonstration benchmark report shall be based upon the most recent contractor proposal, the capabilities development document, and the systems requirements document approved prior to Milestone B approval and shall include the following information:

(A) The key performance parameters and technical requirements identified in the capabilities development document and systems requirements document.

(B) A detailed description of performance capabilities proposed by the contractor, matched to the capabilities and requirements in the capabilities development document and systems requirements document.

(C) A target cost for system development and demonstration, excluding incentive or award fees and including both government and non-government costs.

(D) A detailed outline of negotiated contract incentive or award fees.

(E) A detailed outline of contract ceiling price, target cost, target profit, and contract share line.

(F) A schedule of key events.

(G) An identification of critical technologies and associated technology readiness levels estimated for each upon both the initiation and the conclusion of system development and demonstration.

(H) Estimated percentage completion of detail design at each scheduled design readiness review and the scheduled Milestone C approval date.

(I) A discussion of development risk and concurrency within the program.

(J) Any other factors that the milestone decision authority considers relevant.

(2) TIMELINE FOR SUBMISSION OF BENCHMARK REPORT.—A system development and demonstration benchmark report for a major defense acquisition program identified in subsection (b) shall be submitted to the congressional defense committees and prepared under this section—

(A) not later than 30 days after the date of the enactment of this Act, if the Department of Defense has entered into a contract for system development and demonstration for such a major defense acquisition program prior to the date of enactment of this Act; or

(B) in accordance with the requirements for the establishment of a baseline description required by section 2435 of title 10, United States Code, in any other case.

(3) ALTERATIONS.—No alterations or revisions may be made to a system development and demonstration benchmark report after the first such report is prepared in accordance with paragraph (2).

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs to be included in the pilot program are the following:

(1) BAMS, broad area maritime surveillance unmanned aerial vehicle.

(2) CSAR–X, combat search and rescue helicopter.

(3) JLTV, joint light tactical vehicle.

(4) KC–45A, aerial refueling tanker.

(5) VH–71, presidential helicopter, increment II.

(6) Warrior-Alpha, unmanned aerial vehicle.

(c) SYSTEM DEVELOPMENT AND DEMONSTRATION CHANGES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a Configuration Steering Board for each major defense acquisition program identified in subsection (b). The Board shall oversee any proposed alteration to the requirements or to the proposed technical configuration for such a major defense acquisition program during system development and demonstration. If such an alteration would increase the cost to the Government, extend the schedule by more than 30 days, or alter the proposed performance capabilities, as established in the system development and demonstration baseline required by subsection (a), the Configuration Steering Board shall not approve the alteration until—

(1) the chair of the Configuration Steering Board has submitted to the congressional defense committees a written description of the alteration and an explanation of the rationale for the alteration; and

(2) not less than 15 days have expired since the date of submission of such description and explanation to those committees.

(d) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of a military department shall submit a semi-annual contract performance assessment report to the milestone decision authority and to the congressional defense committees on each major defense acquisition program identified in subsection (b). The report shall be in unclassified form, but may have a classified annex or an annex that is restricted to protect source selection, business-sensitive, or proprietary information.

(2) CONTENTS.—Each such report shall describe contract execution regarding contract cost performance, schedule performance, and incentive or award fee reviews and outlays, and an estimated cost at completion of the end item compared to the system development and demonstration benchmark report required in subsection (a)(1).

(3) FIRST REPORT.—The first such report shall be submitted not later than 180 days after—

(A) system design and development contract award; or

(B) after enactment of this Act in the case of a system design and development contract that was awarded before the date of the enactment of this Act.

(4) TERMINATION OF REPORTING REQUIREMENT.—The reporting requirement shall terminate upon a full rate production decision for each major defense acquisition program identified in subsection (b).

(e) PROHIBITION ON MILESTONE C APPROVAL.—(1) Except as provided in paragraph (2), the Milestone C approval shall not be granted if the milestone decision authority determines, on the basis of a report submitted pursuant to subsection (d), or has other reason to believe, that—

(A) the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration has increased by more than 25 percent over the system development and demonstration baseline established in (a)(1), or

(B) the schedule for key events is delayed by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled Milestone C approval date, as provided in the system development and demonstration baseline established in subsection (a)(1).

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in paragraph (1) upon certification to the congressional defense committees, along with supporting rationale, that proceeding to low rate initial production is in the best interest of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) CONFIGURATION STEERING BOARD.—The term "Configuration Steering Board" means the committee described in the memorandum regarding Configuration Steering Boards from the Under Secretary of Defense for Acquisition, Technology, and Logistics dated July 30, 2007, for the secretaries of the military departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, and Commander, U.S. Special Operations Command.

(2) MILESTONE B APPROVAL.—The term "Milestone B approval" has the meaning provided in section 2366(e)(7) of title 10, United States Code.

(3) MILESTONE C APPROVAL.—The term "Milestone C approval" has the meaning provided in section 2366(e)(8) of title 10, United States Code;

(4) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862(a)(2)(D) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) by striking "or" at the end of clause (ii); and

(2) by adding at the end the following new clauses:

"(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

"(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;".

SEC. 848. REPORT RELATING TO MUNITIONS.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 81mm munitions used by the Armed Forces by 2012.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.
Sec. 902. Requirement to designate officials for irregular warfare.
Sec. 903. Plan required for personnel management of special operations forces.
Sec. 904. Director of Operational Energy Plans and Programs.
Sec. 905. Corrosion control and prevention executives for the military departments.
Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.
Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.
Sec. 942. Amendments of authority for regional centers for security studies.
Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.
Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 945. Authorization of non-conventional assisted recovery capabilities.
Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.

Subtitle A—Department of Defense Management

SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

Subsection (j) of section 167 of title 10, United States Code, is amended to read as follows:

"(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

"(1) Unconventional warfare.

"(2) Irregular warfare.

"(3) Counterterrorism.

"(4) Counterinsurgency.

"(5) Counterproliferation of weapons of mass destruction.

"(6) Direct action.

"(7) Strategic reconnaissance.

"(8) Foreign internal defense.

"(9) Civil-military defense.

"(10) Psychological and information operations.

"(11) Humanitarian assistance.

"(12) Theater search and rescue.

"(13) Such other activities as may be specified by the President or the Secretary of Defense.".

SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IRREGULAR WARFARE.

The Secretary of Defense shall designate—

(1) a single executive agent for irregular warfare within the Department of Defense; and

(2) an Assistant Secretary of Defense to be responsible for overall management and coordination of irregular warfare.

SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT FOR PLAN.—Not later than 30 days after the date of the enactment of this Act, the commander of the special operations command shall submit to the congressional defense committees a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan submitted under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

"§ 139b. Director of Operational Energy Plans and Programs

"(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the Department of Defense (in this section referred to as the 'Director'), appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

"(b) DUTIES.—The Director shall—

"(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

"(2) establish the operational energy strategy;

"(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

"(A) implementation of the operational energy strategy;

"(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

"(C) research and development investments related to operational energy demand and supply technologies; and

"(4) monitor and review all operational energy initiatives in the Department of Defense.

"(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

"(2) The Director may communicate views on matters related to operational energy plans and programs and the energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

"(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

"(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official within each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

"(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

"(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

"(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

"(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

"(3) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director regarding whether the proposed budget is adequate for implementation of the strategy.

"(4) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

"(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

"(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

"(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

"(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

"(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

"(g) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

"(h) DEFINITIONS.—In this section:

"(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

"(2) OPERATIONAL ENERGY STRATEGY.—The terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

"139b. Director of Operational Energy Plans and Programs.".

SEC. 905. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS.

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget programming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department's policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation programs and activities.

(C) Equipment standardization programs, including international standardization agreements.

(D) Logistics research and development initiatives.

(E) Logistics support analysis as it relates to integrated logistic support in the materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program's effectiveness; and

(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the department for the formulation, management, and evaluation of personnel and programs for the entire department, including its reserve components.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

(5) The corrosion control and prevention executive of a military department shall submit an annual report to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OFFICER RESPONSIBILITIES.

Section 192(e) of title 10, United States Code, is amended to read as follows:

"(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.".

SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in support of operations conducted under title 10, United States Code; and

(2) in support of operations conducted under title 32, United States Code, or in support of State missions.

(b) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(1) the findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled "Transforming the National Guard and Reserves into a 21st-Century Operational Force"; and

(2) the provisions of H.R. 5603 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(c) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relationships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF "MILITARY DEPARTMENT".—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

"(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.".

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: "The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.".

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking "There is a Secretary of the Navy" and inserting "There is a Secretary of the Navy and Marine Corps".

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking "Assistant Secretaries of the Navy" and inserting "Assistant Secretaries of the Navy and Marine Corps".

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting "and Marine Corps" after "of the Navy", with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to

the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 909. SUPPORT TO COMMITTEE REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) In accordance with section 118 of title 10, United States Code, the Department of Defense conducts a Quadrennial Defense Review as a comprehensive examination of "the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years".

(2) In submitting reports on these reviews to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary is mandated to include the threats to the assumed or defined national security interests of the United States, the threat-based scenarios developed to conduct the review, and other assumptions that impact the ability to counter such threats, including force readiness, cooperation of allies, warning times, and levels of engagement in operations other than war and smaller-scale contingencies.

(3) There is no statutory requirement to assume certain funding levels available to the Department of Defense in the conduct of this review because Congress reserves its prerogative to provide the resources necessary to address threats to United States national security interests and uses this review as a data point in determining the proper level of those resources.

(4) The reports associated with the 1997, 2001, and 2006 reviews clearly demonstrated that the Secretary made certain assumptions about anticipated funding.

(5) As a result, the reported recommendations were unnecessarily constrained by those funding assumptions.

(6) As the Department of Defense is preparing to conduct another Quadrennial Defense Review with a report due to the Congress by 2010, the Committee on Armed Services of the House of Representatives should review in a bipartisan, thorough manner the military capabilities required to address challenges to United States national security interests over the next 20 years.

(b) SUPPORT REQUIRED.—Within 15 days after receiving a request, the Secretary of Defense shall provide the Committee on Armed Services of the House of Representatives with any information or data requested by that Committee so that it can review in a comprehensive, threat-based, and bipartisan manner the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years, as well as preparing for the upcoming Quadrennial Roles and Missions Review and Quadrennial Defense Review.

Subtitle B—Space Activities

SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are utilized by the Department of Defense and options for expanding such utilization or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the utilization of and resources allocated to commercial satellite communications and remote sensing in the past (past five years), present (current date through Future Years Defense Plan (FYDP)), and future (beyond the FYDP) to meet the requirements identified in paragraph (3).

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, to include—

(A) the recommended investment and acquisition strategy or strategies of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy or strategies should be addressed in fiscal years after fiscal year 2009; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term "commercial satellite capabilities" means the system, capability, or service provided by a commercial satellite provider.

(2) The term "commercial satellite provider" refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by adding at the end the following:

"(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.—Notwithstanding subsections (b), (f), and (g), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (50 U.S.C. 1521 note), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky shall be transferred from the Secretary of the Army to the Program Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled Chemical Weapons Alternatives shall ensure the ability to receive citizen and State concerns regarding the ongoing chemical destruction program in these States. A representative from the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with these commissions not less often than twice a year. Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be used for travel and associated travel costs for these Citizens Advisory Commissioners, when such travel is conducted at the invitation of the Department of Defense Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs.".

SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) PROHIBITION.—During fiscal year 2009, the Secretary of Defense may not transport hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal.

(b) SAVINGS CLAUSE.—Nothing in this section limits or otherwise affects section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 50 U.S.C. 1521 note).

(c) REPORT.—Not later than February 15, 2009, the Secretary shall submit to the congressional defense committees a report on hydrolysate stockpiled at the Pueblo Chemical Depot, Colorado. The report shall include a comprehensive cost-benefit analysis between on-site and off-site methods for disposing of such hydrolysate.

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(2) TITLE 44.—Title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency"; and

(B) in subsection (g)(1), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(2)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of National Intelligence" in the following:

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears and inserting "DIRECTOR OF NATIONAL INTELLIGENCE" in the following:

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking "MILITARY SUPPORT" and inserting "MILITARY AFFAIRS"; and

(2) by striking "Military Support" and inserting "Military Affairs".

Subtitle E—Other Matters

SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—The text of section 2117 of title 10, United States Code, is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the University a School of Nursing, not later than July 1, 2010. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2012, not less than 50 in the second class, and not less than 100 annually thereafter.

"(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

"(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).".

(b) RETIRED NURSE CORPS OFFICER DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(2) ELIGIBILITY REQUIREMENTS.—

(A) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(i) is a retired nurse corps officer of one of the Armed Forces;

(ii) has had at least 26 years of active Federal commissioned service before retiring; and

(iii) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(B) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Reserve Officer Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent ROTC access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with paragraph (4).

(3) COMPENSATION.—

(A) The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in paragraph (2)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(i) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(ii) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(4) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under paragraph (2)(B)(v), the following requirements apply:

(A) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this subsection shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(B) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(C) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(D) The Secretary concerned is authorized to discontinue the demonstration project authorized in this subsection at any institution of higher education that fails to fulfill the requirements of subparagraph (C).

(5) REPORT.—

(A) Not later than 24 months after the commencement of any demonstration project under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

(B) ELEMENTS.—The report shall also include, at a minimum, the following:

(i) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(ii) The number of retired nurse corps officers participating in the demonstration project.

(iii) The number of accredited schools of nursing participating in the demonstration project.

(iv) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(v) The number of scholarships awarded to nurse officer candidates.

(vi) The number of nurse officer candidates who have failed to access into the military, if any.

(vii) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

(viii) The funds expended in the operation of the demonstration project.

(ix) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(6) SUNSET.—The authority in this subsection shall expire on June 30, 2014.

(7) DEFINITIONS.—In this subsection, the terms "school of nursing" and "accredited" have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Funds available to the Department of Defense for a Regional Center for any fiscal year

(beginning with funds available for fiscal year 2009), including funds available under paragraphs (4) and (5), are available for use for programs that begin in such fiscal year but end in the next fiscal year.".

(b) ESTABLISHMENT OF A PILOT PROGRAM FOR NONGOVERNMENTAL PERSONNEL.—

(1) IN GENERAL.—In fiscal years 2009 and 2010, the Secretary of Defense, with the concurrence of the Secretary of State, may waive reimbursement of the costs of activities of the Regional Centers for nongovernmental and international organization personnel who participate in activities that enhance cooperation of nongovernmental organizations and international organizations with Armed Forces of the United States, if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States. Costs for which reimbursement is waived pursuant to this subsection shall not exceed $1,000,000 in each of fiscal years 2009 and 2010 and shall be paid from appropriations available to the Regional Centers in each of those fiscal years.

(2) REPORT REQUIRED.—For each of fiscal years 2009 and 2010, the Secretary of Defense shall include in the annual report required under section 184(h) of title 10, United States Code, a description of the extent of nongovernmental and international organization participation in the programs of each regional center, including the costs incurred by the United States for the participation of each organization.

SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The mission of the Western Hemisphere Institute for Security Cooperation (hereafter in this section referred to as "WHINSEC") is to provide professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(2) WHINSEC supports the Security Cooperation Guidance of the Secretary of Defense by addressing the education and training needs of the United States Southern Command and United States Northern Command.

(3) In enacting legislation establishing WHINSEC, Congress specified that the curriculum of WHINSEC may include leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. Congress also mandated a minimum of eight hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. WHINSEC averages twelve hours of such instruction per course.

(4) On March 21, 2007, Admiral Stavridis, Commander of United States Southern Command, stated before the House Armed Services Committee that WHINSEC "is the military's crown jewel for human rights training.".

(5) WHINSEC does not select students for participation. A partner nation nominates students to attend WHINSEC, and in accordance with the law of the United States and the policies of the Departments of Defense and State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of WHINSEC nominees includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor. Further, the Abuse Case Evaluation System of the Department of State, a central database that aggregates human rights abuse data into a single, searchable location, is used as a resource for checking abuse allegations when conducting vetting requests.

(6) WHINSEC operates in accordance with the "Leahy Law," which was first enacted in 1997 and has since expanded to prohibit United States military assistance to foreign military units that violate human rights including security assistance programs funded through foreign operations appropriations Acts and training programs made available pursuant to Department of Defense appropriations Acts.

(7) Independent review, observation, and recommendation regarding operations of WHINSEC is provided by a Board of Visitors which is chaired by Bishop Robert Morlino of Wisconsin and includes four Members of Congress, two from each political party.

(8) WHINSEC is open to visitors at any time. Anyone can visit, sit in classes, talk with students and faculty, and review instructional materials.

(9) On May 7, 2008, the Department of Defense provided Congress requested information regarding the students, instructors, and courses at WHINSEC.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) WHINSEC is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout the Western Hemisphere, influence the human rights records and democracy trajectory of countries in the Western Hemisphere, and mitigate the growing influence of non-hemispheric powers;

(2) WHINSEC is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(3) WHINSEC is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership that will ensure security and enhance stability and interoperability among the United States military and the militaries of participating nations.

SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the development assistance activities carried out by the United States Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term "development assistance activities" means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a combatant commander that an action is necessary in connection with a non-conventional assisted recovery effort, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for "Operation and Maintenance, Navy" may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(g) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 946. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTERAGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall submit a report to Congress describing the progress made to address certain deficiencies in the United States Northern Command identified in the Comptroller General report 08–251/252. To prepare the report, the Secretary of Defense shall direct the United States Northern Command to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief explanation of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall develop plans for primary and secondary units to cover the roles and missions coordinated in paragraph (1).

(3) Coordinate with all source units and other commands. The report shall include copies of all these unit and command mission statements.

(4) Coordinate with its interagency partners to form charters that govern the agreements among them, including qualifications for personnel with liaison functions between interagency partners.

(b) IMPROVED COORDINATION.—The commander of the United States Northern Command shall coordinate with its Federal interagency partners to ascertain requirements for plans, training, equipment, and resources in support of—

(1) homeland defense;

(2) domestic emergency response; and

(3) military support to civil authorities.

TITLE X—GENERAL PROVISIONS

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Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $______.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Afghanistan. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR IRAQ.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Iraq. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) Reduction of Payments.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with disbursements scheduled for September 2013) shall be reduced by 1 percent.

(b) Reversion.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) Refund.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) Fund.—In this section, the term "fund" refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

(e) Transfer.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) Conveyance Authorized.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) Condition of Conveyance.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) Consideration.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

(d) Transfer at No Cost to United States.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.

Section 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Report.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report any time it is determined that a naval vessel (or any other vessel under the jurisdiction of the Secretary) is to undergo work for the repair of the vessel in a shipyard outside the United States or Guam. The report shall be submitted at least 30 days before the repair work begins and shall contain the following:

"(1) The justification under law for the repair in a foreign shipyard.

"(2) The vessel to be repaired.

"(3) The shipyard where the repair work will be carried out.

"(4) The cost of the repair.

"(5) The schedule for repair.

"(6) The homeport or location of the vessel prior to its voyage for repair.".

SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

"(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport–dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.".

SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraph (B):

"(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.".

SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC SUPPLY OF STEEL AND OTHER METALS FROM SCRAPPING OF CERTAIN VESSELS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing—

(1) the estimated contribution to the domestic market for steel and other metals from the scrapping of each vessel over 50,000 tons displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy; and

(2) a plan for the sale and disposal of such vessels.

Subtitle C—Counter-Drug Activities

SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1024 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking "and February 15, 2008" and inserting "February 15, 2008, and February 15, 2009".

SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking "2008" and inserting "2009".

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking "2008" and inserting "2009"; and

(2) in subsection (c), by striking "2008" and inserting "2009".

SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) Extension of Authority.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking "2008" and inserting "2009".

(b) Additional Governments Eligible to Receive Support.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(19) The Government of Guinea–Bissau.

"(20) The Government of Senegal.

"(21) The Government of Ghana.".

(c) Maximum Annual Amount of Support.—Subsection (e)(2) of such section is amended—

(1) by striking "or" after "2006,"; and

(2) by striking the period at the end and inserting ", or $65,000,000 during fiscal year 2009.".

(d) Condition on Provision of Support.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after "In the case of" the following: "funds appropriated for fiscal year 2009 to carry out this section and"; and

(2) in paragraph (4)(B), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(e) Counter-Drug Plan.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2004" and inserting "fiscal year 2009"; and

(2) in subparagraph (7), by striking "For the first fiscal year" and inserting "For fiscal year 2009, and thereafter, for the first fiscal year".

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR WEST AFRICA AND THE MAGHREB.

(a) Report Required.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) Matters To Be Included.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(2) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The efforts to coordinate the counter-narcotics activities of the Department of Defense

with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of Joint Inter-Agency Task Force-South of the United States Southern Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions, which are accomplished using such capabilities and assets, from Joint Inter-Agency Task Force-South to United States Africa Command.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries, including a description of the accompanying allocation of resources of the Department of Defense to carry out these activities.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

Subtitle D—Boards and Commissions

SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT BOARD.

(a) IN GENERAL.—The Secretary of Defense shall establish a Strategic Communication Management Board (in this section referred to as the "Board") to provide advice to the Secretary on strategic direction and to help establish priorities for strategic communication activities.

(b) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of members selected in accordance with this subsection.

(2) MEMBERS.—The Secretary of Defense shall appoint members within 30 days after the date of the enactment of this Act, selected from among organizations within the Department of Defense responsible for strategic communication, public diplomacy, and public affairs, including the following:

(A) Civil affairs, strategic communication, or public affairs offices of the military departments.

(B) The Joint Staff.

(C) The combatant commands.

(D) The Office of the Secretary of Defense.

(3) ADVISORY MEMBERS.—The Board shall appoint advisory members of the Board after the members have been selected under paragraph (2), upon petition from entities seeking advisory membership. Advisory members shall be selected from the broader interagency community, and may include representatives from the following;

(A) The Department of State.

(B) The Department of Justice.

(C) The Department of Commerce.

(D) The United States Agency for International Development.

(E) The Office of the Director of National Intelligence.

(F) The National Security Council.

(G) The Broadcasting Board of Governors.

(4) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (e) by striking "December 1, 2008" and inserting "March 1, 2009"; and

(2) in subsection (g) by striking "June 1, 2009" and inserting "September 30, 2009".

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission's initial findings, conclusions, and recommendations. To the extent practicable, the interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK.

(a) EXTENSION.—Section 1409 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(j) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3435), is amended by striking "The Commission shall terminate" and all that follows through the period at the end and inserting "The Commission shall terminate March 31, 2012.".

(b) ANNUAL REPORTS.—Section 1403 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

"(c) ANNUAL REPORTS.—The Commission shall, not later than March 1 of each of years 2010, 2011, and 2012, submit to Congress a report—

"(1) assessing the changes to the vulnerability of United States military systems and critical civilian infrastructures resulting from the EMP threat and changes in the threat;

"(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

"(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.".

(c) FUNDING.—Section 1408 of that Act (114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(i) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by adding at the end the following: "Such funds shall not exceed $3,000,000 per fiscal year.".

(d) ADDITIONAL MEMBERS.—Effective as of the date that is 90 days after the date of the enactment of this Act—

(1) section 1401 of that Act (114 Stat. 1654A-346; 50 U.S.C. 2301 note), as amended by section 1052(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by striking subsections (c) and (d) and inserting the following:

"(c) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of eleven members.

"(2) DOD AND FEMA MEMBERS.—Seven of the members shall be appointed by the Secretary of Defense, and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In the event of a vacancy in the membership of the Commission under this paragraph, the Secretary of Defense shall appoint a new member. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

"(3) FCC AND HHS MEMBERS.—One of the members shall be appointed by the Chairman of the Federal Communications Commission, and one of the members shall be appointed by the Secretary of Health and Human Services. In the event of a vacancy in the membership of the Commission under this paragraph, the vacancy shall be filled in the same manner as the original appointment under this paragraph. In selecting an individual for appointment to the Commission, the Chairman of the Federal Communications Commission shall consult with the chairmen and ranking minority members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. In selecting an individual for appointment to the Commission, the Secretary of Health and Human Services shall consult with the chairmen and ranking minority members of the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

"(d) QUALIFICATIONS.—Members of the Commission appointed by the Secretary of Defense and the Director of the Federal Emergency Management Agency shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse effects referred to in subsection (b). The member of the Commission appointed by the Chairman of the Federal Communications Commission shall be appointed from among private United States citizens with knowledge and expertise in telecommunications, network infrastructure and management, information services, and emergency preparedness communications. The member of the Commission appointed by the Secretary of Health and Human Services shall be appointed from among private United States citizens with knowledge and expertise in public health, including preparedness for, and response to, public health emergencies.''; and

(2) section 1405 of that Act (114 Stat. 1654A–347; 50 U.S.C. 2301 note) is amended in subsection (b)(1) by striking "Five" and inserting "Six".

Subtitle E—Studies and Reports

SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control and prevention through earlier planning. In particular, the report shall include an evaluation and business case analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system's life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(c) DEADLINE.—The report shall be submitted not later than February 1, 2009.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study.

SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF INTER-CONNECTED CYBERSPACE SYSTEMS.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center (FFRDC) to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated or otherwise made available to the Secretary for fiscal year 2009 for operation and maintenance, Defense-wide.

(2) JOINT CHIEFS OF STAFF.—Concurrently, the Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a taxonomy for understanding the different yet key foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination.

(2) Mapping ongoing acquisition programs to this taxonomy.

(3) Development of alternative acquisition and funding models utilizing this network-centric taxonomy, which might include—

(A) a model under which a joint entity independent of any military service (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established that would manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive ownership or control of funding for such programs;

(C) a model under which the current approach to the acquisition and funding of technologies supporting network-centric operations is maintained; and

(D) any other models that the entity carrying out the study considers relevant and deserving of consideration.

(4) An analysis of each of the alternative models under paragraph (3) with respect to potential gains in—

(A) information sharing (collecting, processing, disseminating);

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the alternative models under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that would impede implementation.

(c) REPORT REQUIRED.—Not later than September 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term "network-centric operations" refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to *achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.*

SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should assess the risks of nonstrategic nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nonstrategic nuclear weapons and to promote multilateral reductions in the numbers of nonstrategic nuclear weapons.

(b) REVIEW.—The Secretary of Defense, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nonstrategic nuclear weapons world-wide that includes—

(1) an inventory of the nonstrategic nuclear arsenals of the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, which indicates, as accurately as possible, the nonstrategic nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nonstrategic nuclear weapons and their component materials;

(2) an analysis of the reliance placed on nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons as deterrents against the use of nuclear weapons and other weapons of mass destruction by state or non-state actors;

(3) an assessment of the risks associated with the deployment, transfer, and storage of nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons and the risks of nonstrategic nuclear weapons being employed by rogue states, terrorists, and other state or non-state actors; and

(4) recommendations for—

(A) mechanisms and procedures to improve security safeguards for the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons;

(B) mechanisms and procedures for implementing transparent multilateral reductions in nonstrategic nuclear weapons arsenals; and

(C) methods for consolidating, dismantling, and disposing of the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings and recommendations of the review required under subsection (b).

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

(d) DEFINITION.—For purposes of this section, the term "nonstrategic nuclear weapon" means a nuclear weapon employed by land, sea, or air (including, without limitation, by short, medium and intermediate range ballistic missiles, air and sea launched cruise missiles, gravity bombs, torpedoes, land mines, sea mines, artillery shells, and personnel carried devices) against opposing forces, supporting installations, or facilities in support of operations that contribute to the accomplishment of a military mission of limited scope.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.

The Department of Defense shall study the national defense implications of section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 338).

SEC. 1047. REPORT ON METHODS DEPARTMENT OF DEFENSE UTILIZES TO ENSURE COMPLIANCE WITH GUAM TAX AND LICENSING LAWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department is taking to ensure that all contractors of the Department performing work on Guam comply with local tax and licensing requirements. The report shall—

(1) include what language will be utilized in contract documents requiring compliance with local tax and licensing laws;

(2) identify what authorities the Department will use to compliance with such local laws; and

(3) also include the steps being taken by the Department to partner with the Government of Guam Department of Revenue and Taxation to ensure that there is transparency and a coordination of effort to ensure that the local government has visibility of contractors performing work on Guam.

Subtitle F—Congressional Recognitions

SEC. 1051. SENSE OF CONGRESS HONORING THE HONORABLE DUNCAN HUNTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California's 52d Congressional district.

(2) Previous to his service in Congress, Representative Hunter served in the Army's 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

(3) Representative Hunter was awarded the Bronze Star, Air Medal, National Defense Service Medal, and Vietnam Service Medal for his heroic acts during the Vietnam Conflict.

(4) Representative Hunter served on the Committee on Armed Services of the House of Representatives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to ensure maximum war-fighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by authorizing and ensuring quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

(9) Representative Hunter has been a leader in ensuring sufficient force structure and end-strength, including through the 2006 Committee Defense Review, to meet any challenges to the Nation. His efforts to increase the size of the Army and Marine Corps have been enacted by the Congress and implemented by the Administration.

(10) Representative Hunter is a leading advocate for securing America's borders.

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by enacting legislation that ensures the national industrial base will be able to design and manufacture those products critical to America's national security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONORABLE JIM SAXTON, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Hugh James "Jim" Saxton was elected in November 1984 to fill both the unexpired term of Congressman Edwin B. Forsythe in the 98th Congress, and the open seat for the 99th Congress.

(2) Representative Saxton is a senior member of the Committee on Armed Services, having served on the committee since 1989, and is today the ranking Member of its Air and Land Forces Subcommittee in the 110th Congress, 2007–2008.

(3) Representative Saxton is one of the few Members to have ever represented a district that included active-duty Army, Navy, and Air Force bases.

(4) Representative Saxton served as Chairman of the Military Installations and Facilities Subcommittee from 2001 to 2002, and Chairman of the Terrorism and Unconventional Threats and Capabilities Subcommittee from 2003 to 2006.

(5) Representative Saxton has served soldiers, sailors, airmen, and Department of Defense civilians and military families in New Jersey, the United States, and around the world, regarding issues of fair pay, housing modernization, benefits, health care, force protection, and other issues.

(6) Representative Saxton worked diligently and successfully to save all three military bases in southern New Jersey—Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station.

(7) Representative Saxton secured the future of the three bases by having the foresight to encourage them to participate in multiple interservice joint projects and exercises for more than 10 years prior to the 2005 base realignment and closure (BRAC) action that directed that they become a single, joint installation, the Nation's only Army-Navy-Air Force base, to be stood-up in 2009 as Joint Base McGuire-Dix-Lakehurst.

(8) Representative Saxton has helped modernize Fort Dix, McGuire Air Force Base, and

Lakehurst Navy Base, by working with Secretaries and Chiefs of the Army, Navy, Marines, and Air Force, and other officials, and in particular the Army Reserve, Army National Guard, National Guard Bureau, Air National Guard, Air Mobility Command, and Air Force Reserve, to enhance the three bases' national security missions and bring $1,800,000,000 in infrastructure during his tenure.

(9) Representative Saxton saved the 1,400-member 108th New Jersey Air National Guard Air Refueling Wing from dismantlement in 2005 by directing that newer KC–135R Stratotanker aircraft be sent to replace retiring KC–135 E model aircraft.

(10) Representative Saxton saved the cargo airlift mission of McGuire Air Force Base by bringing a squadron of C–17 Globemasters to McGuire after the mandatory retirement of all of the bases' C–141 Starlifter transports, and worked to procure many other C–17s for other bases across the country to perform the Nation's airlift missions.

(11) Representative Saxton took the leadership role in bringing the mothballed battleship USS New Jersey home to the Delaware River from where it was launched in 1943, so it could become a naval museum and monument to the 20th Century conflicts in which the dreadnought served.

(12) Representative Saxton, a long time advocate of anti terrorism efforts, served as the Chairman of the House Task Force on Terrorism and Unconventional Warfare from 1996 to 2003.

(13) Representative Saxton in 1998 helped create and later expand the Weapons of Mass Destruction Civil Support Teams (WMD–CST) program in the National Guard, ultimately leading to a WMD–CST in each State and territory to respond to domestic terrorism.

(14) Representative Saxton was appointed by the Speaker of the House of Representatives in March 2000 to be chairman of the Committee on Armed Services' newly formed Special Oversight Panel on Terrorism, due to long advocacy of anti-terrorism preparedness.

(15) Representative Saxton is a long-time supporter of the warriors of the Special Operations Command (SOCOM), both before and after the attacks of September 11, 2001, and has met with special operators in Washington, DC, at SOCOM bases in the United States, and in theater.

(16) Representative Saxton worked for over a decade to create the first terrorism subcommittee on the Committee on Armed Services, becoming its first chairman when the Subcommittee on Terrorism and Unconventional Threats and Capabilities organized in 2003 with oversight of United States elite forces, including Army Rangers, Green Berets, Navy SEALS, and Marine Special Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jim Saxton, Representative from New Jersey, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1053. SENSE OF CONGRESS HONORING THE HONORABLE TERRY EVERETT.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Terry Everett was elected to represent Alabama's 2d Congressional district in 1992 and served in the House of Representatives until the end of the 110th Congress in 2008 with distinction, class, integrity, and honor.

(2) Representative Everett served on the Committee on Armed Services of the House of Representatives for 16 years, including service as Chairman of the Subcommittee on Strategic Forces from 2002 through 2006 and, from 2006 through 2008, as Ranking Member of the Subcommittee on Strategic Forces.

(3) Representative Everett's colleagues know him to be a fair and effective lawmaker who worked for the national interest while always serving Southeastern Alabama.

(4) Representative Everett's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, military installations in Southeastern Alabama, including Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army's Aviation Warfighting Center.

(5) Representative Everett has been a leader in efforts to develop and deploy robust and effective space and intelligence capabilities and missile defense systems to enhance the capabilities of the Armed Forces and protect the American people, the United States and its deployed troops, and allies of the United States.

(6) Representative Everett also has been a leader on issues relating to national security space activities and missile defense space activities.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Terry Everett, Representative from Alabama, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1054. SENSE OF CONGRESS HONORING THE HONORABLE JO ANN DAVIS.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Jo Ann Davis was elected to the House of Representatives in November 2000 following the late Congressman Herbert H. Bateman.

(2) Representative Davis was the second woman elected to Congress in the Commonwealth of Virginia, and the first Republican woman elected to Congress in the Commonwealth of Virginia.

(3) Representative Davis was a member of the Committee on Armed Services, serving as Ranking Member of the Readiness Subcommittee in the 110th Congress.

(4) Representative Davis served soldiers, sailors, airmen and Department of Defense civilians and military personnel regarding issues of health care, modernization, benefits, force protection and other issues.

(5) Representative Davis also served on the House Permanent Select Committee on Intelligence in the 109th Congress and as Chairwoman of the Subcommittee on Intelligence Policy.

(6) Representative Davis, a strong proponent of Naval Force Structure, helped secure construction on the Navy's next-generation aircraft carrier, CVN–21, during her tenure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a late Representative from Virginia, performed her official duties with integrity and distinction, served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

Subtitle G—Other Matters

SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516), is amended to read as follows:

"(2) Information technology capital assets that—

"(A) have an estimated total cost for the fiscal year for which the budget is submitted in excess of $30,000,000;

"(B) have been determined by the Chief Information Officer of the Department of Defense and the Director of the Office of Management and Budget to be significant investments; and

"(C) with respect to which the Department of Defense is required to submit a capital asset plan to the Office of Management and Budget in accordance with section 300 of Office of Management and Budget Circular A–11.".

SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RELOCATION OF MISSIONS OR FUNCTIONS FROM CHEYENNE MOUNTAIN AIR FORCE STATION.

The Secretary of Defense may not relocate, make preparations for relocation, or undertake the relocation of any mission or function from Cheyenne Mountain Air Force Station until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees certification in writing that the Secretary intends to relocate the mission or function. Such certification shall be comprised of a report, which shall include—

(1) a description of the mission or function to be relocated;

(2) the validated requirements for relocation of the mission or function, and the benefits of such relocation;

(3) the estimate of the total costs associated with such relocation;

(4) the results of independent vulnerability, security, and risk assessments of the relocation of the mission or function; and

(5) the Secretary's implementation plan for mitigating any security or vulnerability risk identified through an independent assessment referred to in paragraph (4), including the cost, schedule, and personnel estimates associated with such plan.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by inserting after the item relating to 118a the following new item:

"118b. Quadrennial roles and missions review.".

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking "title 11, United States Code," and inserting "title 11"; and

(B) in subsection (f), by striking "title 10, United States Code" and inserting "this title".

(6) The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 667 and inserting the following new item:

"667. Issue of Serviceable Material Other Than to Armed Forces .... 7911".

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 371(c) is amended by striking "'operational strategies'" and inserting "'operational systems'".

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting "both places it appears" before the period at the end.

(3) Section 703(b) is amended by striking "as amended by" and inserting "as inserted by".

(4) Section 805(a) is amended by striking "Act ," and inserting "Act,".

(5) Section 883(b) is amended by striking "Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by" and inserting "Section 832(b)(1) of such Act is amended by".

(6) Section 890(d)(2) is amended by striking "sections" and inserting "parts".

(7) Section 904(a)(4) is amended by striking "131(b)(2)" and inserting "131(b)".

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting ", as redesignated by section 524(a)(1)(A)," after "of such title".

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking "2114(e) of such title" and inserting "2114(f) of such title, as redesignated by section 524(a)(1)(A),"; and

(B) by striking the period at the end and inserting "and inserting 'President'.".

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking "semicolon" and inserting "comma".

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking "publically" and inserting "publicly".

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking "subsection (c)" and inserting "subsection (c)(1)".

(13) Section 1602(4) (122 Stat. 432) is amended by striking "section 411 h(b)" and inserting "section 411h(b)(1)".

(14) Section 1617(b) (122 Stat. 449) is amended by striking "by adding at the end" and inserting "by inserting after the item relating to section 1074k".

(15) Section 2106 (122 Stat. 508) is amended by striking "for 2007" both places it appears and inserting "for Fiscal Year 2007".

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking "the Army" and inserting "Army".

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

(2) The second section 3557 is amended in the section heading by striking "**Public-Private**" and inserting "**public-private**".

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking "fiscal years 2005" and all that follows through "2010" and inserting "fiscal years 2005 through 2010".

(f) PUBLIC LAW 106–113.—Effective as of November 29, 1999, and as if included therein as enacted, section 553 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113 (113 Stat. 1535, 1501A–99)) is amended by striking "five-year period" and inserting "eight-year period".

SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.

(a) SUBMISSION TO CONGRESS.—No activity relating to a successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may be carried out until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).

SEC. 1065. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to explicitly state the requirement that future increases in the pay of Portuguese nationals employed by the Department of Defense in Portugal are to be made in compliance with United States law and regulations prescribed by the Secretary of Defense.

(c) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to the Secretary of Defense $240,000 for fiscal year 2009 for the purpose of the payments authorized by subsection (a).

SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Domestic threats to national security and the increased use of National Guard forces for out-of-State deployments greatly increase the potential for service by members of State defense forces established under section 109(c) of title 32, United States Code.

(2) The efficacy of State defense forces is impeded by lack of clarity in the Federal regulations concerning those forces, particularly in defining levels of coordination and cooperation between those forces and the Department of Defense.

(3) The State defense forces suffer from lack of standardized military training, arms, equipment, support, and coordination with the Department of Defense as a result of real and perceived Federal regulatory impediments.

(b) RECOGNITION AND SUPPORT FOR STATE DEFENSE FORCES.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used exclusively at the local level and in accordance with State law.

"(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

"(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

"(A) impede the ability of the Department of Defense to execute missions of the Department;

"(B) take resources away from warfighting units;

"(C) incur nonreimbursed identifiable costs; or

"(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

"(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

"(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

"(A) excess to the needs of the Department of Defense; and

"(B) suitable for use by a force established under subsection (c).

"(2) The Secretary of Defense may transfer personal property under this section only if—

"(A) the property is drawn from existing stocks of the Department of Defense;

"(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

"(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

"(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

"(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

"(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

"(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

"(3) Any such training program shall be conducted in accordance with an agreement between—

"(A) the Secretary of Defense; and

"(B) the State or the force established under subsection (c) if so authorized by State law.

"(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

"(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.".

(c) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(l) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the

Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking "a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting "a State''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after "(a)'';

(2) in subsection (b), by inserting "USE WITHIN STATE BORDERS.—'' after "(b)'';

(3) in subsection (c), by inserting "STATE DEFENSE FORCES AUTHORIZED.—'' after "(c)'';

(4) in subsection (j), as redesignated by subsection (a)(1), by inserting "EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after "(j)''; and

(5) in subsection (k), as redesignated by subsection (a)(1), by inserting "PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after "(k)''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§109. Maintenance of other troops: State defense forces".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"109. Maintenance of other troops: State defense forces.''.

SEC. 1067. BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(13) of this Act, $7,175,000 is authorized to carry out subsection (a).

SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND OTHER NATIONAL SECURITY INSTITUTIONS.

It is the sense of Congress as follows:

(1) To ensure the future security of the United States, all of the national security organizations of the Federal Government must work together more effectively.

(2) The conflicts in Iraq and Afghanistan have demonstrated a need to expand the definition of national security organizations to include all departments and agencies that contribute to the relations of the United States with the world.

(3) As the largest national security organization, the Department of Defense must effectively collaborate in both a supported and supporting role with other departments and agencies.

(4) Section 941 of Public Law 110–181 created an opportunity for the Department of Defense to address internal assignments of functions.

(5) The Initial Perspectives report of the Panel on Roles and Missions of the Committee on Armed Services of the House of Representatives illustrated the following three levels of coordination that must be improved:

(A) Inter-agency coordination.

(B) Department of Defense-wide coordination.

(C) Inter-service coordination.

(6) Institutionalizing effective coordination within and among the national security organizations of the Federal Government may require fundamental reform.

SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUPPLEMENTAL APPROPRIATIONS.

It is the sense of Congress that readiness shortfalls exist within the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided, and will continue to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE REQUIREMENTS OF THE UNITED STATES.

It is the sense of Congress that the defense requirements of the United States should be based upon a comprehensive national security strategy and fully funded to counter present and emerging threats.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.
Sec. 1102. Extension of authority to make lump-sum severance payments.
Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.
Sec. 1104. Technical amendment to definition of professional accounting position.
Sec. 1105. Expedited hiring authority for health care professionals.
Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.
Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.
Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.

SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL EMPLOYEES.

(a) WAIVER AUTHORITY.—Subject to subsection (b), the head of an agency may waive the limitation under section 5547(a) of title 5, United States Code, with respect to premium pay for any service which is performed by an employee of such agency—

(1) in an overseas location within the area of responsibility of the Commander of the United States Central Command; and

(2) in direct support of or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to an emergency declared by the President.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to premium pay for service performed in 2009, and only to the extent that its exercise would not cause an employee's total basic pay and premium pay for 2009 to exceed $212,100.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—Any amount of premium pay that would not have been payable but for a waiver under this section shall not be considered to be basic pay for any purpose and shall not be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations which may be necessary to ensure consistency among heads of agencies in the application of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the terms "agency'' and "employee'' have the respective meanings given such terms by section 5541 of title 5, United States Code;

(2) the term "premium pay'' refers to any premium pay described in section 5547(a) of such title 5; and

(3) the term "contingency operation'' has the meaning given such term by section 101(a)(13) of title 10, United States Code.

SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking "October 1, 2010'' and inserting "October 1, 2014''.

SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2010'' and inserting "September 30, 2014''.

SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION.

Section 1599d(e) of title 10, United States Code, is amended by striking "GS–510, GS–511, and GS–505'' and inserting "0505, 0510, or 0511 (or an equivalent)''.

SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) of title 10, United States Code, is amended—

(1) by inserting "(1)'' before "The Secretary of Defense may''; and

(2) by adding at the end the following new paragraph:

"(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

"(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

"(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

"(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter 1 of chapter 33 of title 5.''.

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting "(1)'' before "The authority of'';

(2) by striking "September 30, 2010'' and inserting "September 30, 2012''; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after September 30, 2012.''.

SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH ADJUSTMENTS.

(a) AUTHORITY TO ADJUST LIMITATIONS ON OSD PERSONNEL.—

(1) Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "The number" and inserting "Subject to subsection (b), the number";

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) by inserting after subsection (a) the following new subsection (b):

"(b) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the limitation on OSD personnel in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(2) The Secretary may adjust the baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year."; and

(D) by amending subsection (c) (as so redesignated) to read as follows:

"(c) DEFINITIONS.—In this section:

"(1) The term 'OSD personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

"(2) The term 'baseline personnel limitation', with respect to OSD personnel, means—

"(A) for fiscal year 2009, the number described in subsection (a); and

"(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (b) during preceding fiscal years.".

(b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—Section 194 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking "The total" each place it appears and inserting "Subject to subsection (c), the total";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

"(c) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the baseline personnel limitations in subsection (a) in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(2) The Secretary may adjust a baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year."; and

(4) by amending subsection (g) (as so redesignated)—

(A) by striking "In this section, the" and inserting "In this section:

"(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in subsection (a) or subsection (b), means—

"(A) for fiscal year 2009, the number described in subsection (a) or (b), respectively; and

"(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (c) during preceding fiscal years.".

(c) OFFICE OF THE SECRETARY OF THE ARMY AND ARMY STAFF.—Subsection (f) of section 3014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Army may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.".

(d) OFFICE OF THE SECRETARY OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, AND HEADQUARTERS, MARINE CORPS.—Subsection (f) of section 5014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Navy may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during any preceding fiscal years.".

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE AND AIR STAFF.—Subsection (f) of section 8014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Air Force may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.".

(f) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees at the same time that the defense budget materials for each fiscal year are presented to Congress. The report shall include the following information:

(1) During the preceding fiscal year, the average number of military personnel and civilian employees of the Department of Defense assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) The total increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense, including the number of positions associated with the replacement of contract personnel performing inherently governmental functions or performing lead system integrator functions; and

(B) attributable to reasons other than the replacement of contract personnel with military personnel or civilian employees of the Department, such as workload or operational demand increases.

(3) The number of military personnel and civilian employees of the Department of Defense assigned to the activities or entities described in paragraph (1) as of October 1 of the preceding fiscal year.

(4) An analysis and justification for any increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year, including an analysis of the workload of the activity or entity and the management of the workload.

(g) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET MATERIALS.—The term "defense budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105 of title 31, United States Code.

(2) CONTRACT PERSONNEL.—The term "contract personnel" means persons hired under a contract with the Department of Defense for the performance of major Department of Defense headquarters activities.

(h) COMPTROLLER GENERAL EVALUATION.—Not later than April 15, 2009, the Comptroller General shall—

(1) conduct an evaluation of the overall management of the staffing processes and procedures for the personnel affected by the amendments made by this section; and

(2) submit to the congressional defense committees a report on the results of such evaluation, with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking "During fiscal years 2006, 2007, and 2008" and inserting "(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008"; and

(2) by adding at the end the following:

"(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DURING THE TIME OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end the following new section:

"§3505. Furloughs within Department of Defense

"(a) For purposes of this section—

"(1) the term 'furlough' means the placing of an employee in a temporary status without duties and pay because of a lack of funds;

"(2) the term 'contingency operation' has the meaning given such term by section 101(a)(13) of title 10; and

"(3) the term 'defense committees' has the meaning given such term by section 119(g) of title 10.

"(b)(1) The Secretary of Defense may not issue notice of a furlough described in paragraph (2) until the Secretary has certified to the defense committees that the Secretary has no other legal measures to avoid such furloughs.

"(2) This subsection applies with respect to any furlough that impacts substantial portions of the civilian workforce of the Department of Defense commencing during the time of a contingency operation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following new item:

"3505. Furloughs within Department of Defense.".

SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code, appointment to which requires an advanced degree.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Military-to-military contacts and comparable activities.
Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority for security and stabilization assistance.
Sec. 1208. Authority for support of special operations to combat terrorism.
Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Iraqi police training teams.

Subtitle C—Other Matters

Sec. 1221. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.
Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking "during fiscal year 2008" and inserting "during fiscal years 2008, 2009, and 2010".

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by striking "for fiscal year 2008 to provide the assistance under subsection (a)" and inserting "for a fiscal year specified in subsection (a) to provide the assistance under such subsection for such fiscal year".

SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(e) of title 10, United States Code, is amended by adding at the end the following:

"(5) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of Public Law 110–181 (122 Stat. 402), is further amended by adding at the end the following:

"(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

"(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.".

(b) EXPIRATION.—Subsection (e) of such section is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) LIMITATIONS.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) LIMITATIONS.—

"(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section that is otherwise prohibited by any other provision of law.

"(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section to the personnel referred to in subsection (b) of any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.".

(b) ANNUAL REPORT.—Subsection (h)(1) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking "and 2008" and inserting ", 2008, and 2009".

(c) TERMINATION.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking "2008" and inserting "2009".

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of Public Law 109–364 (120 Stat. 2418), is further amended

by adding at the end the following new sentence: "Amounts available under the authority of subsection (a) for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(b) TWO-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended—

(1) in the first sentence, by striking "2008" and inserting "2010"; and

(2) in the second sentence, by striking "2006, 2007, or 2008" and inserting "2009 or 2010".

SEC. 1207. EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of Public Law 110–181 (122 Stat. 369), is further amended by striking "September 30, 2008" and inserting "September 30, 2010".

SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127d the following new section:

"§ 127e. Authority for support of special operations to combat terrorism

"(a) AUTHORITY.—The Secretary of Defense may expend up to $35,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

"(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

"(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to that operation. Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

"(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year.

"(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

"(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

"(B) the respective dates and a summary of congressional notifications for each activity;

"(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

"(D) the total amount obligated to provide support;

"(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

"(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the type of follow-on support, if any, that may be necessary.

"(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) from funds made available for operations and maintenance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127d the following new item:

"127e. Authority for support of special operations to combat terrorism.".

(c) REPEAL.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

Section 2249c(b) of title 10, United States Code, is amended in the first sentence by striking "$25,000,000" and inserting "$35,000,000".

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this Act or any other Act for any fiscal year may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

(b) DEFINITION.—In this section, the term "permanent stationing of United States Armed Forces in Iraq" means the stationing of United States Armed Forces in Iraq on a continuing or lasting basis, as distinguished from temporary, although the basis may be permanent even though it may be dissolved eventually at the request either of the United States or of the Government of Iraq, in accordance with law.

SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on each agreement between the United States and Iraq relating to—

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

(2) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq relating to the matters described in the report is entered into or is substantially revised.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A discussion of limits placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) An assessment of the extent to which conditions placed on United States combat operations are greater than the conditions under which United States Armed Forces operated prior to the signing of the agreement, and any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A discussion of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times. The discussion should include an assessment of the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) An assessment of the protections accorded by the agreement to third country nationals who carry out work for the United States Armed Forces.

(5) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(6) A description and discussion of any security commitment, arrangement, or assurance by the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(7) An assessment of any payments required under the agreement to be paid to the Government of Iraq or other Iraqi entities for rights, access, or support for bases and facilities.

(8) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(9) An assessment of any other provisions in the agreement that would restrict the performance of the mission of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government.

(10) A discussion of how the agreement or modification to the agreement was approved by the Government of Iraq, and if this process was consistent with the Constitution of Iraq.

(11) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(12) A discussion of the extent to which the agreement applies to other Coalition partners.

(13) A description of how the agreement can be terminated by the United States or Iraq.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) TERMINATION OF REQUIREMENT.—The requirement to submit the report and updates of the report under subsection (a) terminates on September 30, 2013.

SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall—

(1) establish a strategy to ensure that United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq are supporting the operational and strategic goals of Coalition Forces in Iraq; and

(2) establish measures of effectiveness and performance in meeting PRT-specific work plans with clearly defined objectives in furtherance of the strategy required under paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a) and an assessment of the specific contributions PRTs are making in supporting the operational and strategic goals of Coalition Forces in Iraq. The initial report required under this subsection should include a description of the strategy and a general discussion of the measures of effectiveness and performance required under subsection (a).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of Public Law 110–181 (122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking "$977,441,000" and inserting "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,"; and

(2) by striking "in such fiscal year".

(b) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—Such section is further amended by adding at the end the following:

"(f) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—

"(1) LIMITATION.—The amount obligated and expended under this section for the Commanders' Emergency Response Program in Iraq for fiscal year 2009 may not exceed twice the amount obligated by the Government of Iraq during calendar year 2008 under the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I–CERP'), as established pursuant to the Memorandum of Understanding Between the Supreme Reconstruction Council of the Secretariat of Ministers and the Multi-National Force-Iraq Concerning Implementation of the Government of Iraq Commanders' Emergency Response Program (I–CERP), signed by the parties on March 25, 2008, and April 3, 2008, respectively.

"(2) WAIVER.—The Secretary of Defense may waive the limitation under paragraph (1) if the Secretary of Defense—

"(A) determines that such a waiver is required to meet urgent and compelling needs that would not otherwise be met and which, if unmet, could rationally be expected to lead to increased threats to United States military or civilian personnel; and

"(B) submits in writing to the appropriate congressional committees a notification of the waiver, together with a discussion of—

"(i) the unmet urgent and compelling needs and the impact on the threat level facing United States military or civilian personnel, if the waiver is not exercised;

"(ii) efforts undertaken by the Department of Defense to convince the Government of Iraq to provide funds to meet the urgent and compelling needs and the reason these efforts were unsuccessful; and

"(iii) efforts of the Department of Defense to convince the Government of Iraq to provide additional funds in the future to meet such urgent and compelling needs or to undertake other measures to meet such needs on their own.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committees on Armed Services of the House of Representatives and the Senate; and

"(B) the Committees on Appropriations of the House of Representatives and the Senate.".

SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a)—

(1) shall include PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(2) shall include comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 388).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the command and control structure for military forces operating in Afghanistan, which consist of North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) forces and separate United States forces operating under Operation Enduring Freedom, should be modified to better coordinate and de-conflict military operations and achieve unity of command and unity of effort whenever possible in Afghanistan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts.

(B) A comprehensive assessment of options for improving the command and control structure for military forces operating in Afghanistan, including—

(i) the establishment by the United States Central Command of a United States headquarters in Kabul, Afghanistan, led by a commander holding the grade of lieutenant general, or in the case of the Navy, vice admiral, and charged with—

(I) leading United States Armed Forces operating under Operation Enduring Freedom;

(II) leading country-wide Department of Defense–led initiatives; and

(III) closely coordinating efforts with NATO ISAF forces, the United States Embassy in Afghanistan, and other United States and international elements in Afghanistan; and

(ii) authorization for the highest-ranking United States commander of NATO ISAF forces to have additional command authority over separate United States forces operating under Operation Enduring Freedom.

(C) A detailed description of any United States or NATO ISAF plan or strategy for improving the command and control structure for military forces operating in Afghanistan.

(D) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(E) An assessment of how possible modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(3) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1217. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended by striking paragraph (5).

(b) NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(1)(A) of such section is amended by striking "congressional defense committees" and inserting "appropriate congressional committees".

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Such section is further amended by adding at the end the following:

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

"(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.".

SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING TEAMS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of advisors needed to sufficiently staff enough Iraqi police training teams to cover a majority of the approximately 1,100 Iraqi police stations in fiscal year 2009 and estimated levels in fiscal year 2010;

(2) the funding required to staff the Iraqi police training teams in fiscal year 2009 and estimated levels in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the program to staff and support the Iraqi police training teams from the Department of Defense to the Department of State.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle C—Other Matters

SEC. 1221. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—

(1) in the heading, by striking "**Bilateral or regional**" and inserting "**Bilateral, multilateral, or regional**";

(2) in subsection (a), by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "to and within" and inserting "to, from, and within"; and

(ii) by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional"; and

(B) in paragraph (2), by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional"; and

(4) by adding at the end the following:

"(e) Funds available under this section for fiscal year 2009 and subsequent fiscal years may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following:

"1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.".

SEC. 1222. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416), as amended by section 1204 of Public Law 110–181 (122 Stat. 365), is further amended by striking "fiscal years 2007 and 2008" and inserting "fiscal years 2007, 2008, and 2009".

(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e)(2) of such section is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) in fiscal year 2009, $5,000,000.".

(c) REPORTS.—Subsection (g)(1) of such section is amended—

(1) by striking "and October 31, 2008," and inserting "October 31, 2008, and October 31, 2009,"; and

(2) by striking "fiscal years 2007 and 2008" and inserting "fiscal years 2007, 2008, and 2009".

SEC. 1223. STUDY OF LIMITATION ON CLASSIFIED CONTRACTS WITH FOREIGN COMPANIES ENGAGED IN SPACE BUSINESS WITH CHINA.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (b), no funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended under one or more contracts for classified work between the Department of Defense and a foreign-owned company if that company, or any parent, sister, subsidiary, or affiliate of that company, is engaged with China in the development, manufacture, or launch of ITAR-free satellites.

(2) EXCEPTION.—Paragraph (1) does not apply to a foreign-owned company if the Secretary of Defense, in consultation with the Secretary of State, submits to Congress a certification that—

(A) no satellite or space launch vehicle technology, technical information, or intellectual property gained by the foreign-owned company through the contracts for classified work referred to in paragraph (1) is being disclosed (intentionally or unintentionally) in a manner that may improve China's satellite, rocket, or missile capabilities; and

(B) it is in the national security interests of the Department to continue to enter into contracts for classified work with the foreign-owned company.

(b) STUDY AND SUSPENSION OF LIMITATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of the implications of imposing a limitation such as the limitation in subsection (a) and shall provide the study to the congressional defense committees not later than 60 days after the date of the enactment of this Act.

(2) SUSPENSION OF LIMITATION.—The Secretary shall suspend the application of the limitation in subsection (a) until—

(A) the Secretary has completed the study required by paragraph (1);

(B) the Secretary has determined, as a result of the study, that applying the limitation in subsection (a) promotes the national interest; and

(C) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study, including the rationale for the determination described in subparagraph (B).

(c) DEFINITIONS.—In this section:

(1) The term "ITAR-free satellite" applies to a satellite if no component of the satellite and no technical information relating to the satellite is subject to export controls specified in the International Traffic in Arms Regulations.

(2) The term "International Traffic in Arms Regulations" means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 1224. SENSE OF CONGRESS AND CONGRESSIONAL BRIEFINGS ON READINESS OF THE ARMED FORCES AND REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should return the Armed Forces to a state of full readiness so that they are fully prepared to execute the National Military Strategy, including the full range of contingencies that could occur in the Middle East region.

(b) REQUIREMENT FOR BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until July 1, 2010, the Secretary of Defense shall provide for briefings for the Committees on Armed Services of the Senate and the House of Representatives on matters pertaining to the preparation for contingencies described in subsection (a), including a comprehensive description of the information used in the preparation of contingency plans relating to the military and nuclear capabilities of countries in the Middle East that are part of the Central Command Area of Responsibility.

(c) REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.—

(1) REPORT REQUIREMENT.—Not later than March 1 each year, the Secretary of Defense shall submit a report to the congressional defense committees, in both classified and unclassified form, on the elements identified in paragraph (2) addressing the current and future nuclear weapons capabilities of the Islamic Republic of Iran.

(2) ELEMENTS.—The elements that shall be included in the report, at a minimum, include—

(A) locations, types, and number of centrifuges that the Islamic Republic of Iran has installed and in operation to enrich uranium at the Natanz facility and any other facility to enrich uranium;

(B) locations, types, and number of centrifuges that the Islamic Republic of Iran plans to install and operate at the Natanz facility and any other facility to enrich uranium, estimated by time periods of near, mid, and far-term epochs;

(C) number of nuclear weapons that could be made from the enriched uranium that the Islamic Republic of Iran has produced to date and is anticipated to produce, estimated by time periods of near, mid, and far-term epochs;

(D) number of nuclear weapons that could be made from the plutonium produced by the Bushehr nuclear reactor and any other nuclear reactor in the Islamic Republic of Iran to date, and number of weapons that could be made in the future, estimated by time periods of near, mid, and far-term epochs;

(E) a description of the safeguard and security measures in place at the Bushehr nuclear reactor and at any other nuclear reactor in the Islamic Republic of Iran to prevent Iran from reprocessing spent plutonium;

(F) a description of weaponization activities, such as the design, development, or test of nuclear weapon or weapon related-components, estimated by time periods of near, mid, and far-term epochs;

(G) numbers, types, and performance of systems which could provide a means to deliver a nuclear warhead, estimated by time periods of near, mid, and far-term epochs; and

(H) a summary of assessments of other key nations, such as Israel and France, of the Islamic Republic of Iran's nuclear program, capabilities, and timelines for acquiring nuclear weapons capabilities, and their judgment of the threat.

(3) NOTIFICATION.—The Secretary of Defense shall provide the congressional defense committees with written notification within 15 days of assessing that the Islamic Republic of Iran produces enough enriched uranium or plutonium for a nuclear weapon.

(4) DEFINITION.—In this subsection, the term "nuclear weapons capabilities" means the nuclear material, weaponization activities, and delivery system.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 412).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2009 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2009, 2010, and 2011.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $445,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(4) For nuclear weapons transportation security in Russia, $40,800,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $70,286,000.

(6) For biological threat reduction in the former Soviet Union, $184,463,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

Sec. 1431. Inapplicability of Executive Order 13457.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,401,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,746,172,000, of which—

(1) $24,259,029,000 is for Operation and Maintenance;

(2) $198,738,000 is for Research, Development, Test, and Evaluation; and

(3) $288,405,000 is for Procurement.

(b) TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND TO SUPPORT DEFENSE HEALTH PROGRAM.—Of the total amount specified in subsection (a), up to $1,300,000,000 shall be derived, to the extent specifically provided in advance in an appropriations Act for fiscal year 2009, by transfer from the unobligated balances of the National Defense Stockpile Transaction Fund.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking "$1,066,000,000 by the end of fiscal year 2015" and inserting "$1,476,000,000 by the end of fiscal year 2016".

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking "2008" and inserting "2009".

Subtitle C—Armed Forces Retirement Home

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER 13457.

Executive Order 13457, and any successor to that Executive Order, shall not apply to this Act or to the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany this Act or to H. Rept. _____ or S. Rept. _____.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Rapid acquisition fund.
Sec. 1507. Joint Improvised Explosive Device Defeat Fund.
Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $84,000,000.

(2) For weapons and tracked combat vehicles procurement, $822,674,000.

(3) For ammunition procurement, $46,500,000.

(4) For other procurement, $1,255,050,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for other procurement for the Navy in the amount of $476,248,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $565,425,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $4,624,842,000.

(2) For other procurement, $1,500,644,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide in the amount of $177,237,000.

SEC. 1506. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Rapid Acquisition Fund in the amount of $102,000,000.

SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,496,300,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2009.

(d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—Of the funds appropriated pursuant to the authorization of appropriations in subsection (a), $50,000,000 shall be made available for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor (ARMS) platforms for tactical operations in Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR THE JOINT IMPROVISED EXPLOSIVE DEVICES DEFEAT ORGANIZATION PENDING NOTIFICATION TO CONGRESS.

(a) LIMITATION.—Of the amounts appropriated pursuant to each of the authorizations of appropriations described in subsection (b) for research, development, test, and evaluation for the Joint Improvised Explosive Devices Defeat Organization (in this section referred to as "JIEDDO"), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until JIEDDO submits to the congressional defense committees a report describing the investment strategy of JIEDDO for science and technology.

(b) COVERED AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SCOPE OF LIMITATION.—The limitation contained in subsection (a) applies with respect to amounts appropriated pursuant to the authorizations of appropriations specified in paragraph (2) for all science and technology efforts within the account for research, development, test, and evaluation for JIEDDO applied to efforts of Technology Readiness Level 5 or lower.

(2) AUTHORIZATIONS.—Paragraph (1) applies to—

(A) the authorization of appropriations in section 1507 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 425); and

(B) the authorization of appropriations in section 1508 of this Act.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Navy, $113,228,000.

(2) For the Air Force, $72,041,000.

(3) For Defense-wide activities, $202,559,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $37,363,243,000.

(2) For the Navy, $3,500,000,000

(3) For the Marine Corps, $2,900,000,000.

(4) For the Air Force, $5,000,000,000.

(5) For Defense-wide activities, $2,648,569,000.

(6) For the Army Reserve, $79,291,000.

(7) For the Navy Reserve, $42,490,000.

(8) For the Marine Corps Reserve, $47,076,000.

(9) For the Air Force Reserve, $12,376,000.

(10) For the Army National Guard, $333,540,000.

(11) For the Air National Guard, $52,667,000.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,100,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $188,000,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $1,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) PROHIBITION RELATED TO FACILITIES.—

(1) PROHIBITION.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), for the acquisition, conversion, rehabilitation, or installation of facilities.

(2) EXCEPTIONS.—Nothing in this section shall be construed as to forbid—

(A) the provision of technical assistance necessary to assist the Government of Iraq to carry out the acquisition, conversion, rehabilitation, or installation of facilities on its own behalf; or

(B) the acquisition, conversion, rehabilitation, or installation of facilities utilizing amounts contributed to the Iraq Security Forces Fund under subsection (f) by the Government of Iraq or another foreign country.

(h) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(i) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of \$2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2009 a total of \$1,194,000,000.

SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

The Secretary of Defense may use the transfer authority provided by section 1516 to transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 from such authorizations to the Mine Resistant Ambush Protected Vehicle Fund in the total amount of \$2,610,000,000.

SEC. 1516. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.

Sec. 1607. Reconstruction and stabilization strategy.

Sec. 1608. Annual reports to Congress.

SEC. 1601. SHORT TITLE.

This title may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2008".

SEC. 1602. FINDINGS.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the "Coordinator") was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decisionmakers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term "agency" means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term "Department" means the Department of State.

(5) PERSONNEL.—The term "personnel" means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

"(a) ASSISTANCE.—

"(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

"(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

"(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

"(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2008, 2009, and 2010, except that the authority may not be exercised to furnish more than $100,000,000 in any such fiscal year.".

SEC. 1605. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 62. RECONSTRUCTION AND STABILIZATION.

"(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

"(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

"(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

"(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

"(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

"(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the nonmilitary resources and capabilities of agencies (as such term is defined in section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

"(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

"(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

"(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

"(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

"(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

"(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

"(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

"(b) RESPONSE READINESS CORPS.—

"(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

"(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

"(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

"(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination *with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.".*

SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1608. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2009".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot ..	$46,400,000
	Fort Rucker	$6,800,000
Alaska	Fort Richardson	$15,000,000
	Fort Wainwright	$110,400,000
Arizona	Fort Huachuca	$13,200,000
	Yuma Proving Ground	$3,800,000
California ..	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field.	$432,300,000
Hawaii	Pohakuloa Training Area.	$9,000,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Kansas	Fort Leavenworth	$4,200,000
	Fort Riley	$158,000,000
Kentucky ...	Fort Campbell	$108,113,000
Louisiana ..	Fort Polk	$29,000,000
Missouri	Fort Leonard Wood	$33,850,000
New Jersey	Picatinny Arsenal	$9,900,000
New York ..	Fort Drum	$96,900,000
	USMA, West Point	$67,000,000
North Carolina.	Fort Bragg	$58,400,000
Oklahoma ..	Fort Sill	$63,000,000
	McAlester Army Ammunition Plant.	$5,800,000
Pennsylvania.	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot,	$7,500,000
	Tobyhanna Army Depot.	$15,000,000
South Carolina.	Fort Jackson	$30,000,000
Texas	Camp Bullis	$4,200,000
	Corpus Christi Army Depot.	$39,000,000
	Fort Bliss	$1,044,300,000
	Fort Hood	$49,500,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$18,300,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base.	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,008,226,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,062,763,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $175,823,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504, $81,600,000.

(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(9) For the construction of increment 2 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—

(1) in the item relating to Hawthorne Army Ammunition Plant, Nevada, by striking "$11,800,000" in the amount column and inserting "$7,300,000";

(2) in the item relating to Fort Drum, New York, by striking "$311,200,000" in the amount column and inserting "$304,600,000"; and

(3) in the item relating to Fort Bliss, Texas, by striking "$118,400,000" in the amount column and inserting "$111,900,000".

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking "$5,106,703,000" and inserting "$5,089,103,000"; and

(2) in paragraph (1), by striking "$3,198,150,000" and inserting "$3,180,550,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$75,900,000".

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking "$223,000,000" in the amount column and inserting "$208,280,000".

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—

(1) in the matter preceding paragraph (1), by striking "$3,275,700,000" and inserting "$3,239,980,000";

(2) in paragraph (1), by striking "$1,119,450,000" and inserting "$1,098,450,000"; and

(3) in paragraph (2), by striking "$510,582,00" and inserting "$495,862,000".

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	*Installation or Location*	*Project*	*Amount*
Hawaii	*Schofield Barracks*	*Training Facility*	*$35,542,000*

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2207. Report on impacts of surface ship homeporting alternatives.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	*Installation or Location*	*Amount*
Arizona	*Marine Corps Air Station, Yuma.*	*$19,490,000*
California.	*Marine Corps Logistics Base, Barstow.*	*$7,830,000*
	Marine Corps Base, Camp Pendleton.	*$799,870,000*
	Naval Air Facility, El Centro.	*$8,900,000*
	Marine Corps Air Station, Miramar.	*$48,770,000*
	Naval Post Graduate School Monterey.	*$9,900,000*
	Naval Air Station, North Island.	*$60,152,000*
	Naval Facility, San Clemente Island.	*$34,020,000*
	Naval Station, San Diego.	*$51,220,000*
	Marine Corps Base, Twentynine Palms.	*$155,310,000*
Connecticut.	*Naval Submarine Base, Groton.*	*$46,060,000*
District of Columbia.	*Naval Support Activity, Washington.*	*$24,220,000*
Florida	*Naval Air Station, Jacksonville.*	*$12,890,000*
	Naval Station, Mayport.	*$18,280,000*
	Naval Support Activity, Tampa.	*$29,000,000*
Georgia	*Marine Corps Logistics Base, Albany.*	*$15,320,000*
	Naval Submarine Base Kings Bay.	*$6,130,000*
Hawaii	*Pacific Missile Range, Barking Sands.*	*$28,900,000*
	Marine Corps Base, Hawaii.	*$28,200,000*
	Naval Station, Pearl Harbor.	*$80,290,000*
Illinois	*Recruit Training Command, Great Lakes.*	*$62,940,000*
Maine	*Naval Shipyard Portsmouth.*	*$9,980,000*
Maryland.	*Naval Surface Warfare Center Carderock.*	*$6,980,000*
	Naval Surface Warfare Center, Indian Head.	*$25,980,000*
Mississippi.	*Naval Construction Battalion Center, Gulfport.*	*$12,770,000*
New Jersey.	*Naval Air Warfare Center, Lakehurst.*	*$15,440,000*
North Carolina.	*Marine Corps Air Station, Cherry Point.*	*$77,420,000*
	Marine Corps Air Station, New River.	*$86,280,000*
	Marine Corps Base, Camp Lejeune.	*$353,090,000*
Pennsylvania.	*Naval Support Activity, Philadelphia.*	*$22,020,000*
Rhode Island.	*Naval Station, Newport.*	*$39,800,000*
South Carolina.	*Marine Corps Air Station, Beaufort.*	*$5,940,000*
	Marine Corps Recruit Depot, Parris Island.	*$64,750,000*
Texas	*Naval Air Station Corpus Christi.*	*$3,500,000*
	Naval Air Station Kingsville.	*$11,580,000*
Virginia	*Marine Corps Base, Quantico.*	*$150,290,000*
	Naval Station, Norfolk.	*$73,280,000*
Washington.	*Naval Air Station Whidbey Island.*	*$6,160,000*
	Naval Base Kitsap	*$5,110,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	*Installation or Location*	*Amount*
Cuba	*Naval Air Station, Guantanamo Bay.*	*$20,600,000*
Diego Garcia.	*Diego Garcia*	*$35,060,000*
Djibouti	*Camp Lemonier*	*$31,410,000*
Guam	*Naval Activities, Guam.*	*$88,430,000*

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	*Installation or Location*	*Amount*
Worldwide Unspecified.	*Unspecified Worldwide.*	*$94,020,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	*Installation or Location*	*Units*	*Amount*
Guantanamo Bay	*Naval Air Station, Guantanamo Bay*	*146*	*$62,598.000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,996,449,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,518,152,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $94,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $247,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat.514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$295,000,000" in the amount column and inserting "$311,670,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,084,497,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking "$67,939,000" in the amount column and inserting "$76,288,000"; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking "$57,653,000" in the amount column and inserting "$60,500,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking "$56,159,000" and inserting "$64,508,000"; and

(2) in paragraph (3), by striking "$31,153,000" and inserting "$34,000,000".

SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOMEPORTING ALTERNATIVES.

(a) REPORT REQUIRED.—The Secretary of the Navy shall not issue a record of decision for the proposed action of homeporting additional surface ships at Naval Station Mayport, Florida, until at least 30 days after the date on which the Secretary submits to Congress a report containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport under the preferred alternative identified in the final environmental impact statement for the proposed action.

(b) ADDITIONAL REPORTING REQUIREMENT.—If the final environmental impact statement does not contain a preferred alternative or if the Secretary intends to select an alternative other than the preferred alternative in the record of decision, then the Secretary shall submit to Congress a report (in the case where no preferred alternative is identified) or an additional report (in the case where the preferred alternative is not selected) containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base.	$15,556,000
Alaska	Elmendorf Air Force Base.	$138,300,000
California	Edwards Air Force Base.	$9,100,000
Colorado	United States Air Force Academy.	$18,000,000
Delaware	Dover Air Force Base.	$19,000,000
Florida	Eglin Air Force Base.	$19,000,000
	MacDill Air Force Base.	$26,000,000
	Tyndall Air Force Base.	$11,600,000
Georgia	Robins Air Force Base.	$29,350,000
Kansas	McConnell Air Force Base.	$6,800,000
Maryland	Andrews Air Force Base.	$77,648,000
Mississippi	Columbus Air Force Base.	$8,100,000
Missouri	Whiteman Air Force Base.	$4,200,000
Nevada	Creech Air Force Base.	$48,500,000
	Nellis Air Force Base.	$53,300,000
New Jersey	McGuire Air Force Base.	$7,200,000
New Mexico	Cannon Air Force Base.	$8,300,000
	Holloman Air Force Base.	$25,450,000
Ohio	Wright Patterson Air Force Base.	$14,000,000
Oklahoma	Tinker Air Force Base.	$54,000,000
South Carolina.	Charleston Air Force Base.	$4,500,000
	Shaw Air Force Base.	$9,900,000
Texas	Fort Hood	$10,800,000
	Lackland Air Force Base.	$75,515,000
Utah	Hill Air Force Base.	$41,400,000
Washington	McChord Air Force Base.	$5,500,000
Wyoming	Francis E. Warren Air Force Base.	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield.	$57,200,000
Guam	Andersen Air Force Base.	$10,600,000
Kyrgyzstan	Manas Air Base.	$6,000,000
United Kingdom.	Royal Air Force Lakenheath.	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Location.	$891,000
Worldwide Unspecified.	Specified Worldwide Locations.	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,966,868,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $749,619,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,314,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units) ...	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.
Subtitle B—Chemical Demilitarization Authorizations
Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina.	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois ...	Scott Air Force Base.	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$14,000,000

Special Operations Command

State	Installation or Location	Amount
California.	Naval Amphibious Base, Coronado.	$9,800,000
Florida ...	Eglin Air Force Base.	$40,000,00
	Hurlburt Field	$8,900,000
	MacDill Air Force Base.	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico.	Cannon Air Force Base.	$18,100,000
North Carolina.	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington.	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska ...	Fort Richardson ...	$6,300,000
Colorado	Buckley Air Force Base.	$3,000,000
Georgia ..	Fort Benning	$3,900,000
Kansas ...	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground.	$430,000,000
Missouri	Fort Leonard Wood.	$22,000,000
Oklahoma.	Tinker Air Force Base.	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation.	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece ..	Souda Bay	$8,000,000

Special Operations Command

Country	Installation or Location	Amount
Qatar ...	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam ...	Naval Activities	$30,000,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Project ..	$837,480,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,510,550,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $767,511,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $101,160,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,025,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(8) For support of military family housing, including functions described in section 2833 of

title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(9) For the construction of increment 4 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(10) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $109,000,000.

(11) For the construction of increment 2 of the special operations forces operational facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland).

(3) $80,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $60,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Midcourse Radar Site).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended in the item relating to Fort Detrick, Maryland, by striking "$550,000,000" in the amount column and inserting "$683,000,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking "$521,000,000" and inserting "$654,000,000".

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting "$485,193,000".

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking "$1,055,663,000" and inserting "$1,052,074,000"; and

(2) in paragraph (1), by striking "$411,782,000" and inserting "$408,193,000".

SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency.	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky.	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $57,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking "$261,000,000" in the amount column and inserting "$484,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$830,454,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking "$261,000,000" and inserting "$484,000,000".

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$290,325,000" in the amount column and inserting "$492,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$949,920,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking "$267,525,000" and inserting "$469,200,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation.	$24,000,000
Arkansas	Cabot	$10,868,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut.	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$33,307,000
Georgia	Dobbins Air Reserve Base.	$45,000,000
Idaho	Orchard Training Area.	$1,850,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
	Muscatatuck	$6,000,000
Iowa	Camp Dodge	$1,500,000
	Davenport	$1,550,000
	Mount Pleasant	$1,500,000
Kentucky	London	$7,191,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts.	Methuen	$21,000,000
Michigan	Camp Grayling	$4,000,000
Minnesota.	Arden Hills	$15,000,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
Ohio	Camp Perry	$2,000,000
	Ravenna	$2,000,000
Pennsylvania.	Honesdale	$6,117,000
South Carolina.	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
	Hemingway	$4,600,000
South Dakota.	Rapid City	$29,000,000
Tennessee	Tullahoma	$10,372,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Washington.	Fort Lewis (Gray Army Airfield).	$32,000,000
West Virginia.	Camp Dawson	$9,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California.	Fort Hunter Liggett.	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland.	Baltimore	$11,600,000
Massachusetts.	Fort Devens	$1,900,000
Michigan.	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey.	Fort Dix	$3,825,000
New York.	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina.	Raleigh	$25,581,000
Pennsylvania.	Letterkenny Army Depot.	$14,914,000
Tennessee.	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington.	Seattle	$37,500,000
Wisconsin.	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base.	$4,000,000
Connecticut.	Bradley International Airport.	$7,200,000
Delaware	New Castle County Airport.	$3,200,000
Georgia	Savannah Combat Readiness Training Center.	$7,500,000
Indiana	Fort Wayne International Airport.	$5,600,000
Iowa	Fort Dodge	$5,600,000
Maryland	Martin State Airport.	$7,900,000
Minnesota.	Duluth	$4,500,000
	Minneapolis-St. Paul.	$1,500,000
New Jersey.	Atlantic City International Airport.	$8,400,000
New York	Gabreski Airport	$7,500,000
	Hancock Field	$10,400,000
Ohio	Springfield Air National Guard Base.	$12,800,000
South Dakota.	Joe Foss Field	$4,500,000
Texas	Ellington Field	$7,600,000
	Fort Worth Naval Air Station Joint Reserve Base.	$5,000,000
Vermont	Burlington International Airport.	$6,600,000
Washington.	McChord Air Force Base.	$8,600,000
Wyoming	Cheyenne Municipal Airport.	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Oklahoma.	Tinker Air Force Base.	$9,900,000
New York.	Niagara Falls Air Reserve Station.	$9,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $628,668,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $142,809,000; and

(B) for the Air Force Reserve, $30,018,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
		Organizational Maintenance Shop #7	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.

Sec. 2712. Modification of annual base closure and realignment reporting requirements.

Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.

Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DEVELOPMENT OF RECOMMENDATIONS IN ANY FUTURE ROUND OF BASE CLOSURES AND REALIGNMENTS.

(a) REPEAL OF PROVISIONS RELATED TO DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.—Sections 2902, 2903(d), 2912(d), and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are repealed.

(b) CONFORMING AMENDMENTS.—Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "and to the Commission";

(B) in paragraph (2), by striking "and the Commission";

(C) in paragraph (3)(C), by striking "the Commission and";

(D) in paragraph (5)(A), by striking "or the Commission"; and

(E) by striking paragraph (6); and

(2) in subsection (e)—

(A) in paragraph (1), by striking "the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commissions" and inserting "the Secretary makes recommendations under subsection (c), transmit to the Congress a report containing the President's approval or disapproval of the Secretary's";

(B) in paragraphs (2), (4), and (5) and the second sentence of paragraph (3), by striking "the Commission" each place it appears and inserting "the Secretary";

(C) in the first sentence of paragraph (3), by striking "the Commission, in whole or in part, the President shall transmit to the Commission and" and inserting "the Secretary, in whole or in part, the President shall transmit to the".

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the validity of the recommendations submitted by the Defense Base Closure and Realignment Commission in the 2005 or earlier rounds of closures and realignments of military installations.

SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking "As part of the budget request for fiscal year 2007 and for each fiscal year thereafter" and inserting "(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016"; and

(2) by adding at the end the following new subsection:

"(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.".

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking "and realignment" both places it appears;

(2) in paragraph (2), by striking "and realignments"; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking "or realignment" each place it appears.

SEC. 2713. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(B) in subsection (a), by striking "Section 2905A" and inserting "Section 2906A"; and

(C) in subsection (b), by striking "section 2905A" and inserting "section 2906A".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking "20 percent or $2,000,000, whichever is greater" and inserting "20 percent or $2,000,000, whichever is less".

Subtitle C—Other Matters

SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED ARMY MEDICAL HOSPITAL AND RELOCATION OF OPERATIONS TO NATIONAL NAVAL MEDICAL CENTER AND FORT BELVOIR.

(a) REQUIRED CERTIFICATION.—The Secretary of Defense may not commence the closure of Walter Reed Army Medical Hospital or continue with the construction at the National Naval Medical Center in Bethesda, Maryland, and Fort Belvoir, Virginia, of replacement facilities beyond the construction necessary to complete the foundations of the replacement facilities until—

(1) the Secretary certifies to the congressional defense committees that each of the conditions imposed by this section has been satisfied; and

(2) a period of 7 days has expired following the date on which the certification is received by the committees.

(b) PROGRESS ON DESIGN FOR REPLACEMENT FACILITIES.—

(1) PREPARATION.—The Secretary of Defense shall replace the conceptual design prepared for the new National Military Medical Center at the National Naval Medical Center with a design for the facility that is certified as at least 90 percent complete by an engineer or architect registered in the State of Maryland.

(2) COLLABORATIVE DESIGN PROCESS.—The Secretary of Defense may not delegate the responsibility for the preparation of the design for the National Military Medical Center to the prime contractor selected for construction of the facility. The design for the National Military Medical Center shall be prepared through a collaborative process involving—

(A) personnel of the Department of Defense;

(B) representatives of premier health care facilities in the United States; and

(C) current and former patients of the military medical system.

(c) INDEPENDENT COST ESTIMATE.—

(1) PREPARATION.—The Cost Analysis Improvement Group of the Department of Defense shall prepare an independent cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Hospital, design and construct replacement facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities. In preparing the cost estimate, the Cost Analysis Improvement Group shall not consider the possibility of private funds being obtained to construct the proposed traumatic brain injury treatment facility at the National Naval Medical Center.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
Sec. 2815. Defense access roads.
Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Guam Defense Policy Review Initiative Account.
Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.

Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.
Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2828. Prevailing wage applicable to Guam.

Subtitle D—Energy Security

Sec. 2841. Certification of enhanced use leases for energy-related projects.
Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.
Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—

(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);

(2) by redesignating the subsequent three paragraphs as paragraphs (2), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.".

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

"(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which a contract is proposed to be awarded for the project.".

SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking "2008" and inserting "2009".

SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking "$18,620 per unit" and inserting "$35,000 per unit".

SEC. 2804. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

"§2835a. Use of military family housing constructed under build and lease authority to house other members

"(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

"(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

"(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

"(2) The term of the lease contract for military unaccompanied housing converted from military family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

"(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

"(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

"(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

"(2) The notice required by paragraph (1) shall include—

"(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

"(B) a description of the long-term lease to be converted;

"(C) amounts to be paid under the lease; and

"(D) the expiration date of the lease.

"(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

"2835a. Use of military family housing constructed under build and lease authority to house other members.".

SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE SECRETARY OF DEFENSE FOR USE AS RESIDENCE.

(a) LEASE OF HOUSING AUTHORIZED .—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2838. Lease of military family housing to the Secretary of Defense for use as residence

"(a) LEASE AUTHORIZED.—The Secretary of a military department may lease military family housing in the National Capital Region (as such term is defined in section 2674 of this title) to the person serving as the Secretary of Defense for the purpose of permitting the person to use the housing as a personal residence while the person is serving as Secretary of Defense. In determining the unit of military family housing to lease under this section, the Secretary of Defense and the Secretaries of the military departments should first consider any units then available that are already substantially equipped for executive communications and security.

"(b) RENTAL RATE.—A lease under subsection (a) of a unit of military family housing shall provide for the payment by the person serving as the Secretary of Defense of consideration in an amount equal to the higher of the following:

"(1) 105 percent of the monthly rate for the basic allowance for housing prescribed under section 403(b) of title 37 for a member of the armed forces in the pay grade of O–10, with dependents, assigned to duty at the military installation on which the housing unit is located.

"(2) The assessed fair market value of the housing unit, offset by the security and infrastructure savings associated with housing the lessee on a military installation.

"(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all money rentals received pursuant to a lease entered into by that Secretary under this section

into a special account in the Treasury established for such military department.

“(2) The proceeds deposited into a special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, in such amounts as are provided in advance in appropriation Acts, for maintenance, protection, alteration, repair, improvement, or restoration of military housing on the installation at which the housing leased pursuant to subsection (a) is located.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2838. Lease of military family housing to the Secretary of Defense for use as residence.”.

SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CONNECTION WITH INSTALLATION VULNERABILITY ASSESSMENTS.

Section 2859 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: “that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities”.

(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—Section 2872 of such title is amended—

(1) by inserting “(a) AVAILABILITY OF ALTERNATIVE AUTHORITIES.—” before “In addition”; and

(2) by adding at the end the following new subsection:

“(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—The Secretary concerned shall ensure that an eligible entity that will acquire or construct housing units or ancillary supporting facilities under this subchapter is fully bonded for the construction of the units or facilities by obtaining payment and performance bonds in an amount not less than 100 percent of the maximum price allowable under the contract for the overall project.”.

(c) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the conveyance or lease of property or facilities under this section permit full and free competition consistent with the value and nature of the property or facilities involved.”.

(d) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

“§2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

“(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

“(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

“(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

“2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.”.

(e) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

“(7) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $35,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.”.

SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZATION BEST PRACTICES.

Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) A separate report on best practices for the execution of housing privatization initiatives, covering the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to sustainment of the public private venture following conclusion of the contract. Issues covered by this reporting requirement include project oversight requirements, community, subcontractor, bond holder, and project owner relations, and such other topics that are identified as pertinent by the Department of Defense.”.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended—

(1) by striking “river and harbor projects or flood control projects” and inserting “Army civil works water resource development projects”; and

(2) by striking “acquisition specifically authorized in a Military Construction Authorization Act” and inserting “transaction specifically authorized in a Military Construction Authorization Act or other Act authorizing or directing activities of the Department of Defense”.

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES.

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

“(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States, the Secretary concerned may lease to such lessee and upon such terms as the Secretary concerned considers will promote the national defense or to be in the public interest, real or personal property that—

“(1) is under the control of the Secretary concerned;

“(2) is not for the time needed for public use; and

“(3) is not excess property, as defined by section 102 of title 40.”.

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

“(4) The term ‘Secretary concerned’ means—

“(A) the Secretary of a military department, with respect to matters concerning that military department; and

“(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.”.

(b) LIMITATION ON DURATION OF LEASE.—Subsection (b)(1) of such section is amended by inserting “, but not to exceed 50 years,” after “longer period”.

(c) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.”.

(d) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

“(4)(A) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted under subsection (b)(5) or this subsection, will exceed $500,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

“(i) a description of the proposed lease, including the proposed duration of the lease;

“(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

“(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

“(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination; and

“(v) a determination that the lease is directly compatible with the mission of the military installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease.

“(B) In the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

“(i) A copy of the report submitted under subparagraph (A).

“(ii) A description of the differences between the report submitted under that subparagraph and the new report.

“(iii) A description of the agreement reached with the local municipality on taxation issues and other development issues related to the proposed project, including payments-in-lieu-of taxes.

“(iv) A description of the lessee payment required under this section.”.

(e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) The Secretary concerned may not accept in-kind consideration under paragraph (1) with respect to a lease under this section to support the development of a project for a non-appropriated fund activity of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces if the revenues estimated to be generated from the resulting facility would generally cover the operating expenses of the facility.".

(f) CONFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(B) in paragraphs (3), (4), and (6), by striking "of the military department" each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(II) by striking "such military department" and inserting "that Secretary";

(ii) in clause (iii), by striking "military department" and inserting "Secretary"

(B) in paragraph (1)(B)(i), by striking "Secretary of a military department" and inserting "Secretary concerned";

(C) in paragraph (1)(C), by striking "of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department" and inserting "established for the Secretary concerned shall be available to the Secretary";

(D) in paragraph (1)(D)—

(i) by striking "of a military department under subparagraph (A)" and inserting "established for the Secretary concerned"; and

(ii) by inserting "or Defense Agency location" after "military installation";

(E) in paragraph (1)(E), by striking "installation" and inserting "military installation or Defense Agency location"; and

(F) in paragraph (3), by striking "Secretary of a military department" and inserting "Secretary concerned".

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking "Secretary of a military department" and inserting "Secretary concerned".

(g) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (f)(2) of this section.

(h) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2667 of such title is amended to read as follows:

"§2667. Leases: non-excess property of military departments and Defense Agencies".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

"2667. Leases: non-excess property of military departments and Defense Agencies.".

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUCTURE.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) CONVEYANCE OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Secretary concerned may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate, in and to utility system infrastructure under the jurisdiction of the Secretary to the entity to which a utility system has been conveyed under subsection (a) if the infrastructure will be used as part of the utility system.

"(2) In making a conveyance under paragraph (1), the Secretary concerned may use other than competitive procedures. As consideration for the conveyance, the Secretary concerned shall receive an amount equal to the fair market value of the conveyed utility infrastructure, determined in the same manner as the consideration the Secretary could require under subsection (c) for the conveyance of a utility system under subsection (a).".

(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection (h) of such section is amended—

(1) in the subsection heading, by striking "SYSTEMS.—" and inserting "SYSTEMS OR INFRASTRUCTURE.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) In lieu of carrying out a military construction project to construct, repair, or replace utility infrastructure to be used with a utility system conveyed under subsection (a), the Secretary concerned may provide, from amounts authorized and appropriated for the project for fiscal year 2009 or subsequent fiscal years, funds to the entity to which the utility system has been conveyed for use by the entity to construct, repair, or replace the utility infrastructure if the infrastructure will be used as part of the utility system. As consideration for the provision of such funds, the Secretary may require a reduction in charges for utility services in the same manner as a reduction in charges may be required under subsection (c) for the conveyance of a utility system under subsection (a).".

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

"§2465a. Contracts for procurement of municipal services for military installations in the United States

"(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary a military department may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States under the jurisdiction of the Secretary from a county or municipal government for the geographic area in which the installation is located.

"(b) COVERED MUNICIPAL SERVICES.—Only the following municipal services may be procured for a military installation under the authority of this section:

"(1) Refuse collection.

"(2) Refuse disposal.

"(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary may enter in a contract under subsection (a) using procedures other than competitive procedures if—

"(1) the term of the proposed contract does not exceed five years;

"(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair and reasonable and represents the least cost to the Federal Government; and

"(3) the business case supporting the Secretary's determination under paragraph (2)—

"(A) describes the availability, benefits, and drawbacks of alternative sources; and

"(B) establishes that performance by the county or municipal government will not increase costs to the Federal government, when compared to the cost of continued performance by the current provider of the services.

"(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment or another official of the Department of Defense at an equivalent level.

"(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the congressional defense committees of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department will be minimized.

"(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

"2465a. Contracts for purchase of municipal services for military installations in the United States.".

(c) TERMINATION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed. The repeal of such section shall not affect the terms or validity of any contract entered into before the date of the enactment of this Act under the pilot program authorized by such section.

SEC. 2815. DEFENSE ACCESS ROADS.

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following new paragraph:

"(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.".

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

SEC. 2816. PROTECTING PRIVATE PROPERTY RIGHTS DURING DEPARTMENT OF DEFENSE LAND ACQUISITIONS.

(a) PROTECTION OF PRIVATE PROPERTY.—The Secretary of Defense and the Secretaries of the military departments shall make every reasonable effort to acquire real property expeditiously by negotiation. Real property offered shall meet the requirements of Secretary-approved real property acquisition plans.

(b) WILLING SELLERS.—The Secretary of Defense or the Secretary of a military department shall not be precluded from acquiring real property from willing sellers so long as the real property offered meet the requirements of Secretary-approved real property acquisition plans

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the "Guam Defense Policy Review Initiative Account" (in this section referred to as the "account").

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the account all contributions received during fiscal year 2009 and subsequent fiscal years under section 2350k of title 10,. United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), to the extent provided in advance in appropriations Acts, amounts in the account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not subject to conditions imposed on the use of appropriated funds by chapter 169 of title 10, United States Code, or contained in annual military construction appropriations Acts.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(D) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Guam Defense Policy Review Initiative Account to the following funds:

(A) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(B) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of such title.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 169 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing information on each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and relocation of military personnel on Guam that are included in the future-years defense program pursuant to section 221 of title 10, United States Code.

SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPECIAL PURPOSE ENTITIES FOR MILITARY HOUSING RELATED TO GUAM REALIGNMENT.

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any Special Purpose Entity established to assist in the provision of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) be conducted as joint ventures between Japanese and United States private firms, except that any military family housing venture carried out by such a joint venture should be primarily managed by a United States private firm.

(b) SCOPE OF ACTIVITIES.—It is the sense of Congress that funding for such a Special Purpose Entity should not be limited to only utility improvements and the construction of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that funding for such' a Special Purpose Entity should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system.

(d) MILITARY FAMILY HOUSING.—It is the sense of Congress that the building requirements imposed for any military family housing constructed by such a Special Purpose Entity in connection with the realignment of military installations and the relocation of military personnel on Guam should be established by the Department of Defense in accordance with current building standards that are used with other projects.

(e) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term "Special Purpose Entity" means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL ASSISTANCE TO GUAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in coordination with the Interagency Group on Insular Areas, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation. The memorandum of understanding would stipulate the commitment of Federal agencies to assist the Government of Guam in carrying out the Guam realignment in a responsible and consistent manner.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term "Interagency Group on Insular Areas" means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING INTERAGENCY REQUIREMENTS RELATED TO GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term "Interagency Group on Insular Areas" means the

interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIATIVES IN GUAM MILITARY CONSTRUCTION AND INSTALLATIONS.

(a) LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PRINCIPLES.—With respect to all new military construction projects on Guam and military housing to be constructed on Guam related to the realignment of military forces on Guam, the Secretary of Defense shall require the incorporation of design criteria promulgated in the Leadership in Energy and Environmental Design Green Building Rating System, as developed by the United States Green Building Council, to achieve not less than the silver standard. This requirement shall apply regardless of the source of funds for the project.

(b) RENEWABLE ENERGY GOAL.—The Secretary of Defense shall establish a goal for the use of renewable energy sources on all military installations on Guam. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the plan of the Secretary to achieve the renewable energy goal. The report shall identify the renewable sources of energy that will be utilized and describe how the renewable sources will be utilized and installed at military installations on Guam.

SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT REGARDING GUAM REALIGNMENT.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the efforts of the Inspector General to address potential waste and fraud associated with the realignment of military forces on Guam.

SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after "Virgin Islands," the following: "the Commonwealth of the Northern Mariana Islands,".

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2816. Application of prevailing wage for construction on Guam

"Subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction authorized under this chapter of any facilities on Guam. In order to carry out the requirements of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2816. Application of prevailing wage for construction on Guam.".

Subtitle D—Energy Security

SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20 years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the lease is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.".

SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: "ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—"

(2) in paragraph (1), by inserting ", the Energy Independence and Security Act of 2007 (Public Law 110–140)," after "58)"; and

(3) by adding at the end the following new paragraph:

"(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations.".

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the "redevelopment authority"), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the "NAS Property".

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION OPTIONS.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy and the redevelopment authority shall agree upon one of the following options:

(1) Not later than nine months after the date of the enactment of this Act, the redevelopment authority shall accept the consideration terms described in the document negotiated between the redevelopment authority and the Secretary of the Navy known as the draft "Summary of Acquisition Terms and Conditions" and dated September 18, 2006, as such language may be amended, with value to be determined for the portion of the NAS Property known as Parcel 3, and subsequently make payments to the Secretary in accordance with such document.

(2)(A) The redevelopment authority shall ensure that the entity that acquires title to the NAS Property for development (in this paragraph referred to as the "development entity") submits to the Secretary of the Navy a down payment of $10,000,000 dollars at the time the initial portion of the NAS Property is conveyed to the development entity.

(B) In addition, the redevelopment entity shall submit to the Secretary 12 percent of all gross residential and commercial building sales to the first bona-fide, arms-length third-party buyer, whether as new construction or the sale of rehabilitated existing structures. In the event that the development entity transfers all or any portion of the NAS Property to a third party, including any subsidiaries, before the completion of new or rehabilitated construction, the development entity shall satisfy the payment requirement as prescribed in this paragraph at such time as the NAS Property is conveyed to a bona-fide, arms-length third-party buyer. This obligation shall not apply to the sale of any buildings on land held in the public trust by the State of California or sales of land or buildings for the purposes of constructing or otherwise providing affordable housing, as determined by the Secretary.

(3)(A) The redevelopment authority shall submit 80 percent of the gross proceeds received by the redevelopment authority from the redevelopment authority's competitive solicitation of any portion of the NAS Property not encumbered by the public trust.

(B) To comply with this paragraph, the redevelopment authority shall—

(i) prepare, for review and approval by the Secretary of the Navy, commercially reasonable solicitation materials consisting of a request for qualifications and a request for proposals for the conveyance or lease of the NAS Property, as appropriate, in accordance with established contract principles, and such approval by the Secretary shall not be unreasonably withheld; and

(ii) pay to the Secretary the required share of monies received by the redevelopment authority by reason of any contract or agreement executed as a result of the solicitation.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda .dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) REMEDIATION.—The Secretary of the Navy shall, to the extent practicable, remediate the NAS Property to the standard included by the Secretary and the redevelopment authority in the document referred to in subsection (c)(1).

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Department.

(h) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(i) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under

this section shall be credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 10 acres of the Norwalk Defense Fuel Supply Point in Norwalk, California, for the purpose of permitting the City to utilize the property for recreational purposes as an addition to the adjacent Holifield Park. In connection with the conveyance, the Secretary may make a payment to the City to assist the City in making municipal upgrades in the vicinity of the Norwalk Defense Fuel Supply Point.

(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation activities with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in such subsection. The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, FORMER NAVAL STATION, TREASURE ISLAND, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority for former Naval Station, Treasure Island, California (in this section referred to as the "redevelopment authority"), all right, title, and interest of the United States in and to a parcel of real property consisting of those portions of the former Naval Station still retained by the Navy as of the date of the enactment of this Act and personal property and related utilities and improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance of the property under subsection (a), the Secretary and the redevelopment authority shall agree upon at least one of the following options:

(1) Subject to subsection (c), the redevelopment authority shall assume the remaining obligations of the Department of Defense to address releases or threatened releases of hazardous substances and petroleum and its constituents, to the extent necessary to obtain regulatory closure from relevant California and Federal environmental regulatory agencies, including a CERCLA covenant deferral by the Governor of the State of California.

(2) The redevelopment authority shall pay the United States a share of the gross revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property.

(c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—Under the consideration option provided by subsection (b)(1), the redevelopment authority shall not be required to accept any responsibility for—

(1) ordnance, explosives, munitions or similar devices or materials located on the conveyed property;

(2) radiological materials located on the conveyed property, where those materials were not identified before the conveyance under subsection (a) and were authorized to remain in place subject to the establishment of institutional controls enforced by a covenant with the California Department of Toxic Substances Control and deed restrictions to the property recipient;

(3) chemical or biological weapons or constituents thereof located on the conveyed property; and

(4) releases of hazardous substances and petroleum and its constituents located on the conveyed property, if the release of the hazardous substances or petroleum and its constituents was not discovered at the time of the conveyance and the costs of remediation of such unknown releases is not covered by environmental insurance procured by or benefitting the redevelopment authority.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the redevelopment authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and other costs related to the conveyance. If amounts are collected from the redevelopment authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the redevelopment authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a), and not refunded under such paragraph, shall be—

(A) counted toward the consideration otherwise required from the redevelopment authority under subsection (b); and

(B) credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance.

(3) USE OF AMOUNTS RECEIVED.—Amounts credited to a fund or account under paragraph (2)(B) shall be merged with amounts in the fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States, so long as such additional terms and conditions do not materially change the terms and conditions of this section, including the consideration to be provided the United States under subsection (b).

SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR STATION, BARBERS POINT, HAWAII.

As a condition of any lease executed by the Secretary of the Navy pursuant to section 2843 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2482) with Ford Island Properties/Hunt Development involving the former Naval Air Station, Barbers Point, Hawaii, the Secretary of the Navy shall require that Ford Island Properties/Hunt Development enter into a memorandum of understanding with the Hawaii Community Development Authority to ensure that the development plan for the real property covered by the lease conforms with the final Kalaeloa Master Plan and appropriate land use controls of the Hawaii Community Development Authority.

SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without consideration, to the City of Springfield, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, containing the Reserve Center for the purpose of permitting the City to utilize the property for municipal government activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made *on the record after an opportunity for a hearing.*

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses incurred by the Secretary with respect to the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the "State") all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir. In making that determination, the Secretary shall consider—

(1) the perimeter security requirements to protect the assets, people, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—Any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be administered by the Secretary of the Interior, acting through the National Park Service, and shall be managed by the Secretary of the Army, by an appropriate local agency, or by any other party mutually acceptable to the Secretary of the Army and the National Park Service. A written agreement confirming this management arrangement shall be co-signed by the parties to the easement agreement.

Subtitle F—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking "January 1, 2011" and inserting "January 1, 2012".

SEC. 2872. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the "Director"), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN RANGERS AT FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—The Secretary of the Army may permit the American Ranger Memorial Association, Inc., to establish and maintain, at a suitable location on Fort Belvoir, Virginia, a national memorial to honor the sacrifice and service of American Rangers during their almost four hundred years of existence.

(b) LOCATION AND DESIGN.—The actual location and final design of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the location, the Secretary shall seek to maximize visitor access to the resulting memorial.

(c) MAINTENANCE.—The maintenance of the memorial authorized by subsection (a) by the American Ranger Memorial Association, Inc., shall be subject to such conditions regarding access to the memorial, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the memorial authorized by subsection (a).

SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITION ON USE OF LEASED PROPERTY.—As a condition on the lease under subsection (a), the USS Missouri Memorial Association shall agree to preserve and maintain the USS Missouri for education purposes, historic preservation, and community outreach.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the condition imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the "Lyster Army/VA Health Clinic". Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska ...	Fort Wainwright ..	$17,000,000
California.	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia ..	Fort Benning	$30,500,000
....	Fort Gordon	$39,800,000
Hawaii ...	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
....	Fort Knox	$7,400,000
Missouri	Fort Leonard Wood.	$50,000,000
North Carolina.	Fort Bragg	$8,500,000
Oklahoma.	Fort Sill	$9,000,000
South Carolina.	Fort Jackson	$27,000,000
Texas	Fort Bliss	$17,300,000
....	Fort Hood	$7,200,000
....	Fort Sam Houston	$54,000,000
Virginia	Fort Eustis	$50,000,000
....	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Various Locations	$54,000,000
Iraq	Baghdad	$13,000,000
....	Camp Adder	$13,200,000
....	Camp Ramadi	$6,200,000
....	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $440,700,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $367,700,000.

(2) For military construction projects outside the United States authorized by subsection (b), $67,000,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California.	Camp Pendleton	$9,270,000
....	China Lake	$7,210,000
....	Point Mugu	$7,250,000
....	San Diego	$12,299,000
....	Twentynine Palms.	$11,250,000
Florida	Elgin Air Force Base.	$780,000
Mississippi.	Gulfport	$6,570,000
North Carolina.	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$22,390,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

(4) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California.	Beale Air Force Base.	$17,600,000
Florida	Eglin Air Force Base.	$11,000,000
New Jersey.	McGuire Air Force Base.	$6,200,000
New Mexico.	Cannon Air Force Base.	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Masirah Air Base	$6,300,000
Qatar	Al Udeid	$100,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $150,927,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $42,800,000.

(2) For military construction projects outside the United States authorized by subsection (b), $106,700,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Country	Installation or Location	Amount
Georgia	Fort Benning	$350,000,000
Kansas	Fort Riley	$404,000,000
North Carolina.	Camp Lejeune	$122,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $956,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $876,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $80,000,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570) is amended—

(1) in the item relating to Bagram Air Base, Afghanistan, by striking "$249,600,000" in the amount column and inserting "$195,600,000";

(2) in the item relating to Camp Adder, Iraq, by striking "$80,650,000" in the amount column and inserting "$75,800,000";

(3) in the item relating to Camp Anaconda, Iraq, by striking "$53,500,000" in the amount column and inserting "$10,500,000";

(4) in the item relating to Camp Victory, Iraq, by striking "$65,400,000" in the amount column and inserting "$60,400,000";

(5) by striking the item relating to Tikrit, Iraq; and

(6) in the item relating to Camp Speicher, Iraq, by striking "$83,900,000" in the amount column and inserting "$74,100,000".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations
Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.
Subtitle B—Program Authorizations, Restrictions, and Limitations
Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,301,922,000, to be allocated as follows:

(1) For weapons activities, $6,609,639,000.

(2) For defense nuclear nonproliferation activities, $1,455,148,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $409,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization, Phase 2, Sandia National Laboratories, New Mexico, $3,000,000.

Project 08–D–806, Ion Beam Laboratory Refurbishment, Sandia National Laboratories, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactor Facilities Production Support Complex, Naval Reactors Facility, Idaho, $8,300,000.

Project 09–D–190, KAPL Infrastructure Upgrades, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,317,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $1,321,461,000, of which $487,008,000 is for construction of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina, and associated program activities and functions.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate, under which the person contributes funds for the effective and transparent disposition of excess weapon-grade Russian plutonium in the Russian Federation, known as the Russian Plutonium Disposition Program.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Energy may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Russian Plutonium Disposition Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) NOTICE TO APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use such amount until 15 days after the notice is submitted.

(e) ANNUAL REPORT.—Not later than October 31 of each year, beginning in the fiscal year in which the first contributions are retained under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(3) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) EXPIRATION.—The authority to accept, retain, and use contributions under this section shall expire on December 31, 2013.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking "Not later than 180 days after the date of the enactment of this Act," and inserting "No later than March 1, 2009,".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $25,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $19,099,000 for fiscal year 2009 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $117,848,000, of which—

(A) $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(B) $8,306,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, Unites States Code, $193,500,000, of which $19,500,000 will be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C 53101 note).

(4) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(5) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(7) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,531,000.

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administer of the Maritime Administration certifies that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) CERTIFICATION.—The certification required in subsection (b) must be provided to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 90 days before any vessel is approved for transport to a foreign country for purposes of dismantling, recycling, or scrapping.

(d) UNITED STATES DEFINED.—In this section the term "United States" means the States of the United States, Puerto Rico, and Guam.

SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking "$4,000" and inserting "$8,000";

(2) by inserting "tuition," after "uniforms,"; and

(3) by inserting "before the start of each academic year" after "and be paid".

SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2380) is amended to read as follows:

"SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

"(a) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

"(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

"(2) require that riding gang members hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(b) EXEMPTION.—

"(1) IN GENERAL.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

"(A) the individual is aboard a vessel that is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

"(B) the individual—

"(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

"(ii) is one of the force protection personnel of the vessel;

"(iii) is a specialized repair technician; or

"(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

"(2) BACKGROUND CHECK.—

"(A) IN GENERAL.—This section shall not apply to an individual unless—

"(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

"(ii) except as provided in subparagraph (B), the individual successfully passes a background check by the Secretary prior to going aboard the vessel.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual who, under paragraph (1), is not treated as a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.".

SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

"(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agreement under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.".

SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

(b) CONTRACT REQUIREMENTS.—Each contract under the program—

(1) must be approved by the Maritime Administrator;

(2) subject to paragraph (3), shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year; and

(3) shall terminate not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under the program.

(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the expiration of December 31, 2009.

(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.

(f) DEFINITIONS.—In this section:

(1) ACADEMY.—The term "Academy" means the United States Merchant Marine Academy.

(2) MARITIME ADMINISTRATOR.—The term "Maritime Administrator" means the Administrator of the Maritime Administration, or a designee of the Administrator.

(3) PROGRAM.—The term "program" means the program established under subsection (a).

> *Amend the title so as to read: "A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.".*

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–666 and amendments en bloc described in section 3 of the resolution.

Each amendment printed in the report shall be offered only in the order printed in the report (except as specified in section 4 of the resolution); may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

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It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 201(1), strike the dollar amount and insert the following: "$10,688,695,000".

In section 201(2), strike the dollar amount and insert the following: "$19,764,738,000".

In section 595(a), strike "(1) IN GENERAL.— ".

In section 713(d)(1)(B), strike "copayments for smoking cessation services had been waived pursuant to subsection (b) during that year" and insert "if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection".

In section 714, amend the section heading to read as follows:

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.

In section 832, page 329, line 12, strike "438(c)(1)(A)" and insert "438(d)(1)".

In section 1001(a)(2), in lieu of the blank underscore after the dollar sign, insert "4,000,000,000".

In section 2902, strike subsection (a) and insert the following new subsection:

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$19,962,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$17,930,000
	San Diego, Marine Corps Recruit Depot.	$43,200,000
	Twentynine Palms	$12,324,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina.	Camp Lejeune	$27,980,000
	Parris Island Marine Corps Recruit Depot.	$16,000,000
Virginia	Yorktown	$8,070,000

In section 2902(c), strike the dollar amounts in the matter preceding paragraph (1) and in paragraph (1) and insert "$197,618,000" and "$171,176,000", respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is a technical corrections amendment to H.R. 5658, as reported by the Committee on Armed Services on May 16 of this year, and I certainly hope it will be adopted and I so move.

Mr. HUNTER. Would the gentleman yield?

Mr. SKELTON. I yield.

Mr. HUNTER. We've obviously cleared this on our side, and we totally support the distinguished gentleman from Missouri's amendment.

Mr. SKELTON. I yield back, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SKELTON:

At the end of title X, add the following new section:

SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING INTEGRATION BETWEEN THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (c)(3).

(2) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

(A) stability operations;

(B) non-proliferation;

(C) foreign assistance (including security assistance);

(D) strategic communications;

(E) public diplomacy;

(F) the role of contractors; and

(G) other areas the Secretary of Defense, the Secretary of State, and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

(A) the structures and systems that coordinate policy-making;

(B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;

(C) integrating the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and

(D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

(i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and

(ii) methods to better integrate the national security collaborative system.

(2) ANNUAL REPORT.—

(A) Not later than December 31 of each year, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report on—

(i) the activities of the advisory panel;

(ii) any deficiencies in the national security collaborative system;

(iii) any improvements made to the national security collaborative system;

(iv) methods to better integrate the national security collaborative system; and

(v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate committees of Congress the reports under this subsection and any additional information considered appropriate.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report under this subsection, the advisory panel shall meet with the appropriate committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on September 30, 2013.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) NATIONAL SECURITY COLLABORATIVE SYSTEM.—The term "national security collaborative system" means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.

(3) STABILITY OPERATIONS.—The term "stability operations" means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is an amendment that deals with a very difficult situation that has arisen in recent years: the cooperation, or I should say, the lack of cooperation between various departments of our government that relate to national security. This in particular, however, deals with just the Defense Department and the State Department. We had a historic hearing in our committee touching on this subject with the Secretary of Defense and the Secretary of State testifying side by side.

This amendment provides both the Congress and the executive branch with specific recommendations by a specified panel to key issues based on practical experience. It will also serve as a useful tool to guide future congressional efforts in this area and demonstrate congressional commitment to long-term solutions and cooperation.

I wish to compliment my friend and colleague from California for his assistance on this as well, Mr. BERMAN, and I might say this also is a bipartisan amendment. Several people, the gentleman on the Armed Services Committee on the other side of the aisle, are strongly in favor of it, as well as on the Democratic side.

I also wish to thank, besides Mr. BERMAN, NITA LOWEY for her cosponsorship of this particular amendment.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would yield to myself such time as I might consume.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I would simply say that this is an important amendment and one that I support strongly, and I think most of the members of the committee support strongly.

This is a joint effort. It's not just a DOD effort, when we discussed the two warfighting theaters and the standing up of a government that will be an ally of the United States and will have a modicum of democracy. It's important to have the other agencies that are so critical to this effort, to the coordination of this effort, that is, the Department of State and the USAID administrator, to be involved to ensure that we do have coordination and cooperation.

At this time, Mr. Chairman, I'd like to yield to Mr. FORBES, the gentleman from Virginia, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the amendment to create an advisory panel between the Department of Defense and the State Department.

Under the leadership of Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY, I believe we've taken the first of what I hope will be many steps to reform the Interagency process.

As Chairman SKELTON said yesterday, reforming the way our Federal agencies cooperate is not going to happen in 1 year.

We have 19 Federal departments that have Cabinet-level authority, each with their own mission, culture, and priorities. But whether it is coordinating a uniform and united response to a natural disaster such as Hurricane Katrina, whether it's organizing counterterrorism efforts between the CIA, FBI and the Department of Homeland Security, or whether it's coordinating food safety efforts between the Department of Agriculture and the Department of Homeland Security, it's critical that our agencies are not restricted by regulations or cultures that lead to distrust rather than one of cooperation.

The American people expect their government agencies to work together to be responsive and effective in carrying out the duties of government: keeping America safe, enforcing justice, and providing assistance in times of crisis. Americans expect this to be the case in our government's dealing, both at home and around the world.

So I urge my colleagues to support this amendment, which establishes an advisory panel between two of our largest departments. This panel will identify ways those departments can collaborate more effectively to address national security challenges we face.

I want to thank Chairman SKELTON for his leadership and his commitment to this issue.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, the coauthor of this amendment, the gentleman from California (Mr. BERMAN) who is the distinguished chairman of the Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. BERMAN. I thank the gentleman for yielding.

I'm very proud to cosponsor this amendment with Mr. SKELTON, the Chair of the committee, along with the Chair of the Subcommittee on State and Foreign Operations, Mrs. LOWEY.

Among the many lessons learned from the wars in Iraq and Afghanistan is the stark fact that the State Department and Defense Department have failed to coordinate on critical policy issues in these two war zones. In fact, throughout the U.S. Government, there is a misalignment between resources and missions, expertise and funding.

The problems are most evident in the arena of stability and reconstruction operations, where the Defense Department has assumed the lion's share of responsibilities.

However, the Defense Department is now playing a greater role in a wide range of foreign assistance programs. By some estimates, more than 20 percent of foreign aid now flows through the Pentagon.

Some of this can be attributed to a lack of capacity at State and USAID, a problem we're trying to address through legislation authored by Mr. FARR, which the House passed and is now a part of this bill.

But to the extent these problems result from a lack of coordination, we need to take steps to help ensure that the day-to-day plumbing of our national security agencies is sufficiently welded so that personnel from different departments have incentive to work together, and that the objectives of these departments are properly calibrated with overall U.S. Government priorities.

This amendment constitutes a first step in that direction. It establishes an advisory panel, structured to ensure that the three key agencies charged with protecting U.S. national security and promoting American interests abroad, State, Defense and USAID, have equal presence. I hope that the panel will work closely with these agencies to produce a report that is practical, well-informed and, most important, directly applicable to their day-to-day operations.

The one thing I know is that if this panel creates a dynamic where these agencies work as well together as I have found the ability to work with the chairman of the House Armed Services Committee, we can make a lot of progress here. It's a real honor to have been engaged with Chairman SKELTON, as well as Chairwoman LOWEY on the appropriations side, in trying to come to grips with this problem.

I think this is a good first step, and I urge my colleagues to adopt this amendment.

Mr. HUNTER. Mr. Chairman, we have one more speaker who I think is on his way. So if the gentleman from Missouri has another speaker, if we could pass and see if we can get our other speaker down here.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, my colleague, the gentlelady from California (Mrs. DAVIS) who is the chairwoman of the Subcommittee on Military Personnel of our Armed Services Committee.

Mrs. DAVIS of California. I rise in support of the Skelton-Berman-Lowey amendment.

Mr. Chairman, the wars in Iraq and Afghanistan have highlighted why Congress and the executive branch must do a better job of marshalling all elements of national power in support of U.S. goals abroad and ensure that future missions are not military-centric but joint interagency efforts.

The creation of an interagency advisory panel required to make recommendations to each department is an excellent first step.

As important as the creation of this new panel is, the coordination between the committees that we see here today is also critical.

We know that part of the interagency problem is the rigid stovepipe structure found right here in this body. So while this amendment seeks to influence the executive branch, it will take reforms on both ends of Pennsylvania Avenue to have the type of interagency coordination we need to address the challenges of the 21st century.

I applaud the sponsors of this bill, Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY. They deserve an enormous amount of credit for bringing this forward, and I urge all of my colleagues to support it.

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Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I support this amendment. I want to commend Chairman SKELTON and Chairman BERMAN and Chairwoman LOWEY for working together. It is something that does not often happen in this body to have three different Chairs work together on a common purpose. In addition, Mrs. DAVIS from California and Mr. DAVIS from Kentucky have been pushing this very same issue.

Mr. Chairman, if we're going to be successful against the terrorists or any other number of challenges we face, we have to have all the instruments of national power and influence working together, not only coordinated, but integrated, so that it is a seamless unit.

I hope, as others have said, this is a first step. But it is clearly only one step towards greater reforms that need to take place to ensure that it is one integrated unit when this country seeks to accomplish things. I appreciate the spotlight being shown on the problem through this amendment. And I hope that we have this sort of cooperation going forward in the future as well.

Mr. SKELTON. At this time, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), who is a member on leave from our Armed Services Committee.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of the Skelton-Berman-Lowey amendment, and I want to commend the sponsors for proposing this amendment.

Having served on the Armed Services, Intelligence, and Homeland Security Committees, I have seen firsthand the stovepiping that occurs in the various parts of government responsible for national security. I recognize the urgent need to encourage greater interagency cooperation, both in strategic planning and at the operational level.

Our Nation has many ways to promote stability and peace throughout the world and protect our Nation. We often see a focus on our hard power assets, such as use of our military, but we also use our diplomacy, financial assistance, or other "soft power" assets such as cultural exchanges and communications. We need far better coordination and cooperation between our hard and soft power assets to truly achieve a comprehensive national security strategy for the United States.

This amendment would create an advisory panel to encourage collaboration among Department of Defense, State Department, and USAID. This is an important first step in promoting a comprehensive view of national security, and I'm confident that the sponsors of this amendment will build on this effort.

I look forward to working with them to encourage more interagency cooperation so that the United States can be more effective in reaching our national security goals.

Mr. SKELTON. Mr. Chairman, may I inquire as to the remaining time, please.

The Acting CHAIRMAN. The gentleman from Missouri has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. SKELTON. Mr. Chairman, let me take this opportunity to say a special thanks to those who worked so hard and so long on this issue. Number one is recognizing the problem, number two is doing something about it.

Now, it really crosses more than two departmental lines or two committee lines, the Defense and the Foreign Affairs. This is a major step in the right direction, and Congress is doing something about it.

Let me say special thanks, first, to our ranking member, Mr. HUNTER, to Dr. SNYDER, Mrs. DAVIS of California, Mr. THORNBERRY of Texas, Mr. MURTHA, of course cosponsor Mr. BERMAN, cosponsor Mrs. LOWEY, Mr. COOPER, who chaired the panel on Roles and Missions, Mr. SCHIFF, Mr. LANGEVIN and Mr. GEOFF DAVIS. I'm sure there are others that have worked on it, but those need special recognition for the efforts that they put forth in this.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, at this time, I yield back the balance of my time unless the gentleman from Missouri needs it. I would yield it to his side.

Mr. SKELTON. I do have at least one additional speaker, Mr. Chairman.

Mr. HUNTER. Mr. Chairman, my speaker did just arrive. If I could impose on the gentleman, he is ready to go.

I would ask unanimous consent that I be allowed to retrieve my time.

The Acting CHAIRMAN (Mr. ROSS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I would yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Thank you, Congressman HUNTER, Chairman SKELTON.

I just want to make a statement that I rise in very strong support of this amendment. It is critical right now that we address the challenges between the agencies and the Federal Government.

Over a year ago, Congresswoman SUSAN DAVIS and I formed the bipartisan National Security Reform Caucus to begin to address these issues in a new flavor from what now Chairman SKELTON began to address as a young Member of Congress in the 1980s, leading to sweeping reforms in the Defense Department, and leading to the concept of jointness between our services that we have today.

We've seen this caucus grow. We've seen terrific hearings that have been done on the Oversight and Investigations Committee pointing to the need for better interoperability between the State Department and the Defense Department. We have many dedicated civil servants and many dedicated military personnel who are actually blocked, in many aspects, from working together because of the silos of the agencies, statutes and regulations in accounting that prevents them from interacting effectively.

I think that one of the things that we need to do as a Nation is to have the ability to more flexibly and agilely use our instruments of national power so that putting troops on the ground, using our kinetic power, is the last thing we do; that we can begin on the soft end with humanitarian efforts, peacekeeping, peace enforcement, reaching out with information, and using very powerful and often unheralded assets like the Agency for International Development, more expeditionary Foreign Service, and allow this interaction to take place in an effective manner. I think that by having this standard advisory panel, we can take the politics out of this and continue to work closely.

I appreciate the chairman's leadership, leading in a bipartisan manner on such a critical issue, convening many meetings and forums, and also participating over a year ago with us on this Council of Foreign Relations effort that brought together much of the interagency community.

Again, I encourage my colleagues to support this. Thank you for your time, and the chairman for his graciousness and procedure.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Pursuant to section 4 of House Resolution 1218, and as the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the en bloc amendments, the following amendments be considered in the following order: amendment No. 6, amendment No. 23, amendment No. 33, amendment No. 8, amendment No. 15, amendment No. 26, amendment No. 50, amendment No. 53.

Mr. Chairman, I yield 1 minute to my friend from Tennessee, (Mr. COOPER).

Mr. COOPER. I thank the chairman, IKE SKELTON of Missouri, who has done a tremendous job of leading this important bill through this Congress and including this very, very important amendment that I urge my colleagues to support.

No Member of this body has done more to promote roles and missions reform than IKE SKELTON. He was present at the creation of Goldwater-Nichols back in the 1980s, and he is pushing the Pentagon hard today to keep America number 1, to make sure that we're getting our roles and missions right.

I am personally grateful that he sponsored the panel in which seven Members, on a bipartisan basis, reached unanimous agreement that we need to tackle this important subject.

I want to thank, in particular, my ranking member, PHIL GINGREY, but all of the panel members, whether it's Mr. LARSEN, Ms. GILLIBRAND, Admiral Sestak, Mr. CONAWAY and Mr. DAVIS. It was a very important effort to work on. I look forward to the passage of this amendment, when we can have a standing committee within the Pentagon itself to focus on this important issue.

So I congratulate all of my colleagues in the House. This is the Duncan Hunter Defense Authorization bill. This is a landmark bill for the strength and safety of our country. This amendment will make that bill even stronger for future generations.

Mr. HUNTER. Mr. Chairman, I just want to say that the gentleman from Tennessee had it right in that the chairman has been a prime mover in forcing jointness with the military services. And it's only appropriate that, because this is an effort that requires other agencies, besides DOD, that we have a mechanism to get them together, move them together in a true jointness. I want to commend the chairman for his authorship of this.

At this point, Mr. Chairman, we have no more requests for time on this side. Unless the gentleman needs our time, I yield back our time.

Mr. SKELTON. I yield back the balance of my time, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–666.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. AKIN:

At the end of subtitle A of title II, add the following new section:

SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.

(a) INCREASE.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $193,000,000, of which—

(1) $101,000,000 shall be available for Future Combat Systems, MGV; and

(2) $92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, Navy, is hereby reduced by $30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, Broad Area Maritime Surveillance. The amount in section 421, military personnel, is hereby reduced by $138,000,000, to be derived from unobligated balances. The amount in section 1403, Defense Health Program, is hereby reduced by $25,000,000, to be derived from unobligated balances.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today on a subject that is of great deal of interest to the Army, and that is what's called the Future Combat Systems.

The Army has one basic modernization program, the only comprehensive modernization program that they've had in the last more than 30 years. So obviously this is of great interest to the Army, and the Army would like to see it funded at the level that it came across from the administration. And what we've done is we've cut over $200 million from Future Combat Systems. My amendment simply restores a portion, $100 million plus, of that $200 million cut.

Now the thing that we have to understand about this is this is a very complicated program. And next year, at least in theory, there is a "go, no go," either we're going to support this program or we're going to cancel it, and there is no fallback position. So here we are, 1 year before the final decision, and what we're doing is one more time inflicting a death of 1,000 slashes. Now, last year we tried to just slit its throat with $800 million, but this year we're simply cutting it a little over $200 million. It seems to be a very bad time when we are just 1 year away from making the final decision, go or no go, to cut money from it.

Now, if there is one way that you want to make a scheduled slip, the best way to do it is cut money out because then you don't have as many people working on it, it causes delays in the program. So do we want to cause delays in the program? I think not.

The one question might be, well, how do you fund this extra $100 million? Well, we're getting the money from the same place where we got $1 billion. The committee took $1 billion earlier, so this is a small amount more.

Mr. Chairman, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Chairman, I claim the time for those who oppose this amendment.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to Mrs. Davis.

Mrs. DAVIS of California. Mr. Chairman, I rise in strong opposition to the Akin amendment.

Our men and women in uniform and their families are bearing the brunt of the wars. Those who volunteer to protect our freedom face deployment after deployment, and we know that. Their families at home are facing difficulty getting the health care they need from military hospitals because of resource shortages.

This amendment was offered in committee and failed by a vote of 33–24. The question, Mr. Chairman, for Members on the Akin amendment is clear, how much do we support our military families? Are they really our high priority?

I urge my colleagues to stand with our troops and their families and oppose the Akin amendment.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. McHUGH).

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Mr. McHUGH. Mr. Chairman, with all due respect to my Chair, on which I serve as ranking on Personnel, it's really a case of "Do as I say, not as I do."

It's very important to recognize, whatever you feel about this amendment, the facts are these: The offsets both from the Defense Health Program that the gentlewoman just spoke in great emotional terms about as well as the cuts with respect to other offsets come from unexpended balances. And I think it's important to note as well, while our friends on the other side of the aisle are saying "absolutely not" to this very modest offset, that when it comes to these very same unexpended accounts, they spent $250 million out of the DHP, the Defense Health Program, while at the same time they took over $1 billion of unexpended balances.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. AKIN. I yield the gentleman an additional 30 seconds.

Mr. McHUGH. So the gentleman from Missouri's efforts to cut very modest amounts would not in any way diminish the onboard dollars that are spent in support of our men and women in uniform. No one on this side of the aisle is proposing to do that. The gentleman from Missouri is not.

Quite frankly, the protestations that I'm hearing on the floor as I heard in the full committee markup coming from people that took over $1¼ billion of those same funds to spend on other accounts is rather disingenuous.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I strongly oppose this amendment.

Back in law school when you had a question, the instructor would say, "Read it. What does it say?" And this amendment says that $163 million is attained from a military personnel account and from the health care account for our troops. That's what it says.

Let's be clear. The personnel account deals with pay and benefits and the health care for our military community. Cutting that is not acceptable.

Let me explain. The subcommittee system in the Armed Services Committee does a good job. This particular program, the Future Combat System, was scrubbed. As a matter of fact, some items in it were plussed up by several millions of dollars. Nothing well beyond 2015 was touched. It has come in at an estimate of nearly actually twice what the original estimate was.

I just think it's wrong to take this money or attempt to take this money from these accounts which take care of our troops. We are doing our best to increase the readiness of our troops, and readiness also touches families, families' attitude whether someone will reenlist and keep the skills in uniform or whether they will go home and not remain part of our military.

Consequently, I think this is just a wrong amendment and I do oppose it.

Mr. AKIN. Mr. Chairman, I yield to the gentleman from New York (Mr. McHUGH) an additional 30 seconds.

Mr. McHUGH. Mr. Chairman, I fully agree with the distinguished chairman: Read it. Read the budget that our Democrat friends put forward that shows how they cut from the President's request more than $580 million from personnel account recommendations. Read it, how the GAO report has shown that they expended from the unexpended balances of $1.8 billion available over $1 billion of that. And read it, how the GAO in expended balances in DHP listed $250 million a cut.

Mr. ABERCROMBIE. Mr. Chairman, how much more time did Mr. SKELTON have on his 2 minutes, please?

The Acting CHAIRMAN. His time had expired as he was ending, and the gentleman from Hawaii has 2 minutes remaining. The gentleman from Missouri has 1.

Mr. ABERCROMBIE. Mr. Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, we're talking about the amendment in front of us. That's what I think people should read. Not something else. Not something that is not on point in the middle of the discussion before us today.

Read it. It takes money from the personnel account and from the health care account. That's not treating the troops right.

Mr. AKIN. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, I am in very, very strong support of this amendment. The Future Combat System is a system that leverages technology in a way that it will help us in the future a great deal. This system has been under development for quite some years, and for the last 3 years in a row, not counting this year, for the last 3 years in a row, there have been significant cuts made to the program.

This year, as Mr. AKIN correctly pointed out, is the year where we get out the yardstick and say how much progress have we made? Do we want to continue the system or do we want to cancel it? A $233 million cut to this program this year to me seems to be very unwise because this is the yardstick year. This is the year where we make the decision, based on the progress that we have been able to measure, whether the program goes forward or is modified or is cancelled.

And so I believe that this amendment should be one we all support.

Mr. ABERCROMBIE. How much time is remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Hawaii has 1¾ minutes remaining. The gentleman from Missouri's time has expired.

Mr. ABERCROMBIE. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it cuts funding to our troops and their families. The defense bill's purpose is to ensure that troops and their families needs are put first as they struggle to fight two wars.

The needs of the Army are shortchanged in this amendment. The needs of the Army should be put first as the service carrying the heaviest burdens in the wars in progress. Readiness above all.

Putting troops first involves making choices. As President Eisenhower said about "the clearly necessary."

This amendment decreases pay benefits, health care for troops and their families, benefits that are clearly necessary by any measure, and puts hundreds of millions of dollars into corporate overhead.

Hear me. Understand. You vote for this amendment, you're voting to cut funds for the troops and their health care and their families' to put it in corporate overhead accounts, and you're going to be held to account for it come November, guaranteed.

The defense bill already provides $3.3 billion for this program. No more is needed for corporate overhead. The 5 percent reduction in the program that this amendment seeks to roll back has been reallocated. We reallocated funds for serious equipment shortfalls in the Army, National Guard, and Reserve. The equipment readiness needs of the Army, Guard, and Reserve take priority over corporate overhead any day. Understand, to pay for this amendment, you cut military pay, benefits, health care, and equipment for the National Guard and Reserve in multiple deployments.

The choice could not be more clear. You are going to take funding from the troops and their families and give it to defense contractors who have already received over $15 billion. Defense contractors are well paid for their services. They do not come and their profits don't come before military families.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 7, 9, 12, 13, 16, 17, 18, 21, 27, 29, 34, 35, 36, 37, 38, 39, 41, 44, 47, 48, 49, 54 and 57 printed in House Report 110–666 offered by Mr. SKELTON:

AMENDMENT NO. 7 OFFERED BY MRS. TAUSCHER

The text of the amendment is as follows:

At the end of title X, insert the following new section:

SEC. 1071. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

"(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act applies only to commissions that advise the executive branch.".

AMENDMENT NO. 9 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

In section 595, redesignate subsection (h) as subsection (i) and insert after subsection (g) the following new subsection:

(h) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 1 retired flag officer of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

AMENDMENT NO. 12 OFFERED BY MR. BUYER

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) $22,300,000 is authorized for first term dental readiness; and

(2) $8,500,000 is authorized for demobilization dental treatment.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.— The requirements developed under paragraph (1) shall include the following:

(A) REPORTING REQUIREMENT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(3) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(A) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(B) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term "covered contract"—

(A) means a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and

(ii) any task order or delivery order issued under the contract or such a subcontract.

(2) COVERED OFFENSE.—The term "covered offense", with respect to a covered contract, means an offense under chapter 212 of title 18, United States Code—

(A) that is a crime of violence (as defined in section 16 of such title 18); and

(B) that is committed—

(i) by or against contractor personnel; and

(ii) in geographic areas where the covered contract is performed.

(3) CONTRACTOR PERSONNEL.—The term "contractor personnel" means any person performing work under a covered contract, including individuals and subcontractors at any tier.

AMENDMENT NO. 16 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11––181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

AMENDMENT NO. 17 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII add the following new section:

SEC. 28___. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.

(a) TRANSFER MEMORANDUM OF AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

AMENDMENT NO. 18 OFFERED BY MR. BERMAN

The text of the amendment is as follows:

In section 1602, add at the end the following new paragraph:

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike "2008, 2009, and 2010" and insert "2009, 2010, and 2011".

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike "$100,000,000" and insert "$200,000,000".

AMENDMENT NO. 21 OFFERED BY MR. COOPER

The text of the amendment is as follows:

Page 353, after line 11, insert the following:

SEC. 849. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(1) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(2) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(3) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of insurance coverage, such as construction, aviation, security, and other categories of insurance.

(4) Using a retrospective rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(5) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(6) Such other options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) REVIEW OF ACQUISITION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

AMENDMENT NO. 27 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

At the end of subtitle F of title VI, insert the following new section:

SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term "qualified individual" means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a "voucher"), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term "qualified mailing" means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000, and such amount shall be available for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in fiscal year 2009 for Military Personnel are reduced by $10,000,000.

AMENDMENT NO. 29 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 34 OFFERED BY MR. MC0 DERMOTT

The text of the amendment is as follows:

At the end of title VII, add the following new section:

SEC. 7___. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN REPORT ON HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the measures underway to implement the recommendations contained in the report entitled "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat", which was conducted pursuant to section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2391).

AMENDMENT NO. 35 OFFERED BY MR. KING OF IOWA

The text of the amendment is as follows:

Page 401, after line 14, insert the following new section:

SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions in the Department of Defense; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard."

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

AMENDMENT NO. 36 OFFERED BY MS. MATSUI

The text of the amendment is as follows:

At the end of subtitle E of title V, add the following new section:

SEC. 5___. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.

(a) CORRECTION AND PAYMENT AUTHORITY.—During the period beginning on January 1, 2009, and ending on June 30, 2009, the Secretary of the Army may—

(1) consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract; and

(2) pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request if the Secretary determines that the correction of the records is appropriate.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

AMENDMENT NO. 37 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. MOTOR CARRIER FUEL SURCHARGES.

(a) PASS THROUGH AND DISCLOSURE.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2652. Motor carrier fuel surcharges

"(a) PASS THROUGH TO COST BEARER.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging truck transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of fuel that were invoiced or otherwise presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

"(b) DISCLOSURE.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available, including on the Internet.

"(c) REGULATIONS.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: new item:

"2652. Motor carrier fuel surcharges.".

AMENDMENT NO. 38 OFFERED BY MR. TURNER

The text of the amendment is as follows:

Page 481, after line 13, insert the following:

SEC. 1110. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

"(e) STATUS REPORTS.—

"(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

"(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

"(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

"(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

"(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

"(i) the number of applications that were received, pending, or acted on during such year;

"(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

"(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

"(3) DEFINITION.—For purposes of this subsection, the term 'demonstration laboratory' means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.".

AMENDMENT NO. 39 OFFERED BY MR. STUPAK

The text of the amendment is as follows:

Add at the end of subtitle D of title VI, the following new section:

SEC. 6___. ELIGIBILITY FOR DISABILITY RETIRED PAY AND SEPARATION PAY OF CERTAIN FORMER CADETS AND MIDSHIPMEN WITH PRIOR ENLISTED SERVICE.

Section 1217(a) of title 10, United States Code, is amended by striking "incurred after October 28, 2004." and inserting "incurred—

"(1) after October 28, 2004; or

"(2) after January 1, 2000, in the case of a cadet or midshipman who was discharged from an enlisted grade in order to accept an appointment as a cadet or midshipman.".

AMENDMENT NO. 41 OFFERED BY MR. EVERETT

The text of the amendment is as follows:

At the end of title subtitle E of title V, insert the following new section:

SEC. 5___. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.

(a) NATIONAL DEFENSE INTELLIGENCE COLLEGE.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Degree granting authority for National Defense Intelligence College

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

"2161. Degree granting authority for National Defense Intelligence College.".

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

"§2163. Degree granting authority for National Defense University

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

"2163. Degree granting authority for National Defense University.".

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

"§4314. Degree granting authority for United States Army Command and General Staff College

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

"4314. Degree granting authority for United States Army Command and General Staff College.".

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

"§4321. Degree granting authority for United States Army War College

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

"4321. Degree granting authority for United States Army War College.".

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

"§ 7048. Degree granting authority for United States Naval Postgraduate School

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

"7048. Degree granting authority for United States Naval Postgraduate School.".

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

"§ 7101. Degree granting authority for Naval War College

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

"7101. Degree granting authority for Naval War College.".

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

"§ 7102. Degree granting authority for Marine Corps University

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

"(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

"7102. Degree granting authority for Marine Corps University.".

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

"§ 9314. Degree granting authority for United States Air Force Institute of Technology

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

"(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

"(2) The Secretary shall prescribe regulations determining—

"(A) titles and duties of civilian members of the faculty; and

"(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

"(e) REIMBURSEMENT.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

"(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

"(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space- available basis).

"(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

"(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

"(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

"(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

"(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

"(6) The Secretary shall prescribe regulations for the administration of this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

"9314. Degree granting authority for United States Air Force Institute of Technology.".

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

"§9317. Degree granting authority for Air University

"(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

"9317. Degree granting authority for Air University.".

(j) EFFECTIVE DATE.—This section shall apply to any degree granting authority established, modified, redesignated or terminated on or after the date of enactment of this Act.

AMENDMENT NO. 44 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III, add the following new section:

SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RESEARCH AND DEPLOYMENT OF RESULTING DETECTION INSTRUMENTS AND TECHNOLOGICAL IMPROVEMENTS.

(a) RESEARCH REQUIRED.—The Secretary of Defense shall—

(1) make the research, development, testing, and evaluation of technology related to unexploded ordnance detection a priority; and

(2) accelerate the transition of promising detection instrument technology across the Department of Defense.

(b) DEPLOYMENT AND TRAINING.—The Secretary shall facilitate the deployment of unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense. The Secretary may consider allocating a portion of the amount appropriated for such research and development activities to assist in the training of operators of unexploded ordnance detection instruments on the use of new detection instruments.

(c) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

(2) The amounts allocated for transition of new unexploded ordnance technologies.

(3) Activities undertaken by the Department to transition such technologies and train operators on emerging detection instrument technologies.

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

(5) The transfer of such technologies to private companies involved in the detection of unexploded ordnance.

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(d) UNEXPLODED ORDNANCE DEFINED.—In this section, the term "unexploded ordnance" has the meaning given such term in section 101(e)(5) of title 10, United States Code.

AMENDMENT NO. 47 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

At the end of title I, add the following new section:

SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include—

(1) an assessment of the Navy Strategic Planning Study concerning future jet carrier trainer requirements;

(2) an assessment of studies conducted by independent organizations concerning future jet carrier trainer requirements;

(3) a cost-benefit analysis of creating a new program to fulfill future jet carrier trainer requirements;

(4) a cost-benefit analysis of modifying current programs to fulfill future jet carrier trainer requirements; and

(5) a plan to address future jet carrier trainer requirements beginning fiscal year 2010.

AMENDMENT NO. 48 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

At the end of subtitle A of title VII, add the following new section:

SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) ELIGIBILITY.—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

(1) Be a member of the Selected Reserve.

(2) Be enrolled in TRICARE Reserve Select.

(d) IMPLEMENTATION.—The demonstration project shall be implemented not later than 180 days after the date of the enactment of this Act.

(e) SUNSET.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees the following reports:

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, a report containing a plan to implement the demonstration project required by this section.

(2) UPDATES.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) FINAL EVALUATION.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

AMENDMENT NO. 49 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

Add at the end of subtitle B of title III the following new section:

SEC. 314. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) IMPLEMENTATION.—To the extent that the evaluation included in the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil whenever feasible.

(c) DEFINITION.— For purposes of this section, the term "closed loop recycling" means the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

AMENDMENT NO. 54 OFFERED BY MR. CARNEY

The text of the amendment is as follows:

Page 187, after the matter at the end of the page, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105-261 (112 Stat. 2030).

AMENDMENT NO. 57 OFFERED BY MR. YARMUTH

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) SUPPORT DESCRIBED.—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority as well as the minority.

Mr. Chairman, I yield at this time 1 minute to my friend from Maryland, from the Armed Services Committee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of H.R. 5658, and I thank Chairman SKELTON and Ranking Member HUNTER for including a vital amendment introduced by myself and Congresswoman WATSON concerning the United States Coast Guard as part of the en bloc.

This amendment would ensure that the U.S. Coast Guard is represented on the Senior Military Leadership Diversity Commission, created in section 595 of H.R. 5658.

As chairman of the Coast Guard and Maritime Transportation Subcommittee, I am committed to expanding diversity throughout the United States Coast Guard. With merely 22 minorities in a graduating class of 222 cadets at the Coast Guard Academy, including them in the commission is imperative.

I am proud to say that this amendment brings us closer to achieving diversity in the senior leadership levels in all of the services, something that the Tuskegee Airmen only dreamed about nearly 67 years ago.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana, distinguished ranking member of the Veterans' Affairs Committee (Mr. BUYER).

Mr. BUYER. Mr. Chairman, in the fall of 2005, I had the House Veterans' Affairs Committee track OIF and OEF dental costs in the VA. In the fall of 2006, I requested the Army to report on and document Army reserve component dental demobilization treatment costs.

The Army Medical Command tasked its DENCOM to then study and document demobilization dental treatment requirements no later than 30 November, 2006. This study was considered insufficient by the then Surgeon General, General Kiley. We then spoke. He then instituted another study that was conducted in the fall of 2007.

I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

Shockingly, I then called upon General Cody, the Vice Chief of Staff of the Army; and Lieutenant General Schoomaker, the Army Surgeon General, the next day to express my concerns with the study and the lack of mission concern by the General of the Army Dental Corps for the demobilization dental requirements of our returning soldiers.

General Cody then quickly convened a study group to identify options and expeditious solutions to provide the same level of mobilization and demobilization dental care to the reserve components as it provides to the active component. General Cody signed the decision brief that recognizes and funds this serious gap in reserve component dental care. He signed the two decision memos last Friday, the day after the Armed Services Committee marked up the bill. I spoke then with the Vice Chief of the Army on Friday.

The amendment that I offer fully supports General Cody's decision to fund $22.3 million for mobilization and $8.5 million for demobilization of the reserve component dental readiness for fiscal year 2009. General Cody's decision will fund 2008 requests out of existing funds resulting in a rapid, measurable improvement, I believe, in overall reserve component readiness.

In an informal request of CBO, I've been informed that this amendment will have no impact on direct spending revenues.

I would like to thank Chairman SKELTON,, Ranking Member HUNTER Congresswoman SUSAN DAVIS, Congressman JOHN MCHUGH, and Congressman VIC SNYDER, as well as the staff of the Armed Services Committee for their hard work on this issue, and I urge my colleagues to support my amendment.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, the gentlelady from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise to speak on the Watson-Cummings amendment to section 595 of the National Defense Authorization Act. Our amendment would strengthen the Senior Military Leadership Diversity Commission by including the U.S. Coast Guard as part of the commission's membership and including them in the overall scope of the study.

The U.S. Coast Guard has the worst diversity rates among minority commissioned officers of the Armed Forces. The Coast Guard's membership on the commission would help ensure that the study provides insight into ways to increase the number of minority senior commissioned officers within the services.

Mr. Chairman, I thank Representative CUMMINGS for working with me on this amendment, and ask our colleagues to support diversity within the Armed Forces by supporting this amendment.

Mr. HUNTER. Mr. Chairman, we have no more speakers, and we would yield back the balance of our time.

Mr. SKELTON. I yield 2 minutes to my colleague and good friend, the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I would like to rise today to congratulate the committee chair, IKE SKELTON, and the ranking member, DUNCAN HUNTER, for producing a bill that includes a component that may not be a traditional national defense item but will certainly make our Nation more secure.

I would further like to thank VIC SNYDER, MAC THORNBERRY, and Foreign Affairs Committee Chairman HOWARD BERMAN for making sure the military will have a strong and capable civilian partner to do stabilization work in the future.

Mr. Chairman, included within this en bloc amendment is a provision that will improve what is already a very good bill. For nearly half a decade, Members of Congress and foreign policy experts have been wringing their hands about our civilian capacity to effectively conduct stabilization and reconstruction operations.

Now, in a bipartisan fashion, in this bill and with this en bloc amendment, we are strengthening our government's ability to respond to crisis by standing up a civilian response corps. Our Nation must do a better job, not just in waging wars, but also in winning the peace. If we cannot translate security gains into economic growth, social well-being and justice and reconciliation, all of the military power in world cannot secure long-term peace and prosperity for the world.

This bill, together with this en bloc amendment, will improve our Nation's ability to win the peace. I encourage all the Members to support the en bloc amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairman and the ranking member for their support on this amendment. It's quite simple. The Department of Defense spends nearly $1 billion a year moving freight and cargo around the United States of America. Much of that moved on truck. Many shippers these days, or brokers, are charging shippers, including the Department of Defense, a fuel surcharge or a fuel-related adjustment, as DOD calls it.

It has come to the attention of the Surface Transportation Subcommittee that oftentimes those surcharges that are charged to the shippers are not passed on to the truckers who have got to buy the fuel. Hundreds of trucking firms have gone out of business this year. We are looking at record diesel prices.

This amendment simply says that when DOD is charged a fuel-related adjustment, a fuel surcharge, that that must be passed on to the person who has to buy the fuel, generally the trucker, and it has to be posted visibly on the Internet by the broker so that it is known to the trucker and others who purchase the fuel that a fuel surcharge was in place.

I thank the gentleman for his support on this important issue.

Mr. SKELTON. Madam Chairman, I yield 1 minute to our colleague, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Chairman, I rise on behalf of Mr. KLEIN of Florida and myself to offer an amendment to the fiscal year 2009 National Defense Authorization Act, requiring Iraq to help support our troops stationed in their country.

Oil revenues have helped generate a multibillion-dollar surplus in Iraq that is expected to reach $180 billion within 3 years. Still, American taxpayers send $339 million to Iraq each day, money that can be invested here, as gas prices are soaring, education is lagging, health care is increasingly out of reach, and everywhere American families are struggling.

When the administration negotiates a Status of Forces Agreement this year, this amendment will require them to negotiate commonsense terms for Iraq to provide support for our military operations on their soil. This arrangement could be similar to the plan we have with South Korea, where they pay our security costs, or in Japan, which pays for 75 percent of the cost of maintaining troops and grants U.S. base rights.

Whatever the arrangement, this amendment would ensure that Americans no longer have to shoulder the burden alone. I urge my colleagues to join me in supporting this amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

We take great pride in the United States, being the best fighting force the world. However, as a result of the training, bombs and shells that have failed to explode during exercises are located in every State of the Union on millions of acres of land. The cleanup of the 3,500 military Munitions Response Program sites alone is going to cost over $20 billion, and at the current rate, take 200 to 300 years.

Unexploded ordnance technologies and levels of funding are clearly inadequate. Refining detection technologies will significantly reduce cleanup costs and allow for more rapid cleanup. This amendment moves us in the direction by making research and development of UXO detection a priority, facilitates the deployment of this in the field where it's needed through partnership with outside entities and training of skilled operators. It requires the Department of Defense to provide a detailed review of its activities in this area by February, 2009.

I deeply appreciate the cooperation of the committee in leveraging scarce funding for environmental remediation and the focus of the Department's efforts to clean up the millions of unexploded ordnance in our lands and waters. We will save money, protect the environment, and make our soldiers safer.

Mr. SKELTON. At this time, I yield 1 minute to my friend and also a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I would like to thank my colleague and my friend from Rhode Island for his hard work to bring this bill to the floor. Mr. PATRICK KENNEDY has been an advocate for improving health care in the Congress, a tradition that we know is a very proud family legacy.

This amendment will provide for a new pilot program that connects Reservists to behavioral health care that they need. It will establish a call center that is available to assist servicemembers and their families around the clock.

This commonsense provision helps us fulfill the promises that we have made to care for our troops. I am proud to be here with my friend from Rhode Island to offer it.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to thank my good friend and colleague, Congressman CAROL SHEA-PORTER, for working with me on this amendment. Before I speak about this important amendment, I'd like to thank all of my colleagues on both sides of the aisle for their great expression of support for me and my family over the last several days. It means so much to me and to my family that all of you have kept us in your prayers.

I'd like to say on behalf of this amendment my gratitude to the chairman and to the ranking member for their support for our troops, our Guard and Reserve, who are carrying the brunt of this battle in Afghanistan and in Iraq, and for whom we are just trying to extend this 24-hour suicide hotline so as to provide them the same extensive care and outreach that we have now provided those others of our veterans who now have benefited from such a hotline in our VA.

I think this is an appropriate addition to this DOD bill, and I am glad to see that it's adopted in this bill. I thank the chairman for including it in this bill.

Mr. SKELTON. I yield 1 minute to the gentleman from Washington (Mr INSLEE).

Mr. INSLEE. I want to thank Chairman SKELTON for his help. A couple of amendments, one en bloc, will help advance the cause of efficiency and environmental responsibility. In this amendment we have an amendment that will encourage the DOD to look at systems to save energy in their computer networks. We have the ability to reduce our electric usage 20 to 30 percent. That helps us in our load growth.

It's a great amendment. I want to thank the Chair. Later today we will have an amendment that will assist the service to move forward to judge our global warming emissions as well, and our procurement policy. A great thing for the environment, great thing for the service as part of our universal effort to advance several causes.

I want to thank the Chair for getting both of these in there.

Mr. SKELTON. I thank the gentleman from Washington.

Mr. POE. Madam Chairman, I am proud to introduce this Amendment with Congresswoman LOUISE MCINTOSH SLAUGHTER.

Nearly 3 years ago, a distraught father contacted my office asking for help for his daughter, Jamie Leigh Jones. Jamie was a 20 year old, KBR contractor in Iraq. After only 4 days in the Green Zone, Jamie was drugged and gang-raped by her coworkers. When she woke up in the morning, she was naked, bruised, and bleeding. She saw 1 of her coworkers beside her and he confirmed that they had unprotected sex. She immediately contacted her supervisors and was taken to an Army hospital, where an Army doctor performed a rape kit. Rape kits are essential in future prosecutions because they preserve forensic evidence. The Army doctor took photographs of Jamie and informed Jamie that she was raped by multiple men. She has had reconstructive surgery.

What happened next is appalling. Jamie was locked in a guarded shipping container for 24 hours. Her supervisors told her this was for her safety, but she was not provided food or water and she was not allowed to contact anyone. Jamie finally convinced a sympathetic guard to let her use his cell phone and Jamie called her dad for help.

After speaking with Jamie's father, my staff and I contacted the State Department and within 2 days, 2 agents from the State Department had rescued Jamie.

Since Jamie's return in America, she has not had justice. Although a grand jury was finally convened, 2½ years later, there is still no indictment. We learned that Jamie's important rape kit was turned over to her employer, KBR, instead of to the proper law enforcement personnel. KBR then lost and recovered the rape kit, but it is incomplete. KBR has stonewalled cooperation with authorities on the investigation regarding what occurred to this and other victims in Iraq.

This Amendment is very straight forward. It requires defense contractors in Iraq and Afghanistan to report violent crimes committed against or by their contracted employees to the Department of Defense and that the information must be made public. It also requires defense contractors to provide for victims with medical and psychological assistance.

This Amendment is one step in the right direction for bringing justice to victims. And that's just the way it is.

Mr. VAN HOLLEN. Madam Chairman, I rise today in strong support of the National Defense Authorization 2009.

This bipartisan bill authorizes $531 billion for the DoD and national defense programs of the Department of Energy and reflects Congress' commitment to supporting our troops and their families while protecting the national interests of the United States and improving the oversight and accountability of funding for operations in Iraq and Afghanistan.

I believe passage of this bill will be welcome news to our service members and their families. To help our troops readjust to civilian life and to help military families deal with the economic pressures here at home as a spouse serves overseas, the bill provides a 3.9 percent pay raise for all servicemembers and extends the President's authority to offer bonuses and other incentive pay. The bill provides tuition assistance to help military spouses establish their own careers, authorizes funds to assist area schools with large enrollments of children from military families, and reverses the rise in health care costs by prohibiting fee increases in TRICARE and the TRICARE pharmacy program.

As a member of the House Oversight and Government Reform Committee, where oversight of war contracting has been a priority, I am encouraged by language in the bill to increase transparency and accountability of federal contracts. The Defense Department has made over 180,000 payments to contractors from offices in Iraq, Kuwait, and Egypt. These payments are for everything from bottled water to assault rifles. But due to poor DoD accountability and oversight, billions of dollars of taxpayer money are unaccounted for or have simply gone missing.

Today, the DoD Deputy Inspector General told the Oversight and Government Reform Committee that, after reviewing approximately $8.2 billion in Defense spending in Iraq, they estimate that the Department failed to properly account for $7.8 billion. Additionally, the IG reported that the Defense Department has paid $135 million to Britain, South Korea, Poland, and other countries to conduct their own operations in Iraq. The DoD Inspector General tried to find out what this money was used for, but could find no answers.

The bill addresses the lack of accountability in war contracting in two ways. First, by requiring a separate budget request for operations in Afghanistan and Iraq, it will be easier for Congress and American people to follow more closely how U.S. tax dollars are being spent. Second, with the passage of the Waxman amendment to the bill, anti-fraud measures will be enhanced and transparency in contracting increased by limiting the use of abuse-prone contracts and by rebuilding the federal acquisition workforce.

I am also supporting this bill for the assistance it provides the many thousands of federal employees who work for the DoD and who are fearful of administration efforts to use the OMB A–76 Circular to compete out their jobs. I am pleased that I was able to help ensure that the 2008 National Defense Authorization Act included a provision that prohibits the Pentagon from undertaking, preparing for, continuing, or completing public-private competitions of federal jobs as directed by the Office of Management and Budget. The provision also overturns the mandatory requirement that the jobs of federal employees be re-competed every 5 years.

The Department of Defense has yet to issue guidance to the Department to implement past congressional A–76 recommendations nor has it listened to the recommendations of military commanders who have warned that these A–76 competitions are harming the Pentagon's mission. So, the National Defense Authorization Act again urges the Pentagon to immediately implement guidelines recommended by Congress.

Like most bills, this one contains provisions that I would not have included. However, on balance it is a good bill that strengthens our national security.

Mr. KLEIN of Florida. Madam Chairman, I rise today to support the amendment that I authored with my friend, Congressman JOHN YARMUTH of Kentucky.

Although some of my colleagues and I have differing views on our strategy in Iraq, one thing is clear: after five years and $600 billion of American taxpayer dollars spent, "enough is enough."

That is why Mr. YARMUTH and I are offering this amendment today. Our amendment declares that any future Status of Forces Agreement that is negotiated between Iraq and the United States must include cost-sharing measures so that that the Iraqi government can take more responsibility.

With an expected Iraqi budget windfall of some $60 billion this year, it is time for Iraq to stand up and take responsibility for its own future.

All of our districts are feeling the pinch of tough economic times here at home. Critical domestic priorities are being underfunded or not funded at all.

Our amendment would help put our economy back on track and would send a message to the Iraqi government that they must participate in their own future.

Mr. STUPAK. Madam Chairman, I rise today in support of my amendment, labeled Stupak #39, to extend eligibility for disability pay to certain cadets at our military academies.

Each year, a small number of enlisted military personnel voluntarily separate from the military in order to attend one of the military academies. In doing so, they give up many of the privileges and protections that came with their regular military status.

In the Fiscal Year 2005 Defense Authorization Act, Congress recognized the sacrifices and risks that military cadets undergo by bringing them into the military health care and disability system. However, this protection is effective only from the date of enactment, which was October 2004.

Enlisted soldiers who choose to leave the service today to attend a military academy will be covered by the military disability system, but soldiers who attended before 2004 are not.

A problem with this arrangement came to my attention in 2006 and I have been working in Congress since then to make an effective change. James Hildgendorf, a constituent of mine, was serving as an enlisted soldier, and was selected to attend West Point. He de-enlisted and became a cadet. However, while at school, he sustained severe injuries that ended his military career.

Because he had given up his enlisted status to become a cadet, and because he graduated prior to October 2004, he was found ineligible for the disability pay that he would have received as an ordinary soldier.

My amendment would rectify James' situation and that of soldiers in the same situation, by taking the changes made by Congress in 2004 and pushing their effective date back to January 1, 2000 for personnel who gave up their enlisted status in order to attend a military academy. The amendment effectively extends eligibility for military disability retired pay to individuals who left enlisted service in order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy.

This amendment would not affect all cadets, but it would give recognition to the special risks taken by those enlisted men and women who gave up their enlisted status to attend an academy prior to 2004.

The affected population would likely be relatively small. The Congressional Research Service estimates that fewer than 575 individuals gave up military status in order to attend an academy between 2000 and 2004, and only a small percentage of those individuals incurred a disability at the academy. Additionally, a preliminary cost estimate conducted by the Congressional Budget Office shows this amendment would result in less than $500,000 in direct spending.

However, for those individuals to whom this amendment does apply, it will make a big difference. The soldiers who are chosen to attend the military academies are the best and brightest from among our enlisted ranks. Congress should not continue to deny them their disability benefits.

I urge my colleagues to join me in voting for this amendment and I encourage members to vote for final passage of the Fiscal Year 2009 National Defense Authorization Act.

Vote "yes" on the Stupak amendment.

Mr. FOSSELLA. Madam Chairman, today I rise in support of my amendment to the FY2009 Defense Authorization bill (amendment number 27), authorizing free mailing privileges for the family members of our service men and women deployed in Iraq and Afghanistan. This amendment provides a tremendous opportunity for us to increase the morale of our troops overseas, which, as we are all aware, is necessary for having a confident and motivated military.

First, I would like to thank Chairman SKELTON, Ranking Member HUNTER, Personnel SubCommittee Chairwoman DAVIS and of course my fellow New York colleague, Ranking Member MCHUGH for their help in cultivating this amendment. I drafted this amendment in response to concerns expressed to me by many military families that it was becoming too costly to send regular care packages to loved ones overseas. I heard story after story of families, already finding it hard to make ends meet, having to spend as much as $1,500 a year to mail care packages. Each package our men and women in uniform receive arrives with a touch of home. Personal items in these packages, like pictures, cards and school, projects from their children make deployments much more bearable.

Mail from home also serves a second and important purpose providing our military men and women with basic necessities like shampoo, foot powder, phone cards and even the ever essential fly paper.

In my district of Staten Island and Brooklyn, local residents joined together and raised money to help military families send these packages over seas. I was inspired by the outpouring of support for our service men and women in Dyker Heights, Brooklyn, where postal service employees raised money to cover the postage for every package sent to our troops. In Staten Island, residents formed Staten Island Project Homefront, Incorporated: a non-profit organization dedicated to serving our deployed troops and their families by sending thousands of care packages to the troops in theater. This month alone, over 200 packages were mailed overseas by this group with a postage cost of over $2,000.

It was these acts of great generosity and patriotism which prompted me to advocate for this essential program in Congress.

This amendment has received the support of organizations such as the VFW, American Legion, and the National Association of Uniformed Services. To quote the VFW, "letters and packages from home do wonders in boosting the morale of our men and women serving in harms way, and high morale transfers to combat ready and effectiveness." Comments such as this, I whole heartedly agree with.

I recently heard from Debbie Parsons from Staten Island; Debbie had two sons in the Marine Corps serving in Iraq; both of whom will return for their second tours in the fall. Six days a week Debbie volunteers her time at Staten Island Project Homefront, packing boxes to send over to our troops. She would hear from her sons regularly and they often request she send supplies such as snacks, Power bars, soft drinks, books and foot powder, among other things. Prior to the donations from Staten Island Project Homefront, the packages she sent to her sons cost hundreds of dollars every month.

It goes without saying our servicemen and women are making enormous sacrifices fighting the War on Terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without the benefit of basic necessities like socks and foot powder. It falls upon their families to get them these supplies and to cover the cost of shipping them overseas. This amendment will help make life a little better for our soldiers and ease the financial burden on those supporting them. It is a simple way to bring a touch of home to America's heroes overseas.

I urge my colleagues to support this amendment and provide our military families an easier path to sending a piece of home to their loved ones.

Mr. KING of Iowa. Madam Chairman, I rise today to offer an amendment asking the Chief of the National Guard Bureau to develop a report on the effectiveness of certain Guard "empowerment" provisions that were contained in the FY08 Defense Authorization Act.

Madam Chairman, since September 11, 2001, the United States has increasingly turned to the men and women of the National Guard to provide much needed support in our efforts to prosecute a global war against radical Islamic jihaddists. Answering their Nation's call to arms, Guard units from across the country have faithfully and courageously served in harm's way on the front lines of this historic struggle.

The men and women of the Iowa National Guard are no different. Just last month, constituents from my congressional district in Western Iowa welcomed home members of the Iowa Army National Guard who returned from deployments in Iraq. As has been the case with many Guard units across the country, this is not the first welcome home ceremony that these units have enjoyed in the past few years.

And yet, while the Guard is deploying many of its members to distant battlefields, it is still expected to meet the many demands of its domestic mission. Despite the Nation's need for men and women of the Guard to serve on the battlefield, our State Governors must continue to have ready access to the Guard to respond to the emergency and disaster relief needs of their States.

There is no doubt that the services and capabilities of the Guard are in high demand. In many respects, this is due to the fact that both active duty commanders and governors know that when they call, the Guard will be there. They also know that Guard members can always be counted upon to complete their mission in the most efficient and professional manner possible.

The many demands placed upon the Guard, however, have begun to wear down its capabilities. To address this, Congress included several provisions in the FY08 National Defense Authorization Act intended to boost the standing of the Guard within the Department of Defense. The "empowerment" provisions included the elevation of the Chief of the Guard Bureau from the rank of Lieutenant General to the rank of full General. The bill also made the Guard Chief the primary advisor to the Chairman of the Joint Chiefs on Guard matters.

In addition to these important changes, the bill also made the National Guard a joint agency, charges the Secretary of Defense with writing the Guard's charter, and requires that the Deputy Commander of the Northern Command be a member of the Guard.

All of these changes, Madam Chairman, were aimed at ensuring the National Guard would have a clearer voice in policy and budgetary discussions within the Department of Defense. To determine the extent to which these empowerment provisions have accomplished this goal, my amendment asks the Chief of the Guard Bureau to submit a report to the Secretary of Defense analyzing the effectiveness of the empowerment provisions. My amendment then requires the Secretary of Defense to submit the Chief's report to Congress with the Secretary's own comments on the matter.

Madam Chairman, as we continue to wage a global war against radical Islamic jihaddists, it is imperative that we give the National Guard the resources and pull necessary to ensure it is able to remain an integral part of this fight and to ensure it is able to carry out its duties with respect to its domestic mission here at home. To do this, we must see to it that we are responsive to the needs of the Guard. With the passage of the empowerment provisions in last year's Defense Authorization bill, we have taken some important first steps toward addressing the 21st century needs of the Guard. But only the Guard itself will be able to tell us if these changes have hit their mark and are having their intended effect.

This amendment will allow Congress to get important, first-hand feedback from the Guard on this important issue, and I ask my colleagues to join me in supporting its passage.

Mr. BERMAN. Madam Chairman, I rise in strong support of this en bloc amendment and want to make a few comments about Amendment #18, which was included in this amendment.

Title XVI of H.R. H658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, is the text of H.R. 1084, 110th Congress, as passed by the House on March 7, 2008, introduced by our colleagues SAM FARR and JIM SAXTON. That text differed to some degree from the introduced text and is identical to what was reported out by the Committee on Foreign Affairs, as I explained at the time of House passage.

In discussions with the sponsors of this legislation in the other body, however, certain modifications to the text were deemed desirable, and this amendment, which has been agreed to by the Ranking Member of the Committee on Foreign Affairs, the Gentlewoman from Florida, Ms. ROS-LEHTINEN, and by MR. FARR, represents those changes.

I thank the Chairman and the ranking Member of the Committee on Armed Services for supporting this amendment, which will smooth the way towards the inclusion of title XVI in the final version of the bill.

Mr. ISRAEL. Madam Chairman, this amendment is very simple. Essentially, it suggests a small step DOD can take to make itself more energy efficient. The amendment requires the Secretary of Defense to conduct a study reviewing DOD's policies concerning the sale and disposal of used motor vehicle lubricating oil. The report will include an evaluation of the feasibility of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

And to the extent that the report finds that closed loop recycling can reduce total indirect energy usage and decrease greenhouse gas emissions without significant increase in overall cost to DOD, it asks the Secretary to implement closed loop recycling of used oil when feasible.

Re-refining, or recycling, allows used oil that would otherwise be burned or dumped to be refined again and used for its originally intended purpose, just as when it was virgin oil. According to the American Petroleum Institute, re-refining used lubricating oil takes from 50 to 85 percent less energy than refining crude oil. Re-refined oil meets industry standards for use in vehicles. And according to a July 2006 report by the Department of Energy, "transforming all used oil that is currently combusted into lube oil products could save 63 million gallons of fuel oil equivalent per year."

Through closed loop recycling, DOD would buy re-refined oil for use in its vehicles, sell their used oil back to re-refiners to be recycled, and then continue the cycle.

I should also note that nothing in this amendment changes or affects the Solid Waste Disposal Act or any other Federal or State environmental law, or the obligation of any person to comply with that law.

This amendment is a win-win. By recycling used motor oil, DOD decreases its reliance on our adversaries to keep its vehicles running. DOD conserves energy by extending the life of a nonrenewable resource. And greenhouse gas emissions are decreased.

DOD already uses some re-refined oil and it even has a closed loop re-refined oil program. Expanding these programs is one small way the military can reduce its overall reliance on foreign oil. As the largest single consumer of energy in the United States, it is a step that I believe DOD should consider taking.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIRMAN (Ms. WATSON). The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–666.

Mr. FRANKS of Arizona. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANKS of Arizona:

At the end of title II, add the following new section:

SEC. 2___. INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, defense-wide, is hereby increased by $719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—

(1) the Terminal High Altitude Area Defense program;

(2) the Aegis ballistic missile defense program; and

(3) the ballistic missile defense testing and targets program.

(b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by $719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chair, I yield myself such time as I may consume.

I rise today to urge support for my amendment to restore funding to the Missile Defense Agency to fund against short and medium-range ballistics missiles. My amendment restores $719 million in funding to the Missile Defense Agency, to return the President's budget request to $9.3 billion. My amendment directs that this $719 million be specifically targeted toward the Theater High Altitude Area Defense System and the AEGIS Ballistic Missile Defense Systems and the test and targets necessary to test those systems.

I agree with the Democrats, Madam Chairman, which is pretty unusual. I agree with the Democrats that we need to be concerned about the threat of short and medium-range ballistic missiles to our forward-deployed troops on the Korean peninsula, North Japan, and throughout southwest Asia. Today, these forces are at risk of attack by thousands of lethal ballistic missiles that may carry conventional, chemical, or, in some cases, nuclear warheads. Our close allies, South Korea, Japan, Israel, and Turkey are held at risk by these missiles as well.

Deployed Patriot batteries provide some limited point defense to shield some, but not all, of our key command and control centers. We can improve upon this very limited defense and offer a larger umbrella of protection against ballistic missiles to our forces with area defense. Both the land-based Theater High Altitude Area Defense system, or THAAD, as well as the sea-based AEGIS Ballistic Missile system, offer significant area missile defense capabilities to our theater commanders.

I want to applaud the entire House Armed Services Committee for increasing funding for both of these programs. Unfortunately, I fear these increases do not do enough for our theater commanders, who cannot get these systems deployed fast enough because they simply are not yet available to apportion. The House Armed Services Committee has received testimony from Admiral Keating, Commander of U.S. Pacific Command, and General Bell, Commander of U.S. Forces in Korea, to this effect.

The administration should accelerate production of THAAD fire units and interceptors, as well as the AEGIS 3 standard missile 3 interceptors to adequately source the combatant commands with area defense against short and medium-range or theater class ballistic missiles.

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The committee has authorized $75 million above the President's budget for each of these programs, but I am concerned that this increase will not deliver capability to the warfighter soon enough in the most expeditious manner. The short and medium-range ballistic missile threat exists today, and we can procure more interceptors to defend our troops in harm's way.

Mr. Chairman, very simply, probably one of our best hedges against proliferation of nuclear arms today in the world is missile defense, and it is very important that we do everything we can to be prepared for any eventuality. So I offer this amendment and urge the support of my colleagues.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment and claim the time in opposition.

The Acting CHAIRMAN (Mr. ROSS). The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency by $719 million, back up to the level of the President's budget request. The Bush administration's request of $9.3 billion in fiscal year 2009 for the Missile Defense Agency already represents an increase of $680 million above last year's funded level.

With prudent reductions and selected increases, H.R. 5658 authorizes $8.6 billion in FY 2009 for the Missile Defense Agency, roughly equivalent to the fiscal year 2008 level. We provide increases in funding for assistance geared to current threats, like Aegis BMD, THAAD, the missile defense testing program and missile defense cooperation with Israel, all of these by $185 million. At the same time, we make prudent reductions to longer-term, less-mature systems, like the Multiple Kill Vehicle and the Airborne Laser.

Unfortunately, the Franks amendment would unravel the thoughtful work of the committee. First, Mr. FRANKS proposes that the offset would come from any Pentagon research and development account, except the Missile Defense Agency, unfairly placing missile defense programs above all other R&D priorities.

Second, it is unlikely that the proposed increase in the funding for the programs outlined in this amendment can be executed in fiscal year 2009.

Third, and perhaps more important, the amendment is inconsistent of section 223 of the fiscal year 2008 National Defense Authorization Act, which requires that procurement funds be used for procurement activities, not research and development activities.

Also, as written, the amendment would not allow any of the funding to be used for additional THAAD or Aegis Standard Missile Interceptors, because it provides only research and development funding.

Mr. Chairman, H.R. 5858 provides our warfighters the real capabilities to meet the real threats to our homeland, deployed forces and allies. It also makes prudent reductions to systems geared to less urgent threats, ensuring that other important national defense priorities, such as readiness, strategic programs and nonproliferation efforts, are well-funded.

The House defeated a similar floor amendment last year, and I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise today in support of the gentleman Mr. FRANKS' amendment. Mr. FRANKS serves along with myself as cochairman of the Missile Defense Caucus.

This amendment restores critical funding to our layered missile defense system, which protects the United States and its allies from short and medium-range ballistic missiles. This bill that we have heard talked about cuts funding for missile defense to $719 million below the President's budget request of $9.3 billion, an unacceptable funding level to provide for our national defense.

The Democrats' authorization to the Aegis Ballistic Missile Defense System would not even cover the expenses incurred by the Missile Defense Agency to conduct what was recently the shootdown of the US–193 satellite, which cost the agency upwards of $100 million. I would add that the very recent successful shootdown of the satellite is evidence of the successes and importance of the missile defense program and the ongoing necessity to make sure these programs are fully funded and in development.

The Democrats have also authorized inadequate funding for the THAAD, or Theater High Altitude Area Defense System. I think it is an embarrassment that out of the $890 million requested for the project by the administration, only $75 million was authorized for THAAD; $75 million out of $890 million requested.

Finally, my friends in the Democrat majority inserted language into the bill that requires the Secretary of Defense to certify that the two-stage intercepter missile proposed for the European site "has demonstrated through successful, operationally realistic testing, a high priority of operating in an operationally effective manner and the ability to accomplish the mission."

Unfortunately, the Democrats only provide an additional $25 million for these tests and targets. This not-so-subtle attempt to starve the program puts our country at risk and it is an attempt that I oppose.

Congressman FRANKS' amendment restores the $719 million to our missile defense program, putting the necessary defense capacities in the hands of our commanders and providing for the continued success of our short and medium-range ballistic missile program.

Mr. Chairman, I believe this is a matter of national security and it is very important, and I urge all of my colleagues to support this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume prior to introducing my colleague from Washington.

I just wanted to correct the record. My colleague from Texas must have very old talking points. The subcommittee increased the money for both THAAD, a $75 million increase above the President's budget, and Aegis BMD, $75 million over the President's budget. So what the gentleman just said is totally incorrect.

I would now like to yield 3 minutes to my friend and colleague, the gentleman from Washington (Mr. LARSEN), who is a very valuable member of the Armed Services Committee and a member of the Subcommittee on Strategic Forces.

Mr. LARSEN of Washington. Mr. Chairman, I rise in opposition to this proposed amendment. As we have noted, this amendment seeks to increase fiscal year 2009 funding for the Missile Defense Agency by $719 million to the level of the budget request. The administration did in fact request $9.3 billion in fiscal year 2009 for MDA, an increase of $680 million above the 2008 funded level. This bill authorizes $8.6 billion in 2009 for the Missile Defense Agency, roughly equivalent to the 2008 level. Furthermore, this bill provides our warfighters with the capabilities that they need to respond to the real missile threats to our homeland, our deployed forces and our allies.

For example, this bill increases funding for systems geared to near-term threats such as Aegis BMD and THAAD. And to clear up that misunderstanding that I believe we heard on this side of the aisle, this bill actually increases Aegis and THAAD $75 million each above the President's request; not a total of $75 million, but $75 million above the request each for Aegis and THAAD. Also, we improve the missile defense testing program and cooperation with Israel.

I have a number of concerns about the proposed amendment. First, this amendment is an attempt to restore the reduction to the MDA, but this is at a time when we have so many other unmet national security needs that equally meet the standard of providing for the common defense, and the House defeated a similar floor amendment last year.

Second, the proposed offset would come from the RDT&E account, except for the Missile Defense Agency, unfairly placing that agency above all other critical RDT&E priorities.

Third, it is my understanding as well that it is unlikely that the proposed increase in funding for the programs outlined in this amendment are even executable in fiscal year 2009.

Fourth, the amendment is inconsistent with section 223 of the 2008 Defense Authorization Act, which states that RDT&E funding in 2009 may not be used for "procurement or advance procurement of long-lead items for THAAD firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors." Therefore, as written, the amendment would not allow any of the funding to be used for THAAD, additional THAAD, or SM–3 Block 1A.

Mr. Chairman, this bill provides a well-balanced approach to missile defense, and it provides a well-balanced approach when balanced against other key national security needs overall in our defense budget such as readiness, strategic programs and nonproliferation, all of which are well-funded as well.

I urge my colleagues to defeat the proposed amendment.

Mr. FRANKS of Arizona. Mr. Chairman, this bill being labeled the Duncan Hunter National Defense Authorization Act, named after the distinguished ranking member of our committee, who has been the former chairman for a long period of time, he has been here for 26 years, he should have been chairman for that time, I now yield to the gentleman from California, it is my honor, perhaps for the last time, to yield to him for 1 minute.

Mr. HUNTER. I thank my great colleague for yielding to me.

My friends, this is the age of missiles. The people that we listen to so carefully in our hearings are the combatant commanders. Those are the guys who are in charge of running military operations in the case of an attack on the United States or a military operation or a contingency.

Our combatant commanders have reported to us that we are short missile defense. Specifically, they have said that we should nearly double the inventory of THAAD and Aegis Standard Missile Interceptors. And I quote from Admiral Keating. He said increased inventories are needed, and he goes through these short-range BMD systems that are so key to countering this emerging threat, like the one that is coming from North Korea, like the Shahab-3 being developed now by Iran, and by the increasing short-range and medium-range ballistic missile inventories around the world.

This is crucial to the survival of our troops in theater and to the survival of the United States in wars that are going to occur in the future, and in the least we should listen to the combatant commanders and plus these inventories up. That is what the gentleman from Arizona's amendment does, and I would recommend it to all Members.

Vote "yes" on Franks.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), a senior member of the Armed Services Committee and the chairman of the Budget Committee.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency, MDA, by $719 million, backing up the bill to the level of the budget request. The administration asked for $9.3 billion in fiscal year 2009. This represented an increase of $680 million above the 2008 level.

With prudent reductions and selected increases, this bill authorizes $8.6 billion, a substantial sum of money for the Missile Defense Agency, which is roughly equivalent to the level of current spending. We provide for increases in funding for systems that are geared to current threats, like the Aegis BMD and THAAD systems that the combatant commanders have told us they need and need now. At the same time, we make prudent reductions in longer-term, less-mature vehicles like the Multiple Kill Vehicle and the Airborne Laser.

We don't know, looking at this amendment, that the money can really be executed, spent wisely. Even if we do, we have to ask where is this money coming from? We find when we look that the $719 million is coming out of RDT&E, which is tantamount to saying that MDA, missile defense, is over and above more important than the UAVs, more important than the F–35 Joint Strike Fighter, the FCS, the Army's Future Combat Systems, and the Navy's DDG–1000. A whole host of other systems that will depend on adequate funding will be denied that funding by the $719 million hit which this amendment would impose upon those particular systems.

This is a balanced bill. The cuts and adjustments have been made to it so we that could come up with a system that covers our comprehensive needs. Missile defense is just one of many. They have all been judiciously done, and we should not disrupt the pattern of this balanced bill by making the cuts that the gentleman would propose.

So I urge everyone to take a close look at this, but to stick with the committee chairman's very careful and very balanced view.

Mr. FRANKS of Arizona. Mr. Chairman, I request the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 3 minutes remaining. The gentlewoman from California has 2 minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Colorado (Mr. LAMBORN).

□ 1500

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment by my good friend, Congressman FRANKS of Arizona. This amendment will restore $719 million in the defense authorization bill for missile defense.

As Members of Congress, we have sworn an oath to provide for the common defense of this great Nation. This amendment will do just that. There are over 25 countries globally with ballistic missiles, and nine of those countries have intercontinental ballistic missiles. Rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies. It is critical that we fund systems that will deter these threats. We must provide the funding necessary to support the warfighters. This money will specifically go to Aegis and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the U.S. cannot afford to be without defenses.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 1 minute to my friend and colleague, the gentleman from Missouri (Mr. SKELTON), our distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in opposition to this amendment.

In doing so, I want to reflect on the work that the subcommittees do in the Armed Services Committee. The gentlelady from California (Mrs. TAUSCHER) chairs the subcommittee that deals with this subject matter that Mr. FRANKS seeks to amend. Hearings, witnesses, briefings discussions, markups, all of that goes into the work product that this gentlelady's subcommittee did. And for us to second-guess on anything of this magnitude or on any subject that has been studied as thoroughly as this one has, and I compliment all the members of that subcommittee on the work that they did.

I think it would be improper to do so, and I do oppose this amendment.

Mr. FRANKS of Arizona. Mr. Chairman, the $75 million increase to the Aegis BMD that the Democrats have spoken of here does not even fund the necessary upgrades to the Aegis weapons systems BMD signal processing capability necessary to keep pace with the evolving short-range and medium-range ballistic missile threat. So we are definitely not doing enough there.

This $75 million increase to the Aegis ballistic missile defense budget that they speak of does not even cover the expenses incurred by the Missile Defense Agency to conduct a shootdown of the U.S. 193 satellite. This cost the agency approximately $100 million.

My Democrat friends have often stated that far-term systems are much less important than near-term systems. So I believe it is reasonable to assume that the RTD&E accounts are the appropriate offset for such an amendment.

The bottom line is this: A $9.3 billion request budget from the President has been decreased by $719 million. And in an age of missiles, as the ranking member mentioned, this is not a time to cut our missile defense capability. Missile defense is not only the last line of defense against an incoming missile, perhaps with a nuclear warhead representing the most dangerous weapon in the history of humanity, it is the first line of defense against proliferation. And, Mr. Chairman, proliferation I believe, given the examples that Mr. LAMBORN mentioned of Iran and others, represents the greatest threat to human peace in the world today.

Missile defense is an opportunity for us to devalue those programs in the hands of such enemies, and perhaps help this generation and others to walk a little bit longer in the sunlight of freedom.

With that, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I oppose this amendment for many reasons. I think it is interesting that my colleague from the other side of the aisle sloughs off the fact that we plussed up the President's budget by $75 million for THAAD, $75 million for Aegis. But what he doesn't want to tell anyone is that the President's budget actually cut funding for THAAD firing units, and it wasn't until the majority, the Democrats, went to the administration and said we thought that was a really, really bad idea, and gave the money back to the account. We would have been in a deeper hole.

So I think that my colleague is doing a good job supporting the Missile Defense Agency, but that is not what our job is. Our job is to make sure that we have a balanced portfolio of investments for the American people and our warfighters. This mark does it. I think that is why we have such strong support. I think that it is also important for people to know that Mr. FRANKS wants to buy more Aegis and THAAD inventory; but under the current law his amendment cannot do that because he is using RDT&E funds. So I ask my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, this bill emphasizes the need to counter short- and medium-ranged missiles in five different places. The committee report highlights that the warfighters themselves have suggested and asked for increased inventory, and we shouldn't be second-guessing them in a time such as we live.

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment of my good friend Congressman FRANKS. This amendment will restore $719 million to the defense authorization bill for missile defense.

As members of Congress, we have sworn an oath to "provide for the common defense" of this great Nation. This amendment will do just that. Today there are over 25 countries globally with ballistic missiles. The number of nations currently in possession of intercontinental missiles has increased to nine. As rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies, it is critical that we fund systems that will deter such threats. We must provide the funding necessary to support the War Fighters.

This money will specifically go to AEGIS and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the United States cannot afford to be without defenses. Mr. Chairman, I yield back.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 110-666.

Mr. TIERNEY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TIERNEY:

At the end of subtitle C of title II, add the following new section:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS TO PROVIDE ADDITIONAL FUNDS FOR ACTIVITIES TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.

(a) MISSILE DEFENSE FUNDING REDUCTIONS.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $996,200,000, to be derived from amounts for the Missile Defense agency as follows:

(1) $100,000,000 reduction from the Airborne Laser program.

(2) $100,000,000 reduction from the Kinetic Energy Interceptor (KEI) program.

(3) $100,000,000 reduction from the Multiple Kill Vehicle (MKV) program.

(4) $341,200,000 from the termination of any funding for the proposed long-range missile defense sites in Europe.

(5) $355,000,000 from the termination of any further deployment in the Ground-Based Midcourse Defense program, with this reduction not interfering with development or testing activities under the program.

(b) ADDITIONAL FUNDS TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.—

(1) COOPERATIVE THREAT REDUCTION PROGRAM.—The amount provided in section 1302(a) for the Cooperative Threat Reduction is hereby increased by $75,000,000.

(2) NONPROLIFERATION AND WEAPONS OF MASS DESTRUCTION PROGRAMS.—The amount provided in section 3101(a)(2) for nonproliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by $529,000,000, which shall be available as follows:

(A) $50,000,000 for Global Threat Reduction Initiative.

(B) $30,000,000 for International Nuclear Materials Protection and Cooperation program.

(C) $60,000,000 for Second Line of Defense program to cooperate with other countries to deter, detect, and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.

(D) $15,000,000 for NNSA's export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.

(E) $50,000,000 increase of conditional appropriation to encourage Russia to blend down additional HEU, to finance such incentives if an agreement is reached that requires such funding.

(F) $50,000,000 for safeguards work at the Department of Energy National Laboratories.

(G) $100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.

(H) $10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.

(I) $50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).

(J) $41,000,000 for chemical weapons destruction at the Bluegrass facility in Kentucky.

(K) $73,000,000 for chemical weapons destruction at the Pueblo facility in Colorado.

(c) ADDITIONAL SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—

(1) IMPACT AID.—The amount provided in section 571 is hereby increased by $30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.

(2) FAMILY SUPPORT FOR WOUNDED WARRIORS.—Amounts provided for family support of wounded members of the Armed Forces is hereby increased by $30,000,000.

(3) SUICIDE PREVENTION.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(4) WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.—An amount equal to $10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as military health professionals who would then treat and care for other wounded members.

(d) NATIONAL GUARD AND RESERVE SHORTFALLS.—The balance of amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, this amendment follows a series of hearings with eminent physicists and security experts all testifying, as well as reports from the General Accountability Office, the Congressional Research Service, and others on the status of our weapons programs and their costs, together with an evaluation of the threats realistically facing the United States.

The amendment seeks to ensure that we have appropriate resources directed to address our most urgent risks, our most pressing national security priorities. We seek to reallocate $996 million, just under $1 billion, to nonproliferation programs and initiatives aimed at countering weapons of mass destruction and terrorism, to support our wounded warriors and their families, included critical suicide prevention programs, and to cover the National Guard and Reserve shortfalls, especially in connection with homeland security activities.

Mr. Chairman, as you know, governing means choosing. Our amendment allows members to consider the importance of increasing funds for our most serious threats, those being nonproliferation of nuclear weapons and materials and national security programs. Slightly reducing the missile defense program's $10.1 billion budget to meet these needs is, we believe, the right choice and the right balance.

The pressing national security threat of our time is asymmetric action, some terror-based group attempting to introduce to United States soil some aspect of weapons of mass destruction. Our national intelligence experts and I think other experts all agree on that. And it is common sense to know that such threats won't come from al Qaeda or other groups through sophisticated intercontinental ballistic missiles. In fact, the CIA said in 2000, and I quote, "The United States territory is probably more likely to be attacked with weapons of mass destruction from nonmissile delivery means, most likely from nonstate entities, than by missiles. September 11 only underscores the susceptibility to asymmetric attack.

Mr. Chairman, we just don't seem to be getting that message. In 2005, the 9/11 Commission gave the United States Government a "D" with respect to our efforts to secure weapons of mass destruction, calling this, and again I quote, "The greatest threat to American security," and that it should be, and I quote, "the top national security priority of the President and the Congress."

Our amendment leaves intact funding for defenses for our troops that they might rely upon for protection against short-range and intermediate missiles. The reductions are solely made from high-risk long-term research projects and from systems from which there currently is not a pressing threat.

Experts note that with respect to the long-range programs, realistic operational tests have yet to be successfully conducted so as to provide any appreciable belief that they would operate efficiently. We have plenty of funding left then for research and development, but we decrease funds that would be putting procurement and deployment ahead of capability. We have spent $150 billion, Mr. Chairman, on this program already, an amount that exceeds more than our country spent on the Manhattan Project and the Apollo Program.

The Congressional Budget Office estimates that assuming that the Missile Defense Agency continues its present course, the taxpayers will spend an additional $213 billion to $277 billion between now and 2025. Mr. Chairman, we simply seek to allocate our resources so as to provide the best defense that we need currently facing the threats that we realistically expect might be directed at this country.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I yield myself 3 minutes.

My colleagues, we are in a race against those who would build offensive missiles and in fact have built missiles.

I remember, I think it was 1987 when members of this committee, the Armed Services Committee, sent a letter to the leadership of Israel, and we said this—and I know this because I drafted that letter. We said, at some point in the future—and this was 1987, before the Gulf War. We said, you will be attacked at some point in the future by probably Russian-made missiles coming from a neighboring country. And even though you could defend against an aircraft attack, just as you did in the Bekaa Valley with your F–16s, you will not be able to stop a single incoming ballistic missile coming into Israel.

A few years later in the Gulf War, we saw just that. In fact, we saw ballistic missiles kill Americans. Some of them were shot down by deployed Patriots, but we saw missiles coming into Israel totally unprotected. We saw people being rushed to the hospital not from the effects of the missiles, but because they were so afraid that poison gas would be on the head of those missiles launched by Saddam Hussein, that many people went into the hospital with heart problems.

We are in a race, my friends, my colleagues, and we have seen the manifestations of that race on the other side. We have seen those TD–2s and those NoDong missiles and SCUD missiles launched by the North Koreans that fell into the Sea of Japan, the TD–2 having the ability now to reach some parts of the United States. We have seen the tests of the Iranian Shahab-3s. We have seen now the complicity of North Korea and Syria in developing nuclear weapons capability, which was stopped short by a strike that was made by our allies. We know that that throat through which the Iranian missiles might one day travel going into Western Europe could be defended by the missile sites that we have now proposed to be established in Czechoslovakia and Poland.

We are in a race. Our combatant commanders tell us that we need to double the number of THAAD missiles and Aegis missiles. Incidentally, those sea-based missile system are testing out very, very well. We have had a series of successes.

The idea that we cut back on this one massive area of vulnerability, that we cut back on defenses against this massive area of vulnerability—and for my friends that said we want to use this money for quality of life for our troops, ladies and gentleman, I am the father of one of our marines who has been deployed, and let me tell you quality of life. It is when that family that is sitting there in Pendleton or in Savannah, Georgia, or at Fort Bragg or in Camp Lejeune knows that their family member, their servicemember is not going to be vulnerable to a short-range or ballistic missile attack. That gives you quality of life, because that gives you assurance that they are going to be able to survive that very, very real threat which is now being developed.

This is a misplaced amendment, and I would urge everyone to vote against it.

Mr. TIERNEY. Mr. Chairman, I recognize myself for 30 seconds.

Just to note that it is all very interesting that the gentleman just spoke about a race that we are in. But if we are going to run a race, let's run it wisely and let's run it to win.

The comments that the gentleman makes about Israel being susceptible to attacks and missiles is also very interesting, but he is talking about short- and medium-ranged missiles. My amendment doesn't address short- and medium-ranged missiles; it addresses intercontinental ballistic missiles, long-range missiles which have never been operationally or realistically tested. All I am saying is, let's put our research and development monies into the future where that may take us on those long-range programs, and leave the money that we have for the short- and medium-ranged ones for those threats that might realistically exist.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield at this time to the gentlelady from California (Mrs. TAUSCHER), the chairman of the Strategic Subcommittee, 3 minutes.

□ 1515

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Tierney amendment. The amendment seeks to reduce funding for the Missile Defense Agency by about $1 billion beyond the $719 million that the committee has already reduced.

I have several concerns with the amendment. Our bill strikes the right balance between the current requirements of the warfighter and the need to invest in future technologies. Our bill increases funding for systems geared toward current threats like Aegis BMD and THAAD, while reducing funding for longer term projects.

Our bill already reduces funding for most of the programs the amendment seeks to cut, like the kinetic energy interceptor, the multiple kill vehicle, and the airborne laser. Our bill makes the different reductions to the proposed missile defense sites in Europe based on the slow pace of diplomacy and the technological immaturity of the proposed system.

The Tierney amendment, on the other hand, is ill-conceived. First, the amendment undercuts deployment of the existing ground-based mid course defense system in Alaska and California.

Second, by eliminating any and all funding for the potential missile defense system in Europe, the amendment would undercut U.S.-NATO cooperation on missile defense against emerging Iranian missile threats to Europe and U.S. troops in the region.

Third, the amendment's additional reduction to ABL could actually lead to more missile defense spending because it would delay the planned shootdown demonstration scheduled for next year, leading to increased costs in 2010.

Missile defense provisions in this bill by the committee were carefully crafted to balance the need to deliver missile defense capabilities that address current threats, and make prudent investments in future capabilities. It pares back spending on immature science projects, like last year's bill did, and includes a host of provisions to improve accountability for MDA programs. That is why, Mr. Chairman, I urge my colleagues to oppose the Tierney amendment.

I would like to yield to the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I too rise in opposition to the Tierney amendment. Just a little bit different focus here. The bill, as it stands, includes provisions to improve oversight and accountability for MDA, including required independent studies of boost phase ballistic missile defense systems, and requires strategy to increase the frequency and rigor of testing for mid course defense systems.

Large increases would undercut the prudent path forward established in this bill, and undermine the accountability provisions. Large additional decreases would undercut deployment of mature systems, and could lead to increased missile defense spending in the future if important demonstrations are postponed from fiscal year 2009 to 2010.

This is already a well-balanced budget within the missile defense budget, and well balanced with other needs, such as readiness, strategic programs and nonproliferation. So I'm asking my colleagues to oppose this amendment.

Mr. TIERNEY. Mr. Chairman, at this time I recognize the gentleman from New Jersey (Mr. HOLT) for 1 minute.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts for, once again, asking me to join him in the effort to refocus our military spending priorities toward more useful purposes. You know, one of the craziest ideas I've ever heard is that we should deploy this missile defense system as a way to test it. It should be tested before it's deployed. And I can tell you, even if it worked, it would never be so reliable that we would think of it as leak-proof, that it would actually change our strategy. So it just becomes another expense.

And simple strategic analysis tells us that a provocative yet permeable defense is destabilizing, and really leads to reduced security for all.

What we do here is provide over $600 million for the Nunn-Lugar Cooperative Threat Reduction Program, much more in keeping with the real threat that faces us, and money for the Second Line of Defense Initiative and other programs aimed at nonproliferation of weapons of mass destruction.

We would also provide $100 million for the care and support of wounded soldiers and their families, and $300 million more to address the National Guard and Reserve shortfalls, especially for homeland security activities. This is a commonsense amendment. I urge its adoption.

Mr. HUNTER. Mr. Chairman, I would like to yield to a gentleman who's leaving us this year, but the guy who has accomplished so much in confidential briefings and sessions in which you analyze our space systems and our missile systems, and a guy who hasn't been elbowing his way into press conferences, but who does enormous work for the people of this House and for the people of this Nation, the gentleman from Alabama (Mr. EVERETT). I would like to yield 3 minutes to the gentleman. He's the ranking member on Strategic.

Mr. EVERETT. Mr. Chairman, I oppose this amendment for many of the reasons that have already been stated. I believe that the Iranian intent is clearly demonstrated. It continues to enrich uranium, install advanced P-2 centrifuges, has not answered IAEA's questions about previous weaponization activities, and continues to defy U.N. Security Council sanctions.

North Korea's intent is also clearly demonstrated. In July 2006 it launched six short-range missiles (Scuds and NoDongs) and one longer-range Taepo Dong 2 missile. In October of 2006 it tested a nuclear device.

The Tierney amendment terminates European missile defense with a $341.2 million cut. This sends a terrible signal to our allies. The amendment also demonstrates a lack of U.S. commitment to collective security, after NATO recognized a missile threat in April 2008, unanimously endorsing substantial contributions of the European missile defenses. The amendment sends a message to Iran that we don't take missile threats or nuclear enrichment activities seriously.

Our key allies, Israel, Japan and NATO are pursuing missile defense capabilities in partnership with the U.S.

to address growing missile and nuclear threats. This is critical that we do not accept a cut like this.

Finally, Mr. Chairman, the bill reported out already reduced it $719 million. The Nation's missile defense system has shown remarkable improvement over the years, with 34 of 44 hit-to-kill intercepts since 2001.

So why in the world—as a matter of fact, I will state it differently. I think it would be crazy to accept a cut like this.

Mr. TIERNEY. Mr. Chairman, I acknowledge myself for 15 seconds just to make a point. With respect to the testing records that the gentleman from Alabama just read, I hope that they've read the amendment. But I certainly appreciate the fact that they understand what it is we're talking about here.

But conflating the tests for short, medium and long-range is not going to be effective in addressing the amendment that is before the House. The amendment before the House is dealing strictly with the long-range for that, and those testing results are not reflected accurately by the statement that was just made.

So we're not talking about Aegis, we are not talking about THAAD, we're not talking about Patriot attack systems. We're talking about intercontinental ballistic missiles. Those tests have not been done operationally, they have not been done realistically, and they have not been done successfully to show that there's any efficient way that those are going to be successful. All of the testimony by all the physicists and all of the experts who came there indicate that clearly.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 2½ minutes remaining. The gentleman from Massachusetts, 4¾.

Mr. HUNTER. Mr. Chairman, I started off by talking about that letter that the Armed Services Committee, Democrats and Republicans, sent to Israel in 1987 telling them that at some point in the future they would be attacked by ballistic missiles coming from a neighboring nation, probably Russian-made missiles, and that was a prophetic letter because in the Gulf War they were attacked. And I described some of the effects. Even though there wasn't poison gas on those missiles, they had an incredible effect, a traumatic effect on the citizens of Israel.

You know, we could have written a letter to ourselves and to our own leadership and the administration at that time and said, at some point ballistic missiles will be launched at the United States.

I don't take much comfort from Mr. TIERNEY's statement that he only wants to stop the funding of long-range missile defense systems, not short-range missile defense systems. We've had a series of successes with our long-range missile defense systems. We've had these collisions 148 miles above the surface of the Earth, the interceptor and the target missile both going about three times the speed of a .30–06 bullet. And because of the incredible dedication of our scientists and our engineers, we've been able to achieve some successes with these long-range missile defense systems.

The facts are, you have to defend against all types, against short-range, medium-range and long-range. And you have to try to get as many shots as you can at these missiles. If you can get them when they're taking off, if you can get them in the ascent phase, if you can get them in mid course, then you don't put as much pressure on that terminal missile defense system when they're coming in to American cities.

We are in a race, Mr. Chairman. And I would just remind my colleagues that the TD–2 missile, which was tested by the North Koreans, has the ability, according to some of our scientists, to reach parts of the United States of America. And our intelligence people tell us that Iran, it is estimated, will have, by 2015, the capability with ICBMs to reach parts of the United States of America.

Just in time is a concept for building products in our domestic economy. You get the steel just in time to build the car so that you don't have a big inventory of steel piling up. That saves you money. You're not paying interest on it. You get the tires just in time to put them on.

Just in time missile defenses is not a very good idea. We, in my estimation, we are behind the clock. And Mr. TIERNEY's amendment is a gutting amendment. We should vote "no" on this amendment.

Mr. TIERNEY. I yield myself the balance of the time.

Mr. Chairman, again, it's all very interesting what we hear for comments from our colleagues. But the interesting part of this is it does matter whether it's short and medium-range or whether it's long-range. The short and medium-range, some of the testing has, in fact, been effective and does lead us to believe and experts to believe that there might be an effective defense against those.

But the experts look at the long-range system and they say, you know, we are procuring and we are deploying way ahead of our capability. These do not work. There has been no realistic operational testing to indicate that they would. There have been sporadic tests that have been successful on some aspects of it. There have been a number of tests that have been abject failures on a large part of it.

The fact of the matter is, if we're going to have defense, it should be smart defense. We have spent $150 billion so far for nothing, nothing in terms of that long-range missile system and its effectiveness.

You want to spend another $217 billion to $250 billion in the next several years when we have other pressing needs, the ones that the Congressional Budget Office, the General Accountability Office, the 9/11 Commission, our own common sense tell us are the more likely threats to this country, some asymmetric threat, some weapon of mass destruction by a terrorist group, or some short-range or medium-range missile coming in our direction. That's what we should be defending against.

We can still test, we can still have research and development and testing for the long-range, but that would mean cutting it back substantially so we're not deploying and not procuring ahead of the game, so that we don't find ourselves owning these things, having them deployed and fielded and have to retract all of it and start over again, having a false sense of security, and having things on the ground that only need to be redone, at huge, huge cost. None of that adds to our security. It ignores the real security needs of this country that should be put first and foremost.

This is the sensible thing to do. I urge the House Members to support this amendment and let us move forward in a more secure way in this country.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 4 of House Resolution 1218, and as the designee of the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the second en bloc amendment, the following amendment be considered in the following order: amendment No. 22, amendment No. 52, amendment No. 25, amendment No. 32, amendment No. 31, amendment No. 55, amendment No. 56, amendment No. 58, amendment No. 51, amendment No. 4.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARSEN of Washington) having assumed the chair, Mr. ROSS, Acting

Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5658

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5658 pursuant to House Resolution 1218, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 23 printed in House Report 110–666 by the gentleman from Massachusetts (Mr. TIERNEY) had been postponed.

AMENDMENT NO. 33 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in House Report 110–666.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. PEARCE:

At the end of title XXXI, insert the following:

SEC. 31___. INCREASED FUNDING FOR RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) INCREASE.—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased by $10,000,000, to be available for the Reliable Replacement Warhead program.

(b) OFFSET.—The amount in section 2402 is hereby reduced by $10,000,000, to be derived from energy conservation on military installations.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to restore a small sum of money into an important program, the Reliable Replacement Warhead program. The RRW is critically important for our national security. Our current nuclear stockpile is aging. As it ages, we must constantly pour more money into maintaining the aging weapons.

We have a choice to make as a Nation: Do we continue to rely on current weapon stockpiles and pay an increasing cost of maintaining the readiness and reliability of these weapons, or do we develop a new line of weapons to replace the current stockpile? The RRW would improve the overall shelf life of a warhead from 30 to over 50 years, and the program is true to its name.

RRW does not pursue new nuclear weapons capabilities. Rather, it pursues making our weapons more reliable, and more reliable weapons will help reduce the maintenance costs of our nuclear stockpile and ensure that we have stable and reliable weapons ready, and most notably, reduce our overall nuclear stockpile by potentially as many as 1,000 warheads.

Without RRW, we will continue to have a larger weapon stockpile. Not pursuing RRW is essentially counterproductive to our stated goals of arms reduction. Not only is my amendment the responsible thing to do for our national security, it's the fiscally responsible choice as well. The current life extension programs that are designed to extend the shelf life of expired warheads are at a great cost to the taxpayer.

I think we should all agree on the goal of reducing our total stockpile of nuclear arms, and if you agree with that goal, then I urge you to adopt my amendment to restore funding for the RRW program, the Reliable Replacement Warhead program.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Pearce amendment to H.R. 5658, the fiscal year 2009 defense authorization bill. The Pearce amendment would restore $10 million for the Reliable Replacement Warhead that our bill currently redirects to a more broad-based, advanced certification program. Our bill focuses on sustaining and modernizing the stockpile stewardship program, the core of this Nation's effort to ensure that our nuclear weapons are safe, secure, and reliable.

Before any decisions are made about RRW, we must first answer fundamental questions about our strategic posture and nuclear weapons policies. That's why Congress established the bipartisan Congressional Commission on the Strategic Posture of the United States in last year's National Defense Authorization Act.

The Commission's report, due in several months, and the nuclear posture review required of the next administration will help frame the looming decisions about sustaining our nuclear deterrent and modernizing the nuclear weapons complex.

One day, something like RRW may be part of a stockpile stewardship program. But no funds were appropriated to conduct the RRW design and cost study last year, and this year's request did not include nearly enough to complete the study. In this context, the committee-approved bill shifts $10 million requested for RRW to advance certification and authorizes the National Nuclear Security Administration to address questions raised by the JASON panel last year about the challenge of certifying RRW without underground testing.

The Pearce amendment offset is also a big problem. The offset is a $10 million cut to the DOD Energy Conservation Investment Program, or ECIP. The Department of Defense uses ECIP to reduce energy consumption and greenhouse gas emissions, increase the use of renewable energy and meet national energy policy goals. And ECIP works. Its projects have a nearly 2-to-1 savings to investment ratio on average. A $10 million reduction would be a 12½ percent cut to ECIP.

Our bill, H.R. 5658, takes a prudent, sound approach to stewardship of our Nation's nuclear deterrent.

I urge my colleagues to oppose the Pearce amendment.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I would yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman for bringing this amendment, and we lament the fact that our nuclear warheads are getting older, that we don't have a testing regime in place any longer and that that necessarily deteriorates the reliability factor. So the idea was let's build a reliable replacement warhead, and the fact that we haven't proceeded down that path is really a tragedy.

Now, I know the gentleman has $10 million in this amendment for this Reliable Replacement Warhead. He takes some money from the energy conservation program, which has many, many good aspects. I know that some Members are torn between these two important goals, one of developing energy conservation on military bases, and the other developing this warhead.

I come down, Mr. Chairman, on the side of ensuring that this critical asset, which is a very, very important part of America's security apparatus, that is, a reliable strategic deterrent, I come down on that side. As a result of that, I support Mr. PEARCE's amendment very strongly.

Mrs. TAUSCHER. Mr. Chairman, at this time I am happy to yield 1 minute to my colleague and friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank Mrs. TAUSCHER for her wise leadership.

Mr. Chairman, this amendment is unwise and, at the very least, premature. Existing Department of Energy Reports and reports from outside consultants, such as the JASON group, have made it clear that our existing nuclear weapons will be viable for decades. It makes no sense to begin construction of a new generation of nuclear weapons. It is not necessary, and worse, it would be harmful to our security.

In light of our efforts to convince other countries to abstain from pursuing nuclear weapons, a pressing, indeed critical, national need for our security to persuade other countries to abstain going forward with Reliable Replacement Warhead programs would not make sense. It was defunded last year by the Appropriations Committee largely for some of these reasons I have outlined.

Finally, the United States has not recently conducted a comprehensive review of its nuclear posture, and no construction of new nuclear weapons or major alterations of the DOE lab complexes should be made until such a review is completed.

Accordingly, I urge my colleagues to oppose the Pearce amendment.

Mr. PEARCE. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from New Mexico has 2 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have heard the arguments that maybe we're taking too much money from the EEC program, the Energy Efficiency Conservation program, that we're actually taking 12 percent was what was stated, but actually the truth is from last year's funding, we're not taking a penny. We're actually leaving that program funded at exactly the same level.

I have heard that we should not be building new weapons in order to give the right example to some of our friends around the world. And when I consider our attempts to influence our friends in North Korea, I would think that our unwillingness to build new weapons won't influence them at all. And when I think about influencing our friends in Iran, I think that our new posture of not maintaining our nuclear weapons will not influence them at all. In fact, they might be influenced in the other way.

Mr. Chairman, the world is not safer since 9/11. The world is more dangerous. During the 50 or so years of the Cold War, we didn't experience one strike inside the United States that even came close to being like the attack on 9/11. Yet after the Cold War, 1993, we had the first attack on the World Trade Center and then the second attack in 2001.

The world is getting progressively more dangerous, and I think for us to think that we can negotiate with these different countries is one that we should back up with the capability to strike back if a strike is needed.

I would reserve the balance of my time, Mr. Chairman.

Mrs. TAUSCHER. Mr. Chairman, I just want to make sure that my colleague from New Mexico knows that we spend—and that anybody listening—we spend over $6 billion maintaining the weapons. So it's hardly not spending any money at all.

At this time, I am happy to yield the balance of my time to the gentleman from Indiana, the chairman of the Energy and Water Subcommittee, Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I greatly appreciate the chairwoman yielding to me, and I do rise in respectful opposition to the gentleman's amendment.

The fact is we ought to ensure our security as a Nation. To best do that, we need to develop, in a bipartisan fashion, in a fashion that exists over a number of administrations, over a number of Congresses regardless of who and which party controlled both those branches of government, a comprehensive post-Cold War, post-9/11 nuclear strategy.

My concern, because that $6 billion that the chairwoman accurately suggests we do spend on a nuclear weapons complex, is a complex that we have to re-examine and to characterize. If we begin the construction of a new weapon in place, we simply exacerbate the current problems.

In the end, we ought to develop a strategy and then determine the types and the numbers of weapons we need. And not just in the sense of nuclear, but conventional, as well as other aspects of what that plan should be as opposed to having a set number of weapons and of various types and then constructing a strategy around them.

The Energy and Water appropriations bill that was passed and is in effect as part of the omnibus package for fiscal year 2008 indicates that's exactly what this Nation should be about, and I would ask my colleagues to oppose the gentleman's amendment.

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Mr. PEARCE. Mr. Chairman, I've listened with respect to the arguments from all of the speakers on the opposition side. I would note that $10 million, the amount that is designated for the RRW, is just enough to keep the doors open; that once we allow this team of experts to dissipate, once these people are hired away, then we will never build another team possible. This is just enough money to hold the human resources together to produce these weapons because we will not be able to produce them after we give up the human technology, the human capabilities, and so just enough to keep the doors open. It's exactly what the Senate did last year

I would urge passage of the Pearce amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. BOREN

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-666.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BOREN:

At the end of subtitle D of title III, add the following new section:

SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended—

(1) by striking "No Federal agency" and inserting "(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency"; and

(2) by adding at the end the following:

"(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

"(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

"(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

"(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.".

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. Mr. Chairman, I yield myself as much time as I may consume.

Today, I rise in support of my amendment to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 that would bring additional clarity to the language in section 526 of the Energy Independence and Security Act of 2007.

First, I would like to thank Chairman SKELTON and Ranking Member HUNTER for their exceptional work in crafting this important piece of legislation that is extremely vital for the defense needs of this Nation. This is a good bill. I believe it will address the readiness needs of our Armed Forces for the near and distant future. Our servicemembers that so bravely protect and defend our Nation deserve nothing less than our full support.

Mr. Chairman, my amendment now being considered before this Chamber would amend section 526 of the Energy Independence and Security Act in a manner that would address the concerns that I share with many of my fellow colleagues within this Chamber.

Section 526 prohibits any Federal agency from entering into a contract to purchase alternative or synthetic fuels for mobility-related purposes, unless the life-cycle greenhouse gas emissions of such fuels are less than that of conventional petroleum-based fuels.

While I recognize the positive intent behind section 526 to reduce greenhouse gas emissions, I have strong concerns about how it will affect the ability of DOD to provide for the future energy needs of our Armed Forces.

Section 526 falls short of determining what alternative or synthetic fuels Federal agencies are prohibited from contracting to purchase. It also does not clearly define "nonconventional petroleum sources." This ambiguity in the law, therefore, creates uncertainty as to whether the Department of Defense can procure generally available fuels that contain mix-in amounts of fuel derived from nonconventional petroleum sources, such as oil sands.

My amendment would amend section 526 to allow DOD and other Federal agencies to enter into contracts to purchase generally available fuels that are not predominantly derived from nonconventional fuel sources. Any contract to purchase such fuel must specify that the lifecycle greenhouse emissions are less than that of conventional petroleum sources.

If my amendment is adopted, it would not repeal section 526. Rather, it will improve section 526 to provide additional clarity that is needed to meet the future energy needs of our Armed Forces.

Mr. Chairman, this amendment reflects an agreement—this is very important—this is an agreement that was reached with the respective committees of jurisdiction, House leadership and myself. I am very pleased that we were able to reach a compromise on the language of this amendment that is mutually acceptable to all parties.

Therefore, I urge my colleagues from both sides of the aisle to support the adoption of this amendment.

I want to thank the chairman.

I reserve the balance of my time.

Mr. HUNTER. I rise in opposition to the amendment, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Thank you, Mr. Chairman.

First, Mr. Chairman, I want to congratulate Mr. BOREN who is a great member of the Armed Services Committee for bringing this amendment, and I think we recognize a real problem with section 526, which is really a section, and his amendment does take away some of the onus of section 526.

Section 526 really weds us to high-grade Middle Eastern oil. It says that if you come up with other types of fuel that are alternatives, but that might have a greenhouse gas footprint higher than this high-end Middle Eastern oil, and there are very few types of petroleum-based fuels which do that, you can't use it.

Mr. BOREN has taken some of the onus off of that by saying that if it's not predominantly that type of oil, meaning you can use, for example, tar sands from Canada and other types, that section 526 does not apply.

Now, the problem is, I'm reading the last of the amendment, and one of the conditions is that the contracts under which this petroleum product would flow says the contract—and I'm quoting from the last of the amendment—the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

And I think we should be doing everything we can to expand refineries. I don't think we've built a refinery in decades, and we all sat in this Chamber and watched gas prices go through the roof here not too long ago when they had just a couple of refineries down for repair.

So I know Mr. BOREN's heart's in the right place, and he's brought us at least halfway across the river here. I guess what I'd like to see is the double Boren amendment that takes us all the way and eliminates section 526.

I congratulate the gentleman. I know a lot of our Members are going to probably support this because it, in fact, does take us part way home. I wish we could go all the way, and I thank the gentleman for his amendment.

I reluctantly oppose it because I would like to see the full loaf here.

I reserve the balance of my time.

Mr. BOREN. Mr. Chairman, I want to thank the ranking member for his friendship. I know this is his last term here on Capitol Hill, and he's been a great leader for our committee. He's also a fellow deer hunter friend of mine, and I would also like to see the double Boren amendment. We're going to try to take half a loaf right now and work on this in the future.

At this time, I would like to yield 1½ minutes to my great friend and colleague from the State of Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment offered by my good friend from Oklahoma (Mr. BOREN).

You know, the Canadian ambassador to the United States and some oil companies have expressed concern about the application of section 526 to petroleum derived from oil sands.

North American oil sands are vital to United States oil supplies. Oil sands represent approximately 5 percent of the total U.S. oil supply and are mixed in with fuel derived from other sources.

This amendment addresses the concerns that have been raised, while preserving the overall intent of section 526. Section 526 establishes a positive goal for future alternative fuels greenhouse gas emissions. This amendment clarifies section 526 while retaining the standards it sets for greenhouse gas emissions.

This amendment would simply provide an exception to section 526 by exempting contracts for generally available fuels that are not predominantly produced from nonconventional petroleum sources, thereby addressing the uncertainty regarding the presence of fuel from oil sands mixed with fuel from other sources in existing commercial processes. And my friends, all I can say is there's always a first time.

I'd like to compliment my friend for coming up with this amendment, and I urge my colleagues to support this amendment.

Mr. HUNTER. Mr. Chairman, I would like to yield at this time 3 minutes to Mr. UPTON, the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I rise in support of the amendment, though I wish it could do a lot more. I appreciate your remarks, my friend from Oklahoma, and certainly my good friend from Texas, a member of the House Armed Services Committee, and I, in large part, echo the remarks of my good friend, the former chairman and now ranking member, Mr. HUNTER.

Section 526, I'm not sure where it really came from. It was a provision that was snuck in a major energy bill this last year, and it somehow became law. And sadly, as we talk to our Canadian fronts, they're producing 1.5 million barrels of oil a day, 1.5 million barrels a day from oil shale, tar sands rather, in Alberta, and they want to send it to their good friends to the south, the United States of America. And this section 527 stops it at the border. It prevents it from coming in.

Now, I think we all know that we have a supply problem in this country which is why the price of gasoline continues to go up as it has every single day. And until we get the message out that we need more supply so that we can counter this price increase, they're going to continue to go up. It's crazy to think that our friends, the Canadians, who have all of this up there and want to send it to us down here in the Lower 48, cannot do that.

As I sat down with their ambassador a few weeks ago and their energy minister as well, they're producing at least 1.5 million barrels a day. They're anticipating within 4 or 5 years they're going to be producing as much as 4 million barrels a day. They can't consume that all perhaps, and guess what they're going to do. They're likely to build a pipeline, and they're going to send it west. It's going to end up in China or someplace else, rather than coming down and be refined in this country and used by our motorists across the country.

So, for me, I'd like to repeal the whole section, and I know the gentleman doesn't do that in this amendment. But it's a step in the right direction, and I would like to think that we can hold our nose and be able to support this amendment, make it part of going to conference and perhaps even make it better when it emerges from the House and the Senate.

I appreciate the gentleman's willingness to work with Members on both sides, and I certainly appreciate a number of my colleagues on that side of the aisle who are looking to work with me to try and repeal the whole section. But we realize that the Rules Committee was not going to say "yes" to us, and this is one step.

We'd like to take a giant step, which this bill does not do, but at least it is going in the right direction, increasing our supply to a degree so that maybe we can have some downward pressure on the price of gasoline at the pump for all Americans across the country.

Mr. BOREN. I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I think we've had a good discussion, and I appreciate the gentleman's amendment and his contribution to the committee, and we would yield back at this time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–666.

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. WAXMAN:

Add at the end of the bill the following new division:

DIVISION D—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

Sec. 4001. Short title.

TITLE XLI—ENHANCED COMPETITION

Sec. 4101. Minimizing sole-source contracts.
Sec. 4102. Limitation on length of certain noncompetitive contracts.
Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.
Sec. 4202. Preventing abuse of interagency contracts.
Sec. 4203. Prohibitions on the use of lead systems integrators.
Sec. 4204. Regulations on excessive pass-through charges.
Sec. 4205. Linking of award and incentive fees to acquisition outcomes.
Sec. 4206. Minimizing abuse of commercial services item authority.

TITLE XLIII—ACQUISITION WORKFORCE

Sec. 4301. Acquisition workforce development fund.
Sec. 4302. Contingency contracting corps.

TITLE XLIV—ANTI-FRAUD PROVISIONS

Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 4402. Mandatory Fraud Reporting.
Sec. 4403. Access of General Accounting Office to Contractor Employees.
Sec. 4404. Preventing conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

Sec. 4501. Disclosure of CEO salaries.
Sec. 4502. Database for contracting officers and suspension and debarment officials.
Sec. 4503. Review of database.
Sec. 4504. Disclosure in applications.
Sec. 4505. Role of interagency committee.
Sec. 4506. Authorization of independent agencies.
Sec. 4507. Authorization of appropriations.
Sec. 4508. Report to Congress.
Sec. 4509. Improvements to the Federal procurement data system.

SEC. 4001. SHORT TITLE.

This division may be cited as the "Clean Contracting Act of 2008".

TITLE XLI—ENHANCED COMPETITION

SEC. 4101. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) CERTAIN CONTRACTS EXCLUDED.—The contracts entered into under the authority of the Small Business Act shall not be included in the plans developed and implemented under subsection (a), except contracts that are awarded pursuant to section 602 of Public Law 100–656 (as amended by section 22 of Public Law 101–37 (103 Stat. 75), section 2 of title V of Public Law 101–515 (104 Stat. 2140), section 205 of Public Law 101–574 (104 Stat. 2819), and section 608 of Public Law 103–403 (108 Stat. 4204)).

SEC. 4102. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than $1,000,000.".

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than $1,000,000.".

SEC. 4403. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to publish on—

(1) FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) the website of the agency and through a Governmentwide website selected by the Administrator for Federal Procurement Policy the determinations required by (b)(1)(B) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term "individual purchase" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(3) The term "sole source task or delivery order" means any order that does not follow the competitive base procedures in paragraphs (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

SEC. 4201. REGULATIONS TO MINIMIZE THE INAPPROPRIATE USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to minimize the inappropriate use of cost-reimbursement contracts and to ensure the proper use of such contracts.

(b) CONTENT.—The regulations required under subsection (a) shall—

(1) identify, at a minimum—

(A) the circumstances under which cost reimbursement contracts or task or delivery orders are appropriate;

(B) the acquisition plan facts necessary to support a decision to use cost reimbursement contracts;

(C) the acquisition workforce resources necessary to award and manage cost reimbursement contracts; and

(2) establish a requirement for each executive agency to—

(A) annually assess its use of cost-reimbursement contracts;

(B) establish and implement metrics to measure progress toward minimizing any inappropriate use of cost-reimbursement contracts identified during the assessment process; and

(C) prepare and submit an annual report to the Office of Management and Budget assessing progress in meeting the metrics established in (B).

(c) COMPTROLLER GENERAL EVALUATIONS.—Within one year of the completion of the first annual reports required by subsection (b)(2)(C), the Comptroller General shall review the progress of agencies in implementing the regulations required by (a).

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subparagraph (e) and the Comptroller General on the use of cost-reimbursement contracts and task or delivery orders by all Federal agencies, including the Department of Defense. The report shall be submitted no later than March 1 and will cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year;

(3) a list of contracts and task and delivery orders identified in subparagraph (2) exceeding ten million dollars ($10,000,000), whose period of performance, including options, exceeded three years; the reasons why such contracts or orders could not be priced or converted to a fixed-price basis; and the actions being taken by the agency to do so;

(4) a certification by the contracting agency that for each contract identified in subparagraph (3) that an appropriate number of trained acquisition personnel, consistent with the complexity and risk associated with the contract or order, have been assigned to provide oversight of the contractor's performance; and

(5) a description of each agency's actions to assure the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committees on Appropriations of the House of Representatives and the Senate; and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES.—The requirements of subsections (b) and (d) shall apply only to those agencies that awarded contracts and issued orders in a total amount of at least $1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are submitted.

SEC. 4202. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an interagency acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term "head of executive agency" means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term "interagency acquisition" means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the "Economy Act", Federal Supply Schedules above $500,000, and Governmentwide acquisition contracts.

SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS.

(a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRATORS.—(1) Effective October 1, 2010, the head of an executive agency may not award a new contract for lead systems integrator functions in the acquisition of a major system.

(2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS BEYOND DEMONSTRATION LEVEL PHASE.—Effective on the date of the enactment of this Act, an executive agency may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the contract for the major system does not proceed beyond the demonstration phase-level; or

(B) the head of the agency determines in writing that it would not be practicable to carry out acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the agency.

(3) REQUIREMENTS RELATING TO DETERMINATIONS.—A determination under paragraph (2)(A)—

(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(C) may not be delegated below the level of the Chief Acquisition Officer; and

(D) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

(b) ACQUISITION WORKFORCE.—

(1) REQUIREMENT.—The head of an executive agency shall ensure that the acquisition workforce is of the appropriate size and skill level necessary—

(A) to accomplish inherently governmental functions related to acquisition of major systems; and

(B) to effectuate the purpose of subsection (a) to minimize and eventually eliminate the use of contractors to perform lead systems integrator functions.

(2) REPORT.—The head of the agency shall annually include an update on the progress made in complying with paragraph (1) in the agency's Performance and Accountability Report.

(c) EXCEPTION FOR CONTRACTS FOR OTHER MANAGEMENT SERVICES.—The head of an executive agency may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met with respect to each such contract:

(1) The contract prohibits the contractor from performing inherently governmental functions.

(2) The head of the agency responsible for the development or production of the major system ensures that Federal employees are responsible for determining courses of action to be taken in the best interest of the government.

(3) The contract requires that the prime contractor for the contract may not advise or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.

(d) DEFINITIONS.—In this section:

(1) LEAD SYSTEMS INTEGRATOR.—The term "lead systems integrator" means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) MAJOR SYSTEM.—The term "major system" has the meaning given such term in section 2302d of title 10, United States Code.

(3) DEMONSTRATION PHASE LEVEL.—For purposes of this section, the term "demonstration phase level" means—

(A) work performed prior to first article testing and approval (as defined in part 9.3 of the Federal Acquisition Regulation; or

(B) a level comparable to the level identified in subparagraph (A) which the FAR Council determines, by regulation, after consideration of the definition of low-rate initial production (as defined in section 2400 of title 10, United States Code.

(e) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—

(1) Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended ensure that excessive pass-through charges on contracts or (or task or delivery orders) are not paid by the Federal Government.

(2) SCOPE OF REGULATIONS.—The regulations prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Federal Acquisition Regulation Council determines to be necessary in the interest of the government.

(3) DEFINITION.—In this section, the term "excessive pass-through charge" means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor (other than charges for the direct costs of managing lower-tier contracts and subcontracts and overhead and profit based on such direct costs) and for which the contractor or subcontractor adds no, or negligible, value to a contract or subcontract.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable",

"average", "expected", "good", or "satisfactory";

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 254b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

(c) TIME-AND-MATERIALS CONTRACTS.—

(1) COMMERCIAL ITEM ACQUISITIONS.—The regulations pursuant to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used only for the following:

(A) Services procured for support of a commercial item, as described in section 4(12)(E) of the Office Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(B) Emergency repair services.

(C) Any other commercial services only to the extent that the head of the agency concerned approves a determination in writing by the contracting officer that—

(i) the services to be acquired are commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(ii) if the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(iii) such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(iv) the use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

(2) NON-COMMERCIAL ITEM ACQUISITIONS.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials contracts and labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

TITLE XLIII—ACQUISITION WORKFORCE

SEC. 4301. ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that there are resources available to recruit, hire, educate, train and retain members of the Federal acquisition workforce with the requisite competencies and skills to ensure that the government receives best value property and services in its acquisitions.

(b) ESTABLISHMENT OF FUND.—Title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 101, et seq) is amended by adding at the end the following new section:

"SEC. 324. ACQUISITION WORKFORCE DEVELOPMENT FUND.

"(a) The Administrator of General Services shall establish an acquisition workforce development fund.

"(1) The Administrator shall manage the fund through the Federal Acquisition Institute to recruit, hire, educate, train and retain members of the acquisition workforce of the executive agencies other than the Department of Defense.

"(2) The Administrator, in consultation with the Administrator for Federal Procurement Policy and the Chief Acquisition Officers or Senior Procurement Executives, as appropriate, of the executive agencies, other than the Department of Defense, shall issue detailed guidance for the administration and use of the Fund. Such guidance shall include provisions—

"(A) requiring agencies to identify members of their acquisition workforce consistent with section 433(i) of title 41.

"(B) identifying areas of need in the acquisition workforce for which amounts in the Fund may be used, including—

"(i) changes to the types of skills needed;

"(ii) incentives to retain qualified, experienced personnel; and

"(iii) incentives for attracting new, high-quality personnel;

"(C) describing the manner and timing for applications for amounts in the Fund to be submitted;

"(D) describing the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year; and

"(E) describing measurable objectives of performance for determining whether amounts in the Fund are being used in compliance with this section.

"(3) The Director of the Office of Management and Budget shall be the approving official for any disbursements from the Fund.

"(4) The costs of administering the fund, including the direct and indirect costs of those employees, not to exceed 5 percent per annum, shall be paid out of the fund.

"(5) Amounts in the fund may not be used to pay the base salary of any full-time equivalent position currently filled as of date of enactment of the Clean Contracting Act of 2008.

"(b) There shall be credited to the acquisition workforce development fund the following percentages of the value of funds expended by executive agencies for service contracts, other than services relating to research and development and services relating to construction:

"(1) for fiscal year 2009, 0.5 percent.

"(2) for fiscal year 2010, 1 percent.

"(3) for fiscal year 2011, 1.5 percent.

"(4) for any fiscal year after fiscal year 2011, 2 percent.

"(c) The Director of the Office and Management and Budget may reduce the amount to be credited upon a determination that the funds being credited are excess to the needs of the acquisition workforce development fund. In no event shall the Director of the Office of Management Budget reduce the percentage for any fiscal year below a percentage that results in the deposit in a fiscal year of an amount equal to the following

"(1) for fiscal year 2009, 75,000,000.

"(2) for fiscal year 2010, 100,000,000.

"(3) for fiscal year 2011, 125,000,000.

"(4) for an fiscal year after 2011, 150,000,000.

"(d) Not later than 30 days after the end of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each executive agency shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contracts, leases, task and delivery order described in subsection (b).

"(e) The Administrator of General Services, through the Office of the Chief Acquisition Officer, shall ensure that funds collected under this section are not used for any purposes other than the purposes specified in subsection (a).

"(f) Amounts credited to the fund shall be in addition to funds requested and appropriated for salaries, benefits, education and training for all current acquisition workforce members.

"(g) Amounts credited to the fund shall remain available until expended.

"(h) Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Administrator of General Services shall submit to the congressional committees identified in subsection (i) a report on the operation of the fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) A statement of the amounts remitted to the Administrator for crediting to the Fund for such fiscal year by each executive agency and a statement of the amounts credited to the Fund.

"(2) A description of the expenditures made from the Fund, including the purpose of such expenditures.

"(3) A description and assessment of improvements in the Federal acquisition workforce resulting from such expenditures, including the extent to which the fund has been used to increase the number of individuals in the acquisition workforce relative to the number of individuals in the acquisition workforce as of the date of enactment.

"(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

"(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

"(i) The report required by subsection (h) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate.

"(j) No expired balances appropriated prior to the date of the enactment of the Clean Contracting Act of 2008 may be used to make any payment to the Acquisition Workforce Development Fund.".

(c) Exception.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SEC. 4302. CONTINGENCY CONTRACTING CORPS.

The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by section 102, is further amended by adding at the end the following new section:

"SEC. 44. CONTINGENCY CONTRACTING CORPS.

"(a) Establishment.—The Administrator of General Services in consultation with the Director of the Office of Management and Budget, the Secretary of Defense and the Secretary of Homeland Security, shall establish a Governmentwide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, within or outside the continental United States.

"(b) Applicability.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

"(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

"(2) to respond to an emergency or major disaster as defined in section 5122 of title 41, United States Code.

"(c) Membership.—Membership in the Corps shall be voluntary and open to all Federal employees and uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce. As a condition precedent to membership in the Corps, each volunteer will execute a mobility agreement consistent with the provisions included in sections 3371 through 3375 of title 5, United States Code.

"(d) Education and Training.—The Director of the Federal Acquisition Institute, in consultation with the Chief Acquisition Officers Council shall establish educational and training requirements for members of the Corps, and shall pay for these additional requirements from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

"(e) Clothing and Equipment.—The Administrator shall identify any necessary clothing and equipment requirements, and shall pay for this clothing and equipment from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

"(f) Salary.—The salaries for members of the Corps shall be paid by their parent agencies out of funds available.

"(g) Authority To Deploy the Corps.—The Director of the Office of Management and Budget shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

"(h) Annual Report.—

"(1) In general.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

"(2) Content.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.".

TITLE XLIV—ANTI-FRAUD PROVISIONS

SEC. 4401. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) Increased Protection From Reprisal.—Subsection (a) of section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(a), is amended—

(1) by striking "disclosing to a Member of Congress" and inserting "disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, an employee of an executive agency responsible for contract oversight or management,"; and

(2) by striking "information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)" and inserting "information that the employee reasonably believes is evidence of gross mismanagement of an executive agency contract or grant, a gross waste of executive agency funds, a substantial and specific danger to public health or safety, or a violation of law related to an executive agency contract (including the competition for or negotiation of a contract) or grant".

(b) Clarification of Inspector General Determination.—Subsection (b) of such section is amended—

(1) by inserting "(1)" after "Investigation of Complaints.—" and

(2) by adding at the end the following new paragraph:

"(2)(A) Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

"(B) If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the Inspector General and the person submitting the complaint.".

(c) Acceleration of Schedule for Denying Relief or Providing Remedy.—Subsection (c) of such section is amended in paragraph (1), by striking "If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may" and inserting after "(1)" the following: "Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of an executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall".

(d) Definitions.—Subsection (e) of such section is amended in paragraph (2), by inserting "or a grant" after "a contract".

SEC. 4402. MANDATORY FRAUD REPORTING.

(a) Amendment of Federal Acquisition Regulation.—The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

(b) Covered Contract Defined.—In this section, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

SEC. 4403. ACCESS OF GENERAL ACCOUNTING OFFICE TO CONTRACTOR EMPLOYEES.

(a) Civilian Agencies.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(1) by inserting after "records" ",or interview any employee,".

(b) Defense Agencies.—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting after "records" ", or interview any employee,".

SEC. 4404. PREVENTING CONFLICTS OF INTEREST.

(a) Organizational Conflicts of Interest.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether it contains sufficiently rigorous, comprehensive, and uniform Governmentwide policies to prevent and mitigate organizational conflicts of interest in Federal contracting. In reviewing such regulations, the Administrator and the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum, make appropriate revisions to the regulations to—

(1) establish a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) address conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensure that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process; and

(4) ensure that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity.

(b) Personal Conflicts of Interest.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to establish uniform, Governmentwide policies to prevent personal conflicts of interest by contractor employees in Federal contracting. In developing such regulations, the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum—

(1) develop a standard contractor employee personal conflicts of interest clause or a set of standard clauses for inclusion in solicitations and contracts that set forth the contractor's responsibility to ensure that employees who are performing contracted services for the Federal Government are free of personal conflicts of interest;

(2) identify the contracting methods, types and services that raise heightened concerns for potential conflicts of interest; and

(3) establish specified principles, examples, a definition of personal conflicts of interest relevant to contractor employees working on Federal Government contracts, specific prohibitions, and where applicable, greater disclosure for certain contractor employees, that will accomplish the end objective of ethical behavior.

(c) BEST PRACTICES.—The Administrator of the Office of Federal Procurement Policy, in consultation with the Office of Governmentwide Ethics, shall develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

SEC. 4501. DISCLOSURE OF CEO SALARIES.

(a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this title. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

SEC. 4502. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Federal contract or grant, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 4503. REVIEW OF DATABASE.

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

SEC. 4504. DISCLOSURE IN APPLICATIONS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) COVERED CONTRACTS AND GRANTS.—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

SEC. 4505. ROLE OF INTERAGENCY COMMITTEE.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) DEFINITION.—The term "Interagency Committee on Debarment and Suspension" means such committee constituted under sections 4 and 5 and of Executive Order 12549.

SEC. 4506. AUTHORIZATION OF INDEPENDENT AGENCIES.

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

SEC. 4507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 4508. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a

centralized, comprehensive Federal contracting and Federal grant database.

SEC. 4509. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) AMENDMENT.—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

"(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.".

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

□ 1600

Mr. WAXMAN. Mr. Chairman, this Congress, the House and Senate, have passed important Federal contracting reforms, but neither body has assembled them into a comprehensive package. My "clean contracting" amendment to the National Defense Authorization Act consolidates these provisions into a single reform measure.

I want to particularly thank Chairman SKELTON for working with me to help bring this amendment before the House today. He has been a tremendous partner in the fight to root out waste, fraud and abuse.

The clean contracting amendment would require agencies to enhance competition in contracting, limit the use of abuse-prone contracts, rebuild the Federal acquisition workforce, strengthen antifraud measures, and increase transparency in Federal contracting.

The provisions of the amendment are based on provisions that have already passed the House or Senate, or are government-wide versions of Defense provisions that passed in last year's DOD authorization. They respond to procurement abuses that the Oversight Committee, the Armed Services Committees, and other committees have identified in hearings and investigative reports.

The egregious procurement practices that have occurred in Iraq and in response to Hurricane Katrina and at the Department of Homeland Security need to be halted. They may enrich companies like Halliburton and Blackwater, but have squandered billions of dollars that belong to the taxpayer.

This amendment says that Congress is serious about stopping waste, fraud and abuse. One important provision deals directly with no-bid contracts and requires agencies to develop plans to promote competition. This provision is needed because the value of contracts awarded without full and open competition has more than tripled since 2000, rising from $67 billion in 2000 to almost $207 billion in 2006. Full and open competition provides the government with its best guarantee that tax dollars are being spent economically and efficiently.

Another important measure would limit the length of no-bid contracts awarded in emergencies to 9 months. This provision would end the abuses that occurred after Hurricane Katrina when many "emergency" contracts were allowed to continue for years.

The amendment would also curb the use of cost-plus contracts, which provide contractors with little incentive to control costs. Spending under this kind of contract grew over 75 percent between 2000 and 2005.

Another important provision would prohibit contractors from charging excessive mark-up charges for work done by subcontractors. This would prevent the infamous "blue roof" scandal following Hurricane Katrina where taxpayers paid almost $2,500 for something that actually cost $300.

Other vital provisions of this amendment would provide whistleblower protections to civilian contractor employees, fund increases in the acquisition workforce, and prevent the abuse of interagency contracts, as was the case at Abu Ghraib, where interrogators were hired using an Interior Department contract for information technology.

The amendment also includes three provisions which have recently passed the House under suspension of the rules. One, authored by Representative WELCH, requires mandatory reporting of fraud by contractors. Another, based on the bill by Representative MURPHY, requires the disclosure of CEO salaries if a company makes most of its money from government funds. The third, based on a bill authored by Representative MALONEY, requires the development of a database of suspension and debarment information. I want to commend these Members for their hard work on these issues.

I also want to particularly thank Chairwoman VELÁZQUEZ of the Small Business Committee for working with us to perfect some of the language in this bill.

I urge Members to support the Clean Contracting amendment.

I reserve the balance of my time.

Mr. DAVIS of Virginia. I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today to speak on the amendment filed by Chair WAXMAN to the FY09 Defense Authorization Act.

This amendment is an amalgamation of various government contractor-related proposals, many of which are currently working their way through the legislative process. Most of the more than 20 components of this amendment represent attempts to, quote, reform the Federal Government's acquisition system through restrictions and reports geared towards greater regulation and oversight.

More specifically, this amendment would limit the duration of contracts awarded under unusual and compelling conditions, require agencies to develop plans for the use of sole-source contracts, restrict the use of lead system integrators in acquisitions of major systems, restrict the acquisition of commercial services, and disclose the salaries of executives of privately held firms that are receiving government funds.

While I remain skeptical these provisions will do much to address the most serious problems facing our Federal acquisition system today, I very much appreciate that Chairman WAXMAN has worked with me to revise the provisions before bringing them to the floor to help ensure they don't impose undesired and unintended burdens on the acquisition system. In addition, I am pleased that the amendment includes a provision aimed at promoting a stronger and more robust Federal acquisition workforce.

Section 4301 of the amendment creates a government-wide acquisition workforce development fund funded by a percentage of the amount expended by agencies for service contracts to be used for the recruitment, the hiring, the training, and the retraining of our Federal acquisition workforce.

He noted that there are too many cost-plus types of contracts. This contract vehicle is only utilized when the government isn't sure of its requirements. How in the world can you fixed-price something if you don't know what you need and what your final requirements are? Having a better acquisition workforce to better define these requirements and having them in touch with their client I think is the best way to get rid of these cost-plus contracts which the chairman and others have criticized rather than trying to legislate into law limitations.

In fact, if this amendment were only to include the provisions in the acquisition workforce title we would be much better off because I think that does more to address the issues in government contracting and the excesses and the problems than anything else in here.

An endless stream of reports, an endless stream of restrictions and limitations really does very little to help our stressed Federal acquisition workforce cope with the increasingly complex demands of the Federal Government for goods and services.

Other provisions in the amendment, however, cause me more concern. Section 4403 of the amendment would give the Government Accountability Office the unprecedented and the new authority to interview private individuals employed by Federal Government contractors in order to get information during its audits. There are serious issues involved with forcing private citizens to talk to government auditors. What happens if the person doesn't want to talk? Can the GAO use its subpoena power? And who within the GAO would have such authority to order private citizens to talk? A senior GAO official? Any GAO functionary? A mid-level official? This is not a provision which has been discussed or debated in Congress. In my judgment, it is not ready for prime time. I think it has some merit, but I think it's going to need really some additional debate and research before it's implemented into law.

When the chairman intended to include this provision in a bill recently being considered by our committee, he withdrew it when I requested him to do so. I assumed at the time we would discuss and debate it before bringing it to the House floor. I'm disappointed that it has been unilaterally included in the amendment, which would otherwise, I feel, be all right to this authorization bill.

Further, Mr. Chairman, many other concerns that I have with this amendment are the same concerns I expressed last year when the House took up H.R. 1362, the chairman's Accountability in Contracting Act.

The Federal acquisition system has been under considerable stress in recent years because of the extraordinary pressures of a shrinking acquisition workforce combined with an increasing reliance on Federal contractors for major activities such as providing logistical support for our troops in Iraq. This strain has resulted in a series of management problems that have been trumpeted by the press and exploited by opponents of the system. Nevertheless, the systems work pretty well, and the vast majority of government acquisitions have been conducted properly. And in the cases where we have found fraud, the system has uncovered these in many cases, audits have uncovered these, and we've been able to deal with them.

I remain concerned that controls, reports, procedures and restrictions will not go very far in addressing the most serious challenges facing us today. Reverting to the bloated system of the past, weighted down with "process," will not help the Federal Government acquire the best value goods and services the commercial market has to offer and our government so desperately needs and our taxpayers can afford.

As I have said many times before, reverting to the past under the rubric of fraud, waste and abuse and "cleaning up" the system may provide flashy sound bites and play well back home, but it doesn't give us the world-class acquisition systems that Federal taxpayers deserve.

More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and the best contracting vehicles to get there and manage the subsequent performance of those contracts.

Despite these concerns, I don't intend to ask for a rollcall, but I intend to oppose this amendment. And I hope to be able to work with Chairman WAXMAN and other interested stakeholders on these provisions in conference to try to make sure that we're not imposing unnecessary burdens on our Federal acquisition system.

Mr. HUNTER. Would the gentleman yield?

Mr. DAVIS of Virginia. I would be happy to yield to my friend.

Mr. HUNTER. I thank the gentleman for yielding.

You know, one aspect of this that I thought was troubling also was the fact that private contractors will have to disclose the amounts of money that their particular people make. That's going to go out, presumably, to others; competitors will see that. These aren't publicly held companies. I think that that's an intrusion we don't necessarily need to make.

Mr. DAVIS of Virginia. Let me say to my friend, this was a concern, but in working with Mr. MURPHY, the author of this provision, we feel that in the light that—the sirens will go out, not just for contractors, but for grantees, too, on Federal grants and the like. And it will go out not under the rubric of just contracts, but be available on a Federal database which the Congress approved last year.

So I appreciate Mr. MURPHY working with us on that. We're, at this point, comfortable with that provision, having massaged it through the committee process.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I do want to express my appreciation to Ranking Member DAVIS for the hard work and contribution; he helped us in fashioning so much of this legislation.

At this point, I yield 1½ minutes to the gentleman from Connecticut, who is an author of an important provision in this bill and is a very valued member of our committee.

Mr. MURPHY of Connecticut. I would like to thank Chairman WAXMAN for putting this very valuable amendment before us today. We've spent an awful lot of time on the Government Oversight Committee looking into the contracting practice of the Federal Government. I think this goes a very long way towards safeguarding our taxpayer dollars, and also shining some transparency on it, which is the piece of the amendment that I would like to speak on today.

This amendment includes legislation that passed the House on voice vote several weeks ago, the Government Funding Transparency Act. The act requires that companies that make almost every penny of their revenue from the Federal Government, essentially quasi-public agencies, requires them to disclose to the American public the amount of profit that they're taking off of those contracts. These companies making over 80 percent of their money shouldn't be allowed to hide this type of financial data from the American taxpayers.

I would like to thank Ranking Member DAVIS for working through this bill as it moved through the committee process. This really has moved from a contracting bill to a disclosure bill, one that I think is going to give the American public and this Congress the access to the data that they should have when we are awarding large contracts to essentially government agencies that don't have the requirements that other agencies and public vendors do.

I would like to thank Chairman SKELTON as well for working through this amendment as we brought it forth today. I support its passage and the underlying legislation.

Mr. DAVIS of Virginia. Let me just say to my friends, if we really want to reform the acquisition system, the most important thing we can do is, first of all, start with a better job of defining our requirements on these particular vehicles and then recruiting and retaining acquisition professionals, the best and the brightest we can find. And when we do that, that means we have to pay them appropriately, we have to train them appropriately, we have to give them the appropriate incentives and bonuses. Think of a multibillion-dollar acquisition that comes in on time and under budget. That is worth its weight in gold. We have had so many of these vehicles that have gone sideways on us and end up costing us billions of dollars. It is better to spend a little money up front training the right people to oversee these contracts, define the requirements along the way. This amendment does do something in that regard. I think we need to continue to work in that direction.

I look forward to working with my friends on other amendments as we can strengthen the acquisition system.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, this amendment, which consolidates a number of other provisions, has within it a provision that the House also passed on the suspension calendar authored by the gentleman from Vermont, Congressman WELCH. I yield 1½ minutes to him at this point.

Mr. WELCH of Vermont. I want to thank Chairman SKELTON for his leadership, Chairman WAXMAN, Mr. HUNTER and Mr. DAVIS.

I have been listening to Mr. DAVIS, and he makes a good point; you have to, when you're spending $1 trillion on a war—and we're pushing that—have a good acquisition team. But that really begs the question, we have to have oversight. And there has been documented an astonishing amount of waste, fraud and absolute rip-off in this expenditure of close to $1 trillion. And that does require some simple reporting requirements.

Mr. MURPHY's amendment, where private companies that go into contracts from $700,000, and then when the war starts over the next 4 years to $1 billion, that 10 percent cut for the owner of that company, or the owners, the public has a right to know. Sunlight is going to put some limits on how much profit is reasonable when our soldiers are working so hard for so little.

Secondly, when we have no-bid contracts—and these have proliferated so that they are about over $1 trillion—and the companies that have those contracts become aware of fraud, why is it not plain common sense that that company would have the obligation immediately to report to the American government their knowledge of fraud so that we can save taxpayer dollars, particularly when these involve national security contracts, oftentimes with things that are going to protect our troops? We owe them no less and we owe our taxpayers no less. So I thank the gentlemen for the work that they've done to restore fiscal responsibility.

□ 1615

Mr. WAXMAN. Mr. Chairman, I would like to yield 1½ minutes to a very valuable member of our Oversight Committee who has been a watchdog to make sure that we are not wasting taxpayers' dollars, the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, at its simplest level, the House Armed Services Committee is the military's best friend, the best friend to the soldier, the sailor, the airman, and the marine. And under the leadership of Chairman SKELTON and Ranking Member HUNTER, we are demonstrating this once again with this bill.

The House on Oversight and Government Reform Committee, Mr. WAXMAN's committee, is the taxpayer's best friend. And it's very important that these committees work together, as they are doing today, to make government work both for the taxpayer and for the military. And that's what these clean contracting amendments do.

It's an amazing group of amendments to try to minimize, for example, sole source contracts. Why should the government have to add all this business to one company without competitive bidding unless it's a national emergency? This amendment takes care of that why should we have cost-plus contracts? Those guarantee a profit whether it's deserved or not. We try to minimize those things.

This is an excellent example of cooperative work between committees, really forgetting jurisdictional lines, and making government work for the people back home.

I'd also like to thank Mr. WAXMAN in particular because he pointed out something that even the excellent staff of the House could not have been able to see so far, which is workmen's compensation for defense contractors, an issue that we had not delved into. But just last week, in an excellent set of hearings that Chairman WAXMAN called, we were able to produce legislative language that, thankfully, the House has accepted and to get this reform underway already. So in just 1 week's time, we are solving this problem for the taxpayer.

I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to my very good friend and respected leader, the chairman of the Committee on Armed Services (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding. I also wish to compliment him on this amendment.

Mr. Chairman, there was a lot of hard work that went into this, and what it would do is add the Clean Contracting Act of 2008 to national security and defense. It compiles provisions that have already passed the House or would extend acquisition reforms passed for the Department of Defense in prior authorization bills in identical form. It also adds a couple of new measures.

This Waxman amendment complements last year's bill in which we extended several of the reforms beyond the Department of Defense, and it also included several bills that have already passed, such as the Contractors and Federal Spending Accountability Act offered by Representative MALONEY, the Close the Contractor Fraud Loophole Act offered by Mr. WELCH, and the Government Contractor Accountability Act offered by Mr. CHRIS MURPHY.

There's a lot of hard work that goes into this. And we are always going to have difficulties in the acquisition process and the contracting process. But this is a major step in that direction, and I favor it.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished chairman of the Oversight and Government Reform Committee, Representative WAXMAN, that would make important reforms to the contracting process.

Particularly, I want to note my support for provisions in the amendment based on my legislation which passed the House last month, H.R. 3033, the "Contractors and Federal Spending Accountability Act." That bill and this amendment would fortify the current federal procurement system by establishing a centralized and comprehensive database on actions taken against federal contractors and assistance participants. It requires the contracting officer to document why a prospective awardee is deemed responsible if that awardee has two or more offenses which would be cause for debarment within a 3-year period. Additionally, it improves and clarifies the role of the Interagency Committee on Debarments and Suspension, and requires the Administrator of General Services to report to Congress within 180 days with recommendations for further action to create the database.

Currently, federal agency officials lack the information that they need to protect our business interests and taxpayers' dollars. This amendment will make it easier for these individuals to prevent those who repeatedly violate federal law from receiving millions of dollars from the federal government.

As a New York City Councilwoman, I successfully led an effort to implement a similar system. This system has aided the City of New York tremendously, and it has helped to prevent habitual bad actors and felons from being awarded city contracts.

The United States is the largest purchaser of goods and services in the world spending more than $419 billion on procurement awards in FY2006 and $440 billion on grants in FY2005. It is Congress's responsibility to ensure that the taxpayers' dollars are used wisely and not wasted by some contractors who are more interested in lining their pockets with profits than providing the American people with the goods and services they are paying for.

I also want to acknowledge Representative MARK UDALL for his supportive efforts to improve the federal contracting system, and I urge my colleagues to support this amendment.

The Acting CHAIRMAN (Mr. POMEROY). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. LEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 110–666.

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. LEE:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(iv) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

First let me thank Chairman SKELTON and Ranking Member HUNTER for their work on this bill and also for their devotion to the men and women of our Armed Forces.

Thank you very much on behalf of my dad, retired Lieutenant Colonel, recently deceased, Garvin Tutt. Thank you, Mr. SKELTON; thank you, Mr. HUNTER.

Mr. Chairman, my amendment is simple and straightforward. It provides that no provision contained in any Status of Forces Agreement, or SOFA, negotiated between the President and the Government of Iraq which commits the United States to the defense and security of Iraq from internal and external threats is valid unless this agreement has been authorized and approved by Congress.

This may sound complicated but it really is not. The issue is really simple. Should President Bush, this President, or any President be allowed to obligate our troops to a long-term commitment to spend resources and provide troops to defend Iraq against its enemies internal or external without congressional review? The longstanding answer and constitutional answer to this question is "no." So, Mr. Chairman, this amendment should not be controversial.

And why is it needed? Because in November, 2007, President Bush and Iraqi Prime Minister Maliki signed the Declaration of Principles for Friendship and Cooperation, which included an unprecedented commitment to defend Iraq against internal and external threats. Frankly, this is not only unprecedented, but it is really insulting when one considers that the agreement does require the review and approval of the Iraqi Parliament but not our own Congress. That doesn't make any sense. If prior review and approval is good enough for the Iraqi Parliament, it is good enough for the United States Congress. In fact, it is essential for the United States Congress to give their approval.

I want to take a moment to address the position of the administration and some of my Republican colleagues who would argue that the agreement is nothing more than a garden variety. Status of Forces Agreements, for the most part, don't require congressional involvement or approval. But the reality is that this Declaration of Principles goes far beyond what is typically covered in the Status of Forces Agreement, or SOFA. The reality is that routine SOFAs do not include any guarantee to defend a host country against external or internal threats. That just has not been part of prior SOFA agreements.

I cannot underscore just how serious this commitment is. An agreement of this kind to commit American troops to the defense of security of another country is not routine or typical or minor. It is a major commitment that must have the support of the American people, and that popular support will only be reflected through the Congress of the United States, the people's House.

Mr. Chairman, if a decision is made about keeping troops in Iraq indefinitely, then it is the Congress that should have a say. My amendment does that.

I want to be clear, though, that this amendment is not about redeploying our troops from Iraq, a position that I strongly support, nor is it about timelines or reconstruction or oil or the various other debates raging around our occupation of Iraq. We can't undo the suffering, the death, the horrible injuries, the deep psychological scars, or the millions of lives that are forever altered, and we can't erase the misrepresentations made, the mistakes made, or the damage done. But we can, however, prevent future mistakes. And it would be a disastrous mistake to let the current declaration move forward without congressional debate and approval.

So this amendment is about the future. Do we want the next President and Congress to inherit a situation where our troops are committed to fight Iraqi civil wars and any entity the Iraqis deem a threat? Do we really want that? Do we want to do that without even having debated it or allowing congressional review? Do we really want that?

This is about standing up for Congress and the Constitution. Again, this amendment is responsible, practical, and necessary. For these reasons, I urge all Members to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Mr. Chairman, I reluctantly rise to oppose this amendment because of my great respect for the gentlewoman. But this Status of Forces Agreement is something that we've done now in over 80-some countries. And it's not a guarantee of security. It's not a guarantee of defense. It is not and should not be considered as a treaty. It is simply for the protection of American soldiers and American civilian personnel.

It sets out, for example, if you are sued, if you're charged with a criminal action, there has to be an agreement between the countries as to how people are treated, that is, how American personnel are treated, and under the agreement that Iraq has made with the United States.

Now, Secretary Gates has testified to us in the Armed Services Committee, and he has been asked about the SOFA, and he has said there are no security guarantees in this SOFA. We're going to have the same team that has done SOFAs, these Status of Forces Agreements, in many other countries, moving in to do the same Status of Forces Agreement that will go over the same types of things. And, again, this does not rise to the level of a treaty because this is not going to be an agreement with respect to security guarantees for Iraq. It will contain no security commitment, and it will not obligate force structure or troop strength or assure any other security guarantees.

So, Mr. Chairman, this is not a treaty. And I appreciate the gentlewoman's statements and her intent, and there may be at some point an agreement between Iraq and the United States that will be a treaty with respect to security commitments. This doesn't do it. What this does is protect American personnel. We need it and we need to negotiate it. We need to get it done. It's not a treaty, and we should not make it subject to ratification by Congress.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I would like to yield 1 minute to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, this is really a reflection of constitutionality. This refers to any agreement that requires the United States to take action on behalf of an ally in the face of an attack. This is one that is an agreement that is a security agreement, and it requires either a treaty ratified by the United States Senate or a provision passed by the entire Congress of the United States.

It's unclear, for instance, that if the Iraqis could repel any external invasion or address a serious internal threat without America that the United States could avoid being involved against its will in such a situation. Quite honestly, it is a requirement that the Constitution be followed. A security agreement, by the way, is different from a Status of Forces Agreement. I favor the amendment.

Mr. HUNTER. Mr. Chairman, once again, these Status of Forces Agreements, which are pretty run of the mill, do not manifest security commitments by the United States to protect the countries that they are made with. They talk about the treatment and describe the treatment of Americans with respect to getting licenses, licensing their vehicles, how they're going to be treated in cases of civil or criminal actions. Basically how the American who is in that particular foreign country, and again we have got 80 of them that we have done, how they are going to be treated by that host country.

Now, they are not security commitments, and if you have something that does, in fact, commit the United States to a security agreement with another country, and in this case Iraq, I have no dispute with my colleagues, that at that point you have a treaty, and a treaty, because it manifests commitments, has to be ratified.

But I don't understand why we are saying that the Status of Forces Agreement, which is going to talk about how our troops are treated in the same way that we talk about how American military personnel who are in Germany or Japan or 80 other countries are treated, how that now becomes something special because it's Iraq and, in the case of Iraq alone, we have to have a ratification by Congress.

□ 1630

I would reserve the balance of my time.

Ms. LEE. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman has 4½ minutes remaining.

Ms. LEE. I would yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, as we speak, the administration is negotiating a strategic framework agreement with Iraq that goes well beyond the typical Status of Forces Agreement. Contrary to what my colleague, Mr. HUNTER says, from California, essentially it does amount to a treaty. Read the words of the Declaration of Principles. It will need to be ratified by the Iraqi Parliament and therefore it must be ratified by the United States Congress as well. This is the issue that goes to the heart of our constitutional duties as a Congress and the power to declare war, with which we have been entrusted as representatives.

After voting against this war, I have supported the goal of responsibly redeploying our troops for over 2 years, and after President Bush and Prime Minister al-Maliki signed the Declaration of Principles last year. It is a document that outlines unprecedented security commitments and assurances to Iraq from the United States. If in fact it is just a Status of Forces Agreement as usual, then the administration should repudiate this Declaration of Principles and start with a genuine Status of Forces Agreement.

I introduced the Iraq Strategic Agreement Act. I compliment my colleague, Ms. LEE, and support her amendment.

Mr. HUNTER. Once again, the gentlelady talked about a strategic framework agreement. That does manifest security commitments, and that does have to be ratified. But that is not the Status of Forces Agreement. The Status of Forces Agreement is simply about the treatment of American military personnel in that particular place. We are talking about two different things; one that has to be ratified and the other that doesn't. And I have heard no good argument as to why, of the 80 Status of Forces Agreements that we have around the world, why this one has to be ratified by Congress and none of the others have to be.

I reserve the balance of my time.

Ms. LEE. I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. McDERMOTT. I will give you a reason why we ought to have this amendment. We know what happens when we give this President a blank check. It always goes badly. We get a banner, Mission Accomplished, and he gets to continue a failed war that has now claimed the U.S. economy as its latest casualty. That is why I urge my colleagues to approve this Lee amendment.

This lame duck President must not be able to indenture the next President to carry on a disastrous war of security. This is a lame duck administration trying to rewrite history, and they will tie the hands of the Nation into a knot in the process if we let them. The next President and the next Congress are the only ones who should determine the future policy in Iraq. This amendment ensures this will happen.

The President has had a blank check since 2001, and we see where we are. This amendment brings some balance to the process. It's time to close the blank check account for a lame duck President. We ought to approve the Lee amendment and preserve our chance in the future to get out of Iraq.

Ms. LEE. I would like to yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today to support Congresswoman BARBARA LEE's amendment. In fact, Mr. Chairman, if it were not for abusive power grabs, we would not need this amendment today. As Chairman SKELTON just said to us, this amendment actually strengthens a right guaranteed to the Congress by the Constitution. With Congresswoman LEE's amendment, we simply affirm that any major international agreement signed by the representatives of the United States, the U.S. Government, it must be approved by the Congress.

Whether you call it a treaty, whether you call it a Declaration of Principles, this Congress will fulfill our constitutional duty today because every one of us, every Member of Congress takes an oath to defend the Constitution of the United States of America, and today we will do just that.

So, again, I thank Congresswoman LEE, and I urge support of this amendment.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. HUNTER. Mr. Chairman, I would just say to my colleagues, including the gentleman from Washington who spoke I think somewhat disparagingly of the President, this is part of the duties of an administration anywhere where you have American troops. You lay down rules of how they are going to be treated with respect to civil actions, criminal actions, licensing of vehicles, payment of taxes, all the things that affect a person who is now physically residing in that foreign country, whether it's an American civilian or a military guy who's stationed there. It's a necessary thing.

The idea that we are going to elevate this thing, which has been a fairly ministerial thing, to a treaty on the basis that the people who are speaking don't like the President doesn't make any sense. You know, when the Secretary of Defense comes in, testifies to our committee that there will be no commitments manifest in this particular SOFA with respect to security, he testifies to us to that effect, the idea that we say we are not going to believe him, and certain members of the other side don't like the President so they come down to say anything he does now has to be ratified by Congress, I think that disparages the process, Mr. Chairman.

We have got a fairly run-of-the-mill ministerial thing that we need to do and, once again, I say to my colleagues, this protects American personnel. The same team that has negotiated this with presumably dozens of countries and gone over the same ministerial stuff with respect to how people are treated in that country, will be talking to the Iraqi leadership and making that same negotiation on those same points.

So the idea that we now elevate this to a treaty; if a treaty is coming with this strategic framework, that does have to be ratified by Congress, and should be ratified by Congress. But let's not mix the two up. Let's protect our personnel and then let's move to this ratification or this decision of what any security commitments might be.

I would reserve the balance of my time.

Ms. LEE. I would like to yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, I thank the gentlewoman from California. We have two issues here. The first is whether this body, the Congress of the United States, is going to exercise its responsibility or abnegate its responsibility to the President of the United States.

We have a bit of a factual dispute about the nature of this agreement. The chairman of our committee, a distinguished veteran, has made it clear that this can be in the nature of a treaty. That is what it applies to. It could implicate us in the second issue, and that is where the United States should be providing security when essentially you have a civil war.

The agreements and Status of Force Agreements that Mr. HUNTER has described have been with countries that have stability. This is a country that has Shia fighting Shia, Shia fighting Sunni, the Kurds sitting on the side, waiting. The United States should not be providing security guarantees without the vote of Congress in that circumstance.

Ms. LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentlewoman has 30 seconds remaining.

Ms. LEE. Mr. Chairman, I'd like to yield the remaining time to close to the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, this is first-year law school discussion. If you read the amendment offered by the gentlelady, it makes reference to 1212(a)(1)(a)(4). It applies only to this. I read that section: "Any security agreement, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq." That doesn't say a thing, not a blooming thing about Status of Forces Agreement. So that is what we are talking about. That is why a treaty is required or a consent of Congress.

Mr. HUNTER. Just one other point, and that is in the U.N. Security Council Resolution, under which our troops operate now, which provides for how they are treated in Iraq, expires in December. That is why we need to have a Status of Forces Agreement. If we don't have, and we now elevate this to a treaty, and Congress doesn't act on the treaty, they will lose their protection when the United Nations provision expires.

It doesn't make sense to put this onus on them, that somehow we are going to raise this thing to a treaty level and Congress, by golly, is going to have to now ratify it before we can decide how an E-5, a sergeant with a couple of stripes, living in Baghdad, how he is going to be treated with respect to the laws of that country. It doesn't make a lot of sense.

I think we ought to leave this thing alone. When we go to any treaties that actually manifest security commitments by the United States, certainly that has to be then ratified by Congress. This isn't one of them. It will be the 81st SOFA that we have had without requiring Congress to ratify it.

Mr. BERMAN. Mr. Chairman, I rise in strong support of this amendment by my colleague from the Foreign Affairs Committee.

Mr. Chairman, this is a simple amendment. It provides that any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq must be approved by an act of Congress or by a treaty that receives advice and consent.

Mr. Chairman, the United States has many friends around the world, including in the Middle East, with whom we have non-legally binding arrangement about security. However, legally binding security commitments to use the Armed Forces of the United States have only been entered into with the approval of Congress. U.S. security commitments to NATO and Japan, for example, have been made pursuant to a treaty subject to advice and consent with the Senate.

I believe that past precedent should be our guide as to how to deal with any legally binding obligation of the United States that would commit both the current President and all of his successors to defending Iraq. If the President believes this is wise for the country, he should not do it alone; it should only be taken with congressional approval.

Mr. Chairman, this is not an esoteric or hypothetical situation. This past weekend I was in Baghdad with Speaker PELOSI's delegation. It's quite clear from our discussions there that the government of Iraq at the highest level expects that any strategic framework or other agreement between the United States and Iraq will include a legally binding security commitment that would require the United States to respond to threats against Iraq.

This amendment ensures congressional approval and, implicitly, congressional oversight of any proposed legally binding commitment to Iraq's security. I would hope that all my colleagues, irrespective of their political affiliation and their views about the conflict in Iraq, would agree that Congress should not be sidelined when it comes to what could be a millennial commitment to defend a country in the heart of one of the hottest regions on the planet.

I strongly support the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 50 printed in House Report 110-666.

Mr. ISRAEL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. ISRAEL:

At the end of title XII, add the following new section:

SEC. 12___. EMPLOYMENT FOR RESETTLED IRAQIS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b).

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are individuals, in the determination of the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Homeland Security, who—

(1) are Iraqi nationals lawfully present in the United States; and

(2) worked, for at least 12 months since 2003, as translators in the Republic of Iraq for the United States Armed Forces or other agency of the United States Government.

(c) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work was for the Department of State.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security, the Office of Refugee Resettlement of the Department of Health and Human Services, and nongovernmental organizations to ensure that Iraqis resettled in the United States are informed of the program established under subsection (a).

(f) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of State, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including establishing pay scales and hiring procedures, and determining the number of positions required to be filled.

(g) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

(2) EARLIER TERMINATION.—If the Secretary of Defense, in coordination with the Secretary of State, determines that the program

established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, this amendment solves a critical deficiency in our warfighting and our peacekeeping capabilities by strengthening the Arab language capabilities in the Department of Defense and Department of State. There are literally hundreds of Iraqis in the United States who supported our military units as translators in Iraq. They risked their lives, they risked their families' lives. They went on patrol in very dangerous areas, told our servicemembers what the enemy was saying, what was being said.

Then they came here to escape persecution, and when they got here, they wanted to continue providing those critical linguistic abilities and they were told there was no place for them to work. Many of them today are working in Safeways and working in Home Depots and working in restaurants, instead of providing the linguistic capabilities that we desperately need in the military theater.

Study after study after study, including the Quadrennial Defense Review, points to the critical deficiency we have in understanding the cultures and languages that we are fighting in. Our Nation now has hundreds of people who grew up in those cultures, speak those languages, pass background checks, risk their lives, and what do we do, even though we need their skills? We let them bag groceries at a Safeway. It doesn't make any sense.

This amendment would help solve that problem by instructing DOD and the Department of State to create a temporary program that would offer employment as translators, interpreters, or culture awareness instructors in Iraq, who meet certain rigid criteria. One, they must be here legally. Two, they must have worked for at least the last 12 months as translators in Iraq since 2003 for our troops or for another U.S. Government agency.

This amendment is endorsed by the Episcopal Church, Veterans for Common Sense, the International Rescue Committee, Church World Service, which works very hard on it, and many additional groups.

□ 1645

I would like to read into the RECORD, Mr. Chairman, a statement by Major Andrew Morton, U.S. Army Active Service, a former Director of Strategic Communications for Multinational Forces in Iraq, where he says, "Representative's Israel's proposed amendment is a critically needed program to assist these many Iraqis who have put themselves and their families in harm's way to assist our joint operations in Iraq."

This is a very important amendment in helping those who were protecting us, and I urge its passage.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, first let me express my great respect for the gentleman who is offering this amendment. He does wonderful work on the committee and truly has a heart for those who have been impacted by the operations in Afghanistan and Iraq.

On that point, I would say I remember the time we were in Fallujah and a young Marine captain came up to us with some language he had written. In fact, his name was Kevin Coughlin. He thinks he has traded up. He moved on to the FBI from the committee staff. But we were so impressed with the language he had written to protect translators that we brought him back with us and made him part of the HASC staff. He did leave us a "Dear John" note after he left to go to work for the FBI, but a great young Marine captain. And he felt the same way we had, which is that our translators needed to be protected.

We have a program which protects them. Now, the question here is, are we going to mandate employment for them? That is the way I read this particular legislation. I don't think that is the right way to go.

I think that, first, a lot of these folks have got great initiative. They are happy to be in a free country. If we have a program to help make sure they know of all the job opportunities that are available and perhaps help them with language, make sure that they are connected with folks that are recruiting our people who need those language talents, I think that is great.

But I think the idea, at least the way I read this thing, that there is mandated employment, I think that is going a step far. I think it is something we haven't done for other folks. In this case we have taken people and their families who helped the United States and we have relocated them in the greatest country in the world with the freedom to travel all these new roads that they have never been able to travel before.

But I think, for one thing, that the idea of guaranteed employment, if they have got a lot of spirit and a lot of initiative, that is the first way to kill spirit and initiative, is to give a guaranteed lifetime job to someone. I think we ought to take these folks who have this great energy, they have obviously displayed a loyalty to the United States, help them hook up with these thousands and tens of thousands of employers, including those in the government, but not have a program that guarantees employment.

So I thank the gentleman for the spirit of his amendment.

I would reserve the balance of my time.

Mr. ISRAEL. I thank the gentleman. I would assure him that this in no way mandates a program. It asks the Secretary of Defense and the Secretary of State to create one, but it is totally at their discretion and provides ultimate flexibility for them.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman from New York.

The Israel amendment recognizes that we have a responsibility to the Iraqis who by helping us have put a bull's eye on their back. The interpreters every single day are in immense jeopardy. They have many people who, if their identity is determined, will kill them.

But as aggressive as Mr. ISRAEL is in promoting this amendment, he is really the second-most aggressive advocate. The most aggressive are our soldiers, who have benefited day in and day out from the services of people they have come to call their brothers. They want us to stand up for the people who have stood up for them.

And do they need a job when they come here? Of course they do. This is about doing work so that they can maintain body and soul. It is also about them having work that can continue to help our men and women in uniform.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I too want to salute the gentleman from New York and his work on the Armed Forces Committee, but I must respectfully disagree with this amendment and what I believe is the philosophy behind it.

We need to be encouraging Iraqis to stay in Iraq. Iraq is improving. The situation there is expanding. They need to rebuild Iraq. They need to have a better economy. And by encouraging the best and the brightest to come to this country, we are doing a disservice. We should not be encouraging the Iraqi translators to abandon their country, to leave their country. We should be promoting their staying in Iraq.

If we have jobs programs, I suggest that first, with the mandatory language that exists in this amendment, that we focus on jobs for U.S. citizens. Refugees get food stamps, SSI and Medicaid. That is often more than U.S. citizens get. We should be rolling out the red carpet for our citizens first, instead of adopting programs like this.

Mr. ISRAEL. Mr. Chairman, I would just point out to my good friend from Virginia that these translators did risk their lives to help our troops in Iraq. If they stayed in Iraq, they would in all likelihood be killed. The reason they come here is to escape assassination.

With that, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the committee.

Mr. SKELTON. Mr. Chairman, I go back to the basics, and that is, read the amendment before you. This amendment asks that the Secretaries jointly establish and operate a temporary program to offer employment as translators, interpreters, et cetera. This is not a mandate in the words at all that are before us. Under this amendment, these Iraqis must have assisted our country in Iraq for at least a year and be here in the United States legally.

As a practical matter, these are the Iraqis who have been brought to our country under the legislation offered by my good friend DUNCAN HUNTER that was included in the National Defense Authorization Act of 2 years ago, which is good language. We are also not talking about a large number of people. We are talking about 760 people who have been brought to the United States.

I think we can do something for them. I think a careful reading of the amendment will solve a lot of discussion today. Mr. ISRAEL is right.

Mr. HUNTER. Mr. Chairman, I appreciate the remarks of both Mr. ISRAEL and the ranking member. I am just looking at the language, and it says "shall offer employment." So it clearly says, if I was going to read that as an agency head, I would say that means I must hire these folks.

Again, this committee worked to make sure that they got over here, that they were protected and that their families were protected, and I am glad we did that. I will offer my small offices. We have had jobs fairs at Bethesda and Walter Reed for our returning wounded warriors where we bring people from industry and we bring people from the agencies and we try to get them together with our wounded vets who are returning and help them to match up and get jobs. I would be happy to do the same thing with respect to these interpreters. And, indeed, interpreters have special skills. This should be something that can be done.

The only thing I would object to is the mandated job. We don't offer that to our veterans. I just think that is a step a little bit too far. But I would be happy to work with the gentleman in terms of helping them to access jobs.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. BRALEY of Iowa) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2419), "An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes", returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The SPEAKER pro tempore. The Committee will resume its sitting.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The Committee resumed its sitting.

AMENDMENT NO. 53 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 53 printed in House Report 110–666.

Mr. BRALEY of Iowa. I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. BRALEY of Iowa:

At the end of subtitle B of title XII, insert the following new section:

SEC. 12___. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, to date, Congress has appropriated $700,000,000,000 from fiscal year 2001 through fiscal year 2008 for the Department of Defense, the State Department, and for medical costs paid by the Department of Veterans Affairs. This amount includes $526,000,000,000 for Iraq and $140,000,000,000 for Afghanistan and other counterterror operations. Among other expenditures, this amount includes funding for combat operations; deploying, transporting, feeding, and housing troops; deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; supplemental combat pay and benefits; providing medical care to troops on active duty and returning veterans; reconstruction and foreign aid; and payments to other countries for logistical assistance.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense has provided little detailed information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and does not provide information on many key factors which determine costs, including personnel levels or the pace of operations.

(5) To date, the administration has not provided any long-term estimates of war costs, despite a statutory reporting requirement that the President submit a cost estimate for fiscal year 2006 through fiscal year 2011 that was enacted in 2004.

(6) Operating costs in Iraq and Afghanistan have been increasing steadily since 2003, and war costs in Iraq have sharply increased from $50,000,000,000 in 2003 to approximately $134,000,000,000 for fiscal year 2007, to the $154,000,000,000 request for fiscal year 2008.

(7) The Iraq Study Group Report states that, "the United States has made a massive commitment to the future of Iraq in both blood and treasure," warns that "the United States must expect significant 'tail costs' to come", and predicts that "Caring for veterans and replacing lost equipment will run into the hundreds of billions of dollars. Estimates run as high as $2 trillion for the final cost of the U.S. involvement in Iraq".

(8) The Iraq Study Group Report also finds that "This level of expense is not sustainable over an extended period . . .".

(9) The use of government contractors and private military firms has reached unprecedented levels, with over 100,000 contractors operating in Iraq.

(10) Over 1,600,000 American troops have served in Afghanistan and Iraq since the beginning of the conflicts.

(11) Over 4,050 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom, and over 490 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(12) National Guard and Reserve troops are being deployed in support of these conflicts at unprecedented levels.

(13) Many troops are serving multiple deployments, and one-third of those serving in the Iraq war have been deployed two or more times.

(14) Over 1,100 service members have suffered amputations as a result of their service in Afghanistan and Iraq.

(15) More than 100,000 Iraq and Afghanistan veterans have been treated for mental health conditions.

(16) 52,000 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder.

(17) Nearly 37 percent of soldiers returning from Iraq and Afghanistan have sought treatment at Department of Veterans Affairs hospitals and clinics.

(18) Many troops have suffered multiple injuries, with veterans claiming an average of five separate conditions.

(19) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts, and found that the "numbers of

servicemembers surviving with . . . complex injuries have challenged our modern military medical system and exposed weakness and breakdowns in access to care, as well as continuity of care management and follow-on administrative processes".

(20) The Independent Review Group report also states that the recovery process "can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma".

(b) REPORT REQUIREMENT; SCENARIOS.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 30,000 by the beginning of fiscal year 2010 and remains at that level through fiscal year 2017.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 75,000 by the beginning of fiscal year 2013 and remains at that level through 2017.

(3) An alternative scenario, defined by the President and based on current war plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2068, shall be adjusted appropriately for inflation, and shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000 over the next six years.

(22) Amount of money borrowed to pay for the wars in Iraq and, Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Mr. Chairman, this amendment is a simple, commonsense amendment that requires the President to submit a report to Congress on the long-term costs of the wars in Iraq and Afghanistan.

On June 28 of this year, Chairman MURTHA sent a Dear Colleague letter out talking about this very problem and the need to make sure that we are being given accurate information. We have now been engaged in the war in Afghanistan for almost 7 years and the war in Iraq for over 5 years, and the Bush administration has yet to submit a long-term estimate for the costs of the war. The administration has not submitted a cost estimate, despite a statutory reporting requirement for fiscal years 2006 through 2011 that was required in the fiscal year 2005 defense appropriation budget.

As someone who took great interest in the Iraq Study Group report and the massive commitment to the future of Iraq in both blood and treasure, I looked forward to the publication of the Independent Review Group report that was issued in the wake of the Walter Reed Building 18 fiasco.

One of the things that was recognized in that report was the fact that the Nation must recognize that there is a moral, human and budgetary cost of the war. When we engage in armed conflict, we must recognize those costs and be prepared to execute on those obligations.

The Independent Review Group's report, chaired by General Togo West, also identified the four signature wounds of this war: Traumatic brain injury, posttraumatic stress disorder, increased survival of severe burns, and traumatic amputations.

Mr. Chairman, despite the fact that the Bush administration has not provided the required cost reporting, Nobel Prize winning economist Joseph Stiglitz has published a study talking about these exact costs, not just the long-term medical costs, but the cost of rebuilding our military in the book "The $3 Trillion War."

One of the things we know is that young men who are severely injured, many of them age 19 or 20, are going to have permanent injuries from these signature wounds, many of them over a life expectancy that may stretch out 55 or 60 years. We also know that there are life-care plans used by medical economists and prosthetic needs analysis that are used to determine what those long-term costs are. The American people, the American taxpayers, deserve to know what these costs will be.

We have already spent $700 billion in Iraq and Afghanistan, and the people of this country deserve to know from the Department of Defense what these long-term costs are going to be over the lifetime of these wounded warriors.

□ 1700

For that reason I have asked that this amendment be included as part of the defense authorization bill to address the long-term and hidden costs of the war. And those are reflected in the testimony of Lieutenant General Chip Rodman at the Independent Review Group hearing that we held in oversight who said, we recognize the cost is immense, and it is our moral obligation to address those issues.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, we are in the middle of a war in which the battlefield situation changes on a daily basis. The idea that the gentleman has given us a requirement for the administration to project until 2068, for 50, 60 years as to what is going to happen on the battlefield and what the casualties are going to be; and I believe he has laid out 23 considerations.

When you get out that far, Mr. Chairman, this becomes basically an editorial against the war, and I think there are other ways you can put that if you want to frame that particular position. But the idea that we are asking as we sit here and try to figure out what gas prices are going to be in 2 weeks, the idea that we are going to figure out how Iraq is going to be situated half a century from now, I think that is simply something that trivializes our debate on this very critical issue.

And let me tell you, 23 factors if we actually put this thing in law, the idea that we are supposed to have our people in uniform devoted to figuring out how to succeed in their mission, how to take care of our people, to have them out there trying to be seers of the future for half a century with respect to a war that is changing on a weekly basis is an enormous burden on people who wear the uniform.

So, Mr. Chairman, I think we should all vote a resounding "no" on this, and let's do analyses that are relevant, that can be utilized. But the idea of sending our people down the pike for a 50-year look at the future I think is not going to be good for this committee and I think it is not going to be productive for the security of the United States.

I reserve the balance of my time

Mr. BRALEY of Iowa. Mr. Chairman, at this time I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman.

This war is the first time in American history when we have had tax cuts during a war. And if ever there is a moment in time when our country should be called upon to share a sacrifice, it is when we are sending our sons and daughters to war.

This amendment calls the question, it says the obvious: We can't keep paying for this on a credit card. There are costs that are going to be paid not only by this generation, but by future generations. The President has put this war on the credit card, and the irony of that is that it is the sons and the daughters of the men and women who are fighting this war who are going to pay for this. It is time to be candid and honest with the American people.

Mr. HUNTER. I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I have great respect for my friend and colleague from California, and I would just like to point out that this is already a subject that has been considered by the Department of Defense.

When we had the hearings in association with Walter Reed and the independent review group, top medical Army officers admitted that they have the capacity using the numbers that are available to make the types of projections that are being considered by this bill.

The two scenarios that we are talking about are based upon illustrative scenarios that the CBO has already used and estimated the long-term costs of this war.

The third estimate allows the administration to base their cost estimates on their own parameters, including the operational costs, the reconstruction costs, the costs to government contractors, private military security firms, and providing lifetime health care and disability benefits for veterans. We know this is done on a daily basis in the private sector, because these types of projections are made for people suffering these very same signature wounds who are injured in automobile collisions and then taken care of by Federal dollars.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 5, 10, 11, 14, 19, 20, 24, 28, 30, 40, 42, 45, 46, and 43 printed in House Report 110-666 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF WASHINGTON

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1071. COMPREHENSIVE INTERAGENCY STRATEGY FOR STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.

(a) COMPREHENSIVE STRATEGY.—

(1) STRATEGY.—The President shall develop a comprehensive interagency strategy for public diplomacy and strategic communication that updates and builds upon the strategy outlined by the Strategic Communication and Public Diplomacy Policy Coordinating Committee in the publication titled "U.S. National Strategy for Public Diplomacy and Strategic Communication" (June, 2007).

(2) CONTENTS.—The strategy required by this subsection shall contain overall objectives, goals, actions to be performed, and benchmarks and timetables for the achievement of such goals and objectives.

(3) COMPONENTS.—The strategy shall include the following components:

(A) Prioritizing the mission of supporting specific foreign policy objectives, such as counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(B) Consolidating and elevating Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including the consideration of establishing strategic communication and public diplomacy positions at the National Security Council and establishing a single office to coordinate strategic communication and public diplomacy efforts.

(C) Improving coordination across departments and agencies of the Federal Government on—

(i) strategic planning;

(ii) research activities, such as research into the attitudes and behaviors of foreign audiences; and

(iii) the development of editorial content, including content for Internet websites and print publications.

(D) Developing a more rigorous, research-based, targeted approach to strategic communication and public diplomacy efforts, with efforts differentiated for specific target audiences in various countries and regions.

(E) Developing more rigorous monitoring and evaluation mechanisms.

(F) Making greater use of innovative tools in strategic communication and public diplomacy research and operations, including new media platforms and social research technologies.

(G) Making greater use of participation from private sector entities, academic institutions, not-for-profit organizations, and other non-governmental organizations in supporting strategic communication and public diplomacy efforts, including the consideration of establishing an independent, not-for-profit organization described in subsection (b).

(H) Increasing resources devoted to strategic communication and public diplomacy efforts.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report that describes the strategy required by this subsection.

(B) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under subparagraph (A), the President shall submit to the appropriate committees of Congress a report on—

(i) the status of the implementation of the strategy;

(ii) progress toward achievement of benchmarks; and

(iii) any changes to the strategy since the submission of the previous report.

(b) STUDY OF INDEPENDENT ORGANIZATION.—

(1) STUDY.—The Secretary of State and the Secretary of Defense shall jointly conduct a study assessing the recommendation from the Defense Science Board's Task Force on Strategic Communication to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy.

(2) SCOPE.—The study shall include—

(A) an assessment of the benefits gained by establishing such an organization; and

(B) an outline of the potential framework of such an organization, including its organization, mission, capabilities, and operations.

(c) REPORT ON ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—

(1) REPORT.—Not later than June 30, 2009, the President shall submit to the appropriate committees of Congress a report—

(A) describing the roles of the Department of State and the Department of Defense regarding strategic communication and public diplomacy; and

(B) assessing proposals to establish an independent center to support governmentwide strategic communication and public diplomacy efforts, including the study described in subsection (b).

(2) REPORT ELEMENTS.—The report shall contain the following:

(A) A description of activities performed by the Department of Defense as part of strategic communication, including—

(i) efforts to disseminate directly to foreign audiences messages intended to shape the security environment of a combatant command;

(ii) psychological operations, including those in direct support of contingency operations other than Operation Enduring Freedom or Operation Iraqi Freedom, that are intended to counter extremist and hostile propaganda or promote stability and security; and

(iii) public affairs programs to shape the opinions of foreign audiences.

(B) A current description of activities conducted by the Under Secretary for Public Diplomacy and Public Affairs at the Department of State, including—

(i) outreach to mass audiences and strategic audiences, such as opinion makers, youth, and other targeted groups, using media, lectures, information centers, and cultural events;

(ii) use of interactive media technologies, such as Internet blogs and social networking websites, to build relationships and to counter extremist groups using similar media;

(iii) education and exchange programs;

(iv) book translation; and

(v) work with non-governmental organizations and private-sector partners.

(C) A definition of the roles of the offices within the Department of State and the Department of Defense that are engaged in message outreach to audiences abroad.

(D) A detailed explanation of how the Department of State and the Department of Defense perform unique strategic communication activities and public diplomacy activities.

(E) An explanation of how the Department of State and the Department of Defense coordinate strategic communication and public diplomacy activities in—

(i) using polls, focus groups, and other measures to learn the attitudes and behavior of foreign audiences;

(ii) publishing editorial content on Internet websites and in print media;

(iii) organizing field support for military information support teams, civil affairs, and other shared activities;

(iv) using foreign-directed education and training resources; and

(v) training personnel in both departments by exchanging faculty and students of the Foreign Service Institute, the Army War College, the Naval War College, and other similar institutions.

(d) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The reports required by this section may be submitted in a classified form.

(2) AVAILABILITY.—Any unclassified portions of the reports required by this section shall be made available to the public.

(e) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are the following:

(1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

AMENDMENT NO. 10 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

Page 282, insert after line 2 the following:

(a) MINIMUM COST SHARE PER MONTH.—The Secretary of Defense shall ensure that autistic children of members of the Armed Forces enrolled in the Extended Care Health Option program shall be eligible to receive a minimum of $5,000 per month of autistic therapy services.

Page 282, line 3, strike "(a)" and insert "(b)".

Page 282, line 8, strike "(b)" and insert "(c)".

Page 282, line 23, strike "(c)" and insert "(d)".

Page 282, insert after line 3 the following:

(3) EXTENDED CARE HEALTH OPTION.—The term "Extended Care Health Option" means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

(e) FUNDING.—Of the amount authorized to be appropriated by section 1511(a), $29,000,000 is authorized to be used to carry out this section.

AMENDMENT NO. 11 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

At the end of title II, insert the following new section:

SEC. 239. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program (in this section referred to as the "Program") at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE).

(b) ACTIVITIES OF THE PROGRAM.—The Program may—

(1) provide a partnership between the National Institutes of Health (NIH) and DARPA that will enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(2) provide a partnership between the NIH and the DCoE that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(3) provide a technology transfer mechanism whereby the results of such studies can, where appropriate, be used to enhance the health mission of the NIH for the benefit of the public; and

(4) provide a military/civilian collaborative environment for neuroscience-based medical problem-solving in critical areas impacting both military and civilian life, particularly post-traumatic stress disorder.

AMENDMENT NO. 14 OFFERED BY MR. CASTLE

The text of the amendment is as follows:

Add at the end of subtitle E of title V, the following new section:

SEC. 5___. ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—

(1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;

(2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;

(3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and

(4) assessing how resources may be applied more effectively to meet the educational needs of such members.

(b) COST.—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.

(c) EDUCATIONAL INSTITUTION DEFINED.—In this section, the term "educational institution" means an accredited college, university, or technical school in the United States.

AMENDMENT NO. 19 OFFERED BY MR. PORTER

The text of the amendment is as follows:

Page 283, after line 3, add the following new section:

SEC. 734. SUICIDE RISK BY MILITARY OCCUPATION.

(a) STUDY.—The Secretary of Defense shall conduct a study to identify the mental health risks associated with the performance of military duties.

(b) ELEMENTS.—The study shall include the following elements:

(1) An assessment of suicide incidence by military occupation.

(2) An identification of military occupations with a high incidence of suicide.

(3) An evaluation of current suicide prevention programs for those military occupations with a high incidence of suicide.

(4) An assessment of the need for additional suicide prevention programs specific to military occupations with a high incidence of suicide.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on the findings of the study. The report shall include any recommendations for improving suicide prevention programs for military occupations with a high incidence of suicide.

AMENDMENT NO. 20 OFFERED BY MRS. CAPITO

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. ADDITIONAL FUNDS TO CARRY OUT FUNERAL HONOR FUNCTIONS AT FUNERALS FOR VETERANS.

(a) ADDITIONAL FUNDS.—The amount made available in section 421 is hereby increased by $3,000,000, of which $1,000,000 shall be available to the Secretary of the Army, $1,000,000 shall be available to the Secretary of the Navy, and $1,000,000 shall be available to the Secretary of the Air Force to comply with the requirements of section 1491 of title 10, United States Code.

(b) CORRESPONDING OFFSET.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $3,000,000, to be derived from the basic research under the University Research Initiatives.

AMENDMENT NO. 24 OFFERED BY MR. PRICE OF GEORGIA

The text of the amendment is as follows:

Page 406, after line 18, insert the following new section:

SEC. 1005. MANAGEMENT OF PURCHASE CARDS.

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Section 2784 of title 10, United States Code, is amended in subsection (b)—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) That expenditures charged to the purchase card are independently received, accepted, or verified by an official with authority to authorize expenditures.";

(3) by redesignating paragraphs (9) through paragraph (11) (as previously redesignated by paragraph (1)) as paragraphs (10) through (12), respectively; and

(4) by inserting after paragraph (8) (as previously redesignated by paragraph (1)) the following new paragraph:

"(9) That appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to pilferable property.".

(b) PENALTIES FOR VIOLATIONS.—Section 2784(c)(1) of title 10, United States Code, is amended by striking "provide for" and inserting "provide for the reimbursement of charges for unauthorized or erroneous purchases and for".

AMENDMENT NO. 28 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

Add at the end of subtitle D of title III the following:

SEC. 335. STUDY OF CONSIDERATION OF GREENHOUSE GAS EMISSIONS IN ACQUISITION PROCESSES.

(a) STUDY.—The Secretary of Defense shall conduct a study to develop procedures and methods to measure and consider greenhouse gas emissions in the acquisition process, and shall include in the study an examination of the following:

(1) The processes and methods which would need to be developed and adopted to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(2) The internal and external data necessary to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(3) A timetable for the implementation of such procedures and methods in the acquisition process, as well as an estimate of the costs associated with such implementation.

(4) Such other factors as the Secretary considers appropriate with respect to the development and implementation of such procedures and methods.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congressional defense committees a report on the results of the study conducted under subsection (a).

AMENDMENT NO. 30 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

Add at the end of subtitle G of title V, the following new section:

SEC. 5___. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 40 OFFERED BY MS. DE LAURO

The text of the amendment is as follows:

At the end of subtitle C of title VII, add the following new section:

SEC. 726. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional within 120 to 180 days after the date on which the member returns from combat theater.

(2) Phone follow-ups by a case manager, not necessarily stationed at the military installation, at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(c) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(d) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(e) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, or clinical social workers.

(2) Suicide prevention counselors.

(f) TIMELINE.—

(1) The demonstration project required by this subsection shall be implemented not later than September 30, 2009.

(2) Authority for this demonstration project shall expire on September 30, 2011.

(g) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2009,

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2012.

AMENDMENT NO. 42 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of subtitle C, add the following new section:

SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations prescribed by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) GUIDANCE.—After the issuance of regulations to implement the actions required by section 322 of this Act, the Secretary of Defense shall issue supplementary guidance to describe functions that should not be performed by private security contractors because they constitute inherently governmental functions.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

AMENDMENT NO. 45 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII, insert the following new section:

SEC. 2829. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the "Administrator"), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the "Program") to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) AUTHORITIES OF THE ADMINISTRATOR.—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the "Port of Guam Improvement Enterprise Fund" (in this section referred to as the "Fund").

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

AMENDMENT NO. 46 OFFERED BY MS. MOORE OF WISCONSIN

The text of the amendment is as follows:

At the end of title VII, add the following new section:

SEC. 7___. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the implementation by the Department of Defense of recommendations made by the Department of Defense Task Force on Mental Health (in this section referred to as the "Task Force") developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by this section. The report shall include such recommendations as the Comptroller General considers appropriate.

AMENDMENT NO. 43 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

Page 438, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 1048. STUDY ON METHODS TO VERIFIABLY REDUCE THE LIKELIHOOD OF ACCIDENTAL NUCLEAR LAUNCH.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to evaluate procedural and physical options for introducing into the nuclear weapons launch procedures of the United States, Russia, China, and any other strategically appropriate nations determined by the Secretary, a time-delay before a launch command can be executed that would be transparent to and verifiable by the other nations. The options studied shall encompass a wide range of possible time-delays and shall include, for each option, an analysis of—

(1) the increased time, over current procedures, before a launch command can be executed;

(2) the strategic risk to United States national security, including the survivability of the United States arsenal under a range of verification failures;

(3) the range of possible inspection regimes, including the degree of verifiability that each would afford; and

(4) the availability of parallel options in the other nations included in such study.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study. If a report under this subsection is submitted in classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of such report.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc that have just been offered, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield to Mr. CASTLE, the gentleman from Delaware, 2 minutes.

Mr. CASTLE. Mr. Chairman, this group of en bloc amendments includes an amendment I have offered.

Although often overlooked, each military service offers active duty personnel and eligible members of the Guard and Reserve tuition assistance to take college courses during off-duty hours. For example, the Armed Forces Tuition Assistance Program offers active duty personnel up to $4,500 each year to take college courses. These important programs help active duty soldiers to plan ahead by getting an education and setting goals that match their career aspirations.

However, with the demands of deployments and training, many active duty soldiers have difficulty finding time to use these education benefits and face obstacles in attending the institution of their choice. In response, Congressman HINOJOSA and I have introduced this straightforward amendment which gives military installations the ability to enter into partnership with educational institutions for the purpose of making course schedules and curriculum more accessible and flexible for active duty troops. Such partnerships have proven effective in certain areas of the country, and our amendment makes clear the importance of working with local institutions to assist servicemembers in taking better advantage of their educational benefits.

I thank the ranking member for yielding and I thank the chairman for their work on this legislation and their cooperation on this issue.

Mr. TAYLOR. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Washington (Mr. SMITH), the chairman of the Subcommittee on Terrorism, Unconventional Threats, and Capabilities.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the en bloc amendment and want to point particular attention to the amendment that was offered by me and Mr. THORNBERRY on strategic communications.

Put simply, this is our effort to convey our message in the battle against violent extremism. And what we have discovered on our subcommittee is there are a lot of different pieces at the DOD and Department of State and elsewhere who are working on strategic communications issues, but none of it is coordinated. So our amendment asks for DOD and the administration to bring together and give us a coordinated plan for how to do strategic communications to make sure that our message, our counter-radicalization message, is coordinated and at its most effective.

I think this is an important amendment, and I thank the chairman for including it in the en bloc and urge the support of the body.

Mr. HUNTER. Mr. Chairman, I yield to the gentlelady from West Virginia (Mrs. CAPITO) 2 minutes.

Mrs. CAPITO. Mr. Chairman, I would like to thank the ranking member for yielding to me; I would like to thank the Rules Committee for making my amendment in order; and I would like to thank the chairman of the House Armed Services Committee and the ranking member for making this an en bloc amendment.

Each of our veterans who have served this country deserves to be honored by a grateful Nation. I come to the floor today to offer an amendment that provides funding for the Authorized Provider Partnership Program, otherwise known as AP3.

Before the 2000 national defense authorization, veterans who had fully retired from the military were normally not afforded a traditional military funeral. The 2000 National Defense Authorization Act then established the AP3 program, which required the Department of Defense to provide at least the folding and presentation of a flag, the playing of taps, and to assist with any transportation or miscellaneous expenses.

The original provisions of this bill allow the Department of Defense to waive the obligation, which has resulted now in their funding being cut from this program. My amendment will reinstate the funding specifically for AP3 to $3 million, $1 million for the three branches of the military, to continue funeral honor services.

Our veterans have served our country bravely and were prepared to take the ultimate sacrifice. We owe it to them to give them a proper and fitting sendoff in the recognition that they have served this country with honor. Their love of country will not go unrecognized.

I would like to say, each of us members have attended funerals of our veterans as they passed away, and there is very compelling and very stirring of patriotism to see our older veterans pay tribute to them by honor guard or folding or presentation of the flag. It is critical we continue this, and I hope that this amendment will be passed.

Mr. TAYLOR. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Guam (Ms. BORDALLO), a member of the House Armed Services Committee and the Readiness Subcommittee.

Ms. BORDALLO. I thank the gentleman from Mississippi.

I rise in strong support of this en bloc amendment package and of the underlying bill. One of the amendments in this en bloc package enables the Maritime Administration to perform necessary improvements at the Port of Guam. A $13 billion investment is planned for military construction and civilian infrastructure on Guam.

The Port will be handling substantial amounts of cargo in a very condensed timeline. The Maritime Administration has a solid track record of assisting governments. They have done work in Alaska and Hawaii, and that is why we need them for the Port of Guam.

My amendment, which is included in this en bloc package, will enable the Maritime Administration and the government of Guam to execute a port improvement program under the terms of an MOU. Support for this amendment will help eliminate a potential chokepoint to the ultimate success of the build-up.

I want to thank Chairman SKELTON and Chairman ORTIZ for their support of Guam and the provisions in this bill that ensures congressional oversight and accountability of the military build-up. Provisions extend the Davis-Bacon Act to all military construction on Guam, establishes a procurement technical assistance center on Guam, establishes congressional guidance on improvements to the utility system, and encourages the development of an MOU between the Government of Guam and the Federal Government.

Mr. Chairman, I want to thank Chairman SKELTON. As he said on a recent trip to my district, and I quote, "What is good for Guam, is good for our Nation."

I thank the Readiness Subcommittee staff, the full committee policy staff, Erin, Paul, and Andrew for their help. I urge my colleagues to vote "yes" on this en bloc package and "yes" on the final passage of H.R. 5658.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE), a great member of our committee.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Chairman, I rise today in support of the en bloc package. It does include an amendment that I have to the national defense authorization bill.

In keeping with the spirit of the Warrior Ethos, in 2005 the Department of Army authorized the creation of the Combat Action Badge. The Combat Action Badge provides special recognition to soldiers who personally engage the enemy or the enemy is engaged with during combat operations. Current Army policy limits eligibility, however, for the Combat Action Badge to those soldiers who serve after September 18, 2001.

While this is a noble effort, the award overlooks the thousands of veterans who have made similar sacrifices in previous wars. My amendment corrects this error by expanding the eligibility to include these soldiers who served since December 7, 1941. Not only does this award recognize all veterans who engaged the enemy in combat, it does so at no cost to the Army.

Mr. Chairman, this amendment will properly recognize our veterans for their sacrifices and service to this great Nation. I urge my colleagues to support this en bloc package.

Mr. SKELTON. I yield 1 minute to my friend, the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, Sergeant Jonathan Schulze was an Iraq war veteran who committed suicide after being denied care to address his PTSD symptoms. According to the Director of the National Institute of Mental Health, today, among veterans of the wars in Iraq and Afghanistan, the number of suicides may exceed the number who have been killed in combat. This is a broken promise, Mr. Chairman. After asking our soldiers to sacrifice so much, we must ensure they get the care they deserve.

I was proud to work with Chairman SKELTON on the DeLauro-Courtney amendment to direct the Secretary of Defense to conduct a demonstration project to assess the feasibility and the efficacy of providing face-to-face postdeployment mental health screening between members of the Armed Forces and a mental health provider.

□ 1715

The 2-year project will include a combat stress evaluation conducted by a qualified mental health professional 120 to 180 days of the date the soldier returns. And a case manager will follow up by phone over the course of another 2 years.

We have no excuse for failing the soldiers who have given this Nation everything.

I urge adoption of this amendment.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the ranking member of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague from New Jersey yielding this time, and I won't even take that much time.

I rise today to recognize the fact that there may be an amendment later this evening that will address the Marine Corps Training Center at 29 Palms. It's very, very important for the House to know the significance of that facility, the role it plays in the great work of the Marine Corps. The design here is to try to improve and help with that work.

Mr. Chairman, I rise first to congratulate Chairman IKE SKELTON and ranking member and former Chairman DUNCAN HUNTER for working together in a bipartisan manner to craft an excellent National Defense Authorization Bill. As you know, this is DUNCAN HUNTER's last authorization bill and I honor his many years of service on the Armed Services Committee and his unfailing support of our men and women in uniform.

Mr Chairman, unfortunately an amendment has been made in order to strike an important project that would benefit all the marines and their family members who are stationed or who pass through Twentynine Palms marine base.

This project is the Lifelong Learning Center.

Phase I of the Life Long Learning Center, LLLC, project at the Marine Corps base Twentynine Palms provides a facility to help marines and their families fulfill their educational goals.

The project will replace older, undersized facilities with a 17,000 square foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure.

When completed, the LLLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term.

U.S. MARINE CORPS, MARINE AIR GROUND TASK FORCE TRAINING COMMAND, MARINE CORPS AIR GROUND COMBAT CENTER,
Twentynine Palms, CA, May 22, 2008.

Subject: Life Long Learning Center—Twentynine Palms

Hon. Mr. Lewis,
Rayburn House Office Building,
Washington, DC.

DEAR MR. LEWIS. The Marine Corps Air Ground Combat Center (MCAGCC) is a remote, isolated base that is both home for about one third of the 1st Marine Division and other units assigned to I Marine Expeditionary Force, and is a service level training installation. The installation has worked hard over the years on innovation and best practices as evidenced by our state-of-the-art training capabilities, demonstrated excellence in energy conservation, improvements in quality of life for our people, and installation management. We are now determined to improve the educational opportunities for the 12,000 Marines, their families and the civilians who serve at this remote outpost.

The Life Long Learning Center (LLLC) project is critical to the success of our education initiatives. MCAGCC's current educational facilities are single story, 1950 era barracks scattered throughout the base that have been converted into classrooms. These facilities do not meet the needs of our educational programs. The LLLC will provide a modern facility that will meet all our requirements in one centralized location. The project, as we have submitted in the Military Construction program, will be constructed in two phases. The first phase is a 17,000 square foot, three-story building which will include classrooms, office spaces, a computer lab and other supporting infrastructure. When completed, this facility will provide space for more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The second phase will provide a library.

We are committed to continuing education for our Marines and Sailors. Not only do we get better Marines and Sailors, we also set them up for success as they return to their civilian communities.

Teaming with local school systems, MCAGCC has brought the expertise of the Department of Defense Education Activity (DoDEA) to assist with local educational challenges. While focused on military dependent children, there are a number of programs that will benefit our local community, to include teacher training and DoDEA provided AP courses. In this remote and isolated location, employment opportunities are limited for spouses and dependents. This facility will allow us to expand education opportunities as an alternative to employment.

MCAGCC is the single largest employer in the Morongo Basin and access to a quality workforce is critical to our mission. We provide multiple workforce development education and training programs. I am convinced that improved education programs will benefit the overall workforce, enhance the quality of life in this region and ensure we are able to continue to train our Marines for combat as our current civilian workforce ages and retires.

The state-of the-art educational facility provided by the LLLC will provide Marines and their families the opportunity to work on their career goals as well as prepare them for life after the Marine Corps. It is my highest quality of life initiative and I truly appreciate your assistance in helping us support the Marines and Sailors preparing to defend this great country of ours.

Sincerely,

M. G. SPIESE,
Brigadier General.

Mr. SKELTON. I yield 1 minute at this time to a friend, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I'd like to thank Chairman SKELTON for working with me on my amendment to prohibit private security contractors from performing inherently governmental functions in combat areas, and for offering his support.

We've all heard about the violent incidents involving private security contractors injuring and killing civilians in Iraq and elsewhere. This is a systemic problem that exists because private employees are currently being tasked with extremely sensitive jobs like gathering intelligence and providing armed security.

And it is a systematic problem that private contractors do not wear the badge of the United States, are clearly not part of the chain of command, are not subject to the same accountability that those who are employed with the badge of the United States, and that those contractors have often damaged the credibility of our military and harmed our relationship with the Iraqi government.

We want to show the American people and the Iraqis, that there are inherently governmental functions that will only be performed by people in the U.S. military or our U.S. Government personnel.

I urge support for this entire bill and for this amendment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank you for your leadership on this issue. I want to thank the chairman of the committee and the ranking member for their work on this committee.

My amendment in this en bloc amendment addresses the issue of eliminating waste, fraud and abuse within the DOD system by addressing the issue of government-wide purchase cards. These cards are used to acquire supplies such as pencils, paper, computers, but also to even make payments on government contract. And these cards, while they've proven to be valuable as they reduce administrative costs and increase flexibility, they can be used or abused and misused, as has been evident by a recent GAO study. That study showed that, over a 1-year period of time, 41 percent of the purchase card transactions failed to meet basic internal standards.

My amendment will ensure that purchases are independently verified and received by an authorizing official. It asks for an inventory of property to be updated promptly. Without doing this, property such as laptops and computers can go missing or even stolen.

And for those personnel who abuse the purchase cards, this amendment would dictate that DOD will have the option of having them reimburse the government for unauthorized or erroneous purchases.

I know my colleagues will support this wise amendment to decrease waste, fraud and abuse. I thank my colleagues for their support.

Mr. SKELTON. I yield 1 minute to my friend, my colleague, the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Thank you, Mr. Chairman, for yielding me the time.

I believe that the prevalence of PTSD, post-traumatic stress disorder, among our servicemembers is a critically important issue that we must continue to focus on.

It is distressing that a rising number of our brave service men and women are coming back from conflicts in Afghanistan and Iraq suffering from the signature injuries of this conflict, PTSD and traumatic brain injury.

I'm sure that my colleagues are aware of the recent Rand report that up to 300,000 Iraq and Afghanistan veterans may currently be suffering from PTSD or depression. My amendment would ensure that recommendations have been put forward to close identified gaps in access to care, to fight stigma and improve treatment are actually implemented.

Unfortunately, an Iraqi veteran in my district lost his battle with the PTSD, despite his parents' frenetic and futile efforts to get the desperately needed services.

We must never lose sight of the fact that it's our goal not just for DOD to have a plan, but to actually make the changes and do it in a timely manner.

Mr. SAXTON. Mr. Chairman, we have no further speakers at this time, and I am prepared to yield back. I do yield back.

Mr. SKELTON. I yield 1 minute to my good friend, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Thank you, Mr. Chairman, for including my amendment in the en bloc package.

My amendment requires the Secretary of Defense to explore ways in which we can reduce the likelihood of an accidental nuclear launch from arsenals around the world.

Since the end of the Cold War, the procedures required to launch nuclear weapons have remained virtually unchanged. Both the U.S. and Russia still maintain thousands of nuclear weapons on high alert that can be launched at a moment's notice. Though the risk of a deliberate nuclear war with Russia is now very low, the danger of an accidental launch has increased.

In an op-ed in the Wall Street Journal in January, George Shultz, William Perry, Henry Kissinger and Sam Nunn said that we must "take steps to increase the warning and decision times for the launch of all nuclear-armed ballistic missiles, thereby reducing risks of accidental or unauthorized attacks. Reliance on launch procedures that deny command authorities sufficient time to make careful and prudent decisions is unnecessary and dangerous in today's environment."

This amendment to the defense authorization act calls for a study of the methods by which Chinese, Russian and American weapons can be made safer in a multilateral framework, and I urge its support.

Mr. SKELTON. At this time, I yield 1 minute to a friend, a member of the Committee on Armed Services, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, there are 8,500 autistic children in the U.S. military. Only 700 get intervention help. Part of the reason is that they, military families move every 2 to 3 years, and if they try to apply to their States into the right intervention help, they don't have enough time to get that.

The other problem is the TRICARE program has in place what's called Echo, where they get, after they wait quite some period of time, 1 hour of help each day. The American Academy of Pediatrics says it should be 5 hours minimum a day, and the National Research Council says 8 hours minimum a day. This amendment, amendment 10, merely says at this time let's give them at least 2 hours a day.

And then, because of Mr. SKELTON, because of Congresswoman DAVIS, because of Congressman SNYDER, this amendment is here today. Also in the bill is a study to see if we can't place them under standardized TRICARE plans so they can get everything that they need.

I very much appreciate your help, Mr. Chairman.

Mr. HINOJOSA. Mr. Chairman, I rise today to offer an amendment to the National Defense Authorization Act for Fiscal Year 2009.

The Armed Forces Tuition Assistance program offers active duty personnel in our Nation's Armed Forces an annual stipend to enroll in college courses during their off-duty time.

Unfortunately, low awareness of this program and the rigorous and inflexible schedules of our troops have prevented the full utilization of these programs. While the education of our veterans deservedly garners much of our attention, it is important for us to remember that our servicemembers' educational pursuits should not be suspended while on active duty.

Our modest amendment will authorize military installations to enter into partnerships with educational institutions to help provide a richer and more flexible course schedule for our men and women in the armed services.

I wish to thank Mr. CASTLE for joining with me in this effort and hope that my colleagues will join me in supporting this amendment.

Mr. SKELTON. I yield back on this en bloc amendment.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-666 on which further proceedings were postponed, and in the following order:

Amendment Number 3 by Mr. AKIN of Missouri.

Amendment Number 6 by Mr. FRANKS of Arizona.

Amendment Number 23 by Mr. TIERNEY of Massachusetts.

Amendment Number 33 by Mr. PEARCE of New Mexico.

Amendment Number 26 by Ms. LEE of California.

Amendment Number 53 by Mr. BRALEY of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 287, not voting 24, as follows:

[Roll No. 355]

AYES—128

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Everett
Fallin
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—287

Abercrombie
Ackerman
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner

Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Whitfield (KY)
Wilson (OH)
Wu
Yarmuth

NOT VOTING—24

Andrews
Bishop (UT)
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Woolsey
Wynn
Young (AK)

☐ 1751

Mrs. McCARTHY of New York, Messrs. HALL of New York, BERMAN, CAZAYOUX, JOHNSON of Georgia, BROWN of South Carolina, SOUDER, LATHAM, GOHMERT, AL GREEN of Texas, LINCOLN DIAZ-BALART of Florida, CHABOT and ROSKAM changed their vote from "aye" to "no."

Messrs. CALVERT and SHUSTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BISHOP of Utah. Mr. Chairman, on rollcall No. 355, had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 229, not voting 24, as follows:

[Roll No. 356]

AYES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cazayoux
Chabot
Childers
Cole (OK)
Conaway
Cramer
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—229

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays

Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Lynch
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Whitfield (KY)
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in the vote.

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the ayes by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 292, not voting 25, as follows:

[Roll No. 357]

AYES—122

Ackerman
Allen
Baird
Baldwin
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Castle
Clarke
Clay
Cleaver
Cohen
Costello
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Duncan
Ellison
Emanuel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Green, Al
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hayes
Hinchey
Hodes
Holden
Holt
Honda
Hooley
Jackson (IL)
Jackson-Lee (TX)
Kagen
Kanjorski
Kildee
Kind
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Michaud
Miller, George
Moore (WI)
Moran (KS)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Price (NC)
Rahall
Rangel
Roybal-Allard
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz
Serrano
Shays
Sherman
Shuler
Sires
Slaughter
Solis
Speier
Stark
Sutton
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wu
Yarmuth

NOES—292

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chabot
Chandler
Childers
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutierrez
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hoekstra
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kaptur
Keller
Kennedy
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (FL)

NOT VOTING—25

Andrews
Bachus
Buyer
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hall (TX)
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1759

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 23, as follows:

[Roll No. 358]

AYES—145

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hulshof
Hunter
Issa

Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—23

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Renzi
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MS. LEE

The Acting CHAIRMAN (Ms. BALDWIN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 183, not voting 22, as follows:

[Roll No. 359]

AYES—234

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Castle
Cazayoux
Chabot
Childers
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)

King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—22

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1810

Mr. KING of Iowa changed his vote from "aye" to "no."

Messrs. UPTON and POE and Mrs. EMERSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLSWORTH. Madam Chairman, during rollcall vote No. 359, on the Lee amendment No. 26 to H.R. 5658, I mistakenly recorded my vote as "no" when I should have voted "aye."

AMENDMENT NO. 53 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. BRALEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 168, not voting 26, as follows:

[Roll No. 360]

AYES—245

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Childers
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Ehlers
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—26

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Lewis (GA)
Manzullo
Melancon
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Weldon (FL)
Wexler
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute left in this vote.

□ 1814

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 110–666.

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FLAKE:

Add at the end of title XXII the following new section:

SEC. 2208. PROHIBITING USE OF FUNDS FOR LIBRARY/LIFELONG LEARNING CENTER.

None of the funds appropriated to carry out this Act (or any amendment made by this Act) may be used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I intend to withdraw this amendment after speaking for a few minutes about the process here.

I intended to offer an amendment to strip an earmark in California. It's not that I've had any epiphany on the earmark where I think it's good now. I don't. I think it should not be in this committee report. But I'm not at all happy with the process here.

I submitted a total of five amendments to the Rules Committee. Two amendments were to target earmarks sponsored by Democrats. Two amendments were to target earmarks sponsored by Republicans. One was to uphold the President's executive order with regard to earmarks. When the rule came back from the Rules Committee, only one of the amendments was made in order, one amendment targeting a Republican earmark.

Over the past couple of years, as the Members know, I have come to the floor more than a hundred times to try to strike earmarks. I have tried never to make it a partisan issue. When Republicans were in charge of this body, I sponsored more challenges to Republican earmarks. As the Democrats have taken charge, I've probably sponsored more challenges to Democrat earmarks. But as soon as this becomes a partisan issue, then we lose something here. Earmarks are an institutional issue, an institutional problem here, and we cannot treat it in a partisan fashion. That's why I will be asking for unanimous consent to withdraw this amendment.

But the problem here is that we also didn't allow in the rule the amendment to uphold the President's executive order. The President wisely has recognized that when you don't have earmarks in the bill text, when you're allowed to put them in a committee or conference report, you don't have the scrutiny that you should have on earmarks.

Just take, for example, this bill. This bill has about 500 earmarks. It went through the committee process. The earmarks were added at the last minute. In fact, I am told, at least on the Republican side and I suppose on the Democrat side as well, the rank-and-file members on the committee didn't even know which earmarks were allowed until the markup had happened; so it was impossible to challenge the earmarks while the bill was in committee.

Now, tell me, if we are supposed to be vetting these earmarks, if we're supposed to be looking at them, where are we supposed to do it? It's not happening in the committee process. It's certainly not happening on the floor. So where do we actually look at these?

We have a former Member of this body in jail right now for basically selling earmarks to defense contractors. He used the defense bill, year after year after year, I might add, and there was never a point at which those earmarks were challenged. Nobody looked. In fact, people looked the other way. There were plenty of warning signs out there that these earmarks were untoward. But we looked the other way. I would submit we are doing the same thing today.

When you have a report come to the floor with more than 500 earmarks, none of which were even known to most members of the committee before it arrived here on the floor, and then when I offer amendments to the earmarks, I'm only told I can offer one on the floor, one targeting a Republican earmark, to try to make it a partisan issue, there's something wrong with this picture.

I don't know when we are going to wake up and recognize that earmarks are cheapening this institution, and greatly. In Congress you place value and priorities by appropriating money and authorizing money, but when you have earmarks like this that are slipped in at the last minute out of sight, then you don't get proper debate on these priorities. You basically close your eyes to other people's earmarks because you want to protect your own. And when you have more than 500 earmarks, there are enough to spread around where debate that should be happening on defense priorities or other priorities in other bills is hushed and we simply don't have the scrutiny that these bills deserve.

A lot of these earmarks are, in essence, single-source contracts to private companies. We get all over the administration, and properly so, when they give single-source contracts. Halliburton, how many times have we heard it? We should scrutinize that. We should provide oversight. Yet when one of our Members does it, we turn our backs and say we don't want to know because we might want to do it as well.

Madam Chairman, we have to stop this process.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. SKELTON. Madam Chairman, I reserve the right to object, and I will not object.

Madam Chairman, I think we should point out the fact that the base bill to which you just referred voids an executive order where the President said that any language in a project, in a program, report language, could not be put into force and effect and that it had to be in bill language. It sounds good, but in truth, in fact, what happens if that is the case, whatever is in bill language on a program or project, whatever the case may be, may not be reprogrammed. You're stuck with it.

For instance, I signed, together with my friend DUNCAN HUNTER, a reprogramming on Future Combat Systems within the last 3 or 4 weeks for well over $100 million, and it should have been. We did the right thing. And if the executive order were in full force and effect and if that had been in report language, it would all have been for naught and Mr. HUNTER and I could not have agreed to that very, very important reprogramming which should have been done.

So you're throwing the cat out with the kittle.

Madam Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. HUNTER. Reserving the right to object, Madam Chairman, I will not object, except I want to talk to my friend about what he calls earmarks.

A couple of years ago when our guys started to get hurt with roadside bombs in Iraq, we realized that there were no jammers to jam those electronic signals that detonate the 155 rounds that were blowing up American Marines and soldiers, no portable jammers. That means while we had the big jammers we carry in the trucks to protect convoys, there were no jammers to protect that squad of Marines or soldiers working through a courtyard in Ramadi or Fallujah.

This committee put in $10 million for 10,000, jammers which we researched and developed, manufactured and deployed in the field in 70 days. Those were earmarks.

Now, if the gentleman's assertation is true, and the whole theme of his argument here is if the Pentagon doesn't request it, it's not needed, I disagree with it. This is what the Pentagon had for portable jammers for our troops: zero.

I can tell the gentleman about the system that we put in that has had a very salutary effect on the ability of the enemy to hurt our troops with mortars, also so-called earmarks. I can tell the gentleman about our surveillance programs that we added to, also so-called earmarks. I could tell the gentleman that I put in the defense budget a couple of years ago, along with my good friend Ike Skelton, an increase in U.S. Marine Corps, taking them up at that point to 180,000. Today nobody suggests that we should somehow discharge those Marines because we added them above and beyond the President's budget. In fact, the President now has come back and said, you know, you guys in the Armed Services Committee were right, and because of that, they put in a request this year for 7,000 more Army troops and 5,000 more Marines.

So I would just say to the gentleman it's our job, our responsibility under the Constitution, to build this defense budget. It's not the Pentagon's. In fact, the Constitution doesn't mention the Pentagon.

Now, what I do with the initiatives that I put in, I put them on the Internet. How's that for disclosure? I think at least a couple hundred people see that. Now, with respect to how many people see these, we put out the directive report language. Everybody sees that. But you mark up your subcommittees only a few days, sometimes as much as a week but rarely longer, before you go to full committee. And so the tables that have all of the numbers in them, and it's got hundreds and hundreds of entries, are available to any Member that wants to come by and ask for them. But we're not going to put those out to the press and cause a massive circus of contractors and media people swarming the committee when we're trying to get our job done. We have never done it like that.

But the disparaging way in which the gentleman talks about things that we put in, some of which are crucial to the survival of your constituents, the young men and women who joined the Marine Corps and the Army from your district, I think is misplaced.

The building of the defense budget is a very important thing. It's a thing that we do often in disagreement with the Pentagon. We have put in additional aircraft carriers when you had Presidents who didn't want to put them in because we thought they were important to the survival of this country, and we turned out to be right. We have increased end strength in the Army and Marine Corps. We have done most of the work on UAVs, Unmanned Aerial Vehicles. That means you don't get pilots shot down. That means you're able to disperse many more platforms that can gather information.

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The things that we put in the defense budget are generally done after a lot of thought, a lot of analysis and, generally speaking, they have been very good for our troops.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. I'd be happy to yield.

Mr. FLAKE. The gentleman has mentioned many projects. I'm sure all of those mentioned would survive the authorization, appropriation, and oversight.

Mr. HUNTER. We did authorize them.

Mr. FLAKE. Well, then there's no need to earmark it this way if it's authorized. There's no reason to put it in committee or conference report language and not have it in the bill. I think what the President has rightly recognized is that when it's not in the bill, then there are limited opportunities for other Members to see it and to scrutinize it.

Mr. HUNTER. Let me take back my time and explain to the gentleman why it's important to have report language. You start programs and you also put policies in place. If you put those in the bill and those are locked into law and then you get a call from the administration and they say, You know, we looked at this thing and there's not enough long-lead materials to build this. You are strait-jacketed. The administration can't come back and say, We want to reprogram. At that point, you have to change the law.

If you have a policy, and here you have wars in two theaters, if you have a policy you have to change, you can't just call up and you can't work the policy out with the Army, the Air Force, the Navy, the Marine Corps. You now have to go back and change the law. If you have looked at the reprogramming requests that are made by the Pentagon, they are usually made with respect to some factor that has changed. You would have hundreds of changes that now require changes in the law, and in a very real way, having report language that gives flexibility to the administration, is for their benefit.

Now we can put all this stuff in the law if that is the requirement to do it. But it doesn't make sense, either for us or for the administration. That is why you have it, because you have changing situations and you have got to have the flexibility for people to call up and say, You know, we just developed another system that is better than that one. Let's not continue to fund that in a straitjacket. Let's go ahead and reprogram and go to the other one. Or maybe we have a priority. Maybe we need ammunition, maybe we need more ammunition. So we want you to take money from this program and put it into ammunition. You can't do that if everything is in statute.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. Be happy to.

Mr. FLAKE. There is nothing in the President's executive order that binds the Pentagon from reprogramming funds. It simply says that the Pentagon may decide to exclude earmarks that it did not request and that aren't in the statute language. I understand the importance of report language.

Mr. HUNTER. If you take the gentleman's argument to its ultimate conclusion, that means the portable jammers, the ones that only weigh a couple of pounds that we gave to our marines to save their lives so they can carry them, because you can't carry the 150-pounders on your back when you're on a patrol, they would not have gotten those because they weren't in the Pentagon's budget.

The point that I am making is that the Pentagon often misses things. They don't have always the best judgment in this world. I point to guys like the chairman of the Defense Appropriations in the full committee, Mr. LEWIS, who, by many people, is considered one of the fathers of the Predator. The Predator aircraft has saved lives because it's allowed us to do recon and striking without having to have a pilot out there who may be shot down and have to be recovered. That was a program that required a lot of pushing against the will of the Pentagon.

So I disagree with the gentleman's argument that somehow anything the Pentagon disagrees with is illegitimate. We've had, in many cases, a better idea than the Pentagon, and the increases in the Army and Marine Corps are two of the great examples. This committee said you have to increase it, and we increased it. You call that an earmark. Today, the administration calls it the right thing to do.

Mr. SKELTON. Will the gentleman yield?

Mr. HUNTER. Be happy to yield.

Mr. SKELTON. From time to time you and I are asked to authorize reprogramming that the Pentagon asked for; is that not correct?

Mr. HUNTER. Let me just say to my friend, I believe in disclosure. That is why I put every initiative on the Internet. I think you have got to disclose things and you have got to be able to be accountable for those things. I think that's absolutely true.

Mr. SKELTON. Let me ask. If the program were in bill language, the Pentagon request to reprogram could not be authorized by you and me. Is that correct?

Mr. HUNTER. That's right.

Mr. SKELTON. Thank you.

Mr. FLAKE. Will the gentleman yield?

Mr. HUNTER. Sure.

Mr. FLAKE. Again, the President's directive doesn't relate to report language in general, it's simply the earmark. Now I just have to say, 500 earmarks in this bill. There will be more than 2,000 when the appropriation bill comes to the floor, if tradition holds. If somebody can make the argument that that is a process worthy of this institution, for more than 2,000 earmarks to come to the floor, and no time, no time—it will come to the floor probably the same day that we vote on it—for this body to appropriately scrutinize it, and for every Predator or worthy earmark that you can point to, you can probably point to a dozen where shirts were earmarked that melt on a soldier's body, but somebody in their district just wanted them.

Mr. HUNTER. Taking back my time, I don't think we are going to be appropriating any melting shirts, or authorizing any melting shirts. We do serious stuff. And when you have a defense bill which is over $500 billion and it has thousands and thousands of provisions in it, I would say that the number of changes we make actually is fairly minimal.

If you look at the massive amount of money that is spent on defense, the change that we make in scoping the defense bill, which is not only our prerogative, it's our mandate, it doesn't say: You shall accept and rubber-stamp what the Pentagon puts out there. And experience has shown us. And, thankfully, we have followed our mandate because we have put in systems that have saved lives, that the Pentagon didn't think about, and we have put in more systems that have made us more effective at fighting the Nation's war that the Pentagon didn't think about.

We have got members on the committee, I would say to my friend, who have taken five, six, seven, eight trips to Iraq and Afghanistan. They see things. They write down notes. We have our professional staff with us. We were out there looking at the Fourth Division and we saw some of their trucks whose armor consisted of two layers of plywood, with sandbags in between. That is why we went back and on an initiative we put together double-hulled trucks. To my knowledge, none of those double-hulled trucks has yet been penetrated by any enemy shrapnel from a roadside bomb. We do things in response to what we think the solders and sailors and airmen and marines need.

So I agree with the gentleman that we should all be accountable for what we put in a bill, whether it's a defense bill or something else, and you have got to stand up. If it's a bad one, you take the heat for it. But just saying anything that doesn't come out of the administration is, by definition, illegitimate, is absolutely not accurate.

I can just tell you this. If you end up with an administration that you don't agree with, like some Republicans who didn't agree with what President Carter did with defense spending in the last part of his term, when we put in, along with some pretty discerning Democrats, an extra aircraft carrier, and if you want to straitjacket this body, where a President that you don't agree with, who you feel is cutting defense spending to the bone, and maybe beyond the bone, where, as a rule, if he or she doesn't agree or doesn't put that out as a defense budget, you consider it your duty to not add a single cent, then I think we are putting ourselves in a position where we are disserving the people that we represent, because our job is to put together a defense budget.

Mr. FLAKE. If the gentleman will yield one more time.

Mr. HUNTER. Absolutely.

Mr. FLAKE. I would simply say that the gentleman mentioned that he believes in disclosure, and if a person puts an earmark in, he should be able to withstand the heat that might come from it. The problem with this process is there's no opportunity for that to happen. I offered four amendments. I was given one. In an appropriations bill of more than 2,000 earmarks, how many can you really do? How many can you challenge.

That is why we have had so many problems over the last couple of years with bad earmarks, is there's simply no way to adequately vet them. There were 36,000 earmark requests before the appropriations committee last year, and no way to vet them.

Mr. HUNTER. Taking my time back, I would just say to the gentleman, I put my initiatives, and I don't call them earmarks because I don't think they are illegitimate, I put them on the Internet. As I learned in my ill-fated national campaign, people aren't paying a lot of attention to my Internet site. But I had it there for millions of people to see. And I think that is the appropriate thing to do.

I just want to assure the gentleman of something so that he rests easy, to some degree. The people of this committee are really hardworking people. I think we have got one member who's been to Afghanistan and Iraq something like 13 times. I haven't been there that much, but I have been there a lot. They spend a ton of time working for the uniformed people of the United States. They make lots of notes and they do lots of analysis.

Let me tell you, the way you put together a defense budget is you have got somebody sitting in the Pentagon, and somebody comes over and sits next to him and says, You know, here's a system that the company I am working for would like to have in the defense budget. And they make a case for it.

None of this stuff is derived through a stainless process. We are all people. The only thing that really makes this government go is accountability, and people should be held accountable for the things that they put in the bill. The vast number of folks that put things in the defense bill put out press releases with respect to what they put in. They don't hide that. People put in provisions that have a value to the military. If you go down the line and analyze them, I think that you would concur with that.

So I want you to know this is a committee that really does its homework. It's got a great staff that works very hard, and we have done a lot of things that have saved soldiers, sailors, airmen, marines on the battlefield, who would not have been saved if we just rubber-stamped the President's budget. I guess that is my point.

I thank the gentleman.

I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 52 OFFERED BY MR. BISHOP OF GEORGIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 52 printed in House Report 110-666.

Mr. BISHOP of Georgia. Madam Chairman, I have an amendment that I would like considered.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BISHOP of Georgia:

At the end of title VII, add the following new section:

SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(E) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.".

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

(c) OFFSET.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $22,000,000, to be derived from the Missile Defense Agency.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Georgia (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BISHOP of Georgia. I rise today to introduce an amendment to the Defense Authorization Act which, if enacted, will provide 180 days of transitional health care for servicemembers who leave active duty and choose to join the National Guard or the Ready Reserves. The text of this amendment is H.R. 5609, which is a bipartisan measure with 51 cosponsors.

Many of our citizens, Madam Chairman, joined the Armed Forces out of a sense of duty and desire to serve our Nation. They joined with the clear understanding that we must have volunteers who are willing to serve to defend our country's freedoms and our way of life.

Our transitional health care amendment will offer the departing soldier, sailor, marine, or airman and their family a bridge of comfort for 180 days after they leave active duty if they join either the National Guard or one of the Ready Reserves.

This amendment will provide former servicemembers with additional time to find a job, to enroll in college, or relocate to another city, with the peace of mind that if a health problem arises, they will not be left without a place to turn or unmanageable medical bills. At a time when we ask so much of our all-volunteer force, this small measure is a benefit which our servicemembers really have earned.

Our veterans are not looking for a handout, they are really looking, as this amendment will provide, for a lift up. It will keep our best-trained soldiers and proven leaders in the Guard and Reserves and enable our military to continue the fight against a determined and unpredictable enemy.

Since September 11, 2001, we have had over 600,000 members of the Guard and the Reserves called to active duty. Without the Guard and Ready Reserves, our ability to defend against enemies both foreign and domestic would be greatly reduced. With the potential to retain 13,000 additional trained soldiers, sailors, marines or airmen for these forces, I believe that this amendment will save our Guard and our Ready Reserves significant cost in retraining new recruits.

This legislation is supported by the National Guard, the Army and the Air, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve. In addition, it's supported by the Guard and Reserve professional organizations, as well as the leading veterans organizations, including the National Guard Association, the Association of the United States Army, the Reserve Officers Association, Military Officers Association of America, the National Association for Uniformed Services, the VFW, and the American Legion.

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So I would urge my colleagues to join me in supporting this amendment, which demonstrates that we are serious about helping our servicemembers while keeping a trained and ready reserve force.

Madam Chairman, I yield back the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I would just say to my colleague, I have great respect for him and I agree with the purpose of this amendment. I disagree to some degree with the offset, which is from missile defense. You may have heard a number of us here making the case for the importance of missile defense.

So I would hope as we move along to conference, we can find another offset for this. I do support very strongly your purpose. What I would like to do is find another offset for this.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 110–666.

Mr. PRICE of North Carolina. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. PRICE of North Carolina:

Add at the end of title X, the following:

SEC. 10___. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the chairwoman, and I am pleased to present a narrowly targeted amendment that would simply prohibit the defense community from using private contractors to conduct interrogations.

The interrogation of detainees is clearly an inherently governmental function. It is work that is by nature extremely sensitive and critical to our national security. We should all be able to agree that interrogation should be carried out by individuals who are well-trained, who fall within a clear chain of command, and who have a sworn loyalty to the United States, not by corporate, for-profit contractors.

Some of my colleagues may question why we need to pass a law to address something that ought to be a matter of common sense, but this amendment is absolutely necessary. The defense intelligence community has often utilized contractors for performing interrogations, and continues to do so.

For example, L–3 and its subsidiary, Titan, one of the largest contracting groups working in Iraq, has contracts with the U.S. Army in Iraq under which it performs interrogations. A recent report on the L–3 Titan contract gets to the heart of the pitfalls of using contractors for interrogations. It concludes, "There are significant problems with these contracts, notably with the hiring and vetting practices of both interrogators and translators, many of whom are unqualified or poorly qualified for the work. This failure has the potential to seriously compromise national security."

Another example comes from the Department of Justice's Inspector General, who recently issued a report on the FBI's role in interrogations. He noted instances of contractors ordering abusive practices against detainees at Guantanamo Bay.

My amendment would put an end to these practices. It is not intended to punish contractors, who are often simply responding to available business opportunities. Rather, it is intended to clarify that the practice of interrogation is an inherently governmental function and that our national security depends on preserving the integrity of this boundary.

Let me also note that the amendment withholds judgment on a number of ancillary functions, such as interpretation or IT technicians and report writers, allowing an exemption for contractors to fill these roles. It only prohibits contractors from directly performing interrogations.

Madam Chairman, this is a carefully drafted amendment, and I urge its adoption.

I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), who has been a member of the committee and also the Intelligence Committee.

Mr. THORNBERRY. Madam Chairman, this amendment prohibits under all circumstances a contractor from interrogating a detainee.

Now, it is often the case that the most qualified and the most experienced person to conduct an interrogation is a contract employee. As the gentleman from North Carolina mentioned, there is an exception for interpreters. But an interrogator who also speaks the language and even the dialect can be a much more effective interrogator if he can combine those skills. Yet that capability cannot be combined under this amendment unless that person happens to work for the government.

There are situations where technical knowledge is essential to conduct an interrogation, and often that technical knowledge does not exist with government employees. So there is no choice under this amendment. That interrogation simply cannot be conducted in the most effective way.

Madam Chairman, there are folks who have conducted interrogations for years. They are experienced. They know what they are doing. But they have to retire from the military. That person can no longer be hired to do the job.

There are folks who don't want to be government employees all year-round, for whatever reason. They may want to just go work 3 or 6 months. But they know what they are doing. They may work for the FBI. They may work for the police department the rest of the time. That person cannot be an interrogator.

So the bottom line is this amendment ties our hands and prevents us from using the most effective, most qualified people to conduct interrogations. And when you do that, you are limiting the information that is necessary to keep this country safe.

The gentleman talks about, well, we all want high quality folks, well-trained and so forth. Absolutely. And if there are issues the gentleman wants to specifically talk about related to hiring or supervision or qualifications, we ought to talk about that. But this amendment doesn't do that. It is a blanket prohibition, and in my view it ties our hands from having the best people available to protect the country. And that is always a mistake. I think it should be rejected.

Mr. PRICE of North Carolina. Madam Chairman, the gentleman talks about the need to have qualified and experienced persons as interrogators. There are some qualified and experienced persons who may be in the private sector, who may be contractors. Yet that contractor is not under a clear chain of command; that contractor is not subject to the same accountability as governmental employees; and that contractor is not in the sworn service of the U.S. Government.

If there ever was an inherently governmental function, it would be that of an interrogator. The case is very plain for those services not being contracted out.

Madam Chairman, I am happy to yield 1 minute to our colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my colleague from North Carolina, and I particularly thank him for introducing this legislation.

I appreciate the views of the gentleman from Texas, but this is a commonsense amendment and there have been abuses. And the people that have abused the law, who acted illegally, whether it be at Abu Ghraib or Guantanamo Bay or some of the black sites that the CIA have operated, some of them have been contract employees.

Now, if we have people who are the best interrogators, we need to hire them. This is an inherently governmental function. I think you could ask any American, even contractors, if this is work that should be contracted out and they would say no. But in fact there are job openings posted for five major defense contractors for interrogators.

I represent any number of defense contractors, but I can tell you, this is not a function that they should be performing. This Congress should support Mr. PRICE's amendment and recognize this as inherently governmental and stop this abuse.

Mr. HUNTER. Madam Chairman, let me go over the adequate safeguards that are currently in place. The contract must specify the interrogation support. All support must be in accordance with applicable law and policy. They must be trained and certified, in-theater training. They must be closely supervised and monitored. They will not oversee, direct or monitor interrogations. They operate only in fixed facilities. They must submit a written interrogation plan. And, lastly, they are subject to prosecution.

Let me say to my friend from Virginia and the author of this amendment, because they are both friends and I know their hearts are in the right place, I have observed one interrogation, one of the first times I have seen an interrogation. It was an older lady reading a children's book to a detainee.

I said, "You gotta be kidding me." I expected all the classic stuff like we see in the movies. And our escort said, "Are you kidding?" They said, "This lady is one of the most effective people we have, and she does extremely well." I believe she was a contractor. She sure as heck wasn't a uniformed service person.

Now, my point is that there is a lot of psychology, that there is a lot of art to this, there is a lot of human relations. And if you have prohibitions against coercive behavior, and we have got rows of those in all of our manuals, if you have got somebody that you can contract with who can walk into a room and walk out maybe 2 days later, maybe 8 days later, maybe 6 months later with information that will save the lives of your troops and advance the mission, who cares if that is an elderly lady who happens to be a civilian and may not want to join the Army?

Mr. MORAN of Virginia. Will the gentleman yield for just a second?

Mr. HUNTER. I yield to my friend.

Mr. MORAN of Virginia. It seems if she is that good, we ought to make an attempt at hiring her and not contracting out, if she is that good. Make her an offer she can't refuse, if she is that good.

Mr. HUNTER. I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. PRICE of North Carolina. I yield to the chairman of the committee, our colleague, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I think back lo those many years ago to a time when I was prosecuting attorney of Lafayette County and had the opportunity to witness our sheriff, deputy sheriff or Missouri Highway Patrol interrogating people who were suspects of various different offenses, and I shudder to think what if we had contracted that out to someone who had not been fully trained on the one hand and who did not understand the law or the rules and regulations under which interrogations must be conducted.

Fast forward to today and the interrogation of detainees. I think a governmental function that is as important as interrogating detainees should be a function of the government.

The Acting CHAIRMAN. The gentleman's time has expired. The gentleman from California has 30 seconds remaining.

Mr. HUNTER. Madam Chairman, I would just say to my colleagues that you do have to be certified, you do have to be trained, you have to be supervised, and you are subject to prosecution. So our special operators have laid down a pretty strict set of guidelines. And the last thing that I saw coming from the department was that this would severely hamper Special Operations' capability if it was passed.

Now, that may be because many of the things Mr. THORNBERRY talked about with respect to language, with respect to availability. I think we should respect what the warfighters say about this and get more information before we take a vote like this.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

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AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 32 printed in House Report 110–666.

Mr. HOLT. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HOLT:

Add at the end of title X, the following:

SEC. 10___. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (e), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (a). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (a); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(e) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (a), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, this is a straightforward amendment with a simple purpose: To ensure the video recording of each strategic intelligence interrogation of any person in the custody of the Department of Defense, except for personnel and troops in the field conducting battlefield interrogations. The video recordings would be kept at the appropriate level of classification and could be used to get maximum intelligence benefit of the interrogation, and the judge advocate general would develop guidelines for the recording and retaining of the recordings. I think it is important for our national security that we make this provision law.

I yield 2 minutes to an Iraq war veteran, a former officer in the Judge Advocate General Corps who understands this very well, the need for it, and will speak, Mr. PATRICK MURPHY from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from New Jersey. I rise in support of the gentleman's amendment from the great State of New Jersey. I rise because this debate is personal to me.

Madam Chairman, as a paratrooper in the 82nd Airborne Division, I saw American heroes at their finest, gaining vital intelligence the right way. We have all seen images of what happens when young soldiers are left without clear leadership at the top. Simply put, the treatment of detainees is a strategic imperative to every servicemember wearing the uniform and every American we took an oath to support and protect.

In the first Gulf War, over 100,000 Iraqi soldiers surrendered to American forces because they knew that they would be treated humanely by the American forces. Thousands who did not hide behind street corners with RPGs or IEDs.

The treatment of detainees is what set America apart as a global leader, and it is how we begin to restore the reputation squandered by President Bush and the tragedy of Abu Ghraib.

Madam Chairman, there is nobody in this chamber who supports the vigorous interrogation of suspected terrorists more than me, but it must be done the way that reflects the greatness of America and in a way that protects our fighting men and women. Madam Chairman, this amendment helps do just that.

One of my heroes, General Colin Powell, once said: The world is beginning to doubt the moral basis of our fight against terrorism.

Will this amendment fix all our problems? Of course not. But it certainly is a start. I urge my colleagues to vote for the gentleman's amendment.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. I am going to yield to Mr. THORNBERRY, but first let me just say this. I respect the gentleman who just made the statement who has been in Iraq. But my son was in Iraq, also, and on two missions, two tours, and Afghanistan. And one important fact that I think comes out when you talk to folks who have been there is the exigency of the battlefield. That is the need to do things quickly, to be creative, to be able to move quickly to save the lives of your comrades and to carry out your mission.

Now, let's think about this. You have to videotape interrogations. What happens if you have got people coming in, moving in a pincer movement against a particular area, maybe some buildings, maybe you have got some machine gun fire, and you have been hitting IEDs, and you capture somebody and you have got people in movement. And you have to bring up then the video cameras to interrogate before you can have a successful interrogation. And what if you don't have video cameras? You are going to have people who are deterred from being able to do that because they are going to be worried that somehow they are going to be found in violation of the rules.

Now, we have got a letter here from the Under Secretary of Defense who says that the Defense Department very strongly opposes this requirement to video record all intelligence interrogations. They say: This requirement runs contrary to sound Defense Department policy, which relies upon careful selection and empowerment of the chain of command to execute the mission. Currently, commanders video record interrogations only after determining that the environment is conducive and the recordings will add value to the mission.

I might add that if you have interrogations, especially if you have got special operators who are out among the population and you lose one of the recordings, then you expose them to enormous risk.

So the idea of making this not discretionary and mandating it I think doesn't make a lot of sense.

Mr. PATRICK J. MURPHY of Pennsylvania. Would the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman, and then I will yield to Mr. THORNBERRY.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I have great respect for the gentleman from California, and that he is also a paratrooper. But, Madam Chairman, I would suggest that those were my same concerns. In that letter we address those concerns that the Under Secretary said; that in forward operating bases in the environment, there is no mandate in this bill that would require them to videotape the interrogations. It is only at the strategic level in theater, only where they go.

In my case in al Rasheed, Baghdad in 2002, 2004, Madam Chairman, we would interrogate them at a forward operating base, then we would bring them up to the Baghdad airport, then they would go to somewhere else. It would only be at that higher level, not at the forward operating base. And we put that language in this bill to address those exact concerns.

So although I respect greatly the service and the commitment of the gentleman from California and his concerns, those concerns were addressed in this bill. And that is why I support our amendment.

Mr. HUNTER. I thank the gentleman for his answer. But if you have a situation where you are doing intel interrogations close to the battlefield, which you are in many places, a matter of minutes or hours could make the difference between life and death. And if you don't have video equipment available, which you wouldn't have in many of those cases, you could still have what I would call a disastrous result.

I yield such time as he might consume to the gentleman from Texas (Mr. THORNBERRY).

The Acting CHAIRMAN. The gentleman from Texas is recognized for the remaining 1½ minutes.

Mr. THORNBERRY. Madam Chairman, this idea has been proposed and rejected before, partly because it makes no sense to stop what is happening on the battlefield and go film. The author of this amendment says, no, it only applies to theater level detention facilities. The problem is that if somebody is really going to commit some sort of abuse, they will just conduct that abuse somewhere else. This amendment only applies in certain places.

The problem is that video recordings of interrogations creates a discoverable record, and disclosure of that record complicates the criminal prosecution. That is why a lot of jurisdictions in this country, Federal and State, do not require these sorts of recordings.

In addition, as the former chairman said, having interrogators on camera threatens them, because their face and their voice could well be made public and, therefore, the danger to their lives could increase.

Secondly, these things could be made public, and the techniques and tactics that are used and the procedures would also be made available to the enemy in the future.

The bottom line is that when you have got a camera there, these interrogations are most likely going to be less effective.

So here, again, we have an example of putting our military folks in the category as suspects, because we assume they are going to do some sort of abuse and so we have got to film them because we don't trust them and limit the effectiveness of what they do. We tie their hands and therefore make it more difficult for them to do their job. I think that is a mistake.

Mr. HOLT. May I ask the remaining time.

The Acting CHAIRMAN. The gentleman from New Jersey controls 2 minutes.

Mr. HOLT. I yield 30 seconds to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Look, law enforcement is using videotaping because it not only is a matter of protection for the person that is being interrogated, but for the interrogator, him or herself, as well. There are rules that guide interrogations. Having those tapes is a safeguard that we can have to make sure that the rules of interrogation set down by the Department of Defense will protect those people as well. If they need to be disguised in some way, I believe that the amendment would allow for that. This is to protect both the interrogator and the one who is being interrogated.

Mr. HOLT. Madam Chairman, I thank the gentlelady.

It is becoming standard for interrogations all over this country, I have a list here from the 50 States, for enforcement and prosecutorial interrogations where it is required. In fact, it is required in New Jersey, Alaska, Illinois, Maine, Minnesota. And it is required for a variety of reasons, not just for the protection of the detainees or the protection of the interrogators, but to get maximum benefit from the interrogation.

Under this amendment, the judge advocate general would develop guidelines to ensure that the required video recording is sufficient to protect both the abuse of detainees and to protect the identity of the interrogators from unauthorized disclosure. This is standard practice.

I yield to the chairman of the committee, who can speak not only from his position as Chair but from his experience as a prosecutor, the balance of my time.

Mr. SKELTON. I thank the gentleman for yielding.

Let's really look at what we are talking about. It is important to note that the amendment allows the Secretary of Defense to classify videotapes. Under the existing rules—by the way, there are three theater internment facilities in Iraq and one in Afghanistan. Under those rules, one can only be held 14 days. But any interrogation between the time of capture and the time a person is entered in the theater internment facility does not have to be videotaped.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. MCGOVERN

The Acting CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 110-666.

Mr. MCGOVERN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. MCGOVERN:

At the end of subtitle G of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, and 2008, and any fiscal year thereafter.

"(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

"(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

"(B) The rank of each student and instructor.

"(C) The country of origin of each student and instructor.

"(D) The courses taken by each student.

"(E) The courses taught by each instructor.

"(F) Any years of attendance by each student in addition to the fiscal year covered.".

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. I yield myself 2 minutes.

Let me begin by thanking Chairman SKELTON for his generosity and his support of this amendment. I also want to thank Defense Appropriations Chair MURTHA for supporting this amendment.

Madam Chairman, this amendment is quite simple. For over 40 years, the names of graduates and instructors at the former U.S. Army School of the Americas, and now the Western Hemisphere Institute for Security Cooperation, were available to the public. All that was required was a phone call or a letter to school officials or to file a Freedom of Information Act request, and the names were provided. Suddenly, in August 2006, the names were classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information.

But nothing about the request had changed. No one had asked for new information, and certainly none of a personal nature. So for the past 2 years, the names of graduates and instructors at the WHINSEC have remained secret. Well, almost secret. Names constantly pop up in WHINSEC PR material like this with the nice color pictures and names underneath them, but the public is still denied access. There doesn't seem to be a security concern when it comes to press releases.

It is difficult, Madam Chairman, to understand the national security or privacy concerns raised by some when this information has been available for so many years. The WHINSEC and Defense Department have never, ever cited personal security or national security as the reason for denying the names. In over four decades of public access, not once has there ever been a whisper that military officers attending WHINSEC were targets. And these were turbulent years, with coups in the southern cones, civil wars in Central America, and insurgencies, drug lords, and armed groups in the Andes, especially in Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society, including human rights groups and critics. What signal does the school send to its Latin American counterparts about our democratic values when it denies NGOs access to information that has been available for decades? I urge my colleagues to vote to restore public access this information.

I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. HUNTER. I want to yield very quickly to Dr. GINGREY. But first, we have that list, and any Member can go look at it but it is not made available to the public. And I think there is a safety issue here. I think there is a safety issue with respect to the families, the children, the wives of the folks that attend this particular institution.

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And you know something else? We applaud our military people regularly. We acknowledge that they're some of the most honorable of citizens. We trust them with the lives of our children and in battles in Iraq and Afghanistan.

And yet it seems like the amendments that come up show quite a bit of distrust. We don't trust our interrogators, so now we're going to videotape them as if they were stealing candy at a 7-Eleven because we don't trust them.

And here we don't trust these great military folks that run WHINSEC who, I think, are going to have a salutary effect on the leaders that come from other countries that come to this school.

Americans are the best. Our military people are often the very best ambassadors for this country. And the idea that we continue to try to close down the best ambassadors, so that the people who will offer schools to them are people like Hugo Chavez, I think that doesn't make a lot of sense.

So as much as I respect my colleague who is offering this amendment, I would hope that my colleagues would vote against it.

I would like to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. I appreciate the gentleman yielding.

And I appreciate the gentleman's intentions with his amendment. But I do have some serious concerns, and I briefly want to outline them, Madam Chairman.

The protection of the names of WHINSEC students and staff is both a privacy and security issue, with broader implications for our international security cooperation.

Publicizing the names of WHINSEC students in their home countries, where in some cases there are active guerilla or narcotrafficking insurgencies could expose these students to threats to their personal safety and, indeed, to that of their families. This could include hostile attention from nations, organizations and individuals that may wish to do harm to the United States, its friends and its allies.

Such publication, Madam Chairman, could serve as a disincentive to foreign students who would otherwise want to attend WHINSEC, and it could discourage nations from sending their students to the institute. This would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and the respect for human rights that we champion.

A further concern I have is that cooperative training at WHINSEC does not just involve military personnel. We're also training police forces, of which more are from Colombia than any other nation. Many of these personnel are involved in counterdrug operations when they return to their country. It is incomprehensible that we would put their names out there, likely to be published on the Web sites of radical protest groups and put at risk not only their ability to participate in counternarcotic operations, but also their lives. Indeed, Madam Chairman, we would be putting a bull's-eye on their backs.

Madam Chairman, the gentleman noted that these names have been available upon request prior to 2005. That is true.

Well, Madam Chairman, the world has changed. You used to be able to drive freely around this Capitol prior to 9/11. You used to be able to get on an airplane without going through metal detectors. Obviously, you can't do that now. The security environment in the western hemisphere has also changed.

In his testimony before the House Armed Services Committee, Admiral Stavridis, the Commander of SOUTHCOM, testified, and I quote, "Some trends in a few countries in SOUTHCOM's area of responsibility impede security cooperation, as their governments espouse vocal, anti-U.S. messages, and they undertake policies that portend a less stable and secure hemisphere."

For most of the period of time when names were released, as Mr. McGOVERN was mentioning, Venezuela's foreign policy toward the United States was much different than it is now. We now also know that China is engaging militarily on a daily basis with the nations in our own backyard.

Madam Chairman, those who seek to close WHINSEC will attempt to take advantage of this policy to create the appearance——

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. I yield an additional 2 minutes to the gentleman.

Mr. GINGREY. Madam Chairman, they will take advantage of this policy to create the appearance of impropriety at the institute, and Venezuela and China will be the beneficiaries. Those concerned about human rights will then have to deal with these potentially hostile nations setting the human rights standard in Latin America.

As for transparency, Madam Chairman, you simply do not learn everything about any institution solely by looking at the names of those who have attended. If you followed that logic, one could contend that Harvard is an institution that trains brutal killers and human rights violators simply because the Unabomber once took a class there.

On the other hand, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, the faculty, review instructional material. This is perhaps the most open, transparent and welcoming organization in the Department of Defense. And it has certainly been the subject of more oversight than any other element of the Department.

Madam Chairman, unfortunately, I believe that the release of personal information has less to do with transparency and more to do with yet another effort to shut down WHINSEC.

On May 7, 2008, the Department of Defense provided to the Congress the names, country of origin, rank, courses, dates of attendance of students and instructors at WHINSEC for the years 2005, 2006, 2007 in accordance with the report language in the fiscal year 2008 Defense Appropriations Act. This information was provided in a classified format. The Department of Defense deemed that sensitive personal information must be safeguarded to protect the privacy, security and dignity of individual students, instructors and families. The fiscal year 2008 information will be provided in a similar format no later than 60 days after the beginning of the next fiscal year, as directed.

There's a working system to provide information regarding WHINSEC students, instructors and courses. This information my friend is asking for with his amendment——

The Acting CHAIRMAN. The gentleman's time has again expired.

Mr. HUNTER. I yield the gentleman an additional minute.

Mr. GINGREY. This information that my friend is asking for in this amendment has therefore already been made available to Congress. He can walk over right now to the Rayburn Building and study the names to his heart's content.

So I am led to wonder, Madam Chairman, what is the McGovern amendment trying to accomplish?

I fear it will only give ammunition to radical groups who hope to ultimately shut down WHINSEC, which the Armed Services Committee and this Congress are opposed to doing.

Mr. McGOVERN. Madam Chairman, let me again remind my colleagues that the names have always been public with regard to those who attended WHINSEC, and it never discouraged attendance. The only thing that's different is it's now classified and there's no transparency.

I would like to yield 1 minute to the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Let me say at the outset that it's important that this school continue to succeed. It does yeoman's work, not just in educating, but in building fences between our country and those in Latin America. The military culture reigns, as it should, and friendships are formed through the years.

And I think that transparency as to who goes, who graduates, and the fact that names and pictures are put in the advertising brochures lets everyone know that this is not such a secret thing.

Openness is important. The Defense Department, up until 2005, released the names of instructors to the public under the Freedom of Information Act. I think, in order for this school to be fully transparent and successful, it should allow the names to be made public.

Mr. HUNTER. Madam Chairman, I would like to yield at this time to another gentleman from Georgia (Mr. WESTMORELAND) 1½ minutes.

Mr. WESTMORELAND. I want to thank Ranking Member HUNTER. And I certainly agree with what he said about the military being some of our greatest ambassadors that we have for this country.

I also want to agree with the distinguished chairman of the committee about the great work that WHINSEC does.

I also want to emphasize what Congressman GINGREY said about, that this is no more than a back door attempt to shut down this school. It does great work. I have visited there. This school is open to the public 7 days a week. You can go in, you can sit in the classes, you can talk to the military personnel. It's as open as you could possibly get.

The times in this country and times in this world have changed. And to put these men and women at risk in their own country and their families at risk is not fair.

The DOD has released these names. They've publicized it. They're for anybody in this body that wants to go read them to try to find out who has been there. I don't know what more we can ask for.

If we're going to have transparency in everything we do, why don't we release all the information about our families and where we're from and maybe even our intelligence community.

Mr. McGOVERN. Madam Chairman, I would like to yield 2 minutes to the gentleman from Georgia, who represents the district where the WHINSEC is located, Mr. BISHOP.

Mr. BISHOP of Georgia. Madam Chairman, I'm pleased to cosponsor this amendment which would provide public access to the names of the graduates and instructors of WHINSEC, which is located at Fort Benning, where I'm privileged to represent.

I have been in this House some 16 years, and every one of those 16 years I have found myself in the position of defending this school. Throughout my years of representing Fort Benning, I've visited on many occasions this institute, and consistently I've supported the institute's efforts to provide civil and military training and leadership skills to our friends and our partners in Latin America. They do a tremendous job.

It serves as a unique, creative and a powerful tool in preserving democracy and fighting the global war on terror, promoting human rights, and facilitating international cooperation in our hemisphere.

But every fall we have hundreds of thousands of protesters who come to our city and cause millions of dollars to be spent in security because the protestors believe that some sinister activities take place at this school. Transparency is the only way to put the lie to that, and to show the wonderful work that takes place at that school.

And so I agree with my colleague, Mr. McGOVERN. We've been on different sides of this issue for many years. But with regard to this, I believe it's appropriate that transparency be there, and that the personnel who attend or teach at the institute should be made public as a matter of transparency. I believe that allowing information will prevent attempts to discredit the institute, will fortify the public's belief in its mission.

We must keep open the channels of information that show WHINSEC's true purpose, namely, that protecting human rights and building democratic governments requires a continued, concerted effort by friends, both at home and abroad.

Please join me in supporting this to secure that the institutions that we entrust promote democratic principles.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. McGOVERN. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Georgia. Please, I ask this House to join me in supporting this effort to ensure that the institution that we entrust to promote democratic principles remains open for review and discussion.

I urge my colleagues to support this amendment and help us put the lie to all of these protesters that come down and pretend, or that, through misinformation, believe that some sinister activities are taking place there. Please support this amendment. It's good for the school, and it's good for American democracy.

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Mr. HUNTER. Madam Chairwoman, I would like to yield to Dr. GINGREY such time as we have left.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 2 minutes.

Mr. GINGREY. Madam Chairman, you have heard some serious, serious concerns with this amendment. But whatever the outcome today, we must remember what is at stake when it comes to WHINSEC. If we were not to engage with the participating nations, Madam Chairman, we would be abandoning our most effective means of developing relationships with the security forces of these countries. The void created would be filled by countries with poor records on democracy and human rights, such as Venezuela and China.

Madam Chairman, the friendships fostered at WHINSEC have enabled El Salvador, the Dominican Republic, and Honduras to provide well-trained forces to our endeavors in Iraq. Further, thanks to the counterdrugs civil military and medical assistance courses at WHINSEC, hemispheric military police and civilian organizations have also been capably providing counterdrugs and disaster-relief capabilities.

Madam Chairman, the success of current and foreseeable future conflicts will be highly influenced by the degree of international cooperation of allied and friendly countries. This requires engagement and building partnerships and relationships. And I certainly look forward to working with Chairman SKELTON, Admiral Sestak, Mr. BISHOP, my colleague from Georgia, Mr. WESTMORELAND, to ensure that we continue utilizing WHINSEC for this purpose.

Needless to say, Madam Chairman, since we already have a system in place where we're reviewing the names of students attending WHINSEC and because the institute is very transparent, I believe the amendment is unnecessary and could potentially do much more harm than good.

As for the brochures that the gentleman presented, I can assure him, and I'm sure he knows, that those pictures are only published with the permission of those students. So I don't think that is in any way indicative of what we're talking about here.

With that, Madam Chairman, I would urge my colleagues to defeat this amendment. It's a dangerous amendment.

Mr. McGOVERN. Madam Chairman, I would like to yield 2 minutes to the gentleman from Pennsylvania, a cosponsor of this amendment, Mr. SESTAK.

Mr. SESTAK. Madam Chairman, I stood here a year ago and borrowed time from the other side to speak with my good colleague from Georgia against an amendment from my good colleague from Massachusetts that had defunded this school.

This school is everything you say it is. It has come a long way since the days of the School of the Americas. And I told the story of how I pulled into, during my 30 years in the military, one country where young officers got underway with us. And as the officers left, one of them said to me, You treat your enlisted different than we do. And I said, What do you mean? He said, You treat them as though they're equal to you. And I said, Well, they say "yes, sir," "no, sir." He said, No. You treat them as though they're equal human beings. We don't.

That's what's good about this School of the Americas. They're exposed to us, Americans.

But I took two other things away that day. That young man was attracted to us. Even though they respected the power of our economy and our military, he admired the power of our ideals. That's what is good about being attracted to our ideals.

I believe also in transparency because the second thing is I learned in this those 30 years that I did not work, even though I took orders from the Commander in Chief of this Nation, I worked for the public citizens of this country. They deserve to know how I was doing my job, whether it was leading men or women into harm's way or whether it was whom I was working with as long as it was safe for them.

I do believe that 40-some years of having told who these individuals were to change it, it eludes me why now it is a danger. I support the ideal of transparency. It was attracted into my ship that day, and that's why I always support this School of the Americas now that I know it's WHINSEC because of the good it can do in teaching transparency to those elsewhere.

Mr. McGOVERN. Madam Chairman, has my colleague used up all his time?

The Acting CHAIRMAN. The gentleman from California's time has expired.

Mr. McGOVERN. How much time do I have left?

The Acting CHAIRMAN. The gentleman from Massachusetts controls 2½ minutes.

Mr. McGOVERN. Madam Chairman, as my fellow cosponsors have said, we do not agree on the fate of WHINSEC. I would like to see it closed. They want it to stay open. But this is not a vote to shut it down. This is a vote to keep it transparent. And we have come together and we all agree that we need to restore public access to these names for reasons of accountability, transparency, and the democratic mission of our own military.

Madam Chairman, look at these lists: all blacked out. Does this look like transparency? Is this what we mean by transparency? Is this democracy at work? Is this the model that we want Latin American militaries to copy? Is this what we stand for?

The names were public for decades, decades, until August of 2006, and the world all of a sudden didn't just become dangerous, the world has been dangerous, especially in Latin America, for decades.

Openness was the norm, not secrecy. Now, all of a sudden, everything is secret. Why? Because there is some who don't want accountability. There are some who don't want the sunshine in on those who attend this school.

There are no new threats to justifying denying these names. When I visited the school a few months back, no one, nobody came forward and said to me, Please do not make the names public because it will threaten somebody. Or nobody said that the reason why all of a sudden the names became classified was because of an increase in threats. That is just not the case. That's just an excuse.

The bottom line is that there are no new threats to justify denying these names to the public. We need to restore public access. This is the right thing to do. Transparency is a good thing for this Congress to support.

Support the McGovern amendment.

Ms. LEE. Madam Chairman, I rise in strong support of the McGovern-Sestak-Bishop, GA, amendment.

This important amendment will restore public access to the name, country of origin, and other information of graduates and instructors of the infamous Western Hemisphere Institute for Security Cooperation, WHINSEC, formerly known as the School of the Americas.

In doing so, this amendment will provide a critical measure of transparency to the training provided by the United States at this institution.

We know that prior training provided by WHINSEC has led to increased instability in Latin America and numerous violations of human rights at the hands of former students—including torture, extortion, and executions.

Rather than supporting peace and stability, this institution has instead done quite the opposite.

Many countries in the region are still struggling to recover from decades of dictatorship, corruption, and human rights abuses perpetrated by WHINSEC graduates.

At a time when our occupation of Iraq has greatly damaged our credibility and standing in the world, it is imperative that we reverse the legacy of this school that is drenched in secrecy, terror, and violence.

I urge my colleagues to improve our reputation as a promoter of democratic ideals, protect human rights, and support this amendment.

Mr. McGOVERN. I return the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. McGOVERN. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 55 OFFERED BY MR. ELLSWORTH

The Acting CHAIRMAN. It is now in order to consider amendment No. 55 printed in House Report 110-666.

Mr. ELLSWORTH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Mr. ELLSWORTH:

In the appropriate place in title VIII, insert the following:

SEC. 8___. REQUIREMENT FOR DEFENSE CONTRACT CLAUSE PROHIBITING CERTAIN USES OF FOREIGN SHELL COMPANIES.

(a) CONTRACT CLAUSE REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States.

(b) FOREIGN SHELL COMPANY.—In this section, the term "foreign shell company" means an entity—

(1) that is incorporated outside the United States or Canada; and

(2) that does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity.

(c) APPLICABILITY.—The contract clause required by this section shall apply to contracts in amounts greater than the simplified acquisition threshold (as defined in section 2302a of title 10, United States Code) entered into after the 210-day period beginning on the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Madam Chairman, I would like to take this opportunity to thank my colleague from Illinois (Mr. EMANUEL) for helping cosponsor this amendment, which is really a shame that we have to file this amendment. It's a very commonsense, straightforward amendment that, as much as I hate to say it, that we found out about it in a newspaper article.

It requires contracts awarded by the Department of Defense to prohibit contractors from using subsidiaries or subcontractors as a foreign shell company performing the work of the contract of a U.S. citizen. In this amendment, a foreign shell company is an entity incorporated outside the U.S. or Canada that does not manage, direct, or exercise operational control over personnel performing work under contract.

Now, what that means in plain English is that companies that are receiving government contracts and working overseas, Iraq and Afghanistan, are opening post office boxes in the Grand Caymans. A box. No employees, no telephone, no apartments, not an office, not an employee. Yet they claim to be a company out of the Grand Caymans.

What that does, Madam Chairman, is it cheats our government, it cheats our taxpayers at home, and it cheats the folks that work for these companies. This was originally found out by a person going in and filing for a disability claim, and they said, You're not an employee of the United States.

Madam Chairman, this is wrong, and we need to close this loophole. This simple, straightforward amendment that simply closes this is what we want to do here. And I think it's a straightforward amendment.

I would like to yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman.

Madam Chairman, I rise to support this amendment because no one should receive special privileges under our tax system.

I want to recognize Representative ELLSWORTH and Congressman EMANUEL for the hard work on this important issue.

It is unacceptable for the Department of Defense to pay for this war by doing business with companies that siphon money from their own workers and from their own government. What does it say about our Nation and our priorities when American companies like Kellogg, Brown & Root, by far the largest contractor in Iraq, are allowed to take their Department of Defense dollars, filter them through an offshore shell company, all to avoid paying significant Social Security and Medicare taxes?

Madam Chairman, we are depleting the Social Security and Medicare trust funds by hundreds of millions of dollars, and this amendment says that must end—prohibiting Defense Department contractors from using foreign shell companies to employ American workers. When tax dodgers avoid their responsibilities, the American taxpayers suffers. We cannot afford this. Support this amendment.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HUNTER. I have a lot of respect for the author of this amendment, and I understand what you're trying to do. You're trying to keep a corporation from basically employing through a subsidiary American citizens who are not contributing to the tax withholdings.

Is that right?

Mr. ELLSWORTH. Yes. The gentleman from California is correct. That's the sole intent of this amendment.

Mr. HUNTER. I understand that.

The way it's drafted, it appears to me that it's a flat prohibition, and any organization with even one U.S. citizen might be precluded from using this business form, which I think is a far more anticompetitive approach than the gentleman might want.

My feeling is this, that if we approve this amendment, I would hope that the gentleman would work in conference to make sure that it's narrowed to this focus on making sure that these companies pay taxes and that it doesn't have some kind of exclusionary or unintended consequence.

Will the gentleman work with us in conference?

Mr. ELLSWORTH. That's agreed to, absolutely.

Mr. HUNTER. In that case, Madam Chairman, we do not object to this amendment.

Madam Chairman, I yield back.

Mr. ELLSWORTH. People might be wondering if this is a serious problem. We have had estimates from the Congressional Budget Office that if this tax loophole were closed, CBO estimates the Federal Government will save $846 million over 10 years. I would say that's a pretty big problem. I think the folks in Indiana would say that's a big problem, too.

During a time of tightened budgets and escalating national debt, closing this loophole makes sense. The tax provision was included in the Heroes Earnings Assistance and Relief Tax Act which passed the House just this week.

I would urge my colleagues, and like I said, I would like to thank the gentleman from California. I would be honored to work with him to straighten out his concerns, and I would ask all of my colleagues to support this bill.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

The amendment was agreed to.

AMENDMENT NO. 56 OFFERED BY MR. HODES

The Acting CHAIRMAN. It is now in order to consider amendment No. 56 printed in House Report 110–666.

Mr. HODES. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. HODES:

At the end of title X, add the following new section:

SEC. 1071. PROHIBITIONS RELATING TO PROPAGANDA.

(a) PROHIBITION.—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

(b) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Comptroller General of the United States shall each conduct a study of, and submit to the Congress a report on, the extent to which the Department of Defense has violated the prohibition on propaganda established in section 8001 of Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008.

(c) DEFINITION.—For purposes of this section, the term "propaganda" means any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States in order to benefit the sponsor, either directly or indirectly.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, first I want to thank the distinguished Chair of the committee, Mr. SKELTON, as well as my cosponsors on this amendment, Congresswoman DELAURO and Congressman DEFAZIO.

Madam Chairman, my amendment to H.R. 5658 addresses an issue of utmost importance to our Constitution and to the integrity of our government.

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And it will help restore the trust of the American people in their government.

In a free and democratic society, our government should never use the public airwaves to propagandize our citizens.

Recent media reports have alleged an organized effort by former Secretary of Defense Donald Rumsfeld and Department of Defense officials to manipulate network news military analysts to promote administration spin on the war in Iraq, even though many of those analysts knew the information not to be accurate.

Internal Pentagon documents obtained by the New York Times refer to these military analysts as message force multipliers, surrogates who can be counted on to deliver administration themes and messages to millions of Americans in the form of their own opinions.

In fact, one analyst apparently referred to the efforts by the Pentagon as brainwashing. A report conducted by media watchdog Media Matters showed that from January 2002 these military analysts, many of whom have ties to the defense industry, appeared on network and cable news stations nearly 4,500 times. That's right, 4,500 instances. Imagine the millions of people who heard those impressions 4,500 times.

The American people were spun by Bush administration message multipliers. They were fed administration talking points believing they were getting independent military analysis.

Days after the news story appeared, the Pentagon suspended the program. The news outlets who hosted the programs and analysts have been remarkably silent. The Department of Defense Inspector General has already begun an internal review of the program, but given the possibility that the public, as well as decision-makers in this Congress, were misled about the war in Iraq, both in the run-up to the war and afterwards, I believe it is absolutely critical that a public investigation happen that is transparent to this body, as well as to the American people.

Congress cannot allow an administration to manipulate the public with false propaganda on matters of war and our national security.

My amendment will ensure that no money authorized in this act will be used for any domestic propaganda program within the United States aimed at U.S. citizens. It will require a report to Congress by both the Defense Inspector General and the Government Accountability Office on whether previous restrictions on propaganda have been violated and laws broken.

It's finally time for the American people to know the truth. If we allow our government to lie to the American people, we lose the democracy and liberty on which our country was founded, and we risk becoming what generations of brave Americans have fought so hard to defeat.

Let us today on this floor in this Congress say never again will we allow this to happen in our republic.

I urge passage of this amendment, and today, we will say with one voice that the American people will not tolerate domestic propaganda. We will find the truth. We will correct any abuses of power.

I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Madam Chairman, I would like to recognize the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. What is propaganda? Of course, Americans engage in propaganda. It is a vital part of the mission of the United States to promote democracy and protect our country from harm. The United States spreads propaganda every day in spreading freedom and democracy across the world.

The military uses propaganda to recruit soldiers. TV commercials, air shows and other military events all use what is considered to be propaganda to bring out the patriotic spirit of the American youth and people. Slogans such as "Be all you can be in the Army" and "The Few, the Proud, the Marines" are all propaganda directed at the American people, and there is no deception or malice in their intent.

During war, propaganda can save American lives. It already has in Afghanistan and Iraq. Wouldn't we rather shoot our enemy or talk him out of fighting? For Americans fighting overseas, it could be described as persuading our enemies to lay down their arms rather than to fight us.

It is better to defeat our enemies with words than with guns. However, we know that commanders have already been hesitant in many cases to use propaganda during this war because they don't want to be accused of propagandizing American contractors overseas. The misconception of what kinds of propaganda are allowed has already caused harm to our soldiers overseas.

This amendment raises significant concerns about our ability to defeat terrorists overseas and protect American lives. This amendment would prohibit funding for propaganda, which is defined as "any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States."

This definition raises serious questions when you apply it in this sense:

Could we produce the propaganda within the United States and use it overseas? Would this amendment restrict U.S. military operations, including propaganda aimed at our enemies that a U.S. contractor working overseas may see?

Would this restrict certain types of military recruitment within the United States?

What about propaganda that is aimed for overseas consumption, that because of the Internet, returns to the United States and influences U.S. citizens; would that violate the prohibition?

Is there any way that this could interfere with the military releasing information to the media in the United States?

Under this amendment, would providing facts and data on successes overseas to the American public be defined as propaganda?

What if the information went to Members of Congress and they were to share it; is that a violation?

Before we vote to tie the hands of our military, we should make absolutely sure that the Hodes-DeFazio-DeLauro amendment will not constrain recruitment or warfighting efforts by not allowing the types of propaganda that we need.

I would hope that as this bill moves to the conference that we can work to ensure that the language is not so broad that the military cannot do its job.

I recommend that people vote "no" on this amendment because I think it would be disastrous for our Nation because it is an overly broad amendment and would hamstring and shackle our military and our government.

Mr. HODES. Madam Chairman, perhaps the gentleman, my colleague, does not understand that this amendment prohibits lying. "Be all you can be" is persuasion. A concerted program of government-directed lies is propaganda.

The amendment would simply codify language outlawing propaganda within the United States aimed at our citizens, and perhaps the gentleman is unaware that similar language has been included in congressional appropriations bills since the 1950s. And thus, this amendment does not represent any change in U.S. policy.

Propaganda is narrowly defined as communications designed to influence the people of the United States, and it is limited to domestic programs within the United States aimed at U.S. citizens.

With that, Madam Chairman, I yield to my distinguished cosponsor Mr. DEFAZIO for 2 minutes.

Mr. DEFAZIO. The gentleman is extraordinarily confused. Domestic propaganda? Propaganda to convince the elected officials of the people of the United States or the voters of the United States that some misbegotten objective will be good for the country? That's what you're talking about.

We're not talking about using intelligence or using our own auspices overseas, the Voice of America, whatever, to spread the voice of freedom and democracy around the world. But we are talking about deceiving the United States Congress and the voters of the United States of America in violation of the law, a law that was passed in reaction to the Soviet empire.

You are advocating the position of the Soviet Union in the 1950s, propaganda to deceive your own people. That is unbelievable to me on this floor.

Since the 1950s, since the height of the Soviet Union and the Cold War, we have prohibited propaganda directed at the people of the United States using taxpayer dollars by the Pentagon.

What happened here was a violation of that law, and that anybody would stand here on this floor and say that that law, which we have had in place for more than 50 years, should be repealed or undermined by one narrow-minded administration or Vice President CHENEY or anybody else who wants to manipulate intelligence, the Congress and the American people into a war that should not have been initiated is unbelievable at this point in time.

An informed, free and fair press is critical to our system of government to have informed decision-makers here. Maybe you don't want to hear the truth, but I do, and to have informed voters who are voting based on the truth and choosing their elected representatives based on decisions that they fully understand and that they have been fully informed on and not propagandized.

It's extraordinary to me in the 21st century anybody would advocate the use of propaganda against the voters and the people of the United States.

Mr. HODES. Madam Chairman, how much time do we have remaining on this side?

The Acting CHAIRMAN. The gentleman from New Hampshire controls 3½ minutes.

Mr. HODES. I reserve the balance of my time.

Mr. HUNTER. How much time do we have?

The Acting CHAIRMAN. The gentleman from California controls 6 remaining minutes.

Mr. HUNTER. I would yield myself such time as I might consume.

Madam Chairman and my colleagues, we have general officers, flag officers who go over to Iraq, Afghanistan just as they have gone to every war theater we've fought in. They talk to their colleagues. Their colleagues give them the facts as they see the facts. They come back. They repeat those facts, the ones that they concur in, and they draw conclusions.

Now, they do that on dozens and dozens of talk shows and other media outlets throughout the United States. Some of them are for the operation and some of them are against the operation.

The idea, and this sounds like something we might want to adopt for our campaigns because I've found myself falling prey to this now and again, thinking what my opponent said was propaganda, what I said was the absolute truth. But how about the General McCaffreys who come back, having talked to their friends in theater, and they come back and give their set of facts and they say, therefore, we don't think things are going well, as opposed to the general who goes over and talks to friends in the theater, some of them the very same people, and they come back and say our conclusion is that things are going well.

The idea that we take this great resource, and I understand this is directed at general officers who go over to the theater, come back, appear in the American media, and give their take on where they think this war is going. I think that's a great asset for this country, and I say that, even though I've appeared many times opposite general officers and flag officers who have the opposite opinion from mine. But it's a great resource to have people that have that background and are able to look at the situation and come back and give their opinion freely.

The idea that the people who agree with the operation over there are giving propaganda, but the generals who have come back and said that we think there is a problem with this operation, and there are quite a few of them, that somehow their point is right on and they are precisely accurate and they are serving the public, that's nonsense.

You've got to let your general officers go over, make an evaluation, come back, give that evaluation, and we get to cross-examine them in committee, as we often do. We'll have people on both sides who have seen the same wars and the same operations and come to different conclusions.

The idea that we are going to label the people we don't agree with propagandists and the ones that agree with us are philosophers and statesmen is kind of a zany idea.

Let's let all of our general officers, let's look at them as a great resource, whether they agree with us or not. I've always said that, even about the folks that come back and have a totally opposite view from mine. I've always said this is a great resource to have retired military people with a long background, who go over, have these insights, make an evaluation and come back and give us that evaluation.

Believe me, ladies and gentlemen, we've had it on both sides on the Afghanistan and the Iraq operations. We've seen guys like General Zinni come back and give a viewpoint totally opposite the administration. Yet I listen to that gentleman. I greatly respect him. I think he's got a lot of wisdom. I disagree with him in some cases.

But the idea that we call the people who disagree with us propagandists and the other ones great seers and statesmen and philosophers doesn't make any sense.

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Let's let everybody come back and exercise the right to free speech, and let's not have any of these inhibiting amendments.

Madam Chairman, I reserve the balance of my time.

Mr. HODES. Madam Chairman, at this time, I yield 1 minute to the distinguished Chair of the committee, Mr. SKELTON.

Mr. SKELTON. Madam Chairman, I was sorely distressed when I learned of the fact that there were a good number of former military officers that were given special access, many of whom had conflicts of interest in various defense businesses, and they were considered military television analysts.

You see, people in the military are trusted by Americans. People who are retired military are trusted by Americans. And what's interesting is that this special group had special access to information in the Pentagon and obviously used that in their analysis when talking of the Middle East on television. And what's really interesting is the fact that their special access was canceled.

Mr. HODES. Madam Chairman, at this time, I yield 2 minutes to the distinguished cosponsor of this amendment, the gentlewoman from Connecticut.

Ms. DELAURO. This is domestic propaganda. It is a military-industrial-media complex in which military analysts, many who have ties with the contractors making money off of the war and parroting DOD talking points on the air to mislead the American public, and the TV networks did nothing to prevent it.

I will just tell my colleagues that if you voted for the DOD appropriations bill last year, if you did, you voted to prohibit this. You've done it since 2002. Donald Rumsfeld met with these guys 18 times, told them what to say, and then, my friends, DOD hired a company to track their remarks on the TV networks.

I am proud to offer this amendment with my colleagues. This has been a secret propaganda program within the Department of Defense to use military analysts to generate positive news coverage of the war in Iraq, conditions on Guantanamo, and other activities as part of the war on terror.

New York Times: 75 retired military analysts briefed often by high-level officials in a "powerfully seductive environment" only to be found later again parroting the administration's talking points on major television news programs, over the radio and through newspapers.

Also, the Times reported internal DOD documents described the analysts as "message force multipliers" who could be counted on to deliver the administration's themes and messages to millions of Americans in the form of their own opinions.

You know, when you put analysts on the air without fully disclosing their business interests or their relationship with high-level officials, you have betrayed the public trust. This should not have happened. Unfortunately, our leaders at the Department of Defense didn't understand it. Support this amendment.

Mr. HODES. Madam Chairman, I reserve the balance of my time.

May I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. HUNTER. Madam Chairman, how much time do we have remaining?

The Acting CHAIRMAN. The gentleman from California controls 2½ minutes.

Mr. HUNTER. Madam Chairman, let me say this: I have always greatly respected the ability of our guys, this great resource that we have of flag officers—and nonflag officers, incidentally, NCOs and company grade officers—to go over to a warfighting theater and come back and bring you the news, whether it's good or bad. In fact, I've hosted forums in the Armed Services Committee when I brought in dissenting officers who would come back and tell us what they thought was wrong with the war because you've got to listen to it. If you're going to shape good policy, you've got to hear both sides to these things.

I would just say to my colleagues who say, well, these people were hosted; they came over and they were hosted. Listen, you have respected people like General Zinni and Barry McCaffrey and other respected leaders and generals, and they go over to a warfighting theater, you can bet that they are hosted by their colleagues that they grew up with in the military, fought alongside with, and that's absolutely appropriate. And you can bet that they were given transport and they got to look at the operations, they got to give their analysis. And you know something? That has value. I always want to see the guy that thinks that the operation isn't going well and listen to his remarks and his comments.

So the idea that we're going to label the guys who we don't agree with as having been "propagandized" and we're going to label the guys we agree with as being seers and prophets and truth tellers, that just doesn't work.

We've all been surprised. As you look at this array of general officers, often you'll say, I would have bet that that guy likes the operation. You talk to him and he says, "no, I don't like it, I think we're there for the wrong reason, I don't think it's going to work." And the guy that you thought probably is not going to support it says, you know, I've seen this, this, this and this, and I agree with the operation.

You want to listen to all of them. And the idea that we're going to crunch down on them and also the idea that somehow Don Rumsfeld got these people in a room and told them what to say, if you believe that, you don't believe in the independence of these general officers. None of them are used to having people tell them what to say. They're independent. They're a source of information to us. They're a valuable resource. And we ought to respect all of them. We ought to urge them all to go to theater, come back with their remarks and their comments.

Mr. MORAN of Virginia. Would the gentleman yield?

Mr. HUNTER. Absolutely. I would be happy to yield to my friend.

Mr. MORAN of Virginia. I thank my friend. And I do regret that he's leaving because we appreciate your point of view.

And I asked you to yield, Mr. Ranking Member, because in the article that was in the New York Times they talked about a point where news articles started revealing——

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. HUNTER. May I ask unanimous consent that he be given an additional 30 seconds.

The Acting CHAIRMAN. Without objection, each side will control additional 30 seconds.

There was no objection.

Mr. MORAN of Virginia. I thank my friend and very distinguished gentleman from California.

When articles came out that troops were dying because of inadequate body armor, a senior Pentagon official wrote to his colleagues, and that letter was made available to the Times, "I think our analysts, properly armed, can push back in that arena."

Now, I suspect you are going to be asked to comment on military things, and we are going to listen very intently. But if the Pentagon asked you to say something that you knew not to necessarily be the truth, you wouldn't do it. The problem is, we have quotes from senior military officers saying they were concerned that their employer, their military contract employers would lose access if they didn't do what the Pentagon asked. That's what we're trying to get at.

The Acting CHAIRMAN. The time of the gentleman from California has expired.

Mr. HODES. Madam Chairman, I'm afraid that my distinguished colleagues on the other side are laboring under a misapprehension.

This amendment is very simple. First, it codifies long-standing policy prohibiting propaganda, domestic propaganda. Second, it calls for an investigation into whether or not the Pentagon had a concerted program to mislead the American public and this Congress.

This amendment deals with what strikes at the very heart of our democracy: We must trust our military. We must have the truth. We make decisions of life and death in this Chamber when we send people off to war. The American people deserve the truth. This amendment will deliver the truth to the American people.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 58 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 58 printed in House Report 110–666.

Mr. FOSTER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. FOSTER:

At the end of title XXXI, insert the following:

SEC. 3113. ENHANCING NUCLEAR FORENSICS CAPABILITIES.

(a) NNSA FELLOWSHIP PROGRAM FOR GRADUATE STUDENTS IN NUCLEAR CHEMISTRY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall establish a fellowship program for graduate students who are Ph.D. candidates in the field of nuclear chemistry.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the fellowship program should—

(A) support at least six graduate students per year; and

(B) require each graduate student to spend at least two summers in a national security laboratory over the course of the program.

(3) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics

for fiscal year 2009, $3,000,000 shall be available to establish the fellowship program.

(4) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan describing the costs of continuing the program for fiscal year 2010 and thereafter.

(b) NNSA RESEARCH AND DEVELOPMENT PROGRAM ON NUCLEAR FORENSICS RADIATION-MEASUREMENT EQUIPMENT.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall carry out a research and development program to improve the speed and accuracy of nuclear forensics radiation-measurement equipment.

(2) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, $2,000,000 shall be available to carry out the research and development program.

(3) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan for the research and development program, including a description of the costs of continuing the program for fiscal year 2010 and thereafter.

(c) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare a research and development plan to prioritize research and development efforts in the Department of Energy, and at the national laboratories overseen by offices of the Department of Energy, on the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database containing data on nuclear material, to enable the attribution of nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of enactment of this Act, a report on the implementation status of the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(d) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt data access.".

(e) REPORT ON NUCLEAR FORENSICS ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of Energy and the Secretary of Homeland Security, shall submit a report describing a joint recommendation for establishing an independent Nuclear Forensics Advisory Panel of recognized experts not directly associated with the Federal laboratories.

(2) ROLE OF INDEPENDENT PANEL.—The function of such an independent panel should be to provide independent validation of any Federal nuclear forensics analysis.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries referred to in paragraph (1) shall submit a report on the structure and membership of the panel required by that paragraph. The report shall be submitted to—

(A) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security and Government Affairs of the Senate.

(f) PRESIDENTIAL REPORT ON INVOLVEMENT OF SENIOR-LEVEL EXECUTIVE BRANCH LEADERSHIP IN CERTAIN EXERCISES THAT INCLUDE NUCLEAR FORENSICS ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report on the involvement of senior-level executive branch leadership in planned nuclear terrorism preparedness exercises that have nuclear forensics analysis as a component of the exercise. The report shall be submitted to—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Government Affairs of the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, combatting the threat of nuclear terrorism on American soil is a critical security challenge. At a time when inadequately secured nuclear material can fall into the hands of the world's most extreme groups, we must find ways to strengthen our deterrent against acts of nuclear terrorism.

Today, I rise to offer this amendment to improve our Nation's nuclear forensics capability to help deter and respond to terrorism. I am pleased to offer it with my colleague, Representative SCHIFF, whose leadership on nuclear security issues has been exemplary.

When combined with law enforcement and intelligence data, nuclear forensics allows us to trace a nuclear device to its source through technical analysis of its nuclear material or residue following a nuclear detonation. As such, it represents one of the strongest deterrents that we have against rogue nuclear nations who might consider releasing nuclear materials to terrorist groups.

This amendment has its roots in a report issued by the American Physical Society and the American Association for the Advancement of Science. The American scientific community found that our Nation's nuclear forensics capabilities are dangerously insufficient and endangered by impending retirements, and made specific recommendations for its improvement.

This amendment expands the nuclear forensics workforce by supporting fellowships in nuclear chemistry, and calls for further research and development in the field. Perhaps most important, this amendment also sets up a joint Nuclear Forensic Advisory Panel of recognized experts to confirm the findings of forensic analysis.

Given the intelligence failures in the run-up to the Iraq war, the results of any nuclear forensics analysis may well be met by international skepticism. This amendment enhances our Nation's credibility on one of the gravest security challenges that we face and represents a significant improvement in our nuclear and national security.

I urge my colleagues to support it.

Madam Chairman, I reserve the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in support of the amendment.

The Acting CHAIRMAN (Mrs. JONES of Ohio). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. I want to say that we've looked at this on our side, we think it makes sense, and we concur with it. I want to congratulate the two gentlemen who are the cosponsors of this particular amendment. We support it.

Madam Chairman, I yield back the balance of my time unless they want to use some of the time on their side.

Mr. FOSTER. I would like to yield 1½ minutes to the gentleman from California, my cosponsor.

Mr. SCHIFF. I want to congratulate my colleague, the gentleman from Illinois, for his leadership on this issue and thank him for including any amendments and language on the topic that I have prepared.

Our amendment attacks the difficult problem of nuclear trafficking. Illicit nuclear material has been intercepted in transit many times since the end of the Cold War, and the material we catch is probably a small fraction of the total trafficked.

Nuclear attribution would allow us to identify the provenance of nuclear material in transit, or, God forbid, in the aftermath of a detonation. That knowledge would help us decide how to respond, and it would also provide a deterrent. If nations around the world knew that they could be identified as the source of material used in a nuclear attack, even irresponsible nations would be disinclined to proliferate. By developing a robust attribution capability, we can usher in an era in which proliferation is not just discouraged, but deterred, because those responsible would be found and punished.

This amendment supports nuclear attribution by strengthening our nuclear forensics capability. Nuclear forensics involves studying the mix of isotopes and other nuclear material that give it a particular signature. Physicists at the Department of Energy are world leaders in this field, but more research is needed to make our capability prompt, mobile and accurate. This amendment calls on the Secretary of Energy to develop a research and development plan for all the technologies involved so we can direct our funding appropriately.

Nuclear terrorism is a threat of paramount danger and uncertain probability. It is not a threat we can measure in brigades, ships, or warheads, but it is no less pressing for that. I believe this amendment is an important effort to reduce the risk of a calamitous nuclear event.

Mr. FOSTER. I would like to yield the remainder of my time to the gentlewoman from California (Mrs. TAUSCHER).

The Acting CHAIRMAN. The gentlewoman from California is recognized for 1½ minutes.

Mrs. TAUSCHER. Madam Chairman, I rise in support of the Foster amendment to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

As chairman of the Strategic Forces Subcommittee, I am proud to say that my subcommittee's mark already included an increase of $5 million for the Department of Energy's National Technical Nuclear Forensics Program.

And I worked with my colleague, ADAM SMITH, chairman of the Terrorism and Unconventional Threats Subcommittee in support of an additional $10 million for nuclear forensics for the Defense Threat Reduction Agency.

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So when Representative FOSTER approached us, we were happy to work with him.

We welcome his amendment, which complements the base bill very nicely by requiring a plan for forensics research and development and requiring the Departments of Defense, Energy, and State to report on how best to create an independent panel of forensics experts.

I urge my colleagues to support the amendment.

Mr. FOSTER. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The amendment was agreed to.

AMENDMENT NO. 51 OFFERED BY MS. SCHWARTZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 51 printed in House Report 110–666.

Ms. SCHWARTZ. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Ms. SCHWARTZ:

Add at the end of title X the following new section:

SEC. 1071. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.

(a) CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) RESTRICTIONS ON USE.—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRFIELD.—The term "airfield" means the airfield referred to in subsection (a).

(2) ASSOCIATED USERS.—The term "associated users" means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) EXIGENT CIRCUMSTANCES.—The term "exigent circumstances" means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) COMMERCIAL CARGO OPERATIONS.—The term "commercial cargo operations" means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) COMMERCIAL PASSENGER OPERATIONS.—The term "commercial passenger operations" means aircraft passenger operations by commercial passenger carriers involving flights where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) INSTALLATION.—The term "installation" means the Joint Interagency Installation referred to in subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I rise today to offer an amendment to directly address the concerns of a community in my district that is impacted by BRAC 2005.

The BRAC Commission's recommendations related to the Naval Air Station Joint Reserve Base Willow Grove call for a significant continued presence of the Pennsylvania Air National Guard and other military units and for maintenance of the airfield for their use.

The Commonwealth of Pennsylvania is currently working with DOD to transform Willow Grove into a Joint Interagency Operation Installation dedicated to national defense, homeland security, and emergency preparedness. This effort is supported by Federal, State, and local leaders of both parties, including the Governor and both U.S. Senators.

Despite the outpouring of local support for the base and a unified voice which we are supporting for continued military presence at the base, there remains a significant concern in the community that the base could be used for commercial passenger and cargo operations.

My amendment, jointly with PATRICK MURPHY, my colleague from Pennsylvania, which was drafted in coordination with Pennsylvania's Department of Military and Veterans Affairs, would address this local concern and strengthen the future capabilities of the base by codifying what Governor Rendell and bipartisan elected officials at all levels of government have been saying all along: Willow Grove will not become a commercial cargo or passenger airport.

Madam Chairman, I reserve the balance of my time.

Mr. SESTAK. Madam Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 2½ minutes.

Mr. SESTAK. Madam Chairman, first I want to acknowledge my esteemed colleagues Congresswoman SCHWARTZ and PATRICK MURPHY, and I very much respect what they're trying to do for the citizens of their districts.

However, I have stood in this Chamber and watched Representatives COSTELLO, OBERSTAR, ANDREWS, and many others try to bring about transparency to the Federal FAA and to resolve the chaos that is presently in our air traffic management systems.

We have had an FAA that has covered over the safety violations at Northwest and Southwest Airlines, letting 117 planes fly with safety violations. NASA has said there are twice as many near midair collisions than that FAA is reporting, with an 11 percent increase on near runway collisions last year over the previous year. I bring that up because I have also watched in my district, which is near both of my esteemed colleagues.

And the FAA has now, after a period of time studying one option, has said that they will now no longer have aircraft take off from Philadelphia International Airport and stay over Delaware River, but they will now turn over my citizens, whom I care just as deeply about, at 500 feet.

The statistical studies that have been provided to the FAA that they have ignored means that the children under those aircraft will lose 1 year of education between pre-K and high school and they will be at the highest risk of the number one killer disease in America, cardiovascular disease. And when the FAA Administrator was asked what is the cost of this? she answered to Representative ANDREWS, "We don't know." We don't know the financial cost nor do we know the social cost.

That is why the Government Accounting Office is investigating this one option. The study is due out this summer. There are 12 cases of litigation from four States that are trying to stop this option.

Therefore, I want to work and intend to work to stop this, but I am standing here today because I believe no option should be taken off the table until a comprehensive Federal, local, and regional air traffic management plan has been conducted, and then we should work together, joining together, so that no one will be advocating at Willow Grove any civilian airport nor should they be flying over my district.

The Acting CHAIRMAN. The time of the gentleman has expired.

Ms. SCHWARTZ. Madam Chairman, let me just say that this amendment in no way addresses the issue raised by Mr. SESTAK regarding the FAA airspace redesign.

Madam Chairman, I yield 1 minute to my partner in this effort, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise in support of the gentlewoman from Pennsylvania's amendment.

In the post-9/11 world, we must utilize all the tools at our disposal to keep our country safe and secure. That is why Congresswoman SCHWARTZ and I, along with our Governor and the majority of the Pennsylvania delegation, are fighting to form a homeland security hub at Willow Grove. Strategically located near Philadelphia, New York City, and Washington, D.C., this air base must continue to serve as a strategic asset for our regional and national security.

Madam Chairman, our amendment is simple: It prohibits the base from becoming a commercial, cargo, or passenger airport. Maintaining Willow Grove's strategic focus ensures that we continue to keep Pennsylvania families safe. This is a commonsense, bipartisan way to secure our region. It's a matter of national security.

I thank the Pennsylvania delegation, and I urge my colleagues to vote in favor of this amendment.

The Acting CHAIRMAN. The gentlewoman has 30 seconds remaining.

Ms. SCHWARTZ. Madam Chairman, I will just repeat that this amendment is simple. It is consistent with the local and State efforts. We have been working with DOD, with Armed Services staff. I want to thank the leadership of the Armed Services Committee, Mr. SKELTON.

I want to also say that if a rollcall is demanded on this amendment, I ask that the House respect my desire to do what's right for my district and what is right for the homeland security and emergency preparedness for the Mid Atlantic region.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SPRATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–666.

Mr. SPRATT. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SPRATT:

Strike section 1224 of the bill and insert the following:

SEC. 1224. REQUIREMENT TO UPDATE NATIONAL INTELLIGENCE ESTIMATE ON IRAN'S NUCLEAR INTENTIONS AND CAPABILITIES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress an update of the National Intelligence Estimate, entitled "Iran: Nuclear Intentions and Capabilities" and dated November 2007. Such update may be submitted in classified form.

(b) ELEMENTS TO BE CONSIDERED.—Each update submitted under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of nuclear material and any plans to develop and operate such equipment in the future.

(2) An estimate of the amount, if any, of enriched to weapons-grade uranium materials acquired or produced to date and plutonium acquired or produced and reprocessed into weapons-grade material to date, an estimate of the amount of plutonium that is likely to be produced and reprocessed into weapons-grade material in the near- and midterms and the amount of uranium that is likely to be enriched to weapons-grade levels in the near- and midterms, and the number of nuclear weapons that could be produced with each category of materials.

(3) A description of the security and safeguards at any nuclear site that could prevent, slow, verify or monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of the weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by other allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

(1) the Islamic Republic of Iran has met or surpassed any major milestone in its nuclear weapons program; or

(2) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, I offer an amendment that would strike the provisions of section 1224 in the bill. It would replace those provisions with language requiring the Director of National Intelligence to submit to Congress regular updates of the National Intelligence Estimate with respect to Iran's nuclear capabilities, present and prospective.

As offered in committee, section 1224 imposed a multiplicity of reporting requirements, including all sorts of data from the Department of Defense. Mr. REYES offered a perfecting amendment culling out many of those requirements and calling for a new commitment to readiness throughout the world, particularly in the Middle East.

Rather than proliferate reporting requirements, my amendment cuts to the heart of the matter, Iran's nuclear capabilities, and calls for regular, periodic reports. What it seeks is basic: a sober analysis of a gravely serious matter in a proven format, the National Intelligence Estimate. This report is gleaned from all 16 parts of our intelligence community, and the job of fusing that data, and drawing the right conclusions, is assigned to the National Intelligence Director, a position created by Congress by the unanimous recommendation of the 9/11 Commission.

We need an assessment, but we need an assessment that is rigorous and objective, pulling no punches, analyzing seriously all issues surrounding nuclear weapons and fissile materials in Iran. And, fortunately, we don't have to invent that vehicle. It exists already in the form of the National Intelligence Estimate, like the NIE of last November, 2007. It satisfies this requirement. And my amendment ensures that this requirement continues to fulfilled, not ad hoc, but at regular intervals, for the benefit of Congress.

My amendment simply places responsibility where it already rests by law and uses a reporting process that is well established. Why reinvent the wheel? The appropriate vehicle for an ongoing objective of analysis is an updated NIE, not an independent, redundant, parallel effort, overseen by DOD.

There are many good reasons for having unity of command here, but one is simply this: By consolidating analysis in the NIE, we discourage the temptation to "forum shop," look for agencies that will be favorably disposed.

My amendment allows for many of the points of inquiry in the bill's existing language, including input from our allies. But it focuses the NIE on near- and mid-term implications rather than on speculative far-term projections, and it does not rush to a military response as a presupposition.

My amendment leaves in place the bill's current requirement to provide Congress 15 days' written notice when major developments in the nuclear weapons program are detected. But the bill shifts that burden from the Secretary of Defense to the President.

This amendment, the amendment I offer, is truly, Madam Chairman, a perfecting amendment. It improves the language of the bill, and it helps section 1224 fulfill its stated purpose.

Madam Chairman, I reserve the balance of my time.

Mr. McHUGH. Madam Chairman, I rise to speak on the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. McHUGH. Madam Chairman, let me say at the outset I appreciate the gentleman's intent here, and I take at face value and both understand and in large measure agree with his intent to serve to clarify the base provision in which he is acting on this day.

Having said that, I do have some concerns. I would disagree with the gentleman's assertion, as I understood it, and I have to apologize, Madam Chairman, because the acoustics were rather difficult and I'm not sure I heard everything the gentleman said, but I do believe he was saying that there was a predicate reality in the underlying language that assumed that military reaction was a given or at least a part of it.

I want to make very clear for the record that on our side, Madam Chairman, we feel it is critically important, when speaking on this important issue to the Iranian people, and particularly the Iranian leadership, that they understand that in our mind this is an extraordinarily serious issue.

When we were marking up this provision in the full committee, I made the comment that ambiguity, lack of clarity, on world and military affairs has cost us dearly in the past. One can make the argument that at least in significant measure, for example, the Korean War began on ambiguity, a lack of clarity as to what the United States would do if the Chinese and North Koreans were to take military action, as they ultimately did. Similarly, when Iraq, under Saddam Hussein, invaded Kuwait, I think you can make the case that Saddam Hussein misinterpreted the American position as to what the reaction of this Nation would be upon such an invasion.

So we think that clarity should not be confused with militarism. Clarity should not be mistaken for belligerence; that clarity, particularly when we are talking in matters of warfare, is important.

Having said that, Madam Chairman, I do believe that Chairman SPRATT, the distinguished member of the Armed Services Committee, has an idea that bears consideration here.

I do have a question. I would ask the gentleman from South Carolina, and this is not part of the prearranged script and I'm not trying to play "gotcha," but I was curious if the gentleman would yield for a question that I would like to pose to him.

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Mr. SPRATT. I appreciate the gentleman yielding, and I appreciate the tenor of his question. What we have tried to do is get this effort down to its essence. The two versions, iterations that we had in the committee were, I thought, prolific with different ideas and requirements.

We have an existing system. It works well. We have reaffirmed it in the latest intelligence act we recently passed in creating the National Intelligence Director. Let's make him or her the supervisor of this process; and the vehicle, the NIE. That's the customary way of doing it, and should be the preferred way of doing it. That is why we put that emphasis in this bill.

Mr. McHUGH. I appreciate the gentleman's response. If the gentleman would be so kind, if I may pose another question under my time to him. What I am concerned about less, the structure of the gentleman's amendment. I understand it. I think there are some concerns that I have with respect to definitional and clarity issues. But putting those aside, can the gentleman help me better understand why, under the defense bill, this amendment, and I am speaking now, if I may, as a member of the House Permanent Select Committee on Intelligence, does not subject this bill to sequential referral?

Mr. SPRATT. Not subject it to what?

Mr. McHUGH. Sequential referral. In order words, why this bill, with the inclusion of this amendment that clearly transfers into the intelligence title of our U.S. Code, would not require that HPSCI, the security committee, national intelligence committee of the House, would not have jurisdiction.

Mr. SPRATT. That is the reason we are offering it on the House floor as opposed to offering in it the committee, where it may have resulted in a sequential referral. So far as I know, nobody has raised a point of order about the appropriateness of hearing it in this context.

Mr. McHUGH. With all due respect, does your side have an opinion from the House Parliamentarian that the adoption of this language would not subject the bill either on the floor or in conference to sequential referral?

Mr. SPRATT. I don't think it will encounter that problem in conference. The rule waived points of order. So we are clearly in a proper status right here. I think this bill advances the whole idea that we are working with, and as you know, it will go through another iteration before it comes out of conference, I am sure.

Mr. McHUGH. I thank the gentleman for being responsive to my questions.

With that, Madam Chair, I reserve the balance of my time.

Mr. SPRATT. I yield 2 minutes to the distinguished chairman of the committee, Mr. SKELTON.

Mr. SKELTON. Gathering information, Madam Chairman, on Iraq's nuclear program is an important priority for our Congress. The November, 2007, National Intelligence Estimate provided the needed reappraisal of Iran's nuclear intentions and capabilities. This amendment is sure that that assessment process continues.

Given the differing conclusions between the then-NIE and its predecessor and their analysis of the status of Iran's nuclear program, it's appropriate that we continue to receive reports. This amendment details specific information necessary for congressional oversight, which we have been stressing in our committee all year long. This amendment replaces and improves on the text of our committee, which was of course approved on a bipartisan basis in our committee markup last week. This amendment appropriately identifies the Director of National Intelligence as the official to provide that assessment.

I think it's an excellent amendment. I thank the gentleman from South Carolina for clarifying the text and replacing it with this amendment.

Mr. McHUGH. Can I inquire as to what the remaining time may be.

The Acting CHAIRMAN. The gentleman from New York has 5 minutes; the gentleman from South Carolina has 6 minutes.

Mr. McHUGH. I yield myself such time as I may consume.

I had said earlier, Madam Chairman, that I do have some substantive concerns or at least semantic concerns about the language of the amendment. And I think it's important, if I may, to state at least at this moment one or two of those for the record.

I am concerned about the vagueness of some of the language. For example, the underlying amendment, the language that this amendment seeks to change and to amend, requires the Congress to have a clear milestone. One is, quite simply, does Iran have sufficient material for a weapon.

I think most people understand the language behind that. This language, however, says it requires the President to notify Congress within 15 days of Iran having, "met or surpassed any major milestone in its nuclear weapons program." I don't object to that goal, but I do become concerned about defining what those milestones are.

Milestones in the process of development of nuclear weapons may be self-evident to the scientific community, but for purposes of law, I am not aware, and if I am wrong, then I need to be instructed today on this debate. I am not aware that they are defined in law.

So I think we are leaving a problem there that perhaps as we move into the conference we can——

Mr. HUNTER. Would the gentleman yield?

Mr. McHUGH. I'd be happy to yield to the distinguished ranking member.

Mr. HUNTER. If the gentleman will yield, and I'd hoped that Mr. SPRATT would concur with this. It is important, I think, for the Members of this body, because the first thing we ask when we do intelligence briefings, we say, How far away is that Nation or those particular people from developing enough material or having enough of a program to build a weapon, a device, a nuclear weapon. So in commonsense language that is the question we ask.

So the gentleman has put the word milestones, as the gentleman from New York said, in this particular report. I would hope that we could define that as we go into conference in terms of material necessary to build a device, and to receive some specifics on that so that we don't have a vague question that the community may have a problem in determining precisely what we mean.

Mr. McHUGH. I thank the gentleman from California in his clarity, as always.

I do have another point or two I'd like to make, Madam Chairman, that I think should be stated for the record as we go forward to conference.

But for the moment, in terms of time balance, I will reserve the balance of my time.

Mr. SPRATT. Madam Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I rise in support of the Spratt amendment. A reasoned and objective approach is needed for analyzing and assessing the serious issues surrounding the potential for nuclear weapons proliferation in Iran. The current bill language couples military readiness and contingency response planning with report elements that are inherently intelligence-related and dependent on the full spectrum of intelligence sources and methods.

The amendment appropriately shifts the burden of assessment regarding Iran's nuclear weapons capacity and/or intentions from the Secretary of Defense to the Director of National Intelligence. Why reinvent the wheel? Precedent and institutional knowledge specific to the issue already exist. The appropriate vehicle for perpetuating objective analysis of the situation is an updated NIE, with further updates regularly to follow, not an independent and parallel effort on the part of the DOD.

Renewing demand for products of the proven method of consolidating analysis through a centralized NIE process also discourages the temptation for some to "forum shop," I assure you, among national security agencies for favorable or dissenting views, depending on the circumstance. We are all well aware of the Douglas Feith-led, Dick Cheney-originated cabal that was a major instigator of the war in Iraq.

A disassociated DOD effort would undermine a widely considered and properly vetted approach to nuclear proliferation and other high priority national security issues.

The amendment substantially reflects many of the points of inquiry from the report elements in the bill's existing language, but it centers the focus on an updated NIE analysis on the near and mid-term implications rather than on the speculative far-term projections, and does not rush to associate U.S. military response as a presupposition.

On that basis, Madam Chairman, I think this amendment deserves our favorable attention, and I thank you for the time allotted to me.

Mr. McHUGH. I would ask again, because I know we are getting down toward the end, what the remaining time balances are, please.

The Acting CHAIRMAN. The gentleman from New York has 2 minutes. The gentleman from South Carolina has 4.

Mr. McHUGH. I yield myself such time as I may consume.

As I said, the concerns that I have, and I think it's fair to say our side have with respect to a major part of this amendment centers on semantics. Normally, that can be considered a minutia. But when you're dealing with questions of nuclear capability, when you're dealing with questions of sending a message from country A to country B, in this case, United States to Iran, I think semantics and definitional issues are very, very important.

I appreciated the dialogue that the gentleman from South Carolina and the distinguished ranking member of the full committee had with respect to the question of milestones, but I also have a concern about the language with respect to the reporting requirement with the fact that should Iran speed up, slow down, or stop, and I will quote now, Madam Chairman, "any significant element" of these programs.

I certainly don't disagree with the intent of that language. But, again, we are writing law, we are not writing narrative, we are not writing a novel. The fact that any significant element is not a definitional perspective concerns me.

So, again, I would simply say for the record, as we go forward, while the intent of this amendment and the prospect of it is positive, there are some concerns on clarity, there are some concerns on definition. I think we need to continue to focus on in the conference and I would hope as we go forward, we can help clarify those kind of issues.

I don't know if the gentleman on the other side has any more speakers. Assuming that he might, I would reserve the balance of my time.

Mr. SPRATT. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO). Before he begins, could I inquire how much time remains on this side.

The Acting CHAIRMAN. The gentleman will have 2 minutes after the gentleman from Oregon. The gentleman from New York has 15 seconds.

Mr. DEFAZIO. I thank the gentleman for his leadership on this issue and for this amendment. I think this is very necessary. This is not a fine debate about semantics or definitions, it's an issue about the integrity of the intelligence process in the United States of America.

It's well-known now that because of a focus that was created by Vice President CHENEY in the lead-up to the Iraq war and the exclusion of the broader views of the intelligence community, that the intelligence that was provided to the Congress and other decision makers was not comprehensive and not accurate. So the question arises about the language in the bill.

Instead of taking the newly formed and reformed national intelligence agencies and getting their opinion on the capabilities of Iran, it would single out one component of those agencies, the Department of Defense, to write a new opinion. I, for one Member, can speak for myself, am concerned that this is an attempt to redirect our intelligence and to get intelligence that is only coming from a small portion of the intelligence community, the same failing that led to the lead-up and the faulty intelligence for the Iraq war.

We have reformed the intelligence process. We have confidence in our National Intelligence Director, and we should allow him to do his job and compile the advice from all the intelligence agencies of the United States Government, as was done last fall, which contradicted previous opinions on Iraq. We don't want to send any message or direction that we are unhappy with that. We want them to do their job, do it properly, properly inform us, and there is no reason why any sort of additional evaluation should be restricted only to the Department of Defense. That just doesn't make sense.

So it's not an argument about semantics, it's about the fact we were failed in the run-up to the war by cherry picking and focusing of intelligence. We don't want to be failed again. We want the full opinion of the national intelligence agencies.

□ 2045

Mr. McHUGH. Madam Chairman, in the 15 seconds I have left, I think the gentleman makes some good points. Obviously a broader-based look at this is more efficacious than a narrow-based look.

I want to compliment the gentleman from South Carolina for trying to refine what I think is a very important provision. I would say as I noted, the comments that I made as to clarity have no intent to in any way besmirch the perspective, the professionalism that the gentleman always brings, and I look forward to producing a good amendment in this regard when we reach conference.

I yield back the balance of my time.

Mr. SPRATT. Let me say to the gentleman, I don't expect this to be the last iteration of this bill. It is the third already. If there are issues of clarity, issues of definition, we will revisit those issues and work them out in conference towards a common purpose here.

I do think this bill advances the process. I think it is better than the previous two bills, and we are building towards a conclusion we can all accept. You can count on my cooperation to that end.

So I thank you for your observations. We will be visiting this topic again.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-666 on which further proceedings were postponed, in the following order:

Amendment No. 25 by Mr. PRICE of North Carolina.

Amendment No. 32 by Mr. HOLT of New Jersey.

Amendment No. 31 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 168, not voting 31, as follows:

[Roll No. 361]

AYES—240

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter

Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce

Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)

NOT VOTING—31

Andrews
Bordallo
Cannon
Carter
Castor
Crenshaw
Doyle
Ehlers
Engel
Fortuño
Gillibrand

Herger
Hinojosa
Hobson
Marchant
Meeks (NY)
Miller, George
Musgrave
Nadler
Paul
Pomeroy
Pryce (OH)

Reynolds
Rush
Stark
Udall (CO)
Walden (OR)
Walsh (NY)
Weller
Wexler
Young (AK)

☐ 2108

Mr. KING of Iowa changed his vote from "aye" to "no."

Messrs. CLEAVER, TIERNEY, and SHAYS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. POMEROY. Mr. Chairman, on May 22, 2008, I missed rollcall vote No. 361. Had I been present, I would have voted in the following manner: Rollcall No: 361—"aye."

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 192, not voting 29, as follows:

[Roll No. 362]

AYES—218

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell

Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Christensen
Clarke
Clay
Cleaver
Clyburn

Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick

Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez

Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney

Cazayoux
Chabot
Chandler
Childers
Coble
Cole (OK)
Conaway
Cramer
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach

Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence

Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Sensenbrenner

Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—29

Andrews
Bordallo
Braley (IA)
Cannon
Carter
Castor
Crenshaw
Doyle
Ehlers
Fortuño

Gillibrand
Hinojosa
Hobson
Marchant
Meeks (NY)
Musgrave
Nadler
Paul
Pryce (OH)
Reynolds

Rush
Smith (TX)
Stark
Udall (CO)
Walden (OR)
Walsh (NY)
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2115

Ms. JACKSON-LEE of Texas changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRALEY of Iowa. Mr. Chairman, on rollcall No. 362, I was unaware of the two-minute vote and just missed recording my vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 31 OFFERED BY MR. MCGOVERN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 189, not voting 30, as follows:

[Roll No. 363]

AYES—220

Abercrombie
Ackerman
Allen

Altmire
Arcuri
Baca

Baird
Baldwin
Barrow

Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Carson
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—30

Andrews
Bordallo
Cannon
Carnahan
Carter
Castor
Crenshaw
Doyle
Ehlers
Fortuño
Gillibrand
Gutierrez
Hinojosa
Hobson
Marchant
Meeks (NY)
Musgrave
Nadler
Paul
Pryce (OH)
Reynolds
Rush
Stark
Stearns
Udall (CO)
Walden (OR)
Walsh (NY)
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains on this vote.

□ 2120

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BORDALLO. I requested an official leave of absence beginning at 6:30 p.m. today, Thursday, May 22, 2008, to enable me to return to my district, Guam, for official business. I was therefore absent from the chamber when rollcall votes 361 to 364 were taken. Had I been present for these votes taken in the Committee of the Whole House on the State of the Union on amendments to H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009, I would have voted as follows: "aye" on the amendment offered by Mr. PRICE of North Carolina (rollcall vote 361); "aye" on the amendment offered by Mr. HOLT of New Jersey (rollcall vote 362); "aye" on the amendment offered by Mr. MCGOVERN of Massachusetts (rollcall vote 363).

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, pursuant to House Resolution 1218, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONAWAY. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conaway moves to recommit the bill H.R. 5658 to the Committee on Armed Services with instructions to report the same back to the House promptly in the form to which perfects at the time of this motion, with the following amendments:

At the end of title X, add the following new sections:

SEC. 1071. SENSE OF CONGRESS AND REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that prohibiting Federal agencies from entering into contracts for procurement of alternative or synthetic fuel will make Federal agencies like the Department of Defense more dependent on oil from less secure, foreign sources of oil, such as the Middle East, and will lead to higher gasoline prices for Americans.

(b) REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.—Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is hereby repealed.

SEC. 1072. EXPEDITED CONSTRUCTION OF NEW REFINING CAPACITY ON CLOSED MILITARY INSTALLATIONS.

(a) DEFINITIONS.—In this section:

(1) The term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "closed military installation" means a military installation closed or approved for closure pursuant to a base closure law.

(3) The term "designated refinery" means a refinery designated under subsection (b).

(4) The term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(5) The term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output.

(6) The term "Secretary" means the Secretary of Energy.

(7) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(b) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, subject to subsection (d)(2), that are appropriate for the purposes of siting a refinery.

(c) ANALYSIS OF REFINERY SITES.—In considering any site for possible designation under subsection (b), the President shall conduct an analysis of—

(1) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(2) the distribution of the Nation's refined petroleum product demand;

(3) whether such site is in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(4) the need to diversify the geographical location of the domestic refining capacity;

(5) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(6) the impact of locating a refinery on the site on the readiness and operations of the Armed Forces; and

(7) such other factors as the President considers appropriate.

(d) SALE OR DISPOSAL.—

(1) DESIGNATION.—Except as provided in paragraph (2), until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to subsection (b).

(2) GOVERNOR'S OBJECTION.—No site may be used for a refinery under this section if, not later than 60 days after designation of the site under subsection (b), the Governor of the State in which the site is located transmits to the President an objection to the designation, unless, not later than 60 days after the President receives such objection, the Congress has by law overridden the objection.

(e) REDEVELOPMENT AUTHORITY.—With respect to a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to subsection (b)—

(1) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(2) the Secretary of Defense, in managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(f) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a designated refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(g) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a designated refinery. In establishing the schedule, the Secretary shall—

(1) ensure expeditious completion of all such proceedings; and

(2) accommodate the applicable schedules established by Federal law for such proceedings.

(h) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization.

At the end of division A, add the following new title:

TITLE XVII—ENHANCEMENT OF RECRUITMENT, RETENTION, AND READJUSTMENT THROUGH EDUCATION

Sec. 1701. Short title.
Sec. 1702. Findings.
Sec. 1703. Plan on coordination of current educational assistance programs and development of additional educational assistance programs to enable career-oriented members of the Armed Forces to attain a bachelor's degree.
Sec. 1704. Increase in rates of basic educational assistance under the Montgomery GI Bill.
Sec. 1705. Annual stipend for recipients of basic educational assistance under the Montgomery GI Bill.
Sec. 1706. Increase in rates of educational assistance for members of the Selected Reserve.
Sec. 1707. Increase in rates of educational assistance for reserve component members supporting contingency operations and other operations with extended service in the Selected Reserve.
Sec. 1708. Enhancement of transferability of entitlement to educational assistance.
Sec. 1709. Use of educational assistance to repay Federal student loans.
Sec. 1710. Educational assistance for graduates of the service academies and Reserve Officers' Training Corps programs.
Sec. 1711. Opportunity for current and certain retired VEAP-era personnel to enroll in basic educational assistance under the Montgomery GI Bill.
Sec. 1712. College Patriots Grant Program.

SEC. 1701. SHORT TITLE.

This title may be cited as the "Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008".

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the

United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 1703. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 1704. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking "on a full-time basis, at the monthly rate of" and all that follows and inserting "on a full-time basis—

"(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,650;

"(ii) for months occurring during fiscal year 2010, $1,800;

"(iii) for months occurring during fiscal year 2011, $2,000; and

"(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

"(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

"(i) for months occurring during fiscal year 2009, $1,500; and

"(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or".

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

"(A) for months occurring during fiscal year 2009, $950; and"; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 1705. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020A. Educational stipend

"(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

"(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

"(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $500; and

"(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $350.

"(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

"3020A. Educational stipend.".

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1706. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "$251" and inserting "$634";

(2) in subparagraph (B), by striking "$188" and inserting "$474"; and

(3) in subparagraph (C), by striking "$125" and inserting "$314".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 1707. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

"(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

"(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

"(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 1708. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).".

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

"(1) has completed six years of service in the Armed Forces; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.".

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

"(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.".

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking "without regard" and all that follows and inserting "while the individual is a member of the Armed Forces."; and

(B) in paragraph (2)(A), by inserting "while the individual is serving as a member of the Armed Forces or in the Selected Reserve" after "at any time".

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.".

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking "(1)" before "In the event"; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

"(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§3020. Transfer of entitlement to basic educational assistance".

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

"3020. Transfer of entitlement to basic educational assistance.".

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

"§16131b. Transfer of entitlement to educational assistance

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

"(1) has completed at least six years of service in the Selected Reserve; and

"(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

"(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

"(A) the number of months transferrable by the individual under paragraph (1); or

"(B) 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

"(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

“(2) in the case of entitlement transferred to a child, both—

“(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

“(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

“(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

“(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

“(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

“(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

“(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

“(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

“(i) by reason of the death of the member; or

“(ii) for a reason referred to in section 16133(b) of this title.

“(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

“(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

“(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

“(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

“(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

“16131b. Transfer of entitlement to educational assistance.”.

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

“§16162b. Transfer of entitlement to educational assistance

“(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

“(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

“(1) has completed at least six years of service in the Armed Forces; and

“(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

“(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

“(1) To the member's spouse.

“(2) To one or more of the member's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

“(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

“(A) the number of months transferrable by the individual under paragraph (1); or

“(B) 18 months.

“(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred;

“(2) designate the number of months of such entitlement to be transferred to each such dependent; and

“(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

“(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

“(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

“(2) in the case of entitlement transferred to a child, both—

“(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

“(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

"(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

"(k) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify the following:

"(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

"(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

"(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

"16162b. Transfer of entitlement to educational assistance.".

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 1709. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 1705(a) of this Act, is further amended by inserting after section 3020A the following new section:

"§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

"(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

"(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

"(1) Each Federal student loan of the individual for which payment shall be made under this section.

"(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

"(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

"(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

"(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

"(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

"(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

"(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).".

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:Q02

"3020B. Use of basic educational assistance benefits for repayment of Federal student loans.".Q02

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 1710. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

"(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "subsection (c)(1)" and inserting "subsection (c)";

(B) in subsection (c)—

(i) by striking "(1)" after "(c)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking "subsection (c)(1)" and inserting "subsection (c)".

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by adding "or" at the end; and

(C) by adding at the end the following new subparagraph:

"(D) after September 30, 2009—

"(i) receives a commission as an officer in the Armed Forces—

"(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

"(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

"(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking "subsection (d)(1)" and inserting "subsection (d)";

(B) in subsection (d)—

(i) by striking "(1)" after "(d)"; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking "subsection (d)(1)" and inserting "subsection (d)".

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) Paragraph (1) of this section also applies to the following:

"(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

"(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1711. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

"(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

"(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

"(2) The individual, as of the date of the individual's election under paragraph (5)—

"(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

"(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

"(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

"(4) The individual—

"(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

"(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

"(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

"(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

"(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

"(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

"(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Department of Defense Education Benefits Fund under section 2006 of title 10.

"(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

"(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

"(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

"(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

"(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

"(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

"(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

"(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

"(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

"(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

"(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

"(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:Q02

"3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.".Q02

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking "or 3018C(e)" and inserting "3018C(e), or 3018D(c)"; and

(2) in subparagraph (B), by striking "or 3018C(e) of this title" after "section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title".

SEC. 1712. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"§ 3699A. College Patriots Grant Program

"(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

"(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

"(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

"(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

"(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

"(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

"(A) institutional grants and scholarships;

"(B) tuition or fee waivers;

"(C) State scholarships; and

"(D) foundation or other charitable organization funds; and

"(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

"(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

"(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

"(B) Information on the specific methods by which the non-Federal share shall be paid.

"(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

"(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

"(3) PERCENTAGE CONTRIBUTION TIERS.—

"(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

"(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

"(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

"(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

"(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

"(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

"(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

"(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

"(1) make available to the public on the Internet website of the Department—

"(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

"(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

"(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

"(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

"(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

"(i) DEFINITIONS.—In this section:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

"(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

"(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

"(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

"(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

"SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

"3699A. College Patriots Grant Program.".Q02

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

Mr. CONAWAY (during the reading). Mr. Speaker, I ask unanimous consent to consider it read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SKELTON. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, tonight I'm asking my colleagues to make a clear choice, a choice between a rational development of American energy resources, or a flawed policy of shackling ourselves to unfriendly nations for the fuel we depend on every day.

The Republican motion to recommit will move restrictions on the Federal Government to speed the development and production of American resources, as well as reduce our reliance on imported refined products. It would first repeal the misguided policies introduced by section 526 of the Energy Independence and Security Act, which senselessly handcuffs the Federal Government, especially the Department of Defense, to only conventional sources of diesel, gasoline or jet fuel.

Second, it would expedite the siting of potential new refinery capacity.

Congress has already admitted that we want to continue relying on fossil fuels by passing legislation to let Americans sue OPEC to force them to increase their oil production. It is irrational to restrict our access to American fossil fuels, but continue buying these same fuels from countries that are, at best, not our allies. This motion will unleash the purchasing power of the Federal Government to accelerate the development and exploitation of unconventional fuels.

With oil at $130 a barrel, we should be embracing alternative sources of fuel and actively seeking to improve processes and increase refinery capacity, as well as increase fuel efficiency. But instead, Section 526 shuts the door on alternative, unconventional and synthetic fuels, and makes us more reliant on foreign oil.

This motion to recommit also provides the Secretary of Energy with the ability to reuse not less than three excess military installations as possible locations to site new refineries. This process will protect all Federal, State, local review and permitting processes and will even allow an opportunity for the Governor of the State to veto the site. These refineries are critically needed to address not only our military's vulnerabilities, but the needs of all American consumers.

By repealing Section 526 and providing for the construction of new refining capacity, we are taking positive steps to alleviate our reliance on foreign sources of fuel and ensuring the Department of Defense has what it needs to accomplish its security mission.

To me, a choice like this is no choice at all. Relying on untrustworthy regimes for fuel we need that leaves our Nation vulnerable to the whims of thugs and dictators. Tonight, this motion to recommit provides us with the opportunity to become more economically and strategically competitive by promoting the responsible development of American sources of refined products.

Please join me in supporting the passage of this motion to recommit and putting our Nation on a path to energy self-reliance.

I now yield to FRED UPTON.

Mr. UPTON. Mr. Speaker, this motion unlocks the Canadian tar sands and allows that crude oil to come down to the U.S. I spoke to the Canadian Ambassador to the U.S. just a couple of hours ago. They are producing a million and a half barrels a day of this, and they're going to 4 million barrels a day. They're going to do this with us or without us. Wouldn't you rather have this crude come to the U.S. rather than go to China?

This will actually reduce greenhouse gases because you won't have to transport it to China.

This is a good amendment.

Mr. CONAWAY. I now yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. This motion is an expansion of the GI Bill to improve educational benefits for active duty, Guard and Reserve and veterans.

This motion, if enacted, increases monthly educational benefits in October of 2008, then gradual increases tied to length of service. It includes funding for books and supplies, and increases benefits for Guard and Reserve members. It allows members to transfer benefits to their spouse or children, and allows more servicemembers to access these benefits. It also offers student loan repayment help.

I believe it is time to update and improve educational benefits offered to our brave men and women. I believe there is overwhelming consensus in this body to do so.

By adding this provision to the NDAA, it allows these benefits to actually become law.

Mr. CONAWAY. Mr. Speaker, I now yield to the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, this will be the last time that the defense authorization bill comes to the floor of the House under the able hands of our Republican ranking member, Mr. DUNCAN HUNTER.

DUNCAN has been a valued member of the Armed Services Committee for the 28 years that he's been here. I know for a lot of us he's our friend, he's our colleague and someone who brings not only a great amount of knowledge about this defense bill, but also brings a lot of passion with it.

□ 2130

And I just think that we ought to honor DUNCAN for a job well done.

And this is bigger. Let me also thank his able staff who have done a marvelous job in helping DUNCAN be a great ranking member and a great chairman.

Mr. CONAWAY. Mr. Speaker, I urge my colleagues to vote "yes" on the motion to recommit, and I yield back.

Mr. SKELTON. Mr. Speaker, I withdraw my point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, it's very difficult for me to understand or believe that a motion on the bill named in honor of our good friend and colleague, DUNCAN HUNTER, is being sent back with the word "promptly" when everyone knows that under rule XXI, clause 2 of our House rules, a motion to recommit using the word "promptly" with instructions sends the bill back to committee and kills it.

Mr. BOEHNER just spoke a moment ago about this being the last time this bill would be considered. I trust he would vote against this motion to recommit. Because if this motion prevails, along with it goes a pay raise, health benefits, so many good things for those wonderful troops that we support.

The committee would be forced to take it up, and it would come back and then be subject to a point of order because it violates the PAYGO rules. I'm surprised and shocked and saddened at this because, Mr. Speaker, there has never been, in the history of this body, a motion to recommit using the word "promptly," which would have the effect of killing the bill.

I recognize my friend from Texas.

Mr. EDWARDS. Well, Mr. Speaker, I think this could be called the fig leaf motion to recommit because it will allow a number of Members on one side of the aisle in this House who voted against the GI Bill in the supplemental appropriation bill just a few days ago to now say they voted for the GI Bill after they voted against the GI Bill.

For the record, the Senate has passed the GI Bill, and I ask my colleagues who voted against it the other day to join with us in a bipartisan effort to pass the new 21st century GI Bill.

In regard to sending this back to committee, I would like to send a clear message as someone who's represented over 40,000 soldiers who fought in Iraq during my time in Congress, I would like to send them a message before Memorial Day that this House is together on sending them a 3.9 percent pay raise.

I respect my friend, my colleague from Texas, Mr. CONAWAY, on energy issues. We work together on many of them. But this is a defense authorization bill. And at the last moment with no notice, I would love to test every Member of the House on how much you know about section 526 of the Energy Security Act that Mr. CONAWAY went through very quickly. Nobody has seen this. We don't know what the implications are of putting oil refineries on military bases.

So that's the reason to vote "no" on this. Let's say "no" to the fig leaf and "yes" to helping veterans in a real way with the real GI Bill.

Mr. SKELTON. Mr. Speaker, I yield now to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Ladies and gentlemen of the House, we come to the end of an 8-week series. This motion is a little bit like voting "present." On the one hand, you say, Yes, let's be for veterans; yes, let's be for energy independence. On the other hand you say, But let's not pass the bill. The American public must be very confused by that kind of action.

But I am convinced that this night we will stand with our troops, we will stand with our Armed Forces, we will stand with the national security of our country. Reject this motion which sends this bill back to committee; and once having done that, vote overwhelmingly for this bill and honor Mr. HUNTER in the process; and honor a great leader of this House, as knowledgeable about national security as any Member of this House, the great IKE SKELTON of Missouri.

Ladies and gentlemen of this House, reject this political "promptly" motion. Pass this bill and be proud to go home and tell America that you stood up for our national security and our troops.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONAWAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and the motion to suspend the rules on House Resolution 986.

The vote was taken by electronic device, and there were—ayes 186, noes 223, not voting 25, as follows:

[Roll No. 364]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—25

Andrews
Cannon
Carter
Castor
Crenshaw
Doyle
Ehlers
Gilchrest
Gillibrand
Hinojosa
Hobson
Marchant
Meeks (NY)
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Stark
Udall (CO)
Walden (OR)
Walsh (NY)
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 2152

Mr. REICHERT changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 23, not voting 27, as follows:

[Roll No. 365]

AYES—384

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty

Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salázar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—23

Baldwin
Campbell (CA)
Clarke
Davis (IL)
Duncan
Ellison
Filner
Flake
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
Michaud
Moore (WI)
Olver
Rangel
Schakowsky
Serrano
Velázquez
Waters
Welch (VT)
Woolsey

NOT VOTING—27

Andrews
Cannon
Carter
Castor
Crenshaw
Doyle
Ehlers
Feeney
Gillibrand
Hinojosa
Hobson
Marchant
Meeks (NY)
Musgrave
Nadler
Paul
Platts
Pryce (OH)
Rush
Stark
Udall (CO)
Walden (OR)
Walsh (NY)
Waxman
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 2159

Ms. WATERS changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FEENEY. Mr. Speaker, on rollcall No. 365, I was unavoidably detained. Had I been present, I would have voted "aye."

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment a bill and agreed to without amendment a concurrent resolution of the House of the following titles:

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

H. Con. Res. 355. Concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 85. Concurrent Resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

RECOGNIZING PRISONERS OF WAR FROM THE VIETNAM CONFLICT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 986, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 986, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 40, as follows:

[Roll No. 366]

YEAS—394

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman

Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—40

Abercrombie
Andrews
Cannon
Carnahan
Carter
Castor
Childers
Cohen
Crenshaw
Dicks
Doyle
Ehlers
Farr
Gillibrand
Gingrey
Granger
Hinojosa
Hobson
Kagen
Kilpatrick
Marchant
Meeks (NY)
Melancon
Murtha
Musgrave
Nadler
Paul
Pryce (OH)
Rangel
Rush
Stark
Taylor
Udall (CO)
Walden (OR)
Walsh (NY)
Waters
Weller
Wexler
Whitfield (KY)
Young (AK)

☐ 2206

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5658, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings, and division designations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials in the RECORD on H.R. 5658.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 4, 2008

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on June 4, 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 3, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

MAY 22, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.Q02

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ISRAEL'S 60TH ANNIVERSARY

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise today in honor of Israel's 60th anniversary.

Before I joined Congress, I had the privilege of visiting Israel. It was a trip that I will never forget. I will always remember my visits to Yad Vashem and Masada. I even have a picture of Masada hanging in my office to remind me of this life-changing trip.

I have always considered myself a friend of Israel, but that trip made me realize that our two countries are more than just friends, we are relatives. Both the United States and Israel had to fight bloody wars of independence to establish peaceful democracies. Both countries know that to maintain such democracies requires eternal vigilance.

That visit left me with a big impression and provided me with what I think is a unique understanding of how the security of our two nations is interdependent. This experience helped me understand that I have a responsibility to do what I can in Congress to strengthen the relationship between the United States and Israel. One of the ways we must do this is by standing firm to stop Iran from developing nuclear weapons.

I was proud to cosponsor H.R. 1400, the Iran Counter-Proliferation Act. And in the age of growing threats to Israel's security, I was proud to stand up and support a foreign aid package that helped Israel defend itself and our own security interests in the Middle East.

I look forward to continuing to work to ensure that the U.S.-Israel relationship grows stronger during this difficult time in the Middle East and around the globe.

CONGRATULATING HINSDALE CENTRAL HIGH SCHOOL BADMINTON TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, it is with great pride that I rise today to congratulate the Hinsdale Central Red Devils on winning the Illinois State Team Badminton Championship.

At a tournament last weekend hosted by Eastern Illinois University, Central scored a hard-fought victory over a tough field of competitors, including the very talented second-place winners from Hinsdale South.

Led by Karishma Kollipara, who won her third State singles championship, the team racked up a total of 14 points for a two-point margin of victory. This marks the first time that Central has won the State team championship in badminton, and follows on the heels of a second place finish in 2004, fifth place in 2006, and sixth place in 2007.

In addition to Karishma, teammates Katie Cortopassi, Melissa Moucka, Jessica Petrie, Alex Ward, and Julie Ziolkowski all helped to bring home the trophy through their outstanding play in both singles and doubles. And guiding them to the championship were Coach Carissa Niemann and Assistant Coach Courtney Wallace.

Mr. Speaker, the competitive and team-oriented spirit of these champions is a credit to Hinsdale Central and to Illinois. They worked and played hard all season to become the best in the State, and last Saturday they proved to be just that.

Once again I congratulate the Red Devils on this historic achievement and wish them continued success in the years to come.

HONORING ROBERT EARL HARRIS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise tonight with mixed emotion to recognize a young man who has devoted his young career to the House of Representatives.

I am happy to report that my legislative director, Robert Earl Harris, who is also my assistant here on the House floor as a part of the whip operation, is leaving his employment here with the House to accept private sector employment here in Washington.

Robert Earl Harris started off, Mr. Speaker, 4 years ago as an unpaid intern with the office of my predecessor, and he has risen through the ranks and is now the legislative director for my office and part of the whip team with Congressman JAMES CLYBURN.

I want to thank Robert Harris for his service to the House of Representatives, and thank him for the great American that he is.

STEPS TO ENERGY INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this majority has accumulated a number of broken promises since taking over the majority, but perhaps the most disappointing and painful for the American people has been their lack of a plan to lower gas prices and help American families.

There are very deliberate steps that can be taken in bipartisan cooperation to lower the price of gasoline—investing in local energy exploration, building new refineries, promoting conservation, investing in alternative energy resources like nuclear power that are proven, clean, and cost effective. These steps, some short term, some long term, will give the American people relief at the pump and at the store.

And while most agree we should invest in 21st century energy sources, it seems some in this body are adamantly opposed to taking the necessary steps to provide American families relief with the resources we already have here at home.

America's blessed with oil and natural gas reserves. We are blessed with the ingenuity and technology to take advantage of our natural resources without damaging the environment.

In conclusion, God bless our troops, and we will never forget September the 11th.

☐ 2215

THE DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to discuss my vote on H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

I applaud Chairman SKELTON and Ranking Member HUNTER for the work they have done. In fact, I quote Samuel Adams, who said, "All might be free if they valued freedom and defended it as they should."

We applaud the young men of the United States military, and I believe this bill that has $2 billion toward unfunded readiness initiatives is a good bill. I believe the $800 million for National Guard and Reserve equipment makes it a good bill, $650 million to keep defense facilities in good working order makes it a good bill, the 3.9 percent increase in raise for all servicemembers, the health provisions. The bill establishes a career intermission pilot program to allow a servicemember to be released from active duty for a maximum of 3 years to focus on personal or professional goals outside the military. I believe it is important to note that there are new procedures for interrogation in the field.

And yet I did offer an amendment that would have helped us end the war in Iraq by recounting the fact that all the tasks for ending the war have been accomplished by the military. That amendment was not accepted. And as well, I offered an amendment that would have celebrated all of our troops from Afghanistan and Iraq when they come home.

The fact that this bill provides $70 billion for the Iraq War, Mr. Speaker, I could not vote for the bill. I voted "no." I explain this so that all might know there are good provisions in this bill, but I cannot support the war ever again. I voted "no" on this bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FALLEN WARRIORS OF SOUTH EAST TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. "From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Mr. Speaker, Shakespeare penned this in Henry V. It represents the unfailing commitment soldiers have for their fellow comrades.

Since 2004, 26 men and women from the Second Congressional District area of Texas have served honorably and given their lives for the cause of freedom in Iraq and Afghanistan; 26 times I have come to this House floor to talk about one of them.

This Memorial Day I would like to honor them again by name. They aren't just a statistic, Mr. Speaker. They are real people who gave their life for the American cause. They are the sons and daughters of America, and they are our heroes.

In America's first war fighting for freedom, it was said by Patrick Henry, "The battle, sir, is not to the strong alone; it is to the vigilant, the active, and to the brave." We are fortunate that those words still ring true today and that American troops overseas carry those values into battle.

I keep the photos of the fallen in all of my offices here in D.C. and in Texas, and the noble few who have died for the rest of us in the Second Congressional District of Texas are on this chart, Mr. Speaker. They are:

Russell Slay, Staff Sergeant in the United States Army, from Humble, Texas. He was killed on November 19, 2004, at the age of 28.

Wesley Canning, Lance Corporal, United States Marine Corps, from Friendswood, Texas, killed November 20, 2004, at the age of 21.

Fred Maciel, Lance Corporal, United States Marine Corps, from Spring, Texas, killed January 26, 2005, at the age of 20.

Wesley Riggs, Private First Class, United States Army, from Beach City, Texas, killed May 14, 2005, at the age of 19.

William Meeuwsen, Sergeant, United States Army, from Kingwood, Texas, killed November 23, 2005, at the age of 24.

Robert Martinez, Lance Corporal, United States Marine Corps, from Cleveland, Texas. He was killed December 1, 2005, at the age of 20. And a post office in his hometown is named in his honor.

Jerry Michael Durbin, Staff Sergeant, United States Army, from Spring, Texas, killed January 26, 2006, at the age of 26.

Walter Moss, Tech Sergeant, United States Air Force, from Houston, Texas, killed on March 30, 2006, at the age of 27.

Kristian Menchaca, Private First Class in the United States Army, from Houston, Texas, killed June 16, 2006, at the age of 23.

Benjamin Williams, Staff Sergeant, United States Army, from Orange, Texas. He was killed at the age of 30 on June 20, 2006.

Ryan Miller, Lance Corporal, United States Marine Corps, from Pearland, Texas, killed September 14, 2006, at the age of 19.

Edward Reynolds, Staff Sergeant, United States Army, from Groves, Texas. He was killed on September 26, 2006, at the age of 27.

West Point graduate Michael Fraser, Captain, United States Army, from Houston, Texas, killed on November 26, 2006, at the age of 25.

Luke Yepsen, Lance Corporal, United States Marine Corps, from Kingwood, Texas, killed December 14, 2006. He was 20 years of age.

Dustin Donica, Specialist, United States Army, from Spring, Texas, killed on December 28, 2006, at the age of 22.

Ryan Berg, Specialist in the United States Army, from Sabine Pass, Texas. He was killed January 9, 2007, at the age of 19.

Terrance Dunn, Staff Sergeant, United States Army, from Houston, Texas, killed February 2, 2007, at the age of 38.

Anthony Aguirre, Lance Corporal, United States Marine Corps, from Houston, Texas, killed February 26, 2007, at the age of 20.

Brandon Bobb, PFC, United States Army, from Port Arthur, Texas, killed July 17, 2007. He was 20 years of age.

Zachary Endsley, Private First Class, United States Army, Spring, Texas, killed on July 23, 2007, at the age of 21.

Kamisha Block, Specialist, United States Army, from Vidor, Texas, killed August 16, 2007. She was 20 years of age. She is one of our female warriors who was killed in combat.

Donald Valentine III, Corporal in the United States Army, from Houston, Texas, killed September 18, 2007. He was 21.

Jeremy Burris, Lance Corporal, United States Marine Corps, from Liberty, Texas, killed October 8, 2007, at the age of 22.

Eric Duckworth, Staff Sergeant, United States Army, from Plano, Texas, killed October 10, 2007. He was 26.

Scott Mackintosh, Corporal, United States Army, from Humble, Texas, killed March 10, 2008, at the age of 26.

Shawn Tousha, Sergeant, United States Army, from Hull, Texas, killed April 9, 2008. He was 30.

Mr. Speaker, these 26 warriors represent the best of our Nation. They are the sons of liberty, the daughters of democracy. These few, these noble few, on this chart are American warriors who take care of the rest of us.

In the words of George Orwell, "We sleep safe at night in our beds because rough men stand ready in the night to visit violence on those who would try to do us harm." The American soldier.

And that's just the way it is.

TRIBUTE TO OUR FALLEN SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this coming Monday, Americans will gather to do what so many families wish they did not have to do. That is to mourn the dead who have fallen in battle.

Certainly there will be many who will come simply to honor them as heroes, but many of the families will have the fresh memories of young men and women who have recently fallen in the wars in Afghanistan and Iraq.

I rise to take this opportunity on behalf of the 18th Congressional District, of the people of Houston, Texas, to acknowledge and respect and pay tribute to the soldiers of this Nation that have fallen in battle throughout the centuries.

For it is, in fact, true that our freedoms are vested in the willingness of young men and women who take the oath to give the ultimate sacrifice so that our Constitution and our values may be preserved. And I take their oath very seriously and believe it is important that, as Members of the United States Congress and the Commander in Chief, that when we send Americans into battle, it must be based upon thought and prayers and reason.

But this coming Monday, we will embrace these families, some who are freshly mourning, others who have long memories. We will commemorate the missing in action, the POWs, all who have suffered at the hands of the violence of others.

In Houston, Texas, we commemorate Memorial Day at out Veterans Cemetery. It is in my congressional district. And I have over the years enjoyed the fellowship with the families and the sacred spirit of what occurs. This Memorial Day I will place a memorial wreathe in Europe in honor of those troops who have fallen. My staff will represent me at the memorial commemoration. But they will also be present and my community will be present on Sunday as they place small white crosses to acknowledge the number of soldiers who have now died in Iraq.

Memorial Day is a time for the Nation to come together. It is not an accusatory time. It is to recognize everyone's fallen life equally, with appreciation and deep gratitude.

And so, Mr. Speaker, I have risen today to assure those families who mourn for the recent loss, those who are mourning of memories past, that America remains a grateful Nation. And on behalf of those of the 18th Congressional District, to the fallen soldiers and those families who mourn, I offer them my deepest and most sincere debt of gratitude and sympathy.

Let this Memorial Day be a reminder of the preciousness of life, the soldiers who serve us, but as well the ultimate cost that is paid in war. And let it remind us that, yes, we have valiant heroes, but that we as a Nation should continue to work as hard as we can to achieve peace not only amongst us but around the world.

May God bless those who have fallen, God bless their families, and God bless America.

□ 2230

FAREWELL TO COLLEAGUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we finished this defense bill today and we have got a couple of gentlemen who are retiring from public office. We have two gentlemen from the Armed Services Committee, Mr. ANDREWS and Mr. UDALL, who are leaving the committee to run for the U.S. Senate, and I want to commend them and wish them the best. But we also have two gentlemen who are retiring from public office, and that is Mr. JIM SAXTON and Mr. TERRY EVERETT. I thought it would be proper at the end of this bill to talk about them because they are remarkable people.

JIMMY SAXTON is a guy who probably has learned more about our Special Operations Forces and their needs than probably anybody else in Washington, D.C. He is the guy who is the chairman of the first Terrorism Subcommittee, which oversees Special Operations, whether it's our SEALs, our Rangers, our Special Forces, or others. He took it upon himself to learn everything that he possibly could so that he could go back to the committee and put together a defense bill that gave them what they needed.

JIMMY SAXTON is a guy with a great heart. He is a lifelong friend of mine. We have been political allies and personal friends for many, many years. If you ask JIMMY SAXTON for a favor, he just does it. He doesn't ponder it, he doesn't have to analyze it or calculate, he just does it. That is a wonderful quality to have in a good friend because you can get lots of them from them.

I have always made it a habit to exploit JIMMY SAXTON for political favors because he is always there, ready to help. What a dear, wonderful friend JIMMY SAXTON is.

TERRY EVERETT, I have said this on several occasions, but this is a guy who is so critical to this country because he is a guy who shuns the limelight, shuns cameras, but works in closed rooms in classified session is in both the Intelligence Committee and the Armed Services Committee with that cross-pollenization of information and the right classifications and can see the right documents and the right information, that he is able to put together a coherent policy that will allow us to protect American interests in space, and by doing that, make sure we protect Americans who depend on space for our military eyes and our economic eyes.

TERRY EVERETT is going to be hard to replace. In fact, I don't think you can replace him. He is also like JIM SAXTON, a dear friend of mine. We have been political allies and personal friends, it seems forever, that great guy from Alabama. I went back to see his house one time that he built by himself, and when I walked into his woodworking shop, which is massive, and he has got more machinery than the average saw mill, I noticed there was some blood on the floor. It was dried blood. I said TERRY, What is that? He said, Well, I almost cut my thumb off one time and I just left that blood there to remind myself to be safe.

Well, TERRY EVERETT is one of those guys who's able to do all this great work for our country, working on space, working on missiles, working on missile defense, and also knowing the personalities, the people that populate the Pentagon and our intelligence agencies and Capitol Hill, and being able to weave all those people and all that technology together in a way that he has had such an impact on our national security.

So, like JIM SAXTON, TERRY EVERETT is going to be a man who is irreplaceable. Let me tell you, in my memory, both of these great Americans are irreplaceable for what they have done for their country and what their personal friendship has meant to me.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 22, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,904 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,904 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 22, 2008, 12,904 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today after 6:30 p.m. and the balance of the week on account of official business in the district.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for May 12 through today on account of a family emergency.

Mr. WALDEN of Oregon (at the request of Mr. BOEHNER) for today on account of attending a memorial service for a fallen soldier in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, pursuant to House Current Resolution 355, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until Tuesday, June 3, 2008, at 2 p.m.

OATH FOR ACCESS FOR CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Donald J. Cazayoux, Jr., Steve Chabot, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz- Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Jackie Speier, Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C.W. Bill Young, Don Young

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6780. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders [AMS-DA-07-0059; AO-388-A22; AO-356-A43 and AO-366-A51; Docket No. DA-07-03-A] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6781. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Order Amending Marketing Order and Agreement No. 984 [Docket No. AO-192-A7; AMS-FV-07-0004; FV06-984-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6782. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-07-0014; FV07-966-2 FIR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6783. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Multi Year Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading and Audit Services [Docket No. AMS-PY-07-0065] (RIN: 0581-AC73) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6784. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Docket No. AMS-FV-0160; FV08-916/917-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6785. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures [Docket No. AMS-FV-06-0176; FV-03-704-FR-2B] (RIN: 0581-AC37) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6786. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Order Amending Marketing Order No. 959 [Docket Nos. AO-322-A4; AMS-2006-0079; FV06-959-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6787. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007-2008 Marketing Year [Docket No. AMS-FV-07-0150; FV08-982-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6788. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Interstate Movement of Fruit from Hawaii [Docket No. APHIS-2007-0050] (RIN: 0579-AC62) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6789. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Miscellaneous Vendor-Related Provisions [FNS-2007-0041] (RIN: 0584-AD36) received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6790. A letter from the Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6791. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2006-P-0405] (formerly Docket No. 2006P-0069)] received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6792. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Substances Prohibited From Use in Animal Food or Feed [[Docket No. 2002N-0273] (formerly Docket No. 02N-0273)] (RIN: 0910-AF46) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6793. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Designation of New Animal Drugs for Minor Uses or Minor Species [Docket No. 2005N-0329] (RIN: 0910-AF60) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6794. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Human Subject Protection; Foreign Clinical Studies Not Conducted Under an Investigational New Drug Application [Docket No. 2004N-0018] received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6795. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promoting Diversification of Ownership In the Broadcasting Services 2006 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 Cross-Ownership of Broadcast Stations and Newspapers Rules and Policies Concerning Multiple Ownership of Radio Stations in Local Markets Definition of Radio Markets Ways to Further to the Committee on Energy and Commerce.

6796. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization for the period January 16, 2007, to January 15, 2008, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

6797. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6798. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6799. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute and the Taipei Economic and Cultural Representative Office in Washington on March 8 and April 21, 2008, pursuant to 22 U.S.C. 3311; to the Committee on Foreign Affairs.

6800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on gifts given by the United States to foreign individuals for Fiscal Year 2007, pursuant to Public Law 95-105, section 515 (b)(2); to the Committee on Foreign Affairs.

6801. A letter from the Director, Auschwitz Birkenau State Museum, transmitting the Museum's annual report for 2007; to the Committee on Foreign Affairs.

6802. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-32 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the North Atlantic Treaty Organization for defense articles and services; to the Committee on Foreign Affairs.

6803. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-48 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on Foreign Affairs.

6804. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-52 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

6805. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-55 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Romania for defense articles and services; to the Committee on Foreign Affairs.

6806. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of India (Transmittal No. DDTC 058-08); to the Committee on Foreign Affairs.

6807. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Chile (Transmittal No. DDTC 111-07); to the Committee on Foreign Affairs.

6808. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Brazil (Transmittal No. DDTC 088-07); to the Committee on Foreign Affairs.

6809. A letter from the Assistant Secretary, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

6810. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 2007, pursuant to Public Law 102-102, section 2(b) (105 Stat. 495); to the Committee on Oversight and Government Reform.

6811. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6812. A letter from the Director, Office of Civil Rights, Broadcasting Board of Governors, transmitting the Board's FY 2007 report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

6813. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the Second Quarter of FY 2008 ended March 31, 2008, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

6814. A letter from the Secretary, Department of Education, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6815. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6816. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6817. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6818. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6819. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "Federal Student Loan Repayment Program FY 2007," pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

6820. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures in the Main Hawaiian Islands [Docket No. 071211828-8448-02] (RIN: 0648-AU22) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6821. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2008 Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 071017599-8435-02] (RIN: 0648-AW16) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6822. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the San Francisco Bay Viticultural Area (2005R-413P) [T.D. TTB-67; Re: Notice No. 70] (RIN: 1513-AB21) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6823. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Lehigh Valley Viticultural Area (2005R-415P) [T.D. TTB-66; Re: Notice No. 67] (RIN: 1513-AB19) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.956-1: Definition of United States property (Also: 956(c)(2)(J)) (Rev. Proc. 2008-26) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, 1031). (Rev. Proc. 2008-16) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6826. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — LMSB Division Commissioner Memorandum — Coordinated Issue for All Industries: Distressed Asset Trust Transaction [LMSB-04-0308-012] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6827. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.61-3: Gross income derived from business. (Also 162; 1.162-1.) (Rev. Rul. 2008-26) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6828. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Assumption of Liabilities [TD 9397] (RIN: 1545-BH95) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6829. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.368-1: Purpose and scope of exception of reorganization exchanges. (Also 338; 1.338-3; 1.368-2). (Rev. Rul. 2008-25) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 5540. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 110–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3667. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; with an amendment (Rept. 110–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5876. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; with an amendment (Rept. 110–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; with an amendment (Rept. 110–670 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5683. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; with an amendment (Rept. 110–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3774. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; with an amendment (Rept. 110–672). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 554. Referral to the Committee on Agriculture extended for a period ending not later than June 20, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. HULSHOF):

H.R. 6123. A bill to amend title 18, United States Code, with respect to cyberbullying; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 6124. A bill to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 6125. A bill to provide a mechanism for the construction of petroleum refineries on military installations to provide a reliable source of petroleum products for use by the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROS-LEHTINEN, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. KUCINICH, and Mr. DELAHUNT):

H.R. 6126. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Ms. SOLIS, Mr. LAHOOD, Mr. POMEROY, and Mr. MORAN of Kansas):

H.R. 6127. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture.

By Mr. HAYES:

H.R. 6128. A bill to require the Secretary of the Army to implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mr. BURGESS (for himself, Mr. GOHMERT, Ms. GRANGER, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. THORNBERRY, Mr. HENSARLING, Mr. SESSIONS, Mr. BRADY of Texas, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. LATOURETTE, Mr. SHIMKUS, Mr. KUHL of New York, Mr. MURTHA, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. HASTINGS of Florida):

H.R. 6129. A bill to amend part B of title XVIII of the Social Security Act to extend for 7 months the Medicare physician payment rates; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BURGESS, Mr. MCCAUL of Texas, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6130. A bill to provide for a study of the effects of speculation in the futures markets for natural gas, crude oil, and gasoline on cash market and retail prices for the commodities and on the choice of trading venue, and to require the Commodity Futures Trading Commission to issue a notice of proposed rulemaking regarding comparability of foreign regulation of futures and derivatives trading; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6131. A bill to provide incentives for the production and use of unconventional aviation fuels; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. HALL of Texas, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mr. MCCRERY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6132. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote the recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mr. MCCRERY, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6133. A bill to amend the Internal Revenue Code of 1986 to extend and modify the renewable energy production tax credit and the solar energy and fuel cell investment tax credit; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. CANTOR, Mr. STEARNS, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mrs. BONO MACK, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6134. A bill to restore certain fuels provisions enacted by section 1501 of the Energy Policy Act of 2005, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, and Mr. ISSA):

H.R. 6135. A bill to establish a program for providing scholarships for nuclear science and nuclear engineering students, and for other purposes; to the Committee on Science and Technology.

By Mr. BURGESS (for himself, Mr. BARTON of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6136. A bill to amend the Clean Air Act to authorize the President to waive any requirement for an applicable volume of renewable fuels if he finds that the applicable volume is not technologically feasible or that the fuel concerned is not commercially available in the required volume; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. BARTON of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. RADANOVICH, Mrs. BONO MACK, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6137. A bill to remove the additional tariff on ethanol; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. WITTMAN of Virginia, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6138. A bill to repeal the prohibition on using certain funds to issue regulations on oil shale resources; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. BARTON of Texas, Mr. PITTS, Mr. HALL of Texas, Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6139. A bill to set schedules for the consideration of permits for refineries; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. FILNER, and Mr. LAMBORN):

H.R. 6140. A bill to delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay; to the Committee on Armed Services.

By Mr. YARMUTH:

H.R. 6141. A bill to establish pilot programs that provide for emergency crisis response teams to combat elder abuse; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. GEORGE MILLER of California):

H.R. 6142. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and Labor.

By Mr. ANDREWS (for himself and Mr. GEORGE MILLER of California):

H.R. 6143. A bill to make technical corrections to the Pension Protection Act of 2006 relating to the Employee Retirement Income Security Act of 1974, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6144. A bill to amend the Higher Education Act of 1965 to expand teacher loan forgiveness; to the Committee on Education and Labor.

By Mrs. BIGGERT (for herself, Mr. LAMPSON, Mr. CHABOT, Mr. CRAMER, and Mr. KIRK):

H.R. 6145. A bill to amend the Communications Act of 1934 to include within the certification required for certain schools and libraries having computers with Internet access that receive services at discounted rates that, as part of the required Internet safety policy, the schools and libraries are educating minors about safe online behavior; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. ISSA, Mr. NADLER, Mr. CONYERS, Mr. COBLE, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. UDALL of Colorado, Mr. YARMUTH, and Mr. JOHNSON of Georgia):

H.R. 6146. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments; to the Committee on the Judiciary.

By Mr. COLE of Oklahoma:

H.R. 6147. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. TAYLOR, Ms. KAPTUR, Mr. MELANCON, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. MICHAUD, Mr. HINCHEY, Mrs. BOYDA of Kansas, Ms. WOOLSEY, and Mr. HARE):

H.R. 6148. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 6149. A bill to facilitate the installation of wind turbines and other renewable energy generating technology on the Massachusetts Military Reservation; to the Committee on Armed Services.

By Mr. KUCINICH (for himself, Ms. KAPTUR, Mr. TURNER, Mr. TIBERI, Mr. BOEHNER, Mr. CHABOT, Mr. HOBSON, Mrs. JONES of Ohio, Mr. JORDAN, Mr. LATOURETTE, Mr. REGULA, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, and Mr. WILSON of Ohio):

H.R. 6150. A bill to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the "John P. Gallagher Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself and Mrs. EMERSON):

H.R. 6151. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug and device advertising, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. GERLACH):

H.R. 6152. A bill to stimulate the economy of the United States and provide financial relief to low-income families in the United States; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mrs. MCCARTHY of New York, and Mr. BURGESS):

H.R. 6153. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. TIBERI, and Mr. MCCOTTER):

H.R. 6154. A bill to establish a pilot program to provide partial or full gasoline reimbursement for certain commuters and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY:

H.R. 6155. A bill to establish and fund a Clean Energy Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 6156. A bill to designate certain land as wilderness in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida:

H.R. 6157. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for qualified public safety employees; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 6158. A bill to amend title XVIII of the Social Security Act to provide for a geographic adjustment in the Medicare cap on payment for hospice care and to require hospice programs to report comprehensive data on hospice care; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 6159. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of North Carolina (for himself, Mr. SHAYS, Mr. MORAN of Virginia, Mr. PLATTS, Mr. BOSWELL, Mr. BISHOP of New York, Mr. MCDERMOTT, Mr. HINOJOSA, Mr. COHEN, Mr. MARKEY, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. BRADY of Pennsylvania, and Ms. NORTON):

H.R. 6160. A bill to establish a scholarship program to encourage outstanding graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H.R. 6161. A bill to provide for American energy independence by July 4, 2015; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Transportation and Infrastructure, Rules, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 6162. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. STUPAK, Mr. HULSHOF, and Ms. ESHOO):

H.R. 6163. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT (for himself, Mrs. MYRICK, and Mr. EMANUEL):

H.R. 6164. A bill to establish a risk-reduction and accountability pilot program for the housing-related government-sponsored enterprises; to the Committee on Financial Services.

By Mr. WHITFIELD of Kentucky:

H.R. 6165. A bill to amend the Internal Revenue Code of 1986 to assist individuals confronting high gasoline and diesel fuel costs in commuting to work by allowing a refundable credit against income tax based on the business standard mileage rate for commuting miles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Oversight and Government Reform, Armed Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN of Virginia (for himself, Mr. WOLF, Mr. MORAN of Virginia, and Mr. DONNELLY):

H.R. 6166. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.J. Res. 88. A joint resolution amending the Food, Conservation, and Energy Act of 2008 to reinsert the trade title contained in the conference report to accompany H.R. 2419 of the 110th Congress (Report 110-627); to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. FEENEY, Mr. PITTS, Mr. SHIMKUS, Mr. WESTMORELAND, Mr. WALBERG, Mr. BILBRAY, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mrs. CUBIN, Mr. AKIN, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. GOODE, Ms. FOXX, Mr. LINDER, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. ADERHOLT, Mr. HUNTER, Mr. MILLER of Florida, Mr. HAYES, Mr. KING of Iowa, and Ms. FALLIN):

H.J. Res. 89. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. MARKEY, Mr. GRIJALVA, Mr. WEXLER, Mr. WAXMAN, Mr. KLEIN of Florida, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. GIFFORDS, Mr. MORAN of Virginia, Mr. BURTON of Indiana, Mr. COHEN, Mr. FOSSELLA, Mr. WEINER, Mr. CANTOR, Mr. JONES of North Carolina, Mr. FATTAH, Mr. BERMAN, Mr. MCGOVERN, Mr. BOSWELL, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. PATRICK MURPHY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. SESTAK, Mr. FILNER, Mr. MCNULTY, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. LAMPSON, Mr. ROTHMAN, Ms. MOORE of Wisconsin, Mr. KILDEE, and Ms. WATERS):

H. Con. Res. 361. Concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself and Mr. PENCE):

H. Con. Res. 362. Concurrent resolution expressing the sense of Congress regarding the threat posed to international peace, stability in the Middle East, and the vital national security interests of the United States by Iran's pursuit of nuclear weapons and regional hegemony, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Con. Res. 363. Concurrent resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. PAYNE, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. COHEN, Mr. SIRES, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. WATT, Mr. RUSH, Ms. MOORE of Wisconsin, and Mr. WEXLER):

H. Con. Res. 364. Concurrent resolution recognizing the Significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California (for himself, Ms. PELOSI, Mr. RADANOVICH, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. CARDOZA, Ms. HARMAN, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mr. DREIER, Ms. MATSUI, Mr. CAMPBELL of California, Mr. HERGER, Mr. CALVERT, Mrs. BONO MACK, Mr. BILBRAY, Mr. GARY G. MILLER of California, Mr. ISSA, Ms. ESHOO, Mr. STARK, Mr. GALLEGLY, Mr. NUNES, Mr. LEWIS of California, Mr. FARR, Mr. FILNER, Mr. DOOLITTLE, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Ms. SPEIER, and Mr. MCCARTHY of California):

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi; to the Committee on Oversight and Government Reform.

By Mr. UDALL of New Mexico:

H. Res. 1220. A resolution honoring the lives of Dr. Victor Westphall and Mrs. Jeanne Westphall and their contributions to the Nation's veterans; to the Committee on Veterans' Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H. Res. 1221. A resolution raising a question of the privileges of the House.

By Ms. BEAN:

H. Res. 1222. A resolution directing the Clerk of the House of Representatives to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

By Mr. BUYER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. LAHOOD, Mr. HULSHOF, Mr. BRADY of Texas, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. BARTON of Texas, Mr. PICKERING, Mr. HUNTER, Mr. SHUSTER, Mr. WAMP, Mr. FLAKE, Mr. GOODE, Mr. MCCOTTER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. FOSTER, Mr. JOHNSON of Illinois, Mr. MANZULLO, and Mr. HARE):

H. Res. 1223. A resolution honoring the service and accomplishments of Lieutenant Colonel John M. Shimkus, United States Army Reserve; to the Committee on Armed Services.

By Mr. CRAMER (for himself, Mr. WAMP, Mr. COOPER, Mrs. BLACKBURN, Mr. CHILDERS, and Mr. GINGREY):

H. Res. 1224. A resolution commending the Tennessee Valley Authority on its 75th anniversary; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois:

H. Res. 1225. A resolution expressing support for designation of June 2008 as "National Safety Month"; to the Committee on Education and Labor.

By Mrs. LOWEY:

H. Res. 1226. A resolution supporting the designation of National Shaken Baby Syndrome Awareness Week; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. MILLER of North Carolina):

H. Res. 1227. A resolution condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1228. A resolution ensuring access to affordable and quality health care without exacerbating the Federal budget or contributing to market inflation while providing greater choices for consumers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Mr. ENGEL, Mr. SERRANO, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Ms. JACKSON-LEE of Texas, Mr. CLAY, Ms. CLARKE, Mr. HARE, Mr. CROWLEY, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. WATT, Mr. PRICE of North Carolina, Mr. SCOTT of Virginia, Mr. TOWNS, Mr. ISRAEL, Mr. HIGGINS, Mr. SESTAK, Mr. REYES, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. BACA, Mr. HALL of New York, Mr. MOORE of Kansas, Mr. HINCHEY, Ms. WATSON, Mrs. NAPOLITANO, Mr. BLUMENAUER, Mr. MICHAUD, Mr. WU, Mr. ROTHMAN, Mr. SHERMAN, Mrs. GILLIBRAND, Mr. LAMPSON, Mr. WEXLER, Mr. PALLONE, Mr. ORTIZ, Mr. WEINER, Mrs. MALONEY of New York, Mr. JEFFERSON, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. FATTAH, Ms. LEE, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. AL GREEN of Texas, Mr. ACKERMAN, Ms. RICHARDSON, Mr. MEEK of Florida, Mr. CARSON, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. GILCHREST, Mr. WELLER, Mr. REYNOLDS, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. WAMP, Mr. UPTON, Mr. HINOJOSA, Mr. RUSH, Mr. LARSON of Connecticut, Mr. CARNAHAN, Mr. COURTNEY, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH SANDLIN, Mr. CHANDLER, Mr. COSTA, Mr. MCDERMOTT, Ms. VELÁZQUEZ, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. JOHNSON of Illinois, Mr. UDALL of New Mexico, Mr. PASCRELL, Ms. KAPTUR, Mr. MACK, Mr. VAN HOLLEN, Mr. BECERRA, Mr. CUELLAR, Mr. BRADY of Pennsylvania, and Mr. CAPUANO):

H. Res. 1229. A resolution recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students; to the Committee on Education and Labor.

By Mr. PAYNE (for himself, Ms. KILPATRICK, Mr. RANGEL, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. WATT, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. CONYERS, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. NORTON, Ms. WATERS, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. WYNN, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. WATSON, Mr. DAVIS of Alabama, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. MOORE of Wisconsin, Ms. CLARKE, Mr. ELLISON, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. CARSON, and Mr. AL GREEN of Texas):

H. Res. 1230. A resolution condemning post-election violence in Zimbabwe and calling for a peaceful resolution to the current political crisis; to the Committee on Foreign Affairs.

By Mr. SHULER (for himself, Mr. JONES of North Carolina, Ms. MCCOLLUM of Minnesota, Mr. SESTAK, Mr. ROHRABACHER, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. DREIER, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. YOUNG of Alaska, and Mr. WALZ of Minnesota):

H. Res. 1231. A resolution supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day; to the Committee on Veterans' Affairs.

By Mr. TIERNEY (for himself, Ms. BALDWIN, Ms. BORDALLO, Mrs. CAPPS, Mr. CAPUANO, Mr. COHEN, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. KENNEDY, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, and Mr. SCOTT of Virginia):

H. Res. 1232. A resolution expressing support for the designation of a National Scleroderma Awareness Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. SOUDER.

H.R. 82: Mr. CAZAYOUX.

H.R. 96: Mr. MCDERMOTT.

H.R. 154: Mr. SALAZAR and Ms. ZOE LOFGREN of California.

H.R. 209: Mr. CARSON.

H.R. 211: Mr. CARSON.

H.R. 219: Mrs. MCMORRIS RODGERS.

H.R. 241: Mr. MARCHANT.

H.R. 423: Mr. WALBERG.

H.R. 451: Mr. CARSON.

H.R. 464: Mr. CARSON.

H.R. 522: Mr. BRADY of Pennsylvania.

H.R. 568: Mr. CARSON.

H.R. 588: Mr. CARSON.

H.R. 621: Mr. SIRES.

H.R. 627: Mr. CARSON.

H.R. 642: Ms. HERSETH SANDLIN.

H.R. 711: Mr. CARSON.

H.R. 748: Ms. ESHOO, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. RENZI, Mr. KIND, and Mr. HONDA.

H.R. 819: Mr. CARSON.

H.R. 901: Mr. TIERNEY.

H.R. 971: Mr. KUHL of New York.

H.R. 1032: Mr. VAN HOLLEN and Mrs. MCCARTHY of New York.

H.R. 1043: Mr. PRICE of North Carolina.

H.R. 1059: Mr. TERRY.

H.R. 1072: Mr. ROTHMAN.

H.R. 1117: Mr. CARNEY.

H.R. 1134: Mr. GONZALEZ and Mr. LOBIONDO.

H.R. 1142: Mr. KENNEDY, Mr. NEAL of Massachusetts, and Mr. WILSON of South Carolina.

H.R. 1174: Mr. KUHL of New York.

H.R. 1185: Mr. JOHNSON of Georgia, Mr. MORAN of Virginia, and Mr. AL GREEN of Texas.

H.R. 1193: Mr. ALLEN and Mr. MARKEY.

H.R. 1222: Mr. CARSON.

H.R. 1223: Mr. CARSON.

H.R. 1245: Mr. SNYDER.

H.R. 1282: Mr. MILLER of North Carolina.

H.R. 1306: Mr. MCINTYRE and Mr. CARNEY.

H.R. 1419: Mrs. BONO MACK.

H.R. 1431: Mr. MILLER of Florida.

H.R. 1474: Mr. COSTA, Mr. BROUN of Georgia, Mr. COHEN, and Mr. MARKEY.

H.R. 1542: Mr. JEFFERSON.

H.R. 1552: Mr. MCGOVERN.

H.R. 1584: Mr. KLEIN of Florida.

H.R. 1606: Mr. SIRES.

H.R. 1610: Mrs. MILLER of Michigan, Mr. LATOURETTE, Ms. RICHARDSON, Mr. WHITFIELD of Kentucky, and Mr. TOWNS.

H.R. 1650: Mr. MILLER of North Carolina.

H.R. 1655: Mr. MOORE of Kansas and Mr. TERRY.

H.R. 1665: Mr. MARSHALL and Ms. NORTON.

H.R. 1742: Mr. MCHENRY and Ms. ROYBAL-ALLARD.

H.R. 1748: Mr. CULBERSON, Mr. TANCREDO, and Mr. DAVIS of Illinois.

H.R. 1776: Ms. GIFFORDS and Mr. PASTOR.

H.R. 1781: Mr. DAVIS of Illinois.

H.R. 1783: Mr. CARNEY and Mr. MILLER of North Carolina.

H.R. 1845: Mr. DONNELLY.

H.R. 1897: Mr. WITTMAN of Virginia.

H.R. 1909: Ms. GIFFORDS.

H.R. 1929: Mr. MILLER of North Carolina.

H.R. 1932: Mr. BOUCHER.

H.R. 1953: Mr. PASTOR and Mr. PAYNE.

H.R. 1967: Mr. SMITH of Texas.

H.R. 2053: Mr. BISHOP of New York.

H.R. 2114: Mr. NADLER.

H.R. 2131: Mr. FARR.

H.R. 2208: Mr. BUYER.

H.R. 2221: Ms. VELÁZQUEZ.

H.R. 2231: Mr. RUPPERSBERGER, Mr. SOUDER, Mr. FILNER, Mr. MOORE of Kansas, and Mr. JOHNSON of Georgia.

H.R. 2267: Mr. DOOLITTLE and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2268: Ms. WOOLSEY and Mr. MILLER of North Carolina.

H.R. 2279: Mr. BURTON of Indiana.

H.R. 2289: Mr. JACKSON of Illinois.

H.R. 2332: Mr. ROGERS of Kentucky and Mr. MICHAUD.

H.R. 2346: Mr. ROHRABACHER.

H.R. 2351: Mr. JEFFERSON.

H.R. 2376: Mr. SOUDER.

H.R. 2391: Mr. PASTOR.

H.R. 2472: Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, and Ms. VELÁZQUEZ.

H.R. 2493: Mr. THORNBERRY.

H.R. 2606: Mr. HODES.

H.R. 2796: Mr. PAUL.

H.R. 2880: Mr. SHAYS, Mr. LATOURETTE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2914: Mr. LARSEN of Washington and Mrs. EMERSON.

H.R. 2941: Mr. PLATTS.

H.R. 3010: Mr. LOEBSACK and Mr. WAXMAN.

H.R. 3089: Mr. SMITH of Texas, Mr. ROGERS of Alabama, and Mrs. DRAKE.

H.R. 3114: Mr. JACKSON of Illinois.

H.R. 3144: Mr. JORDAN and Mr. MCHENRY.

H.R. 3186: Mr. WHITFIELD of Kentucky, Mr. GRIJALVA, Mr. GONZALEZ, Mr. BOYD of Florida, Ms. BALDWIN, Mr. MOORE of Kansas, Mr. SIRES, and Mr. DUNCAN.

H.R. 3212: Mr. CARNEY.

H.R. 3223: Mr. KENNEDY.

H.R. 3232: Ms. ROYBAL-ALLARD, Mr. COSTA, Mr. TIBERI, Mr. JACKSON of Illinois, Ms. GRANGER, and Mr. WELLER.

H.R. 3257: Mr. CAPUANO.

H.R. 3267: Mr. BOSWELL, Mr. CUELLAR, and Ms. JACKSON-LEE of Texas.

H.R. 3274: Mr. HONDA.

H.R. 3329: Mr. ANDREWS and Mr. MORAN of Virginia.

H.R. 3331: Mr. JACKSON of Illinois and Mr. BLUMENAUER.

H.R. 3337: Ms. ROYBAL-ALLARD.

H.R. 3359: Mr. GOODLATTE.

H.R. 3366: Mr. LEWIS of Georgia.

H.R. 3457: Mr. COLE of Oklahoma, Mr. WALSH of New York, Mr. PUTNAM, Mr. AKIN, Mr. DAVIS of Kentucky, Ms. GRANGER, and Mr. SHIMKUS.

H.R. 3458: Mr. SOUDER.

H.R. 3546: Mr. SCOTT of Virginia, Mr. GOHMERT, and Mr. STUPAK.

H.R. 3622: Mr. CARNEY.

H.R. 3700: Mr. GOHMERT.

H.R. 3747: Mr. FORTUÑO.

H.R. 3769: Mr. ROGERS of Kentucky.

H.R. 3770: Mr. DOGGETT, Mr. BLUMENAUER, and Mr. ENGLISH of Pennsylvania.

H.R. 3800: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3834: Mr. ANDREWS and Ms. BERKLEY.

H.R. 3981: Mr. PAYNE.

H.R. 3990: Mr. MORAN of Virginia.

H.R. 4026: Ms. BALDWIN.

H.R. 4048: Mr. DAVIS of Illinois.

H.R. 4063: Mr. CARSON.

H.R. 4107: Mr. DOYLE.

H.R. 4179: Mr. MCDERMOTT.

H.R. 4188: Mr. ROTHMAN, Mr. COURTNEY, and Ms. BALDWIN.

H.R. 4199: Mr. KUCINICH and Mr. MILLER of North Carolina.

H.R. 4206: Mr. CLAY.

H.R. 4236: Mr. SARBANES and Mr. LANGEVIN.

H.R. 4237: Mr. GONZALEZ.

H.R. 4336: Mr. ABERCROMBIE.

H.R. 4450: Mr. VAN HOLLEN.

H.R. 4651: Mr. JACKSON of Illinois.

H.R. 4879: Mrs. MYRICK.

H.R. 4883: Mr. GONZALEZ.

H.R. 4900: Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, and Mr. MICHAUD.

H.R. 4926: Mr. LANGEVIN.

H.R. 4935: Mr. RODRIGUEZ.

H.R. 4987: Mr. MCCOTTER and Mr. POE.

H.R. 5155: Ms. BORDALLO, Mr. KAGEN, and Mr. HODES.

H.R. 5161: Mr. GRIJALVA.

H.R. 5174: Mr. GOODE.

H.R. 5244: Mr. MARKEY, Mr. SHERMAN, and Mr. LIPINSKI.

H.R. 5267: Mr. WITTMAN of Virginia and Mrs. DRAKE.

H.R. 5402: Mr. HODES.

H.R. 5404: Mr. LARSEN of Washington.

H.R. 5442: Mr. BERMAN.

H.R. 5445: Ms. GRANGER.

H.R. 5448: Mr. COSTELLO.

H.R. 5450: Mr. DOYLE.

H.R. 5454: Mr. SHAYS, Mr. MILLER of North Carolina, and Mr. CARNEY.

H.R. 5465: Ms. MATSUI.

H.R. 5488: Ms. BALDWIN and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5490: Mr. MILLER of Florida.

H.R. 5496: Ms. SOLIS.

H.R. 5507: Ms. BALDWIN.

H.R. 5515: Mr. CARNEY.

H.R. 5516: Mr. GERLACH.

H.R. 5550: Mr. MORAN of Virginia.

H.R. 5560: Mr. SHAYS, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, and Mr. DOGGETT.

H.R. 5564: Mr. COLE of Oklahoma.

H.R. 5573: Mr. SHAYS, Mr. CARNEY, Mr. THOMPSON of California, Mr. ETHERIDGE, Mr. JEFFERSON, Mrs. DAVIS of California, Mr. MCCOTTER, and Mr. MILLER of North Carolina.

H.R. 5575: Ms. LEE.

H.R. 5585: Ms. ZOE LOFGREN of California.

H.R. 5611: Mr. MOORE of Kansas.

H.R. 5629: Mr. NEAL of Massachusetts and Mr. PRICE of North Carolina.

H.R. 5632: Mr. BUTTERFIELD.

H.R. 5638: Mr. DELAHUNT.

H.R. 5643: Mr. MARSHALL.

H.R. 5646: Mr. BUYER.

H.R. 5656: Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. ROGERS of Michigan, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. MCCRERY, Mr. MCCAUL of Texas, and Mr. KUHL of New York.

H.R. 5669: Ms. JACKSON-LEE of Texas and Mr. BERMAN.

H.R. 5686: Mr. BACA.

H.R. 5727: Mr. SHULER.

H.R. 5731: Mr. CARNEY.

H.R. 5734: Mr. OBERSTAR.

H.R. 5737: Mr. CANNON.

H.R. 5760: Ms. JACKSON-LEE of Texas and Mr. BILBRAY.

H.R. 5761: Mrs. DRAKE.

H.R. 5767: Mr. ROTHMAN and Mr. COHEN.

H.R. 5768: Mr. JONES of North Carolina.

H.R. 5776: Mr. SALI.

H.R. 5791: Mr. COURTNEY and Mr. FILNER.

H.R. 5793: Mr. CARNEY, Mrs. BACHMANN, Mr. REICHERT, and Mr. JONES of North Carolina.

H.R. 5797: Mr. COLE of Oklahoma.

H.R. 5802: Mr. SCOTT of Virginia and Ms. SUTTON.

H.R. 5805: Mr. FLAKE.

H.R. 5823: Mr. TOWNS, Mr. LYNCH, and Mr. LAHOOD.

H.R. 5825: Mr. BOUCHER.

H.R. 5838: Mr. DAVIS of Illinois.

H.R. 5843: Ms. ZOE LOFGREN of California.

H.R. 5852: Mr. GRIJALVA.

H.R. 5854: Mr. MCINTYRE and Mr. WAXMAN.

H.R. 5866: Mrs. EMERSON.

H.R. 5867: Mr. LEVIN.

H.R. 5876: Ms. DELAURO, Mr. HOLT, and Mr. YARMUTH.

H.R. 5882: Ms. SPEIER, Mr. NADLER, and Ms. ROYBAL-ALLARD.

H.R. 5898: Mr. ROGERS of Alabama, Mr. COLE of Oklahoma, Mrs. EMERSON, Mr. FEENEY, Mr. PUTNAM, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5904: Mr. PLATTS.

H.R. 5908: Mrs. MCMORRIS RODGERS.

H.R. 5913: Mr. ELLISON.

H.R. 5914: Mr. NEUGEBAUER and Mr. CUELLAR.

H.R. 5921: Ms. SPEIER, Mr. NADLER, and Ms. ROYBAL-ALLARD.

H.R. 5924: Mr. PASTOR and Mr. COHEN.

H.R. 5944: Mr. GOODLATTE, Mrs. MUSGRAVE, Mrs. BACHMANN, and Mr. KUHL of New York.

H.R. 5949: Mr. COBLE, Mr. FILNER, Ms. SCHWARTZ, Mr. WHITFIELD of Kentucky, and Mr. KIND.

H.R. 5950: Ms. ROYBAL-ALLARD and Ms. KILPATRICK.

H.R. 5951: Ms. WOOLSEY.

H.R. 5954: Mr. ENGLISH of Pennsylvania.

H.R. 5960: Mr. SESTAK, Mr. CARNEY, and Mr. JACKSON of Illinois.

H.R. 5971: Mr. Broun of Georgia and Mr. HULSHOF.

H.R. 5983: Mr. BISHOP of New York, Mr. CARSON, and Ms. HARMAN.

H.R. 5995: Mrs. MYRICK and Mr. CAMP of Michigan.

H.R. 6002: Mr. ROHRABACHER.

H.R. 6020: Mr. HONDA, Mr. FILNER, Ms. SOLIS, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, and Ms. HARMAN.

H.R. 6023: Mr. ROHRABACHER, Mrs. SCHMIDT, Mr. HULSHOF, and Mr. BUYER.

H.R. 6024: Mr. KENNEDY.

H.R. 6026: Mr. NUNES, Mr. GARY G. MILLER of California, Mr. THORNBERRY, Mr. SMITH of Nebraska, Mr. FRANKS of Arizona, Mr. FORBES, Mr. LoBIONDO, Mr. GRAVES, Mr. HERGER, Mr. TIBERI, Mr. BILIRAKIS, Mr. RADANOVICH, Mr. ROYCE, Mrs. BONO MACK, Mr. ISSA, Mr. MARCHANT, Mr. BILBRAY, Mrs. CUBIN, Mr. PEARCE, Mr. HULSHOF, Mr. BURTON of Indiana, and Mr. HASTINGS of Washington.

H.R. 6028: Ms. ROS-LEHTINEN.

H.R. 6034: Mr. HONDA.

H.R. 6038: Mr. TIAHRT, Mr. BOOZMAN, Mr. TERRY, and Mrs. EMERSON.

H.R. 6039: Mr. NADLER and Ms. ROYBAL-ALLARD.

H.R. 6045: Mr. JEFFERSON and Mr. DELAHUNT.

H.R. 6057: Mr. DELAHUNT and Mr. MCDERMOTT.

H.R. 6073: Mr. SENSENBRENNER, Mr. CONAWAY, and Mr. SALI.

H.R. 6076: Mr. BRADY of Pennsylvania, Mr. ARCURI, Mr. BISHOP of New York, Mr. BUTTERFIELD, Ms. HIRONO, Mr. HASTINGS of Florida, Mrs. NAPOLITANO, Mr. PAYNE, Mr. SIRES, Mr. RYAN of Ohio, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. BERRY, Mr. COSTA, and Mr. HINCHEY.

H.R. 6083: Mr. DAVIS of Alabama and Mr. DELAHUNT.

H.R. 6088: Ms. JACKSON-LEE of Texas.

H.R. 6091: Mr. TURNER, Mr. CARSON, and Mr. BUYER.

H.R. 6092: Mrs. MCMORRIS RODGERS.

H.R. 6093: Mr. MCGOVERN.

H.R. 6098: Ms. HARMAN.

H.R. 6107: Mr. BOEHNER, Mr. PEARCE, Mr. SHIMKUS, Mr. BLUNT, Mr. BARTON of Texas, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, Mrs. MCMORRIS RODGERS, Mr. DUNCAN, Mr. BISHOP of Utah, Mr. SALI, Mr. HALL of Texas, Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. GALLEGLY, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. TANCREDO, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. SMITH of Nebraska, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. ISSA, Mr. WAMP, Mr. CHABOT, Ms. FOXX, Mr. ADERHOLT, Mr. LAMBORN, Ms. GRANGER, Mr. CONAWAY, Mr. CAMPBELL of California, Mr. GINGREY, and Mrs. EMERSON.

H.R. 6108: Mr. YOUNG of Alaska, Mr. COLE of Oklahoma, Mr. SALI, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. DUNCAN, and Mr. SMITH of Nebraska.

H.J. Res. 79: Mr. DOGGETT.

H.J. Res. 84: Mr. CHABOT, Mr. KIRK, Mr. WILSON of South Carolina, Mr. BRADY of Pennsylvania, Mr. HENSARLING, Mr. POE, Mr. ROHRABACHER, and Mr. WOLF.

H.J. Res. 86: Mr. KUCINICH.

H. Con. Res. 24: Mr. WYNN.

H. Con. Res. 244: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARCHANT, and Mr. WELDON of Florida.

H. Con. Res. 296: Mr. TANCREDO, Mr. SULLIVAN, Mr. WALSH of New York, Mr. NUNES, Mr. WESTMORELAND, Mrs. DRAKE, and Mr. DEAL of Georgia.

H. Con. Res. 299: Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. HIGGINS, Mr. LEVIN, Mr. KILDEE, Mr. HOEKSTRA, and Mrs. MILLER of Michigan.

H. Con. Res. 336: Mr. FORBES and Mr. SNYDER.

H. Con. Res. 338: Mr. SESTAK.

H. Con. Res. 341: Mr. POE, Mr. OBERSTAR, Mr. MELANCON, Ms. SUTTON, Mr. BROWN of South Carolina, and Mr. SOUDER.

H. Con. Res. 342: Mr. PAUL and Mr. WAMP.

H. Con. Res. 349: Mr. BURTON of Indiana and Mr. SHAYS.

H. Con. Res. 352: Mr. VAN HOLLEN.

H. Con. Res. 356: Mr. RAMSTAD.

H. Con. Res. 357: Mr. BILBRAY, Mr. HOEKSTRA, Mr. SHADEGG, Mr. CONAWAY, Mr. CAMPBELL of California, Mr. AKIN, Mr. LAMBORN, Mr. TANCREDO, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. MCCARTHY of California, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. BLUNT, Mr. DANIEL E. LUNGREN of California, Mr. WALBERG, Mr. BURTON of Indiana, Mr. PRICE of Georgia, and Mrs. BLACKBURN.

H. Con. Res. 360: Mr. LEWIS of Georgia.

H. Res. 282: Mr. JEFFERSON, Mr. ETHERIDGE, and Mr. GALLEGLY.

H. Res. 373: Mr. RUSH.

H. Res. 389: Ms. CORRINE BROWN of Florida.

H. Res. 415: Mr. SNYDER.

H. Res. 620: Mr. KIRK.

H. Res. 672: Mr. FARR.

H. Res. 888: Mr. LIPINSKI.

H. Res. 896: Mr. TERRY.

H. Res. 937: Mrs. EMERSON.

H. Res. 977: Mr. HALL of New York, Mr. CONYERS, Mr. OLVER, Ms. SOLIS, and Mr. LEWIS of Georgia.

H. Res. 988: Ms. HERSETH SANDLIN, Mrs. WILSON of New Mexico, Mr. THOMPSON of California, Mr. BOREN, Mr. INSLEE, Mr. LARSEN of Washington, Mr. WILSON of Ohio, Mr. ALLEN, Mr. GORDON, Mr. WEINER, and Mr. LOEBSACK.

H. Res. 1010: Mr. PETERSON of Pennsylvania, Mr. CARSON, Mr. HILL, Mr. MAHONEY of Florida, Mr. BOYD of Florida, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. TIBERI, Mr. CALVERT, Mr. SPACE, Mr. MATHESON, Mrs. BOYDA of Kansas, Mr. PETERSON of Minnesota, Mr. MEEKS of New York, and Mr. MCHENRY.

H. Res. 1042: Mr. WAMP.

H. Res. 1067: Mr. WILSON of South Carolina, Mr. FORBES, Mr. WITTMAN of Virginia, Mr. LOEBSACK, Ms. GIFFORDS, Mr. GINGREY, Mr. SCHIFF, and Ms. SHEA-PORTER.

H. Res. 1090: Mr. RUSH, Mr. ELLISON, Mr. COSTELLO, and Mr. JACKSON of Illinois.

H. Res. 1104: Mr. RYAN of Ohio.

H. Res. 1110: Mr. SPACE.

H. Res. 1143: Mr. CAMP of Michigan and Mr. OLVER.

H. Res. 1161: Mr. MARKEY, Mr. HINCHEY, Ms. LEE, Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BERMAN, Ms. MATSUI, Mr. MOORE of Kansas, Mr. JEFFERSON, Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H. Res. 1177: Mr. MARKEY.

H. Res. 1183: Mr. LATTA, Mr. GILCHREST, Mr. TAYLOR, Mr. BARTLETT of Maryland, Mr. MURTHA, Mr. ABERCROMBIE, Mr. WAMP, Mr. HAYES, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. HASTINGS of Washington, Mr. ALTMIRE, Mr. VAN HOLLEN, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mr. HARE, Mr. MITCHELL, Mr. PRICE of North Carolina, Mr. MELANCON, and Mr. SESTAK.

H. Res. 1187: Mr. FOSSELLA, Ms. GRANGER, Mr. WHITFIELD of Kentucky, and Mr. COBLE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mrs. DRAKE on House Bill (H.R. 4088): Steve Scalise.

Petition 6 by Mr. BOUSTANY on House Bill (H.R. 1843): Mrs. Barbara Cubin.

Petition 7 by Mr. FOSSELLA on House Bill (H.R. 5440): Steve Scalise.

EXTENSIONS OF REMARKS

EARMARK DECLARATION FOR H.R. 5658, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009:

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Chang Industry.

Address of Requesting Entity: 1925 McKinley Avenue, Suite F, La Verne, California 91750.

Description of Request: Provide an earmark of $6,000,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $200,000 is for identifying and refining the operational requirement; $4,000,000 is for system development; $600,000 is for materials and equipment; $1,200,000 is for testing and evaluation. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Army, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Tanner Research.

Address of Requesting Entity: 825 South Myrtle Avenue, Monrovia, California 91016.

Description of Request: Provide an earmark of $5,000,000 to complete development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) being developed with the U.S. Army Armament Research, Development and Engineering Center at Picatinny Arsenal, New Jersey. This funding seeks to improve the accuracy of gun-launched and small missile interceptors used on current and emerging defensive weapons systems by increasing the accuracy needed to counter incoming rocket, artillery and mortar threats. Approximately $600,000 will be used for RF signal processing development; $1,700,000 for monolithic microwave integrated circuits and complementary metal-oxide-semiconductor integrated circuit development; $1,200,000 for EO avalanche photodiode (APD) circuit development; $900,000 for RF seeker integration; and $600,000 for EO seeker integration. In each example, system development cost is approximately 64 percent; materials and equipment costs are approximately 28 percent; and testing and evaluation are approximately 8 percent. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Air Force, Research, Development, Test and Evaluation (RDT&E) Account.

Legal Name of Requesting Entity: Advanced Projects Research, Incorporated.

Address of Requesting Entity: 1925 McKinley Avenue, Suite B, La Verne, California 91750.

Description of Request: Provide an earmark of $5,200,000 to continue testing and development of the Wavelength Agile Spectral (WASH) Oxygen Sensor with the guidance of the U.S. Air Force Research Laboratory in Wright-Paterson Air Force Base, Ohio. The WASH Oxygen Sensor intends to measure oxygen concentration in military high-performance fuel tanks. This funding will also be used for the Cell Level Battery Controller, which intends to monitor and control charge and temperature at the cell level of military battery energy storage systems. Approximately $477,000 will be used for project management; $763,000 for engineering analysis; $1,430,000 for engineering design; $954,000 for hardware fabrication and assembly; $1,144,000 for test engineering; $62,000 for material and hardware; $348,000 for subcontracts; and $22,000 for travel. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: Congressman DAVID DREIER.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Air National Guard, Operation and Maintenance account.

Legal Name of Requesting Entity: Gentex Corporation.

Address of Requesting Entity: 11525 Sixth Street, Rancho Cucamonga, California 91730.

Description of Request: Provide an earmark of $2,000,000 to supply Air National Guard aircrews with approximately 2,200 MBU-20A/P Oxygen Masks with Mask Lights. The oxygen mask's unit price is approximately $900 per unit. The MBU-20A/P was approved for fleet wide implementation in an effort to standardize to a common enhanced oxygen mask. Approximately, 34 percent of the funding is for manufacturing labor; 4 percent is for sustainment and systems engineering support; 6 percent is for inspections and tests; 20 percent is for general and administrative costs; 35 percent is for material; 1 percent is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard, Operation and Maintenance account.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I submit the following:

Requesting Member: Congressman TIM MURPHY.

Bill Number: H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Account: Title XXVI, Guard and Reserve Forces Facilities.

Legal Name of Requesting Entity: Pennsylvania National Guard.

Address of Requesting Entity: Coraopolis, Pennsylvania, USA.

Description of Request: Authorization of $3,250,000 for planning and design of the Combined Support Maintenance Shop in Coraopolis, Pennsylvania, is included in the bill. This new complex will consist of approximately 130,000 square feet of administrative and supply areas, and nine general purpose and 12 specialty maintenance work bays to regionally maintain Army National Guard ground vehicles located in Western Pennsylvania. The project will allow consolidation and closing of four inadequate maintenance facilities in the Pittsburgh area. The Army National Guard and the Commonwealth will benefit by reduced operating and maintenance costs associated with the closure of four inefficient facilities as well as utilizing an Energy Management control system. Soldiers will benefit by being provided a state-of-the-art, efficiently functioning work space to maintain combat vehicles.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KING. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman STEVE KING.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa 50131.

Description of Request: Authorizes appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National Guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

Item	U/M	Quantity	Unit cost	Cost ($000)
VEHICLE MAINTENANCE/COMM TRAINING FACILITY	SF	32,369		4,171
VEHICLE MAINTENANCE AREA	SF	7,000	210	(1,470)
AGE ADDITION TO COMM AREA	SF	2,600	186	(484)
UPGRADE COMMUNICATIONS AREA	SF	22,769	91	(2,072)
ANTI-TERRORISM/FORCE PROTECTION MEASURES	SF	32,369	2	(65)
LEED CERTIFICATION	LS			(80)
SUPPORTING FACILITIES				864
PAVEMENTS	LS			(115)
UTILITIES	LS			(150)
SITE IMPROVEMENTS/PARKING	LS			(100)
COMMUNICATIONS SUPPORT	LS			(100)
PRE-WIRED WORK STATIONS	LS			(130)
TEMPORARY TRAILERS	LS			(220)
DEMOLITION/ASBESTOS REMOVAL	SF	3,270	15	(49)
SUBTOTAL				5,035
CONTINGENCY (5%)				252
TOTAL CONTRACT COST				5,287
SUPERVISION, INSPECTION AND OVERHEAD (6%)				317
TOTAL REQUEST				5,604
TOTAL REQUEST (ROUNDED)				5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons.

11. REQUIREMENT: 32,369 SF ADEQUATE: 0 SF SUBSTANDARD: 22,769 SF.

PROJECT: Vehicle Maintenance and Communications Training Facility (Current Mission).

REQUIREMENT: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

CURRENT SITUATION: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil-water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

IMPACT IF NOT PROVIDED: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

ADDITIONAL: This project meets the criteria/scope specified in Air National Guard Handbook 32–1084, "Facility Requirements" and is in compliance with the base master plan. These facilities are "inhabited" buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternative options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

VEHICLE MAINTENANCE AREA—7,000 SF = 650 SM.

AGE ADDITION TO COMM AREA—2,600 SF = 242 SM.

UPGRADE COMMUNICATIONS AREA—22,769 SF = 2,115 SM.

DEMOLITION/ASBESTOS REMOVAL—3,270 SF = 304 SM.

HONORING CAROL A. WARREN'S SERVICE WITH THE CORPS OF ENGINEERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Carol A. Warren on the occasion of her retirement from the U.S. Army Corps of Engineers and for her many years of outstanding federal service.

Carol has been a tremendous help to me as a liaison with the Nashville District. Her knowledge of how local, state and federal government work together has proven to be a valuable asset to the Corps and its many projects. She has served with distinction and the highest degree of professionalism. Through her many contributions to the Corps of Engineers, she has consistently demonstrated the highest qualities of leadership and dedication.

In 1990, Carol started her work with the Corps as the Nashville District Commander's Secretary, supporting nine District Engineers, before eventually being promoted to Executive Liaison Officer.

While Carol is officially retiring, she will not leave the Corps entirely and has agreed to return part-time to train someone for her position. It has been a real pleasure working with

Carol over the years. I congratulate her on a great career and wish her the best in her retirement. Thank you, Carol, for a job well done.

HONORING THE REVEREND DR. ALBERT F. CAMPBELL

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FATTAH. Madam Speaker, a distinguished preacher and spiritual leader in Philadelphia, the Reverend Doctor Albert F. Campbell, the pastor of Mount Carmel Baptist Church, is observing a milestone that provides his congregants, his many followers and admirers along with friends and family, an opportunity to celebrate his long and productive ministry.

Pastor Campbell has been a rock in West Philadelphia, as a man of God, a man of the people, a leader of the community and a role model for all of those in his sphere.

He has presided over Mount Carmel Baptist—"a revolutionary church engaged in revolutionary services"—for 42 years, succeeding the Reverend Doctor Dennie W. Hoggard. A passionate and inspiring young preacher from Beulah Baptist Church of New York City, Reverend Campbell arrived in Philadelphia with his wife, Ruth Price Campbell, and their sons, Albert Jr. and Milton K., to step into the pulpit at Mount Carmel on May 22, 1966. Each year, a Sunday in late May is celebrated as the anniversary of his installation, and this year is no exception—with Pastor Appreciation Day May 25, 2008.

The measure of Reverend Campbell's greatness is evident upon a visit to the church, at 5732 Race Street, to the surrounding community and even to its Web site, which lists no fewer than 61 separate ministries. While the church dates back 126 years, it has grown immensely in the four decades plus of Reverend Campbell's pastorate.

The Reverend Campbell had directed and managed Mount Carmel in an inspirational manner while preaching the word of God to a "People in Pilgrimage," bound for the destination of which God said, "I will give it to you".

With a keen eye for management as well as a heart filled with the word of the Lord, Reverend Campbell has guided the Church to prominence in the faith and civic life of the City of Brotherly Love. His vision for Mount Carmel has encompassed all facets of the Church and its work. He has expanded Mount Carmel's ministries, its outstanding youth and educational programs, and its civic and community development outreach across West Philadelphia, impacting its neighbors, reaching out to those in need and to those searching for spiritual fulfillment. Musical programs have been a specialty, and in an especially proud moment, the Mount Carmel orchestra was once invited to perform at the White House.

And so upon this joyous occasion of the 42nd anniversary of his installation, I invite my colleagues to join me in extending congratulations, best wishes and continued success in the Lord's work to the Reverend Doctor Albert F. Campbell, my pastor and a pastor who has served tirelessly for the betterment of all Philadelphians.

IN REMEMBRANCE OF DAN J. SMITH

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROHRABACHER. Madam Speaker, I rise in this chamber to mark the passing of a great American, Dan J. Smith. A resident of Los Angeles, Dan passed away on May 6, 2008, at the age of 57, leaving a legacy of service to this country. During the first term of President Ronald Reagan, Dan served as a Senior Advisor in the White House Office of Policy Development, where he worked on issues ranging from international trade to NATO defense. The principal achievement he should be remembered for is Executive Order 12320, which established the White House Initiative on Historically Black Colleges and Universities. Dan was the principal architect of the Reagan Administration's program to coordinate the activities of Federal agencies in supporting HBCUs.

A 1972 graduate of the University of Southern California, Dan was instrumental while still an undergraduate in founding the Norman Topping scholarship fund, a voluntary, student-financed program of financial support that still stands as a model for private community service. After receiving a masters degree from Occidental College in 1973, Dan spent his early career in banking and non-profit management. Still in his twenties, he was appointed by the Governor of California in 1976 to the State Economic Development Commission.

After leaving the White House staff, Dan founded his own higher education consulting firm, the Corporation for American Education, which he headed for 26 years. In the mid-1980s, he was instrumental in assisting Fisk University, one of this country's most-cherished HBCUs, in recovering from near insolvency. In 1997, at the request of California's Governor, he helped revise California's statutes overseeing private postsecondary and vocational education.

Dan was a writer, a deep thinker, a servant-leader, a devoted husband and father, and a friend. He was called early by his Maker, but his legacy lives on. America owes a debt to Dan J. Smith and countless other unsung heroes whose life's work represent the fabric of our Nation.

RECOGNIZING NATIONAL FOSTER CARE MONTH

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today both in recognition of May as National Foster Care Month and to acknowledge our shared obligation to do everything that we can to help the more than half a million children currently in our Nation's foster care system. I applaud the thousands of devoted adoptive parents in Ohio and across the country who provide children and youth in foster care with permanent, loving families.

Twenty-one-year-old Ashley Flucsa entered Ohio's foster care system at age 10. She spent the next 8½ years in foster care, longing for a family to call her own. "I wanted to have the same sense of security that children in non-foster families have," she recalls. "I wanted to have a place to go during college break and I wanted to be able to fully trust that I would always have a place to call home. I wanted a mom to shop with and a dad to someday walk me down the aisle. I wanted stability."

Today, Ashley is a nursing student at Lakeland Community College. Her foster parents, Yvette and Jim Goldurs of Cleveland Heights, are in the process of adopting Ashley. She hopes to someday become a nurse practitioner or a doctor, and she is very involved with the Ohio Youth Advisory Board, which allows her to share her experiences and advocate for reform on behalf of Ohio's children and youth who are still in foster care. Most importantly, she has found the permanent family that she longed for.

Currently, Ohio has more than 17,000 children living in foster care. In 2005, a quarter of these foster children were waiting to join adoptive families. They had to wait an average of nearly 4 years to do so. More worrisome still, many of Ohio's foster youth will never find the permanent family they need. More than 1,200 youth "aged out" of Ohio's foster care system in 2005 completely on their own, with no family to rely upon.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children like Ashley permanent homes through adoption. The Adoption Incentive Program is due to expire this year, on September 30, and should be reauthorized so that it can continue to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special needs children and foster children over age 9. I am proud of Ohio's success in finalizing more than 10,400 adoptions of children from foster care between 2000 and 2006, earning $5.4 million in Federal adoption incentive payments, which are invested back into the child welfare program.

We need to help more foster children in Ohio and across the Nation join loving, permanent adoptive families. The Adoption Incentive Program is effective in encouraging more adoptions from foster care, and I look forward to seeing that it is reauthorized this year.

DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, H.R. 5658.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Military Construction, Navy.

Legal Name of Requesting Entity: Norfolk Naval Shipyard.

Address of Requesting Entity: Norfolk Naval Shipyard, Portsmouth, VA, USA.

Description of Request: Provide $10,590,000 to make Industrial Access Improvements at Main Gate 15 at the Norfolk Naval Shipyard. Mandatory vehicle access control at military installations is a Department of Defense (DoD) requirement per DoD Directives 5200.8 and 5200.8R. Based on a Staff Integrated Vulnerability Assessment conducted in October 2006, the entrance and guardhouse configuration at Gate 15 are inadequate for both industrial access and from a security/safety standpoint and require upgrading. This project provides for industrial access improvements of Gate 15 including the truck and private automobile inspection area, Pass Office Renovations and counter terrorism measures at Gate 15.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Defense-Wide.

Legal Name of Requesting Entity: Virginia Modeling, Analysis and Simulation Center Address of Requesting Entity: Virginia Modeling, Analysis and Simulation Center, 1030 University Blvd, Suffolk, VA 23435, USA.

Description of Request: Provide $800,000 for research and development effort that will bring together the Modeling and Simulation community to define, implement, and utilize a set of standards that will guide the development of M&S capability for the foreseeable future. Standards will provide a more cost effective way to ensure simulation compatibility and reuse among the Services and the many types of simulations being developed to address their problems. This action provides funding for the Virginia Modeling, Analysis and Simulation Center at Old Dominion University to develop a set of modeling and simulation standards that will guide all aspects of DoD modeling and simulation design and development.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Shipbuilding and Conversion, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget by $722,000,000 for Virginia Class Submarine Advance Procurement/Advanced Construction. This funding will provide advanced procurement for the Block III procurement of the Virginia Class Submarine fleet. The funding can be used to accelerate the delivery at a rate of 2 per year beginning in FY10 rather than FY11.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget by $10,000,000 for Advanced Submarine System Development (ULMS). The requested funding addition will allow the Navy to proceed with Sea Based Strategic Deterrent (SBSD) development in a timely fashion. This submarine class will serve as the replacement for the OHIO submarine class.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 5658.

Account: Shipbuilding and Conversion, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Various.

Description of Request: To increase the President's Budget for the LPD by $1,800,000,000. In 2007 Congressional testimony, USMC leaders testified that a force structure less than 10 LPD class ships would put the USMC at significant risk in meeting commitments for global presence and to the Global War on Terrorism (GWOT). The $1.8 billion in FY 2009 funding is for LPD 26 as requested on the Navy's and marine Corps' FY 2009 Unfunded Priority Lists.

CONGRATULATIONS TO THE UNIVERSITY OF HOUSTON-VICTORIA JAGUARS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PAUL. Madam Speaker, I am pleased to congratulate The University of Houston—Victoria (UHV) Jaguars softball team on an amazing inaugural season. The Jaguars completed the season with a 32–18 record and finished fourth in Region VI of the National Association of Intercollegiate Athletics, missing the national tournament by one slot.

The Jaguars faced a strong slate of contenders in the regular season, including 14 nationally recognized opponents, nine of which fell to the Jaguars. The team also defeated NCAA teams Houston Baptist University and the University of Mary Hardin-Baylor.

"You've got to beat the best to be the best," head coach Keri Lambeth always tells her players, and the Jaguars showed they are more than capable of competing with the best. On March 17, the softball team ranked No.4 in 18–team Region VI in the first season poll based on play, marking the first rating of a UHV sporting team. On March 19, the National Association of Intercollegiate Athletics (NAIA) ranked the softball team No. 15 in the Nation. The team ended the season in the same impressive position.

The players didn't just work hard on the field. Coach Lambeth demanded academic and civic excellence. The players were required to attend a number of study hall hours every week based on their grade-point averages. A perfect 4.0 required 10 hours, while anything less required increasingly more. The players also met with Coach Lambeth each week to discuss how their classes were going and what kind of grades they were earning. As a result, a third of the team is expected to hold a 4.0 GPA this semester, and most of the team members are expected to appear on the UHV Dean's List for the spring semester.

As Coach Lambeth always tells her players, "We're not just here to play sports. We are here for an education first and foremost."

As part of their civic activities, the players participated in a mentoring program in which they tutored at-risk elementary school students in reading, and middle and high school students in remedial math. The players also served as role models and life coaches to these students. Many players put in hours above and beyond what was required by the mentoring program.

Madam Speaker, it is my pleasure to fom1ally congratulate the women of the Jaguars on their accomplishments, both on and off the softball field, in their historic first season. I would also like to insert the Jaguars roster into the of the team into the CONGRESSIONAL RECORD: Jessica Salas, Erin Litvik, Samantha Campagna, Kristen Lindley, Curby Ryan, Lindsey Ferguson, Lauren Garza, Chelsi Fitzgerald, Kasey Voyles, Cayla Dluhos, Ashley Falco, Stephanie Lavey, Amber Scott, Whitney Damborsky, Brittany Faas.

RECOGNIZING DENISE JORGENSEN, FOUNDER OF OPERATION MINNESOTA NICE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise to recognize Denise Jorgensen, founder of Operation Minnesota Nice, which provides comfort and support to the American soldier fighting for freedom abroad. It is vital that we not forget those defending our liberty, and Operation Minnesota Nice does its part by sending care packages to troops from Minnesota serving in Iraq, Afghanistan, and Kuwait.

Two months into its mission, Operation Minnesota Nice built its ranks up to ten volunteers and assisted 17 soldiers spread throughout Iraq and Afghanistan. Today, they have 1,100 volunteers.

Perhaps the greatest contribution Operation Minnesota Nice has made to American soldiers is the inspiration they provide for others to start similar organizations. Floyd Olesen is one such individual. He and his wife started a local chapter of Operation Minnesota Nice in Becker, Minnesota, followed by another organization, Support Our Troops, headquartered in Elk River, Minnesota. Mr. Olesen clearly speaks with admiration for the work Denise Jorgensen has done.

Madam Speaker, we're able to enjoy the freedoms we have today because of the selfless sacrifices so many brave Americans made to secure them, and veterans in America today deserve our utmost respect. The acts of generosity of men and women like Denise and her army of citizen-volunteers are just a sampling of the generous acts of kindness taking place across America to honor the bravest among us. Thank you for your dedication and sacrifice.

TRIBUTE TO DETECTIVE SERGEANT JAY POUPARD

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize Detective Sergeant Jay Poupard on receiving the 2008 Attorney General Special Commendation Award. It is with great admiration and pride that I congratulate Detective Sergeant Poupard on behalf of all of those who have benefited from his dedicated service to Charlotte, Michigan and his proven ability to protect the lives of its citizens.

Detective Sergeant Poupard is a member of the Michigan Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force is a nationwide program designed to assist state and local law enforcement agencies increase their capability to investigate offenders who use the Internet or other computer technology to sexually exploit children. The program is made up of 59 regional Task Force agencies and is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

The fast, shrewd action of Detective Sergeant Poupard and Detective Spence of Florida and the effective information exchange-between the ICAC Task Forces directly saved the life of an 8-year-old child. Detective Sergeant Poupard's skillful work and sharp sense of awareness also prevented further manufacture and distribution of child pornographic images. As a model to officers across the country, Detective Sergeant Poupard continues to carry out his duty to protect Michigan and the United States.

The 2008 Attorney General Special Commendation Award was presented to Detective Sergeant Jay Poupard of Charlotte, Michigan for his extraordinary work which saved the life of a young child. His superior performance is worthy of this honor and indicative of his continued commitment to high standards and thorough investigative work.

Madam Speaker, today I honor Detective Sergeant Jay Poupard for his esteemed service to the Charlotte community. May others know of my high regard for his outstanding performance and dedication to protecting our children, as well as my best wishes for Detective Sergeant Poupard in the future.

THE STRATEGIC PARTNERSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF MACEDONIA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SOUDER. Madam Speaker, I would like to submit into the CONGRESSIONAL RECORD the text of the U.S. State Department announcement this month regarding the strategic partnership between the United States and the Republic of Macedonia.

I urge my colleagues to review this document closely, and to remember the geostrategic importance of the United States' continued support for the Republic of Macedonia's membership in the North Atlantic Treaty Organization (NATO).

We in Congress should also fully appreciate the great distance this young country has traveled—reforming itself politically, economically, and militarily—since the dissolution of the Socialist Federal Republic of Yugoslavia.

DECLARATION OF STRATEGIC PARTNERSHIP AND COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF MACEDONIA, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, WASHINGTON, D.C., MAY 7, 2008

The United States of America and the Republic of Macedonia are determined to expand and deepen the close partnership between the two countries based upon common goals, interests, and values. The two countries wish to enhance their strategic relationship through intensified consultation and cooperation in the areas of security, people-to-people ties, and commerce. The United States and Macedonia reaffirm their support for the principles of sovereignty and territorial integrity of states, the purposes and principles of the U.N. charter, and a unitary, multiethnic Macedonia within its existing borders.

Macedonia and the United States note that a democratic, secure and prosperous Macedonia, with friendly and constructive relations with its neighbors and as an active participant in regional and international economic, political and security fora, is vital to peace and stability in Southeast Europe.

In this regard, the United States continues to support Macedonia's security, stability and economic development.

In the interest of an intensified partnership, the United States intends to immediately provide additional assistance to Macedonia to help build prosperity, strengthen security, and foster deeper ties between our two countries.

Macedonia expresses deep appreciation to the U.S. for its assistance to date in helping the Macedonian people as they work to institutionalize and make permanent a democratic process that realizes our shared values of peace, freedom, the rule of law, and a free market economy. Macedonia also recognizes and reaffirms the support from the U.S. in reforming and strengthening its armed forces.

Building on our existing strong partnership in the fight against global terrorism and promoting international stability, demonstrated by our troops serving together in Iraq and Afghanistan, our civilian and military officials plan to intensify their bilateral high-level contacts and seek increased joint training and exercise opportunities to enhance the interoperability of our forces, and strengthen our partnership in promoting international security and non-proliferation.

Sharing a desire to expand trade and investment, the United States and Macedonia will seek to enhance their economic ties and undertake additional measures to strengthen the competitiveness of Macedonia's economy and expand opportunities for United States and Macedonian businesses. The United States supports Macedonia's ongoing efforts to build a business-friendly environment attractive to United States and other foreign investment. Macedonia expresses its appreciation for the opportunity to utilize GSP to strengthen bilateral trade. Both countries encourage the further expansion of their trade relations.

Macedonia expresses satisfaction with the successful implementation of the USAID technical assistance programs in the areas of democracy, economic growth and education and reaffirms its desire for cooperation in these areas to continue.

The two countries also seek to build closer and more robust bonds between their citizens and will undertake practical measures to promote educational and cultural exchange.

The NATO Summit Declaration in Bucharest made clear that the Republic of Macedonia has met NATO's democratic, economic, and defense standards through its rigorous participation in the Membership Action Plan. The United States continues to work with our NATO Allies to maintain Macedonia's robust cooperation with NATO under existing mechanisms, while it awaits a membership invitation.

Both countries look forward to Macedonia joining NATO as soon as possible. Our intensified cooperation at this time will further strengthen Macedonia's readiness to take on Alliance obligations and responsibilities in the near future.

CONGRATULATING OUTSTANDING HIGH SCHOOL ARTISTS OF NEW JERSEY'S 11TH DISTRICT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2008 Congressional Arts competition, "An Artistic Discovery." Their works of art are exceptional!

We have 46 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Jessica Pester of Millburn High School for her work "Waiting." Second Place was awarded to Rebecca Bailey from West Morris Mendham High School for her work "Mark." Third Place was awarded to Kristen Capote from Parsippany Christian School for her work "Digital Camera."

I would like to recognize each artist for their participation by indicating their high school. their name, and the title of their contest entry for the official record.

Boonton High School: Cathy Yang's "Self Portrait" (Honorable Mention); Elyssa Hunziker's "When I Was Seventeen;" Jennifer Vasta's "The Gift;" Steve McKeown's "Self Portrait".

Chatham High School: Anna Zamecka's "Charcoal Still Life;" Grace Oakley's "Global Fabric;" Michelle Mruk's "Miniature Eggplants and Egg".

Livingston High School: Jordana Geller's "Timelessness;" Kelly Keltos' "Carnival;" Victor Xia's "Steel;" Wei Li Cheng's "Vanilla".

Madison High School: Alexandra Coultas' "The Luke Miller House;" Frank Wulff, III's "Valor;" Frederick Greis' "Elaine;" Kimberly Smith's "He loves me, He loves me not".

Millburn High School: Kelly Blumenthal's "Venetian Landscape;" Jessica Pester's "Waiting" (First Place); Jacqueline San Fillipo's "Riding Shadows".

Montville High School: Christine Riccio's "Summer;" Grace Lee's "Spring Flowers;" Jennifer Eishingrelo's "Montville Farmer;" Michael Johnston's "Book Smart".

Morris Knolls High School: Elizabeth Westerman's Toy Trains;" Liana Kelly's "A Brighter Life;" Jennifer Engleson's "Sunburnt Lawn".

Mount Olive High School: Kristen Cignavitch's "Puzzle Portrait;" Laura Smith's "The Approach;" Olga Kazakova's "Belarus in America;" Rachel Tenenbaum's "Photography".

Parsippany Christian School: Austin Dimare's "Austin Splender;" Kristen Capote's "Digital Camera" (Third Place); Samantha Dahl's "Go Fish".

Ridge High School: Christina Stillwaggon's "P.M.S.;" Frankie Cocuzza's "Untitled #3;" Lara Charavantes' "Purificacao" (Honorable Mention); Sojin Ouh's "Leftovers".

Roxbury High School: Christian Peslak's "Conscious Man;" Sam Knopka's "Self Portrait;" Bret Koblyka's "Self Portrait" (Honorable Mention); Jacob Mandel's "The Artist's Mindset".

Watchung Hills High School: Kim Delli Paoli's "My Vacation".

West Morris Mendham High School: Caitlin Aromando's "Intensity;" Elisa Cecere's "Elephant Eye;" Olivia Sebesky's "Jon;" Rebecca Bailey's "Mark" (Second Place).

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of fellow Americans walk through that corridor and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

CONGRATULATING THE CITY OF BAXTER SPRINGS, KANSAS ON THEIR 150TH ANNIVERSARY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to congratulate the city of Baxter Springs, Kansas on their 150th anniversary. During the past century and a half, Baxter Springs and the state of Kansas have seen its share of ups and downs. Baxter Springs has lived through a handful of wars, including one that happened right on its own turf when the city was still just an infant. It has persisted through the Great Depression, the Dust Bowl, drought, floods, feast and famine. With all of these challenges, some Kansas towns throughout the decades have not survived a century, much less 150 years.

A sesquicentennial is not an easy day to reach for any town and its citizens should be proud for their part in building and preserving such a wonderful community. I have been to Baxter Springs and seen firsthand the wonderful culture and the pride that has blossomed just off of historic Route 66.

Baxter Springs can be looked at by other Kansas communities as a benchmark for morality, patriotism and the spirit of hard work. While I wish I could be there in person to celebrate with them, I ask that my colleagues join me in congratulating the city of Baxter Springs on a great 150 years. Here's to another great 150 years!

HONORING MS. CHERYL MOSIER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TANCREDO. Madam Speaker, I rise today to congratulate an outstanding teacher from my district, Ms. Cheryl Mosier of Columbine High School in Littleton. Ms. Mosier has been awarded the 2007 Presidential Award for Excellence in Mathematics and Science Teaching, an award given by the National Science Foundation to remarkable educators committed to enhancing the learning of their students.

Established by Congress in 1983, the Presidential award program recognizes extraordinary mathematics and science teachers in all 50 States, the District of Columbia, Puerto Rico, the U.S. Territories, and the U.S. Department of Defense Schools. This year Ms. Mosier was the Colorado recipient for this prestigious award.

An Earth Science teacher at Columbine High School, Ms. Mosier has over 15 years teaching experience. A Colorado native, Cheryl graduated from the University of Northern Colorado, and went on to complete a master's degree in teaching from Grand Canyon University.

Cheryl inspires her students in the Earth Sciences by teaching them lessons they can relate to everyday life. Cheryl won the PAEMST award for a lesson she taught on Spectroscopy. This was the same lesson Cheryl was teaching on April 20, 1999 when tragedy struck Columbine High School after two gunmen opened fire inside the school, killing 12 students, and one teacher.

Madam Speaker, I would like to extend my sincerest congratulations to Cheryl, and wish her the best in all her future endeavors.

HONORING THE MEMORY OF ARMY SPECIALIST BRADEN J. LONG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to celebrate the life and service of a young man who made the ultimate sacrifice for his country. Army Specialist Braden J. Long, 19, of Sherman, Texas, died in service to his country last year in Baghdad of injuries sustained when his Humveee came under grenade attack. Specialist Long was assigned to the 1st Squadron, 4th Cavalry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division; Fort Riley, Kansas.

Braden's mother, Melanie Thrasher, said that her son wanted to be in the military since grade school and reported for basic training just a month after graduating from Sherman High School in 2005. His family and many friends, as well as his fellow soldiers in the United States Army, can attest to the dedication of this young man who chose to live his life in service to his country.

Specialist Long's wife, Theresa, recalled that he was respectful to all and always kept his word. If he said he could do something, he did it. Long met his future wife while both were students at Sherman High School. They were married Nov. 4, 2005, and were living in Fort Riley, Kansas, at the time of his deployment to Iraq.

In addition to his wife, Specialist Long is survived by his parents, Melanie Thrasher of Sherman and William "Bill" Long III of Arlington; one brother, William Long IV of Sherman; one sister, Michaela Thrasher of Sherman; grandparents, William Long Jr. of Florida, and William Euans, Susan Long, and Shirley Dickinson, all of Ohio; and one great-grandparent, William G. Long Sr.

Madam Speaker, words cannot express the gratitude we owe to those who have made the ultimate sacrifice for our freedom; it is a debt that can never be repaid. I pray that his family will find comfort in knowing that America will never forget the tremendous sacrifice he made while defending our country. As we honor America's fallen heroes on Memorial Day, let us pay tribute to the life of this dedicated young patriot, Army Specialist Braden Long.

CONGRATULATING MIKE GOTTFRIED ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Mike Gottfried on the occasion of his induction into the Mobile Sports Hall of Fame (MSHOF). Begun in 1987, the Mobile Sports Hall of Fame was created by the Mobile Chamber of Commerce to recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

Coach Gottfried, an Ohio native, was a successful head football coach at Murray State, Cincinnati, and Kansas, before going to Pittsburgh, where he had wins over Notre Dame, Penn State, and West Virginia. In 1990, he moved to Mobile at the urging of his brother, University of South Alabama athletics director Joe Gottfried, for what he thought would be a temporary stay on the way to another college football coaching job. Eighteen years later, Coach Gottfried is still a resident of Mobile and is considered by many, including Mobile's Press-Register, as "one of the city's leading citizens."

In the late 1990s, Coach Gottfried was approached by then Mobile Mayor Mike Dow and then Press-Register Executive Editor Stan Tiner to gauge whether a postseason bowl game in Mobile could be successful. Using his contacts as a former head coach and as a football analyst for ESPN, he began building support for creating a bowl game in Mobile. That bowl game became the GMAC bowl, a bowl that is repeatedly rated as one of the top 10 bowl games to watch each year. Due in large part to Coach Gottfried's efforts, Mobile, with the GMAC bowl and the Senior Bowl, joined Miami as the only cities in the country to host two major college bowl games every year.

Shortly after the founding of the GMAC bowl, Coach Gottfried and his wife, Mickey, founded Team Focus, a Mobile-based community outreach program that provides fatherless boys with role models and positive influences in order to build character and foster self-esteem, self-worth and self-confidence. The program has grown rapidly, and today, there are camps in seven states and the District of Columbia. Last year, First Lady Laura Bush traveled to Mobile to commend Team Focus. She thanked all of the mentors for "trying to fill that void in the lives of these boys and being so successful at it."

Madam Speaker, throughout his life, Coach Mike Gottfried has been an outstanding role model for both children and adults alike. I know his family; his wife, Mickey; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his service over the years on behalf of the city of Mobile and the state of Alabama.

IN HONOR OF THE CLEVELAND STEEL TOOL COMPANY ON THEIR 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Cleveland Steel Tool Company and in recognition of 100 years of service and business in the city of Cleveland.

Founded in 1908, the Cleveland Steel Tool Company began as a producer of patented punches for the automotive leaf spring industry, the same year that Henry Ford introduced his Model T automobile. For the past 100 years CST's products have been used in bridge, automotive, aircraft and shipbuilding industries and the company incorporated under President J.E. Doolittle, in downtown Cleveland on West 3rd Street. CST has been there since the beginning of the Industrial Revolution and is now one of the leading manufacturers in the world of punches, dies, tools and specialties. CST has been able to stay true to its roots despite the demands of the new technological era. With an inventory of over 12,000 products, its equipment and staff provide the best service and technological expertise to its customers worldwide. Over 50 of its 100 years of service and business has been from the same plant location in Cleveland.

The community of employees at CST is comprised of engineers and a technical team who contribute their talent, trade and expertise within an array of roles, ensuring the collective success of the company and its clients. CST's team of engineers works tirelessly to create innovative solutions to the Metalworking industry and their ingenuity is the driving success behind CST's equipment design. The technical team works directly with CST's customers by providing support for their tooling application problems.

Madam Speaker and colleagues, please join me in honor and gratitude of all members of the Cleveland Steel Tool Company and the individuals who live and work within our Cleveland community. May their individual and collective commitment to their work bring another 100 years of success for the Cleveland Steel Tool Company.

EARMARK DECLARATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, H.R. 5658 contains an authorization of $3 million for electromagnetic inflight propeller balancing. The entity to receive funding for this project is the LORD Corporation, located at 2000 W. Grandview Blvd., Erie, PA 16509. The funding would be used for technology to electronically balance C–130 propeller blades. This project will benefit the U.S. Air Force C–130E/H fleet by reducing maintenance workload, improving aircraft readiness and availability, and improving the reliability of engine mounted components on C–130 aircraft. Initial estimates by the Air Force indicate a potential savings of $169 million over 10 years.

H.R. 5658 contains an authorization of $4 million for Next Generation Intelligent 8 Portble Radinuclide Detection and Identification Systems. The entity to receive funding for this project is eV Products, a division of II–VI, Incorporated, located at 373 Saxonburg Rd., Saxonburg, PA 16056. The funding would be used for development of Next Generation Intelligent Portable Radionuclide Detection systems. This project will be beneficial because these materials and systems are used for the detection, monitoring, and fast efficient reporting of the illegal import and transport of nuclear devices, special nuclear materials, and radiological materials.

H.R. 5658 contains an authorization of $5 million in the aircraft procurement for the Army account for UH–60A utility helicopter upgrades. The entity to receive funding for this project is the United States Army, located at the Pentagon, Washington, DC 20310. The funding would be used for recapitalization and conversion of UH–60A to UH–60L helicopters as part of a UH–60A upgrade program. This project will be beneficial as it will result in significantly increased reliability, reduction in operating costs, and increased capability to Army National Guard helicopters.

EARMARK DECLARATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FRANKS of Arizona. Madam Speaker, in accordance with House Republican Conference standards, and clause 9 of rule XXI, I submit the following statement for the RECORD.

The first purpose of the Federal Government is to provide for the common defense. In accordance with this responsibility, which I swore to do when I signed my oath of office, I offered several amendments in the House Armed Services Committee to H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009. One of the amendments I offered passed and I understand that Mr. SKELTON, Chairman of the Committee, is now considering it an "earmark", which I believe is an inappropriate application of the definition and one which could subject all budget designations in the entire budget which differ from the President's submitted budget in any way to be considered "earmarks." House rule XXI defines an earmark as something that is included 'primarily at the request of a Member,' and since the entire Committee considered and voted on my amendment, it was agreed to by the Committee, and not simply by one Member who by submitting an amendment, is merely offering it as a suggestion for the Committee's consideration. As such, the purpose of this statement is to describe what my amendment is and what it is not.

The American people are right when they say Congress has a serious problem abusing the legislative process to fund pet and pork projects with American taxpayers' dollars. As such, I opted to suspend my requests to authorization and appropriations Committees until the system is cleared up enough to restore confidence both to the taxpayer and to me. Until this year, I did submit requests to the authorization and appropriations Committees in order to receive funding for programs and projects that are worthy of Federal dollars. I have always supported transparency and have never shied away from detailing which requests I asked for and which requests were ultimately included in the bills.

Federal dollars should not be used simply to take from all taxpayers to pour into another person's coffers. In other words, Peter in New Mexico should not be robbed to pay Paul in Arizona, even if Paul lives in Congressional District Two, which I represent. Federal taxpayer dollars should be wisely used to ensure our entire Nation is served well. It was this principle that inspired me to offer three amendments in the Armed Services Committee.

One amendment, which passed in an en bloc amendment, restores $6 million to the Joint Tactical Ground System Pre-Planned Product Improvement effort. I included an offset for the money as well. The offset is the Army's High-Capacity Communications Capability radio, which has approximately $45 million more than the program can execute at this point in its acquisition life-cycle. This offset will not have a negative impact on the HC3 program.

For nearly fifteen years, the Army's Joint Tactical Ground System, or "J–TAGS," (Program Element: 0208053A) has stood watch over our forward-deployed forces by providing rapid warning of ballistic missile launches. JTAGS relies upon a direct downlink from Defense Support Program (or DSP) missile warning satellites. The Army intends to modernize JTAGS to process SBIRS data, but is underfunded to accomplish this upgrade for each of the JTAGS suites on a co-current timeline with satellite and sensor deployment. JTAGS is developed by multiple companies including Northrop Grumman in Azusa, California, Northrop Grumman in Boulder, Colorado, and Lockheed Martin in Sunnydale, California. The contract for the primary hardware is won competitively. The program offices are in Colorado Springs, Colorado and Huntsville, Alabama.

I have a letter from LTG Kevin Campbell, Commanding General of U.S. Army Space & Missile Defense Command/Army Forces Strategic Command that calls attention to the risks we assume by under-funding this important upgrade, which is also included with this statement.

This amendment is not parochial, wasteful, or frivolous. It is an example of the fruits of good government oversight and of prudent caretaking of the American taxpayer's hard earned money. This amendment is being conflated with Members' requests to fund pet projects to benefit private entities that have been squeezed into the bill without offsets, transparency, and frankly without regard to the true purpose of government.

I believe the Chairman's definition of an earmark is at best inadvertently overbroad, and at worse it is deceiving to the American taxpayer, who will be closely watching the authorization process to ensure their money is not being abused.

The annual defense policy bill has the potential to authorize around $515.4 billion of the American taxpayers' money to be spent to protect the Nation and U.S. interests worldwide. We must demonstrate to the American people that we are worthy of such responsibility. Since the Speaker pledged that this will be, "the most honest, ethical, and open Congress in history," I think the Armed Services Committee ought to provide the tables of the House Report to each HASC Member's office at least 2 days in advance to the Full Committee markup so that we and our staff can carefully consider the contents.

The Committee has traditionally provided directive report language 2 days in advance to each HASC Member's office because such report language has the effect of law. The accompanying report tables however, which are often secret until after the markup is complete also have the effect of law. Oftentimes the tables of the House Report are altered in en bloc amendments during the Committee markup, rather than the actual text of the bill. These changes are made to language we have not seen and can add or take away funding for various projects, essentially circumventing the open and public means of amending the text of the bill. I would submit that if this Democratic controlled Congress is interested in truly reforming the earmark process, and since it is claiming to do so by calling my amendment an earmark, we should reassess what the problem actually is. The problem is wasteful spending in a secret, dishonest way without oversight. Truly restoring confidence in the taxpayers begins by shedding light on the report tables. This would be a step in the right direction.

DEPARTMENT OF THE ARMY, U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATEGIC COMMAND,
Huntsville, AL, May 5, 2008.

Hon. TRENT FRANKS,
House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRANKS: I would like to thank you and the members of the Subcommittee on Strategic Forces for inquiring on the needs of our Nation's requirements for assured theater ballistic missile warning. I also view early theater missile warning as a critical need for our forward deployed forces.

As you state in your 1 May 2008 letter, the capabilities provided by the Joint Tactical Ground Station (JTAGS) are essential to meet the Warfighters needs. It is important that we ensure unhindered execution of the JTAGS block upgrades and modernization, so that we can take advantage of the new Space Based Infrared System (SBIRS).

The Department's Fiscal Year 2009 JTAGS funding reduction of $6 million has resulted in an increase of technical and schedule risk and caused the reprioritization of program scope. Specifically, this reduction will cause an approximately nine month delay of essential block upgrades impacting JTAGS integration into the SBIRS architecture.

Assured missile warning for our deployed forces remains an essential warfighting requirement. We appreciate your support in ensuring our men and women are provided every advantage for their protection.

Sincerely,

KEVIN T. CAMPBELL,
Lieutenant General, USA,
Commanding.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following for the RECORD:

Name of Earmark and Amount: Advanced Drivetrains for Enhanced Mobility and Safety—$2.5 million.

Bill Number: H.R. 5658.

Account Information: Army, RDTE, PE 0603005A, Line 33.

Legal Name and Address of Receiving Entity: Eaton Automotive, 19218 B Drive South, Marshall, MI 49068.

Earmark Description: This request is for funding for the final phase of an on-going three phase program between Eaton and the US Army. Eaton has successfully worked with the Army for the past two years to develop specialized torque-modifying differentials for the HMMWV to improve the vehicle safety. The Phase I and II work was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HMMWVs. These programs have proven very successful in quantitatively demonstrating improved vehicle safety. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened side-to-side systems will be subsequently developed and delivered in 2009. This Phase III funding request is for a center coupler to provide full active 4x4 torque management to military vehicles.

Earmark Budget

Model hardware function and vehicle maneuvers—15%—$375,000.

Materials—modifications to transfer case and addition of differential—25%—$625,000.

Preliminary Bench test and vehicle functional tests—10%—$250,000.

Labor—Design/procure hardware, develop preliminary controls software—50%—$1,250,000.

Total—$2,500,000.

Total Phase III project cost: $3,500,000.

Federal funds: $2,500,000.

Eaton internal funds: $1,000,000.

Percent matching funds = $1,000,000/$3,500,000 x 100% = 29%.

EARMARK DECLARATION

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REHBERG. Madam Speaker, per House Republican earmark disclosure rules, I submit the following to be entered into the CONGRESSIONAL RECORD:

Requesting Member: Congressman DENNY REHBERG.

Bill Number: H.R. 5658.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Montana Army National Guard.

Address of Requesting Entity: 1900 Williams St., Fort Harrison, Montana 59636.

Description of Request: I received an earmark of $621,000 for the construction of the Miles City Readiness Center. This is the first year authorization of a multi-year construction project. Specifically, funding for this project includes:

Item	Cost (in $1,000s)
Primary Facility	10,134
Readiness Center	6,326
Flammable Materials Facility	20
Controlled Waste Facility	60
Unheated Metal Storage Bldg	551
Unheated Enclosure/Vehicle Storage	1,977
Circulation and Access	75
Support Facilities	1,872
Electric Service	125
Water, Sewer, Gas	200

Item	Cost (in $1,000s)
Steam/Chilled Water Distribution	10
Paving, Walks, Curbs, Gutters	568
Storm Drainage	50
Site Imp	836
Information Systems	54
Antiterrorism Measures	29
Est. Contract Cost	12,006
Contingency (5%)	600
Subtotal	12,606
Supervision, Inspection, Overhead (3%)	378
Design Contract Not Used	0
Contract Commission (1% Primary Fac)	101
Total Request	13,086

The existing Miles City Readiness Center was originally constructed for an Armored Cavalry Unit in 1957 and consists of 8,481 square feet of administrative, training, supply and arms vaults, locker rooms, classrooms and drill floor. The facility is a concrete masonry structure constructed on a single floor. As a result of Force Structure Transformation, the current unit occupying this facility is the 260th Engineer Company, for which the facility is improperly designed and grossly undersized.

This request is consistent with the intended and authorized purpose of the MILCON, Army National Guard account. Matching funds are not required as the Montana Army National Guard is a unit of the Government of the State of Montana.

HONORING DENNIS AND MEGAN DOYLE, FOUNDERS OF THE HOPE FOR THE CITY RELIEF ORGANIZATION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Dennis and Megan Doyle, founders of the Hope for the City relief organization, and recent recipients of an honorary Doctorate of Humanities from the University of St. Thomas in St. Paul, Minnesota.

Based in Edina, Minnesota, Dennis and Megan started Hope for the City in 2000 as a means to fight poverty, hunger, and disease by utilizing America's corporate surplus. Since its humble beginnings, Hope for the City has donated approximately $400 million in the wholesale value of goods, including products from top retailers, medical companies, and food distributors. Their impact not only touches those locally, but stretches across the Nation and around the world.

The Doyles' service and sacrifice to their fellow man exemplifies the finest of American character and provides inspiration to us all. Not only is their founding of Hope for the City a triumph in itself, but the tidal wave effect their efforts have had on increased charity and service throughout the Nation is also to be commended. Hope for the City has developed an extensive national network of partner agencies that provide services to those who need it the most in their local communities.

Madam Speaker, it is a privilege to honor the selfless service of Dennis and Megan Doyle to the most vulnerable among us. Their efforts will continue to inspire others locally and throughout the world to do their best to assist their fellow man.

CONGRATULATING THE ROCHESTER DRUG COURT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. SLAUGHTER. Madam Speaker, I rise today to congratulate the Rochester Drug Court for 14 years of service to the community and to drug courts around the country during National Drug Court Month. Over 2,100 drug courts in the United States provide an alternative to incarceration for non-violent, drug-addicted offenders by combining intense judicial supervision, comprehensive substance abuse and mental health treatment, random and frequent drug testing, incentives and sanctions, clinical case management and ancillary life skills services. The tireless efforts of the judges, prosecutors, defense attorneys, treatment providers, rehabilitation experts, child advocates, researchers, educators, law enforcement representatives, correctional representatives, pre-trial officers and probation officers that are involved in drug courts provide substance abuse offenders with the much-needed chance at long-term recovery and productive lifestyles.

I have seen firsthand the impact of drug courts in my state, where drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives.

The first drug court in New York State was founded in my congressional district in Rochester, New York in 1995 and I have been a supporter ever since. In 1997, I was honored to be one of the drug court's first graduation speakers.

To date, New York State has opened an additional 200 drug courts. Rochester alone has had over 1500 graduates from its court and over 100 babies have been born drug free.

As we face a growing population of drug-addicted offenders in the American justice system, we must expand our efforts to bring treatment to a larger number of those in need. According to a recent study by the Urban Research Institute's Justice Policy Center, approximately 1.5 million drug-involved offenders should be diverted to drug court, which would generate $46 billion in savings to American taxpayers. Armed with this study as well as our existing research that drug courts work, reduce recidivism, and save lives, we must work on taking drug courts to scale.

If society is truly going to save the lives of the addicted, break the familial cycle of addiction for future generations, have a substantial impact on associated crime, child abuse and neglect, reduce poverty, alleviate the over-reliance on incarceration for the addicted, and reduce many of the public health consequences in the United States, drug courts must be taken to scale. There is no greater opportunity for systemic social change in the American justice system. There is no greater opportunity to heal families and communities.

Again, congratulations to the dedicated drug court professionals and graduates in Rochester and across the country on a job well done.

IN HONOR OF GOPAL RAJU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Gopal Raju, a visionary who bridged the American and Indian communities through journalism and activism.

Mr. Raju arrived in America from India in 1950. He sought to connect the Indian-American community with India. Mr. Raju launched the news weekly, India Abroad in 1970. He served as publisher for 31 years. Mr. Raju's journalistic reach spread to other media endeavors including Desi Talk, Gujarat Times, and News India-Times.

Mr. Raju was active in philanthropic work for his home country. He started the Indian American Foundation to accelerate social and economic change in India. The foundation works to increase access to education, health care, and employment opportunities for Indians in India.

Throughout Mr. Raju's life he sought to empower the Indian-American community. He founded the Indian American Center for Political Awareness (IACPA) in 1993. Mr. Raju built this organization to encourage participation in the political process. The IACPA developed the Washington Leadership Program, which gave university students the opportunity to intern on Capitol Hill and develop a broader understanding of public policy.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Gopal Raju. His legacy will continue to enrich the lives of many.

IN RECOGNITION OF SACRAMENTO POLICE OFFICER DARIN MILLER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. MATSUI. Madam Speaker, I rise today in tribute to one of the Sacramento Police Department's finest and bravest officers. Sacramento Police Officer Darin Miller is being awarded the Silver Medal of Valor for his heroic actions during a robbery at a Rite Aid pharmacy in Sacramento. As his law enforcement colleagues, friends and family gather to honor Officer Miller's bravery, I ask all my colleagues in the U.S. House of Representatives to join me in recognizing this outstanding individual.

On Halloween evening last year, Officer Miller was dispatched to what was described as a robbery in progress at a local pharmacy. While enroute, Officer Miller was informed that the suspect had stabbed one store employee and taken another one hostage. As the first on the scene, he knew that he must take quick action to ensure the safety of all involved. What followed was a display of courage and heroism in the face of adversity.

Upon his arrival at the store, Officer Miller was confronted with a chaotic scene. Store personnel directed him to the pharmacy, where the robbery was unfolding. As he arrived in the pharmacy, Officer Miller saw a victim who was bleeding from his head. Knowing the severity of the situation, he quickly found the suspect who was holding a large knife to a woman's throat.

Having already seen a previous victim, Officer Miller knew that this woman's life was in imminent danger. He carefully maneuvered himself into the tight quarters of the pharmacy, within a few feet of the suspect. At this time, the suspect was using the woman as a shield, and did not respond when Officer Miller commanded that he drop the knife. Carefully waiting until the suspect moved his head slightly, which provided a clear sight, Officer Miller then fired a single round at the suspect who fell to the ground. He then provided immediate medical attention until medics arrived on the scene.

Officer Miller's sound judgment and quick actions helped bring an end to an extremely dangerous situation and likely saved the life of an innocent woman. As a 4-year veteran of the Sacramento Police Department, Officer Miller leveraged his previous experience and training to resolve the situation, and as a result of his actions lives were saved and further injuries averted.

Madam Speaker, I am honored to recognize Sacramento Police Officer Darin Miller who is most deserving of the Silver Medal of Valor Award. His swift actions embody the courage and bravery we entrust in our law enforcement. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in acknowledging the lifesaving efforts of Sacramento Police Officer Darin Miller.

CONGRATULATING GIRL SCOUTS OF VERNON AND ROCKVILLE, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, I rise today to congratulate the Girl Scouts of the towns of Vernon and Rockville, Connecticut. After years of hard work and dedication, young leaders from Troop 10141 and Troop 10735 have achieved the honor of the Bronze and Silver Girl Scout Awards. These young women have not only identified and investigated issues in their own communities, but they have taken the time to create, develop, and implement projects that address these areas of concern. These young women have selflessly given their time, knowledge and resources to their communities, and their work is truly deserving of this wonderful recognition.

These young women are truly the emerging community leaders of tomorrow. Andrea Notman, a Bronze Award recipient, orchestrated a winter clothing drive, while another recipient of the Bronze Award, Larissa Flynn, distributed paper grocery bags that were decorated in honor of Earth Day. Amy Eitelman and Jackie Ose, both Bronze Award recipients, collected recyclable materials and used the proceeds to purchase a willow tree to be planted in their community. Kathleen Hills, a Silver Award recipient, organized and ran a town wide Girl Scout fair while Emily Piro, another Silver Award recipient, helped to organize and manage a camping weekend for local Brownie Girl Scouts.

Jillian Eitelman, another Silver Award recipient, created the "Green Angel Fund" in memory of Diane Lloyd, a former troop leader. The fund offers support to leaders who wish to further their scouting knowledge. An additional Silver Award winner, Sarah Nolan, created a presentation about the history of Girl Scouting and delivered the presentation at several area meetings. Amiee Roberge, another Silver Award recipient, created care boxes of toiletries and toys and donated them to the residents at a local battered women and children's center. Alexandrea Banks, another Silver Award winner, helped to transform an old music room into a computer lab at the Saint Bernard School in Connecticut. Alexandrea also coordinated the creation of a preschool from a former house at this same school.

Cheyenne Sweeney, Shannon Lipe, Mary Leigh Enders, and Elizabeth Courtney, recipients of the Silver Award, researched, created, and distributed 1,200 brochures regarding breast cancer awareness. They also made and distributed 1,200 key rings with informational cards describing the sizes of tumors. Each of these diverse projects helped to address a specific need that these young women discovered within their own communities. These awards are a tribute to their hard work and perseverance, and I am honored to recognize them today.

The Girl Scouts and leaders of Troops 10141 and 10735 deserve the highest accolades for all of their enthusiasm and commitment to enriching the lives of those in their surrounding communities. Their display of social consciousness, personal conviction, and strong leadership is a tribute to the Girl Scout mission and the ideals that the organization encourages and promotes. It is a privilege to stand here today and applaud all of their hard work. I ask all my colleagues to join with me and the people of Connecticut in congratulating them for this honor.

RECOGNIZING MR. JOSEPH E. HICSWA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Mr. Joseph E. Hicswa. Mr. Hicswa is being recognized, with pride and gratitude, on Monday, on May 19, 2008, by the Passaic City Democratic Club for his exemplary work as a member of the Passaic City Democratic Club and County Committee.

It is only fitting that he be honored in this, the permanent record of the greatest freely erected body on earth, for he has a long history of untiring effort in support of bettering his community through the Club and Committee.

Joseph has always been a proud American, willing to do whatever was needed to defend and protect the freedoms and liberties that make this country so grand. He answered the call to serve our nation during World War II and did so nobly.

Joseph is a lifelong Democrat, who was introduced to the ideals of the party by his parents. As his mother and father taught him, the guiding principle of the Democratic Party is to help others who have less than you do, and to improve the quality of life for all Americans. He was drawn to support the party of his parents because of what it strove to accomplish.

It was Joseph's deep respect for the importance of civic involvement that led him to serve in an official capacity. When he went into the voting booth for the June 1988 primary election, he noticed that there was a blank space on the ballot. No one was running for the position of Male Democratic Committeeman in his district. He was disturbed by the fact that there was a job to be done for the party he believed in that was to go unfilled. He wrote his name in, won the election with that one vote, and has held the seat ever since, even winning against opponents in some of the races.

Once he became part of the Passaic Democratic Organization, as well as the Passaic City Democratic Club, his hard work and dedication led him to be appointed and elected to various leadership positions. He served a number of terms as the Sergeant-at-Arms. He has served as the Publicity Chairman and Program Coordinator since 1991. He served as Corresponding Secretary of the Club from 1997 to 2001, and as the Treasurer of the Passaic City Democratic Committee from 1992 to 1994. He has served as a member of the Board of Trustees of the Club since 2002.

Joseph is also an accomplished letter writer. He makes sure that his voice and the voices of Passaic's Democrats are heard. He writes regularly to local, state and federal officials throughout the area as well as newspapers. He also expands his communications outside the area, to world leaders like the Secretary General of the United Nations, Ambassadors, and foreign heads of state.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Joseph E. Hicswa.

Madam Speaker, I ask that you join our colleagues, everyone associated with the Passaic City Democratic Club, all those whose lives have been touched by his work and his friendship, and me in recognizing the outstanding and invaluable achievements of Mr. Joseph E. Hicswa.

HONORING JOHN B. CHEEK OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a soldier who fought bravely in one of the deadliest and decisive battles of the bulge. John B. Cheek, a resident of my district for the past twenty-six years and who lives in Homosassa, Florida, was born on August 7, 1923 in Olitic, Indiana. Following the entry of the United States in World War II, Mr. Cheek joined the military, where he served from 1943 to 1946 in the United States Army.

Mr. Cheek served as a technician 5th grade in the Battery B 556th Anti-Aircraft Artillery Automatic Weapons Battalion. It was in this position that he fought the axis powers as a lateral tracker on 40 caliber and 50 caliber machine guns in Rhineland and Central Europe. During his three-year tour of duty, Mr. Cheek earned several medals for his service, including the good conduct medal, the American Campaign Medal, the European African Eastern Campaign Medal, the WWII Victory Medal, the Honorable Service Lapel Pin, and the Honorable Discharge Button.

A current resident of Homosassa, in Citrus County, Florida, Mr. Cheek has been married to Helen F. Goodwin for sixty-two years. He and his wife have three loving daughters, Carol, Sandra and Sue, one son, Ron, eight grandchildren and seven great-grandchildren. Mr. Cheek has been a long-time member of the Disabled American Veterans and a proud member of the masons for many years, to this day remaining active in his community.

Madam speaker, members of the greatest generation and brave veterans like Mr. Cheek pass on from this life each and every day. Having fought the enemy in Belgium, France & Germany, it wasn't until recently that Mr. Cheek would discuss the war with his family and tell them how proud he was to have been a part of it. Like every soldier who has worn the uniform, Mr. Cheek feels honored to be an American that helped fight for all of our freedoms and defeat the Germans in World War II. Now is the time for Congress to honor his memory and recognize his accomplishments on the field of battle.

HONORING MAYOR ROSCOE WARREN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the work and accomplishments of a distinguished community leader, Roscoe Warren.

Mayor Roscoe Warren served the citizens of Homestead, Florida as a public servant for over 26 years. From 1981 to 1989 he served as Councilman, from 1989 to 2001 he served as Vice Mayor and from 2001 to 2007 he served as Mayor of the City of Homestead. Additionally, he served the City of Homestead through his leadership as the City's representative in many organizations including the Florida League of Cities, Miami-Dade County Office of Community and Economic Development and the South Florida Water Management District.

Mayor Warren played a key role in bringing the City of Homestead out of the ruins of Hurricane Andrew and helped make it what it is today: a thriving, growing community of over 57,000 residents. His fundamental vision was to maintain Homestead's unique identity and to remember those pioneers who paved the way as well as properly providing for future generations of Homestead residents.

I am very grateful for Roscoe Warren's contribution to our community and honored to call him my friend.

FRANK BUCKLES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Frank Buckles, the last remaining American veteran of World War I. Mr. Buckles was born on a farm near Bethany, Missouri in 1901. Mr. Buckles lied about his age to enlist after turning 16, and fought in France and Germany. Later, in World War II he became a prisoner of war for 39 months after the Japanese invaded the Philippines.

Mr. Buckles' life represents the last of a generation that fought for our country to protect the freedoms that this country was founded upon. It is his service, and the service of those that he fought with that we will always remember and pay tribute to. Mr. Buckles is planning to honor his Commanding General John J. Pershing by visiting his boyhood home on Memorial Day, May 26, 2008.

Madam Speaker, I proudly ask you to join me in recognizing Frank Buckles, a true patriot that represents all those who have served to protect this nation. It is truly an honor to serve Mr. Buckles in the United States Congress.

RECOGNIZING MR. JEROME L. SCHOSTAK

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize and congratulate Mr. Jerome L. Schostak for receiving the 2008 Lifetime Achievement Award from the Detroit District Council of the Urban Land Institute.

In 1954, Mr. Schostak joined the commercial and industrial real estate development, management, and brokerage firm, Schostak Brothers & Co., which was founded by his father Louis in 1920. Jerome Schostak's leadership, ingenuity, and vision transformed the company from a brokerage firm into the national property management and development company that it is today.

Now, as Chairman and Chief Executive Officer of Schostak Brothers & Co., Mr. Schostak is continuing the traditions and practices that have made him so successful. Still a family business, as three of his sons are now part of the firm, Schostak Brothers still follows the core values of serving both client and community. This is evident in their many philanthropic efforts, including the Juvenile Diabetes Research Foundation, the Detroit Institute of Arts, and Gleaners Community Food Bank of Southeastern Michigan.

The Urban Land Institute was founded in 1936, as a nonprofit research and education organization with the mission of providing responsible leadership in the use of land and in creating and sustaining thriving communities worldwide. The Detroit District Council was founded in 1997, and has regularly sponsored programs and forums to encourage an open exchange of ideas and experiences within the development community in Michigan. For the past four years the District Council has awarded the Lifetime Achievement Award to individuals for their work in real estate, commitment to the community, and demonstration of civic, charitable, and philanthropic endeavors.

Madam Speaker, for more that fifty years, Mr. Schostak has been a shining example of excellence in both the national real estate and local community. I commend him for his achievements and wish him continued success.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 20, 2008, due to ground crew delays at Reagan National Airport and subsequent delays getting to the terminal, I was unable to cast my vote on H.R. 6081 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 331 on suspending the rules and passing H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, I would have voted "aye."

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Congressman BILL SHUSTER (PA–9).

Bill Number: H.R. 5658.

Project Name: Army Reserve Center, Letterkenny Army Depot.

Account: MILCON, ARMY RESERVE.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide an authorization of $17.9 million for Army Reserve Center, Letterkenny Army Depot.

It is my understanding that funding for this project would consolidate three area Army Reserve facilities at the Letterkenny Army Depot (LEAD) in Franklin County, Pennsylvania. The project will provide a 300 member training facility with administrative areas, classrooms, assembly hall, arms vault, kitchen, equipment storage areas, physical training rooms, and maintenance facilities. LEAD has set aside 7.5 acres of secure federal land for construction of the Reserve Center. The Center will be constructed behind the Letterkenny fence and adjacent to 600 aces of federal land which are used for Reserve training. This facility will also meet all projected force protection and antiterrorism standards. This project is in including the President's FY 2009 budget and the US Army Reserve Fiscal Year 2009 FYDP.

Project Name: Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

Account: MILCON, ARMY.

Legal Name of Requesting Entity: Letterkenny Army Depot

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania

Description of Request/Justification of Federal Funding:

Provide an authorization of $7.5 million for Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

It is my understanding that funding for this project would modify igloo doors and provide concrete ramps to significantly increase productivity and enhance Letterkenny Army Depot's (LEAD) ability to rapidly and safely support mission requirements. Letterkenny is a major receiving, storage, maintenance, and shipping site for both tactical missiles and conventional ammunition. These munitions are stored in 902 igloos constructed in the 1940s to store low technology ammunition that could be carried by hand. 706 of these igloos have 4 foot wide single doors ad a two step differential between the pavement and igloo floor. Funding for this project will modify approximately 100 igloos to 10 foot doors and provide concrete ramps direct from the pavement to the igloo. This project is in the US Army Fiscal Year 2011 FYDP. Letterkenny's munitions storage mission continues to grow and its need for upgraded igloos to meet this mission requirement is more immediate than programmed.

Project Name: Expeditionary Persistent Power.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, DEFENSEWIDE.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding:

Provide an authorization of $3 million for Expeditionary Persistent Power.

It is my understanding that funding will be used for research, development, testing, and evaluation. This program builds on the recent success and advancements in ground based power and alternative propulsion systems for USSOCOM as well as advancements in the ultra thin film solar and small wind driven regeneration systems. The power/propulsion system will use latest-generation, commercially available Li-ion polymer batteries storing power from wind, solar, and regeneration techniques.

USSOCOM has a continuing requirement for Expeditionary Power and Clandestine Propulsion Systems for ground, marine, and UV's for all operations environments and tactical scenarios.

It is also my understanding that approximately 55 percent of funding would be used for labor costs, approximately 40 percent of funding would be used for materials, and approximately 5 percent of funding would be used for travel and other costs.

Project Name: Fire Support Technology Improvement Program.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Suite 300, Bedford, PA 15522.

Description of Request: Justification of Federal Funding:

Provide an authorization of $1.5 million for Fire Support Technology Improvement Program.

It is my understanding that funding for this project would be used for research, development, testing, and evaluation to leverage and develop advanced artillery battle management technologies and to integrate these advanced technologies into the Army fire support modernization initiatives.

This program will help in Battlefield Damage Assessment (BDA) for target re-fire, to include target of opportunity avoidance due to weighted benefits of a current intel information resource that is supplying crucial tactical intel information. This effort will also decrease the time from target identification to firing. The program will also provide Theater Commanders with the intelligence to determine if a fire mission may affect critical infrastructures or resources (water and oil pipelines, power lines or support facilities) that are critical to the civilian population.

It is also my understanding that approximately 80 percent of funding would be used for staff, approximately 17 percent of funding would be use to design and implement a test facility, and approximately 3 percent of funding would be used for travel and other costs.

Project Name: Maritime C4ISR System.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding:

Provide an authorization of $1 million for Maritime C4ISR System.

It is my understanding that funding would be used for research, development, testing, and evaluation. This project would be used to support C4ISR situations awareness for maritime protection activities. The Maritime C4ISR System is a comprehensive suite of sensor devices together with IP based network communications to support C4ISR situational awareness for maritime protection activities.

The system was conceived for port and coastal security missions requiring enhanced situational awareness, integrating and fusing existing sensors via IP. The Maritime C4ISR system allows the user to manage several complex and diverse tasks simultaneously through remote access, automation, information management, and the development or enhancement of decision aides to simplify decision-making and support defensive action by joint forces.

It is also my understanding that approximately 50 percent of funding would be used for labor, approximately 42 percent of funding would be used for material, and approximately 8 percent of funding would be used for travel and other costs.

Project Name: Strengthening LEAD Environmental, Energy, and Transportation Management.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Mountain Research LLC.

Address of Requesting Entity: 825 25th Street, Altoona, PA 16601.

Description of Request/Justification of Federal Funding:

Provide an authorization of $500,000 for Strengthening LEAD Environmental, Energy, and Transportation Management.

It is my understanding that funding for this project would be focused on technology transfer and implementation to reduce the impact of legacy use of toxic chemicals, investigate alternative fuel use for non-tactical fleet vehicles, reduce energy intensity, implement alternative renewable energy technologies, support the design and construction of sustainable buildings, and improve Environmental Management Systems at the Letterkenny Army Depot in Franklin County, Pennsylvania.

The President signed E.O. 13423 on January 24, 2007, requiring Federal agencies to "conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner." Letterkenny Army Depot's unique mission, including manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainability targets. Letterkenny Army Depot's leadership in technology implementation will not only benefit Letterkenny, but will also facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the DoD.

It is also my understanding that approximately 57 percent of funding would be used for labor, approximately 40 percent of funding would be used for material, and approximately 3 percent of funding would be used for travel and other costs.

THE DAILY 45: A MEASURE OF JUSTICE FOR A GRIEVING INDIANAPOLIS FAMILY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States and, sometimes, no matter how long it takes, some families do manage to gain a measure of justice.

Last week, on May 13, in Indianapolis, Indiana, the grieving family of 16-year-old murder victim Ryan Sampson breathed a small sigh of relief after determined police work led to the indictment of two suspected shooters, Samuel Fancher and Jerry Emerson. After nine months, since the July, 2007 gunshot to Ryan's head and torso in an abandoned building a few blocks from his home, his mother and grieving siblings are thankful for a measure of justice. Despite the survival of Ryan's friend, Leroy Moorman, who was also shot in the same incident, reluctant witnesses hampered the investigation.

In this case, unlike other unresolved murders that have afflicted Ryan's family, a brave informant finally came forward with credible evidence.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting for the RECORD the following project that has been authorized in H.R. 5658—the National Defense Authorization Act for fiscal year 2009.

Requesting Member: Congressman JERRY LEWIS.

Bill Number: H.R. 5658.

Account: Military Construction—Navy.

Legal Name of Requesting Entity: Marine Corps Base Twentynine Palms.

Address of Requesting Entity: 73549 29 Palms Hwy., Twentynine Palms, CA 92277.

Description of Request: Phase I of the Life Long Learning Center, LLLC, project at the Marine Corps Base Twentynine Palms provides a facility to help Marines and their families fulfill their educational goals. The project will replace older, undersized facilities with a 17,000-square-foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure. When completed, the LLLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The Marine Corps supports this project as it would dramatically improve the quality of life for our soldiers.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HASTINGS of Washington. Madam Speaker, I believe funding to clean up the Hanford site in Washington State, and the Department of Energy's other Environmental Management sites across the country, is a fundamental federal obligation, not an earmark as it is labeled in this bill. However, because it has been so labeled in the Committee report, I voluntarily submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure as possible on congressionally directed funding and earmarks. The $10 million programmatic increase provided for in the bill will be used for the Department of Energy's Environmental Management program at the Hanford Site in Fiscal Year 2009. The entity to receive the funding is the U.S. Department of Energy located at 1000 Independence Avenue, S.W., Washington, D.C. 20585. The Federal Government has a legal and moral obligation to clean up the massive wastes and contamination it created at Hanford during the Manhattan Project, World War II and the Cold War. Funding to clean up Hanford is not a luxury sought by myself or my constituents, it is an essential responsibility of the United States government. The over 500-square-mile Hanford site is the world's largest and most complex environmental cleanup project, and the Federal Government must keep its commitment to clean it up. No matching funds are required.

EARMARK DECLARATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following for the RECORD:

Name of Earmark and Amount: Cold Weather Layering System (CWLS)—$4.0 million.

Bill Number: H.R. 5658.

Account Information: Navy, O&M, MARINE CORPS, PE BA01–1106N, Line 010.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Earmark Description: The CWLS is part of the Marine Corps' Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold weather environments. It is the intent of the Commandant of the Marine Corps to provide warfighters with a "capability set" of clothing to facilitate expeditionary operations in mountainous and cold weather environments. The goal is for the CWLS to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in those conditions.

Earmark Budget: Cost of Garments Per System (for Peckham/Polartec layer of system ONLY)—$137.07; Test and build approximately 29,000 total systems—$4,000,000; Garment Production—$2,000,000; Materials—$1,600,000; Quality Control/Fielding—$400,000; Total—$4,000,000.

The Cold Weather Layering System includes: 1 Polartec Windpro MARPAT Jacket; 1 Polartec Stretch Windpro Hat; 1 Set of Polartec PowerDry Silkweight underwear top and pants; 1 Set of Polartec PowerDry Grid long underwear top and pants.

BILL CASTOR: BROUGHT THE WORLD TO HIS CLASSROOM

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BUYER. Madam Speaker, as Americans we begin our careers with lofty goals; the sky is the limit because in America it is "okay" to dream big. And when we retire, and as we look back over our lives can we say that we made a difference and left the world a better place? I can assure you Bill Castor can say that without hesitation.

After 39 years of teaching in public education, Bill Castor has been an inspiration to his profession, the community, and most importantly, his students.

Bill graduated from Lapel High School in May 1964, and in 1969 he graduated from Ball State University where he received a Bachelors of Science degree in Social Studies, Sociology, American History, and Psychology. In 1973, he received his Masters degree in Social Studies Education from Purdue University.

As a young teacher in the 1970s at West Central High School, Bill taught my wife—then Joni Geyer. Joni always speaks fondly at the mention of his name.

Throughout his teaching career, Bill has taught both high school and middle school. His teaching assignments have included psychology, sociology, geography, government, and American history.

In his teaching career, Bill brought the world into his classroom. He knew how to bring history to life. Stepping into Bill's classroom was like stepping into the past as he incorporated his love for antiques in his lessons. Whether looking at an 1840s cabinet or a showcase of his antiques, history was not just read from a book in his classroom, but tangible items that students could see and touch.

Bill's sense of humor makes it easy to understand how he made such an impact on his students. Whether lecturing, involving students in a class project or discussion, or telling stories about the people and events in our country's history, his sense of humor was deeply woven throughout the classes that he taught, keeping participation and interest high for his students.

Bill's love for the liberties which make this Nation great are reflected in his efforts to honor the sacrifices made by our men and women in uniform. In that regard Bill organized Veteran's Day celebrations to make sure his students did not forget the people who spend their lives protecting our freedom. I have enjoyed participating in several of these activities honoring America over the years including the annual 8th grade trip to Washington, D.C. Bill would do along with his fellow teacher, Jody Healy.

The staff and students Roosevelt Middle School will miss Bill Castor. The teaching profession will miss him. He has left behind a fine legacy. His pleasant and positive outlook on life has been a refreshing and motivating influence on the students and faculty of Roosevelt Middle School.

Teachers often say that the biggest reward that they get from their profession is when they "connect" with students. Bill Castor connected with his students on a daily basis. He set the bar high as he brought the world to his classroom and challenged his students every day. In short, he made a difference in so many students' lives.

Mr. Castor, you should be proud of your contributions to your students, your fellow teachers and your community. Thank you for being a part of the Roosevelt Middle School faculty.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. UPTON. Madam Speaker, I submit the following:

Requesting Member: Congressman FRED UPTON.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Eaton Corporation.

Address of Requesting Entity: 19218 B Drive South, Marshall, MI 49068.

Description of Request: This request is to provide funding for the final phase of an ongoing three phase program between Eaton and the U.S. Army. Eaton Corporation, which produces truck components in Galesburg, Michigan, has successfully worked with the Army over the past several years to develop specialized torque-modifying differentials for the HUMVEE to improve the vehicle safety. Phase I and II of the project was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HUMVEES. These programs have proven very successful in quantitatively demonstrating improved vehicle safety by increasing mobility and stability on rough terrain and drastically reducing vehicle rollovers. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened systems will be subsequently designed.

The third and final phase of the program is to develop a front-to-rear transfer case to modulate the driving torque between the front and rear axles. In conjunction with the side-to-side system developed in Phases I and II, this will provide the soldier with the ultimate system for HUMVEE stability and mobility through complete 4x4 active torque management.

Financial Breakdown:

Funding Source Breakdown: Total Phase III project cost: $3,500,000; Federal funds: $2,500,000; Eaton internal funds: $1,000,000; Percent matching funds = $1,000,000 ÷ $3,500,000 100 percent = 29 percent.

Allocation of Funds: 15 percent—$375,000—Model hardware function and vehicle maneuvers; 25 percent—$625,000—Materials—modifications to transfer case and addition of differential; 10 percent—$250,000—Preliminary Bench test and vehicle functional tests; 50 percent—$1,250,000—Labor—Design/procure hardware, develop preliminary controls software.

Justification for the use of taxpayer dollars: This program addresses a key military need for tactical wheeled vehicle stability and mobility. The technology will greatly improve soldier safety and survivability and mission effectiveness. Eaton Automotive is a commercial company serving non-military customers. Taxpayer dollars are requested for this program to adapt Eaton commercial technology to military vehicles.

HONORING THE MEMORY OF BARRY H. GOTTEHRER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the memory of a great leader, a great man, and a truly great American, Barry H. Gottehrer.

A Bronx native, Barry graduated from the Horace Mann School, Brown University, and the Columbia University Graduate School of Journalism.

A well-known journalist, Barry worked as an author, sportswriter, and editor at various magazines, including Newsweek. In the mid-1960s, noted reporter Dick Schaap recruited Barry to lead a team of reporters at the New York Herald-Tribune in an examination of the rising crime and racial tensions that were plaguing New York City. The award-winning series, "City in Crisis," was credited with helping to elect John V. Lindsay mayor of New York in 1965.

Barry went on to join the Lindsay administration as a mayoral assistant, and he soon organized the Urban Action Task Forces, described in his New York Times obituary as "neighborhood-based groups created to anticipate local grievances and to quell unrest."

In a memoir, "The Mayor's Man," Barry described himself as "a white in a world of black and brown, a moderate in a world of revolutionaries, trying to bring change where change seemed needed most, trying to buy time until the change would come."

While serving in Mayor Lindsay's office, Barry created the precursor of the office to promote television and film production in New York. He also instituted a summer jobs program for young people.

Following his tenure in the administration, Barry joined Madison Square Garden as a senior executive before joining MassMutual, where he served as senior vice president of government relations for many years. In 1996, Barry left MassMutual to work as an independent Washington-based consultant.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant, community leader, a friend to many, as well as a wonderful husband and father. Barry Gottehrer will be dearly missed by his family—his wife, Patricia Anne Gottehrer; his children, Kevin Gottehrer, Andrea Kling and Gregg Salem; and his two grandchildren—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HAYES. Madam Speaker, I wish to submit the following earmark:

Requesting Member: Congressman ROBIN HAYES

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Military Construction, Additional Defense Access Roads funding for Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road)

Legal Name of Requesting Entity: BRAC Regional Task Force, Inc. Fort Bragg, NC.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request increases the Department of Defense funding authorization from the President's FY09 Budget level of $13.24 million by an additional authorization for $8.56 million. The increase is due to revisions to the original project necessitated by BRAC and other mission growth at Fort Bragg. This is a high priority security project to close Bragg Boulevard to public traffic through Fort Bragg. This action is necessary to ensure the safety of the new FORSCOM HQ which is being built in close proximity to Bragg Boulevard. The project will widen Murchison Road to flow traffic around Fort Bragg and includes two new interchanges to access control points at Fort Bragg. The project is currently being planned and designed by North Carolina Department of Transportation (NCDOT) in two phases. This increase is needed for Phase I which will widen NC 210 (Murchison Road) to six lanes beginning at the new I295 Fayetteville Outer Loop interchange and continue north to include a new interchange at Honeycutt Rd. The new interchange, rather than an at-grade crossing is the reason for the additional funds. NC DOT is providing additional funding for this.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDTE.

Legal Name of Requesting Entity: Partnership for Defense Innovation.

Address of Requesting Entity: 455 Ramsey Street, Fayetteville NC 28301.

Description of Request: The Partnership for Defense Innovation received an authorization for $3 million for an expansion of the PDI Special Operations Forces Wireless Testbed by establishing a testing and evaluation assessment center. This added capability will provide rapid testing and assessment, modeling and simulation, software verification, validation and accreditation, strategic analysis and consulting, and provides built out laboratories and equipment bays designed for technical testing and assessment.Capabilities will include an indoor high-bay for vehicle modification and testing, a radio frequency testing chamber for evaluation of communications equipment, and environmental testing chambers designed to test and assess the temperature and humidity impact on equipment. USSOCOM requires testing and assessment of emerging technologies in net-centric operations. USSOCOM is facing a convergence of factors constraining military bandwidth. The reliance on the vast amount and types of data that the net-centric warrior requires for computing, communication, command & control, intelligence and surveillance is challenging. These different types of data are collected from a plethora of different sources and sensor types, which rely on different data transfer protocols that can affect the size of the files and thus bandwidth demands. The Lab will continue to problem-solve these issues while providing a proximate test bed for just-in-time new product tests and evaluations on WiFi battlefield solutions.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Defense-Wide, RDT&E, R=1 Line Number: 23; PE #: 1160401BB.

Legal Name of Requesting Entity: DropMaster, Inc.

Address of Requesting Entity: 3600 Abernathy Drive, Fayetteville, NC 28311.

Description of Request: Provide a $3.5 million defense authorization to produce a stealthy and expendable small payload system of aerial re-supply providing Special Operations Forces with immediate on-call logistical airdrop leveraging existing technologies to produce a scalable family of CopterBox units with precision guidance. Special Operations Forces have successfully used hundreds of unguided CopterBox units in Afghanistan and seek to replace depleted inventory. FY09 funding will supply current needs and produce a guidance system and a scalable family of precision-guided expendable airdrop delivery vehicles (EADS). Using FY08 USSOCOM appropriations, the U.S. Army Soldier Systems Center is preparing to undertake initial certification drop-testing of CopterBox. Full FY09 funding will develop guidable variants and result in a self-sufficient program as certified EADS units are purchased in the ordinary procurement process.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Operations & Maintenance, Marine Corps, Operating Forces.

Legal Name of Requesting Entity: Longworth Industries.

Address of Requesting Entity: 480 E. Main Street, Candor, NC 27229.

Description of Request: Provide an authorization of $5,000,000 for Acclimate Flame Resistant High Performance Base Layers. Acclimate flame resistant high performance base layers are designed to provide an increased degree of protection against potential exposure to heat and flame of a short duration. In a flash fire situation, Acclimate flame resistant base layers are thermostatic meaning they will remain physically intact when exposed to a short duration heat source. They will not break open, thus helping to minimize burn injuries as well as eliminating the intensified burns caused by the melting or dripping of other synthetic materials. The Marine Corps has a $27.0 million "Unfunded Requirement" to provide, "modernized clothing and equipment that is more effective, lighter and more durable to support the warfighter in austere environments that have been identified in the Global War on Terrorism." The Clothing and Flame Resistant Organizational Gear (FROG) program (including the Fire Resistant Desert Combat Jacket) has been funded to meet the Marine Corps' flame resistant apparel requirements with products like the Acclimate Flame Resistant High Performance Base Layers. The $44.9 million in total authorization provided by the Committee for the FROG program will be used to meet an ongoing requirement to procure sets of flame resistant crews and pants for deploying and training Marines, providing them with an added capability to meet their difficult missions. Longworth Industries will be eligible to compete for contracts within the $44.9 million allocation.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Air Force RDT&E, PE 0603112F.

Legal Name of Requesting Entity: Metals Affordability Initiative (MAI) Consortium.

Address of Requesting Entity: MAI Program Management Office Mail Stop 114–45, 400 Main Street, E. Hartford CT 06108.

Description of Request: Provide an authorization for $14 million above the FY09 President's Budget Request for the Metals Affordability Initiative (MAI), an Air Force research program, whose mission is to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems. This sector includes the entire domestic specialty aerospace metals industrial manufacturing base, representing all elements of the supply chain, which produce aluminum, beryllium, nickel-base superalloys, and titanium. MAI programs have accomplished 47 current or planned technology insertions into military systems. Many MAI programs impact sustainability of the AF fleet which consists of over 6000 aircraft at an average age of over 25 years. The technology developed is pervasive and applicable to other military systems. New programs will be directed at sustainment/life extension, fuel savings/energy management, "green" (environmental impact) and access to space. ATI Allvac of Monroe, North Carolina is a specialty metals member of the MAI Consortium.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Navy, O & M.

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: 2300 Wilson Blvd. North, Arlington, VA 22201.

Description of Request: Provide an authorization of $300,000 for the U.S. Naval Sea Cadet Corps., that when added to the $1,700,000 in the FY 2009 budget request will fund the program at the full FY09 $2,000,000 requirement. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $85/week as Sea Cadets are responsible for all program expenses. Military accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10% of USNA Midshipmen are ex-Cadets. Cadets will pay $170 each for a two week training which is over 20% of the project cost. One of the units in this nationwide program is in Charlotte, North Carolina.

REMEMBERING THE PUBLIC SERVICE AND LIFE OF JUDGE LARRY T. CRAIG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise along with Congressman LOUIE GOHMERT to honor today a distinguished County Judge and great American, Judge Larry T. Craig, of Tyler, TX, who recently passed away at the age of 71 on April 12th.

Judge Craig was born in Fort Sumner, New Mexico, on July 20, 1936. After moving to Tyler in the summer of 1949, he attended Tyler public schools, graduating from Tyler High School and Tyler Junior College. Having served his country in the United States Naval Reserve, he was honorably discharged in 1963 and attended The University of Texas and the University of Houston, where he earned his bachelor of science in Pharmacy. For the next 25 years Judge Craig worked in retail pharmacy, with 10 of those years as the owner and operator of Craig Pharmacy. In March of 1972, Judge Craig married Barbara Jean Copeland, with whom he raised a family of five children.

Judge Craig continued his education and graduated from the Reserve Law Enforcement Academy at Tyler Junior College and the Police Academy at Kilgore College, where he was licensed by the Texas Commission on Law Enforcement Education and Standards.

He was elected County Judge of Smith County in 1986, and was re-elected in 1990, 1994, and 1998. With four terms of service as Smith County Judge, he became the longest serving judge to hold that position.

It was an on-the-job learning process, and he admitted that lacking a law degree made judicial aspects of the job initially difficult. But he studied hard, read late into the evenings, and did his job well. Judge Craig consistently received high marks for his work on the bench in local bar polls, and of the three decisions he rendered that were appealed, all were eventually upheld by higher courts.

Judge Craig also served on several statewide boards, associations, and commissions, including the Texas Commission on Jail Standards. Then Texas Governor George W. Bush appointed Craig and designated him chairman in 1995, where he would become the longest serving Chair of the agency after holding the post for five years.

Judge Craig will be remembered as a man of service and a gentleman, but above all, his memory will be honored by the commitment he made to "keep God and your family first and foremost." It has been said that Judge Craig "was the kind of man that made God proud," and we would concur.

Madam Speaker, we ask our colleagues to join us in paying tribute to a gentleman, an outstanding public servant, and a great American—Judge Larry Craig.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LATHAM. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman TOM LATHAM.

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa, 50131.

Description of Request: Authorizes appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

Item	U/M	Quantity	Unit cost	Cost ($000)
Vehicle Maintenance/Comm Training Facility	SF	32,369		4,171
Vehicle Maintenance Area	SF	7,000	210	(1,470)
Age Addition to Comm Area	SF	2,600	186	(484)
Upgrade Communications Area	SF	22,769	91	(2,072)
Anti-Terrorism/Force Protection Measures	SF	32,369	2	(65)
LEED Certification	LS			(50)
Supporting Facilities				864
Pavements	LS			(115)
Utilities	LS			(150)
Site Improvements/Parking	LS			(100)
Communications Support	LS			(100)
Pre-Wired Work Stations	LS			(130)
Temporary Trailers	LS			(220)
Demolition/Asbestos Removal	SF	3,270	15	(49)
Subtotal				5,035
Contingency (5%)				252
Total Contract Cost				5,287
Supervision, Inspection and Overhead (6%)				317
Total Request				5,604
Total Request (Rounded)				5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons.

11. REQUIREMENT: 32,369 SF ADEQUATE: 0 SF SUBSTANDARD: 22,769 SF.

PROJECT: Vehicle Maintenance and Communications Training Facility (Current Mission).

REQUIREMENT: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

CURRENT SITUATION: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set-up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

IMPACT IF NOT PROVIDED: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

ADDITIONAL: This project meets the criteria/scope specified in Air National Guard Handbook 32-1084, "Facility Requirements" and is in compliance with the base master plan. These facilities are "inhabited" buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternatives options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

VEHICLE MAINTENANCE AREA—7,000 SF = 650 SM.

AGE ADDITION TO COMM AREA—2,600 SF = 242 SM.

UPGRADE COMMUNICATIONS AREA—22,769 SF = 2,115 SM.

DEMOLITION/ASBESTOS REMOVAL—3,270 SF = 304 SM.

A TRIBUTE TO COLONEL KENNETH FLOWERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to the career of Colonel Kenneth Flowers from Red Springs, North Carolina. With 26 years of active commissioned service, Colonel Flowers has served our country in a variety of diverse assignments. Now, as he prepares for retirement, I ask that you join me in recognizing his long and honorable career of service.

Colonel Flowers' assignments have been extensive. He has served as Director of Open Systems Joint Task Force, an Army Staff Officer, Commander, Signal Officer, Platoon Leader, and Battalion Staff Officer, to name only a few. Colonel Flowers' awards and decorations include the Defense Superior Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, Army Achievement Medal with 2 Oak Leaf Clusters, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Kuwait Liberation Medal, Global War on Terrorism Medal, Armed Forces Service Medal, the Office of the Secretary of Defense Staff Badge, the Army Staff Badge, the Joint Meritorious Unit Award, and the Army Superior Unit Award. His hard work has benefitted his community and nation, and for that reason I stand today to express my deepest appreciation.

Colonel Flowers currently resides in Manassas, Virginia, and has been blessed with a wife and two children. He will be retiring from his current assignment to the Office of the Assistant Secretary of Defense for Networks and Information Integration. I wish the very best for Colonel Flowers in his future endeavors, and I ask that you join me today in recognition of his impressive career of courageous duty and enduring public service.

CELEBRATING LIVESTRONG

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, on May 13, 2008, communities in Connecticut and around our Nation collectively clad in yellow, celebrated LiveSTRONG Day. LiveSTRONG Day is a day of national reflection, where cancer survivors and disease awareness are recognized in an effort to raise funds to support cancer research and education.

Over a decade ago, one of the world's greatest athletes, Lance Armstrong, was diagnosed with testicular cancer. Although his prognosis was grim, he overcame seemingly insurmountable obstacles to become a cancer survivor. With his disease in remission, he founded the LiveSTRONG Foundation, which has since connected communities around the Nation with the collective goal of promoting cancer research and education. The LiveSTRONG Day codifies the priorities of the foundation through national grassroots efforts.

In eastern Connecticut, LiveSTRONG Day was celebrated in a number of forms, from yellow fashions to a pickup game of hockey. Several years ago, my good friend and cancer survivor Nancy Brouillet gave me a LiveSTRONG wristband, which I am proud to wear and show my support for these efforts and broader efforts around the Nation. Through these simple acts, the eastern Connecticut community offered support to the cancer survivors in our community as well as raised awareness of the disease in our region.

Madam Speaker, cancer remains one of the widest sweeping diseases in the U.S. and around the world. Although much has been accomplished with disease research and treatment, our Nation must continue to invest and support comprehensive efforts to find a cure for the millions that continue to suffer from this disease. The LiveSTRONG Foundation and the priorities of the annual LiveSTRONG Day have served and will continue to serve an invaluable role with achieving these necessary objectives and I ask my colleagues to join with me and my constituents in recognizing these contributions.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 5658.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Air Force, Military Construction, Air National Guard.

Legal Name of Requesting Entity: 177th Fighter Wing.

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234.

Description of Request: Provide an earmark of $8.5 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The Facility will house key wing administrative functions to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Army—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: (1) Drexel University; (2) Waterfront Technology Center.

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide an earmark of $7.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Air Force—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: Accenture.

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103.

Description of Request: Provide an earmark of $7.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DoD programs.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Army—Other Procurement.

Legal Name of Requesting Entity: L–3 Communications Corp.—East.

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.

Description of Request: Provide an earmark of $6.0 million for Battlefield Anti-Intrusion System (BAIS). BAIS is the U.S. Army's type standard tactical Unattended Ground Sensor (UGS) system for physical security/force protection. The system uses Seismic/Acoustic Sensors (SAS) to detect and classify potential threats for forward intelligence collection or perimeter self-protection. To date, 773 systems plus spares have been fielded representing less than 10% of the Army's Acquisition Objective, yet approved fielding requirements for small unit protection and perimeter security exceed 8,933 systems. This $6.0 million will provide 270 additional BAIS units to the Army.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Navy—Research, Development, Test, and Evaluation.

Legal Name of Requesting Entity: McGee Industries.

Address of Requesting Entity: 9 Crozenville Road, Aston, PA 19014–0425.

Description of Request: Provide an earmark of $3.0 million for Improved Corrosion Protection for the ElectroMagnetic Aircraft Launch System (EMALS) for the CVN–21 class of carriers. The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion or fracture data exists for the new EMALS configuration and the materials which will be used to construct it, in a catapult-like environment. This funding will continue the program from FY08 to develop design-specific corrosion data under simulated catapult conditions needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02).

Bill Number: H.R. 5658.

Account: Navy—Operations and Maintenance.

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: 2300 Wilson Blvd. North Suite 200, Arlington, VA 22201.

Description of Request: Provide an earmark of $300,000 for the Naval Sea Cadet Corps Operational Funding. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $85/week. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S where these Services have little presence. Accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10 percent of Naval Academy Midshipmen are ex-Cadets.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds authorized in response to my requests submitted to the House Armed Services Committee will be allocated. In making those requests, I submitted a financial certification letter to Chairman SKELTON which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge these requests (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that should any of the requests I have submitted be included in the bill, I will place a statement in the CONGRESSIONAL RECORD describing how the funds in each of the included requests will be spent and justifying the use of federal taxpayer funds.

In order to fully comply with these standards, Madam Speaker, I hereby submit a description of how the funds authorized in the National Defense Authorization Act for Fiscal Year 2009 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E.

Legal Name of Requesting Entity: THY Enterprises, Inc.

Address of Requesting Entity: 440 Hillabee St., Alexander City, AL 35010 USA.

Description of Request: Provide an earmark of $2,000,000 to continue research and development of the Next Generation of Tactical Environmental Clothing (NGTEC) being conducted with the AFSOC. Approximately, $1,000,000 is for research and development of a lighter, quieter, waterproof material; $400,000 for engineering and manufacturing; $75,000 for laboratory analysis; $25,000 for field assessment; and $500,000 for risk and plan management. Special Operations Command (AFSOC) Special Tactics Teams and Combat Controllers operate in environments where the extreme effects of physical exertion over difficult terrain result in hypothermia and other related conditions that degrade mission effectiveness. Current clothing articles provided to our combat airmen do not offer the best protection or prevention of these debilitating conditions. Recent developments in fibers research indicates that better materials can be made available for use in under and outer garments to greatly reduce the effects of moisture on the body. These capabilities, which now include a thermally efficient wicking concept, combined with water-proof and tear resistant fibers should produce a garment with superior protective characteristics. This technology is at hand, and THY's early prototypes have been field tested and found to resolve several of the shortcomings highlighted by troops from cold weather training exercises in Montana, and from the current combat theaters of operation.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Auburn University.

Address of Requesting Entity: 202 Samford Hall, Auburn, AL 36849 USA.

Description of Request: Earmark additional funds $1,000,000 to PE 0203735A of the DoD Combat Vehicle Improvement Program for Auburn University in FY 2009. The DoD Combat Vehicle program provided funds of $1,000,000 to Auburn University in FY 2008 to initiate the project. All of the $1,000,000 requested will be used by Auburn University to research and develop sensors for the detection of oil breakdown in the Abrams tank and associated military vehicles. Since this is an ITAR DoD restricted project, no corporate or other non-federal funding is anticipated for this project. Total projected cost of the project is $6,000,000. This research project benefits the public and non-profit segments of our economy (citizens and government). Implementation of condition based maintenance on military vehicles will improve vehicle readiness, reduce personnel injury, increase battlefield efficiency and result in a reduction of maintenance costs. No congressionally appropriated funding has been received by this project to date.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: GKN Westland Aerospace.

Address of Requesting Entity: 3951 Alabama Highway 229, Tallassee, Alabama 36078.

Description of Request: Provide an earmark of $2,000,000 for the development of a composite floor sub-structure to be demonstrated on the Black Hawk helicopter. Approximately $75,000 is for program management, $50,000 is for engineering planning, $200,000 is for tooling, $200,000 for design engineering, $75,000 is for material purchase, $500,000 is for generation of material mechanical property testing for use in design/analysis of the test structure, $400,000 is for process development through part manufacture, $500,000 is for structure testing.

Current and new helicopter designs are experiencing weight increases through the addition new electronic systems that enhance the performance and effectiveness of the aircraft. Recent DoD requested changes to the Black Hawk helicopter (H–60) includes Common Missile Warning Systems (CMWS) and Joint Tactical Radio System (JTRS) configurations. Studies have identified the aircraft airframe as the area for potential weight reduction. Lightweight airframe development has been conducted in SARAP (Survivable Affordable Repairable Airframe Program) through the demonstration of a lighter, low cost cabin for the Black Hawk. As part of this technology demonstrator cabin, a floor sub-structure used thermoplastic composite materials to reduce the weight by almost 25% over the baseline metal structure while, at the same time, reduced costs. Further development is required to take full advantage of the savings that composite materials technology can offer. Work for this program will occur in Montgomery and Tallassee, AL.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Air Force.

Legal Name of Requesting Entity: Davidson Technologies.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, Alabama 35806

Description of Request: Provide an earmark of $10M to finalize development and validation of the Space Control Test Capability for the United States Air Force. Of the funds provided approximately $5 million dollars or ½ of the available funding is for final development of a Monte-Carlo version of SCTC which will join the already developed closed-form version to give a new combined capability to analyze important transient command/control situations (e.g. satellite outages). The combined closed-form/Monte-Carlo version provides both closed-form steady-state and transient-event analysis capabilities builds upon Air Force selected analytical engines and is already in the hands of the users in support of Terminal Fury. The Monte-Carlo addition completes the required analytical suite. Approximately $5 million dollars or ½ of the funding is for tool validation. When completed, the combined closed-form/Monte-Carlo SCTC tool is the only tool of its type and caliber in the Air Force analytical inventory. Completion of this combined closed-form/Monte-Carlo tool in GFY 2009 is needed to provide quantitative data support for acquisition decisions. The tool will provide decision time-lag and throughput data for combination steady-state and transient situations to quantify performance of alternative system implementations. The Air Force will use these performance predictors to make sound, quantitative-based acquisition decisions for upcoming space systems in areas such as OCS, DCS, SSA and communications now and in the future, providing additional AF funding to enhance operational capabilities as required.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Frontier Technology, Inc.

Address of Requesting Entity: 75 Aero Camino Suite A, Goleta, CA 93117, for work in Alabama.

Description of Request: May it be noted for the record that a technical error was made and it is anticipated that the remedy will occur in the conference report. The correct Identification Number, 0603005A, Line 33 should be substituted for the incorrect Identification Number that was originally given, 0206623M, Line 181.

The Enhanced Military Vehicle Maintenance System identifies difficult to detect failure modes that must be serviced while the vehicle is undergoing maintenance. It models vehicle conditions to ensure that the vehicle is restored to an optimum state of operation prior to return to service. This cost effective technology can be modified for various military vehicles to detect problems not typically reported using threshold or trend systems. It can detect problems before they happen, preventing breakdowns in battlefield environments. The system will successfully verify that vehicles repaired at the Depot have been restored to an optimum state of operation prior to redeployment. The Enhanced Military Vehicle Maintenance System provides the cutting edge, cost effective technology that can help ensure more rapid and reliable deployment of critical military vehicles during this period when our equipment is under extreme and extended use.

The funding for the program is broken into two components: system analysis, development, integration, validation and training, and field installation, optimization and support. The first incorporates salaries and O/H (FTI and Subcontractors, e.g. Auburn University), materials and supplies (sensors, communications and computer equipment), with a subtotal of $3,000,000. The later includes site specific licenses and equipment (sensors, communications and computer equipment), salaries, expenses, and OIH (FTI and Subcontractors, e.g. Auburn University), with a subtotal of $1,000,000. The total earmark is $4,000,000.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Aircraft Procurement, Air Force.

Legal Name of Requesting Entity: Alliant Techsystems, Inc. (ATK).

Address of Requesting Entity: 5050 Lincoln Drive, Edina, MN, 55436, for work in Alabama.

Description of Request: The RC–26B performs critical intelligence, surveillance and reconnaissance (ISR) missions in support of national disaster response by the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Air National Guard, and in direct support of Special Operations Forces. The Air National Guard (ANG) operates a fleet of eleven RC–26B aircraft that provide support to individual states for disaster relief and counter-drug missions. The RC–26B platform provided excellent, real-time imagery during the 2007 extended fire season and in the aftermath of Hurricane Katrina in 2005. As the demands for the RC–26Bs proven utility increased, non-availability of the platform have prevented ANG crews from performing their domestic assigned missions. Special Operations Command funded the modification of five RC–26B aircraft—to provide ISR missions in support of deployed operations. With five RC–26B aircraft deployed in support of missions outside of the continental United States, an availability vacuum at the state level has occurred. The remaining six RC–26B aircraft (from Mississippi, Arizona, Florida, Texas, West Virginia and New York) are not sufficient to support the disaster relief and counter-narcotics missions of both the ANG and DHS/CBP. Without additional FY2009 funding to upgrade the RC–26B aircraft, the ability of the ANG to respond to future DOD ISR, DHS/CBP, counter-narcotics and disaster relief missions will be impaired, even as the demands for this low density asset increases. Maintenance work, operational and functional flight testing will occur in Montgomery, AL.

The program will provide improved military capability to fulfill an unmet requirement or need identified by the Department of Defense.

The $3.0M funding is needed for concept development, design, integration and flight verification (one aircraft only) of the following technologies that would enhance the current Block 20 RC–26B performance and effectiveness. Specific capability improvements would include:

$0.5 M—Incorporation of digital video recorders capable of recording the increased data rates associated with the new digital imagery;

$1.75 M—Incorporation of new digital EO/IR frame camera capability to replace the obsolete cameras eliminated from the prior modification;

$0.75M—Incorporation of a new high capacity down link system that can manage the transfer of the increased data flow from the airborne RC–26B to a ground station;

The above capabilities would need to be incorporated at the same time because of the large cost associated with the integration/installation of the aircraft subsystems identified above. Additional funding would be required to install this capability into the remaining Air National Guard fleet. Funding execution and expenditure plans shall be developed and approved by the responsible program manager for the Department of Defense, and Air National Guard, pursuant to applicable federal acquisition laws, regulations and guidelines.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: Aircraft Procurement, Army.

Legal Name of Requesting Entity: United Technologies Corporation.

Address of Requesting Entity: 1401 Eye Street, NW #600, Washington, DC 20005, for the Alabama National Guard.

Description of Request: The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH-60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Alabama National Guard uses these helicopters for disaster recovery. The funding may have a small manufacturing impact in Alabama.

The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M; the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60 A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 "Essential 10—Top 25" unfunded priorities. The funding for this request is $5 million. The UH–60L Upgrades are $1.5

million each and include: UH–60L Improved Durability Gearbox; UH–60L Flight control upgrades; UH–60L (IVHMS) Integrated Vehicle Health Maintenance System; UH–60L Overhead rescue hoist provisions; UH–60L Overhead Rescue Hoist; UH–60L Rescue Hoist Cable Guard; UH–60L Digital engine control unit; UH–60L Hydro mechanical unit; UH–60L Signal data converter; UH–60L Cargo hook upgrade to 9000 lbs.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Honeywell International, Inc.

Address of Requesting Entity: 101 Columbia Road, Morristown, NJ 07962, for work in Alabama.

Description of Request: Conditioned Based Maintenance (CBM) is a set of maintenance capabilities and technologies aimed at performing "just-in-time" maintenance versus "after-the-fact" maintenance. CBM improves reliability by increasing predictive maintenance while decreasing corrective maintenance. Fleet Mission Readiness merges individual onboard reporting, diagnostics reasoning, and trend assessment with decision support tools that aggregate individual performance into fleet assessments. Honeywell estimates that the $4 million requested for the "Tactical Wheeled Vehicle Conditioned Based Maintenance: Fleet Mission Readiness" project would be broken down as follows: 80% software engineering and development ($3,200,000); 10% testing ($400,000); and 10% evaluation and certification ($400,000). The Army has already invested $250 M to implement CBM for the Future Combat Systems (FCS) program to include Automated Reasoning software for the FCS fleet using Honeywell technologies. These same technologies can be spiraled into tactical wheeled vehicle fleets with a small investment to achieve the same 30% reductions in maintenance costs projected for the FCS fleet. This funding would be used to adapt Fleet Mission Readiness technologies from FCS to the tactical wheeled vehicle fleet to provide timely and accurate information for the Anniston Army Depot (ANAD) personnel deployed around the world in support of the warfighter.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MILCON, Army.

Legal Name of Requesting Entity: Congressman MIKE ROGERS.

Address of Requesting Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201.

Description of Request: This earmark provides $1,463,000 for the Lake Yard Interchange. The funding will be used to construct an interchange and inspection building in the ammunition and explosives classification (Lake Yard) area of the Anniston Army Depot. This includes the move of ammunition classification from Turner Yard to the Lake Yard. Additionally, the site utilities will include electrical power, information technology, water, septic tank/field lines. The railroad track work will include new track for the interchange and spur.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Bill Number: H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Congressman MIKE ROGERS.

Address of Requesting Entity: Alabama National Guard, 1720A Congressman W.L. Dickinson Drive, Montgomery, AL 36109.

Description of Request: The $200,000 earmark will be used toward Project #010263, a project currently in the Future Years Defense Program for 2012. In the FYDP in FY2012, the complete project is budgeted for $15,267,000.00. The increase in total project cost is due to the updated DOD Facility Pricing Guide dated 2 July 2007. The updated FY09 cost is $20,205,000. If the project is left in the FYDP for FY12, the cost will need to be revised to $21.3 M. This project is for the Readiness Center Phase II of the Ft. McClellan Training Center. The construction will provide for an additional 112,375 square feet to the facility. Phase I is currently under construction 96,195 square feet for a total of 208,571 square feet when both phases are complete. The facility is required to house nine units with a required strength of 1,035 personnel. The 167th Theater Support Command will move from Birmingham to Anniston and be stationed in this facility when Phase I is completed in FY09. Phase II was programmed in the FYDP for FY10 and was pushed out last year to FY12. Nearly half (42%) of the 167th TSC administrative space in the facility is being built in Phase II. This space is critical for the 167th TSC in meeting the unit's CENTCOM mission and training objectives. If the project stays in the FYDP for FY12, it will be FY14 before Phase II is completed, five years after the unit moves from Birmingham to Anniston. This will have an adverse effect if personnel are not provided with adequate facilities to accomplish mission and training objectives. The lack of proper and adequate training, storage, and administrative areas could impair the attainment of required mobilization readiness levels for the unit and the daily support efforts for CENTCOM. The site of the project is on federal property. Approved by the Joint Services Reserve Component Facility Board 6/27/07.

EARMARK DECLARATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PICKERING. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Requesting Member: Congressman CHIP PICKERING.

Project: Advanced, Long Endurance Unattended Ground Sensor Technologies.

Project Amount: $4.2 million.

Account: Defense-wide (DoD); RDT&E; Special Operations Intelligence Systems Development.

Legal Name of Requesting Entity: U.S. Special Operations Command.

Address of Requesting Entity: 7701 Tampa Point Boulevard, Florida.

Description of Request: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situation awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain.

The funding will continue the research and development of small, low power UGS technologies that support critical USSOCOM reconnaissance and surveillance missions by providing robust: (1) target detection, classification and tracking; (2) high bandwidth, covert communication of data, voice and video, and (3) data/information exfiltration via satellite communications (SATCOM) for displaying advanced visualization technologies. The proposed UGS capability will provide USSOCOM with the ability to relay critical, actionable intelligence from remote areas of interest to analysts and commanders worldwide in near real-time-ultimately allowing special operations forces (SOF) to think and react more quickly than the adversary. The proposed research program will also have applications in other areas such as border patrol.

IN RECOGNITION OF THE 2008 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2008 United States Physics Olympiad Team.

The International Physics Olympiad brings together top students from all over the world to compete in a rigorous routine of mental gymnastics. To be considered for the U.S. team, students must first take a challenging physics exam. I am proud to say that the top 200 semifinalists included 3 students from Michigan this year. This exceptional group is further reduced to 24 students currently participating in a 10-day physics camp hosted by the University of Maryland.

As you might expect, this is not your ordinary summer camp but rather an intense bootcamp of teamwork, sharpening mental and communication skills. Five of these exceptional students will advance and represent the United States in a tremendous international competition in July in the 67th International Physics Olympiad July 20–29 in Hanoi, Vietnam.

The 24 members of the 2008 team include: Kiranmayi Bhattaram, Tucker Chan, Sway Chen, Joseph, Zer-Yi Chu, Alesia Dechkovskaia, Yishun Dong, David Field, Edward Gan, Rui Hu, Gabriel Karpman, Brian

Kong, Kevin Michael Lang, Dan Li, Andrew Lucas, Marianna Mao, Yoon Jae Nam, Anand Natarajan, Joshua Oreman, Thomas Schultz, Jack Z. Wang, James Yang, Alex Zhai, Danny Zhu, and Alex Zorn.

I commend the American Institute of Physics, the American Association of Physics Teachers and affiliated sponsors for organizing this annual event and fostering a passion for science in these students. Integrating science with real-world problems is critical to our national competitiveness. These students will become even more excited about applying physics to national and international challenges after they participate in the Olympiad preparation.

I know my colleagues share my pride in the achievements of these students. Their success is a testament to not only their individual determination, but also a group of exceptional teachers. These teachers often receive very little recognition for their work, so I hope each of the Olympiad finalists will make a point of thanking and recognizing the teachers that have guided them over the years.

I am very pleased that these students take time away from their purely scientific endeavors to meet with their legislators in Washington. Understanding how science fits into culture and politics are very important skills for a future physicist to master. I also hope that some of these students will consider running for public office and add their expertise to the policy world. I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top five the best of success as they represent the United States in Vietnam.

CONGRATULATING JIM TATE ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Jim Tate of St. Paul's Episcopal School on the occasion of his induction into the Mobile Sports Hall of Fame (MSHOF). Begun in 1987, the Mobile Sports Hall of Fame was created by the Mobile Chamber of Commerce to recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

A graduate of The Citadel, Coach Tate spent five years in the U.S. Army as a paratrooper and field artillery officer with a year's service in the Vietnam War. He also earned his master's degree from the University of Alabama.

Coach Tate, a Mobile native, was working in Georgia when St. Paul's headmaster, Rufus Bethea, recruited him to return to Mobile to coach the boys' basketball team. It was not until 1983, however, after interest in the cross country and track programs increased, that Coach Tate was named the full-time coach for both sports, boys', and girls' teams. That very same year, St. Paul's won its first state championship, the same year the first of 17 straight girls' cross country state championships was won with a team of all seventh-graders.

As coach of what Mobile's Press-Register refers to as the "most dominant girls' cross country program in the country," Coach Tate is an institution among American high school track and cross country coaches. In his 30 years at St. Paul's, Coach Tate has led the cross country and track teams to 75 state championships, including a national record of 17 straight girls' cross country state titles.

In 1999, Coach Tate was selected as the national cross country coach of the year. Twenty-five of his former athletes have gone on to compete at the collegiate level in either track or cross country, and currently, St. Paul's has 10 state record holders in track and cross country.

Madam Speaker, throughout his life, Jim Tate has been an outstanding role model for both children and adults alike. I know his family; his wife, Becky; their children, Lee, Luther, Leigh, and Ginny; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his many efforts over the years on behalf of the city of Mobile, the First Congressional District and the state of Alabama.

EARMARK DECLARATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SAXTON. Madam Speaker, pursuant to House Republican Earmark Guidance, I am including the following requests, which are authorized in H.R. 5658:

Project: Ballistic Missile Defense—Aegis.

Account: Research, Development, and Testing and Evaluation Ballistic Missile Defense Aegis.

Legal Name of Requesting Entity: Lockheed Martin.

Address of Requesting Entity: 199 Borten Landing Rd, Moorestown, NJ 08057.

Description of Request: Ballistic Missile Defense Aegis system provides resources to close the capability gap between current Sea Based BMD capabilities and the emergent BMD threats.

Project: Vehicle Common Armor Manufacturing Process (VCAMP).

Account: Army Research, Development, and Testing and Evaluation End Item Industrial Preparedness Activities.

Legal Name of Requesting Entity: SMH International, LLC.

Address of Requesting Entity: 100 Technology Way, Suite 210, Mount Laurel, NJ 08054.

Description of Request: Vehicle Common Armor Manufacturing Process develops a common armor manufacturing process for force protection aimed at enhancing soldier survivability by reducing vehicle weight and speeding production.

Project: Battlefield Anti-Intrusion System (BAIS).

Account: Army Procurement Physical Security.

Legal Name of Requesting Entity: L-3 Communications.

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.

Description of Request: Battlefield Anti-Intrusion System detects and classifies intruding personnel, wheeled, and tracked vehicles for forward intelligence collection or perimeter self-protection.

Project: Software Lifecylce Affordability Management (SLAM), Phase II.

Account: Army Research, Development, Testing ,and Evaluation Advanced Tactical Computer Science and Sensor Technology.

Legal Name of Requesting Entity: PRICE Systems, LLC.

Address of Requesting Entity: 17000 Commerce Parkway Suite A, Mount Laurel, NJ 08054.

Description of Request: Software Lifecycle Affordability Phase II model enables the Army to determine which software lifecycle strategies design realizes the greatest number of capabilities at the lowest cost, following the best schedule.

Project: Advanced Propulsion Non-Tactical Vehicle (APNTV).

Account: Air Force Research, Development, Testing, and Evaluation Pollution Prevention.

Legal Name of Requesting Entity: General Motors.

Address of Requesting Entity: 100–400 Renaissance Center, Detroit, MI 48226.

Description of Request: Advanced Propulsion Non-Tactical Vehicle will reduce the Air Force's dependence on foreign fossil fuel sources and provide an operational learning/execution roadmap for the eventual use of these technologies in the overall mission of the Air Force. An Air Force demonstration of two Chevrolet Equinox fuel cell electric vehicles at McGuire AFB will take place to include vehicle service, maintenance, spare parts, technician support and program management. The demonstration will also include the installation of a hydrogen refueling station at McGuire AFB.

Project: Large Diameter Precision Aspheric Glass Molding.

Account: Army Research, Development, Testing and Evaluation Weapons and Munitions Advanced Technology.

Legal Name of Requesting Entity: Edmond Optics, Inc.

Address of Requesting Entity: 101 E. Cloucester Pike, Barrington, NJ 08007.

Description of Request: Large Diameter Precision Aspheric Glass Modeling technology is key in developing a secure US manufacturing base for low-cost precision aspheric optics, thus eliminating the current dependence of the DOD on foreign sourced products.

Project: Virtual Interactive Combat Environment (VICE).

Account: Army Procurement Training Devices.

Legal Name of Requesting Entity: Dynamic Animation Systems.

Address of Requesting Entity: 12015 Lee Jackson Highway, Suite 200, Fairfax, VA 22033.

Description of Request: Virtual Interactive Combat Environment (VICE) provides a virtual environment within which small combat teams can be trained in current rules of engagement and tactics, techniques, and procedures. Six squad configurations of VICE will be procured for the NJ National Guard Joint Training and Training Development Center at Ft. Dix, which will improve the training for New Jersey Guardsmen and Reservists, as well as those from other States, mobilizing at Fort Dix and preparing to deploy into combat.

Project: Dismounted Soldier Millimeter Wave BTD RF Tag.

Account: Army Research, Development, Testing and Evaluation Sensors and Electronic Survivability.

Legal Name of Requesting Entity: Sierra Monolithics.

Address of Requesting Entity: 103 W. Torrance Bldv, Redondo Beach, CA 90277.

Description of Request: Dismounted Soldier Millimeter Wave Tag, will significantly decrease fratricide deaths and add to battlefield awareness by allowing the dismounted soldier to interoperate with the deployed system.

Project: Short Range Ballistic Missile Defense.

Account: Defense Wide Research, Development, and Testing and Evaluation Ballistic Missile Defense Terminal Defense Segment.

Legal Name of Requesting Entity: Rafael Advanced Defense Systems, Ltd

Address of Requesting Entity: 6903 Rockledge Drive, Bethesda, MD 20817

Description of Request: Short Range Ballistic Missile Defense is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization (IMDO) program to develop and deploy a cost-effective, broad-area defense for the State of Israel against short range ballistic missiles, large caliber rockets, and cruise missiles.

Project: Unified Security Forces Operations Facility, McGuire, AFB.

Account: Defense Wide Military Construction.

Legal Name of Requesting Entity: McGuire Air Force Base.

Address of Requesting Entity: McGuire Air Force Base, NJ.

Description of Request: Unified Security Forces Operations Facility, McGuire Air Force Base, Fort McGuire, NJ. The facility is intended for joint use and will consolidate all security operations command and control at the McGuire-Dix-Lakehurst Joint Base.

Project: Modification of Authorization for Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address handling of military munitions.

Account: Defense Operations and Maintenance, Army.

Legal Name of Requesting Entity: U.S. Army Corps of Engineers.

Address of Requesting Entity: 100 East Penn Square, Philadelphia, PA 19107.

Description of Request: Modifies the authorization for the Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address the handling of military munitions placed on the beach during construction at Federal expense.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. GALLEGLY. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am placing this statement in the CONGRESSIONAL RECORD.

Requesting Member: Rep. ELTON GALLEGLY.

Bill: H.R. 5658, The Duncan Hunter National Defense Authorization Act for FY 2009.

Account: Research, Development, Test, and Evaluation, NAVY.

Requesting Entity: MBDA, Incorporated.

Address: 5701 Lindero Canyon Road, Westlake Village, CA 91362.

Description of project: It is my understanding that this funding will be used for Phase II of a program to assist the U.S. Navy to develop innovative missile solutions for an Affordable Weapon System (AWS) capable of operating from ships. The Navy is looking for an AWS that can kill a variety of targets including mobile targets, time critical targets, and targets of opportunity such as terrorist leadership meeting facilities, mobile missile launchers, and weapons caches. In concept, AWS will defeat targets at stand-off ranges, rapidly completing the engagement phase by having the capability to loiter in a target area.

The $5.8 million increase in this account for Phase II will be divided into two tasks. The funding approximately will be spent as follows: The first task will be used to determine the best materials for use in the AWS. This includes trade studies ($600,000), hardware bench tests ($900,000), and deployment tests ($1,300,000). The second task will perform a feasibility study on the technical baseline being delivered within the stated time frame ($1,300,000). An additional $1,300,000 will be used for program management and oversight by Naval Air Systems Command (NAVAIR).

The intent of this program is to develop a low-cost, disposable weapon capable of being launched from U.S. Naval vessels. But it provides an additional benefit for my Congressional district and the state of California. Since 1986, the employment of high-technology aerospace professionals in California has declined dramatically because of the reduction in California-based aerospace programs and companies. This decline in the employment had a ripple-effect throughout the State and has lowered associated markets in employment, goods and services. A production contract award will bring 200 professional aerospace employees to the company and add significantly to the California base of aerospace professionals and aerospace production. MBDA has already increased its skilled work force by 10 percent due to the Phase I contract. Support for this program will work toward reversing this trend in California.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. TURNER. Madam Speaker, I submit the following:

1. Project—Operable Unit-1 (OU–1) Cleanup at the Miamisburg Mound.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: DOE, Other.

Legal Name of Requesting Entity: Miamisburg Mound.

Address of Requesting Entity: Miamisburg, OH.

Description of Request: $10,000,000 is authorized for the Miamisburg Mound site in fiscal year 2009. The entity to receive funding for this project is the Miamisburg Mound site in Miamisburg, OH. The funding would be used by the Department of Energy for the Miamisburg Mound to complete the remaining clean up of Operable Unit I (OU–I).

2. Project—Integrated Electrical starter/Generator (IES/G).

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: Air Force Research Laboratory.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $3,500,000 is authorized for an Integrated Electrical Starter/Generator in fiscal year 2009. The entity to receive funding for this project is Air Force Research Laboratory at Wright Patterson Air Force Base in Dayton, OH. The funding would be used to help develop a pre-prototype, sensor-less IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

3. Project—Security Forces Operations Facility.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, Mil Con.

Legal Name of Requesting Entity: Wright-Patterson Air Force Base.

Address of Requesting Entity: Dayton, OH.

Description of Request: $14,700,000 is authorized for a Security Forces Operations Facility in fiscal year 2009. The entity to receive funding for this project is Wright-Patterson Air Force Base located at Dayton, OH. The funding would be used to house the operations of the 88th Air Base Wing Security Forces Squadron (88 SFS), which provides security and police services for Wright-Patterson Air Force Base.

4. Project—Tactical Metal Fabrication System (TacFab).

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Army Tank Automotive Research, Development, Engineering Center.

Address of Requesting Entity: Dearborn, MI.

Description of Request: $6,300,000 is authorized for the Tactical Metal Fabrication System in fiscal year 2009. The entity to receive funding for this project is the Army Tank Automotive Research, Development, Engineering Center in Dearborn, MI. The funding being requested will help Tactical Metal Fabrication (TacFab) System design, develop and build a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Open Source Research Centers.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: National Air and Space Intelligence Center.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $3,000,000 is authorized for Open Source Research Centers in fiscal year 2009. The entity to receive funding for this project is the National Air and Space Intelligence Center located at Wright-Patterson Air Force Base, Dayton, OH. This funding will provide support to government agencies that are over-burdened with classified research requirements and do not have resources to meet the open source requirements. In addition, the program will support the Air Force Research Lab (AFRL) at Wright Patterson Air Force Base and the Ohio Department of Homeland Security with Open Source Requirements as well as support Open Source requirements for the new Department of Defense Africa Command and the US State Department.

6. Project—Metals Affordability Initiative.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 5658.

Account: Air Force, RDT&E.

Legal Name of Requesting Entity: Air Force Research Laboratory.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $14,000,000 is authorized for the Metals Affordability Initiative (MAI) in fiscal year 2009. The entity to receive funding for this project is the Air Force Research Laboratory at Wright-Patterson Air Force Base in Dayton, OH. This funding will enable MAI to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems.

A TRIBUTE TO KARL AND LINDA BENNETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Karl and Linda Bennett of Calabash, North Carolina, for their twelve years of service to the Calabash Fire Department as they plan to retire on June 30th. Mr. Bennett serves as the Calabash Fire Chief while his wife serves as Administrative Assistant and Board Secretary for the department.

When Mr. and Mrs. Bennett first settled in North Carolina twelve years ago, they were retiring from their positions as fire volunteers with the Ravena, New York Fire Department, where they met and eventually married. Gradually, however, they became involved in another full time profession with the Calabash Fire Department. Now, after twelve years of dedication, they are retiring from their posts and will serve simply on a voluntary basis.

Mr. and Mrs. Bennett truly are examples of enduring public service and hard work. I have worked with them through the years on several federal projects and programs to help the Calabash Fire Department, and I know personally the absolute devotion, admirable dedication, and awesome determination that they have demonstrated in their commitment. I stand today to express my appreciation for their active efforts to protect their fellow citizens. Madam Speaker, let us honor this couple's honorable dedication as their official service to the Town of Calabash comes to a close.

IN HONOR OF DEREK OLSON, FINALIST FOR MINNESOTA TEACHER OF THE YEAR

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Mr. Derek Olson of Afton-Lakeland Elementary School, a finalist for the prestigious Minnesota Teacher of the Year award. A sixth-grade teacher in the Stillwater School District, Mr. Olson's contributions to our children's education and our nation's future deserve the utmost recognition and respect.

Derek Olson is viewed by his peers as an innovator in his field, pushing the standards of learning for his students in ways that show he genuinely cares about each and every one of them. He is said to "really bring learning to life for kids," and "likes to teach by example and experience," rather than solely relying on a textbook.

Upon hearing the news of his nomination, Derek was hesitant to apply for not wanting to overshadow the great work of his colleagues. Derek went forward with the nomination in hopes that his recognition could bring to light the talent, commitment, and sacrifice of his fellow teachers in the district.

Madam Speaker, it is my honor to stand today and honor Derek Olson's selfless service and dedication to teaching America's youth, our most valued treasure. I stand today and join his family, friends, and colleagues in wishing him a long career of success and look forward to seeing all that he does with his God-given talents.

HONORING THE SERVICE AND THE MEMORY OF REVOLUTIONARY WAR SOLDIER PRIVATE MARTIN MANEY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the service and the memory of Revolutionary War Soldier Private Martin Maney of Buncombe County, North Carolina.

Each year on Memorial Day, our Nation honors the service and sacrifice of all veterans. On Saturday, May 17, 2008, in the Western North Carolina town of Barnardsville, the memory of Private Martin Maney, a Revolutionary War Soldier, was honored by the dedication of an official Veterans Administration headstone. The unveiling ceremony was conducted by the Edward Buncombe Chapter of the National Society of the Daughters of the American Revolution, the Blue Ridge Chapter of the North Carolina Society of the Sons of the American Revolution and the Button Gwinnett Chapter of the Georgia Society of the Sons of the American Revolution.

Private Martin Maney was a true American patriot and a proud North Carolinian. He served under Captain James Knox in the Eighth Virginia Regiment of Foot. He fought in the Battles of White Plains, New York, Germantown, Pennsylvania, and Monmouth, New Jersey prior to being discharged at Valley Forge. Following his discharge, he enlisted with the North Carolina Militia where he provided personal security for North Carolina Generals who were receiving death threats from the Tories. Following his service, Private Martin Maney received the 294th Land Grant in North Carolina. He used that land to create a farm, where today the Maney cemetery exists and Private Maney has been laid to rest.

It is with great respect that I commend and remember this brave soldier who joined hands with countless other patriots to achieve American independence. I hope that today's generation of young men and women will follow the shining example of patriotism and dedication to freedom modeled by Private Martin Maney and other Revolutionary War heroes.

HONORING THE MEMORY OF SECOND LIEUTENANT PETER H. BURKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I am honored to stand today to celebrate the life of a young man who made the ultimate sacrifice, giving his life in defense of our Nation.

Second Lieutenant Peter H. Burks, 26, of Dallas, Texas, died November 14 in Baghdad, Iraq, of wounds suffered when his vehicle struck an improvised explosive device. He was assigned to the 4th Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany.

Pete answered the call of service to his country in April of 2006 when he proudly enlisted in the United States Army. In October of that same year he was commissioned as an officer. Pete was no ordinary leader. He used his warm personality and keen sense of humor to inspire others. He received numerous awards, ribbons and medals, including the Bronze Star, Purple Heart and Combat Action Badge.

Pete's parents have shared with my office correspondence which speaks volumes about the character of this fallen soldier. Last year he wrote to his mother, "Dad taught me how to reason, think logically and gave me a thirst for knowledge. You (Mom) gave me a fiery passion, a competitive streak, and most importantly, you taught me the importance of knowing the Lord."

An excerpt from Pete's emails to his fiancee, Melissa Haddad, includes the following: "I know that regardless of the circumstances, God is putting me EXACTLY where he wants me for the time being. I know that that is hard to swallow, but it is the truth . . . I will do my best and work to glorify God in all that I do. So long as I do that, I have accomplished the real mission that has been set out for me."

Pete answered the call to duty, accomplished his missions to the best of his ability, and has now been called home to the Lord. He leaves behind his fiancee, Melissa Haddad; his mother Jackie Merck; father Alan and stepmother Laura Burks; sisters Ali, Sarah and Georgia Burks; brother Zac Burks; grandmother Irene Merck; grandfather Haskell Burks; other family members and a multitude of friends both within and outside the service.

Madam Speaker, Second Lieutenant Peter Burks was a true American hero. As we honor all of America's fallen soldiers on this coming Memorial Day, let us pay tribute to this fine soldier and offer our deepest condolences to his family and friends. May God bless all those who serve in our Armed Forces and who defend our Nation around the globe, and may the memory of Peter Burks live forever in the hearts of all those who knew him and loved him.

IN HONOR OF AMIT ZUTSHI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor the life of Amit Zutshi, who passed away on March 19, 2008 at the age of thirty. This young man enriched the many lives he touched.

Mr. Zutshi thrived as a student at the Mission San Jose High School in Fremont, California. After receiving degrees in Information Technology and Business, he earned an MBA from University of Phoenix.

Mr. Zutshi worked for Microsoft and later worked with an e Commerce company in Santa Clara, California. He embodied the best of his generation. He felt it essential to help others. To honor Mr. Zutshi's legacy, his family is starting the Amit Zutshi Foundation to provide opportunities for disadvantaged children.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Amit Zutshi.

OPERATION EDUCATION

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SALI. Madam Speaker, over 1,668,000 soldiers have been deployed in the service of our Nation in Afghanistan and Iraq since September 11. These veterans sacrificed every day for the well-being of our Nation. Whether they have seen active combat or not, all veterans share a common readiness to commit their all to the defense of the land they love. Their willingness to freely sacrifice their lives epitomizes what makes our country great. As a nation, we will always owe them a great debt.

Several months ago I attended a funeral at Arlington Cemetery. That day a 19-year-old soldier from Pennsylvania was laid to rest. He was in a Bradley fighting vehicle in Iraq when an insurgent threw a grenade down the turret.

It was reported that this soldier had time to get out of the vehicle before the grenade went off, and that is what he had been trained to do. Instead, he wrapped his body around the grenade as it went off, saving the lives of three other crew members.

In the Book of John 15:13 Jesus taught, "Greater love has no one than this, that one lay down his life for his friends." The young man laid to rest at Arlington that day lived an example of the love of Christ. He and countless other who had lived stories of bravery and heroism deserve our highest honor and praise. But so do all of our veterans.

That is why I was happy to recently see some developments back in my home State of Idaho that will greatly benefit the wounded warriors in my district. Through the hard work of many, including Karen White, the University of Idaho, located in Moscow, Idaho, recently launched a program known as Operation Education. The purpose of this program is to help veterans "severely and permanently wounded" as a result of their service to our Nation since September 11. Through the Operation Education Scholarship, the University of Idaho is able to offer financial support in areas from tuition and books to transportation and child care. They also offer internships and assist in job placement.

Education is one of the greatest commodities we can offer our Nation's veterans. The skills they have learned in the Armed Forces inevitably benefit them as they go on to future learning and higher education. Operation Education and other programs like it offer veterans the opportunity to continue pursuing their dreams and benefiting themselves, their families, and our Nation.

Not only is Operation Education open to disabled veterans, it is also available for the spouses of those veterans. Spouses of our soldiers are sometimes overlooked when we talk about the sacrifices that are made for our Nation. Those who stay at home while their spouses serve in faraway lands can sometimes do no more than pray and hope, trusting the fate of their loved ones to a higher power.

I am familiar with the experience of a young couple split up less than five months after being married when this young man was called to go to Iraq to train canines for the next nine months. Not only is that young Marine separated from his brand new bride, he will miss the birth of their baby in six months. He and his wife moved just weeks before he was called to Iraq, and she is left at home in a new area faced with the prospect of delivering her first child on her own. Neither this proud soldier nor his brave wife are unique in their situation, and other young military families have faced more dire circumstances. However, their situation epitomizes the sacrifices that our military families make—both those who serve in uniform abroad and those who serve less visibly in the home.

I honor those whose service in defending our Nation has required their lives. I have learned that it is the calling of some in our Nation's military to not come home. However, for those who do come home, the least we can do to show our respect for their service is to provide them with the opportunities they deserve. I commend the University of Idaho for making this program available, and I look forward to future developments that will bless the lives of our Nation's veterans.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McHUGH. Madam Speaker, I submit the following:

Requesting Member: Congressman JOHN M. McHUGH.

Bill Number: H.R. 5658.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Congressman JOHN M. McHUGH.

Address of Requesting Entity: 2366 Rayburn House Office Building, Washington, DC 20515.

Provide an earmark of $7.211 million for Project Number 57711 to construct a fire station at Fort Drum, New York. The entity to receive funding for this project is Fort Drum, located in Watertown, New York 13601. The funding will be used for military construction to help meet installation health and safety requirements.

Requesting Member: Congressman JOHN M. McHUGH.

Bill Number: H.R. 5658.

Account: O&M, Defense-wide.

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization.

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, New York 13601.

Provide an earmark of $800K for the Fort Drum Regional Health Planning Organization (FDRHPO). The funding will enable the organization, as part of the pilot program reauthorized and expanded in P.L. 110–181, to hire the necessary staff and conduct the required assessments.

Requesting Member: Congressman JOHN M. McHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Navy.

Legal Name of Requesting Entity: Trudeau Institute.

Address of Requesting Entity: 154 Algonquin Ave., Saranac Lake, New York 12983.

Provide an earmark of $2 million for U.S. Navy Pandemic Influenza Vaccine Program. The funding will support the acceleration of studies of pandemic influenza vaccine research by developing and incorporating the use of bioinformatics (the use of techniques including mathematics, informatics, statistics) to solve biological problems associated with pandemic influenza vaccine and related issues.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Clarkson University.

Address of Requesting Entity: 8 Clarkson Avenue, Potsdam, New York 13699.

Provide an earmark of $2 million for nanostructured materials for Photovoltaic Applications. On a digital battlefield, scientific and technological superiority in land warfighting capability places a high premium on reliable and mobile communications systems. Lead acid batteries and diesel generators must yield photovoltaic (PV or solar cells) systems. Commercial and military efforts to achieve orders of magnitude increases in photovoltaic (PV or solar cells) device efficiency and decreases in cost have not been successful to date. This research project will develop novel PV technology (such as antireflective, antiflouling and self-cleaning coatings for the solar cell applications) that will increase efficiency and reliability.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: State University of New York at Plattsburgh.

Address of Requesting Entity: 101 Broad Street, Kehoe 815, Plattsburgh, New York 12901.

Provide an earmark of $1.6 million to study the use of drugs to reduce hearing loss following acute acoustic trauma. The project will study the viability of using pharmacologic agents to reduce the effects on hearing of an acute acoustic trauma such as that produced by blast exposure. SUNY Plattsburgh's Auditory Research Laboratory is one of the few laboratories in the U.S. dedicated to this type of research. Acute blast exposure is a serious problem in current military operations, resulting in disability status for a large number of personnel. This project will provide an objective look at drugs that may reduce hearing loss.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Medical Advanced Technology.

Legal Name of Requesting Entity: WelchAllyn.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152.

Provide an earmark of $2.5 million for the Personal Status Montor (Nightengale). The funding will enable WelchAllyn to further develop its smart sensing technologies which provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of critical or life threatening event. The research and development will provide DOD with mobile, wireless monitoring of patients and other personnel who would benefit from being monitored where traditional monitoring has not typically been used given high cost and weight of devices.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Syracuse Research Corporation.

Address of Requesting Entity: 7502 Round Pond Road, North Syracuse, New York 13212.

Provide an earmark of $4 million for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking and Engagement Radar (FORESTER). FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. Designed and developed to fly on the A160 Hummingbird unmanned helicopter, FORESTER is a one-of-a-kind technology providing the warfighter with all-weather, day-night target detection and tracking capability in real-time. The request will provide the funding necessary to transition FORESTER to the user community and apply the technology to additional platforms.

Requesting Member: Congressman JOHN M. MCHUGH.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Magna Powertrain, USA, Inc.

Address of Requesting Entity: 6600 New Venture Gear Drive, E. Syracuse, New York 13057.

Provide an earmark of $1.4 million for Torque-Vectoring Rollover Prevention Technology. With the use of commercially available vehicle simulation software, it has been demonstrated that torque vectoring technology applied to a Military HMMWV rear axle can result in preventing vehicle rollover incidents. This research and development project will demonstrate that commercially available torque-vectoring technology can contribute to safety, stability, and improved handling of the Army's Lightweight Tactical Vehicle Fleet.

CONGRATULATING THE PASCO COUNTY LIBRARIES FOR OUTSTANDING ACHIEVEMENTS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker. I rise to congratulate the Pasco County Library System for being awarded the 2008 Library of the Year by the Florida Library Association. I would also like to recognize the Pasco County Library Cooperative for being one of a select number of library systems across the country to receive the We the People "Created Equal" Bookshelf from the National Endowment of the Humanities.

As a former college teacher, I know that there is no greater gift you can give than the ability to read and learn. It is exciting to see that libraries in Pasco County will receive this selection of "Created Equals" themed classic books and that the Pasco County System has been named the best library in Florida. Recognition by your industry group is quite an accomplishment and something that every employee in the system should be proud to have earned this year.

With the grant of books from the National Endowment of the Humanities, Pasco County children and adults of all ages can now have their eyes opened to the limitless ideas and dreams that can be found through reading and lifelong learning. Studies have consistently shown that children exposed to reading at an early age will perform better in school and throughout life.

Madam Speaker. It is truly an honor to have such outstanding libraries and library administrators in my district. The Pasco County Library System and the Pasco County Library Cooperative are to be commended for their commitment to learning and reading, and congratulated for the honors they have received.

HONORING DR. JAMES THOMSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Dr. James Thomson, a professor of anatomy in the University of Wisconsin's School of Medicine and Public Health, for the most recent accomplishments in his extraordinary scientific career.

Dr. Thomson is a world-renowned developmental biologist whose discoveries, in the words of Time Magazine, "have a potential that could be unlimited." Time recently named Dr. Thomson to its Top 100 list of the "World's Most Influential People." The honor is well deserved. A decade ago Dr. Thomson became the first person to isolate human embryonic stem cells and maintain them indefinitely in culture. As recognition for his discovery, he appeared on the cover of Time on August 20, 2001. Last year, in another breakthrough, Dr. Thomson developed a method for converting human skin cells to stem cells that appear to share similar properties to embryonic stem cells. At the same time, a professor at Japan's Kyoto University independently shared in the breakthrough. Over the past decade, Dr. Thomson's work has opened new horizons in medicine and sparked new hopes for curing a vast spectrum of diseases.

Dr. Thomson's colleagues honored him last month by electing him a Fellow of the National Academy of Sciences—one of America's most prestigious associations—which was founded in 1863 and charged by Abraham Lincoln with advising the country on scientific and technological issues. In this capacity he will continue to serve not only the scientific community, but the country as well.

This year, Dr. Thomson accepted an additional appointment as Director of Regenerative Biology at the Morgridge Institute for Research, the nonprofit side of the new Wisconsin Institutes for Discovery. He is the first member of the Morgridge Institute's multidisciplinary scientific leadership team and will continue his pioneering research at the Institute. In addition, Dr. Thomson is an Adjunct Professor in the Department of Molecular, Cellular, and Developmental Biology at the University of California, Santa Barbara.

Dr. Thomson's latest achievements are in a long line of accolades, which include his receipt of the 2003 Frank Annunzio Award from the Christopher Columbus Fellowship Foundation, an independent Federal agency that gives the award to individuals who have improved the world through ingenuity and innovation. In 2005, Dr. Thomson was instrumental in the selection of the WiCell Research Institute—a private, nonprofit supporting organization of the University of Wisconsin-Madison—as the first National Stem Cell Bank. I was proud to join him in celebrating the announcement of that selection. As noted by the managing director of the Wisconsin Alumni Research Foundation (WARF), Dr. Carl Gulbrandsen, Dr. Thomson "is really the reason why UW–Madison is the center of the universe for stem cell research."

Madam Speaker, I rise today to commend and congratulate Dr. James Thomson for his extraordinary achievements. With a long career ahead, I wish him years of continued success, and I invite the Congress to join me in applauding him for his enormous contributions to developmental biology, which will shape the world and alleviate human suffering in the years to come.

RECOGNIZING THE SERVICE OF THE VOLUNTEERS OF THE CRISISLINK HOTLINE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the service of dedicated individuals who volunteer their time to support CrisisLink's efforts to save lives and prevent tragedies in the 8th Congressional District and throughout the National Capital Region. Their efforts to prevent suicide are worthy of recognition.

Since 1969, CrisisLink volunteers have provided invaluable, free, confidential crisis intervention services to anyone who calls their hotline. CrisisLink has played a major role in educating the community on how to recognize signs of depression and respond to the threats of suicide. Last year, CrisisLink volunteers donated a total of 17,000 hours of their time, answered 30,000 calls, and saved the National Capital Region approximately 4 million dollars in ambulance, police, emergency room, and treatment costs for attempted suicides.

In addition to CrisisLink's regional hotline, volunteers also service the National Suicide Prevention Lifeline, NSPL—1–800–273–TALK—and 1–800–SUICIDE. For NSPL, the help of Crisis Link volunteers is crucial. Answering calls to prevent tragedies are performed by volunteers and staff at CrisisLink as well as other independent crisis centers across the country.

It is a sad fact that 56 percent of all deaths in the U.S. are due to suicide. In comparison, homicides make up only 30 percent of all deaths. While distressing, these numbers would surely be higher if not for CrisisLink's volunteers who help individuals in a time of crisis, promote stabilization, and provide resources to empower people to help themselves. With 20 percent of suicides attributed to veterans and active duty military, crisis centers are working closely with the Department of Veteran's Affairs through the NSPL to answer calls from our service members in order to save lives and prevent tragedies.

I am very grateful to CrisisLink's current and former volunteers for all they do to serve the residents of Virginia's 8th District and our region. They are available 7 days a week, 365 days a year to help people when it is most desperately needed and there is nowhere else to turn. These volunteers give their time so that others may have the gift of time—time to survive a crisis, time to heal, time to live. I laud the efforts of these dedicated volunteers and thank CrisisLink for providing such a vital service to our community.

LAMAR MEN'S BASKETBALL OUTSTANDING 2007–2008 SEASON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. POE. Madam Speaker, during the 1970's and 80s the Lamar University Cardinals dominated Southland Conference basketball, at one point putting together 80 straight home wins, which is still the 7th longest home winning streak in NCAA history.

Lamar men's basketball continued this winning tradition with an outstanding 2007–2008 season. Led by first team all-conference performers Kenny Dawkins and Lamar Sanders, and All-Conference Honorable mention Darren Hopkins, Lamar Men's Basketball team and their coach Steve Roccaforte posted a 19–11 record. Earning its 12th conference title and first since the 1982–83 season. Coach Roccaforte guided the Cardinals to the title in only his second year at the helm, which ties him with legendary Lamar coach Billy Tubbs as fastest to conference championship in school history.

The effort and resilience shown by the Lamar Men's Basketball team and staff has been nothing short of tremendous. In a season that did not start as planned, the Cardinals never gave in. Lamar started the season with a disappointing 1–5 record; however, the self-confident Cardinals turned their season around. Coach Roccaforte said the turning point in their season was a narrow two point loss to Big 12 conference power Texas Tech. With renewed confidence the Cardinals went on a tear winning 13 out of their next 14 games, propelling them to the regular season conference title.

On behalf of the entire Second Congressional District of Texas I would like to commend Lamar University Men's Basketball team hard fought season and congratulate them on a well deserved Conference Title.

And that's just the way it is.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCCRERY. Madam Speaker, I submit the following:

Requesting Member: Congressman JIM MCCRERY (LA–04).

Bill Number: H.R. 5658, FY2009 National Defense Authorization Act.

Account: Research and Development, Air Force.

Legal Name of Requesting Entity: Distributed Infinity, Inc.

Address of Requesting Entity: 1382 Quartz Mountain Drive, Larkspur, CO 80118.

Description of Request: This $3M authorization authorizes appropriations for continued research and development of the Cybercraft initiative, a cyber security utility that will ensure secure communications between warfighters over computer networks. Research is presently underway on Cybercraft at the Air Force Research Laboratory, Rome NY. Project is supported by the Air Force Cyberspace Command (P), Barksdale Air Force Base, Bossier City, LA.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Surface Systems).

Legal name and address of entity receiving earmark: Battle Command Battle Lab, Mr. Jason Denno, Deputy Director, Fort Huachuca, AZ 85613.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Constant Look system is a prototype biometric sensing capability developed for the U.S. Army to support MOUT (military operations in urbanized terrain). Its unique standoff capability gives users an ability to support surveillance and special operations remotely. User comments from several demonstration tests included requests for enhancements to improve usability and extend the capability of the system in terms of what can be collected. The Constant Look Operational Support Environment (CLOSE) will provide that additional functionality by leveraging several proven off-the-shelf technologies—a stand-off digital collection system and additional digital signal processing (DSP) to extract other types of biometric signatures.

The U.S. Army's ISR Battle Command Battle Lab at Fort Huachuca (BCBL–H)—responding to user requests—has developed and tested a stand-off biometric sensor system that allows traditional and special operations units to conduct surveillance and identify potential hostiles from a safe distance with a low probability of detection. To date, the majority of the effort on Constant Look has focused on the core collection system technology and the user interface has not kept pace with available commercial technology. CLOSE will remedy that by leveraging millions of dollars in commercial investment and integrating that investment into the Constant Look baseline.

CLOSE will provide CL users with a rapid capability to collect and model surveillance target facilities, including ingress and egress, from the same stand-off range as the CL collection system itself. Secondly, it will extend the DSP capability resident within the CL baseline to extract other types of Indications and Warning (I&W) data.

Description of matching funds: Not applicable.

Authorized Amount: $4,000,000.

Project Name: Constant Look Operational Support Environment (CLOSE).

Funding Source: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Surface Systems).

Detailed Financial Plan for Earmark: $200,000, System Engineering; $500,000, Immersive Camera System; $900,000, Interior Tactical Blue Force Tracking, Sense-Thru-The-Wall Radar; $1,500,000, Improvements; $650,000, Biometric Databasing; $250,000, Training, Testing, Delivery. Total: $4,000,000.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McCARTHY of California. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for two project authorization requests that I made and which were included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Requesting Member: Congressman KEVIN MCCARTHY.

Bill Number: H.R. 5658.

Account: Military Construction, Air Force.

Project Amount: $6,000,000.

Legal Name of Requesting Entity: Edwards Air Force Base.

Address of Requesting Entity: 1 S. Rosamond Blvd., Edwards AFB, CA, USA.

Description of Request: This funding would complete construction of the main base runway at Edwards Air Force Base, CA. The funding will be used to complete paved shoulders on the runway and account for extra costs in the overall runway replacement project from items such as the stabilization of over 41,000 cubic yards of both unsuitable and unstable soil.

The main base runway, which supports almost every flight operation at Edwards Air Force Base, as well as space shuttle landings when necessary, is over 50 years old and is rapidly degrading as a result of Alkali-Silica Reaction (ASR), a reaction between the cement and the aggregate that creates map cracking, scaling and spalling of the concrete. Emergency Foreign Object Damage (FOD) repairs have forced runway closures affecting 10 to 15 flights for each closure. No other runways at Edwards AFB can safely support the current and projected test operations without significant test mission delays, and temporary relocation of these missions is not feasible; however, many of the current and planned test missions can be supported by a temporary runway.

This project was programmed by the Air Force in 2003 for FY06, and was incrementally funded over 3 years (FY06, FY07 and FY08). After the project was programmed. the cost of construction materials escalated dramatically, eliminating all management reserve and resulting in a reduction in the planned scope of the project. Providing the final $6,000,000 in FY09 will complete the project as originally scoped, avoid contractor demobilization and remobilization, and avoid reconstitution of the temporary runway to support this work, saving the government over $4,000,000 in cost avoidance on the temporary runway alone.

Requesting Member: Congressman KEVIN MCCARTHY.

Bill Number: H.R. 5658.

Account: Research Development Test and Evaluation, Air Force.

Project Amount: $3.000,000.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813–6000, USA

Description of Request: This funding authorization will be used to return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards Air Force Base will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater safety with higher reliability than any liquid booster engine ever made in the U.S. and perhaps the world. A match is not required for defense research projects, but I was informed that during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.

FORMAL DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I submit the following:

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: H.R. 5658.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Kentucky Department of Military Affairs.

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601.

Description of Request: Provide directed funding of $7.836 million to complete construction of the Readiness Center Phase 3—London Joint Support Operations Center located in Laurel County, Kentucky. Of this amount, $646,200 is scheduled for design cost and $208,000 is for supervision, inspection, and overhead costs. This third and final phase of construction will include administrative space, aircraft hangar space, and paving for hangar aprons, taxi ways, and aircraft parking. Aircraft will include various fixed wing aircraft and helicopters, OH–58s, UH–60s, and a C–130. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. Currently the operation is spread over several facilities approximately 100 miles apart. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

HONORING WALLACE CARDEN, WORLD WAR II VETERAN AND SURVIVOR OF THE NAZI BERGA POW CAMP

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BACHUS. Madam Speaker, on Memorial Day 2008, let us take time to reflect on the courage and indomitable will of a special group of World War II veterans: the survivors of the Berga POW camp.

Wallace Carden of Vestavia Hills in Alabama's Sixth District was one of the soldiers imprisoned in a cruel camp that simultaneously showed the worst of man's inhumanity—and the transcendent ability of the human spirit to endure and ultimately triumph.

Berga was a German concentration camp. Three hundred and fifty American soldiers were sent there after being captured during the Battle of the Bulge. Some were exiled there because they were Jewish. Wallace Carden, then just 19 years old, was detained simply because Nazi officers thought he looked Jewish.

The soldiers were ill-fed, heavily worked, and badly beaten; some were even killed. By day, they were forced to dig underground tunnels for weapons factories; by night, they shivered in squalid conditions, emaciated from hunger. But confronted with such inhumanity, these American soldiers persevered. They gave each other support, equally shared what little food they had, held faith in their country and God, and never allowed their spirit to be consumed by the evil and hate surrounding them.

Though physically separated from their brothers on the battlefield, the Berga soldiers honored America with their determination and will to survive. In the decades since, Wallace Carden and his fellow soldiers have provided important personal testimonials about Nazi brutality and prejudice, so that succeeding generations never forget the Holocaust and fully appreciate what it took for freedom to triumph during World War II.

Congressional Resolution H. Res. 883 rightly recognizes the service and sacrifice of the U.S. soldiers imprisoned at Berga, and I am a proud cosponsor. Their story is an integral part of the history of World War II, and their conduct under the most extreme and trying conditions an enormous credit to themselves and their country.

For my part, I want to thank Wallace Carden for his service to his community and country. Alabama is proud of him, and it is appropriate that on this Memorial Day recognition is being bestowed on Mr. Carden as well as an entire group of American soldiers whose soaring spirit should continue to inspire all of us.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 20, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall No. 331, rollcall No. 332, rollcall No. 333, rollcall No. 334, rollcall No. 335, rollcall No. 336, rollcall No. 337.

INTRODUCTION OF LEGISLATION AMENDING THE FEDERAL CHARTER OF THE GOLD STAR WIVES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce legislation that will amend the Federal charter of the Gold Star Wives of America to allow their officers to fully participate in the legislative process. This is a change that is long overdue and releases these advocates from the unnecessary and likely unconstitutional restraints in their charter.

The Gold Star Wives have a long and storied history of advocacy on behalf of the families of our Nation's fallen heroes. From World War II through today's current conflicts, these military widows and widowers have shaped the perception we have about families' struggle after the death of a loved one in military service. In doing so, they have risen from humble beginnings to become a force on Capitol Hill. Today there are more than 60 chapters nationwide that count more than 10,000 widows and widowers as their members.

The Gold Star Wives are hardly an idle group, winning key legislative victories to reinstate benefits for those whose second spouses have died, and improve medical and education benefits for survivors. They have consistently fought for and won increases in dependency and indemnity compensation affecting over 300,000 survivors who depend on that benefit.

It is toward the aim of helping the Gold Star Wives maintain their voice in Congress that I am introducing new legislation today that will allow all of the Gold Star Wives to freely advocate for the legislative matters that are most important to them.

When the Federal charter for the Gold Star Wives was drafted in 1980, it included a broad prohibition that none of the officers of the organization could influence any legislation in any manner. Since the Gold Star Wives rely on the volunteer work of its board and officers, the prohibition particularly hurts their advocacy on behalf of military families.

Other patriotic and national organizations—such as AMVETS, the VFW, the American Legion, and the Military Order of the Purple Heart—do not share this unusual restriction. I believe that this provision in the Gold Star Wives Federal charter is punitive, not practically enforceable and potentially an unconstitutional infringement upon the freedom to petition the Government. My legislation solution is simple—it will strike this single restriction from the Gold Star Wives Federal charter.

Madam Speaker, the Gold Star Wives is a top-notch organization that effectively advocates on behalf of military families. It is my intention that Congress pass this commonsense change to their charter and relieve the Gold Star Wives from this unnecessary and unconstitutional burden.

HONORING JOSEPH J. WALTERS OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor Joseph K. Walters, a constituent from Brooksville, Florida, who served with honor and distinction during World War II. It was during an aerial battle over Belgium in 1943 that Mr. Walters' plane was shot down, and he was forced to parachute into enemy territory. As a result of the landing and damage from the plane, Mr. Walters was wounded in battle, suffering a broken arm and earning him his Purple Heart.

On the morning of August 17, 1943, SSG Joe Walters, a ball turret gunner on a B-17 bomber in the European campaign of World War II, had already flown 14 missions into enemy territory. This morning's mission was to bomb German ball bearing plants. Once the squadron took flight, they came under fierce attack from enemy gunners. Thankfully they were able to drop their bombs on the targets, but on the return flight to England came under attack and all 10 men in his airplane were forced to bail out.

Landing in a fruit orchard in Boris, Belgium, Mr. Walters was helped by local farmer Lambert Tilkin and his son, men who were part of the underground resistance and who were able to get Mr. Walters to safety. It was during this parachute landing that Mr. Walters suffered his broken arm. Thankfully his arm healed during the 109-day journey back to England, a journey that had him walking through France, over the Pyrenees and through Spain.

In addition to his Purple Heart, Mr. Walters has received the Distinguished Flying Cross, the Air Medal with 3 Oak Leaf Clusters, the World War II Victory Medal, The American Campaign Medal, The European-African-Middle Eastern Campaign Medal with 1 Bronze Service Star, The Army Good Conduct Medal and the Honorable Lapel Button.

Madam Speaker, soldiers like Joseph J. Walters should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. Walters with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

CONGRATULATING STAFF SERGEANT MICHAEL BROUSSARD AND STAFF SERGEANT SHAYNE CHERRY

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate SSG Michael Broussard and SSG Shayne Cherry, winners of the 2008 Best Ranger Competition, a rigorous contest at Fort Benning, GA, between elite two-man teams.

Broussard and Cherry won a home-court victory, as they hail from Benning's 75th Ranger Regiment.

The Best Ranger Competition started out as a contest between the best two-man teams at Fort Benning in the early 1980s but quickly expanded Army-wide. It easily rates as one of the toughest, most physically demanding competitions in the world. Contestants endure extreme demands of their physical, mental and technical abilities as Rangers, and they must deliver at levels that far exceed the expectations of average soldiers.

Today, the competition pits the best of the best against each other. It's an honor to simply win a spot in the contest, making Broussard and Cherry's accomplishment all the more extraordinary. The event lasts 3 days and teams face elimination unless they complete all events, which include marksmanship, climbing a 60-foot rope and long, wet hikes. It's easy to see why of the 28 teams that entered only 16 finished all courses.

The pair took an early lead on the first day and never trailed again. Army Chief of Staff George Casey was on hand at Fort Benning to congratulate the winners.

Casey had high praise for all involved: "The men that have been through this competition . . . are a fitting example of what this Army stands for—about discipline, about mental and physical agility, about strength and about the warrior ethos."

Both SSG Broussard and SSG Cherry have been awarded many medals, including the Army Commendation Medal, the Army Achievement Medal, the Valorous Unit Award and many others.

Broussard, from Brentwood, CA, joined the service after high school in 2001. He has served two tours in Afghanistan and two tours in Iraq. He is working on his master's degree and plans to become a physician assistant after his military career. Broussard had competed in the Best Ranger Competition twice before.

Cherry, from Monroe, NE, has served since 2001 and has deployed to Iraq and Afghanistan seven times. He and his wife Amanda have two children.

"We said to each other . . . we're doing this to win. Period," Broussard told the Army Times. "Everything just sort of clicked for us."

Sergeant Broussard and Sergeant Cherry have dedicated their lives to the service of this Nation and have dedicated years of their lives to fighting on the front lines of the war on terrorism in Afghanistan and Iraq. With a combination of hard work, dedication and talent, they have proven on the field of battle and on the field of competition that they rank amongst the best soldiers in the U.S. Army—the greatest fighting force in the history of the world.

Madam Speaker, I call on the U.S. House of Representatives to join me and the people of Georgia's 3rd Congressional District in honoring the service and applauding the stellar achievements of Sergeant Michael Broussard and Sergeant Shayne Cherry. They are a tribute to Fort Benning, the U.S. Army Rangers, and the United States.

RECOGNIZING THE CITY OF LAGUNA NIGUEL

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. CAMPBELL of California. Madam Speaker, I am pleased to recognize the city of Laguna Niguel, located within the 48th Congressional District of California, for recently formalizing its Sister Cities Agreement with Al Qa'im, Iraq. This is the tenth Sister City relationship to be established between United States and Iraqi jurisdictions, and I see this as a clear sign to the people of Iraq that citizen volunteers within communities like Laguna Niguel stand beside them in their time of building a free and prosperous society.

The Sister City Program, administered by Sister Cities International, was initiated by President Dwight D. Eisenhower back in 1956 to encourage greater friendship and cultural understanding between the United States and other nations through direct personal contact. The partnership between Laguna Niguel and Al Qa'im will be for the purpose of exploring and implementing mutually beneficial programs in the areas of government and business information exchange, health, education, cultural arts, and sports.

As a preliminary first gesture, the city of Laguna Niguel's Military Support Committee sent hundreds of soccer balls, uniforms and pumps to Al Qa'im to help the Marines deployed there build relations with the local citizens. According to their commanding officer, the city played an extremely important role in assisting the Marines in accomplishing their mission.

This is just an early indicator of many great things to come as the activities of their mutual cooperation agreement unfold. Mayor Farhan Tekan Farhan of Al Qa'im was recently quoted in Marine Corps News, saying that "this is a great occasion for Al Qa'im, and God willing, this relationship will prove to be a promising one."

I especially want to thank the 1st Battalion, 4th Marine Regiment, led by LTC Jason Bohm, for initiating the program with Laguna Niguel and Al Qa'im, and the recently deployed Task Force 3rd Battalion, 2nd Marine Regiment, Regimential Combat Team 5, led by LTC Peter B. Baumgarten, for facilitating the official signing for the Sister City Program. I look forward to hearing and telling more about many other good things to come from this innovative program over the months and years ahead.

EARMARK DECLARATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PORTER. Madam Speaker, I submit the following:

Requesting Member: Congressman JON C. PORTER.

Bill Number: HR 5658, The Duncan Hunter National Defense Authorization Act.

Account: Procurement of Aircraft, Air Force (APAF).

Legal Name of Requesting Entity: Alliant Techsystems, LLC (Nevada Air National Guard).

Address of Requesting Entity: ATK Integrated Systems, 236 Citation Drive, Ft. Worth, TX 76106.

Description of Request: I received an earmark of $5,000,000 to upgrade the Podded Reconnaissance System, also known as Scathe View, on the C–130H to provide ground and air forces critical real-time intelligence for domestic disaster relief operations and war fighter requirements. The Scathe View System has served as an important component of the Nevada Air National Guard in support of Homeland Defense and natural disaster missions. Specifically, $1.7 million will provide for 2 additional Reconnaissance Pallets and $3.3 million for the addition of a Tactical Information data link to provide near real-time multi-sensor, multi-source situational awareness and threat warning information broadcast to the war fighter in a common, readily understood format, all in sufficient time to permit action. Funding of Scathe View integration is critical to provide ACC with a tactical EO/IR surveillance and targeting capability can capitalize on years of investment in Group A modifications to the aircraft, mission systems and training. This request is consistent with the intended and authorized purpose of the Air Force's Aircraft Modifications: C–130H account. This is the last year funding will be needed to complete the program, as the 2 additional pallet upgrades would complete the Katrina modifications for 2 additional aircraft, for a total of 6 of 8 aircraft and add the Tactical Information data link to all 8 aircraft.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. INGLIS of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman BOB INGLIS.

Bill Number: H.R. 5658 National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test & Evaluation, Air Force—Materials.

Legal Name of Requesting Entity: Cytec Carbon Fibers LLC.

Address of Requesting Entity: 7139 Augusta Road, Piedmont, South Carolina 29673.

Description of Request: The purpose of the request is to provide an earmark of $3,000,000 to conduct research and development aimed at producing a domestic source of cost effective, high performance carbon fiber used to manufacture efficient manned and unmanned air and space vehicles for the military. Approximately, $250,000 (8%) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through modified polymer chemistry; $200,000 (7%) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through carbon fiber surface science for improved property translation in composites; $250,000 (8%) to produce (pilot scale) and test 12k versions of phase I defined advanced PAN-based carbon fibers; $200,000 (7%) to establish testing protocols with Greenville and York Technical Colleges; $350,000 (12%) to generate meaningful preliminary composite data for use by target program managers; $150,000 (5%) to establish training parameters for manufacturing and use of high performance carbon fibers; $300,000 (10%) to begin scale-up of production/commercial capability; $350,000 (12%) to produce multiple production-scale carbon fiber lots of selected 12k versions of advanced fibers; $600,000 (20%) to initiate qualification/design allowable database test programs based on key military applications, and $350,000 (12%) for Air Force Research Laboratory project management.

In an effort to reduce the Department of Defense's fossil fuel dependence, the DoD has recently given significant attention to lightweighting manned and unmanned ground and air vehicles through advanced materials, such as composite structures, which are currently only available from foreign suppliers. The military has demonstrated a need for access to a lower cost domestic source of new advanced carbon fibers and testing protocols. Cytec Carbon Fibers will provide a domestic solution and utilize its carbon fiber expertise to develop and manufacture high performance carbon fibers in its Greenville, South Carolina plant to be used for military applications including J–UCAS, UCAR, Global Hawk, Predator, F–18 E/F, JSF and V–22 as well as missile and satellite components. The ultimate goal would be for Cytec to work with local technical colleges, such as Greenville and York Technical Colleges to establish a knowledge base on the manufacturing, testing, repair and efficient use of advanced composite materials. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Air Force—Materials Account. Since 2006, Cytec Carbon Fibers has invested $7 million to upgrade its R&D facilities and pilot plan capabilities.

HONORING STEVE L. BUTTS OF HERNANDO, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor Steve L. Butts, a veteran from Hernando, Florida who has recently been recognized with the Saint Martin Award, a tribute given under the authority of the U.S. Army Quartermaster General.

At the age of 17, Mr. Butts enlisted in the Army, and was sent to Quartermaster School in Ft. Lee, Virginia, eventually rising to the rank of sergeant. Assigned to the 1st LOG Command in Vietnam during 1969, Sgt Butts then served with the 2nd LOG Command in Okinawa in 1970. Prior to his retirement in 1989, Butts was appointed to warrant officer and was commissioned at West Point Academy. In addition to his service in Panama, Germany, Italy, France, England, Ireland, Turkey, Afghanistan, Korea, Japan, Spain, Netherlands and Greenland, Mr. Butts was sent to Lockerbie, Scotland as part of the team investigating the wreckage of Pan Am Flight 103, for which he was awarded the Meritorious Service Medal 5th OLC.

For his two decades of service to the Army Quartermasters, Mr. Butts was recently honored with the Saint Martin Award for distinguished service to the military. Martin was a Roman soldier who served during the time of Emperor Constantine and who during a campaign in Gaul kindly gave half of his warm cloak to a beggar who had been ignored by the rest of his troops. That evening Martin was visited by the Lord, who praised him for his kindness toward the poor beggar. Today, Saint Martin serves as the patron saint of the Quartermaster Regiment and lends his name to the award recently bestowed upon Steve Butts for his lifetime of service to the Army Quartermasters. The award recognized not just his years of military service, but also his continued commitment to the men and women who serve today in the Army Quartermaster units throughout the world.

Madam Speaker, it is veterans like Steve Butts who have served our Nation with honor and distinction and who deserve our praise and recognition. Completing his service and retiring from the Army, Mr. Butts continued to work with the Quartermaster regiments around the world, serving as an example for all men and women seeking to serve our great Nation. I congratulate Steve on his well deserved recognition and hope that he continues his service to the Quartermasters for many years to come.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Tuesday, May 20, 2008, I was unavoidably detained and thus I missed rollcall votes No. 331 through No. 337. Had I been present, I would have voted in the following manner:

On rollcall vote No. 331 on H.R. 6081, The Heroes Earnings Assistance and Relief Tax Act, I would have voted "aye."

On rollcall vote No. 332, on H.R. 6074, Gas Price Relief for Consumers Act, I would have voted "aye."

On rollcall vote No. 333, on H. Res. 1144. Expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative, I would have voted "aye."

On rollcall vote No. 334, on Adjournment Resolution, Providing for the Memorial Day Recess, I would have voted "nay."

On rollcall vote No. 335, on H.R. 1464, to assist in the conservation of rare felids and rare candids, I would have voted "aye."

On rollcall vote No. 336, on H.R. 2649, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, I would have voted "aye."

On rollcall vote No. 337, on H.R. 2744, Airline Flight Crew Technical Corrections Act, I would have voted "aye."

COMMEMORATING THE 100TH ANNIVERSARY OF THE PILGRIM VALLEY MISSIONARY BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the 100th anniversary of the Pilgrim Valley Missionary Baptist Church in Fort Worth, Texas. The church, which was organized in 1908 in a three-room house by Reverend James Hardeman, has grown and become a candescent light in the community.

The congregation, which was originally located on Orr Street, has several times outgrown their buildings and therefore several moves have been required. The church is now located on South Riverside Drive. For years, Pilgrim Valley Missionary Baptist Church has had an open-door policy towards the entire community, which has surely led to its continual growth in membership.

The church has been a cornerstone of the African-American community, providing a comprehensive drug abuse prevention program called Pilgrim Valley People Against Drugs, or PAD. The church has also provided sustenance for the needy, mentoring programs for the local children of the community, clothing giveaways, and college scholarships to its members seeking higher education.

Through the difficult times and the good times, Pilgrim Valley Missionary Baptist Church has always been a welcoming home for many in Fort Worth. Those who sacrifice their own needs for others are of the utmost moral excellence, and this church and its congregation are the epitome of selfless.

Madam Speaker, today I extend my sincere congratulations to the Pilgrim Valley Missionary Baptist Church and their continual outreach towards the community. I would also like to thank the recently retired Reverend W. G. Daniels for his 36-year devotion and service to the church. It is an honor to represent such a civic minded organization and individuals the 26th Congressional District of Texas.

CELEBRATING THE VISIT TO WASHINGTON OF HIS EXCELLENCY NECHIRVAN BARZANI, PRIME MINISTER OF THE KURDISTAN REGIONAL GOVERNMENT OF IRAQ

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to welcome to Washington and to the U.S. Congress a close friend of the United States, Prime Minister Nechirvan Barzani of the Kurdistan Regional Government of Iraq.

On the occasion of this important visit, I am also pleased that Congressman JOE WILSON of South Carolina has joined me to serve as co-chair and co-founder of the Kurdish-American Caucus.

America has no better friend in Iraq than Prime Minister Barzani and the country's Kurdish population. The Kurds have been among America's best allies in the overthrow of Saddam Hussein's regime and in supporting the transition to a democratic Iraq. Kurdish forces fight and die alongside U.S. troops in support of our mission in Iraq and are unambiguously grateful for America's many sacrifices in Iraq. They welcome a continued military presence in the Kurdistan Region as part of any redeployment of U.S. forces in the future, and offer their sincere friendship in the peace process. The Kurds are a model of stability and moderation in Iraq and have set themselves apart from the bloody sectarianism and factionalism that bedevils the political establishment in Baghdad today.

For those of my colleagues who have not visited the Kurdistan Region of Iraq, I would urge you to do so. My visit to Erbil earlier this year was an extraordinary lesson in how democracy can flourish in the Middle East. It is economically vibrant, peaceful and secure, and pro-American. The Kurdistan Regional Government has seized the opportunity of liberation from Saddam Hussein to establish a government that is both a model for Iraq and a gateway to the rest of the country. This is not to say that there are no challenges ahead. However, with the inspired leadership of Prime Minister Barzani and his colleagues in the region, and his excellent representative in Washington, I am confident of a bright future.

I invite my colleagues to join me in the Kurdish-American Caucus and to visit the Kurdistan Region of Iraq so they, too, can see how the ideals of a free and peaceful people can succeed even in war-torn nations of the Middle East.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McCRERY. Madam Speaker, I submit the following:

Requesting Member: Congressman JIM McCRERY (LA–04).

Bill Number: H.R. 5658, FY2009 National Defense Authorization Act.

Account: Research and Development, Air Force.

Legal Name of Requesting Entity: U.S. Air Force Cyberspace Command (Provisional) which will administer funds to Louisiana Tech University, Ruston LA.

Address of Requesting Entity: Barksdale Air Force Base, Bossier City LA/Louisiana Tech University, Railroad Ave, Wyly Tower 1629, Ruston, LA 71272.

Description of Request: This $4M authorization authorizes appropriations for continued research and development of the Remote Suspect Identification (RSI) initiative, a cyber security program that directly supports the Air Force's Cyberspace Command (Provisional) and the Eighth Air Force at Barksdale Air Force Base, LA. Funding will be utilized exclusively for research and development costs and well as associated administrative costs.

TRIBUTE TO ALLEN E. TACKETT WEST VIRGINIA AIR NATIONAL GUARD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. CAPITO. Madam Speaker, today I rise to give my congratulations to the West Virginia Army National Guard, under Adjutant General Allen E. Tackett, for being the special category winner of the Army Chief of Staff Army Communities of Excellence.

The ACOE Awards are presented every year to recognize excellence in performance for installation management. The award recognizes installation improvement, innovation, groundbreaking initiatives, and dedication to efficiency, and effectiveness. The award also acknowledges support to soldiers, non-military employees, veterans, and military families who reside on Army installations.

The West Virginia Army National Guard, which has 32 units, is currently supporting missions in Iraq, Afghanistan and Kosovo. It has been rated number one in readiness for the past 11 years.

The West Virginia Army National Guard has proven itself to be an elite, efficient military force. I am so proud that they have won recognition for their outstanding performance. Among their peer installations they have gained notoriety for their work in defending the homeland, and serving the American people at home and abroad.

I want to take this opportunity to thank and honor my fellow West Virginians who serve in the Army National Guard as well as all branches of the military. Their bravery and sacrifice exemplifies the best our country has to offer.

I encourage them to continue their hard work and am confident that they will continue to impress our Nation.

CLAY WALKER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. POE. Madam Speaker, it has been said that a real leader faces the music, even when he doesn't like the tune. Country music superstar Clay Walker has heard sour notes in his life before, but like a real leader he has stood strong and fought for what he believes is right. Because of his tireless dedication to fighting and finding a cure for Multiple Sclerosis he has earned the title of Artist Humanitarian of the Year for 2008 by the Country Radio Broadcasters.

Clay was born in Beaumont, TX, where country music is king. He was given his first guitar at the age of 9. Only 7 short years later, he walked up to a local radio station with a tape of a song that he had written himself. The station went against its own policy of not playing self-submitted tapes because, as the DJ announced, it was "too good to pass up." After graduating high school he went on a tour of Texas and took a job as the house singer in a local bar where he was discovered by a record producer from a major label. The rest, as they say, is history. Walker has released 10 albums, with 4 having been certified platinum and two certified gold. He has placed more than 30 singles on the charts, including 6 number 1s.

Walker's musical career hit some unexpected turbulence in 1996 when he was diagnosed with Multiple Sclerosis, the leading cause of non-traumatic disability in young people throughout the world. Despite dealing with occasional side effects like tiredness and tingling in his hands, Clay has been able to live, work, and maintain his quality of life through daily treatments and a healthy lifestyle. He knows that everyone diagnosed with MS can not enjoy those comforts. So in 2003 he formed the Band Against MS Foundation, a non-profit organization that aims to provide encouragement and education to those living with MS while also raising money to help find a cure for the disease. They have raised over a million dollars to fund research. He has also worked with the Make-A-Wish Foundation, the Ronald McDonald House, and Habitat for Humanity, among other charities. Walker was recently recognized for his selfless commitment to helping others by the Country Radio Broadcasters as he was named their Humanitarian of the Year for 2008. He joins other recipients such as Garth Brooks, Vince Neil, Kenny Rogers, Willie Nelson, and Reba McEntire.

On behalf of the Second Congressional District of Texas, I applaud my personal friend Clay Walker on his outstanding achievements. He personifies the spirit of Texas and Texas country music. He has faced the music and has tried to make the world a better to place to live, for those affected by MS and for those without.

And that's the way it is.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ALEXANDER. Madam Speaker, I submit the following:

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title I APA line 020.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA, 22204.

Description of Request: The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 "Essential 10–Top 25" unfunded priorities.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602720A line 22.

Legal Name of Requesting Entity: Mezzo Technologies.

Address of Requesting Entity: 716 Florida Blvd., Baton Rouge, LA 70806.

Description of Request: This is an Environmental Quality Technology initiative in the Pollution Prevention category that will address the Army's Unfunded need for additional CBRN soldier protection. The program will develop and test critical components for an Integrated ECS/CARS. Current chemical, biological, radiation, and nuclear (CBRN) air filtration systems rely on carbon filters to remove harmful agents from air being used to ventilate armored military vehicles. The program will provide the following benefits to the military: increased CBRN soldier protection; reduced operation and support costs over traditional filtration systems; reduced logistical burden associated with replacement of filters; and reduced dependence on global warming refrigerants.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602787A line 26.

Legal Name of Requesting Entity: Biomedical Research Foundation of Northwest Louisiana.

Address of Requesting Entity: 1505 Kings Highway, Shreveport, LA 71103.

Description of Request: The Biomedical Research Foundation in collaboration with Embera Neuro Therapeutics, Inc. are seeking federal assistance to develop a collaborative research plan with the Department of Defense to test the effectiveness of EMB 001 for treatment of post traumatic stress disorder (PTSD) and related neuropsychiatric disorders. EMB 001 is a novel treatment for drug addictions as it is the only emerging drug that reduces the cravings of the addict for the drug; thus, works to cure the addiction through decreased need. It does this by diminishing the effects of the environmental cues that trigger the cravings for the drug in the brain that cause drug use or relapse to drug use. While most other medicines designed to treat drug and alcohol addictions typically only target the limbic system of the brain, Embera's approach targets the prefrontal cortex, which is a higher cognitive center than the limbic system. Embera's lead therapeutic patent-pending drug, EMB 001, developed by Dr. Goeders, is a novel composition of two off-patent, FDA-approved drugs with a long history of use and an established safety profile. Dr. Goeders, currently serves as the Head of Pharmacology and Director, Stress and the Neurobiology of Drug and Alcohol Dependence Training Program at the Louisiana State University Health Sciences Center.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDAF 0301555F line 4.

Legal Name of Requesting Entity: Air Force Cyberspace Command Louisiana Tech University.

Address of Requesting Entity: P.O. Box 10348, Ruston, LA 71272.

Description of Request: "UNCLASSIFIED DESCRIPTION" Remote Suspect Identification (RSI) is a novel technology that uses mathematical models for identity verification over electronic networks. Aspects of this work have been commercialized in the private sector. Building upon recent collaborative successes with Louisiana Tech University in Ruston, Louisiana, the Air Force has expressed strong interest in further development of the algorithms and associated software for military applications. This project will enhance the Air Force's capability to capitalize upon innovations from Louisiana Tech University's Cyber Research Laboratory, where ongoing research is helping to support the goals of the Air Force's Cyberspace Command (AFCYBER) at Barksdale Air Force Base in Bossier City, LA. This important Air Force initiative, driven by research at Louisiana Tech, has already benefited from valuable research expertise from the Air Force Research Laboratory's Information Directorate (Rome, NY), Sandia National Laboratories, and the Massachusetts Institute of Technology's Lincoln Laboratory.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title III, OMDW ba04–0100d line 260.

Legal Name of Requesting Entity: National World War II Museum.

Address of Requesting Entity: 945 Magazine Street, New Orleans, LA 70130.

Description of Request: This request would provide a one-time permanent $50 million authorization, subject to appropriations, for the National WW II Museum in New Orleans, Louisiana. On June 6, 2000, the National D-Day Museum opened in New Orleans. On December 7, 2001, the Pacific Wing of the Museum opened.

The National D-Day Museum was officially designated by the U.S. Congress as "America's National World War II Museum" in the final Fiscal Year 2004 Defense Appropriations Act (Pub. L. 108–87, Section 8134). A key reason for this national designation is clearly spelled out in the second Congressional finding of Section 8134 that "The National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the homefront and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine."

Approximately $33 million in state funds and another $40 million in private funds already available and pledged in matching state/local/private funding for other Pavilions of the WWII Museum. It is planned that a total of $240 million in non-Federal support will match any future Federal appropriations. The State of Louisiana, which has already appropriated $33 million towards the Federal $50m authorization request, has also pledged to match dollar for dollar up to the total amount of the Federal Authorization, (the entire Federal million Authorization) if it is approved by Congress.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BARRETT of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman J. GRESHAM BARRETT.

Bill Number: H.R. 5658.

Authorized Amount: $4,000,000.

Project Name: Combat Casualty Equipment Upgrade Program.

MN: Navy.

Funding Source: Procurement, Marine Corps.

PE Number: 0.

Line Number: 050.

Legal Name and Address Receiving Earmark: North American Rescue Products, 481 Garlington Road, Suite A, Greenville, SC 29615–4619.

Description of how money will be spent and why use of federal taxpayer funding is justified: Provide Congressionally directed spending of $4,000,000 to greatly improve field medical equipment that meets the stringent requirements of today's counter-insurgency combat operations and littoral warfare. Program objectives and value to the DoD are to reduce preventable combat deaths at the point of wounding, more quickly stabilize and evacuate casualties during the critical "golden hour" after the initial trauma, and improve survival and recovery times. Funding will be used to maintain existing equipment and improve new immediate-medical-care equipment.

* * *

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I submit the following:

Vehicle Paint Facility, Fort Eustis.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: HR 5658.

Account: U.S. Department of the Army, Military Construction.

Legal Name of Requesting Entity: City of Newport News.

Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: Provide $4.076 million to construct a Vehicle Paint Facility at Fort Eustis with paint booths to accommodate the preparation and painting of vehicles, equipment, components, helicopters, and modular causeway sections. This project is required to support the preparation for and painting of approximately 1600 pieces of vehicular equipment. Most of this equipment belongs to the 7th Sustainment Brigade, which is one of the Army's most frequently deployed units. If this project is not provided, Fort Eustis will incur negative mission impacts and will not meet Virginia Environmental Quality requirements. Current painting operations will have an elevated cost because existing facilities cannot accommodate oversized equipment. The facility is critical to rapidly prepare equipment for deploying units in conjunction with time phased deployment schedules. In addition, the Deputy Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential.

The estimated contract cost is approximately $3.0 million with an estimated contingency percent of 5 percent, supervision, inspection and overhead costs at an estimated 5.7 percent, design/build design costs at an estimated 4 percent and additional expenses for installed equipment.

This request is consistent with the intended and authorized purpose of the U.S. Department of the Army, Military Construction account and the Department of the Army is the recipient of these funds. There is no matching requirement.

FEL Capabilities for Aerospace Microfabrication.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Air Force, Research, Development, Test and Evaluation.

Legal Name of Requesting Entity: Jefferson Science Associates on behalf of the Thomas Jefferson National Accelerator Facility.

Address of Requesting Entity: 12000 Jefferson Avenue, Newport News, VA 23606.

Description of Request: Provide $1.4 million for the expansion of the Free-Electron Laser program at Jefferson Laboratory through the USAF RDT&E Account. The FEL has delivered world-record levels of infrared light for development of defense, science and industrial applications. This joint project of the Aerospace Corporation and the Jefferson Lab in support of the Air Force Research Lab has demonstrated the use of kilowatt levels of ultraviolet light useful as a microfabrication processing tool to produce miniature satellite components. The completion of the ultraviolet processing capability will enable microfabrication techniques for production of miniature satellites at substantially lower cost and processing time than what is achievable with current technology.

$11 million was appropriated for the UV FEL project in the FY 2001–FY 2004 period, as well as an additional $1.6 million appropriation in FY 2008, which has allowed the hardware to be 90% completed. The FY 2009 request of $1.4 million is needed to complete and commission this project. There is no matching requirement, This request is consistent with the intended and authorized purpose of the U.S. Department of the Air Force, Research, Development, Test and Evaluation account.

Marine Corps Base Quantico OCS Headquarters Facility.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Military Construction.

Legal Name of Requesting Entity: Member initiated request.

Address of Requesting Entity: N/A.

Description of Request: Provide $6.53 million for construction of the Marine Corps Base Quantico OCS Headquarters Facility located at Quantico, Virginia. The funding would be used to construct a single-story administrative headquarters building to consolidate Headquarters functions at Officer Candidate School (OCS). The facility will provide workspaces for 75 Marines responsible for coordinating the administrative, educational, operational and logistics support required to conduct Officer Candidate training at OCS. The existing facility was built in 1945 and will be demolished once new construction is complete. Preventive and corrective maintenance, both routine and emergency, take place on a daily basis at the existing facility, consuming material, money and manpower. This project is listed on the USMC FY09 Unfunded Programs List. The entity to receive funding for this project is the United States Navy.

The estimated contract cost for the 13,250 square foot facility is approximately $4 million with an estimated contingency percent of 5%, supervision, inspection and overhead costs at an estimated 5.7%, design/build design costs at an estimated 4% and additional expenses for installed equipment. The funds will be used for the OCS headquarters construction, technical operating manuals, information systems, anti-terrorism force protection, and supporting facilities (construction features, electrical, mechanical, paving and site improvements, demolition and environmental mitigation.)

There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Military Construction account.

Electromagnetic Railgun Program: Directed Energy and Electric Weapon Systems.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Research and Development.

Legal Name of Requesting Entity: Fredericksburg Regional Military Affairs Council.

Address of Requesting Entity: 2300 Fall Hill Ave., Suite 240, P.O. Box 7476, Fredericksburg, VA 22404.

Description of Request: Directed energy and electric weapons systems and a laser weapons system are top research and development priorities on the Navy's FY09 Unfunded Program List. The laser weapons system is under development as a rapid prototype to serve as an adjunct laser weapon for the Navy's Close-In-Weapon System to counter rockets, artillery, mortar and unmanned aerial vehicles for ship and expeditionary base defense. The $5 million requested for FY09 would accelerate development of this program by two years. The Navy's Joint Vision 2020 outlined an objective to develop directed energy weapons that provide unique capability against emerging asymmetric threats. Directed energy and laser weapon systems research and development, including high power free electron and high brightness electron laser technology, is consistent with this objective. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Research and Development account. 'there is no matching requirement. Detailed finance plan below.

Effort	Activity/Company	Amount	Percent
Financial Admin, NAVSEA support, SBIR, etc.	NAVSEA	250,000	5.0
Program Management and SMEs.	PMS405	250,000	5.0
LASER WEAPONS SYSTEM (LAWS).	NSWCDD	175,000	3.5
Program management support.	BTPS	75,000	1.5
Beam Director	NSWCDD	550,000	11.0
Optics analysis	PSU–EOC	200,000	4.0
Track systems	NSWCDD	200,000	4.0
Sensor and mount interface.	L3/BR	100,000	2.0
System Integration	NSWCDD	400,000	8.0
Technical support	EG&G	100,000	2.0
Testing/Validation	NSWCDD	300,000	6.0
Setup and data analysis.	PSU–EOC	200,000	4.0
Demonstration	NSWCDD	500,000	10.0
Technical support	EG&G	200,000	4.0
PROJECT GUILLOTINE	NSWCDD	375,000	7.5
Program management support.	BTPS	125,000	2.5
Target development	ENV	250,000	5.0
Field testing Dahlgren	BTPS	200,000	4.0
Field testing Yuma	ENV	400,000	8.0
Data Analysis	BAH	150,000	3.0
		5,000,000	100.00

Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS).

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.

Account: U.S. Department of the Navy, Research and Development.

Legal Name of Requesting Entity: N/A.

Address of Requesting Entity: N/A.

Representative WITTMAN requested that the House Committee on Armed Services consider an increase in funding for Research and Development, Navy, to support risk reduction activities for the Undersea Launched Missile Study (ULMS) and the associated planned Sea Based Strategic Deterrent (SBSD). Since SBSD is not yet a program of record, and is therefore pre-competitive, Representative WITTMAN did not request that any increase in funding be awarded to a specific recipient. Representative WITTMAN is pleased that the Committee recommends an increase of $10.0 million to Research & Development, Navy, for this activity.

Subsequent to the submission of the request, Representative WITTMAN was informed that the Navy would apply any additional funding above the President's Budget request for the Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS) to Northrop Grumman and General Dynamics. The Navy has decided to apply these additional funds to the shipyards for detailed concept work to perform the Analysis of Alternatives (AoA) for SBSD.

Representative WITTMAN supports the Navy's decision to execute these funds in a manner which achieves best value for the Government. There is no matching requirement.

SENATE—*Friday, May 23, 2008*

(Legislative day of Thursday, May 22, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2008.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY, MAY 27, 2008, AT 9:15 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 9:15 a.m., on Tuesday, May 27, 2008.

Thereupon, the Senate, at 10 and 29 seconds a.m., recessed until Tuesday, May 27, 2008, at 9:15 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BLUNT. Madam Speaker, pursuant to Republican Earmark Guidance, I submit the following information.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 5658.

Account: Defense-Wide—RDT&E, Ballistic Missile Defense Terminal Defense Segment.

Legal Name of Requesting Entity: LaBarge Inc. (subcontractor of Raytheon).

Address of Requesting Entity: 1505 Maiden Lane, Joplin, MO 64801.

Description of Request: $10 million is included in this bill for key components of the Short Range Ballistic Missile Defense, a Stunner interceptor used by both the United States and Israel. The use of taxpayer funds is justified because the need for this capability was demonstrated during Israel's conflict in Lebanon in 2006 and remains a top concern for U.S. troops deployed around the world. David's Sling is a joint U.S./Israeli program developing the affordable Stunner interceptor for use by both countries.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 5658.

Account: Army—RDT&E, Medical Advanced Technology.

Legal Name of Requesting Entity: Missouri State University and Crosslink.

Address of Requesting Entity: 524 N. Booneville Ave. Springfield, MO 65806.

Description of Request: $6 million is included in this bill to develop a localized drug delivery system for use on amputee and burn victims who are wounded in combat. Effective localized controlled drug delivery will provide amputees and burn victims the needed pain and healing therapeutics while minimizing the required dosage because the drug will be delivered locally and not systemically. This will aid in reducing chances of developing drug resistance and dependency both of which reduce healing time and reduce quality of life. The use of taxpayer funds is justified because there are an estimated 20,000 injuries in Iraq and many amputees are not wearing their prosthetic device due to discomfort resulting from inflammation and infection.

Requesting Member: Congressman ROY BLUNT.

Bill Number: H.R. 5658.

Account: Army—RDT&E, Medical Advanced Technology.

Legal Name of Requesting Entity: Missouri State University and St. Johns Health System.

Address of Requesting Entity: 524 N. Booneville Ave. Springfield, MO 65806.

Description of Request: $6 million is included in this bill to fund technology to allow for the improved ability to quickly treat soldiers who sustain severe eye injuries in the field. Currently, the time from injury to treatment for eye injuries in the Iraqi conflict averages more than 18 hours due to the lack of field-ready, easy-to-use eye injury stabilization materials. The use of taxpayer funds is justified because many of the injuries suffered by our military personnel serving in the Middle East are a result of IED (improvised explosive device) mortar and direct action injuries. Between October 2001 and June 2006, over 1,100 troops with combat eye trauma were evacuated from overseas military operations, making serious eye wounds one of the most common types of injury experienced in current U.S. conflicts. Walter Reed Army Medical Center feels strongly that the project has considerable military relevance and plans to collaborate in the program.

IN MEMORY OF JAMES "JIM" NELSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember James "Jim" Nelson, a pioneer in his community and grandfather of the Republican Party in Denton County.

Though my political life began after Jim's leadership of the Denton County Republican Party, his legacy and commitment to conservative principles is renowned. I am proud to call his son, J. Michael Nelson, and daughter-in-law, State Senator Jane Nelson, good friends of mine.

Jim was one of the few Republicans in Denton County in the 1970s, and he worked hard to build the party's base there. He can be credited, in large part, to the overwhelming success of the GOP in North Texas today. Besides the Republican Party, Jim was involved in business, arts and charitable organizations. He also served as Texas Education Commissioner from 1999 to 2002.

Jim was one of the hardest-working individuals I have ever met. The last time I saw him was at his Mayday Manufacturing Co. warehouse. Jim was right in the middle of it all, working on the line in the warehouse giving instructions. This is the type of tireless dedication that Jim applied to every aspect of his life.

Madam Speaker, it is truly an honor to rise today and remember a man who, throughout his long life, did so much to better those around him and his community. My thoughts and prayers are with his family. Jim will be greatly missed.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658, Air Force, RDT&E, Line 221, PE #0708611F (Support Systems Development).

Legal name and address of entity receiving earmark: Biomass Energy Systems, Inc., 100 Overlook Center, 2nd Floor, Princeton, NJ 08540.

Description of how the money will be spent and why the use of Federal taxpayer funding is justified: This project is underway to introduce alternative energy sources based on locally available resources for the USDOD and in Alaska. The Air Force, APTO, Eielson AFB and BESI have forged an alliance to create an alternative energy source program to be implemented in Alaska. The program consists of three phases. First, an integrated waste to energy system consisting of waste gasification, gas cleanup, and a gas engine to convert waste-based fuel gas to electricity will be demonstrated using wood waste and other locally generated wastes at Eielson AFB in Fairbanks, AK. After the testing is completed and any modifications are identified, the gasification system will be relocated to a local village, to demonstrate the system in a typical local setting as a backup source of power. After testing the system under local conditions is completed, the system will be integrated in parallel with the existing petroleum-based system. Initially the system will operate as backup for the existing system with a gradual change over to a primary role. This provides a practical model of sustainable renewable energy for the USDOD facilities, as well as the Alaskan villages.

Description of matching funds: BESI is currently under contract to the U.S. Air Force, APTO to deliver a final design for a 1MW system for Eielson Air Force Base in Alaska. This is a Congressionally funded project from FY 07 and the contract is worth $848,040.00.

Authorized Amount: $4,000,000.

Project Name: Eielson Air Force Base Alternative Energy Source Program.

Detailed Finance Plan: $2,300,000 Equipment Gasifer and Genset; $700,000 Instrumentation and Controls; $1,150,000 Construction and Installation; $550,000 Shakedown; $300,000 Project Management.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EARMARK DECLARATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KNOLLENBERG. Madam Speaker, consistent with New Republican Earmark Disclosure Requirements, I hereby submit the following information regarding earmarks listed in the Fiscal Year 2009 National Defense Authorization Act which, to my knowledge, have my name listed as a sponsor of the given earmark. The information provided for each earmark consists of the name of the project, account, funding level, and the justification for the use of taxpayer dollars.

Requesting Member: Representative JOE KNOLLENBERG.

Bill Number: H.R. 5658.

Account Information: Army, RDTE, PE 0603002A, Line 30.

Name of Earmark and Amount Listed in the Report: Mild, Traumatic Brain Injury Assessment and Triage Using Smart Sensor Technology—$3.2 million.

Legal Name and Address of Receiving Entity: William Beaumont Hospital, 3601 W. Thirteen Mile Rd., Royal Oak, MI 48073.

Earmark Description: Funding will be used for a Beaumont Hospital-led consortium on mild traumatic brain injury assessment and triage using smart sensor technology in military helmets and vehicles. The potential application of sensor-equipped helmets could not only save the lives of military personnel but could enhance the medical outcomes of sports-related injuries as well. The funding will be used for administrative work, information technology, project supplies, and site personnel.

Requesting Member: Representative JOE KNOLLENBERG.

Bill Number: H.R. 5658.

Account Information: Army, RDTE, PE 0602618A, Line 14.

Name of Earmark and Amount Listed in the Report: Globally Accessible Manufacturing and Maintenance Activity (GAMMA)—$3.5 million.

Legal Name and Address of Receiving Entity: POM Group. Inc. 2350 Pontiac Road, Auburn Hills, MI 48326.

Earmark Description: The proposed program entitled "Globally Accessible Manufacturing & Maintenance Activity (GAMMA)" will develop rapid, precision Direct Metal Deposition (DMD) technology, combined with current materials removal technology, using the same (single) laser platform which will provide a quantum leap in force readiness and significantly impact the US economy by greatly reducing the time of making complex, 3–D shaped components for dual-use applications. In addition. GAMMA will greatly enhance the currently fielded US Army effort called the Mobile Parts Hospital (MPH) where modules are deployed to remote locations to fabricate metal parts on site from bar stock. Incorporation of the DMD technology would eliminate the need for bar stock $60 billion inventory. The funding will be used for design. factory testing. and validation practices.

Requesting Member: Representative JOE KNOLLENBERG.

Bill Number: H.R. 5658.

Account Information: Navy, RDTE, PE 0603123N, Line 16.

Name of Earmark and Amount Listed in the Report: Mobile Manufacturing and Repair Cell/Engineering Education Outreach Program—$1.0 million.

Legal Name and Address of Receiving Entity: Focus: HOPE, 1355 Oakman Blvd., Detroit, MI 48238.

Earmark Description: The purpose of this program is to attract, train and educate technicians and engineers capable of deploying new critical technologies in support of Navy forces. The funding will be used for research. recruitment, curriculum development, demonstrations, outreach, and administrative costs.

Requesting Member: Representative JOE KNOLLENBERG.

Bill Number: H.R. 5658.

Account Information: Army, MilCon National Guard.

Name of Earmark and Amount: Multiple Ranges: Live Fire Shoot House, Urban Assault Course, Infantry Squad Battle Course, Grayling—$4.36 million.

Legal Name and Address of Receiving Entity: Michigan National Guard, Lansing, Michigan.

Earmark Description: Each range facility provides the ability for combat leaders to train and evaluate their unit during live fire exercises in an indoor building, a built- up/urban area, and an outdoor squad tactical movement engagement scenario. Range targetry includes wireless systems, solar-battery power, stationary and moving, automated target systems, varying from up-close indoor and outdoor target engagements to 1000M, controlled and scored by computers in an operations center or control tower. The funding will be used for construction of a primary facility, secondary facility, other supporting facilities.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LATTA. Madam Speaker, I submit the following:

Requesting Member: Congressman ROBERT E. LATTA (OH–5).

Bill Number: H.R. 5658.

Provision: Title XXVI; Section 2601.

Legal Name of Requesting Entity: Ohio National Guard.

Address of Requesting Entity: 2825 West Dublin Granville Road; Columbus, OH 43235.

Description of Request: The requested funds will be used to construct a two-story, 80-bed barracks facility at the Ohio Army National Guard's Camp Perry Training Site.

The firing ranges at the Ohio Army National Guard's Camp Perry Training Site have been operational for over 100 years. They are some of the finest known-distance firing ranges in the United States. In the past two years, the National Guard Bureau provided $1.5 million dollars to update the targeting systems and to rebuild the protective berms around the firing ranges. They recently completed construction on a "shoot house" at which our members may train urban warfare skills, and the base also features a high-tech shooting simulator.

There is great capability at Camp Perry, but the housing for National Guard members is entirely inadequate. The National Guard Bureau recently certified a shortage of nearly 600 bed spaces at Camp Perry, and much of the housing stock on Camp Perry is uninhabitable.

With the January 2007 change in the Department of Defense's policy on mobilization of the National Guard, and the corresponding increase in responsibility for training and certification, the Ohio National Guard will rely even more heavily on Camp Perry for individual weapons training and qualification. Providing sufficient bed space of habitable quality is critical. This project, which will replace a number of World War II-era hutments with a 100+ bed barracks, is an important first step.

INTRODUCTION OF THE EMPLOYEE MISCLASSIFICATION PREVENTION ACT OF 2008

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Ms. WOOLSEY. Madam Speaker, Employers who misclassify their employees as independent contractors rob workers of needed pay and benefits and cost government at all levels substantial uncollected revenues—resources that are needed for vital government programs and services.

Yet misclassification is widespread. According to the General Accounting Office, at least 10 million workers in the U.S. are classified as independent contractors, and studies show that as many as 30 percent of employers misclassify their workers. Why do they do it? They misclassify to avoid the cost of payroll taxes, insurance premiums and mandated benefits, and to boost their profits. In fact, the Department of Labor has concluded that the number one reason for misclassification is to avoid the payment of workers compensation premiums, as well as workplace injury and disability-related disputes.

The cost is high for employees, who when misclassified, lose out on employee benefits, including those that are exempt from taxation or receive tax-deferred benefits, such as retirement, life insurance, accident and health coverage, qualified tuition reduction programs, benefits under a cafeteria plan, educational assistance programs and dependent care assistance programs. Additionally misclassified workers are not afforded even minimal workforce protections, including workers compensation, minimum wage, overtime pay, health and safety requirements and the right to join a union. And eligibility for Medicare, Social Security and Unemployment compensation is negatively affected as well.

The cost to society is high as well, and it is estimated that billions of dollars are lost each year; money that would otherwise be paid to the States and the Federal Government in taxes. Despite, this enormous problem, the Department of Labor (DOL) has failed not only to crack down on this practice by enforcing current laws, but has failed to coordinate with other agencies to address the issue. In addition, it is unclear under the law which standard should be employed for determining who is and who is not an independent contractor.

The Employee Misclassification Prevention Act of 2008, which Representatives ANDREWS, MICHAUD, MILLER and I are introducing today attacks the problem of misclassification head-on by:

Clarifying that employee records must reflect the worker's accurate status or classification as an employee or non-employee and that it is a violation of the Act to make an inaccurate classification.

Requiring employers to provide employees and non-employees notice of their status and notice of their rights to challenge that classification.

Providing additional penalties for misclassification as well as increased penalties for violations that are willful or repeated.

Requiring state unemployment insurance agencies to conduct audits to identify employers who are misclassifying employees.

Mandating the Department of Labor (DOE) to develop a system to track and monitor States' effectiveness in identifying employers who misclassify.

Explicitly allowing DOL and the Internal Revenue Service (IRS) to refer incidents of misclassification to one another; and

Requiring DOL to perform targeted audits focusing on employers in industries that frequently misclassify employees.

We know that there are good employers out there who pay their employees fair and honest wages. This bill is to protect bona fide employees from the 30 percent who don't.

EARMARK DECLARATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Requesting Member: Congressman JIM MCCRERY.

Bill Number: H.R. 5658, FY2009 National Defense Authorization Act.

Account: Research and Development, Army.

Legal Name of Requesting Entity: Biomedical Research Foundation of Northwest Louisiana.

Address of Requesting Entity: 1505 Kings Hwy., Shreveport, LA 71103.

Mr. McCRERY. Madam Speaker, I submit the following:

Description of Request: This $1.2M authorization authorizes appropriations for the continued research and development of EMB001, a novel treatment for Post Traumatic Stress Disorder. The Biomedical Research Foundation in collaboration with Embera Neuro Therapeutics, Inc. (Shreveport, LA) are seeking federal assistance to develop a collaborative research plan with the Department of Defense to test the effectiveness of EMB001 for treatment of post traumatic stress disorder (PTSD) and related neuropsychiatric disorders. Cost breakdown: $850K Direct Costs associated with research initiative, $350K for Overhead/Personnel.

INTRODUCTION OF THE EMPLOYEE MISCLASSIFICATION PREVENTION ACT OF 2008

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ANDREWS. Madam Speaker, along with my colleagues Congresswoman LYNN WOOLSEY, Chairman GEORGE MILLER, Congressman MIKE MICHAUD, Congressman MCDERMOTT and almost all of the Democratic Members of the Committee on Education and Labor, I rise today to introduce the Employee Misclassification Prevention Act of 2008, EMPA.

The egregious practice of misclassifying workers as independent contractors needs to end. EMPA is pro-employee, pro-employer and pro-taxpayer. The bill will protect employee benefits, remove incentives for employers to misclassify their workers, and ensure that bad employers don't line their own pockets with unpaid payroll taxes.

In the last decade we have seen a questionable increase in the amount of individuals classified as independent contractors. In 1984, which was the last time a comprehensive misclassification study was conducted by an oversight agency on this issue, the Internal Revenue Service (IRS) estimated that 15 percent of employers misclassified 3.4 million workers as independent contractors. As a result, $1.6 billion or $2.72 billion in inflation-adjusted 2006 dollars in Social Security, unemployment and income taxes was stripped from the hands of the Government and went into the pockets of tax evaders. Furthermore, the 3.4 million workers who were misclassifed were stripped of many of their basic, but essential, employee rights.

In some cases, classifying an individual as an independent contractor is quite right and quite appropriate. If someone is retained for a limited purpose, usually for a limited time, to do a specific job function for an employer, it is quite necessary and appropriate that that person not be treated as an employee for reasons of flexibility, and for reasons of fair compensation.

However, when an individual is considered an independent contractor by their employer, but is told what to do. has no discretion over how to conduct the affairs of the business, and whose compensation is fixed and set by the employer, it is our duty as Members of Congress to protect this employee's rights under Federal law.

There are millions of workers, who mow lawns, drive trucks, work in garment linen factories, and serve food in restaurants that I would consider an employee; nonetheless, these hardworking individuals are exploited and misclassified by their employers seeking to evade paying taxes. If any American worker is told what to do, when to do it, how much money they are going to make, what the work rules are, what they can and cannot do by their employer then the law should require they be classified as an employee and receive all of the benefits of the 40-hour work week, as well as worker safety protections, pension and healthcare protections and other worker protections provided to them under Federal law.

I encourage everyone to join me, my cosponsoring colleagues, as well as the AFL–CIO. Change to Win, United Brotherhood of Carpenters, International Brotherhood of Teamsters, the Laborers International, UNITE HERE, the National Employment Law Project, and others and support EMPA to protect workers across the country from employers who are only interested in making a profit for themselves at the expense of the American workers and taxpayer.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658, Army, RDT&E, Line 6, PE # 0602120A.

Legal name and address of entity receiving earmark: Alkan Shelters, LLC, 1701 S. Cushman St., Fairbanks, AK 99701.

Description of how the money will be spent and why the use of Federal taxpayer funding is justified: In an effort to support the needs of the Special Operations Community with regard to establishing remote area communications and intelligence, Alkan has designed a C4 module capable for use on the smaller ATV platforms. The module design incorporates the latest in satellite communications, UAV & IR camera surveillance and military mesh network antenna systems. It will provide a means by which to gather field intelligence and transmit this data back to the tactical operations center. This project funding would be used to build a military ATV vehicle and C4 module and has already received $500,000 in funding from SOCOM.

Description of matching funds: This project has received $500,000 in funding from SOCOM.

Authorized Amount: $1,500.00.

Project Name: Command and Control, Communications and Computers (C4) module.

Detailed Finance Plan: $300,000, ATV; $300,000, Shelter; $300,000, C4 Components; $600,000, Engineering.

RECOGNIZING NATIONAL DRUG COURT MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ABERCROMBIE. Madam Speaker, I rise today to congratulate the nine drug courts in my State and around the country during National Drug Court Month. Over 2,100 drug courts in the United States provide an alternative to incarceration for non-violent, drug-addicted offenders by combining intense judicial supervision, comprehensive substance abuse and mental health treatment, random and frequent drug testing, incentives and sanctions, clinical case management and ancillary life skills services. The tireless efforts of the judges, prosecutors. defense attorneys, treatment providers, rehabilitation experts, child advocates, researchers, educators, law enforcement representatives, correctional representatives, pre-trial officers and probation officers that are involved in drug courts provide substance abusing offenders with the much-needed chance at long-term recovery and productive lifestyles.

I have seen firsthand the impact of the drug courts in my State, where drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives. Since opening their doors, Hawaii's drug courts have graduated over 840 adult clients, 180 family clients, and 81 juvenile clients statewide. During fiscal year 2006, the recidivism rate for adult graduates was a mere 8 percent. For juvenile clients the recidivism rate was 13 percent. Family drug court clients experienced no recidivism whatsoever in 2006.

As we face a growing population of drug-addicted offenders in the American justice system, we must expand our efforts to bring treatment to a larger number of those in need. According to a recent study by the Urban Research Institute's Justice Policy Center, approximately 1.5 million drug-involved offenders should be diverted to drug court, which would generate $46 billion in savings to American taxpayers. Armed with our existing research that drug courts work, reduce recidivism, and save lives and money, we must work on taking drug courts to scale.

If society is truly going to save the lives of the addicted, break the familial cycle of addiction for future generations, have a substantial impact on associated crime, child abuse and neglect, reduce poverty, alleviate the over-reliance on incarceration for the addicted, and reduce many of the public health consequences in the United States, drug courts must be taken to scale. There is no greater opportunity for systemic social change in the American justice system. There is no greater opportunity to heal families and communities.

Again, congratulations to the dedicated drug court professionals and graduates from Hawaii and around the country on a job well done.

"HONOR FIRST:" COMMEMORATING THE 84TH ANNIVERSARY OF THE ESTABLISHMENT OF THE BORDER PATROL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REYES. Madam Speaker, I rise to commemorate the 84th birthday of the United States Border Patrol.

Next Wednesday, May 28, 2008, we will be commemorating the establishment of the United States Border Patrol, which began as the Patrol Inspectors in El Paso, Texas. The Border Patrol began under the Bureau of Immigration, then became a part of the Immigration and Naturalization Service. Since the creation of the Department of Homeland Security in 2003, the Border Patrol has become an integral part of U.S. Customs and Border Protection.

Today, the Border Patrol is led by my friend and former colleague, Chief David V. Aguilar. Under his strong direction and leadership, the Border Patrol has grown to over 16,000 agents stationed throughout the Nation's southern, northern, and coastal borders.

Guided by their national strategy, with the proper mix of manpower, technology, and infrastructure, the Border Patrol's primary goal is to gain and maintain operational control of our borders. Agents protect and defend the United States by preventing the smuggling of illicit materials, and surreptitious entry of persons into the United States. Last year alone, the Border Patrol arrested over 876,000 persons illegally entering or already present in the United States, and seized over 1.8 million pounds of marijuana and 14,000 pounds of cocaine.

Today, the Border Patrol uses state of the art technologies to aid in the performance of their duties. Infrared cameras, remote video surveillance, unattended underground sensors, and ground radar support their national strategy. Their special response teams and tactical units are specially trained for domestic and international emergencies and they have search, trauma, and rescue teams that provide humanitarian and rescue capabilities and perform countless rescues each year. The Border Patrol's mission is also supported by air and marine assets and personnel from CBP Air and Marine.

Before coming to Congress, I was honored to serve as a Border Patrol agent for 26½ years, of which 13 were spent as sector chief in McAllen and, then, in my home district of El Paso, Texas. My time in the Border Patrol gave me firsthand knowledge of the vigilance and dedication that are constantly required of these agents. The task of protecting our Nation's borders is no small charge.

Sadly, over the years, the Border Patrol has lost 105 men and women who courageously served our country. Let us take a moment to remember these brave men and women and honor their sacrifice.

The Border Patrol lives by their motto "Honor First"; so today. I ask that we honor the men and women in green for the work they have done and the sacrifices they have made.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following: Bill Number: H.R. 5658, Navy, RDT&E, Line 181, PE # 0206623M.

Legal name and address of entity receiving earmark: Alkan Shelters, LLC, 1701 S. Cushman St., Fairbanks, AK 99701.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: In an effort to support the needs of the Special Operations Community with regard to establishing remote area communications and intelligence, Alkan has designed a C4 module capable for use on the smaller ATV platforms. The module design incorporates the latest in satellite communications, UAV & IR camera surveillance and military mesh network antenna systems. It will provide a means by which to gather field intelligence and transmit this data back to the tactical operations center, This project funding would be used to build a military ATV vehicle and C4 module and has already received $500,000 in funding from SOCOM.

Description of matching funds: Alkan Shelter, LLC will contribute internal R&D in the amount of $100,000.

Authorized Amount: $2,000,000.00.

Project Name: EMI Hardened Expandable Shelter.

Detailed Finance Plan:

Phase 1: $300,000 Engineering; $200,000 Testing; $150,000 Materials.

Phase 2: $200,000 Engineering; $300,000 Testing; $400,000 Expandable Shelter.

Phase 3: $150,000 Engineering; $300,000 Testing.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HUNTER. Madam Speaker, I submit the following:

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Shipbuilding & Conversion, Navy.

Legal Name of Requesting Entity: PMS 450, Virginia Class Submarine Program.

Address of Requesting Entity: Washington Navy Yard, Washington, D.C.

Description of Request: Adds $422 million in additional advanced procurement funding for the VIRGINIA Class submarine program. The Navy has a projected shortfall of 7 attack submarines beginning in fiscal year 2028. The provision of advanced procurement in fiscal year 2009 would allow the Navy to accelerate procurement of 2 submarines per year beginning in fiscal year 2010, potentially decreasing the shortfall to 6 SSNs.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Joint Improvised Explosive Device Defeat Fund.

Legal Name of Requesting Entity: Sierra Nevada.

Address of Requesting Entity: Hagerstown, MD.

Description of Request: Provide $50 million for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor Platforms for tactical operations in OIF and OEF.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: L–3 Communications, San Diego, CA; MBDA, Los Angeles, CA; Raytheon, Tucson, AZ; Boeing, St, Louis, MO.

Description of Request: The Affordable Weapons System (AWS) program is an advanced technology initiative to design, develop, and produce an affordable precision guided weapon. Phase II to begin September 2008 will study best material approach, conops and system architecture refinement, and a comprehensive risk assessment leading to a preferred system concept with a flyaway cost of less than $250 thousand. The results from the Phase I and Phase II study will support the development of an ICD leading to a new start program in 2010 with a 2016 first article delivery. An additional $15 million will support the Phase II contracts.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: L–3 Communications.

Address of Requesting Entity: 9925 Carroll Canyon Road; San Diego, CA. 92131.

Description of Request: The SEA FIGHTER program provides a low cost, low risk, high payoff pathway for rapidly transitioning SEA FIGHTER into an operationally deployable asset as well as demonstrating transformational and highly survivable persistent surveillance capabilities in ungoverned and denied areas that can be applied to current and future Naval Littoral and USCG Maritime vessels. A funding level of $10 million for FY 2009 is required to upgrade the ship mast structure, and for enhanced active and passive survivability system modifications, HVAC, pilot house armor, weather tight mezzanine heavy curtain, upgraded ramp cradle system, four face SATCOM, surveillance and navigation systems, DCGS–N build-out, C4ISR installation, and integration and testing.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: Torrey Pines Logic.

Address of Requesting Entity: 12651 High Bluff Drive; San Diego, CA.

Description of Request: The Navy's need for a secure non-RF alternative to radio communication is well known. The need arises from operational scenarios, such as Underway Replenishment, where vessels are unable to use radios due to RF jammers, EMCON conditions, the presence of IEDs, and the need for a secure communication system that has a low probability of interception and detection. $2 million to the IR LED Free Space Optics Communications Advancement program will allow the program to advance LightSpeed technology, which is a proven, tested and fielded technology based on IR LED Free Space Optics (FSO) concepts. The funding will enable the advancement of the technology's size, weight, power, distance and bandwidth for the Navy's use in Special Operations and general services communities.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Procurement, Defense-Wide.

Legal Name of Requesting Entity: California National Guard.

Address of Requesting Entity: San Diego, CA.

Description of Request: The Southwest Border Fence supports the President's border security initiative and makes for more efficient and effective use of the National Guardsmen deployed in support of Operation Jump Start. $5 million will continue work on the 14-mile Border Infrastructure near San Diego, CA.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: Information Systems Laboratories.

Address of Requesting Entity: 10140 Barnes Canyon Road; San Diego, CA.

Description of Request: The Tactical E-Field Buoy program will develop an affordable ASW buoy that is capable of detecting challenging targets in acoustically difficult littoral environments and is compatible with existing Navy air-deployed systems. $7 million in FY09 will fabricate and ocean test the performance of a cluster-type array of small E-sensors against a submarine target.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Allermed Laboratories, Inc.

Address of Requesting Entity: 7203 Convoy Court; San Diego, CA 92111.

Description of Request: The Leishmania Skin Test will provide a tool for military physicians to screen service personnel prior to and after deployment to endemic regions, prevent contamination of the blood supply by identifying persons who should not become donors, and identify and provide definitive care to service members infected with the parasite. $1.5 million in FY09 funding will plan and execute a phase III clinical trial.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Trex Enterprises.

Address of Requesting Entity: 7203 Convoy Court; San Diego, CA 92111.

Description of Request: An unacceptable number of aircraft accidents involving all category Army helicopters conducting combat operations in Afghanistan and Iraq have been caused by the brownout phenomenon. $4.5 million will continue development & testing of the Brownout Situational Awareness Sensor, specifically, to increase operating range and field of view; harden modular components; and, integrate the system platform.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Other Procurement, Navy.

Legal Name of Requesting Entity: IBM.

Address of Requesting Entity: 4600 La Jolla Village Drive #300; San Diego, CA.

Description of Request: SSC–SD has developed algorithms that are extremely complex and computationally intensive on the High Performance Computing (HPC) nodes in the laboratory environment. This classified project related to IED detection has been an on-going use of the HPC laboratory capability and with $2 million in supplemental funding, ready to be turned into an operational capability.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: San Diego DEFCOMM.

Address of Requesting Entity: 1870 Cordell Court, Suite 208; El Cajon, CA 92020.

Description of Request: JIST–NET will provide the warfighter with an integrated and single pane-of-glass planning and situational awareness system for satellite communications (SATCOM) and network communications. $6 million will allow SATCOM to move forward and operationally field JIST–NET in next 6 to 9 months.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Other Procurement, Air Force.

Legal Name of Requesting Entity: Telos Corporation.

Address of Requesting Entity: 19886 Ashburn Road; Ashburn, VA.

Description of Request: $3.5 million will provide a communication system to the 147th Combat Communications Squadron in San Diego, CA to improve wartime readiness levels and provide for a robust capability during a potential disaster.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Air Force.

Legal Name of Requesting Entity: SpaceDev, Inc.

Address of Requesting Entity: 13855 Stowe Drive; Poway, CA.

Description of Request: Hybrid Sounding Rocket will benefit the nation's defense through the accomplishment of designing and fabricating a new propulsion design that provides safe and environmentally friendly launch services for small payloads. $2 million will complete flight article design, complete three heavy motor ground test firings, selection and preparation of a suitable launch site, complete first flight article, and the demonstration flight.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: East County Economic Development Council.

Address of Requesting Entity: 1870 Cordell Court, Suite 202; El Cajon, CA.

Description of Request: The Connectory, a proven business-to-business database, lets DoD compare and analyze objectively capabilities across the industrial base to address warfighter requirements, particularly limited production items. $1.3 million will expand the number of California companies profiled.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: SYS Technologies.

Address of Requesting Entity: 5050 Murphy Canyon Road; San Diego, CA.

Description of Request: The System for Intelligent Task Assignment & Readiness (SITAR) will support accurate, predictive 21st century readiness models. $3 million will enhance the SITAR program.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Navy.

Legal Name of Requesting Entity: Surface Optics Corporation.

Address of Requesting Entity: 11555 Rancho Bernardo Road; San Diego, CA.

Description of Request: $3 million for the Real-Time Hyperspectral Targeting Sensor will be used to miniaturize a small, low cost Hyper Sensor integrated with GPS location data and real time processing capability.

Requesting Member: Congressman DUNCAN HUNTER..

Bill Number: H.R. 5658.

Account: Procurement of Ammunition, Air Force.

Legal Name of Requesting Entity: Boeing, Corp.

Address of Requesting Entity: P.O. Box 516; St. Louis, MO.

Description of Request: $40 million will procure additional Joint Direct Attack Munition kits. This funding was the #12 priority on the Air Forces Unfunded Requirements.

Requesting Member: Congressman DUNCAN HUNTER.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Army.

Legal Name of Requesting Entity: Skybuilt.

Address of Requesting Entity: 4449 N. 38th Street; Arlington, VA.

Description of Request: $2 million will be used to fund an existing Army effort for RDTE and field testing of solar power at forward operating bases.

TRIBUTE TO MR. SIDNEY LAPIDUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Sidney Lapidus and to congratulate him on receiving the Emma Lazarus Statue of Liberty Award. Mr. Lapidus' deep commitment to the American Jewish Historical Society has ensured that its collection is preserved and expanded for generations to come.

A graduate of Princeton University and Columbia University Law School, Sidney began his career as an attorney with the Securities and Exchange Commission in New York. Currently, he serves as a managing director and senior advisor at Warburg Pincus LLC, one of the country's leading private equity firms. Sidney also serves on the Boards of Directors of Lennar Corporation, one of the Nation's largest homebuilders, as well as Knoll Inc., a leading manufacturer of office furniture.

Sidney contributes to and advocates on behalf of a number of charitable causes, several of which concern American history and Jewish affairs. He served as president of the American Jewish Historical Society from 2003 to 2007 and is now its chairman. He is a member of the advisory councils for Princeton University's History and Judaic Studies Departments. He is also a vice chairman of the American Antiquarian Society and is a board member of the New York Historical Society. In other areas, he is a chair of the United Neighborhood Houses of New York and a member of the executive committee of New York University School of Medicine.

Mr. Lapidus has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife, Ruth, live in Harrison, New York. They have three married children—Gail, Janet and Roy—and six grandchildren—Sara, Eric, Kate, Henry, Jessica, and Zack. An avid skier, Sidney also collects British and American books about politics and economics from the 17th and 18th centuries.

Madam Speaker, I am proud to recognize my good friend Mr. Sidney Lapidus for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

PINECREST WINS AT PINEHURST

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the golf team of Pinecrest High School for winning the North Carolina 4–A golf championship. That's exactly what they did on Tuesday, May 15, 2008. The team was led by seniors Jack Fields, Russell Burke, Patrick Barrett, and John Gillespie. They were joined by junior Justin Evans and sophomore Sam Packard. Only the top six golfers on each team qualified for the championship match.

The championship, which was won at Pinehurst #6, culminated an outstanding season for the Patriots, who were led by Head Coach Sandy Sackmann. She had already won a state championship with the women's team on the same golf course. Now Coach Sackmann has accomplished the same feat with the men.

The match started slowly on Monday. Bad weather and strong winds influenced the first day's result. Although they finished nine strokes behind the leader, the Patriots never played themselves out of contention. The conditions on the second day were better, which allowed Pinecrest to play up to its full capabilities.

While they could not play in the championship match, the other members of the Pinecrest golf team were instrumental in assisting the school on its way to the title. The other members of the squad were junior Pete Lineberger, sophomores Austin Dunlap and Bryant Stewart, and freshman Dylan Harris.

On behalf of the Sixth District, we would like to congratulate the men's golf team of Pinecrest High School on having a great season and winning the North Carolina 4–A golf championship. As Coach Sackmann said, "It was an incredible year. They deserve to win; they have worked so hard for four years." We heartily agree with this assessment.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. FRELINGHUYSEN. Madam Speaker, in compliance with new "earmark" disclosure procedures adopted by the House Republican Conference, I hereby provide the following information regarding a request for funding I made of the House Armed Services Committee for inclusion in H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

Specifically, the project will be included in Title 1, Military Construction—Army.

H.R. 5658 includes $10,791 million for Phase 1 of the Ballistic Evaluation Facility (66725) in the Fiscal Year 2009 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. KING of New York. Madam Speaker, I submit the following:

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $7.5 million will be used to construct Phase II of the Pararescue Facility. The use of taxpayer dollars is justified because The Francis Gabreski Air National Guard Base improves pararescue operations and survival equipment functions on Long Island.

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Medical Technology.

Legal Name of Requesting Entity: University of Notre Dame.

Address of Requesting Entity: 403 E. Madison, South Bend, IN 46617.

Description of Request: $1 million will be used to improve the diagnosis, evidence based treatment, and prevention of depression and other mental disorders among members of the military. The use of taxpayer dollars is justified because this project will implement programs recommended by the Department of Defense Task Force on Mental Health 2007 Report "An Achievable Vision."

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: RDT&E, Army, Medical Advanced Technology.

Legal Name of Requesting Entity: New York University Medical Center.

Address of Requesting Entity: 550 1st Avenue, New York, NY 10016.

Description of Request: $2 million will be used to expand the space capacity of the emergency department. The use of taxpayer funds is justified because it will enhance the ability for medical personnel to diagnose and treat patients during a national disaster, local emergency, or other public health crisis in Lower Manhattan.

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: RDT&E, Navy, University Research Initiatives.

Legal Name of Requesting Entity: Webb Institute.

Address of Requesting Entity: 298 Crescent Beach Road, Glen Cove, NY 11542.

Description of Request: $7 million will be used to construct a ship model testing facility at Webb Institute. This use of taxpayer funds is justified because the Navy currently faces a shortage of graduates who are educated in the design of hulls and internal marine engineering systems. Webb Institute is one of only two civilian schools in the country to provide a naval architecture/marine engineering double degree program. Construction of a model test facility will provide undergraduate research applicable to new hull forms the Navy is developing or fielding. This will assist the Navy by increasing the number of graduating students who will be educated to work on Navy programs.

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: Other Procurement, Navy.

Legal Name of Requesting Entity: Curtiss-Wright Flow Control Corporation.

Address of Requesting Entity: 1966E Broadhollow Road, E. Farmingdale, NY 11735.

Description of Request: $3 million will be used to sustain production and enable the timely instillation of JP-5 Electric Valve Operators (EVOs) on CVN aircraft carrier aviation fueling systems. The use of taxpayer funds is justified because it will improve the safety and reliability of carrier fuel system operations.

Requesting Member: Congressman PETER T. KING.

Bill Number: H.R. 5658.

Account: RDT&E, Navy (Marine Corps), USMS Advanced Technology Demonstration.

Legal Name of Requesting Entity: American Defense Systems, Inc.

Address of Requesting Entity: 230 Duffy Avenue, Hicksville, NY 11801.

Description of Request: $1.5 million will be used to develop a new ballistic helmet for the warfighter, capable of defeating a standard AK-47, 7.62x39mm mild steel core round to replace the current helmet. The use of taxpayer funds is justified because this new helmet will help to increase the safety of our troops by reducing the number of helmet penetrations caused by the most common theater round.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658, Army, RDT&E, Line 177, PE # 0305208A (Distributed Common Ground/Surface Systems).

Legal name and address of entity receiving earmark: Army Battle Command Battle Laboratory, Mr. Jason Denno, Deputy Director, Ft. Huachuca.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: (BRAMA-E) is a critical decision and training aid for commanders and operators to use in support of military operations on urbanized terrain (MOUT). BRAMA is an integrated collection, planning, and course of action system. It integrates existing US Army developed blast modeling software with a state of the art 4D (Lat, Long, Alt, and Time) visualization front end. It is used by the Army to simulate blast analysis and vulnerability assessments.

BRAMA provides decision support for antiterrorism/force protection (AT/FP) and critical infrastructure protection (CIP). BRAMA is a royalty-free tool and requires minimal training. It leverages previous US Army and US Air Force—force/facility protection R&D efforts. Starting in 2007, the BRAMA capability—along with training—has been provided to active duty Army, Homeland Security and National Guard representatives from 7 states. The US Army CONOPS for Force Protection highlights the need for a Capabilities Based Assessment (CBA) tool. Additionally, user feedback post-delivery on BRAMA specifically asks for enhancements on the speed at which facility data can he generated and visualized. Research conducted by the Army in 2006 and 2007 has identified a candidate commercial technology that can be integrated into the BRAMA baseline to meet the CONOPS and speed up the collection process.

BRAMA has demonstrated its usefulness to commanders, planners, and security forces by employing full-dimensional display technology to visualize, analyze and remediate blast effects generated by DoD-approved blast models. BRAMA-E will extend that capability by simplifying the case of use and helping the Army meet its goal to field a unit level Capabilities Based Assessment (CBA) tool.

Description of matching funds: Not Applicable.

Authorized Amount: $4,000,000.

Project Name: Blast and Damage Assessment Risk Analysis and Mitigation Application—Enhancements (BRAMA-E).

Funding Source: Army, RDT&E, Line 177, PE # 0305208A (Distributed Common Ground/Surface Systems).

Detailed Finance Plan: $200,000 Systems Engineering; $200,000 Immersive Camera Systems; $400,000 Automate Dense Urban Environment Creation from Immersive Media; $600,000 GIS Database and Blast Analysis Integration; $500,000 Develop User Interface Workflow for Plume Modeling with GIS; $1,000,000 Plume Dispersion Model Integration and Plume Analysis; $600,000 Advanced Blast Analysis support for DoD and Homeland Security; $250,000 Base Data Collection and Delivery; $250,000 Training Sessions, Support, and Webinars.

INTRODUCTION OF RESOLUTION COMMEMORATING OHIO'S "THINK OUTSIDE THE STIGMA CAMPAIGN"

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SPACE. Madam Speaker, mental health and substance abuse are an unfortunate reality in my home State of Ohio. Studies suggest that nearly 1 in 5 Ohioans experience some mental illness or emotional disturbance each year, while another 910,000 suffered from substance abuse problems in 2006. Given that these afflictions hurt not only those who suffer from them but their friends and family, these numbers are truly a grave challenge for my state.

Perhaps the most difficult aspect of these illnesses to combat is the stigma of mental illness. A lack of understanding of these illnesses perpetrates deep into many of our communities, preventing those who need help the most from seeking it out of fear of losing their family and loved ones. As a result, 236,000 Ohioans failed to seek treatment for mental illness in 2006, and 695,000 opted not to seek support for alcohol use.

In honor of Mental Health Awareness Month, I introduced a resolution commemorating the work of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addition Services for its work in combating the negative stigma of mental illness. In October 2007, ODMH and ODADAS launched the "Think Outside the Stigma" campaign, which was designed to increase awareness and understanding of mental illness and substance abuse. This innovative campaign is an important initiative that will help encourage more Ohioans to seek the treatment they need.

The battle against mental health disorders and drug and alcohol addiction will be a lengthy one. I am pleased that my home state is taking important steps to battle the stigma attached with these challenges.

THE DEDICATION OF HARVEY MILK STATUE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. PELOSI. Today, a statue of San Francisco Supervisor Harvey Milk will be unveiled at City Hall in San Francisco. It is fitting that on the occasion of his 78th birthday, San Franciscans will gather to pay tribute to Harvey Milk's life and work at City Hall, where he served San Francisco and so tragically lost his life 30 years ago.

Harvey Milk was the first openly gay man elected to any significant political office in our history. This memorial will be the first such tribute to an LGBT leader to be placed in a seat of government in the United States.

Harvey Milk was elected to the San Francisco Board of Supervisors in 1977. A year later, in one of the darkest weeks of San Francisco's history, Supervisor Milk and our beloved Mayor George Moscone were assassinated by Supervisor Dan White.

Harvey Milk was a San Francisco hero, a champion of human rights and symbol to the world for LGBT civil rights. His political career was dedicated to shattering the silence of gay America. He firmly believed that the only way for gays to break down homophobia was to increase their visibility and irrevocably enter the consciousness of our Nation.

A popular neighborhood merchant and activist, Harvey Milk became a great progressive leader who transformed San Francisco political life and social culture for all time. He pioneered an open, participatory government accessible to all, especially those who had never before been engaged. For the first time, neighborhood and ethnic community activists and openly gay men and lesbians were appointed to positions of power and authority. He was a passionate advocate for seniors, and his populist agenda encompassed the needs of all of San Francisco's minorities.

Last week's California Supreme Court decision to strike the ban on gay marriage is a testament to Harvey Milk's enduring legacy. It is a significant milestone for which all Californians can take pride, and one we would not have reached without the courage and dedication of Harvey Milk and many LGBT leaders after him.

Harvey Milk did not live to see the immeasurable and global ramifications of his life. He continues to inspire us to strive for a society that honors his values of unlimited and equal opportunities for all our citizens. His legacy helps bring our country closer to the ideal of equality that is both our heritage and our hope.

CELEBRATING 50 YEARS OF MARRIAGE—AND EXTRAORDINARY PUBLIC SERVICE—FOR ED AND JAN SLEVIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. LEWIS of California. Madam Speaker, I am joining together with my friend and colleague, KEN CALVERT, in celebrating the lives of some truly remarkable people.

Fifty years ago, their life decisions seemed simple.

The couple was planning their marriage. It was 1957 and a year away from their wedding—June 21, 1958—at the San Luis Obispo Catholic Mission de Tolosa.

They talked about the family they would have; the careers—she in health; he in public affairs; how the San Francisco area—the City—would be their habitat—history, family, relatives. Where else would one want to settle?

Now—50 years later, looking back—it was simple, but different. Janet Amelia Janolis and Edward Joseph Slevin—Jan and Ed—lived, worked or traveled in over 50 countries; worked in each of California's 58 counties, and lived for 15 years in Washington, DC., Los Angeles, and San Francisco, before returning home—to Novato, California.

The series of adventures and challenges focused on commitment and dedication to their ideals while giving birth to five children. Together they raised four wonderful, loving daughters and suffered the loss of their final newborn, Peter, to heart disease.

Jan, with her RN degree from San Jose Hospital, worked in hospitals in San Luis Obispo and Los Angeles, and then took a respite from nursing following the birth of Jeanne—followed by Cammie, Maureen and Jill over the next six years.

Ed graduated from Cal Poly and went on to a post-graduate Coro Foundation fellowship in public affairs, served as state director of the California GOP and worked in Republican political campaigns throughout California for most of the 1960s.

Once life had mellowed a bit, and the children were in school, a different path opened and the Slevin family joined the Peace Corps. 1969 saw them moving to Western Samoa where Ed was country director to 55 volunteers while Jan volunteered teaching community health and homemaking projects around the island.

A promotion to Peace Corps country director in Malaysia led the family to Kuala Lumpur and an 18-month stint before relocating to Washington DC. Jan resumed her nursing as a specialist in infection control gaining post-graduate status at the Washington Hospital Center. Ed continued with Peace Corps as a regional director for 22 countries in North Africa, near East, Asia and the Pacific.

1976 saw the Slevin's return to Novato; Jan to nursing at Novato Community Hospital and Ed re-opening his political consulting business and launching Western Polling and Research, a partnership specializing in public affairs. Jan's nursing work coincided with four teenage daughters while also earning a science degree from St. Mary's College.

But then the tug of international development work struck again. Jan and Ed went off to the Philippines in 1984 with Peace Corps, where Ed directed a contingent of 350 volunteers. Jan began four years of community health work throughout the poverty stricken barrios of Manila establishing baby clinics and organizing privileged Filipinos to join her quest for improving the life of their country folk.

1988 saw them again return to Washington and the Peace Corps headquarters; Ed as an associate director of volunteer recruitment and selection; Jan leading the medical division's health clearance and pre-departure health briefing for volunteer service.

Ed then went to Capitol Hill as executive director to the House Republican Conference under the leadership of Conference Chairman Congressman JERRY LEWIS and then on to serve as Chief of Staff to Congressman KEN CALVERT.

Ten years ago this traveling couple came home. Home to their beloved grandchildren Cameron, Mikaela, Brian, Nathan, Jana and Casey—and their daughters. Home to their family, relatives and friends.

And yet they spent their life always being home.

Regardless of their address, the constant in their life has been not only their commitment to help improve and contribute to the life of others but to each other. These past 50 years reflects the love and respect Jan and Ed have for each other. They have been and will always be lifelong partners, lovers, friends and adventurers.

And for this we salute them.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT ELIZABETH BREAZILE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Elizabeth Breazile, who has received the Congressional Certificate of Merit award at Stony Point High School in Round Rock, Texas. Elizabeth has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Elizabeth is very involved in theatre at her school and has had 9 performances in 2 years. She also is involved in film productions and has been in Pre-AP and Advanced Placement courses all 4 years of high school.

I congratulate Elizabeth Breazile for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

EARMARK-DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WALDEN of Oregon. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge this request (1) is not directed to an entity or program that will be named after a sitting Member of Congress; and (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure and transparency as possible on congressionally directed funding and earmarks. I hereby submit the following information on a project I requested and the House Armed Services Committee included in H.R. 5658, the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Department of Energy (DOE); Other.

Legal Name of Requesting Entity: U.S. Department of Energy.

Address of Requesting Entity: U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Description of Project: The $10 million programmatic increase provided for in the bill will be used for the U.S. Department of Energy's Environmental Management program at the Hanford Site located in Washington state in Fiscal Year 2009. The federal government has a legal and moral obligation to cleanup the massive wastes and contamination it created at Hanford during the Manhattan Project, World War II and the Cold War. The over-500-square-mile Hanford site is the world's largest and most complex environmental cleanup project, and the federal government must keep its commitment to clean it up. No matching funds are required.

2008 KANSAS MAYOR OF THE YEAR LAURA McCONWELL OF MISSION, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Mission, Kansas, Mayor Laura McConwell, who recently was named "Kansas Mayor of the Year" by the Kansas Mayors Association.

The Mayor of the Year award is based on leadership and contributions by the nominee in promoting intergovernmental relations and the impact of the nominee on his or her community and its citizens. Mayor McConwell is one of only a few Johnson County mayors to ever receive this honor.

Laura McConwell has served as the City of Mission's mayor since 2002. During her tenure as mayor, she has provided thoughtful leadership for the city in extensive redevelopment projects, stormwater remediation, and infrastructure planning and maintenance, all accomplished through energizing citizens and businesses through public processes. Mayor McConwell has also been a leader in the Kansas City areas in promoting sustainability issues not only in Mission, but throughout the region. She spearheaded the Kansas City Area Mayors Sustainability and Climate Protection Conference in November 2007, which set the national record for the most mayors to sign the U.S. Conference of Mayors Climate Protection Agreement for a region in a single day.

Currently, Mayor McConwell is active in a variety of community and professional associations, including: Vice Chair of the Johnson/Wyandotte Counties Council of Mayors: Co-chair, Mid America Regional Council First Suburbs Coalition; Vice-chair, National League of Cities First Tier Suburbs Steering Committee; National League of Cities Community and Economic Development Steering Committee; Leadership Kansas Class of 2008; Shawnee Mission School District Committee for Excellence; United Community Services Board Member; Northeast Johnson County Chamber of Commerce; Shawnee Mission North Parent Teacher Student Association; and Boy Scouts of America.

Madam Speaker, I know that all members of the House of Representatives join with me in commending Mayor Laura McConwell on this well deserved recognition. I am proud to have her as a constituent in the Third Congressional District of Kansas and I am proud to represent the City of Mission and all other communities within our congressional district.

VETERANS BILLS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, next Monday our Nation celebrates Memorial Day. This holiday commemorates those members of the Armed Services that have died while serving our country. There is no better way to honor those fallen soldiers than to take care of the veterans of today. The 110th Congress has made the needs of veterans a priority and I rise in support of several pieces of veterans legislation that passed the House of Representatives on May 20, 2008.

Too many veterans and their families suffer economically as a result of injury or disability that occurred during service. The Veterans Cost of Living Adjustment Act (H.R. 5826) ensures that veterans disability payments and dependency and indemnity compensation for veterans' families keep up with inflation.

Those soldiers that are injured during war deserve affordable and quality medical treatment when they return home. The Veterans Emergency Care Fairness Act (H.R. 3819) allows veterans to be reimbursed for receiving emergency treatment in non-Department of Veterans Affairs facilities. Also, the Department of Veterans Affairs Medical Facility Authorization and Lease Act (H.R. 5856) authorizes vital improvement and expansions to VA hospitals and clinics around the country.

According to the 2007 National Survey on Drug Use and Health, approximately 1.9 million veterans suffer from diagnosable substance abuse. The Veterans Substance Use Disorders Prevention and Treatment Act (H.R. 5554) funds drug screening, detoxification, relapse prevention and counseling for veterans. It also creates an online pilot program that provides treatment to Iraq and Afghanistan war veterans for substance abuse.

Finally, the Veterans Benefits Awareness Act (H.R. 3681) helps veterans and their families learn about available government services. The VA will now be able to advertise in the national media in order to reach out to more veterans about homeless assistance, healthcare benefits, mental health services, educational and vocational opportunities, and other benefits.

I want to thank Speaker PELOSI, Chairman FILNER, and my colleagues for passing these important and vital bills to help veterans and their families.

EARMARK DECLARATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. HULSHOF. Madam Speaker, I submit the following:

Requesting Member: Congressman KENNY HULSHOF.

Bill Number: H.R. 5658, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation (RDT&E), Aviation Advanced Technology.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc., 4 Research Park Drive, St. Charles, MO 63304–5685; On behalf of: Aeromechanics Division, AMSRD–AMR–AE–A, Aviation Engineering Directorate, Bldg 4488 Redstone Arsenal, AL 35898–5000.

Address of Requesting Entity: Westar Aerospace & Defense Group, Inc., 4 Research Park Drive, St. Charles, MO 63304–5685; Aeromechanics Division, AMSRD–AMR–AE–A, Aviation Engineering Directorate, Bldg 4488, Redstone Arsenal, AL 35898–5000.

Description of Request: To provide $10 million in funding to continue the development of integrated Aviation tools and provide this ability to all Army Aviation systems to include UH–60 series, OH–58D, AH–64D), Fixed Wing and UAS systems. The complete integrated aviation solution includes implementing the automated maintenance test flight tool, automated weight and balance software, and integration with current logistics and Aviation Mission Planning systems. These products are urgently needed by combat units in Operation Enduring Freedom and Operation Iraqi Freedom, and will result in significant increases in mission effectiveness and safety for our warfighters. These tools will be used by our military's aircraft operators to greatly improve their effectiveness and situational awareness, which will improve support to the warfighter from materiel developers.

THE CORRECT APPROACH TO GLOBALIZATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. FRANK of Massachusetts. Madam Speaker, the overriding economic issue confronting our country is the task of proceeding with the increased globalization of the economy in a manner that promotes an equitable distribution of the benefits. For too many years, until fairly recently, there was a consensus supported by many in the academic and business establishments that argued that concern about the distribution of the benefits of globalization was unnecessary at best and disruptive at worst, and that if we simply proceeded with greater openness, in trade, in the freeing of capital from any restraints, and in other ways, we would all be better off.

It is now indisputable that this is not the case, and that growth has proceeded in the U.S.—and in some other parts of the world—in recent years in a manner that has increased both wealth and inequality. Of course it is the case that in a capitalist system, some inequality is necessary for the economy to function. But we have seen inequality grow far beyond what is either productive or, in the minds of many of us, morally justifiable. Many of us have argued to people in the business community that the resentment that is being generated—very legitimately—by this increased inequality has become an obstacle to the adoption of policies that they think are in our national interest. Many of us, including I believe the leadership on economic issues of the Democratic Party here in the House, believe that we should proceed with globalization in a reasonable and orderly way, but accompanied by policies that offset its tendencies to increase inequality, erode environmental standards, and promote reckless deregulation. Recently, former Treasury Secretary Larry Summers wrote interesting articles in the Financial Times strongly arguing that such a position is both necessary and achievable. In the Financial Times of May 21, Martin Wolf, a very thoughtful economic commentator, makes a further important contribution to this debate. The movement from an unqualified cheer for globalization without any concern for its negative consequences on substantial numbers of Americans to a thoughtful discussion of how to go forward with the economic integration of the world in a socially useful manner is a very welcome one. Martin Wolf's contribution to that debate in the Financial Times is therefore very important and I ask that it be printed here.

[From the Financial Times, May 21, 2008]

HOW TO PRESERVE THE OPEN ECONOMY AT A TIME OF STRESS

(By Martin Wolf)

Is the spread of prosperity in the interests of citizens of today's high-income countries? Is globalisation of their economies in their interest?

These distinct questions are raised in my mind by two important columns from Lawrence Summers ("America needs to make a new case for trade" on April 27 and "A strategy to promote healthy globalisation" on May 4). In these, Mr. Summers argues that the international economic policies of the U.S. need to be coupled more closely to the interests of its workers. Many Europeans will concur.

This is not to argue that the interests of citizens of high-income countries are more important than those of others. On the contrary, the view that increases in incomes of the poor offset equivalent losses for the rich is morally compelling. But politics is national. Unless or until a global political community emerges, politics will respond only to perceptions of national interest.

So is the rising prosperity of China, India and other emerging economies in the interests of today's high-income countries? The correct answer to this is: not necessarily. It would be absurd to pretend otherwise.

The big advantages of the spread of prosperity include a wider distribution of innovation and bigger opportunities for profitable exchange. The rise of the U.S. brought such benefits to the U.K. Also valuable (though not certain) is greater political stability in previously impoverished countries.

The big disadvantage is greater competition for scarce resources. Power is a scarce resource: if country A has more, country B has less. Resources are also limited. If commodity prices rise, the terms of trade (the relative prices of exports and imports) of net importers will deteriorate: countries have to sell more exports to obtain given imports.

Since the end of 2001, U.S. terms of trade have deteriorated by an eighth, as commodity prices have soared and the currency devalued. This has turned an 18 per cent increase in real gross domestic product between the last quarter of 2001 and the fourth quarter of 2008 into a 16.4 per cent increase in real national income. The difference is not huge. But it is worth some $220bn in today's dollars. So countries may indeed be harmed by the prosperity of others. (See charts).

The answer to this is: so what? As Willem Buiter has pointed out (Economic Internationalism 101, Maverecon, May 5), nothing can be done to halt the diffusion of "knowledge, skills, technology, management systems" and so forth. Or at least nothing rational or decent can be done. Of course, the U.S. could launch an unprovoked blockade or even war against China or India. To mention such ideas is to reveal their strategic and moral bankruptcy.

The U.S. could, it is true, try to halt the flow of ideas. The U.K. tried to halt the spread of technology to the U.S. in the early 19th century: it failed. The Chinese empire once made it a capital crime to export silkworms: that failed, too. Similarly, protectionism against the emerging countries might slow their growth, but would not halt it. Yet it would guarantee a breakdown in international relations that threatened hopes of a peaceful future.

To repeat, nothing can be done about the rise of emerging countries, as they follow the lead of the west. What cannot be helped must be accepted. This takes us to my second question. Given the rise of the emerging world, should the developed world limit the globalisation of its own economies? Of course, so long as high-income countries depend on imports of commodities, trade will be essential. Self-sufficiency is a mirage. It is a question rather of how much openness to trade and movement of capital and labour there should be.

One issue has been the huge current account deficits of the U.S. Yet these are at last contracting, as export growth explodes (see chart).

On trade more narrowly, the basic point is well known: free trade is in the interests of the country adopting the policy, unless it has monopoly power. But—an important "but"—the benefits and costs are likely to be unevenly distributed. The latter is particularly likely for trade between rich and poor countries. Free movement of capital or labour may also harm important interest groups within a country even if it raises aggregate incomes. The freer movement becomes, the harder it may also be to impose taxes and regulations on those able to move.

As Mr. Summers argues, it is hard for a democracy to proceed with policies that a large minority believes are against their interests. If the fall-back position is not to be protectionism, itself no more than an inefficient tax and subsidy programme, more creative options must be chosen. The most obvious point, at least for the U.S. is the need to shift the provision of security from employers to the state. Corporate welfare states are unsustainable in a dynamic and open economy.

Yet if the U.S. is to have a more generous welfare state, including universal health provision, as in every other high-income country, taxes will have to be raised. Indeed, they will have to be raised even to meet existing commitments. Mr. Summers argues, in response, for international action against harmful tax competition, He argues, too, for greater international agreement on regulation. In some areas, notably finance, the latter makes sense. But the view that the U.S. must obtain such agreements if it is to raise some of the lowest levels of taxation and weakest regulation in the advanced world is unpersuasive. If Sweden's taxes can be 56 per cent of GDP, it is not tax competition that keeps the U.S. at just 34 percent. The mobility of capital and people is an excuse, not a justification, for low U.S. tax levels.

What is desperately needed is an honest debate about these issues. Such a debate would, I believe, reach four fundamental conclusions. First, whether or not citizens of the U.S. (or other high-income countries) welcome it, the global spread of economic development is ineluctable. Second, protection against imports is a costly and ineffective way of dealing with the consequences. Third, parties of the centre-left should argue for redistributing the spoils of globalisation, not sacrificing them. Finally, a necessary condition is higher taxation of the winners. But the chief obstacle to that is a lack of domestic political will. Globalisation is not a reason for low taxes, but an excuse. It should be discarded.

Everybody should remember, above all, that the opening of the world economy is the west's greatest economic policy achievement. It would be a tragedy if it were to turn its back on the world when the rest of humanity is at last turning towards it.

INTRODUCTION OF LEGISLATION HONORING THE LIFE OF DR. VICTOR WESTPHALL AND MRS. JEANNE WESTPHALL AND THEIR CONTRIBUTIONS TO THE NATION'S VETERANS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to proudly introduce legislation in tribute to Dr. Victor Westphall and Mrs. Jeanne Westphall, who dedicated their lives to honoring the courage and sacrifice of their fallen son, LT Victor David Westphall III, USMC, and all Vietnam veterans.

Following the tragic deaths of their son and 15 of his fellow Marines, on May 22, 1968, in Vietnam—40 years ago today—Dr. and Mrs. Westphall led the Nation in memorializing all Vietnam veterans by building an enduring symbol of the tragedy of war. In late summer of 1968, the Westphalls began construction of the Vietnam Veteran's Peace and Brotherhood Chapel in Angel Fire, New Mexico, in honor of their son and his fallen comrades. The chapel was completed in 1971 and dedicated on May 22nd that same year—37 years ago today—which was the third anniversary of David's heroic death. Ultimately, it was the Westphall's hope that the memorial would serve as a source of inspiration for all in pursuit of a peaceful world.

At a time of political unrest in a deeply divided Nation, constructing the memorial was not a popular idea, but Dr. and Mrs. Westphall persevered. Their strength and courage triumphed in the face of financial difficulties by being the first to commemorate those who had suffered, and those who had died in the war. Needless to say, the chapel's message has since become widespread and its message has been followed by many. The chapel is a place of peace and tranquility and has become a spiritual haven for reflection. Its doors have never been locked, and for many it represents serenity, nobility, and comfort for all.

The memorial is recognized as a monument of national significance and embodies the harmony and solace of Angel Fire's landscape and New Mexico's citizenry. The substantial financial and emotional contributions made by Dr. and Mrs. Westphall represent their efforts to honor all veterans and to properly memorialize the sacrifices made during the Vietnam war. In 2005, the David Westphall Veterans Foundation donated the memorial to the State of New Mexico and it is now officially the Vietnam Veterans Memorial State Park—the only State park in the United States dedicated solely as a Vietnam veterans memorial. New Mexico State Parks plans to maintain and improve the Memorial and stay true to its purpose as a place of healing and education.

The memorial plays a large role in helping to heal the wounds of the Vietnam war. It helps bring us together not only to remember what occurred and what was lost, but also to ensure that we do not forget. In keeping with the traditions of all that Dr. Victor Westphall, Mrs. Jeanne Westphall, their son, and their family stood for, please join me in proudly recognizing them with this legislation.

TRIBUTE TO THE NATIONAL INSTITUTES OF HEALTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SIMPSON. Madam Speaker, I rise today to call attention to a potentially serious liver disease that affects a growing number of young people in our society and to commend an outstanding research program that the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), a unit of the National Institutes of Health, is conducting to address it before it creates a major crisis for our population.

I am referring to Non-Alcoholic Fatty Liver Disease, NAFLD. While the name is unwieldy, the concerns are real. We are all aware of the growing epidemic of obesity in young people and the impact that this can have on increased incidence of diabetes, heart disease, and stroke. However, few of us realize that obese children often have fat buildup in their livers. This can lead to cirrhosis, or scarring of the liver, and cause serious complications in adolescence or young adulthood.

The Liver Disease Research Branch at NIDDK has built a national network of researchers focusing on Non-Alcoholic Fatty Liver Disease, and they have assembled a database that includes information on more than 1,500 adults and children. In addition, this network is doing a study in children that is expected to determine by next year whether sustained treatment with either metformin or vitamin E improves the liver when compared to a placebo. The results will help determine treatment options for children with Fatty Liver Disease.

This is an important disease for which NIH is doing exactly what we would hope—addressing a major health issue before it becomes a national crisis. This is yet another example of how our investment in this important agency today saves billions of dollars in future health care spending and prevents untold human suffering.

Madam Speaker, this research is one of many examples underscoring the value of our investment in biomedical research at the National Institutes of Health, and I trust that, like me, my colleagues will recognize the positive impact these advancements will have on the health of our Nation.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT GOLI ZARCHI

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Goli Zarchi, who has received the Congressional Certificate of Merit award at McNeil High School in Austin, Texas. Goli has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Goli is involved in HOPE, a program that mentors at-risk students, Student Council, National Honor Society, National Latin Society, and the Green Club. She has also participated in many community service projects outside of school and has shown outstanding academic performance during her high school career.

I congratulate Goli Zarchi for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

WORKSITE PHYSICAL ACTIVITY

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WAMP. Madam Speaker. I rise today in support of worksite physical activity. On Wednesday, April 23rd, I had the distinct honor of opening a session on Capitol Hill that focused on the importance of worksite physical activity and how such activity benefits individuals, society, our economy and our government. There were a number of congressional offices in attendance, but the session covered such an important topic I wanted to share a bit of it with my colleagues here today.

The session, organized by the non-profit group, Partnership for Prevention, featured speakers from the Center for Disease Control, the National Coalition for Promoting Physical Activity, the International Health, Racquet and Sportsclub Association and Erickson Communities.

The reason for the session was simple—obesity in this country is rising with nearly 67 percent of all American adults being classified as obese. Health care costs associated with diseases in which obesity is a contributing factor are rising, with costs increasing over the thirteen-year period from 1987 to 2000 by between 16 and 30 percent for such diseases as diabetes, arthritis, hypertension, cancer and heart problems. Obesity costs employers more than $117 billion annually in sick leave, medical costs, lost productivity and labor replacement costs. And the government spends more combating these diseases through our federal medical programs.

Given how widespread and deeply disturbing this issue is, all of us have a role in combating obesity. Individuals need to exercise more. Companies need to provide more help for workplace fitness and we in government ought to both promote physical activity and eliminate any barriers that might exist that prevent that at the federal level.

The speakers addressed each of these issues, with many interesting and important facts, but the one that stuck out in my mind was a simple one. For every $ that a company invests in a workplace fitness program, it gets back $3.48 in reduced health care costs, lower worker absenteeism and increased productivity. That is a great return on investment. It is why so many companies have invested heavily in workplace fitness.

Sadly, we in Congress have not yet done our part. There are still too many barriers within the federal legal code to the promotion of workplace physical activity. Two pieces of legislation currently pending before the House, H.R. 1748, the Workforce Health Improvement Program Act, and H.R. 245, the Personal Health Investment Today Act. would eliminate federal tax barriers to the active promotion of physical activity. I and a number of my colleagues in the House, from both sides of the aisle, support these bills and we are working to get them enacted. Just as companies and organizations like the ones at the briefing have stepped up, I hope Congress will do the same.

IN RECOGNITION OF POPPY WEEK

HON. JOE WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WILSON of South Carolina. Madam Speaker, May 23rd through May 28th has been designated Poppy Week by the American Legion and American Legion Auxiliary of South Carolina. I am grateful to have this opportunity to express my gratitude to the American Legion and to our brave servicemembers they honor this week.

The Poppy is the official flower of the American Legion. The flower symbolizes remembrance and serves as a memorial for the brave men and women of our armed forces who have given their lives in defense of this nation and our many freedoms. Since World War I, the Poppy Program has offered direct assistance to our veterans and their families. As this year's Memorial Day approaches, I want to commend the American Legion for their hard work on behalf of our nation's military.

The poppies that are distributed by the American Legion do more than just raise awareness. Through their tireless and coordinated efforts, the men and women of the American Legion are able to raise valuable charitable donations that can be used to increase awareness about the needs of our veterans and military families and even directly assist those families and their loved ones who may be disabled or hospitalized.

I wish to thank Ms. Ethel Atkins. Poppy Chairman for the American Legion Auxiliary of South Carolina, for her hard work as well as Ms. Dorothy Tunstall, President of the American Legion Auxiliary of South Carolina. I appreciate the success of Past President Willie Wingard of Lexington. Their efforts and the work of all members of the American Legion honor the sacrifice of our brave American soldiers, sailors, airmen, and Marines.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. NEUGEBAUER. Madam Speaker, I submit the following:

H.R. 5658, the Duncan Hunter National Defense Authorization Act for FY 2009.

Account: Research, Development, Testing and Evaluation, Army (R–1 Line 55).

Project: Compact Pulsed Power for Defense Applications, $4 million.

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409.

Percent and source of required matching funds: The Center for Pulsed Power and Power Electronics (P3E) at TTU has an operating budget approximately of $3 million supported almost exclusively by competitive grants from DOD and DOE laboratories and relevant U.S. contractors.

As a state-sponsored university, Texas Tech will provide the required matching funds for the research to be conducted by this project.

Justification for use of federal taxpayer dollars: This initiative will continue the work of the P3E Center to develop compact electromagnetic radiation technology that will disrupt remote detonation electronics used in improvised roadside bombs and inner- city carbombs. The Department of Defense's Joint IED Defeat Organization (JIEDDO) is aware of the P3E Center's technology and has invited the Center to submit an unsolicited proposal for funding from JIEDDO, which is currently pending. The P3E Center also receives support from the Office of Naval Research.

In the past 10 years, the P3E Center has focused its research in the areas of high power microwave systems, explosively driven pulsed power, compact pulsed power and ultra high-power electronics. Much of this research has been sponsored by DOD and its agencies. These technologies have matured in the last few years to a point where system integration now is possible. A great push needs to be made in this area to allow these electric weapons to reach the military now, where they are clearly needed today. Funding from this initiative will accelerate the P3E Center's research to allow the compact pulsed power technology to be fielded by the military in a shorter period of time.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday May 22, 2008

Mr. CASTLE. Madam Speaker, I submit the following:

Name of Project: Physical Fitness Center.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 5658.

Legal Name of Requesting Entity: Dover Air Force Base.

Address of Requesting Entity: Dover, DE.

Project Description: The existing fitness center at Dover AFB is not large enough to accommodate the needs of all personnel in sports, wellness, and fitness programs. A new facility is necessary to meet the Air Force's new requirements and emphasis on physical fitness, health, and wellness. The existing facility is insufficient to accommodate year-round use necessary for mission readiness. The new facility will provide for an additional gymnasium and fitness rooms, as well as incorporating a Health and Wellness Center. The project has been included in the President's FY09 Budget Request.

Name of Project: Information Operations Communication Facility.

Requesting Member: Congressman MICHAEL N. CASTLE.

Bill Number: H.R. 5658.

Legal Name of Requesting Entity: Dover Air Force Base.

Address of Requesting Entity: Dover, DE.

Project Description: The current Delaware National Guard Information Operations Unit operates from a cramped, overloaded, inadequate facility. Because of the specialized nature of this new mission, there are no facilities on the New Castle Air National Guard base that can accommodate the unit. Without a new facility, the unit will not be capable of properly training or supporting active combat missions with respect to intelligence, surveillance, and reconnaissance. This project has been included in the President's FY09 Budget Request.

COMMEMORATING GERALD R. FORD

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. BONO MACK. Madam Speaker, I rise today to honor President Gerald R. Ford and I want to thank my 37 colleagues who have agreed to join me in naming a post office located in Rancho Mirage, CA, in my district, as the Gerald R. Ford Post Office.

Many of my colleagues may know that President Ford and his family resided in Rancho Mirage for many years before his passing.

President Ford and former First Lady Betty Ford were active members of our local community, generously contributing to the betterment of our residents with their involvement in charities and support for the successful Betty Ford Center for drug and alcohol rehabilitation.

Naming this post office near the Ford residence will not only celebrate President Ford's involvement in our community but will pay tribute to his incredible life and career surrounding his leadership as our 38th President.

Among President Ford's many lifetime achievements was serving our country during WWII, rising to the ranks of naval lieutenant commander and serving in Congress for 25 years, 8 of which he was the minority leader. As President, he led our citizens during a time of war, economic uncertainty, and low morale. With his steady direction, he worked to unify our Nation during a tumultuous time in our Nation's history.

He was one of our most respected leaders, and worked on many fronts to unify our citizens and strengthen our trust in America's future. Even many years after his Presidency, President Ford continued serving as a source of wise counsel to leaders throughout our Nation and the world.

As a cherished resident in my district, where many locals called him a friend, President Ford is most deserving of the honor that this Gerald R. Ford Post Office will bring him and his family.

I ask that my colleagues, who wish to commemorate the legacy of President Ford, join me in naming this post office near the Ford residence after this incredible American.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. HALL of Texas. Madam Speaker, I submit the following:

House Appropriations, Subcommittee on Defense Supplemental Information.

Bill Number: H.R. 5658, The National Defense Authorization Act of Fiscal Year 2009.

Specifics: Hall, Ralph—$2,000,000, UH–60 Weapons Armament Mission B-Kit.

Account: U.S. Army, Aircraft Procurement, Army/2/Modification of Aircraft UTILITY HELICOPTER MODS (AA0480) Procurement P–1, Line 020, Number: AA0480.

Legal name and address of entity receiving earmark: Contract Fabrication and Design LLC (CFD), 5427 FM 546, Princeton, Texas 75407–4763, 972–736–2260–Office, 972–736–6063–Fax.

Description of how the money will be spent: The UH–60, Weapons Armament Mission B-Kit, has been developed, qualified and tested to meet the U.S. Army, UH–60 BLACK HAWK, M–240 High Capacity Feed System (HCFS) Operational Requirements Document (ORD). The unfunded ORD requires ammunition on board the UH–60 for 2 minutes of continuous fire or 1000 rounds versus the 200 max rounds available to the Warfighter today. This B-Kit exceeds the ammunition requirement and all components are mounted external to the cabin freeing up approximately 30 cubic feet of space.

It provides the Warfighter a 10 times increase in 7.62mm magazine capacity (2000 rounds/side) for the M–240 and provides greater accuracy and increased field of fire for increased soldier survivability.

The amount requested will fund the procurement (including packaging and shipping) of approximately 13 shipsets (2 sides per shipset) at a per shipset price of approximately $148,000 each.

Why the use of federal taxpayer funding is justified: This Kit exceeds the unfunded ORD requirement providing 10 times more ammunition for defending the Warfighter, providing significantly more accuracy, thus more lethal firepower with superior self protection and frees up critical cabin space; meets ammunition fire rates required by UH–60 Operational Requirements Documents for greatly improved safety of crew and soldiers in combat.

Percent and source of required matching fund: Not applicable—the entity receiving the funding will be providing support to a federal, state, or local government agency.

RALPH HALL FY09 Earmark Paper: Chemical-Mechanical Self-Destruct Fuze (cm-SDF) for Dual-Purpose Improved Conventional Munitions (DPICM).

Authorized Amount: $2,000,000.00.

Project Name: Chemical-Mechanical Self-Destruct Fuze (cm-SDF).

MM: Army.

Funding Source: Army—Research, Development, Test & Evaluation.

PE Number: 0603004A.

Line Number: 32.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of FY2009.

Legal name and address of entity receiving earmark: Lone Star Army Ammunition Plant, Texarkana, TX 75505–9100; Picatinny Arsenal Support—$350,000; Yuma Test Center Support—$200,000; LAP 8640 Inert genades w/ 223 fuze—$5,400; Remove 223 fuze to create "Recap" grenades—$4,400; Assemble cm-SDF Fuzes—$360,140; LAP 120 Projectiles w/ recap grenade—$56,000; Automatic Ampule Mfg Machine—$172,000; Progressive Dieset f/ Housing—$88,000; Progressive Dieset f/ Cover—$75,000; Develop Prototype prod process—$484,000; Level of effort Engr Support—$200,000; General Machine Shop Support—$25,000; Local Test Facilities (Jolt, Jumble, ballistic simulation)—$49,850; Demonstrate Production Capability—$161,880; Travel—$50,000: TOTAL—$2,281,670. Day & Zimmermann Match (12%), $281,670 (Note: To date, Day & Zimmermann has invested in excess of $800.000 on this development).

Net funding request—$2,000,000

Continue development of cm-SDF for use on all submunitions of the DPICM family. Through continued R&D, qualification testing, process development and production demonstration, this program seeks to provide the U.S. Army with a simple and cost-effective alternative fuze capable of achieving the Army's goal of limiting battlefield Unexploded Ordnance (UXO) to less than 1%.

The DPICM system, delivered by both artillery shell and rocket warhead, provides unprecedented effectiveness on the battlefield but its use is threatened due to residual UXO exceeding the minimum allowed 1%. The cm-SDF offers an innovative approach to self-destruct capability that will meet UXO thresholds while being the most cost-effective solution. Its simplicity, ease of manufacture, and use of readily available materials are important considerations in developing an SDF to assure sustained viability of the DPICM system.

This fuze has been under development by the operating contractor of Lone Star AAP for approximately three years, with contractor's investment to date exceeding $800,000. In January, 2008, with support of the Program Manager, Combat Ammunition Systems (PM–CAS), a "Proof-of-Principle" ballistic test was conducted at Yuma Test Center with encouraging results. Currently, "lessons learned" from this test are being incorporated into the fuze design, and Lone Star is working with PM–CAS toward follow-up ballistic testing leading to Fuze Qualification.

TeraStack Pilot for Army Telemedicine [TPAT].

Bill number and account: C/M RALPH HALL. H.R. 5658, The Duncan Hunter NDAA of Fiscal Year 2009; $2,500,000.00; RDT&E [Research, Development, Test & Evaluation]; PE 0603002A / R–1 Line 30.

Legal name and address of entity receiving earmark: Hie Electronics, 321 N Central Expy, Ste 260, McKinney, TX.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: This project provides DoD health care with a low cost alternative diagnostic image storage solution that saves 5–7 times the cost of current technologies for medical imaging with data securely guaranteed for 85 years. Current legacy DoD systems are overflowing. Upgrades will be too costly if conventional type systems are used. Further, this technology uses 10 times less energy and is completely portable for a wide array of DoD applications, both within and external to garrisoned medical operations. In addition to being a state-of-the-art storage system, the platform also hosts advanced processor capability which can run automated imaging algorithms enhancing medical care for our returning wounded soldiers. These algorithms are essential for new ways to diagnose and study Traumatic Brain Injury [TBI].

This worthy pilot provides an essential low cost award-winning solution for urgently needed medical storage requirements. The approach is being proven in other video/imaging applications with documented "real" savings of up to 90% over current solutions that are expected to break down within 5 years. The TeraStack solution has no requirement for special air conditioned rooms and uses a tiny fraction of electricity [760 W]—plugging into an ordinary room plug. This fully rearward compatible, portable and secure system represents the first increment of next generation environmentally friendly, massive storage systems for a wide range of medical and DoD applications. This pilot introduces this technology into the DoD health care system. It's desperately needed and will have a huge impact. The first application to be demonstrated includes new brain imaging algorithms for studying Traumatic Brain Injury.

Description of matching funds: This small business has pledged to match up to 10% of the award with internal resources to insure integration and advanced development features to customize this novel "best in class" technology for DoD applications as required.

Requesting Member: Representative RALPH M. HALL.

Bill Number: H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Air Force, RDT&E, Line 192, PE 0305207F, Manned Reconnaissance Systems.

Project Name: Rivet Joint ISR Network Integration.

Legal Name of Requesting Entity: L–3 Communications Integrated Systems.

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, TX 75403.

Anticipated sources of funding for the duration of the project: Additional funding would be provided by the Air Force to procure this capability after successful demonstration of the developmental prototype, in their future years budget requests.

Percent and source of required matching funds: N/A, this program is providing a good or service to the Department of Defense.

Justification for use of federal taxpayer dollars: The Rivet Joint will provide networking upgrades that will enable it to fully collaborate with a variety of Intelligence Surveillance and Reconnaissance (ISR) nodes so that more effective projections of threat environments can be made. Detailed analysis of Rivet Joint operations shows that full integration of networked capabilities will result in a 25% improvement in critical Threat Analysis Measures of Effectiveness for priority dual-use commercial communication threat environments. The specific threats that will be addressed by this system upgrade are the highest priority threats to ongoing military operations.

Detailed finance plan: $1,250,000 is for Non-Recurring Engineering Design and Development; $1,250,000 is for Manufacture, Design and Production of Networked Speech, Geo-Location, and Reach-back Processing and Data Base Access Applications; and $1,000,000 is for Labor, Materials, and System Installation and Integration on one Rivet Joint aircraft.

Stryker Common Active Protection System (APS) Radar.

Bill Number and Account: H.R. 5658, RDT&E, Army, Line 62.

Name and Address of Recipient: Raytheon Company, 2501 West University Drive, McKinney, TX 75070.

Program Description/Use of FY09 Funding: Active Protection System (APS) is an externally mounted vehicle protection system that identifies, discriminates and intercepts rocket propelled grenades (RPGs), mortars, antitank guided missiles and artillery projectiles after they are launched toward a combat vehicle. The system consists of the Multi-Function Radio Frequency (MFRF) radar, launchers, fire control processors and countermeasures. In March, 2006, the Army competitively awarded a contract with two options for APS. Option A for the Short Range Countermeasure is in development and will integrate RPG protection into current combat vehicles, beginning with Stryker. Option B will address the longer range threats and is a sub-system to the Hit Avoidance Suite for the Future Combat Systems (FCS) fleet of Manned Ground Vehicles (MGV). In 2007, the Army accelerated the requirement for Stryker by designating it a critical component of Spin Out 2, the second increment of FCS technologies to be fielded to the Current Force in the 2010–2012 timeframe. The FY09 President's budget request does not contain funding to support APS integration onto Stryker. Without FY09 funding, the Current Force APS may not be ready for integration onto Stryker during FCS Spin Out 2. The MFRF radar detects and tracks incoming threats and cues the APS to launch the countermeasure. Initially designed for integration into the FCS MGVs, the MFRF radar must be technically optimized for Stryker while maintaining commonality with the long range design. The additional FY09 funding will allow insertion of reduced cost electronics and modifications to the radar for Stryker integration, as well as software and hardware development for system command and control, including the man-machine interface.

Anticipated Sources of Funding: APS development is funded under the FCS MGV budget line, but there is no dedicated funding to support APS development for Stryker in FY08 or FY09. The Army originally requested funding in FY08 for Stryker APS but has since reallocated the funding to support power management and the other upgrades Stryker needs to accommodate FCS Spin Outs. The Army is committed to funding APS for Stryker starting in the FY10 budget. Details of the FY10 funding will not be known until the Army finalizes its FYl0–15 Future Years Defense Plan (FYDP).

Matching Funds: N/A.

Justification for Use of Taxpayer Dollars: This project aims to accelerate delivery of a validated military need intended to enhance protection of Army soldiers and vehicles. As a priority military initiative, this program will be funded through federal expenditures.

Project Name: Prepreg Thickness Variability Reduction Program.

Requested by Congressman RALPH HALL (TX–4).

Total Requested funding FY09: $3.6 million.

Justification of the use of federal funds: This program will reduce the variability of Carbon fiber prepreg, the raw material that provides the basis for strong, durable, light-weight composite aircraft structures. It is predominantly used by the Air Force, Navy, Marine Corps and the airline industry to fabricate aircraft structures such as wing skins. A major impediment to assembling composite aircraft structural components is the dimensional mismatch of composite parts which may produce rough edges, overlays, or gaps between parts. Much of this mismatch is due to variations that occur in component manufacturing. Funding has been applied to efforts to reduce variation in component manufacturing by the Air Force and the prime contractors. Unfortunately, funds have not been directed towards efforts to reduce variation by refining the raw material—carbon fiber prepreg. Lower prepreg variation will avoid the purchase of costly precision machining equipment by program partners, estimated at $80 million, to mitigate surface and component part deviations. Federal funding is justified in this effort to reducing the variability of prepeg to help the Joint Strike Fighter program and others meet the goal of reducing the overall variability of composite parts. This is vital to reduce the weight of aircraft, as well as to promote optimal stealth capabilities.

Detailed Budget for Variation Reduction Development Program:

Materials: Resin and prepreg production, production trials, feedstock variations, customer shop trials, and packaging supplies—$200K.

Deliverables: (1) Develop and demonstrate the necessary equipment and processes for production and (2) Document aerospace production control documents (PCD) for JSF Program technical approval and signature.

Labor: Scientist, technicians, mechanics, testing personnel, and production operators—$300K.

Deliverables: (1) Direct the work to be done, optimize process, execute plan scale up work and (2) Ensure best practice sharing of manufacturing engineering development.

Testing: Fiber testing, production of composites, and testing of the composite coupons—$1400K.

Deliverables: (1) Generate meaningful composite material data, demonstrating alignment to heritage mechanical test data bases and (2) Review data and correlate to end-use application.

Overhead, Contract Management, Miscellaneous—$100K.

Total Budget: $2000K.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 5658—The Duncan Hunter National Defense Authorization Act for fiscal year 2009.

Account: Military Construction, Navy.

Legal Name of Receiving Entity: Naval Station Mayport.

Address of Receiving Entity: Mayport, Florida.

Description of Request: I have secured $3,530,000 in authorization funding in H.R. 5658 in the Military Construction, Navy account for an Aircraft Refueling project at Naval Station Mayport, Florida.

This project will construct a two (2) outlet, 300gpm/outlet aircraft direct fueling system to include concrete foundations and slab on grade, 15,000 gallon double wall steel tanks (to be relocated from the existing truck fill stand), concrete containment berms, double walled underground piping, valves, pumps, pressure gauges, filter seperators, leak detection monitors for piping and tanks, float switches, double wall steel product recovery tank, emergency shut off valves, fuel quality monitors, pipe vents, fire protection, pressure indicating transmitter and water drain off system. It would also construct underground double walled fuel transfer line from bulk storage to the direct fueling facility. The project will properly close, by abandoning in place, the existing underground fuel transfer line from the bulk storage to the existing truck fill stand. Closure will include pigging/purging the lines, grout injection of ends, core boring and soil sampling along the fuel transfer line, and submission of a Florida Department of Environmental Protection Closure Assessment Report.

In addition, this project will construct a 150 m2, single story building on a concrete slab on grade and concrete footings. The building and fuel lab will include vinyl floor tile, steel stud/gypsum wallboard walls, hollow core interior steel doors, solid core exterior steel doors, double glazed single hung windows, modified bitumen roofing, interior plumbing, electrical power and lighting wiring, data/communication wiring, fluorescent lighting fixtures, ceramic bathroom tile, HVAC system/distribution/controls and site utilities (electric, water, sanitary, fiber optic communication/data). The project demolishes building 18 (32 m2) and the truck fill stand facility 142 (400 GM).

Naval Station Mayport is a strategic base for the Navy. This project was programmed to receive funding in Fiscal Year 2012, but was identified by the base commander as the highest unfunded priority in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal government so there is no opportunity for matching funds.

HONORING MR. JOHN G. CARLSON AND DR. NGAI XUAN NGUYEN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ROHRABACHER. Madam Speaker, recently I was visited in my office by two great Americans who have for many years been leading our nation's moral effort against the government of Communist Vietnam: Mr. John G. Carlson and Dr. Ngai Xuan Nguyen. Whenever they cone to town the bureaucrats in the State Department know that they will be asked some hard hitting questions and subjected to piercing scrutiny regarding the Administration's Vietnam appeasement policy. Messrs. Carlson's and Nguyen have sacrificed so much of their own personal time and resources in their endevour "to bring improved democracy, human rights and religious freedom to the people of Vietnam" they deserve the admiration of all of us.

I am submitting for the RECORD a list that these two gentleman gave to me of ten political prisoners being detained in Vietnam and a statement by Mr. Nguyen to Secretary David Kramer, Assistant Secretary for Democracy, Human Rights and Labor. I hope that the Vietnamese Communist Party quickly responds by doing the right thing and release the prisoners. I also strongly urge Secretary Kramer to follow the advice of Mr. Nguyen so clearly outlined in his statement.

ADDITIONAL POLITICAL AND RELIGIOUS PRISONERS BEING DETAINED—MAY 13, 2008

1. Bui Kim Thanh, lawyer of the Democratic Party of VN [DPV], rearrested and placed in a mental institution in Bien Hoa.
2. Ho Thi Bich Khuong, block 8406, sentenced 2 years in jail.
3. Nguyen Hoang Hai Blogger Dieu Cay, Club of VN freelance journalists, arrested in Dalat since 4/19/08.
4. Truong Minh Duc, journalist, VN Populist Party, awaiting trial, arrested in Kien Giang.
5. Nguyen Quoc Quan, Viet Tan Party, awaiting trial scheduled 5/13/08.
6. Nguyen The Vu, Viet Tan Party, awaiting trial scheduled 5/13/08.
7. Somsak Khumni, Viet Tan Party, awaiting trial scheduled 5/13/08.
8. Pham Ba Hai, Bach Dang Giang Group, sentenced to 5 years in jail.
9. Nguyen Ngoc Quang, Bach Dang Giang Group, sentenced to 3 years in jail.
10. Vu Hoang Hai, Bach Dang Giang Group, sentenced 2 years in jail.

STATEMENT BY DR. NGAI XUAN NGUYEN, VICE CHAIRMAN, DEMOCRATIC PARTY OF VIETNAM—SUBMITTED TO SECRETARY DAVID KRAMER, ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND LABOR—MAY 16, 2008

On May 29, 2008, you will lead a U.S. delegation to Hanoi to participate in a dialogue on U.S.-Vietnam Human Rights.

As Vice Chairman of the Democratic Party of Vietnam, our Mission is to bring improved democracy, human rights and religious freedom to the people of Vietnam.

Even though Vietnam's economy has undergone dramatic growth in recent years, Hanoi continues its oppression of human rights and religious freedom, just as it has been doing for decades. An ongoing U.S.-Vietnam dialogue can expand understanding between our two countries and peoples while consolidating human rights gains that have been won. However, actions speak louder than words.

Therefore, we respectfully request that you discuss the following major issues with the Vietnamese government during your meetings in Hanoi, May 29:

1. All political and religious prisoners who are still being jailed in Vietnam must be set free, unconditionally. Congressman Dana Rohrabacher placed this list of 85 people in the Congressional Record in 2007, and a copy is available. Ten new activists, list attached, have been recently retained and should be added to this list, including Bui Thanh, a lawyer who has recently been sent to a mental institution. All 95 prisoners should be released, immediately.

2. Condemn the Vietnamese government for arresting and interrogating for more than six hours, Dr. Nguyen Thi An Nhan, and then deporting her on February 15, 2008. Dr. Nhan is a graduate of Harvard University Medical School and is currently a heart surgeon specialist at Stanford University. Her only "crime" was that she is a member of the Democratic Party of Vietnam and was in Hanoi to attend the funeral of Professor Hoang Minh Chinh on February 16, the Founder and Secretary General of the Democratic Party of Vietnam.

3. Unless major changes and improvements are made immediately, the U.S. State Department will recommend that Vietnam be redesignated a "country of particular concern" for its lack of democracy, human rights and religious freedom. Once Vietnam was removed from the CPC list and accepted into the World Trade Organization, human rights and religious freedom in Vietnam significantly deteriorated, as reported by Human Rights Watch on May 8, 2008. Several leaders of the UBCV (Unified Buddhist Church of Vietnam) have been harassed and their pagodas destroyed in Lam Dong, Hue and Quant Tri in 2008. Many Christian leaders have been imprisoned and a major Montagnard Christian demonstration led by Reverend Nguyen Cong Chinh in April 2008 in Gia Lai and Daklak was oppressed by the Vietnam government with dozens of protestors beaten and arrested. Reverend Le Ngoc Thuong, from New Orleans, was arrested and deported to the U.S. while visiting Vietnam in April 2008. Major conflicts between the Vietnam government and Roman Catholic churches have erupted after the Vietnam government stole their land. These are just a few of the recent actions in the last several months.

4. If there is not an improvement in human rights, the U.S. Department of State will recommend that H.R. 3096, The Vietnam Human Rights Act of 2007, be passed in the United States Senate. H.R. 3096, which passed the House on September 18, 2007, condemns the ongoing human rights abuses in Vietnam, and prohibits increased U.S. nonhumanitarian assistance to the Government of Vietnam unless there is verifiable evidence that the Vietnamese government has made substantial progress towards the release of its political and religious prisoners. In addition, this legislation requires that the Vietnam government respect the rights to freedom of religion, freedom of press and returns all confiscated properties.

Again, we in the Democratic Party of Vietnam thank you for your continued efforts to bring about real change in Vietnam. However, talk is cheap, and it is time to see significant actions and results from the government of Vietnam.

HONORING CONSTANCE RAU

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. KILDEE. Madam Speaker, I stand today to pay tribute to Constance Rau as she retires from the Flint Community Schools. A celebration is planned for May 22 to recognize her work and contributions to Flint area youth.

Connie Rau's work with the community began long before Flint Community Schools employed her. From 1975 to 1985 she was a senior therapist with the substance abuse program at Flint Osteopathic Hospital. She became a program manager at Insight Outpatient Chemical Dependency Clinic and then became the director of Children and Adolescent Services with the Genesee County Commission on Substance Abuse Services. It was during this time that Connie also started to write a column in the Flint Journal entitled "Considering Kids" and she was an instructor at Mott Community College. She also was an intern field supervisor for several area universities.

As a member of the Flint Community Schools Youth Projects staff, Connie has had tremendous impact on the children of Flint. She was instrumental in organizing several programs that directly benefited the most vulnerable children in the Flint school system. She coordinates two intervention programs for the Genesee County Family Court, the Youth Projects Diversion and the Youth Projects Diversion—Attendance Court. She established the "Roast and Toast" fundraiser for student activities, She established the "Shoes that Fit" Flint Chapter, the Language Exchange program, and the Teen Female Expo. Working with Quota International of Flint, Connie launched the Cops and Kids program.

Recognized by the Woodrow Stanley Foundation for her work with children, Connie is a co-founder of the Mayor's Committee for National Youth Service Day recognizing the thousands of Community service hours the youth of Flint have contributed to improving the quality of life in their hometown.

In addition to her work with children, Connie is active in Peace Lutheran Church, at various times she has held the positions of Director of Education, Director of Finance, and currently is Director of Stewardship. She is on the Board of Directors for the Intake, Assessment and Referral Center and she is a mentor in the Big Brother, Big Sisters Lunch Buddies program.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of Constance Rau as she retires from the Flint Community Schools. She has spent her life devoted to children and has enriched their lives through her work. All will miss her insight, innovative spirit and enthusiasm for her work and community. However, we know that she will always be meaningfully involved.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WAMP. Madam Speaker, as a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. The fiscal year 2009 National Defense Authorization Act contains the following funding that I requested:

Requesting Member: Representative ZACH WAMP.

Bill Number: H.R. 5658.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Tennessee National Guard.

Address: 3041 Sidco Drive, Nashville, TN.

Description of Request: $10,372,000 for the construction of a new Army National Guard Readiness Center to replace the inadequate Readiness Center that was constructed in 1954. The existing facility has numerous health and safety issues as well as significant electrical code issues, and ADA violations. The new facility will house the 20th Troop Command, and the Company Headquarters of the 1175th Transportation Company. This project is in the Army National Guard's Fiscal Year 2012 Future Year Defense Plan.

Requesting Member: Representative ZACH WAMP.

Bill Number: H.R. 5658.

Account: Department of Energy, National Nuclear Security Administration, Weapons Activities.

Legal Name of Requesting Entity: Y–12 National Security Complex.

Address: Oak Ridge, TN.

Description of Request: $5,000,000 in the Readiness in Technical Base and Facilities Program.

Operations and Facilities Account for basic operational needs at the Y–12 National Security Complex, a Department of Energy nuclear weapons manufacturing plant. Its vast facilities and infrastructure require routine maintenance as Y–12 performs its national defense and security missions.

Requesting Member: Representative ZACH WAMP.

Bill Number: H.R. 5658.

Account: Department of Energy, National Nuclear Security Administration, Weapons Activities.

Legal Name of Requesting Entity: Y–12 National Security Complex.

Address: Oak Ridge, TN.

Description of Request: $3,000,000 in the Safety and Security Program to continue to improve the physical security at the Y–12 National Security Complex, a Department of Energy nuclear weapons manufacturing plant. Post 9–11, federal standards were created to achieve maximum safety at national security sites. These funds will achieve compliance with the Design Basis Threat Policy.

Requesting Member: Representative ZACH WAMP.

Bill Number: H.R. 5658.

Account: Department of Energy, National Nuclear Security Administration, Weapons Activity.

Legal Name of Requesting Entity: Y–12 National Security Complex.

Address: Oak Ridge, TN.

Description of Request: $2,000,000 in the Readiness in Technical Base and Facilities Program Storage Account for Y–12 National Security Complex, a Department of Energy nuclear weapons manufacturing plant. Y–12 is transitioning to the new Highly Enriched Uranium Manufacturing Facility and following Congressional direction to transform and modernize the nuclear weapons complex.

TAIWAN'S PROPOSED MEMBERSHIP IN THE WORLD HEALTH ORGANIZATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of Taiwan's proposed membership in the World Health Organization, WHO.

In today's global community, health is a shared responsibility, as the whole world is vulnerable to transnational diseases. Given the tremendous volume of international travel and global trade, the transmission of communicable diseases between borders has been heightened. This reality necessitates both global collaboration and a global response to prevent and control the spread of these diseases.

The World Health Organization is the organization tasked with this duty. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends.

Currently, there are over 190 participants in the WHO. Taiwan is not one of them, however, which means that the 23 million citizens of Taiwan do not have access to the critical health service and information the WHO provides.

As a strong democracy and one of the world's most robust economics, Taiwan should be allowed to benefit from the health services and medical protections offered by the WHO, including direct and immediate access to up-to-date disease information. Taiwan's exclusion from the WHO also prevents the country from taking part in the WHO mechanism for the allocation of vaccines and other disease control supplies. Taiwan's inability to make use of these allocation mechanisms during international outbreaks hampers its disease control efforts and has a strong negative impact on the health of the people in Taiwan.

Taiwan's membership in the WHO is not only in the interest of the people of Taiwan, it is in the interest of the international community and the WHO itself: as the WHO stands to benefit significantly from the financial and technological contributions that Taiwan has to offer.

Madam Speaker, I urge my colleagues to join me in support of Taiwan's inclusion in the World Health Organization.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT REBECCA SMITH

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Rebecca Smith who has received the Congressional Certificate of Merit award at Hutto High School in Hutto, Texas. Rebecca has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Rebecca is a class officer, FCCLA officer, a member of the varsity track and cross country team, and is involved in numerous activities in her community. She is also in the top ten percent of her graduating class and has received the academic award for biology, world geography, and health.

I congratulate Rebecca Smith for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. MILLER of Michigan. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for two individual project authorization requests that I made and which were included within the text of H.R. 5658, the "Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

Bill Number: H.R. 5658—"The Duncan Hunter Defense Authorization Act for Fiscal Year 2009."

1. Requesting Member: Congresswoman CANDICE MILLER.

Bill Number: H.R. 5658.

Project Amount: $2.5 Million.

Account: Operations and Maintenance, Army PE# 423012.

Receiving Entity: Army Manufacturing Technical Assistance Production Program (MTAPP).

Address: U.S. Army TACOM, Industrial Base Office, AMSTA–LC–I10 6501 E. Eleven Mile Rd., Warren, MI 48397.

Description of Request: MTAPP focuses on solving supply chain problems that impact the Army and Department of Defense. MTAPP solves the above-mentioned problems using small manufacturing businesses. The problems that are solved by MTAPP lead to improvement in mission capability and availability rates of Army/DoD combat and tactical vehicles. In addition, the small manufacturing businesses provide a sustainable industrial base of suppliers to support the maintenance of weapons platforms. The small businesses also provide the Defense commercial sector with a viable pool of small businesses to meet the Federal Government mandated socio-economic goals.

Matching Funds: Not applicable (Federal entity).

2. Requesting Member: Congresswoman CANDICE MILLER.

Bill Number: H.R. 5658.

Project Amount: $2 Million.

Account: Research, Development, Test & Evaluation, Navy, PE # 0602123N.

Receiving Entity: Autonomous Superconducting Fault Current Limiting Systems.

Address: Office of Naval Research One Liberty Center 875 North Randolph Street, Suite 1425 Arlington, VA 22203–1995.

Description of Request: Modern shipboard power systems are susceptible to catastrophic high current surges (i.e. fault currents) that may result in permanent equipment damage and total power system shutdown. Efficient, reliable, and reconfigurable shipboard power systems are critical to the operation of present and future naval surface combatants, such as the DDG–1000 next-generation destroyer. High power Fault Current Limiters (FCLs) enable the integration of shipboard propulsion and distribution power systems, thus allowing propulsion power to be used for other loads under the most adverse conditions of warfare. High Temperature Superconductor-Superconductor/Metal Matrix Composite Fault Current Limiter can effectively meet the needs of the DDG–1000 and enable the integration of the shipboard propulsion/distribution power system.

Matching Funds: Not applicable.

HONORING THE LIMA COMPANY

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. SUTTON. Madam Speaker, I rise today with Memorial Day upon us to honor and remember the 22 Marines and Navy Corpsman from the Lima Company who lost their lives while serving in Iraq in 2005.

The Lima Company is a Marine reserve unit based in Columbus, Ohio, whose members span 7 states. The Company is part of the 3rd Battalion, 25th Marine Regiment, 4th Marine Division, that was first activated on May 1, 1943.

The Battalion fought in several battles in World War II, including the Battle of Iwo Jima, where the unit helped capture a key airfield.

Throughout its deployment to Iraq in 2005, Lima Company served the United States with great dignity and pride. Fifty-nine of its members were awarded purple hearts.

The company was once known as "Lucky Lima." Unfortunately, the fates of the battlefield in Iraq were not kind to these men. The Lima Company is one of the hardest hit single units that has fought in Operation Iraqi Freedom.

During the course of a single week in the summer of 2005, Lima lost 21 of its own. During the course of its seven-month deployment, 23 men out of 189 men were lost.

I would like to read the list of the fallen so that we take the time to honor each individual lost and remember the tremendous losses their families and communities have suffered:

Lance Corporal Timothy M. Bell, Jr.; Lance Corporal Eric J. Bernholtz; Corporal Dustin A. Derga; Lance Corporal Nicholas B. Erdy; Lance Corporal Wesley G. Davids; Sergeant David N. Wimberg; Lance Corporal Michael J. Cifuentes; Lance Corporal Christopher J. Dyer; Lance Corporal Jonathan W. Grant; Sergeant David Kenneth J. Kreuter; Lance Corporal Jourdan L. Grez; Private First Class Christopher R. Dixon.

Lance Corporal Christopher P. Lyons; Staff Sergeant Anthony L. Goodwin; Petty Officer 3rd Class Travis Youngblood; Sergeant Justin F. Hoffman; Staff Sergeant Kendall H. Ivy III; Lance Corporal Nicholas William B. Bloem; Corporal Andre L. Williams; Lance Corporal Grant B. Fraser; Lance Corporal Aaron H. Reed; Lance Corporal Edward A. Schroeder II; and Lance Corporal William B. Wightman.

These men have touched the hearts of people around Ohio as we have collectively grieved their passing. One such person who has exhibited her sincere dedication to the sacrifices of these men is Anita Miller, a liturgical artist who resides in Columbus.

Like everyone in Ohio, Anita knew the devastating losses that the Lima Company family has endured during the Iraq War and the impact that these losses have had on our communities.

Anita awoke one morning in October of 2005 with the idea of creating a lasting memorial to honor the Lima Company. She has used her immense talents to create an octagon Memorial, consisting of eight panels that depict each of the fallen Marines and Corpsman, with a candle and bronzed combat boots in front of each portrait. A shelf at the bottom of the panel will allow for flowers or mementos to be left by the public.

The memorial will be unveiled in the rotunda of the Ohio Statehouse on Friday and thereafter be a mobile memorial similar to the traveling Vietnam Memorial so that people around Ohio and the United States have an opportunity to pay tribute to Lima Company.

I know that every American joins me in remembering our men and women in uniform not just on Memorial Day, but every day, for what they have sacrificed and fought for in giving us the freedoms we hold so dear.

As we celebrate Memorial Day, I hope that memorials such as the Lima Company Traveling Memorial and services and parades around the country allow us to pay tribute to all of the men and women who have sacrificed their lives for our country.

HONORING STEVE MILLER

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize Steve Miller, an outstanding community leader in Kentucky's Fourth District. After 22 years as the Executive Director of the Buffalo Trace Area Development District, Steve is retiring to pursue other interests and spend time with family.

After obtaining a degree in Urban Planning at Murray State University in 1977, Steve began his career with the Buffalo Trace Area Development District as a Transportation Planner. While completing a graduate degree in Economic Development, Steve became Associate Director, a title that he held from 1980 to 1986. Since 1986, Steve has been the Executive Director of the Buffalo Trace Area Development District.

Over the course of his 31 year career with the Buffalo Trace ADD, Steve has assisted in the development of six industrial parks, the construction of hundreds of miles of water lines, the fulfillment of several downtown revitalization projects, the inception of groundbreaking workforce development programs and many other initiatives. Steve's contributions to Bracken, Fleming, Lewis, Mason and Robertson counties are innumerable, and the families of this region live a better life today because of him. I would like to thank Mr. Stephen Miller for his extraordinary service to the entire Buffalo Trace region and to wish him the very best in his next adventure.

HONORING ELWOOD A.D. "WOODY" LECHAUSSE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. COURTNEY. Madam Speaker, it is with great sadness that I rise today to honor Elwood A.D. "Woody" Lechausse of Enfield, Connecticut, who passed away over the weekend at the West Haven VA Medical Center.

For nearly 35 years, Connecticut veterans could rely on Woody to be their staunchest advocate in the state house and here in Congress. A veteran himself, Woody served in the United States Army from 1958 to 1965, during which he served as a Sergeant in Izmir, Turkey, in Fort Campbell, Kentucky with the 101st Airborne Division, and Quin Huon, South Vietnam with the 178th Signal (Spt) 39th Signal Battalion. He returned home to Connecticut and, fueled with his desire to improve the lives of all those who have served our nation, began a long and storied career as a rigorous and unyielding voice for improving our nation's treatment of our veterans.

As a member of several veterans service organizations, such as the Disabled American Veterans, Veterans of Foreign Wars, 82nd Airborne Division Association and the Vietnam Veterans of America Chapter 120, Woody served in countless leadership roles on both the state and national levels. Although a fighter on behalf of all those who wore our nation's uniform, Woody was especially dedicated to addressing the difficulties faced by our disabled veterans and those who returned home with Post Traumatic Stress Disorder (PTSD) and other mental health challenges from their combat experience.

Woody served on numerous government agencies, boards and taskforces that helped make tangible improvements in the health care, support and commemoration of all our veterans. And for his work, he was continually honored at all levels, most recently by being permanently inducted into the Connecticut Veterans Hall of Fame in 2007.

I was honored to meet with Woody on numerous occasions both in Washington and Connecticut, and work with him closely on efforts to improve the quality of life for veterans in Connecticut and across the Nation. He was a trusted advisor to the members and staff of Connecticut's congressional delegation, and could always be relied on to help inform us of the needs of our veterans and help "get the word out" through his dialogue with veterans organizations and updates to his diverse and wide-ranging email list.

Madam Speaker, all of us in Connecticut have lost a friend, a mentor and an unmatched voice on behalf of our veterans. I ask all my colleagues to join me in expressing our sincere condolence to Woody's wife Kathryn, his sons James and Ralph, and all his friends and families during this difficult time. And, I urge all my colleagues to honor Woody's service to our nation and lifetime of advocacy on behalf of our Nation's veterans.

SUPPORT OUR TROOPS IN THE WAR AGAINST ALS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ETHERIDGE. Madam Speaker, as you know, amyotrophic lateral sclerosis (ALS) is a devastating disease, affecting as many as 30,000 Americans. What you may not know is that military veterans are at greater risk of ALS than those who have never served in the military.

A study by the Department of Defense (DOD) and Veterans Administration (VA) found that those who served in the 1991 Gulf War are approximately twice as likely to die from ALS as those who did not serve in the Gulf. Harvard University researchers found that, regardless of where or when they served, veterans are more likely to be diagnosed with ALS than the general public. Current research shows that ALS is occurring at greater rates in those who are serving in the current conflict in Iraq.

The Department of Defense recognized this risk by establishing the ALS Research Program (ALSRP) last year and provided $5 million to conduct research into new treatments and a deeper understanding of the disease. The ALSRP will benefit those who served our country with better medical care, and will also give hope to all whose lives have been touched by the disease, regardless of military service.

Congress should send a clear message of support to our men and women serving in the military and continue funding for this important medical initiative. I urge my colleagues to provide funding in the 2009 Defense Appropriations Act to continue this innovative research partnership, which leverages DOD resources with scientific expertise in the private sector and at universities. This research will enable us to take action to protect our soldiers and veterans by determining why they are at greater risk, and will give us tools to treat all those who suffer from this disease.

We need to continue to wage a war against ALS, the disease that took the life of baseball greats Lou Gehrig and North Carolina's own Jim "Catfish" Hunter, as well as many other American heroes great and small. I knew "Catfish" and he was a good man, and he would be proud of the work that our local ALS Association Chapter is doing in his name. The ALS Association is the world leader in ALS research and patient care services. The Carolinas' Jim "Catfish" Hunter Chapter of the ALS Association raises awareness and gives support to people with ALS and their families throughout North and South Carolina. For each of the past two years, it has been named as "Chapter of the Year," and their work alerted me to this important veteran's issue.

Madam Speaker, with your leadership, the support of our colleagues in Congress, and the help of activists at the grass roots level, we have a real shot at conquering ALS for our military veterans and citizens alike.

IN HONOR OF THE SESQUICENTENNIAL OF BAXTER SPRINGS, KANSAS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to honor the city of Baxter Springs, Kansas for their sesquicentennial.

One hundred fifty years ago, Baxter Springs was founded, and it was named in honor of its first settler, John Baxter. During this time there was a booming cattle trade in Kansas, with Baxter Springs being an important point of commerce for cattlemen from the south bringing their livestock to sell in Kansas City. In fact, Baxter Springs was one of the first "Cowtowns" founded in Kansas.

Should one have the chance to visit Baxter Springs, you would see the same scenic backgrounds of Kansas prairie and the Spring River that the first settlers of the city would have viewed. The river has played host to many of the town's events over the years, and also supported the town's first flour mill.

Many visitors have come through Baxter Springs while traveling on Route 66. The road is an important part of local, and national history with Americans traveling on Route 66 to destinations near and far, viewing some of the most beautiful sites that America has to offer.

There is a lot of history in the city of Baxter Springs, and it represents an important aspect of the State of Kansas. As the sesquicentennial slogan states, "150 years and only the beginning."

I offer my sincerest congratulations to Baxter Springs and I give my warmest wishes for the next 150 years.

HONORING DR. CHARLES RUCH

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. HERSETH SANDLIN. Madam Speaker, I want to take this opportunity to thank Dr. Charles Ruch for his nearly 5 years of service to the South Dakota School of Mines and Technology in Rapid City, South Dakota. Dr. Ruch was installed as the school's seventeenth president on July 1, 2003. During his tenure at the School of Mines, Dr. Ruch led the institution in strengthening the undergraduate curriculum to ensure that students graduate with exceptional scientific training and real world skills. Dr. Ruch worked to improve and expand graduate programs and thereby increased the research activities taking place at the School of Mines. I appreciate Dr. Ruch's commitment to working closely with the Rapid City community, the state government and Board of Regents, the Congressional delegation, and other partners to enhance the reputation of the School of Mines as a teaching and research center of excellence.

I send best wishes and congratulations to Dr. Ruch on the occasion of his retirement.

VAPTSD DIAGNOSES

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. RUSH. Madam Speaker, I rise today to express the astonishment and indignation I felt upon learning of the actions of Dr. Norma Perez, staff psychologist at the Olin E. Teague Veterans' Center in Temple, TX.

For those who may not know, Dr. Perez sent an email referring to the increase in "compensation seeking veterans" and urged medical professionals to "refrain from giving a diagnosis of PTSD straight out" citing, among other reasons, the fact that veterans who have been diagnosed with Post Traumatic Stress Disorder at the Temple facility have been appealing their compensation and pension judgments "based on our assessment."

Madam Speaker, I am appalled. I am appalled that a medical professional at the Department of Veterans Affairs would consider the cost of treatment as a factor in making a medical diagnosis. What is the cost of a veteran's well-being? At what point do we determine that certain medical diagnoses would be too expensive to treat? At what point do we determine that a service induced injury is one that a veteran does not deserve to be compensated for?

Madam Speaker, as President Lincoln reminded us in 1865, it is our duty as a nation to ensure that we "care for him who shall have borne the battle". We must accept our responsibility and ensure that our veterans have proper and complete medical care and diagnoses that are free of political considerations and are made in terms of their well-being.

As a proud former member of the United States Army I am incensed that such a decision was ever considered. I applaud Secretary Peake for his repudiation of this affront to our Nation's veterans and call upon him to ensure that the culture of the Department of Veterans Affairs lives up to its stated goal of "excellence in patient care, veterans' benefits and customer satisfaction."

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT MARCI HISE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Marci Hise, who has received the Congressional Certificate of Merit award at Georgetown High School in Georgetown, Texas. Marci has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Marci is involved in cheerleading, powerlifting, Peer Assistance and Leadership, FCA, and Peer Buddies. She also spends time each week mentoring and encouraging two elementary school students. Marci is on the A–B honor role and puts 100 percent into her academics.

I congratulate Marci Hise for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

A TRIBUTE TO KENNETH RYAN

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Kenneth Ryan, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Kenneth's leadership during the 2007–2008 Rotary year has contributed significantly to the Hi-Noon Rotary Club and the community of Carlsbad. During his tenure, the Hi-Noon Rotary Club awarded high school scholarships, and partnered with the Carlsbad evening Rotary clubs to sponsor the annual Oktoberfest fundraiser, a community-wide event which provides financial support to the Carlsbad Women's Resource Center, The Boys and Girls Club of Carlsbad and Community Youth Services. In addition, during Kenneth's presidency, we had the most successful golf tournament in the club's history. The funds were earmarked for high school scholarships and to assist families of wounded marines.

During his presidency, a number of other projects were completed. These projects included providing volunteers to help maintain public and private property, provide food and clothing for the homeless, and assist in the distribution of food, clothing and toys to needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. A Children's Christmas party and dinner for very needy elementary school students were also provided. In an effort to improve literacy, badly needed bilingual dictionaries were provided and distributed to English- and Spanish-speaking elementary school students. In addition a book a week was contributed to a school library, and mentors were also provided for the "City Stuff" program. This program promoted an understanding of the workings of city government for young Carlsbad school children.

On the international front, Kenneth's leadership and his team of Rotarians joined with Habitat for Humanity to build a house for a needy family in Mexico. Through the Paul Harris Fellow Program, contributions were made to the Rotary Foundation, the purpose of which is to support international projects for the benefit of humanity, such as eradication of polio through out the world and to support the Micro-banking Project.

In addition, there were numerous other projects which he led to completion during his tenure, too numerous to mention.

I hope my colleagues will join me in recognizing the many fine achievements of Kenneth Ryan. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Leadership earmark standards, I am submitting the following earmark disclosures for publication in the CONGRESSIONAL RECORD:

Bill Number: H.R. 5658—National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: GWACS Defense, Inc.

Address of Requesting Entity: 4500 South 129th East Avenue, Tulsa, OK 74163.

Description of Request: Provide an authorization earmark of $8,500,000 for the Ground Warfare Acoustical Combat System of Netted Sensors. The entire project cost to complete is $19,200,000, with anticipated funding of $5,000,000 being raised privately by GWACS Defense, Inc. over the next two years. This request is consistent with the intended and authorized purpose of the Department of Defense, Research, Development, Test and Evaluation, Navy account. The funding will be used by the Marine Corps Warfighting Lab to accelerate completion and purchase of a new small arms fire detection and location technology for force protection in Iraq and Afghanistan.

Bill Number: H.R. 5658—National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Requesting Entity: Westwood Corporation.

Address of Requesting Entity: 12402 E. 60th Street, Tulsa, OK 74146.

Description of Request: Provide an authorization earmark of $1,500,000 for Power Conversion Equipment for High Density Power Generation Packages. The $1,500,000 project will be funded as follows: Design: $180,000; Purchased Parts, Fabrication and Assembly: $720,000; Functional Testing: $120,000; Onsite Testing Support; $480,000. This request is consistent with the intended and authorized purpose of the Department of Defense, Research, Development, Test and Evaluation, Navy account. The funding will be used to allow the electrical output of a new design generator with advanced shipboard architectures. Given that this request will be providing support to a federal agency, matching funds for this request is not required.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. DENT. Madam Speaker, I submit the following:

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 5658. National Defense Authorization Act for Fiscal Year 2009.

Account: Operation and Maintenance, Army.

Legal Name of Requesting Entity: ProModel Corporation.

Address of Requesting Entity: 7540 Windsor Drive, Allentown, PA 18195.

Description of Request: $2,000,000 is included to accelerate the deployment and enhance the current capabilities of the ProModel *Army Force Generation Synchronization Tool (AST)*. This technology enables the Army to capture the Army Force Generation Model (ARFORGEN) process in software, providing decision makers the ability to rapidly create Courses of Action and predict the impact of their decisions on key metrics such as Dwell and Boots on Ground. The ability through automation to run "what ifs" to assess risk on readiness is recognized as a key priority for the Army and Joint Forces.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: Neuromonics, Inc.

Address of Requesting Entity: 2810 Emrick Boulevard, Bethlehem, PA 18020.

Description of Request: $3,700,000 is included to support the Chronic Tinnitus Treatment Program—a breakthrough tinnitus treatment device (patented, FDA-cleared, and nonmilitary clinically-tested) and program that is designed to interact, interrupt, and desensitize tinnitus disturbance for long-term benefit, especially in those suffering with chronic and severe tinnitus. The treatment program combines the use of acoustic stimulation with a structured program of counseling. The Army reports that tinnitus is among the top medical complaints of soldiers returning from OIF/OEF, particularly given the high incidence of Traumatic Brain Injury/mild Traumatic Brain Injury (TBI/mTBI). Until recently, no effective treatment program has existed to help individuals suffering with the effects of tinnitus. This funding will allow military researchers to implement the chronic tinnitus treatment program and develop important baseline data to determine the effectiveness, usefulness, and long-term benefit of the program for military servicemembers suffering with tinnitus.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation (RDTE), Air Force.

Legal Name of Requesting Entity: Morgan Advanced Ceramics, Inc.—Diamonex Products Division.

Address of Requesting Entity: 7331 William Avenue, Allentown, PA 18106.

Description of Request: $ 1,000,000 is included to develop High Temperature, High Energy-Density Capacitors by Stacked or Multilayer CVD Processes which will scale up capacitor manufacturing capability. Capacitors are a pervasive technology in military and commercial applications. Millions are currently used in military systems and often fail due to increasing environmental temperatures and low reliability. Improved capacitor performance and smaller size have been the focus of research in diamond-like carbon (DLC) dielectrics by the Air Force Research Laboratory (AFRL). Morgan Advanced Ceramics has developed and tested proprietary dielectric, thin film coatings that have demonstrated the required dielectric properties. The technology utilizes semiconductor processing to produce multilayer capacitors that are 4 to 10 times smaller and lighter than the polymer-based capacitors currently in use by the military.

Requesting Member: Congressman CHARLES W. DENT.

Bill Number: H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

Account: Research, Development, Test and Evaluation (RDTE), Army.

Legal Name of Requesting Entity: Edmund Optics, Inc.

Address of Requesting Entity: 601 Montgomery Avenue. Pennsburg, PA 18073.

Description of Request: $2,900.000 is included to advance Precision Molding Manufacturing Technology for InfraRed Aspheric Optics. Infrared imaging technology is integrated in missile guidance, airborne reconnaissance, and situation awareness for soldiers, police, and firefighters. It presents the only viable solution for sight in total darkness, dense fog and smoke. This technology enables the armed forces to detect and identify threats, then engage and defeat the enemy at a safe distance. Production techniques for aspheric optics have limitations, as current solutions are either low-cost or high-performance but not both. Similarly, aspheres in thermal applications are produced using expensive machining techniques and costly raw materials. Molding, an alternative production technique, is the only feasible means to generate cost-effective precision infrared aspheric lenses. It is critical to shift infrared optics production from expensive machining to cost-effective precision molding.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SHIMKUS. Madam Speaker, I submit the following:

Requesting Member: Rep. JOHN M. SHIMKUS (IL–19).

Bill Number: HR 5658.

Account: US Air Force Unfunded Requirements List C–40D Procurement Line 58.

Legal Name of Requesting Entity: US Air Force, 932nd Airlift Wing.

Address of Requesting Entity: Scott Air Force Base, IL 62225.

Description of Request: The $88 million is included in the bill to procure new C40D aircraft stationed at Scott AFB, Illinois. This new aircraft will allow US Air Force to be able to support cargo, passenger, humanitarian, Homeland Defense, and emergency relief requirements of the 932nd Airlift Wing.

Matching funds: This is a full federally funded project for the US Air Force.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CONAWAY. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit this statement for the CONGRESSIONAL RECORD.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Texas Tech University.

Address of Requesting Entity: 19th and University, Lubbock, Texas 79409.

Description of Request: Provide $4,000,000 to Texas Tech University to research the use of Compact Pulsed Power as a scientific base for integrating electrical weapons systems onto all-electric combat vehicles. Compact Pulsed Power is the use of targeted electromagnetic radiation to disable electronic devices such as cell phones. Initial research indicates that compact pulsed power technology could be beneficial to the Department of Defense by being able to disable Improvised Explosive Devices used in Iraq and Afghanistan. Texas Tech has developed the technology but needs to field test it in order to deploy it with troops on the ground. An existing lightly armored vehicle such as a HMMWV will be modified to an all-electric platform with an integrated fuel cell and auxiliary battery pack. Two or three types of electric weapon systems (high power microwave (HPM) generator, hypervelocity rail gun, and/or high power laser) will be integrated into the platform. Individually each of these systems is quite complex and the combination of any two of these systems will increase the integration problem exponentially. The information gained from this research could be significant in furthering the nation's defense capabilities.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Army, RDT&E.

Legal Name of Requesting Entity: Zebra Imaging.

Address of Requesting Entity: 9801 Metric Blvd., Suite 200, Austin, Texas 78758.

Description of Request: Provide $2,800,000 in funding to complete the final phase of a three-year development program to provide a field-deployable version of the Enhanced Holographic Imager (EHI) system. The holographic imager system is used to produce 3–D imagery for the Army's tactical battlefield visualization program, and has proven to be an extremely useful capability for deployed Army and U.S. Special Operations Command warfighters. Over 1700 holographic images were provided to soldiers in theater in 2007. The deployable EHI will produce holograms three times faster than the current system (improving responsiveness to the war fighter) and is transportable allowing the imager to be located closer to the tactical users.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Army, Other Procurement.

Legal Name of Requesting Entity: Texas Army National Guard.

Address of Requesting Entity: Camp Mabry, Austin,Texas 78763–5218.

Description of Request: Provide the Texas National Guard $1,000,000 for the procurement of 700 Megahertz APCO–25 standard two-way radios for operational and tactical interagency interoperability in their disaster response task force. This project allows the Texas National Guard forces to utilize 700 and 800 MHz trunked radio systems being linked across Texas as established in the State Communications Interoperability Plan. It further fully enables interagency interoperability to coordinate and synchronize interagency efforts to maintain unity of effort.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Army, Other Procurement.

Legal Name of Requesting Entity: Texas Army National Guard.

Address of Requesting Entity: Camp Mabry, Austin, Texas 78763–5218.

Description of Request: Provide $3,000,000 to the Texas Military Forces (TXMF) for eight Joint Incident Scene Communication Capability (JISCC) packages required for disaster response. This equipment enables the Texas National Guard Joint Inter-Agency Task Force (JIATF) to command and control its interagency structure in and out of Texas in support of other states under the Emergency Management Assistance Compact. It supports the various disaster command posts including the Joint Interagency Task Force headquarters, each subordinate task force command post, local incident command posts, Emergency Operations Centers, and other multi-agency coordination centers. The JISCC system also uses Department of Defense satellites eliminating the persistent shortage of funds to pay for commercial satellite service. Ten JISCC packages have been authorized in previous years, but currently, the Texas National Guard has two on-hand.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Defense-wide, RDT&E.

Legal Name of Requesting Entity: Applied Research Associates.

Address of Requesting Entity: 1848 Lockhill-Selma Rd., Suite 102, San Antonio, Texas 78213.

Description of Request: Provide $3,000,000 to develop a blast-on-vehicle test device for use in evaluating survivability-based military vehicle designs. This program will provide a cost-effective and time-efficient alternative to full-scale live-fire testing. It will provide a test capability in support of the Joint Light Tactical Vehicle (JLTV) program and future military vehicle development programs.

With the introduction of survivability-based design criteria in light tactical vehicles, the test and evaluation requirements of new vehicle designs are more extensive. Therefore, the objective of this program is to design a test structure analogous to the civilian automotive safety community's Heidelberg sled tests. Whereas the Heidelberg sled tests simulate the loading conditions of a vehicle crash, the blast-on-vehicle test device will simulate the loading conditions of road-side or undercarriage explosion.

Requesting Member: Congressman K. MICHAEL CONAWAY.

Bill Number: H.R. 5658.

Account: Navy, RDT&E.

Legal Name of Requesting Entity: Angelo State University.

Address of Requesting Entity: 2601 W. Avenue N., San Angelo, Texas 76909.

Description of Request: Provide $1,000,000 for Angelo State University and Texas State University Systems' Center for Hetero-Functional Materials (CHM). CHM will help meet the need within the Department of Defense for the development of new materials to create "single-chip-devices" as conventional semiconductor manufacturing technology is reaching its maturity and its rate of innovation has saturated. These new devices require many types of built-in hetero-functionality, simply not available or achievable using conventional semiconductor/materials technology. The CHM provides the infrastructure and resources required for research and development of new materials and processes that will be required for the fabrication of next generation devices. These hetero-functional materials and structures will allow devices to be built on a single chip, thereby reducing costs and size while enabling more versatility than is currently achievable. The Office of Naval Research (ONR) deemed the CHM as critical to developing next generation devices for the military. CHM received support and funding in Fiscal Year 2008.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT NICHOLAS JAMES SHELBURNE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Nicholas Shelburne, who has received the Congressional Certificate of Merit award at Belton High School in Belton, Texas. Nicholas has shown exceptional leadership qualities through his involvement in numerous activities which makes him a great candidate for this award.

Integrity and energy for leading in a positive direction are trademarks of Nicholas. A natural leader, he is the ultimate role model for others and he excels in everything that he is involved in. Nicholas' work ethic and diligence set him apart from others.

I congratulate Nicholas Shelburne for his achievements in school and in his community and am proud to represent such talented and dedicated people in the 31st District of Texas.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. UDALL of Colorado. Madam Speaker, for the information of our colleagues and my constituents, I want the RECORD to reflect how I would have voted on the following votes I missed this session.

On rollcall 134, to pass S. 2733, to temporarily extend the programs under the Higher Education Act of 1965, 1 would have voted "yes."

On rollcall 154, on ordering the previous question on H. Res. 1605, providing for the consideration of H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act, I would have voted "no."

I would have done so because defeating the previous question would have allowed the House to consider an amendment dealing with the appropriations earmark process. I support reforming that process and think that the House should at least debate changes to it, although I reserve judgment on whether I would have supported the specific language of the amendment since it was not debated.

On rollcall 158, passage of H.R. 5501, Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, I would have voted "yes."

On rollcall 162, passage of H.R. 2464, The Wakefield Act—I would have voted "yes."

On rollcall 163, passage of S. 793, Reauthorization of the Traumatic Brain Injury Act—I would have voted "yes."

On rollcall 182, on the Flake amendment to H.R. 2537, to bar use of funds provided under that bill for Congressional 'earmarks, I would have voted "yes."

On rollcall 183, to suspend the rules and pass H. Res. 886, Expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado, as a cosponsor of the resolution I would have voted "yes."

As the resolution reminds us all, on Sunday, December 9, 2007, a troubled individual was responsible for killing several innocent people and injuring others at, first, the Youth With a Mission facility in Arvada and, a few hours later, at the New Life Church in the Colorado Springs area—where he was fatally shot by Jeanne Assam, a volunteer private security guard.

The resolution rightly commends Ms. Assam and the quick response of local first responders in the city of Arvada and in Jefferson County as well as those in El Paso County and Colorado Springs who, assisted by Federal authorities and medical professionals limited the danger to the church and local community. And it offers the heartfelt condolences of the House of Representatives to the victims and families of these tragic acts of violence in Colorado and coveys our gratitude to Jeanne Assam, city and county officials, as well as the police, fire, sheriff, Federal authorities, and emergency medical teams whose quick response saved lives.

On rollcall number 185, to suspend the rules and pass H.R. 3548, as amended, the Plain Language in Government Communications Act, as a cosponsor of that measure I would have voted "yes."

H.R. 3548 requires Federal agencies to use plain language in Government documents related to obtaining a service or a benefit. It responds to the fact that Government documents often are complex and difficult to understand, particularly when they are not written clearly. To address this problem, President Clinton in 1998 issued a memorandum that, in part, required Federal agencies to use plain language in all documents that explain how to obtain a benefit or service. However, while a few agencies still maintain plain language programs, efforts to promote plain language have waned. H.R. 3548 defines plain language and requires agencies to use plain language in any new document that explains how to obtain a service or a benefit or that is relevant to obtaining a service or a benefit. The bill ensures that many of the letters, forms, and other documents that people receive from the Government will be written in a clear, understandable way. Under this bill, for example, the Social Security Administration would be required to use plain language in letters that provide beneficiaries information about Social Security.

I joined in cosponsoring the bill because I think it is important for those of us in Government to do more to communicate clearly with our employers, the American people, and I hope that the Senate will join the House in giving prompt approval to the legislation.

On rollcall number 331, to pass H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, I would have voted "yes."

On rollcall number 332, to pass H.R. 6074, the Gas Price Relief for Consumers Act, I would have voted "yes."

IN HONOR OF BRIAN FOSS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. FARR. Madam Speaker, I rise today to honor Brian Foss in his retirement as the Port Director of the Santa Cruz Port District. Brian served the Port District for 34 years, managing Santa Cruz Harbor, as well as the Santa Cruz Port.

After graduating from the University of Southern California in 1964, Brian spent the next 22 years serving as a pilot for the United States Coast Guard, and as a Lieutenant Colonel Combat Rescue Pilot for the California

Air National Guard Rescue. During his time working as a rescue pilot. Brian earned two air medals and one Coast Guard Commendation medal.

In 1977, Brian ended his career as a pilot, and moved to Santa Cruz to work as Harbormaster for the Santa Cruz Port District. Brian's upbeat attitude and friendliness with coworkers gained him many friends, and 2 years later, Foss worked his way up to Port Director for the Santa Cruz Port District. For the next 31 years, Foss continued his tenure as Port Director, serving as the Chief Executive Officer for the District.

Outside of work, Brian was, and still is, a passionate and active supporter of ocean preservation. Brian was the former Chairman of the California Marine Affairs and Navigation Conference, a 35-year-old California port and harbor advocacy association. Today, he is a member of the Bay Planning Coalition, the California Marine Parks and Harbors Association, and he is a harbor representative for Santa Cruz County Inter-Agency Task Force on economic development relevant to the Monterey Bay National Marine Sanctuary.

But Brian's enthusiasm is not limited to the oceans, but extends into his personal life as well. As a devoted father, Brian founded the 129th for Kids fund, a benefit program for military children who have lost parents in service.

His dedication to the harbor and passion for life also extended to his employees. His coworkers described him as a fun, considerate, and polite guy to hang around, who made a difference in the lives of others; he always made sure to let everyone feel welcome and to have a say in decisions. Additionally, Brian taught many of his workers how to effectively work in public service, and always made sure to try to do the right thing for everyone.

Madam Speaker, I would like to extend our Nation's deep gratitude for Brian's service to the United States and his local community. I know I speak for every Member of Congress in expressing my bittersweet feelings towards his retirement, and our thankfulness for his contributions to our Nation. Though Brian Foss may be retiring, he will not be leaving the hearts of all whom he has touched.

HONORING THE LIFE AND SERVICE OF MR. ROD COOK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. Rod Cook, the City Manager of South Lyon, upon his retirement from a prominent 25-year career in public service.

Mr. Cook accepted the position of City Manager in October of 1983, and led the citizens of South Lyon with confidence and pride for over two decades. Rod was known for his stern, quiet demeanor and his ability to listen intently and make superior decisions. Mr. Cook took on the challenge of city manager at a time when the population was only 5,200 people. Rod was able to establish growth within the city; more than doubling the population before his retirement. During his career, Mr. Cook also spearheaded road improvements throughout the area; launched the identity of South Lyon; assisted with the creation of the Rail Trail; and played an essential role in the revitalization of the downtown area.

Rod Cook, through his proactive measures, made South Lyon one of the fastest growing small communities in the nation during his career. As Mr. Cook enters the next phase of his life after his retirement on March 11, 2008, Mr. Cook looks forward to spending time with his wife, Sydney. Constantly showing his love for the city, Mr. Cook will continue to contribute his services, after retirement, until a new manager is hired.

Madam Speaker, for 25 years Mr. Rod Cook has successfully served the citizens of South Lyon, Michigan. As Mr. Cook resigns from his position of City Manager, he leaves behind a long-standing legacy of trust, dedication, and achievement. Today, I ask my colleagues to join me in congratulating Mr. Rod Cook upon his retirement and recognizing his years of loyal service to the community and our country.

HONORING THE 40TH ANNIVERSARY OF THE EXETER AMBULANCE ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. GERLACH. Madam Speaker, I rise today to pay tribute and offer congratulations to the Exeter Ambulance Association, located in Exeter Township, Pennsylvania, for celebrating its 40th Anniversary this year. Association members will be acknowledging this great milestone on May 31, 2008 at an event to be held at Association headquarters.

The Exeter Ambulance Association was formed 40 years ago to provide outstanding emergency ambulance service for Exeter Township and St. Lawrence, Pennsylvania. The group was formed as a non-profit organization and started as an all-volunteer service. Over the years, it has grown and expanded its services and now provides Advanced Life Support (ALS), Basic Life Support (BLS), and other emergency and non-emergency ambulance services. In addition, the Exeter Ambulance Association operates a community training center and, in 2007, trained over 2500 people in CPR and put 30 Automatic Defibrillators (AEDs) into service in the community. Today, the Association employs over 50 medical transportation professionals, operates four ambulances, two wheelchair-vans, and responds to over 4,000 calls for help each year.

Its mission is "to provide quality pre-hospital emergency medical care in both emergency and non-emergency settings, and perform all services related to emergency medical service and emergency management." As anyone who has received assistance from the Exeter Ambulance Association will tell you, it has performed its mission in an exemplary fashion and consistently surpasses its own standards.

At the 40th year celebration on May 31, the Association will be joined by representatives of the Exeter Police K–9 unit, Drive 25-Stay Alive program, Reiffton and Stonersville Fire Departments, The PennStar Helicopter and flight team, Berks County Humane Society, American Red Cross and Aquabilities of Birdsboro, PA. In addition, St Joseph's Hospital will provide blood pressure checks, cholesterol screening, and bone density screening and the Reading Phillies mascot "Screwball" will make an appearance. It will be a fitting celebration to recognize all of the members' great work.

Madam Speaker, I ask that my colleagues join me today in praising the courageous work, dedication and service of the men and women that make up the Exeter Ambulance Association. The employees and volunteers continue to protect their community with steadfast determination, and ensure that when one is in trouble, they will be there to help.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

May 22, 2008

Mrs. WILSON of New Mexico. Madam Speaker, because of my commitment to a family event on May 20, 2008, I missed rollcall votes 331–337. Had I been present, I would have voted "yes" on rollcall vote 331, "yes" on rollcall vote 332, "yes" on rollcall vote 333, "no" on rollcall vote 334, "yes" on rollcall vote 335, "yes" on rollcall vote 336, and "yes" on rollcall vote 337.

EARMARK DECLARATION

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. KUHL of New York. Madam Speaker, I submit the following:

Requesting Member: Representative JOHN R. "RANDY" KUHL, JR.

Bill Number: H.R. 5658.

Account: Army Aircraft Procurement, Utility Helicopter Mods.

Legal Name of Requesting Entity: Elmira/Corning Regional Airport.

Address of Requesting Entity: 1250 Schweizer Road, Horseheads, NY 14845.

Description of Request: Provides a total of $5,000,000 to upgrade UH–60A Black Hawk helicopters to the UH–60L configuration. Most of the funding will be used to procure and install the upgrades required to increase performance of this aircraft, and a small portion will be used for salaries in support of this effort. The UH–60 Black Hawk helicopter is an essential capability of the Army National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet and ensure that National Guard units are ready for deployment to protect our national interests at home and abroad.

A TRIBUTE CELEBRATING THE BROOKLYN BRIDGE'S 125TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. TOWNS. Madam Speaker, I rise today to call my colleagues' attention to the historic occasion of the Brooklyn Bridge's 125th birthday. In 1883, citizens of New York City and Brooklyn took the first step toward uniting their two cities. Then, the Brooklyn Bridge opened to the public, bringing to life the dreams and plans of John and Washington Roebling. It is this bridge that captures the imagination of the world, appearing as a symbol of Brooklyn and New York City as far away as Europe and Asia.

After 60 years of political, financial and technical discussions, including a six-lane tunnel proposal in the 1830's, John Roebling's plan was approved, the New York Bridge Company was formed, and in 1869, construction of the bridge finally began. The bridge was built over a period of 14 years in the face of enormous difficulties. Washington Roebling, John's son, had always been a man, who liked to be on site during the construction, and often he could be found instructing others what to do and many times doing manual work himself. Washington actually spent more hours in the working chamber than anyone else for fear that any slip might prove to be disastrous.

Unfortunately, in the summer of 1872, Washington Roebling had to be carried out with caisson disease. From this point on, he remained painfully paralyzed and became known as the "man in the window" as he never returned to the site of the bridge, but watched it from his townhouse, directing the construction through his wife, Emily Roebling, who acted as an intermediary. In total, 27 people died during the construction of the bridge, some of the worse accidents happened during cable rigging and others were crushed by swinging blocks.

In the end, John Roebling's claim that "the great towers will be ranked as national monuments . . . as work of art and a successful specimen of advanced bridge engineering," came to life. On May 24, 1883, with schools and businesses closed, the Brooklyn Bridge also referred to as the "Great East River Bridge" and costing $15 million was opened with hundreds of people attending the spectacular ribbon cutting event.

Madam Speaker, it is an honor to represent the congressional district that begins once you cross this magnificent structure and is one of New York's most spectacular and evocative landmarks.

EARMARK DECLARATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to submit into the CONGRESSIONAL RECORD a list of projects that I have requested receive federal funding as part of the FY09 appropriations process. The projects requested in the list below were presented to me by constituents, local groups, and local governments.

Project Name: Multidisciplinary Alternative Reception Center (MARC). The Multidisciplinary Alternative Reception Center (MARC) would provide a facility for police to refer nonviolent minors in Santa Clara County.

Project Name: Collaborative Response to Victims of Domestic Violence. This project will develop a new model of collaborative education, training and community response to victims of domestic violence. The College of Applied Sciences and Arts (CASA) at San Jose State University will foster interdisciplinary education and internship team placements in the relevant departments/schools in collaboration with central public and community agencies in both Santa Clara County and the city of San Jose, California.

Project Name: San Jose Police Mobile Identification, Field Reporting, and Records Management Systems. This project will complete department-wide availability of mobile identification technology and initiate addition of automated field reporting and upgraded records management systems. In addition, it will address inefficiencies and enable better cross-analysis and information sharing.

Project Name: South San Francisco Bay Shoreline Study (NASA-Ames Research Center). A 2.5 mile trail adjacent to the restored habitat and NASA's Ames Research Center is being constructed as part of Phase 1 restoration of the South San Francisco Bay Salt Ponds. The requested funding will be utilized to construct a new security fence for the Research Center as the current fence is substandard and could be easily compromised.

Project Name: Coyote Creek Watershed. The project is a new study and was authorized by a May 2002 resolution of the House Transportation and Infrastructure Committee. The Coyote Creek Watershed Study will examine ways to provide flood protection for the cities of San Jose, Milpitas, and Morgan Hill, including a major portion of the Silicon Valley's high-tech area.

Project Name: Upper Guadalupe River. The Upper Guadalupe River flood protection project will provide flood protection for 7,500 homes in Santa Clara County.

Project Name: Guadalupe River. The Guadalupe River flood protection project extends through downtown San Jose from Interstate 880 to Interstate 280 and protects the area from $576 million in damages from a one percent flood. The project is part of a multi-phased flood protection project along the Guadalupe River and is an integral component to downtown San Jose's revitalization efforts.

Project Name: San Jose Area Water Reclamation and Reuse Project. The San Jose Water Reclamation and Reuse Project will increase water supply reliability and protect endangered species by reducing wastewater discharges into San Francisco Bay through the recycling of wastewater.

Project Name: Coyote and Berryessa Creeks. The project provides extensive flood protection to the area downstream of Montague Expressway in Milpitas and San Jose where potential damages from a 1 percent flood exceed $250 million.

Project Name: Llagas Creek. By providing flood protection to the local community, the project will protect 1,100 homes, 500 businesses, and over 1,300 acres of agricultural land in Santa Clara County that would otherwise result in damages totaling more than $8 million (1982) dollars with annual average damages of $900,000.

Project Name: Upper Penitencia Creek. The Upper Penitencia Creek flood protection project will provide flood protection to over 5,000 homes, schools, and businesses in the communities of San Jose and Milpitas and surrounding areas, with potential damages from a 100-year flood exceeding $455 million. The project includes modified floodplains, levees, floodwalls and bypass channels along the Upper Penitencia Creek.

Project Name: South San Francisco Shoreline. The South San Francisco Shoreline study project is expected to provide tidal and fluvial flood protection for Silicon Valley, including approximately 42,800 acres, 7,400 homes and businesses, and major highways, parks, and airports. This year's funding will allow the Corps of Engineers to make satisfactory progress on completion of the Feasibility Report for the study as directed by the Water Resources Development Act of 2007.

Project Name: San Jose Urban Forest Planting Program. This project will plant trees throughout San Jose, in partnership with Our City Forest, to achieve the goal of 100,000 new trees over the next 15 years, replacing 60,000 trees lost and increasing the tree canopy to reduce urban heat island effects and carbon impacts. Trees will be planted throughout the City and will benefit all of the diverse communities within San Jose.

Project Name: South San Francisco Bay Shoreline Study (USGS). US Geological Survey would use these funds to conduct interdisciplinary monitoring (biological, hydrological, and water quality studies) of Salt Ponds in San Pablo Bay and San Francisco Bay. With restoration work occurring in both the South Bay and North Bay salt ponds, there is an urgent need for monitoring to guide planning and implementation efforts.

Project Name: South San Francisco Bay Shoreline Study (FWS). The Don Edwards San Francisco Bay National Wildlife Refuge is managing 9,600 acres of the recently acquired South Bay Salt Ponds; funding is needed annually to effectively manage these lands, including installation and management of water control structures, levee maintenance, and monitoring of salt ponds.

Project Name: The Japanese American Experience: Making It Available. Located in one of only three Japantowns remaining in California, the Japanese American Museum of San Jose (JAMsj) is contributing to the renaissance of Japantown through the construction of a new museum. This museum will allow the broader community better access to and understanding of the history, culture and arts of Japanese Americans in Santa Clara Valley.

Project Name: Branham Lane/Monterey Highway Rail Grade Separation—San Jose, CA. Federal funding will complete environmental assessment work and conceptual engineering to convert the highway-rail at-grade intersection of Branham Lane and Monterey Highway to a below-grade intersection. By depressing Branham Lane and Monterey Highway, the project will separate vehicles and trains to provide both a safety and congestion relief benefit.

Project Name: Lazzarini Place Affordable Homes—San Jose, CA. Federal funding will provide funds to train at-risk young women and men in the construction of new homes for low-income first time home buyers.

Project Name: Advanced Zero-Emission Bus Demonstration Program—Santa Clara, CA. This funding request relates to purchasing three hydrogen fuel-cell buses by the Santa Clara Valley Transportation Authority in order to implement an Advanced Zero-Emission Bus Demonstration Program pursuant to regulations enacted by the California Air Resources Board. Under the program, public transit agencies must purchase a minimum of three advanced zero-emission buses and operate them in revenue service for a minimum of 12 months starting January 2009.

Project Name: Way Back Lot at Children's Discovery Museum—San Jose, CA. Proposed project includes the following: (1) A 30,000 square foot outdoor exhibit gallery with interactive exhibits and educational program spaces that engage children in the process of creating ideas and solutions that have been San Jose's stock-in-trade as far back in history as archaeologists have documented. (2) A perimeter wall or fence, artistically designed to depict distinct cultural periods of the Guadalupe River, which also secures the outdoor exhibit gallery for the safety of visitors and deters vandals. (3) A 12,000 square foot "green building" expansion to Children's Discovery Museum's southern wing that will serve as support space to the new outdoor gallery.

Project Name: First-Time Homebuyer Low Income Downpayment Assistance Program—San Jose, CA. The mission of the Housing Trust of Santa Clara County is to provide the resources and leadership to make housing more affordable for those who want to live and work in Santa Clara County. Federal funds will go to a revolving loan fund for Low Income Assistance Program to households with incomes up to 80% of Area Median Income, with maximum assistance of $15,000 per loan with a below market interest rate loan.

Project Name: Preserving the Historic Issei Memorial Building—San Jose, CA. Federal funding will rehabilitate and renovate a historic building built in 1906, now known as the Issei Memorial Building. Structural safety improvements are needed and facility expansion is required to meet the needs of the local community.

Project Name: DeWitt Avenue S-Curve Realignment—Santa Clara County, CA. The project would straighten the existing horizontal curve and flatten the vertical curve by extending it and widening the travel lanes. The project would straighten an S-Curve on DeWitt Avenue to enhance the line of sight for motorists, bicyclists, and pedestrians, thereby improving overall safety.

Project Name: Silicon Valley Regional Interoperability Project (SVRIP) Data Interoperability Project. Like jurisdictions across the country, the SVRIP operates standalone and disparate Computer Aided Dispatch (CAD), as well as law enforcement and fire Records Management Systems (RMS). The SVRIP has piloted a way to shave valuable minutes off the response times of first responders by interconnecting three disparate CAD systems.

Project Name: Development & Testing of Advanced Paraffin-based Hybrid Rockets for Space Applications. Recent research at Stanford University has led to the identification of a new class of fast burning paraffin-based fuels that promise to make hybrid rockets a practical system for a wide variety of propulsion applications of interest to the government.

Project Name: Strategic Language Initiative (CSU Center for Strategic Languages). The 5 California State University (CSU) campuses originally comprising the Strategic Language Initiative (SLI) Consortium worked collaboratively between 2005 and 2007 to create an effective model capitalizing on campus language expertise, student heritage language diversity, and local linguistic communities in Arabic, Mandarin, Korean, Persian, and Russian. The Consortium's success in southern California can be enhanced by developing a similar model in northern California. This request would build the programs within the current Consortium, and add CSU campuses in San Francisco and San Jose. Lessons learned from the current 5 programs will shape the 2 new programs.

Project Name: Advanced IED Jammer Research & Development Program. The most important aspect of the program is the development of a next generation IED jammer that can simultaneously allow our Blue Force radios to communicate. Another facet of the program is to develop a flexible, standardized, jammer architecture that can adapt to changing threats quickly, a so-called "multi-mission spectral combat system" architecture.

Project Name: Advanced Tactical Threat Warning Radio (ATTWR). This project will substantially advance U.S. Special Forces teams to combat and defend our troops against radio controlled roadside bombs. The effort will lead to an advanced technology that will allow for the dismantling of the terror cell command and control elements, as well as identify and locate the bomb making factories. This effort will ultimately save U.S. lives and also reduce the number of maiming and casualties due to IED's.

Project Name: Large Area and Printed Electronics for Defense Systems. This project involves the combination of new, advanced materials and large area printed electronics and will enable flexible, lightweight, and rugged photovoltaic, battery, sensor, and communication products for military systems. Integration with textiles and other surfaces will enable production of electronics for military infrastructure not possible today.

Project Name: Nonlinear Optics for Memory Electronics (NOME). This project will be used to develop and manufacture nonlinear materials, solid state lasers and large field of view deep ultra-violet objectives for the development and inspection of memory microelectronic chips, as well as advanced microelectronics that are used in classified and secure communications equipment, electro-optic sensors, satellites, and various weapon systems.

Project Name: San Jose Courthouse. This money would be used for site acquisition for a new Federal Courthouse in San Jose.

Project Name: AACI Domestic Violence Shelter Project. The Asian Americans for Community Involvement (AACI) Domestic Violence Shelter Project will expand an emergency shelter for abused women and their children. In Santa Clara County, this is the only domestic violence shelter that meets the linguistic and cultural needs of the Asian community.

Project Name: Regional Homeless Medical Respite Care Initiative. Funding will be used for one-time start-up costs of a homeless medical respite care program providing post-hospitalization medical services to the homeless in San Jose/Santa Clara County, including program refinements, personnel, and equipment, in order to address medical needs in a more cost-effective manner, to be sustained by local funding.

Project Name: Center for Migration Studies. Purpose of the funding is to establish an interdisciplinary Center for Migration Studies (CMS), envisaging faculty and student participation from multiple departments in the College of Social Sciences at San Jose State University (SJSU). The main objective of the CMS is to facilitate interdisciplinary research on a comprehensive, multifaceted examination of immigrants' experiences globally.

Project Name: Center for Employment Training—IT Capacity Building. Center for Employment Training (CET) is a private, non-profit human services organization focused on providing employment training and education services to hard-to-serve populations. The project will expand and upgrade the IT capacity of the organization and enhance the computer technology for vocational training and GED education services for at-risk youth, ages 18–24.

Project Name: Student Partners Reaching Kids. The Student Partners Reaching Kids (SPRK) program serves more than 1,000 young adolescents through a series of offerings which form a continuum of opportunities throughout the year for students in the fourth through ninth grade age range.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT WILLIAM PENDER

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of William Pender who has received the Congressional Certificate of Merit award at Temple High School in Temple, Texas. William has shown exceptional leadership qualities through his involvement in numerous activities which makes him a great candidate for this award.

William is a member of the Temple High School Top Band, Wind Ensemble, and has played on the varsity Wildcat football team. William is a volunteer in the assisted nursing area of the VA Hospital in Temple. Through his volunteering for the VA, William has learned the importance of giving back to the men and women that serve our country.

I congratulate William Pender for his achievements in school and in his community and am proud to represent such talented and dedicated people in the District of Texas.

IN HONOR OF NATIONAL DRUG COURT MONTH

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BOOZMAN. Madam Speaker, I stand here today to congratulate drug courts in Arkansas and nationwide during National Drug Court Month. Over 2,100 drug courts in the United States provide an alternative to incarceration for non-violent, drug-addicted offenders by combining intense judicial supervision, comprehensive substance abuse and mental health treatment, random and frequent drug testing, incentives and sanctions, clinical case management and life skills services. The tireless efforts of the judges, prosecutors, defense attorneys, treatment providers, rehabilitation experts, child advocates, researchers, educators, law enforcement representatives, correctional representatives, pre-trial officers and probation officers that are involved in drug courts provide substance abusing offenders with the much-needed chance at long-term recovery and productive lifestyles.

I have seen firsthand the impact of the 40 operational drug courts in my state, where drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives. Nearly 1,000 people have graduated from the program according to state records and currently 1,600 people are enrolled all across the state.

For example, the Fifth Judicial District Drug Court in Russellville, Arkansas, has graduated 43 clients since it opened its doors in 2004. Four of these drug court graduates have received their college degrees and started careers. One client has even advanced into the position of general manager for his company. The Fifth Judicial District Drug Court has set up a dental plan for clients, along with a work placement assistance program. This drug court and its achievements are just a small example of what is happening in the numerous drug courts across the state of Arkansas. In addition, the efforts of people like Judge Mary Ann Gunn and the 4th Judicial District Drug Court have helped make the program a success in the Natural State. More than one thousand people have been treated through that program that has an 89 percent retention rate. Town Hall Meetings held by the group help to promote awareness and prevention of substance abuse in our families and schools.

As we face a growing population of drug-addicted offenders in the American justice system, we must expand our efforts to bring treatment to a larger number of those in need. According to a recent study by the Urban Research Institute's Justice Policy Center, approximately 1.5 million drug-involved offenders should be diverted to drug court, which would generate $32.3 billion in savings to American taxpayers. Armed with our existing research that drug courts work, reduce recidivism, and save lives, we must work on taking drug courts to scale. There is no greater opportunity for change in the American justice system and there is no greater opportunity to heal families and communities.

Again, congratulations to the dedicated drug court professionals and graduates from Arkansas and around the country on a job well done.

TRIBUTE TO THE 300TH ANNIVERSARY OF HEBRON CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate the 300th anniversary of the incorporation of the town of Hebron, Connecticut. Throughout 2008, the town and its residents have and will continue to celebrate 300 years of rich history.

From its original settlement, agriculture production has supported the growth of the town as well as agriculture development and growth of neighboring communities. From colonial labors to modern agricultural machinery, cultivation of the land has remained an important economic and communal component of the town of Hebron. Hebron's agricultural history, reflecting on the distinct New England seasons, will be highlighted in the yearlong third centennial celebration.

This past March, residents enjoyed Maple Fest, which focused on a favorite New England winter harvest and culinary tradition. Families in Hebron and across the New England community joined in the festivities, which featured regional treats from local sugar houses. The sweet products of the maple trees were enjoyed in traditional to untraditional forms, from maple syrup to maple cotton candy. In the coming September, Hebron Harvest Fair will highlight the products of the New England fall harvest.

Three hundred years after incorporation, from its colonial origins through its modem evolution, Hebron represents the very best of a Connecticut and more broadly, small-town America. I ask my colleagues to join with me and my constituents in honoring and celebrating Hebron's third centennial and welcome many more to come.

HONORING THE SERVICE OF COLONEL ANTHONY JOSEPH WENDEL III, U.S. MARINE CORPS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ISSA. Madam Speaker, I rise today to honor the 30 years of dedicated service of United States Marine Corps Colonel Anthony Joseph Wendel III.

Since being commissioned a Second Lieutenant in August 1979, Colonel Wendel has served the Marine Corps in a variety of roles, both at home and abroad. During his 30 years of total service, he has served his country in positions of leadership in Okinawa, Japan; Washington, DC; Eugene, Oregon; Saudi Arabia, Somalia, Los Angeles, California; and at Camp Pendleton, California.

In 1980, Colonel Wendel attended Basic Combat Engineer Officers Course, Camp Lejeune, North Carolina. Between 1986 and 1987, he attended Amphibious Warfare School, Quantico, Virginia. He graduated from the U.S. Marine Corps Command and Staff College ih 1994 with a Masters of Military Studies, and in June 2000 he graduated from the U.S. Naval War College, Newport, Rhode Island with a Masters of Arts in National Security and Strategic Studies. Thereupon, he served as Assistant Chief of Staff, G–4 U.S. Marine Corps Forces, Korea from July 2000 to July 2001. During this period, he was selected to the grade of colonel.

Colonel Wendel has served in two major combat operations, Operation Desert Shield/Desert Storm and Operation Restore Hope. His leadership background encompasses a wide range of roles, responsibilities, and spectrum of experience. With his diversity of knowledge and talent, Colonel Wendel has given much to this country through his dedicated military service, which will be formally concluded with retirement on June 5, 2008.

Colonel Wendel currently serves as the Program Officer, Western Regional Environmental Coordination Office, Marine Corps Base Camp Pendleton, California. He continues to serve to protect and defend U.S. Marine Corps western region training interests and entities. He and his wife Susan have their home in Oceanside, California.

On behalf of the people of the United States whom he has served with courage and honor, we commemorate the service of Colonel Anthony Joseph Wendel III.

REMEMBERING FORMER PRESIDENT OF AZERBAIJAN HEYDAR ALIYEV

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BARRETT of South Carolina. Madam Speaker, On May 10, 2008, we commemorated the 85th Jubilee of the late President Heydar Aliyev. When Azerbaijan reclaimed independence in 1991, most Americans had never heard of the country. Soon after, the country found itself involved in a war with neighboring Armenia over Nagorno Karabakh, which resulted in one million refugees and 20 percent of Azerbaijani soil occupied by Armenian forces.

Out of chaos, economic turmoil, and questions about the viability of the country's independence, President Heydar Aliyev emerged as the President of the Republic. He was reelected in 1998, and served until he passed away in December 2003. In May it is the 85th anniversary of his birthday, and it is fit to note the milestones that were reached under his leadership. The first state visit by a President of an independent Azerbaijan to the United States was realized July 27–August 7, 1997.

Prior to this visit, little knowledge, understanding or relations between the two countries existed. On August 1, 1997, a meeting at the White House between President Aliyev and President Clinton took place. It was a historic occasion where the two leaders signed a joint declaration that read:

> Presidents Clinton and Aliyev agreed on the importance of expanding the partnership between the United States and the Republic of Azerbaijan through strengthening bilateral cooperation in the political, security, economic and commercial spheres.

The U.S. also reaffirmed support for Azerbaijan's territorial integrity, sovereignty and independence. Under President Aliyev's leadership, Azerbaijan emerged as a critical player in the East-West Energy Transport corridor. The early oil pipeline, the Baku-Tbilisi-Supsa oil pipeline was completed in 1997. Azerbaijan signed over 19 production sharing agreements with international energy companies.

The decision to build the Maine Export Pipeline, MEP, was not an easy one.

Despite great obstacles, Azerbaijan, under the leadership of Heydar Aliyev, and with the support of the United States and Turkey, realized the Baku-Tbilisi-Ceyhan pipeline which now runs from the Caspian through Georgia to the Turkish Mediterranean port of Ceyhan. This pipeline helps to guarantee Azerbaijan's independence and support of pro-Western foreign policy, provides energy resources to U.S. allies like Georgia and Turkey.

The late President Heydar Aliyev was a strong friend of the United States. Azerbaijan was one of the first countries to offer unconditional assistance to the United States after 9/11, and sent troops to Iraq and Afghanistan. President Aliyev's significant contributions to the country of Azerbaijan provided a fertile ground for the seeds of democracy to flourish after Soviet rule, and have paved the road for Azerbaijan's regional and international success.

RECOGNIZING THE ACCOMPLISHMENTS OF EARL MORSE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BOEHNER. Madam Speaker, I along with Mr. HOBSON rise today to recognize Mr. Earl Morse, an Ohioan who has dedicated himself to honoring World War II veterans from across the country by making it possible for them to visit the national memorial built and dedicated in their honor.

Mr. Morse is a physician's assistant and a retired Air Force captain from Enon, Ohio. While working at the Department of Veterans Affairs, he realized that most of the veterans he took care of were not able to make the trip to visit the World War II Memorial in Washington, DC. Since Mr. Morse was also a pilot, he offered to personally fly one of his patients to visit the memorial.

Upon realizing the desire to visit the memorial was so great, Mr. Morse started to ask for help from other pilots to make these trips a reality. During an aero club meeting in January of 2005, he outlined a volunteer program to fly senior World War II veterans to visit their memorial with no cost to the veteran. The pilots would be asked to volunteer the use of their aircraft and their time. After Mr. Morse spoke, 11 pilots who had never met his patients signed up to establish the first of what would be many "Honor Flights."

In 2005, the Honor Flight program took 137 World War II veterans to visit their memorial. As the popularity of the program grew, the need for more volunteers and the use of commercial aircraft became necessary. By 2006, an estimated 300 Ohio veterans made the trip to visit the World War II Memorial.

The mission and ideals of Mr. Morse's Honor Flight soon spread across the Nation, and a network of community leaders and volunteers became established to form the Honor Flight Network. The program presently has 69 hubs in 30 States, and is working to establish hubs in all 50 States by the end of 2006.

Madam Speaker, on the eve of Memorial Day, we feel that it is only fitting to pay tribute to Mr. Morse, who has demonstrated his patriotism and his respect for a generation of men and women who sacrificed so much to ensure the security of this world, and to guarantee the freedoms that we enjoy today.

We thank Mr. Earl Morse for his outstanding effort to honor the legacy of one of our Nation's most valuable resources, our veterans. We wish him, and his organization, all the best with his continued effort to ensure his objective is completed.

HONORING MARILYN SPIEGEL

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. DOOLITTLE. Madam Speaker, today I stand to recognize an outstanding public servant in my district. She is a woman who has dedicated her life to not only raising her own three children, but also teaching and nurturing many children in her community. I wish to recognize Marilyn Spiegel, who was recently named Teacher of the Year in the San Juan Unified School District.

As a sixth grade teacher at Earl Le Gette Elementary School, Marilyn has touched countless lives, both directly and indirectly. She began teaching in 1998 after a successful career as a professional chemist and parasitologist. After being an active parent volunteer in her sons' classrooms, she decided to obtain a teaching credential and share her passion for science with students. Voluntarily and independently, Marilyn developed a creative energy program designed to enhance a student's understanding of science and the environment through innovative teaching ideas. In the last six years, she has secured nearly $30,000 in educational grants for her energy education program. This program has inspired students to examine the role of energy in our Nation and how it relates to their individual lives. Unselfishly, Marilyn continues to share her grant information and educational program with teachers from other schools.

In her spare time, Marilyn serves on the San Juan Unified School District's science adoption committee and the California Department of Education's content review panel for the STAR exam. She is also an active member of the Le Gette teacher/student guitar ensemble, and continues to offer before-school, after-school, and lunch-time tutoring.

Marilyn has earned praise from students, parents, and colleagues for her inspirational style of teaching. In fact, the Teacher of the Year Award process begins with a parent nomination. She sets clear boundaries for the children and reinforces positive behavior through praise. "I treat students with respect, I hold them accountable, and I challenge them," wrote Marilyn in her application. "I do not accept wasted time and talent. I celebrate their success and help shoulder their disappointments and sorrow." Marilyn has the ability to motivate students beyond their natural abilities and helps them reach their greatest potential.

As we continue searching for ways to better the educational system, we need to look at the positive things happening in schools across the country. I believe that Marilyn Spiegel is an excellent example of what is right with America's schools. Congratulations to my friend Marilyn Spiegel, the San Juan Unified School District Teacher of the Year.

EARMARK DECLARATION

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CANNON. Madam Speaker, consistent with the Republican Conference standards established earlier this year, I submit the following information regarding the Metals Affordability Initiative that I support.

Bill: H.R. 5658, Duncan Hunter Defense Authorization.

Account: Air Force Research, Development, Test and Evaluation.

Legal name of receiving entity: Metals Affordability Initiative Consortium.

Address: MAI Program Management Office, Pratt & Whitney, c/o Thomas Rupprecht, Mail Stop 114–45, 400 Main Street, E. Hartford CN.

Anticipated sources of the funding for the duration of the project: MAI operates under a Technical Information Agreement (TIA) with a total project cost cap of $75,000,000 through FY 13. AFRL has budgeted approximately $13.5 mil through FY 2011 from limited discretionary funds for developing advanced structural metals technology.

Percent and source of required matching fund: MAI participants cost share 10 percent on AFRL-directed Type I projects and at least 25 percent on industry-directed Type II projects, funded by congressional directions.

Justification for use of federal taxpayer dollars:

The mission of MAI is to maintain U.S. leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems. This sector includes the entire domestic specialty aerospace metals industrial manufacturing base, representing all elements of the supply chain, which produce aluminum, beryllium, nickel-base superalloys, and titanium.

MAI is a model for government/industry collaboration. MAI programs have already accomplished 47 current or planned technology insertions into military systems.

MAI provides innovation, rapid development and implementation of new metals technology. Many of the MAI programs impact sustainability of the aging Air Force fleet. The authorization provided for in this bill will allow for the initiation of 6 new programs, as well as sustaining ongoing programs, directed at sustainment and life extension, fuel savings/energy management and access to space.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, on rollcall No. 343, the Motion to Recommit H.R. 6049 with Instructions, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea".

On rollcall No. 344, on Passage of H.R. 6049, the Renewable Energy and Job Creation Act, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "no".

On rollcall No. 345, on Motion to Suspend the Rules and Pass H.R. 1771, the Crane Conservation Act of 2008, as Amended, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "no".

On rollcall No. 346, on Passage of H.R. 2419, the Farm, Nutrition, and Bioenergy Act, Objections of the President Not Withstanding, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea".

On rollcall No. 347, on Motion to Suspend the Rules and Pass H.R. 3819, the Veterans Emergency Care Fairness Act of 2008 as Amended, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

On rollcall No. 348, on Motion to Suspend the Rules and Pass H.R. 5826, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

On rollcall No. 349, on Motion to Suspend the Rules and Pass H.R. 5856, the Department of Veterans Affairs Medical Facility Authorization and Lease Act, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea".

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WALDEN of Oregon. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge this request (1) is not directed to an entity or program that will be named after a sitting Member of Congress; and (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure and transparency as possible on congressionally directed funding and earmarks. I hereby submit the following information on a project I requested and the House Armed Services Committee included in H.R. 5658, the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Account: Air Force; Research, Development, Test & Evaluation.

Legal Name of Requesting Entity: University of Oregon (on behalf of the Oregon Nanoscience and Microtechnology Institute (ONAMI) which consists of the University of Oregon, Oregon State University, and Portland State University).

Address of Requesting Entity: Attn: Rich Linton, Vice President for Research, 203 Johnson Hall, University of Oregon, Eugene, OR 97403.

Description of Project: H.R. 5658 has authorized $1,000,000 for the Oregon Nanoscience and Microtechnology Institute (ONAMI) Safer Nanomaterials and Nanomanufacturing Initiative. 26 percent of the funds will be used for equipment and 74 percent will be used for project expenses associated with personnel, including: salary, benefits, travel, and tuition off sets for research assistants.

The ONAMI Safer Nanomaterials and Nanomanufacturing Initiative develops inherently safer and greener nanomaterials and nanomanufacturing methods, which directly impact the military's need for high performance materials that do not emit unintended wastestreams or material hazards. Three general areas of activity included within the Initiative are: (1) rational design of safer and greener materials based upon unique properties found at the nanoscale, (2) systematic assessment of the biological impacts of engineered nanomaterials, and (3) development of technology for high volume manufacturing and application of high-performance nanomaterials. Examples of nanomaterials and manufacturing of importance for military technology include nanoelectronics and nanophotonics, thermoelectric coolers, medical diagnostics and therapeutics, drinking water purification and environmental monitoring & remediation systems.

The ONAMI Safer Nanomaterials and Safer Nanomanufacturing Initiative cost share includes: state funding of approximately $2.23 million for research activities; private funding of over $2 million (cash and in-kind) from Hewlett-Packard, Invitrogen, FEI, and companies involved in related research efforts; and peer-reviewed federal awards and competitive awards from foundations, including the Keck Foundation, worth several million dollars.

HONORING STORK MEDICAL AND COMMUNITY BLOOD SERVICES

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WESTMORELAND. Madam Speaker, as the brave men and women of the United States Armed Forces protect our freedom and liberty, it is my belief that the rest of us have a responsibility to show our support for their sacrifices in spirit and in deed. With this in mind, I acknowledge and thank Stork Medical and Community Blood Services in Columbus, GA, for their generous gift to our military.

Attempting to make cord blood stem cell storage affordable to all of our soldiers is praiseworthy. I share their hope, prayer and expectation that the cord blood stem cells saved from a soldier's newborn will one day serve to repair the wounds a soldier has sustained in battle. I know that these stem cells will immediately add a layer of protection for a soldier's family given their proven ability to fight leukemia, cancer and many other diseases. It is indeed ironic that a soldier's helpless newborn may offer the ultimate protection of a soldier's family. This innovative and selfless program designed by Stork Medical and enthusiastically supported by Community Blood Services is a wonderful example of private enterprise sharing the burden of our troops and not spending a single tax dollar.

This innovative program offers our wounded heroes the hope of future medical miracles that may one day restore what was taken from them by bullets and bombs. It also offers peace of mind for young families that an added layer of protection is now available. Stork Medical's program in Georgia's third Congressional District is a shinning example of how soldier and civilian alike can stand shoulder to shoulder in defense of our country.

EARMARK DECLARATION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. DRAKE. Madam Speaker, In accordance with the earmark standards of the House of Representatives, I am submitting the following financial statements for each of my requested projects funded in H.R. 5658, the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009.

Project Name: LPD–17.

Requesting Member: Representative THELMA DRAKE.

Bill Number: H.R. 5658.

Account: Shipbuilding and Conversion, Navy.

Legal Name of Requesting Entity: Department of the Navy.

Address of Requesting Entity: Multiple Locations.

Description of Request: To increase the President's Budget for the LPD by $1,800,000,000. In 2007 Congressional testimony, USMC leaders testified that a force structure less than 10 LPD class ships would put the USMC at significant risk in meeting commitments for global presence and to the Global War on Terrorism (GWOT). The $1.8 billion in FY 2009 funding is for LPD 26 as requested on the Navy's and Marine Corps' FY 2009 Unfunded Priority Lists.

Project Name: Deployed ASW Sustainment Training: P–3 Air Crew Tactical Team Trainer (PACT3).

Requesting Member: Representative THELMA DRAKE.

Bill Number: H.R. 5658.

Account: Research, Development, Test, and Evaluation, Navy.

Legal Name of Requesting Entity: Alion Science & Technology—BMH Operations.

Address of Requesting Entity: 5365 Robin Hood Road, Norfolk, VA, USA.

Description of Request: Provide funding of $4,000,000 over the President's FY09 budget request to develop a PC-based simulation environment for the P–3 aircrew. The funding will increase forward deployed P–3 anti-submarine warfare (ASW) capabilities in direct response to warfighter requirements resulting in enhanced readiness for current and future contingencies.

Project Name: Analytics for Shipboard Monitoring Systems (ASMS).

Requesting Member: Representative THELMA DRAKE.

Bill Number: H.R. 5658.

Account: Research, Development, Test, and Evaluation, Navy.

Legal Name of Requesting Entities: Oceana Sensor Technologies and ESRG LLC.

Address of Requesting Entities: Oceana Sensor Technologies—1632 Corporate Landing Parkway, Virginia Beach, VA, USA: ESRG LLC—1209 Independence Boulevard, Virginia Beach, VA, USA.

Description of Request: Provide funding of $1,000,000 to integrate remote monitoring technologies with legacy ship systems. This Project will enable reduced manning and provide crucial ship-to-shore interaction for remote diagnostic decision technology to support ship operators globally.

Project Name: Automated Fiber Optic Manufacturing Initiative.

Requesting Member: Representative THELMA DRAKE.

Bill Number: H.R. 5658.

Account: Research, Development, Test, and Evaluation, Navy.

Legal Name of Requesting Entity: KITCO Fiber Optics.

Address of Requesting Entity: 5269 Cleveland Street, Virginia Beach, VA, USA.

Description of Request: Provide funding of $4,500,000 over the President's FY09 budget request to insert automated fiber optic technologies in small, portable, maintenance equipment that can be used by ship construction and ship's force personnel in the harsh shipboard environment. The funding will assist in deploying fiber optics as the primary communication system components for tactical shipboard applications on almost every current and future ship platform.

Project Name: Fire and Emergency Services Station.

Requesting Member: Representative THELMA DRAKE.

Bill Number: H.R. 5658.

Account: Military Construction, Navy.

Legal Name of Requesting Entity: Representative THELMA DRAKE.

Address of Requesting Entity: Naval Station Norfolk, VA, USA.

Description of Request: Accelerate funding of $10,360,000 for a Fire and Emergency Services station located at Naval Station Norfolk, Virginia.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BILBRAY. Madam Speaker, I submit the following:

Requesting Member: Congressman BRIAN BILBRAY.

Bill Number: H.R. 5658.

Account: RDT&E, Army.

Legal Name of Requesting Entity: Burnham Institute for Medical Research.

Address of Requesting Entity: 10901 North Torrey Pines Road, La Jolla, CA 92037.

Description of Request: Recent world events have made abundantly clear the need for a deeper understanding of the molecular and cellular mechanisms employed by bacterial and viral pathogens that would facilitate the design of countermeasures to weaponized biological agents such as anthrax, ricin, smallpox virus, botulinum toxin or plague bacteria. Additionally, as evidenced by the ever-present threat of viral pandemics and the relentless rise of antibiotic-resistance, there is a clear and urgent need for the development of new families of therapeutic agents—antibiotics, vaccines, antitoxins and antivirals. Given the large and growing number of recalcitrant pathogens, the most useful new therapeutics are likely to have broad-spectrum efficacy; to target immutable elements of the pathogen or host; to be rapidly adaptable in the face of natural or engineered variants; and to be physically robust.

To assist the United States Army in protecting our soldiers against these growing threats, the Infectious & Inflammatory Disease Center (IIDC) at the Burnham Institute for Medical Research will build on its studies of diseases that result from a broad range of human pathogens. The work will define and characterize host responses to infection, including innate and adaptive immunity and inflammation, providing a molecular understanding of host-pathogen interactions. Over the next ten years, many antibiotics currently prescribed to treat bacterial infections will no longer be effective owing to microbial resistance. Drug-resistant strains of some pathogens, such as the bacteria that cause tuberculosis, and MRSA, have already appeared. Several deadly viral agents have also emerged, threatening both our soldiers in the battlefield as well as large civilian populations; and, except for some vaccines, few treatments for viral infections exist to date.

With regard to infectious diseases, a major goal of the IIDC is to discover, characterize and validate novel virulence factors and toxins from infectious agents, working closely with our bioinformatics group who annotate (attempt to assign function based on the DNA sequence) the rapidly expanding number of pathogen genome sequences. These combined studies facilitate the discovery of novel but conserved pathways that may be validated as targets for broad-spectrum antibiotics. Complementary strategies will be developed to produce drug-like compounds for further development, including High-Throughput Screening (HTS), 'in silico' screening, and the development and application of NMR-based fragment approaches (the Institute hosts "The San Diego Chemical Library Screening Center", one of 5 such centers nationwide). The IIDC will continue its well-funded studies of the most likely agents of bioterrorism, including anthrax (Bacillus anthracis), smallpox (Variola virus), and plague (Yersinia pestis); but it will also expand its focus to the study of emerging diseases such as SARS, West Nile and Dengue Viruses, as well as preparing countermeasures to treat a possible influenza pandemic—should avian flu strain H5N1 gain the ability to transmit directly from person to person.

A major new focus of the IIDC will be to understand and exploit host responses to infection. Human cells provide the never-ending backdrop in a contest between host-defense molecules and pathogen virulence factors that seek to subvert the host's innate and adaptive immune responses. Identifying the players and mechanisms of the natural host responses, many of which are common to a broad range of infections, may provide novel (host-targeted) leads for broad-spectrum therapeutics, the exciting possibility of naturally boosting innate immunity, as well as the discovery of novel adjuvants for vaccine design. Vaccine technology has developed little in the past 50 years. A high priority will therefore be the development of novel vaccine methodologies which employ robust single-chain antigen-adjuvant combinations that facilitate rapid production and modification in the face of engineered or mutant pathogens.

The IIDC is well positioned in that it already has much of the infrastructure in place to generate novel therapeutic leads; shortly, with the opening of our new facility in Orlando, FL we will have the additional capability of developing these leads through medicinal chemistry and pharmacology to phase I trials, the latter in collaboration with our clinical partners in Florida.

Additional funding made possible through this process to the IIDC will enable the expansion of our Center into a number of critical areas. Priorities include recruitment of new faculty members and their programs working in the fields of innate immunity, microbiology, and medicinal chemistry. Recruitment into these currently underrepresented areas within our Center will complement our existing expertise and further expedite the development of novel therapeutics.

Leveraged Funds—Based on the Burnham Institute for Medical Research's past successful record of leveraging seed funds, we estimate that $3 million for additional scientists through this request will result in $30 million in additional grant funding for the next 10 years at the BIMR.

Current/Future/Matching Funding—Private philanthropy for the San Diego, CA area has contributed to the current research work ongoing at Burnham's IIDC. Since BIMR scientists started focusing on the important area of research, the IIDC has secured nearly $40,000,000 in competitive federal grants from a number of sources including the DoD and the NIAID. BIMR researchers and their research are very well respected throughout these federal agencies. Researchers in the IIDC will continue to seek federal grants through the traditional competitive process this year through funding opportunities available from the DoD and the NIAID.

PAYING TRIBUTE TO CONGRESSIONAL MEDAL OF MERIT STUDENTS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise today to honor the accomplishments of 39 distinguished high school students from Michigan's Eighth District. I was proud to award the Congressional Medal of Merit to these students during a ceremony at Michigan's State Capitol on May 9, 2008.

These graduating seniors were nominated by their schools for the prestigious Congressional Medal of Merit. To be nominated, each student demonstrated exemplary citizenship and academic excellence throughout their high school careers.

These young men and women have demonstrated an outstanding sense of service to their peers, education and community. Honoring their achievements with the Congressional Medal of Merit is a privilege and I congratulate each of them along with their parents, family, teachers and community. Together, this group of students represents the best and brightest America has to offer: Amber Barber, Tyler Bengel, Kristin Boozer, Michael Brendel, Sarah Bush, Chris Case, Kaitlyn Charette, Christina Clarke, Bethany Davis, Nathan Feldpausch, Preston Frazier, Mariah Frey, Brittney Fuller, Kristy Gould, Effrem Grettenberger, Carolyn Hamilton, Robert Hindy, Jessica Holberg, Priya Karve, Jason Klepal, Kristin Kotarba, Audrey Kramer, Kiley Kyser, Kavina Marshall, Alexandra McGregor, Victoria Miller, Christine Norton, Guillermo Peralta, Ariana Pierce, Jacob Price, McKenzie Rowley, Thomas Sanday, Eric Stants, Marco Tori, Jacquelyn Verley, Christie Wilkins, Brennan Woell, Lo-Hua Yuan, Mitchell Zajac.

Therefore, Madam Speaker, I ask our colleagues to join me in honoring these exceptional students. May they know that this Nation is greatly appreciative of their service and dedication, and wishes them the best in all their future endeavors.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT SYDNEY MOORE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Sydney Moore, who has received the Congressional Certificate of Merit award at Westwood High School in Austin, Texas. Sydney has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Sydney is a wholesome, bright, and energetic young woman. She has shown strong leadership abilities at home, in clubs, and in sports. She has earned the trust of her peers by being elected to a variety of positions on and off of the field, including Student Council and Miracle League.

I congratulate Sydney Moore for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

HONORING THE LIFE OF ELAINE BUNDESEN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable local residents and a good friend, Elaine Bundesen. Elaine died last month at the age of 85 of complications from Parkinson's disease.

Originally from Washington State, Elaine grew up in Seattle and attended the University of Washington. After she graduated in 1945 with a degree in English, she headed for San Francisco, where she met and married Jim Bloom, a Navy pilot from my hometown of Petaluma.

After the war—World War II—Elaine lived in Guam with her husband as one of the first Navy dependents to be stationed there. Later, the couple moved to Petaluma, where Elaine was introduced to small-town life. Petaluma being the egg capital of the Nation, Elaine eventually got a job at Bundesen Bros. Hatchery, where she met her second husband, Paul Bundesen. Sadly, their life together ended when Paul was killed in a plane crash in 1967.

Elaine returned to school, and in 1974 received her master's degree in counseling at Sonoma State University in Rohnert Park. She worked for more than 25 years in the university's office of admissions and records. During this time, she helped form the public lecture series "Pandora's Box" with a small group of women whose activities started the women's studies program at Sonoma State.

Elaine is survived by her three stepchildren, Margaret, David and Laura, and many nieces and nephews.

Madam Speaker, Elaine was a wonderful woman and a good friend who influenced many lives. She was a mentor to me and will be greatly missed.

TRIBUTE TO AZERBAIJANIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. TOWNS. Madam Speaker, I rise as a member of the House Azerbaijan Caucus, to honor Azerbaijanis around the world, as they prepare to celebrate Republic Day on May 28. Republic Day commemorates Azerbaijan's declaration of its independence from the Russian Empire in 1918, becoming the first democratic secular republic in the Eastern hemisphere. Despite its short existence, 1918–1920, the Democratic Republic of Azerbaijan had achieved considerable success in state building and creation of educational foundations for future generations. The Democratic Republic of Azerbaijan granted suffrage to women shortly after its creation, ahead of most Western democracies.

Despite all of its successes, the Democratic Republic of Azerbaijan was not in a position to withstand the occupational forces of the then newly formed Soviet Russia. Consequently, Azerbaijan had temporarily lost its independence in 1920 and later was included into the U.S.S.R.

In 1990, Azerbaijan regained its independence from the U.S.S.R., ending 70 years of Soviet rule. Meantime, Azerbaijanis will never forget the tragic events of January 1990, forever known to all Azerbaijanis as Black January, as the Soviet army crushed peaceful demonstrations in the streets of the capital Baku. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of Independence of the Republic of Azerbaijan, and on October 18, 1991, the independence was approved by the Constitution.

Since its independence, the Republic of Azerbaijan has been an invaluable ally and is among the first nations, who offered unconditional support to the United States in the War Against Terror, providing its airspace and the use of its airports for Operation Enduring Freedom in Afghanistan. Today, Azerbaijani troops continue to serve with distinction in Afghanistan and in Iraq.

Azerbaijan is also a founding member of GUAM—Organization for Democracy and Economic Development, which includes Georgia, Ukraine, Azerbaijan and Moldova. Azerbaijan is a leading nation in regional economic cooperation through development of various international projects. Azerbaijan is also one of the key players in European energy security matters.

Madam Speaker and dear colleagues, please join me in thanking the people of Azerbaijan for their sincere friendship towards our country, and congratulate Azerbaijanis around the world on the 90th anniversary of Republic Day.

I also would like to thank and congratulate my Azerbaijani-American constituents, lead by Naimi and Naila Amiraliyev, for their tireless efforts in developing and strengthening the friendship and understanding between our nations.

SUPPORT FOR NATIONAL DRUG COURT MONTH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise today in support and recognition of May as National Drug Court Month.

Since the first drug court was created in 1989 drug courts have been a legitimate alternative to incarceration for nonviolent, drug-addicted offenders.

By combining judicial supervision, comprehensive substance abuse and mental health treatment, random and frequent drug testing, incentives and sanctions, clinical case management and life skills services drug courts provide substance abusing offenders with the much-needed chance at long-term recovery and productive lifestyles.

My home State of Maryland is a leader in the drug court movement. The Drug Treatment Court Commission was established in 2003 by Chief Judge Robert M. Bell of the Maryland Court of Appeals. The Commission has supported the development of 40 drug courts throughout the State so that Maryland can effectively respond to the thousands of individuals arrested in Maryland who are dependent on drugs and/or alcohol.

Drug courts work. According to an April 2008 evaluation of the Harford County District Court Adult Drug Court program participants were significantly less likely to be re-arrested than offenders who were eligible for the program but did not participate. In Harford County and throughout the State drug courts are making a difference. During May, National Drug Court Month, I am proud to share that 30 graduations are being held across the State.

Drug courts play an important role in breaking the cycle of addiction and crime and will help to reduce the over-reliance on incarceration for the addicted. We must do all that we can to maximize the impact of drug courts across the Nation.

I applaud the work that the Maryland Drug Treatment Court Commission is doing and I congratulate all of the dedicated drug court professionals and graduates from Maryland and around the country.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman JOHN R. CARTER.

Bill Number: H.R. 5658—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Account: Military Construction, Army.

Legal Name of Receiving Entity: Fort Hood, TX.

Address of Receiving Entity: U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm W321, Fort Hood, TX 75544.

Description of Request: I have secured $18,288,000 in authorization funding in H.R. 5658 in the Military Construction, Army account for a Chapel with Religious Education Center project at Fort Hood, TX.

This project will construct a standard design chapel complex and religious education center. Primary facilities include a chapel complex, religious education center, administrative area, conference rooms, library, multipurpose activity area, kitchen and storage areas, fire alarm and fire suppression systems, connection to Installation Energy Management Control System (ECMS), and building information systems. Special foundations are required due to the expansive soils. Supporting facilities include electrical, water, sanitary sewer, and natural gas utilities; storm drainage; chilled water distribution; paving, walks, curbs and gutters; security lighting, information systems; landscaping and site improvements. Heating will be provided by self-contained natural gas units. Access for the handicapped will be provided. Comprehensive Interior Design package is required. Anti-terrorism/Force Protection (AT/FP) measures include mass notification system, structural reinforcement, special doors and windows, high curbing, and other measures to maintain stand-off distance.

Fort Hood, Texas is a strategic installation for the Army. This project was programmed to receive funding in Fiscal Year 2012, but was identified by the garrison commander as the highest unfunded priority in Fiscal Year 2009. The project is necessary to improve psychological and spiritual care for the soldiers and their families.

Military Construction projects are always 100% funded by the U.S. Federal government so there is no opportunity for matching funds.

INTRODUCTION OF FAIRNESS IN NURSING HOME ARBITRATION ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Fairness in Nursing Home Arbitration Act of 2008 to protect one of our most vulnerable groups: the elderly. This legislation is designed to make unenforceable all pre-dispute, mandatory binding arbitration clauses in contracts between long-term care facilities and their residents. Let me be clear: I am supportive of the principles of arbitration, so this legislation will not prohibit arbitration. Instead, it will simply ensure that residents have the choice whether to arbitrate a dispute after it has arisen.

The Subcommittee on Commercial and Administrative Law, which I chair, has held three hearings this term on issues related to the Federal Arbitration Act. During these hearings, witnesses testified that many businesses utilize arbitration agreements to the disadvantage of consumers by limiting constitutional rights, imposing unreasonable costs, and creating a system in which consumers are likely to lose even when they file a valid claim.

The long-term care industry is one stark example where businesses draft take-it-or-leave-it admission agreements for prospective residents that include pre-dispute mandatory arbitration clauses. A witness at the Subcommittee's October 25, 2007 hearing on H.R. 3010, the Arbitration Fairness Act of 2007, testified that the "current system of binding mandatory arbitration employed by nursing homes creates a playing field that is tilted in favor of nursing homes and against frail, vulnerable residents who suffer terribly at the hands of their caregivers. Sadly these residents are, all too often, the victims of abuse by their caregivers. They should not be further abused by an arbitration system that dispenses anything but justice."

After hearing several stories of abhorrent conditions in nursing homes and how arbitration clauses have effectively silenced residents who want to improve those conditions, I am introducing this legislation to make unenforceable pre-dispute mandatory arbitration clauses and to restore to residents and their families their full legal rights. Residents and their families will no longer have to worry about losing their right to a jury trial when they are going through the emotional and traumatic process of searching for long-term care facilities and then choosing the perfect one. I understand the emotional toll and the sense of vulnerability when moving a loved one and his belongings into the care of strangers at a nursing home. My father was recently placed into a nursing home, and one of the last things I wanted to worry about was whether he was forgoing his legal rights when he entered it. Instead, I wanted to focus solely on the quality and range of services the facility would provide him. This legislation will allow families and residents to retain their legal rights while they look for that perfect long-term care facility.

Several groups, including the AARP, the Alzheimer's Association, the National Senior Citizens Law Center, and many others who advocate on behalf of the elderly and consumers, support this legislation. Already a similar bipartisan bill has been introduced in the Senate. I am optimistic that Congress can soon send a bill to the President for his signature so that nursing home residents will retain their choice whether to arbitrate a dispute.

I urge my colleagues to join me, Representatives ILEANA ROS-LEHTINEN, JOHN CONYERS, HANK JOHNSON, DENNIS KUCINICH, and WILLIAM DELAHUNT, and take the important step of cosponsoring this bipartisan legislation.

TRIBUTE TO MEGHAN NORTH LAMPO

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to a young constituent whose life tragically ended way too early, as the result of an automobile accident.

Meghan North Lampo of Fairway, Kansas, was killed on May 15, 2008, in an automobile accident in Overland Park, Kansas. She was born on February 12, 1979, in Kansas City, Missouri. She was a graduate of St. Paul's Episcopal Day School and St. Theresa's Academy. Meghan earned a bachelor of arts in Japanese studies at Earlham College in Richmond, Indiana, and spent her junior year in Morioka, Japan. She was a student ambassador to Kansas City's sister city in Kurashiki, Japan, a Rotary, International scholar in Myaboshi, Japan, and participated in the Japan Exchange and Teaching Programme, a Japanese governmental program in Nagano, Japan.

Meghan was a beautiful young woman who loved people from every walk of life and has been described as a creative and free spirit who loved and lived life to the fullest. She described herself as someone who colored outside the lines in order to make a masterpiece. She had boundless energy and her own sense of style, a strong will, a huge heart, and a desire to help others in any way she could. Meghan particularly enjoyed volunteering for Bacchus Foundation, a philanthropic, social and service organization which introduces and integrates young adults into Kansas City's civic, cultural and educational communities. As Meghan said, "A little sparkle goes a long way these days." She is survived by many friends and her family, including her mother, Jane Lampo and stepfather, Rick Welsch, of Fairway, and her father Joe Lampo of Little Rock, Arkansas.

Madam Speaker, I am pleased to have this opportunity to pay tribute to a very special young constituent whose life was tragically snuffed out when she was much too young. I thank you for this opportunity and I know that all members of the House of Representatives join with me in paying tribute to Meghan North Lampo.

HONORING EARLIE MAYS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Earlie Mays, who is retiring from his position as International Representative of the United Auto Workers, Region 5, after 31 years of exemplary service. Earlie has been based in Fremont, California, through much of his career in the labor movement. I have been privileged over the years to work with him on issues of importance to working men and women.

Upon his graduation from high school in 1963, Earlie enrolled in Laney Junior College in Oakland, California, and soon thereafter he was hired at Oakland's General Motors Plant (GM). He always had a great love for the Auto Workers' Union and was fiercely dedicated to workers' rights. He also had a great thirst for knowledge with a goal of promoting the welfare of others. In 1970, Earlie took a leave of absence from GM and attended the UC Berkeley Institute of Industrial Relations, where he earned a certificate in Labor Studies. Immediately upon receiving his certificate, he was recruited by the American Federation of State, County and Municipal Employees' National Union to organize and service its Northern California local unions. During this period, Earlie honed his skills as a negotiator, grievance handler, organizer, and negotiator of collective bargaining agreements.

Earlie returned to GM, which relocated to Fremont, California, and worked himself up through the ranks of labor. He was elected to various positions, including Alternate Committeeman, Executive Board Member at Large, and Chairperson of the Civil Rights Committee. He continued his educational endeavors attending United Auto Worker Summer Schools and the Walter and May Reuther Educational Center in Black Lake, Michigan. He frequently conducted classes for rank and file members in various subjects.

In 1973, Earlie was elected Chairman of the Bargaining Committee of the General Motors Plant in Fremont. In doing so he became the youngest person, as well as the first African-American, to hold that office. His adept bargaining skills earned respect for the UAW.

Earlie served for sixteen years as a Commissioner on the California Prison Board as an appointee of California Governors Jerry Brown and George Deukmejian. He has served as President of the Western Region A. Philip Randolph Institute, as Director of the UAW Regional Civil Rights Program, and as a member of the NAACP and the American Red Cross.

I join the community in thanking Earlie Mays for his exemplary career in labor and his dedication to community service.

CELEBRATING THE 50TH ANNIVERSARY OF THE MONTGOMERY COUNTY HUMANE SOCIETY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today in recognition of the Montgomery County Humane Society as it celebrates its 50th anniversary. Our household is fortunate to count Chessie, a golden retriever/yellow labrador mix, as part of our family, and our entire community is grateful to the Montgomery County Humane Society for providing compassionate animal welfare services in our region for half a century.

Each year, the Montgomery County Humane Society takes in over 10,000 animals and provides assistance to more than 100,000 local citizens. It offers many critically important services in the county such as its nationally renowned Adoption/Foster, Spay-Neuter Programs, as well as the Rescue Partners Program, Lost & Found, 24-Emergency Hotline Services, Safe Haven Program, and Humane Education for both children and adults.

Madam Speaker, I am pleased to offer my congratulations and warmest wishes to the Montgomery County Humane Society as it celebrates this important milestone. May it continue to thrive, shelter all needy animals, and find good homes for abandoned animals.

SUPPORT FOR THE PALESTINE INVESTMENT CONFERENCE IN BETHLEHEM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BERMAN. Madam Speaker, on May 21, Palestinian Authority President Mahmoud Abbas and Prime Minister Salam Fayyad convened a large gathering of international business leaders in Bethlehem to promote investment in the Palestinian economy. This three-day conference, organized by the Palestinian Authority, is an important milestone on the road to a lasting and secure peace between Israelis and Palestinians.

Earlier this week, Congressman RAHM EMANUEL, the chairman of the Democratic Caucus, and I participated with Speaker NANCY PELOSI in a Congressional leadership visit to Israel to mark the 60th Anniversary of the founding of the Jewish State. During our time there, we had the opportunity to meet with U.S. diplomatic officials, and my colleague spoke by phone with Palestinian Authority officials to assess the progress of efforts to bring peace to that region.

Following our discussions with Palestinian and American officials, we both express our strong support for the efforts of President Abbas and Prime Minister Fayyad to chart a course of moderation and tolerance and develop an economy and society that provides hope and opportunity for the Palestinian people. The international community must support efforts, like this investment conference, which are designed to improve the lives of peoples in the region.

Madam Speaker, in this regard, we note our strong appreciation for the participation of business leaders from throughout the region, including Israel, Egypt, Jordan, Turkey, and the Arab Gulf states. We express our thanks to the Government of Israel for its efforts to make the conference a success, including by making the travel of so many participants possible. This conference is a demonstration of what is possible in this troubled region when people work together for a common good and reject the forces of extremism.

We express our thanks to major U.S. corporations that have joined the Palestinian Authority in this effort, including Cisco, Intel, Marriott and Coca-Cola. When they create jobs, spur investment, and strengthen communities, these corporations are truly furthering the cause of peace.

Madam Speaker, a recent World Bank report put unemployment in the West Bank and Gaza at more than 23 percent. This young and rapidly expanding labor force presents both an opportunity and a challenge for those of us who seek to promote the cause of peace. If these young people can find jobs, support a family and become part of the global economy, they will be a force for peace. The durability of the bonds between the Israeli and Palestinian business communities is testimony to the power and potential of these relationships.

If however, these young people are forced to rely on Government handouts and the charity of others, they are ripe for exploitation by those with extremist agendas.

Madam Speaker, the Palestinian Authority has begun making some of the difficult choices necessary to create a prosperous future for its people. The contrast in the Middle East between those that seek a peaceful, negotiated solution to a conflict that has gone on far too long, and those that oppose this path, has never been clearer. We must use every tool at our disposal to support those who seek to build the institutions of free societies in the Middle East. The promotion of a strong, prosperous Palestinian economy is a critical component in this struggle, and we commend President Abbas and Prime Minister Fayyad for their efforts and assure them of our continued support.

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIEPIENT BOBBY LINDSEY

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Bobby Lindsey, who has received the Congressional Certificate of Merit award at Round Rock High School in Round Rock, Texas. Bobby has shown exceptional leadership qualities through his involvement in numerous activities which makes him a great candidate for this award.

Bobby has been involved in band throughout high school and is a volunteer and tutor for English as a second language students. Outside of school, Bobby works as a volunteer with people who are learning to speak English.

I congratulate Bobby Lindsey for his achievements in school and in his community and am proud to represent such talented and dedicated people in the 31st District of Texas.

EARMARK DECLARATION

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CHABOT. Madam Speaker, I submit the following:

Requesting Member: Congressman STEVE CHABOT.

Bill Number: H.R. 5658, The National Defense Authorization Act for Fiscal Year 2008.

Account: Aircraft Procurement, Army.

Legal Name of Requesting Entity: The National Guard Association of the United States.

Address of Requesting Entity: One Massachusetts Avenue, NW., Washington, DC. 20001, (202) 789–0031.

Description of Request: The National Guard and the active Army have developed a two-pronged program to support the continued modernization of the National Guard Black Hawk fleet, however, it is not fully funded. The National Guard wants to accelerate the fielding of "M" series Black Hawks by 10 aircraft per year. In addition, the Army is recapitalizing Army National Guard UH–60A helicopters with a UH–60A recapitalization program funded in the Operations and Maintenance accounts. This program includes an airframe life extension, fleet-wide product improvements and the replacements of components with the latest configurations, however the portion of the program to upgrade the recapitalized UH–60A to the UH–60L configuration is not funded. Upgrading to the UH–60L provides a Black Hawk that is cheaper to operate and one that has 1,000 pounds greater lift than the UH–60A model. A rate of 38 upgrades per year is required to enable Army National Guard units to upgrade or replace all the UH–60As at pace with the active Army.

TROUBLING REPORTS OF MISPLACED PRIORITIES IN THE ADMINISTRATION'S HURRICANE EVACUATIONS PLANS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CONYERS. Madam Speaker, officials recently participating in a Texas hurricane evacuation drill were shocked to learn that the Border Patrol, CBP, planned to check the citizenship or immigration status of the people that they were helping to evacuate. Such a policy is fraught with problems. One car with a flat tire can back up an evacuation for hundreds of miles. Just think about how disruptive and dangerous immigration checkpoints would be, and how many people would remain in harm's way for fear of arrest.

The outrage in Texas, and across the country, was instantaneous. Other law enforcement agencies, State officials, and the press condemned the announcement, and DHS started backpedaling. But this was not an isolated incident or just a mistake. Rather, this comes on the heels of other evacuations in which DHS' priorities have been confused. Such as the California fires in which undocumented aliens were afraid to risk immigration checkpoints and died in the flames. And the administration's refusal to suspend immigration enforcement in the wake of Hurricane Katrina, as had been done after September 11. The immigration enforcement mission must be carried out in the proper context; in the face of a natural disaster or mass casualty event, public safety and humanitarian exigencies must take priority.

We asked for an immediate briefing to get to the bottom of this. Just hours before they were supposed to come brief us, the Border Patrol suddenly said that they had reassessed the policy in light of last week's exercise. They told us that CBP's "primary role in such events will be the safeguarding of life. No enforcement role will be undertaken that will in any way impede the safe and orderly evacuation of any member of the south Texas population." Frankly, I would have been more reassured if the CBP's purported change in policy had not been couched in such equivocal terms.

Later yesterday, Secretary Chertoff stated that "Priority Number One" will be "the safe evacuation of people who are leaving the danger zone." He said that clear instructions have been given to the Border Patrol "to do nothing to impede a safe and speedy evacuation of a danger zone."

So the message seems to have been heard. Rest assured that we will be watching to make sure that the focus truly is on having all hands on deck for humanitarian and evacuation needs, as opposed to diverting DHS resources into ill-conceived—and dangerous—immigration enforcement.

I am very troubled by this episode. It comes on the heels of revelations in recent weeks about medical abuse of immigration detainees. And it comes in the wake of a massive raid in Iowa that disrupted a Department of Labor investigation and resulted in assembly line arrest and prosecution of workers, but not of those who may have abused them. This cascade of controversy leads me to pose one overarching question—what kind of agency is DHS that there need to be congressional inquiries on so many of their actions before they take into account basic standards of life, safety, health care, due process, and constitutional rights?

I am inserting into the RECORD a letter about the ill-conceived evacuation from leading national Latino and Asian-American civil rights groups: the Asian American Justice Center, the League of United Latin American Citizens, the Mexican-American Legal Defense and Education Fund, the National Association of Latino Elected Officials, and the National Council of La Raza. I am also inserting a fact sheet from the United Food and Commercial Workers about the raids in Iowa, where there are disturbing allegations of union-busting and labor exploitation on the part of the factory owners.

I look forward to working with these groups to make sure that DHS remembers its duty to protect the civil rights of everyone on U.S. soil, regardless of their race, natural origin, or immigration status.

MAY 20, 2008.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR SECRETARY CHERTOFF: We are writing to express our utter outrage that the Border Patrol would jeopardize the safety of residents of the Rio Grande Valley in the event of a hurricane evacuation by checking the documents of evacuees before they are allowed to board evacuation buses. If you are interested in undercutting the safety of a large segment of the community you are charged with protecting, this is exactly the way to go about it. Indeed, the very news that such an effort is planned, which was reported by the Rio Grande Guardian on May 14, has already undercut the ability of the federal government to protect the population which could be affected by a hurricane or some other natural disaster.

To put it quite simply, a substantial segment of the population—immigrants and U.S. citizens alike—will not participate in an evacuation effort if they believe it to be tainted with the goal of immigration enforcement. Americans with immigrant family members will not participate for fear of jeopardizing their loved ones. In addition, most American citizens do not carry documentation that proves their citizenship. If you proceed with this approach, a great many U.S. citizens will be kept off of evacuation buses because they failed to bring their passports and birth certificates when they fled their homes. To put such people on Border Patrol buses and subject them to immigration enforcement, possibly separating them from their family members in a time of crisis, is foolish and offensive.

We have written to you on this subject in the past, when your decision not to suspend immigration enforcement in the wake of Hurricane Katrina made this the first Administration of either party to jeopardize the safety of disaster victims by conducting immigration enforcement during a rescue and relief operation, We have pointed out publicly that insisting on immigration enforcement in a time of crisis will jeopardize the safety of the American public by undercutting public confidence in vitally important public safety and public health initiatives. To put it bluntly, if the next major crisis is a flu epidemic, the actions of your agency will guarantee that major segments of the population will not come forward for vaccinations out of fear of immigration enforcement.

This tactic by the Border Patrol is not simply offensive, it is dangerous, and we are shocked and outraged that it has proceeded this far. We urge you in the strongest possible terms to suspend it immediately, and reassure the public that the United States will not undercut our security in a time of crisis by asking for papers before taking people to safety.

Sincerely,

KAREN NARASAKI,
Asian American Justice Center.
ROSA ROSALES,
League of United Latin American Citizens.
JOHN TRASVINA,
Mexican American Legal Defense and Educational Fund.
ARTURO VARGAS,
National Association of Latino Elected and Appointed Officials.
JANET MURGUÍA,
National Council of La Raza.

AGRIPROCESSORS FACT SHEET

COMPANY SUMMARY

Agriprocessors is one of the world's largest kosher meat producers. The company is based in Postville, Iowa, where it employs over 800 people and produces beef, poultry, turkey, and lamb. The company has a smaller plant in Gordon, Nebraska, which employs roughly 100. Agriprocessors produces meat products under brands such as Aaron's Best, Aaron's Choice, and Rubashkin's. The company's products are sold at well-known retailers such as Trader Joe's and Albertsons.

The plant has been the center of controversy for a variety of issues, including health and safety at the plant, environmental issues, food safety, and animal welfare.

HEALTH AND SAFETY ISSUES

In the period of April 2001 to February 2006, OSHA records show no less than 20 violations at Agriprocessors, a meatpacking plant in Postville, Iowa. Of these, 12 were identified by OSHA as serious. An examination of OSHA injury logs at the plant reveals over five amputations along with dozens of other serious injuries such as broken bones, eye injuries, and hearing loss.

On March 20, 2008, the Iowa Occupational Health and Safety Agency (IOSHA) charged Agriprocessors with 39 new health and safety violations with fines totaling $180,000. For perspective, in 2007, IOSHA issued 19 violations for all meatpacking plants in Iowa with fines totaling over $120,000. The new citations at Agriprocessors range from amputation risks, fire hazards, electric shock risks, and improperly labeled hazardous chemicals.

Numerous reports in the media and an investigation by an independent commission of Rabbis have revealed numerous cases of worker mistreatment including lack of training, job favoritism, and unsafe conditions.

In January 2008, the U.S. Court of Appeals ruled that Agriprocessors must obey a National Labor Relations Board (NLRB) ruling to bargain. Agriprocessors refused to bargain in September 2005, after a large majority of its distribution center workers voted to join the United Food and Commercial Workers International Union (UFCW). Agriprocessors argued that, despite having hired them, many of these employees were undocumented and therefore they could not vote or belong to a union. The NLRB ruled against Agriprocessors, maintaining that every employee, regardless of immigration status, has a collective bargaining vote.

ENVIRONMENT

On August 30, 2006, Agriprocessors, Inc., signed a consent agreement with the United States Environmental Protection Agency (EPA), following a lawsuit arising out of alleged violations of the Clean Water Act. The agreement included specific monitoring and reporting provisions by which the company is required to abide. According to a document obtained by the UFCW through a Freedom of Information Act (FOIA) request, Agriprocessors was in violation of some or all of those requirements as of March 29, 2007. A telephone conversation with the EPA on August 28, 2007 indicated that Agriprocessors notified the EPA that the company had recently completed the required audit. It is unclear if the EPA considers Agriprocessors tardy in completing the audit and what penalties, if any, will be levied. Any findings and recommendations from the audit are also unknown at this time.

In a separate letter from the EPA to the Iowa Department of Natural Resources (IDNR) concerning Agriprocessors' NPDES permit renewal, the EPA raised concerns about compliance with the Clean Water Act at the Postville plant (see attachment).

FOOD SAFETY

Various food safety problems have been documented at both Agriprocessors' facilities, the main plant in Postville, IA and a smaller plant in Gordon, NE. These reports were based on documents from the USDA's Food Safety and Inspection Service (FSIS) and revealed a variety of issues, including multiple violations related to monitoring procedures for BSE, or "mad cow." The FSIS also issued citations for sewage problems, fecal and bile contamination of beef and poultry along with foreign objects, and some metallic found during sausage and poultry production. Issues at the Postville plant led one FSIS official to issue a Letter of Warning and to comment in the letter, "These findings lead us to question your ability to maintain sanitary conditions, and to produce a safe and wholesome product."

HONORING MR. FRANK WOODRUFF BUCKLES AND ALL WHO SERVED OUR NATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CLEAVER. Madam Speaker, I rise out of a deep respect for our Nation's sons and daughters whom we honor each year on Memorial Day. On May 26, 2008, the people of our United States will observe the memory of our men and women in uniform, who, throughout our history, made the ultimate sacrifice out of service to our great Nation.

In Kansas City, Missouri, we will gather at Liberty Memorial, the National World War I Museum, to reflect and honor our dead. Mr. Frank Woodruff Buckles, from Missouri, is the last known surviving American World War I veteran and will be present for the ceremony. Mr. Buckles witnessed the evolution of our country from isolation, depression, immigration, to liberation. He was part of a generation who saw all Americans receive the right to vote. He experienced the technological transformation and globalization of our country. He also saw the heartache and ugliness of war.

Ninety-one years ago, our doughboys left home to engage in the War to End All Wars. Like Harry S. Truman, another Missourian, Mr. Buckles had to manipulate the rules to enlist during World War I. Truman had to memorize an eye chart; at age 16, Mr. Buckles had to exaggerate his age. Private Buckles joined the Army and was detailed to the 1st Fort Riley Casual Detachment. He soon arrived in theater where he saw duty as an ambulance driver in England, France and Germany. During part of the conflict he was assigned the responsibility of guarding German prisoners and returned home with the rank of Corporal.

Nearly 4,744,000 Americans defended their country abroad during World War I, and 116,000 made the ultimate sacrifice. After the war, the compassionate people of Greater Kansas City raised enough money in 11 days to build the Liberty Memorial. At the dedication of the Liberty Memorial, General of the Armies John J. Pershing, Commander of the American Expeditionary Forces in World War I, stated: "The memorial also symbolizes the obligation that rests upon present and future generations to preserve that for which those men and women offered their all, and from many of whom the supreme sacrifice was accepted. May their memory live on, and may every American who looks upon this noble edifice be inspired by their devotion."

We were naive in those days to think that World War I would be the last World War. Mr. Frank Woodruff Buckles saw the Second World War first hand as well. As a civilian he was employed by the White Star steamship line. While working in Manila in 1941, the Japanese forces attacked and took him prisoner. Three and a half years later he was freed by the 11th Airborne Division and returned to the United States.

Mr. Buckles' presence at the Liberty Memorial on Memorial Day is a reminder to all Americans that our country has been repatriated by the sacrifices of our veterans. Memorial Day is our national holiday of mourning intended to honor those who valiantly served our great Nation. As we gather in honor of generations of Americans who lost their lives in battle, we turn to our veterans to extend our gratitude, and bow our heads in memory of comrades lost.

Madam Speaker, I urge my colleagues to please join me in saluting Mr. Frank Woodruff Buckles, a true American patriot, and all of our veterans who died in service, and those who survived to make America a better place to live.

EARMARK DECLARATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. HULSHOF. Madam Speaker, I submit the following:

Requesting Member: Congressman KENNY HULSHOF.

Bill Number: H.R. 5658, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Account: Aircraft Procurement, Air Force, Budget Activity 02, Airlift Aircraft, C–17.

Legal Name of Requesting Entity: The Boeing Company.

Address of Requesting Entity: The Boeing Company, P.O. Box 516, St. Louis, MO, 63166.

Description of Request: The C–17 is the world's most effective and flexible strategic/tactical airlifter. The C–17 has revolutionized the movement of troops and equipment into battle by allowing their delivery to parts of the world that were previously not accessible by conventional airlifters. As per Air Force Unfunded Priority List (UPL) #6, C–17 (+ 15 aircraft), $3.9B, procures 15 C–17s, keeping only active strategic airlift production line open (and part of "required" force as per this UPL).

HONORING CONGRESSIONAL CERTIFICATE OF MERIT RECIPIENT KARLYNDA JOHNSON

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the successes and achievements of Karlynda Johnson, who has received the Congressional Certificate of Merit award at Killeen High School in Killeen, Texas. Karlynda has shown exceptional leadership qualities through her involvement in numerous activities which makes her a great candidate for this award.

Karlynda is involved in numerous volunteer activities such as Camp Celebration, the City of Nolanville, and she is a Book Room volunteer at her school. On top of all of her volunteer activities, Karlynda is one of the top students in her class of 385.

I congratulate Karlynda Johnson for her achievements in school and in her community and am proud to represent such talented and dedicated people in the 31st District of Texas.

PLUMBERS LOCAL UNION 210 BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 6, 2008, the Plumbers Local Union 210 will honor the graduating class of 2008 at the Annual Apprentice Graduation Banquet, which will be held at the Patio Banquet Hall in Merrillville, Indiana.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2008 apprentice graduates. The individuals who have completed the apprentice training in 2008 are: Sonny Armato, Ben Buchholz, Nick Goodman Chad Hofferth, Timothy LaMere, Mario Lopez, Robert Matthews, Kamilah Weaver, Jacob Wesley, and David Young.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

HONORING OUR HEROES ON MEMORIAL DAY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. PENCE. Madam Speaker, I rise today to pay a debt to those we could never repay . . . the brave men and women of the United States Armed Forces, both past and present. It was their duty to serve, and with Memorial Day 2008 on the horizon, it is our duty to remember.

In a tradition that began just 3 years after the end of the Civil War, Americans set aside the 30th day of May each year to remember the sacrifice made by our service men and women who died while defending freedom.

On May 30, 1868, flowers were placed on the graves of Union and Confederate soldiers at Arlington National Cemetery. That practice has continued for over 130 years as millions of Americans have laid flowers on the graves of soldiers from World War II, Vietnam and as recently as the wars in Iraq and Afghanistan.

Madam Speaker, I would like to pay special remembrance today to the soldiers, marines and guardsmen from the Sixth Congressional District of Indiana who made the ultimate sacrifice while serving our country in Operation Iraqi Freedom and Operation Enduring Freedom.

U.S. SERVICE MEMBERS KILLED IN IRAQ

Matthew R. Smith: Smith died May 10, 2003, in a vehicle accident in Kuwait. Age: 20. Hometown: Anderson, Ind. Died: 05/10/2003. Service: Marine Corps. Rank: Lance Corporal (E–3). Unit: reservist, assigned to Detachment 1, Communications Company, Headquarters and Service Battalion, 4th Force Service Support Group, Peru, Ind.

Shawn D. Pahnke: Pahnke was killed June 16, 2003, by a sniper while on patrol. Age: 25. Hometown: Shelbyville, Ind. Died: 06/16/2003. Service: Army. Rank: Private (E–2). Unit: Company C, 1st Battalion, 37th Armored Regiment, 1st Armored Division, Friedberg, Germany.

Chad L. Keith: Keith was killed July 7, 2003, when a roadside bomb exploded as his unit patrolled the streets of Baghdad. Age: 21. Hometown: Batesville, Ind. Died: 07/07/2003. Service: Army. Rank: Specialist (E–4). Unit: 2–325th Infantry, Company D, Fort Bragg, NC.

Frederick L. Miller Jr.: Miller was killed Sept. 20, 2003, when an improvised explosive device hit his vehicle. Age: 27. Hometown: Hagerstown, Ind. Died: 09/20/2003. Service: Army. Rank: Staff Sergeant (E–6). Unit: Troop K, 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colo.

Robert E. Colvill, Jr.: Colvill was among five soldiers killed July 8, 2004, in Baghdad. All were in the Iraqi National Guard Headquarters when it came under a mortar attack. Age: 31. Hometown: Anderson, Ind. Died: 07/08/2004. Service: Army. Rank: Sergeant (E–5). Unit: 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany.

Raymond L. White: White died Nov. 12, 2004, in Baghdad when his patrol was attacked with small arms fire. Age: 22. Hometown: Elwood, Ind. Died: 11/12/2004. Service: Army. Rank: Specialist (E-4). Unit: 1st Battalion, 8th Cavalry Regiment (Armor), 1st Cavalry Division, Fort Hood, Texas.

Scott Zubowski: Zubowski died when a roadside bomb exploded during combat operations near Fallujah in Iraq's Al Anbar province on Nov. 12, 2005. Age: 20. Hometown: Manchester, Ind. Boyhood Hometown: New Castle, Ind. Died: 11/12/2005. Service: Marine Corps. Rank: Lance Corporal (E-3). Unit: 2nd Battalion, 7th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force.

Michael A. Bechert: Bechert was mortally wounded when his vehicle struck an improvised explosive device in Baghdad, Iraq on May 30, 2007. He was transferred to Fort Sam Houston Hospital in San Antonio, Texas, where he died on June 14, 2007. Age: 24. Hometown: Schweinfurt, Germany. Boyhood Hometown: New Castle, Ind. Died: 06/14/2007. Service: Army. Rank: Staff Sergeant (E-6). Unit: 1st Battalion, 18th Infantry Regiment, 2d Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

Johnathan A. Lahmann: Lahmann was mortally wounded when a vehicle-borne IED detonated near his vehicle in Bayji, Iraq on December 10, 2007. He was transferred to Tikrit, Iraq, where he died later that day. Age: 21. Hometown: Richmond, Ind. Boyhood Hometown: Richmond, Ind. Died: 12/10/2007. Service: Army. Rank: Specialist (E-4). Unit: 59th Engineer Company, 20th Engineer Battalion, 36th Engineer Brigade, Fort Hood, Texas.

U.S SERVICE MEMBERS KILLED IN AFGHANISTAN

Jeremy Wright: Wright died when an improvised explosive device struck his military vehicle. Age: 31. Hometown: Shelbyville, Ind. Died: 01/03/2005. Service: Army. Rank: Sergeant (E-5). Unit: 2nd Battalion, 1st Special Forces Group, Fort Lewis, Washington.

Michael Hiester: Hiester died when his military vehicle struck a land mine 30 miles west of Kabul, Afghanistan. Age: 33. Hometown: Bluffton, Ind. Died: 03/26/2005. Service: Indiana Army National Guard. Rank: Master Sergeant (E-8). Unit: 76th Infantry Brigade, Army National Guard, Indianapolis.

Mr. Speaker, these brave men, like those who went before them, made the ultimate sacrifice so that Americans can enjoy the freedoms we treasure.

It was their duty to serve; it is our duty to remember.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MICA. Madam Speaker, I rise in support of H.R. 5658, which provides funds for the Gateway System. I am requesting funding in the FY09 Defense Authorization bill, Navy Procurement account for the Gateway System manufactured by Ocean Design, Inc., located at 1026 North Williamson Boulevard in Daytona Beach, Florida 32114.

The $3 million authorized in the Navy's Procurement budget is to provide funding to the Navy for the purchase of the Gateway System that has been under development by the Navy to provide a fixed surveillance system in meeting the Nation's Maritime Domain Awareness security requirements. This is the first year procurement money will be used to fund this project. There will be no cost share, as this project will benefit the United States Navy.

The U.S. Navy has a requirement to defend the maritime approaches to the United States and monitor the littorals as articulated in the Navy's 2006 National Strategy for Maritime Security. The Gateway System is an open architecture system that allowed for sensors to be connected covertly to monitor activity on the ocean floor, from the ocean floor to the surface of the water, and above the water to provide awareness of all activity to counter mines, submarines, water traffic, and terrorism that may pose a threat to the fleet and to the United States.

CONGRATULATING KTVK-TV ON RECEIVING THE 2008 SERVICE TO AMERICA PARTNERSHIP AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate KTVK-TV (3TV, Arizona Family), recipient of the 10th annual National Association of Broadcaster's Education Foundation 2008 Service to America Partnership Award on June 9, 2008. This esteemed award praises exceptional community service by local broadcasters.

Since its inception in June 2006, KTVK's "Are You My Family" campaign has worked to find loving homes for some of Arizona's 10,000 foster children. In partnership with two local non-profits—Aid to Adoption of Special Kids and Fore Adoption Foundation—KTVK has thus far featured 64 children on its newscast and website. Of those, 38 have been matched with adoptive families—well over twice the rate at which these children are typically adopted.

Children discover newfound hope in KTVK's "Are You My Family" campaign. Children who are often forgotten in a system, in which their emotional needs may not be met, are paired with families that can provide the love and support they need. These foster families also provide the sense of security and belonging that allows these children to blossom fully into responsible and productive adults.

A strong community begins with strong families. I am proud of the work that KTVK has done to secure a bright future for Arizona's children. The "Are You My Family" campaign showcases KTVK's long tradition of commitment to public service and deep connection to the people that it serves.

Madam Speaker, please join me in recognizing KTVK's tireless dedication to bringing love and hope back into the lives of Arizona's foster children.

HONORING STATE CHAMPION WRESTLER ADAM PERRIN OF NORTH SCOTT HIGH SCHOOL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by North Scott High School wrestler Adam Perrin. This winter Adam captured the Iowa Class 3A Individual Wrestling Championship in the 103 pound weight class.

Adam won a thrilling championship match. He defeated his final opponent in a 6–5 decision.

Madam Speaker, I am extremely proud of the accomplishments of Adam and the North Scott High School Wrestling team, both on and off the court. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team says it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This year, Adam Perrin and North Scott High School proved just that.

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean war, or the Vietnam war, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony was held on Wednesday, May 21, 2008, for the following individuals who received their high school diplomas through Operation Recognition:

Gary Anderson, Jess David Atilano, George R. Baca, Mark Chandler Banks, Clyde A. Bell, Kenneth M. Cable, Joseph Carpini, Franklin Delano Coffey, Michael DeCosta Jr., William Deile, Juan V. Espinoza, Lind Torrey Fiveland, Ronald Ascension Fraijo, Henry Joe Garcia, Peter James Garcia, Eugenio Gomez, David Diaz Gonzales, Marcelo Gonzalez Jr., Richard L. Goorey, Richard R. Granado, Carl F. Hawkins, Donald E. Hawley, David W. Heard, Noel Heft, Walter Edward Hetzel, Keith A. Hograve, Richard Jaramillo, Norman L. Keepers, Michael J. Lambert Jr., Phillip A. LeGault, Estepan J. Luna, Richard E. Marruffo, Augustine G. Martinez, George Mello, Fred G. Mora, Frank Guadalupe Munoz, Manuel Munoz, Frank R. Munro, Richard G. Nelson, George O. Peterson, Clayton Lawrence, Pringle Kent; Eugene Ransdell, William S. Rivera, Steven Michael Roberts, William Holst Rodgers, David Paul Rogers, Harold Richard Roselli, Glen Harlen Routh, Albert Ortiz Salsedo, Victor M. Sartoresi, George M. Valencia, and Anthony Zamora.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

PAYING TRIBUTE TO STAFF SERGEANT MATT MAUPIN

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. SCHMIDT. Madam Speaker, I rise today to read a poem written by Albert Carey Caswell about a subject that is near and dear to my heart. Staff Sergeant Matt Maupin was listed as missing in action for many years.

MISSING NO MORE: IN HONOR OF A FALLEN HERO MISSING IN ACTION, MATT MAUPIN

M.I.A.
Mom and Dad . . .
I know that you're sad . . .
'Oh how you prayed for this day . . .
I'd be, Missing No More . . .
Mom and Dad, it's me . . .
It's your son Matt . . . you can be . . .
Both happy and sad . . .
But, it's over now . . . it's not bad . . .
That long . . . long . . . long wait . . .
You, don't have to lie awake . . .
Anymore . . . No more . . .
With every breath you take . . .
With a worry so great . . .
That burden upon you placed . . .
That pain and heartache, you endured . . .
All those sleepless nights, in wait . . . with such fright . . .
Wondering . . . and Wondering . . . what for?
Is he dead, or is he alive?
Will he ever survive? Or will my baby die?
It's for you mom and dad . . . and my family who I cry . . .
I Am Not Missing Anymore . . .
Yea, I know it's bittersweet . . .
The pain, which you now carry deep . . .
Missing, me now forever more . . .
But, take heart . . .
We are all going to die . . .
But, a life of honor and sacrifice . . .
Makes The Angels Cry . . .
And, Mother there are so many more . . .
Families, who will never know for sure . . .
All because they don't know, of their loved ones so . . .
Who with each waking breath, their pain ever grows . . . no rest . . .
Not knowing, so for sure . . .
Now, to my greatest of loves . . .
I have risen, high above . . . To Our Lord . . .
I'm an Angel, in The Army of Our Lord . . .
And, I will watch over you . . . day and night . . .
And I will win, this last battle . . . This Fight . . .
And you will hear me, in the breeze . . .
On a soft falling snow, you feel my heart at ease . . .
As my Angel's breath envelops you, to find peace . . .
I'm everywhere you are now, this you must believe . . .
So to you, this I so send . . .
The full comfort in so knowing . . .
We will see each other again . . .
And I hope that your hearts are glowing . . .
To you my love's in knowing . . .
It will only be a short time . . . when . . .
We are all together, again . . .
As In Heaven, we'll meet again . . .
So, Never Regret That Day . . .
When, your son Matt went away . . .
And, did what must be done . . .
For A Life Which Lives In The Light . . . In The Sun . . .
And Fights The Darkness . . .
Is but, a far . . . far better one . . . The Greatest of All Ones . . .
I'm Not Missing Anymore . . ..

CONGRATULATING CAPTAIN MAURY WEEKS ON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES COAST GUARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BONNER. Madam Speaker, I rise today to pay tribute to United States Coast Guard Captain Maury A. Weeks on the occasion of his retirement from active duty.

A native of Mobile, Alabama, Captain Weeks is a proud alumnus of the University of Alabama where, in addition to his academic studies, he was employed as a University Police Officer. Following his graduation from college, he enlisted in the United States Marine Corps in 1966 and upon completion of basic training at Parris Island was assigned to the Second Force Recon Company. During his enlistment, which ended with an honorable discharge in 1972 with the rank of sergeant, he also attended airborne school and mountain warfare training.

Two years later, Captain Weeks enlisted in the Coast Guard Reserve as a port securityman, and following his direct commissioning as an ensign in 1978, he was assigned to Reserve Unit Mobile. Here, he served in numerous positions, including training officer and administrative officer. In 1983, he was accepted as a reserve program administrator and was recalled to active duty in May 1984.

Early tours of duty included serving as chief, Reserve Training, Eighth District from 1984 to 1987; and as assistant chief, Port Operations, Marine Safety Office, Mobile from 1987 to 1990. In 1990, Captain Weeks was assigned to Reserve Training Center, Yorktown, as a member of the Port Security School staff. In this position, he was a member of the Port Security Unit (PSU) Training Detachment and was responsible for training PSUs for deployment during Desert Shield/Desert Storm at Camp Blanding, FL. From 1992 to 1994, he was assigned to the Contingency Planning School as assistant school chief and instructor.

Captain Weeks reported to the Eighth District in 1994 as the assistant chief, Contingency Preparedness Branch and in 1996 was named the branch chief. He became chief, Administration Division, Eighth Coast Guard District in May 1998. In 2000, Captain Weeks became the chief of the Force Optimization and Training Branch at MLC LANT. In this position, he was heavily involved in the recall of over 4,000 reservists in response to the events of September 11, 2001, and Operations Noble Eagle, Liberty Shield, and Iraqi Freedom. In 2005, Captain Weeks became chief of the Personnel Division, MLCA.

Throughout his career, Captain Weeks has demonstrated a tremendous devotion to his country and dedication to his duty. His long list of professional accomplishments are testament to the trust and esteem in which he has been held by both his superiors and subordinates. His career has also been marked with the receipt of numerous decorations and citations, including the Meritorious Service Medal, seven Coast Guard Commendation Medals, the Joint Services Achievement Medal, the Coast Guard Achievement Medal, three Coast Guard Letter of Commendation Ribbons, both the Coast Guard Reserve and Marine Corps Good Conduct Medals, and numerous unit citations and special operations service awards.

Madam Speaker, I ask my colleagues to join me in thanking Captain Maury Weeks for his long and distinguished career of service to our country and congratulating him on the occasion of his retirement. I know his family, his wife, Pamela; the four children they share, Allen, Suzannah, Wayne and Tara; and his many friends join me in praising his many accomplishments and extending thanks for his service on behalf of a grateful Nation.

HONORING MRS. SANDRA BARBER

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. LATTA. Madam Speaker, I rise today to pay a very special tribute to one of the truly outstanding citizens from Ohio's Fifth Congressional District, Mrs. Sandra Barber, as she ends her tenure as Chairman of the Fulton County Republican Central an Executive Committees.

Over the past three decades, Sandra Barber has certainly been an indispensable asset to Republicans in Fulton County and the State of Ohio. Her strong commitment to conservative values and leadership has guided her 26 years as Chairman. Through her leadership, she has fostered healthy debate and democracy by leading the Party and representing the principles it embraces at the local, State, and national level. Without question, Mrs. Barber has given unselfishly of her time and talents in order to serve the interests of all Republicans across our Nation.

Mrs. Barber has served as county chairman for various Presidential campaigns including Ronald Reagan, George H.W. Bush, and President George W. Bush, as well as her role as a delegate at the five national conventions. She has also served the Ohio Republican Party as a member of the State Central Committee in addition to involvement in numerous State and local races.

Sandra Barber embodies the spirit of American public service through her commitment as Fulton County Recorder and her community as well. Mrs. Barber has served the State of Ohio as Chairman of the Ohio Lottery Commission and as a member of the Ohio Recorders' Association. Locally, Mrs. Barber is a member of the Christ United Methodist Church, serving as a member of the chancel choir and church school teacher.

Madam Speaker, at this time, I would ask my colleagues of the 110th Congress to join me in honoring Sandra Barber. On the occasion of her retirement as Chairman of the Fulton County Central and Executive Committees, we thank her for her dedicated service and we wish her well in all of her future endeavors.

TRIBUTE TO DR. CARL V. PATTON

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to honor Dr. Carl V. Patton, President of Georgia State University, who is retiring June 30 of this year.

For 16 years he has led Georgia State University in its transition from what was considered to be a commuter school into a vibrant research university which is home to more than 28,000 students representing every county in the State, every State in the Nation, and 160 countries.

President Patton not only wrote a best-selling book on public policy, he has practiced his beliefs, providing the leadership to create buildings, departments, knowledge, and solutions vital to our prosperity in the 21st century. As the University has grown physically, it has grown in stature as well. Among President Patton's many accomplishments:

He launched a university-wide planning effort that produced what is known as the "Main Street Master Plan", which increases the University's footprint in the downtown community and shapes the University's future growth.

He started the University's first comprehensive capital campaign, securing private funding sources to supplement state allocations for building projects.

Under Dr. Patton's leadership, Georgia State University has expanded its campus using a strategy of acquiring and rehabilitating buildings and, when necessary, constructing new buildings like the Student Center, the Recreation Center, the Aderhold Learning Center, the Rialto Theater, Haas-Howell and Standard Buildings, Robinson College of Business, Commerce Building, North Metro Center, student housing at the Village and the Lofts and now the University Commons. Students, faculty, and staff now occupy floor space from the old Fairlie-Popular district to Grady Hospital. Residence halls full of students with dreams to change the world have replaced dilapidated structures empty of any economic hope. Old banks, tired office buildings, and moribund shells of department stores now bristle with the energy of a new commerce based on knowledge and preparing our young students to take on today's problems with tomorrow's solutions. Downtown Atlanta now is a living, vibrant area 24 hours a day thanks to the presence of thousands of students learning, living, and playing while placing more than $7 million a day into the local economy.

Instead of designing walls to keep the city and its urban ways separate from the campus, President Patton has insisted that the University fully integrate its research, teaching and service mission into the fabric of the urban environment of its downtown Atlanta home.

His vision has included a state-of-the-art urban science park. And, thanks in no small part to the support of this Congress, this science park will support research on the treatment of autism, obesity, and post-traumatic stress disorder. In addition to neuroscience research, Georgia State will employ the efforts of eminent scholars from biology, chemistry, computer science, physics, mathematics, and statistics to better understand the molecular basis of disease.

Finally, each of the six schools that are a part of Georgia State have grown and prospered during President Patton's tenure.

Georgia State has grown into one of this Nation's leading urban-serving research universities reflecting Dr. Patton's vision for a partnership between Atlanta and the University. That vision is best described by his words:

"It's not just us serving the city. It's not the city serving us. It's the idea of together building a city and a university that are second to none. Georgia State is a source of limitless potential that can be unleashed through a clear understanding of how we generate lasting value to our city, our State, and the Nation. Working with our community, we are able to determine our shared future."

Dr. Patton has lived his life in the way he hopes his students live theirs, tirelessly volunteering for service in his community through organizations like Central Atlanta Progress, the Rotary, and the Grady Memorial Hospital Corporation. His example and his hard work will not stop at retirement, however, as he plans to continue to live downtown and assist Georgia State in its future endeavors to raise capital and to expand its student body to tackle the tough issues of our times.

Madam Speaker, I am sure I speak for you and my colleagues in the House of Representatives when I say that Dr. Carl V. Patton is the kind of leader we need to set the right example for the future of our country and our students. He has served Georgia State University, the city of Atlanta, the State of Georgia, and the United States of America well. God Bless for a well-deserved retirement.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SULLIVAN. Madam Speaker, I rise to state that due to unforeseen circumstances, I missed rollcall vote 353 to H.R. 6124 taken on May 22, 2008. Had I been present for this vote, I would have voted "yea" on this measure.

While this Farm Bill is not perfect, I would have voted to support the bill because of the benefit it will bring to Oklahoma's farmers and ranchers. In a time of rampant Government spending, I would like to have seen substantive reform in terms of fiscal responsibility. However, this bill does take necessary steps to help the agriculture industry that is vital to the State of Oklahoma. I look forward to voting on this measure to ensure that it becomes law.

HONORING PLEASANT VALLEY HIGH SCHOOL BOYS CROSS COUNTRY TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Pleasant Valley High School Boys Cross Country team. This past fall Pleasant Valley captured the Iowa Class 4A Cross Country Championship!

The Pleasant Valley team finished the course with a team average time of 16 minutes, 10 seconds. And the individual winner of the meet was Pleasant Valley runner Devin Allbaugh who finished the course in 15 minutes, 39 seconds.

Madam Speaker, I am extremely proud of the accomplishments of the Pleasant Valley Boys Cross Country team, both on and off the court. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team, says it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This past weekend, Pleasant Valley proved just that.

SALUTING BRIAN KROHN

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ELLISON. Madam Speaker, today I rise to recognize an outstanding student from my district whose research has helped develop a new biodiesel production method that will help move our country in the direction of energy independence.

Brian Krohn, a Senior Chemistry Major at Augsburg College in Minneapolis recently conducted a summer research project aimed at investigating new ways to produce biodiesel. His project developed a new, innovative chemical reaction that has never before been described in scientific literature. This new process—"Mcgyan Process," named for the three scientists officially credited with the discovery, can convert a much wider range of feedstock oils and animal fats into biodiesel. The Mcgyan Process can make more biodiesel fuel, faster and with a minimal environmental impact. The wider range of renewable oils that can be used through the Mcgyan Process also has the potential to foster additional environmentally sound discoveries that can help move our country in the right direction of renewable energy.

All of these discoveries were made possible by the research and ideas initiated by Brian Krohn and the learning environment fostered by Augsburg College. Brian's success should serve as a reminder of the potential that exists within every student. With the appropriate encouragement, support and a positive working environment truly amazing discoveries can occur.

Madam Speaker, we salute Brian Krohn and all our nation's remarkable students, teachers, and scientists who are persistently working to bring knowledge, ingenuity and hard work together to move our country toward energy independence.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BECERRA. Madam Speaker, on Wednesday, May 21, 2008, I was unable to cast my floor vote on rollcall vote 341.

Had I been present for the votes, I would have voted "aye" for rollcall vote 341.

TRIBUTE TO U-2 PILOTS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. RODRIGUEZ. Madam Speaker, I rise to recognize the heroic feats and commendable military service of 11 U-2 pilots of the 4080th Strategic Reconnaissance Wing. Based out of Laughlin Air Force Base in Del Rio, Texas, these men weathered great danger in flying critical surveillance missions over the Caribbean during the height of the Cold War.

On October 14, 1962, their efforts provided the first convincing evidence that Soviet medium range ballistic missiles were present in Cuba; and thanks to their courage, our country was able to recognize and navigate one of the greatest national security threats of the 20th century, the Cuban Missile Crisis. At great personal risk, the unit exposed some of the deepest and darkest secrets of our country's adversaries.

Named "Operation Brass Knob", this distinguished group of pilots ventured over Cuban airspace armed only with cameras. Declassified documents and the pilots' personal accounts reveal that each was engaged by the enemy; indeed, on the 27th U-2 flight over Cuba, and during the pinnacle of the crisis, Major Rudolf Anderson Jr. was shot down and killed by a strategic air missile. Nevertheless, the intelligence photographs these pilots compiled gave President Kennedy the information needed to initiate a naval blockade of Cuba and ultimately dissuade the Soviet Union.

On November 26, 1962, President Kennedy awarded the 4080th Strategic Reconnaissance Wing with the Air Force Outstanding Unit Award. Kennedy nobly remarked, "The work of this unit has contributed as much to the security of the United States as any unit in our history, and any group of men in our history!"

While President Kennedy's decisionmaking during the Cuban Missile crisis is properly designated as lore, the 11 U-2 pilots have spent the past 45 years in relatively humble obscurity. Because of the sensitivity of their mission, most of these men were denied the public praise and recognition warranted by their mission.

And so today I applaud the Val Verde Historical Commission for its decision to honor these men by placing a commemorative historical marker in Del Rio, TX, on behalf of the 11 pilots of Operation Brass Knob: Majors Rudolf Anderson Jr., Buddy L. Brown, Edwin G. Emerling, Richard S. Heyser, James A. Qualls, and Captains George M. Bull, Roger H. Herman, Charles W. Kern, Gerald E. McIlmoyle, Robert L. Primrose, and Daniel W. Schmarr. A ceremony will take place May 23, 2008, and five of the six surviving pilots will be in attendance.

As we approach Memorial Day, let us pause, reflect, and give thanks for the efforts of our men in uniform, both those whose efforts will be infamous and those whose service will be unheralded by the public at large. I am proud to represent the district from which the men of Operation Brass Knob staged their valiant flights, and I wish to congratulate them on their upcoming recognition.

INTRODUCTION OF COHEN-ISSA LIBEL TOURISM LEGISLATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. COHEN. Madam Speaker, today, I, along with Congressman DARRELL ISSA, introduced a bill that would address the phenomenon of "libel tourism," which occurs when plaintiffs seek judgments from foreign courts against American authors and publishers for making allegedly defamatory statements, often to get around first amendment-based constraints on American defamation law. This phenomenon threatens to undermine our Nation's core free speech principles. U.S. law places a higher burden on certain defamation plaintiffs and with respect to certain types of allegedly defamatory speech in order to safeguard first amendment-protected speech. Other countries, including those that generally share our legal tradition, provide no such protection, and American authors and publishers should not be forced to restrict their speech to comport with more limited foreign standards.

Our legislation will codify the principle that, while U.S. courts will normally enforce the judgments of foreign courts, they should not do so when foreign judgments undermine our Constitution. Specifically, our bill prohibits U.S. courts from recognizing or enforcing foreign defamation judgments that do not comport with the first amendment. This is a straightforward solution that is designed to discourage foreign defamation plaintiffs from filing suit against American authors and publishers in foreign courts and instead encourage them to tile suit in the United States.

I would like to thank the Association of American Publishers and the Media Law Resource Center for their valuable feedback during the drafting of this bill and for their support for this legislation. I urge my colleagues to become cosponsors of this bill.

HONORING STATE CHAMPION WRESTLER BYRON TATE OF CLINTON HIGH SCHOOL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by Clinton High School wrestler Byron Tate. This winter Byron captured the Iowa Class 3A Individual Wrestling Championship in the 215 pound weight class.

Byron won a thrilling championship match. He defeated his final opponent in a 5-2 decision.

Madam Speaker, I am extremely proud of the accomplishments of Byron and the Clinton High School Wrestling team, both on and off the court. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team said it best: "Show class, have pride, and display character. If you do, winning takes care of itself" This year, Byron Tate and Clinton High School proved just that.

TRIBUTE TO PROFESSOR SAUL FRIEDLANDER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WAXMAN. Madam Speaker, it is my pleasure to congratulate UCLA history professor Saul Friedlander, who was recently awarded the Pulitzer Prize in General Non-Fiction for his work, The Years of Extermination: Nazi Germany and the Jews, 1939–1945.

Professor Friedlander was born to German-speaking Jewish parents in Prague in 1932 and raised in France during the Nazi occupation. Not until 1946 did he discover that his parents perished at Auschwitz. After immigrating to Israel at the time of its birth as a nation, he was able to pursue his passion for knowledge. After studying in Israel and Paris, he received his Ph.D. from the Graduate Institute of International Studies in Geneva.

In 1983, Saul Friedlander served as a visiting professor at my alma mater, the University of California, Los Angeles. Four years later he was invited to join the faculty full time, receiving the 1939 Club Chair in Holocaust Studies. He later founded the influential journal, History and Memory and has established himself as one of the world's premier Holocaust historians.

Professor Friedlander has authored multiple titles on the Holocaust, including Nazi Germany and the Jews, The Years of Persecution: 1933–1939, which is considered to be the definitive work on the period. It led to a MacArthur Foundation Award, which he used to research and write his Pulitzer-winning volume. That work vividly depicts Jewish life throughout all of Europe and provides a modern understanding of the enactment of anti-Semitic policies in the World War II era.

Professor Friedlander's work is not limited to the academic, however; he has also served on commissions working to shed light on the Holocaust-era activities of corporations and governments.

I ask my colleagues to join me in recognizing the ongoing work of Saul Friedlander and his dedication to educating students and the global community, researching the Holocaust, and putting the indescribable into words.

TRIBUTE TO CONGRESSMAN JOHN SHIMKUS ON THE OCCASION OF HIS RETIREMENT FROM THE ARMY RESERVE

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BUYER. Madam Speaker, today I rise to pay tribute to a distinguished and dedicated military officer who has served this Nation with great honor and distinction. Congressman JOHN SHIMKUS will retire as a lieutenant colonel from the United States Army Reserve on June 1, 2008, after nearly three decades of exemplary service in the United States Army and the United States Army Reserve. His career is a great example of the ideals that we expect and cherish from our Warrior-Citizens. Thanks to his service to our Nation, we all live a little freer and we are all more secure in our rights and duties as citizens of the greatest nation in the world. Today, I'm proud to take a few minutes to read a resolution I introduced to this Congress today to honor the outstanding career of Lieutenant Colonel JOHN SHIMKUS.

A RESOLUTION IN THE HOUSE OF REPRESENTATIVES HONORING THE SERVICE AND ACCOMPLISHMENTS OF LIEUTENANT COLONEL JOHN M. SHIMKUS, UNITED STATES ARMY RESERVE

Whereas Lieutenant Colonel John M. Shimkus, United States Army Reserve, was born on February 21, 1958, in East St. Louis, Illinois;

Whereas Lieutenant Colonel Shimkus graduated from the United States Military Academy at West Point, New York, in 1980 with a bachelor's degree in general engineering;

Whereas Lieutenant Colonel Shimkus graduated from Southern Illinois University in Edwardsville, Illinois, in 1997, with a master of business administration;

Whereas Lieutenant Colonel Shimkus is a graduate of the Infantry Officer Basic Course, Infantry Mortar Platoon Officers Course, Jungle Warfare School, Airborne School, Ranger School, Infantry Officer Advanced Course, and the Master Fitness Trainer Course;

Whereas Lieutenant Colonel Shimkus is a graduate of the Reserve Component Combined Armed Services Staff School;

Whereas Lieutenant Colonel Shimkus attended the Reserve Component Command and General Staff College;

Whereas following Lieutenant Colonel Shimkus's entry into the Army, he served at the tip of the spear of the cold war as an infantry officer with the 1st Platoon, 54th Infantry in Bamberg, Germany, where he was our Nation's sentry, ready to fight at a moment's notice against Soviet tanks rolling toward the Fulda Gap;

Whereas Lieutenant Colonel Shimkus continued his commitment to selfless duty when after serving more than five years on active duty in the Army, he transitioned to the Army Reserve;

Whereas Lieutenant Colonel Shimkus served in many leadership positions in the Army Reserve, which included 7 years as a United States Military Academy Liaison Officer, where he helped our Nation select the best candidates to become future leaders of the Army;

Whereas Lieutenant Colonel Shimkus was elected to public office for the first time in 1989 as a township trustee in Collinsville, Illinois;

Whereas Lieutenant Colonel Shimkus was elected to serve his first term as a Representative from the 20th District of Illinois in 1996 in the 105th Congress, and has continued to dutifully dedicate his service as a statesman in the 106th, 107th, 108th, 109th, and, presently, the 110th Congresses;

Whereas over a multifaceted career of distinguished public service dedicated to the preservation of the principles upon which our Nation was founded, from his plebe days at West Point to the halls of Congress, in his every step Lieutenant Colonel Shimkus has embodied the epitome of excellence in statesmanship, service to country, and to his fellow citizens;

Whereas Lieutenant Colonel Shimkus's commitment to public service commands the Nation's highest respect and gratitude;

Whereas Lieutenant Colonel Shimkus embodies all seven Army core values: loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and

Whereas Lieutenant Colonel Shimkus has had a tremendous positive impact on the Army Reserve: Now, therefore, be it

Resolved, that the House of Representatives

(1) honors Lieutenant Colonel John M. Shimkus for his service of over 28 years on the occasion of his retirement from the Army Reserve on June 1, 2008;

(2) commends Lieutenant Colonel Shimkus for his dedication and commitment to excellence as an infantry officer and leader;

(3) recognizes the tremendous dedication and fortitude with which Lieutenant Colonel Shimkus has led an exemplary career in public service, three times the citizen, having balanced his time in the Army Reserve with the demanding duties of his roles as husband, father, businessman, community leader, high school teacher, citizen-soldier, and Congressman with consummate professionalism and boundless devotion to each;

(4) recognizes Lieutenant Colonel Shimkus as a soldier, leader, and statesman, for displaying the highest levels of leadership, professional competence, integrity, and moral courage throughout his distinguished military service.

Madam Speaker, it is an honor for me to present the distinguished credentials of Lieutenant Colonel JOHN SHIMKUS before the Congress today. It is our good fortune that Congressman JOHN SHIMKUS continues to serve our Nation in the United States House of Representatives.

HONORING PAULINA TUL-ORTYL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Paulina Tul-Ortyl of Toledo, Ohio on the 40th anniversary of the commencement of the Echoes of Poland

It is with the deepest appreciation that I pay tribute to Paulina Tul-Ortyl upon reaching the 40th anniversary as the founder, director and choreographer of the Toledo-based "Echoes of Poland" song and dance ensemble. Her enthusiasm, energy and dedication to the performance of Polish folk dances and songs have given appreciative audiences, through the United States, Canada, and Poland, the satisfaction of seeing and hearing the essence of absolute beauty.

Paulina was born and educated in Poland and has a degree in dance choreography from the prestigious Catholic University of Lublin. She has blessed the Toledo community with her talents, her pride of our Polish-American culture and her generous nature, providing numerous years to the development and awareness of the artistic and cultural gifts in our Toledo youth.

The Echoes of Poland was founded in the fall of 1967, when Paulina was asked to prepare a group of young people to perform some of the traditional aspects of the Polish Christmas celebration. She gathered some of her friends from the Nebraska Avenue and Lagrange Street areas in Toledo, OH, for the church pageant. During the first few years, the troupe held practices once a week. They were asked to participate at many local festivals and church functions. At that time, the ensemble practiced at several places in Toledo including St. Anthony's, The Argonne Post, Polish Falcons, PNA Hall and the Lagrange-Central Center. Today, the group practices at the Polish Roman-Catholic Union of America (P.R.C.U.A.) hall on Tuesday and Thursday nights.

Through the weekly practices, Paulina has instilled in her members a great sense of pride and love for Polish folk customs through dancing and singing. A nonprofit organization, the Echoes of Poland have performed at festivals and concerts throughout the United States and in Canada. In 1977, the ensemble traveled to Rzeszów, Poland for the Triennial World Festival of Polish Folk Dancers. One reviewer said, "By the end of the performance, everyone in the audience was tapping feet or clapping hand to the infectious rhythms." Since 1979, the group has staged their own concerts in the Toledo area to show our full repertoire of regional and national dances. During the mid-seventies, Mrs. Ortyl began a children group to train the young members for the adult ensemble. By starting at a young age, the children become familiar with many of the rudimentary skills in the art of song and dance. In 1980, a Kapela, a Polish band, was added. The dancers certainly enjoy dancing and singing to a live musician.

Because of Paulina's untiring drive and inspiration, the ensemble was awarded first prize from a field of 64 competitors at the Rzeszów, Polish Folk Festival in 1980. The ensemble won the highest honor for authentically portraying Polish Folk culture by performing the Dozynki, the Polish Harvest Celebration. The Ensemble has made the trip to the Rzeszów Festival seven times and always performs admirably.

Through the years, Paulina has received numerous proclamations, certificates, awards of appreciation and recognition for her outstanding contribution in the field of preserving one of the most endearing aspects of Polish culture; the traditional folk songs and dances from the several distinct regions in Poland.

For example, On October 16, 1983, The Echoes of Poland Folk Song & Dance Ensemble held their Fifteenth Anniversary. Mrs. Ortyl was honored for her dedication in perpetuating Polish culture among hundreds of youth in the Toledo area.

In 1996, WGTE Public Broadcasting was putting together a special on the Polish people of Toledo for their Cornerstones series entitled "The Polish in Toledo" and contacted Paulina about providing the music for this endeavor. Paulina got some musicians together and recorded all the folk music for this 41-minute tribute to the Poles in Toledo.

In 1997, The Ohio House of Representatives recognized the members of the Echoes of Poland for their valuable contribution to the preservation of our Polish culture through song and dance.

On January 16, 1999, the ensemble had the honor to welcome Lech Walesa, former leader of Solidarnosć and former President of Poland, to St. Adalbert for an informal meeting with the Polish community.

In the spring of 2002, Echoes of Poland celebrated their 35th anniversary. Paulina remains the sole choreographer and director of the ensemble. Paulina was presented an appreciation award from P.R.C.U.A. and recognition award from Polish American Congress at the Annual Spring Concert for all her years of dedication.

The Echoes of Poland, under Paulina performed their first television show in America, "Polka Bandstand" in October 2004. They performed a suite of dances from the Lublin region and Kujawac Obarac to an enthusiastic live audience.

Therefore, it with sincere gratitude that I extend heartfelt congratulations to all Paulina has done to strengthen our community through the Echoes of Poland. I wish her unremitting energy, enthusiasm and success as she continues her journey as being the director and choreographer of this most esteemed and talented group.

Sto Lat Paulina!

HONORING MONTICELLO'S STATE CHAMPION BOYS CROSS COUNTRY TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Monticello High School Boys Cross Country team. This past fall Monticello captured the Iowa Class 2A Cross Country Championship.

The Monticello team finished the course with a team average time of 16 minutes, 55 seconds. And the individual winner of the meet was Monticello runner Nate Dotterweich who finished the course in 15 minutes, 43 seconds.

Madam Speaker, I am extremely proud of the accomplishments of the Monticello Boys Cross Country team, both on and off the court. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team says it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This past weekend, Monticello proved just that.

TRIBUTE TO MR. SIDNEY LAPIDUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Sidney Lapidus and to congratulate him on receiving the Emma Lazarus Statue of Liberty Award. Mr. Lapidus' deep commitment to the American Jewish Historical Society has ensured that its collection is preserved and expanded for generations to come.

A graduate of Princeton University and Columbia University Law School, Sidney began his career as an attorney with the Securities and Exchange Commission in New York. A retired partner at Warburg Pincus LLC, one of the country's leading private equity firms, Sidney also serves on the Boards of Directors of Lennar Corporation, one of the Nation's largest homebuilders; Knoll Inc., a leading manufacturer of office furniture; and the Neiman Marcus Group, a leading upscale retailer.

Sidney contributes to and advocates on behalf of a number of charitable causes, several of which concern American history and Jewish affairs. He served as president of the American Jewish Historical Society from 2003 to 2007 and is now its chairman. He is a member of the advisory councils for Princeton University's History and Judaic Studies Departments. He is also a vice chairman of the American Antiquarian Society and is a trustee of the New York Historical Society. In other areas, he is chair of the United Neighborhood Houses of New York and a member of the Executive Committee of New York University School of Medicine.

Mr. Lapidus has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife, Ruth, live in Harrison, NY. They have three married children—Gail, Janet and Roy—and six grandchildren—Sara, Eric, Kate, Henry, Jessica, and Zack. An avid skier, Sidney also collects British and American books about politics and economics from the 17th and 18th centuries.

Madam Speaker, I am proud to recognize my good friend Mr. Sidney Lapidus for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

HONORING JON LESTER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SMITH of Washington. Madam Speaker, I rise to honor Jon Lester, a resident of Puyallup, Washington, for his bravery in surviving cancer and his achievements as a pitcher for the Boston Red Sox in Major League Baseball.

Jon graduated from Bellarmine Prep School in 2002. That same year, the Red Sox drafted him. He played for the Red Sox's minor league team, the Portland Sea Dogs.

In 2005, Jon led the league in strike-outs, was named the Eastern Pitcher of the Year, and was selected for the Eastern All-Star Team. The following year, Jon was diagnosed with anaplastic large cell lymphoma and had to undergo chemotherapy. Following his treatment he returned to Major League Baseball in 2007. Lester was an integral component of the Red Sox's World Series victory, closing out the final game.

On the 19th of May. 2008, he threw a no-hitter against the Kansas City Royals. It was the first no-hitter since September 2007, and the first by a left-handed Red Sox player since 1956. Bowing to Jon's achievement, Kansas City manager Trey Hillman could only explain, "We're on the wrong part of history."

Jon also found time for philanthropic work for the Children's Hospital of Southwest Florida, the Boston Parks and Recreation summer program and the Boys and Girls Club of Chelsea, Massachusetts.

I hope my colleagues will join me in honoring Jon's courage, his athletic gifts, and his deep concern for his community.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MICA. Madam Speaker, I rise in support of H.R. 5658, which provides funds for the Sonobuoy Flight Vehicle. I am requesting funding in the FY09 Defense Authorization bill, Navy RDT&E account for the Sonobuoy Flight Vehicle, manufactured by Sparton Electronics, located at 5612 Johnson Lake Road in DeLeon Springs, Florida 32130.

The deteriorating condition of the aging P–3 Orion fleet and the recent termination of the S–3 Viking program have resulted in fewer manned airborne ASW platforms available to the Navy's surface forces. While full operational capability of the new P–8 Poseidon is not expected until 2017–2020 or beyond, Navy surface combatants are in urgent need of a low cost, organic system to rapidly deploy acoustic sensors at a distance from the force. SFV capability will be critical where there is a deficiency in organic airborne ASW assets, or in the littoral in situations where a hostile coastline poses a threat to manned ASW aircraft.

This is the first year funding will be needed to begin the research and development phase of this project. There will be no cost share, as this project is being developed for the Navy. Requested government funding of $2.6M for the Sonobuoy Flight Kit will achieve the following: 1. Detailed design of SFV and system components. 2. Land-based flight trials verifying overall system performance, including range, speed, and endurance of the SFV. 3. Complete a production tooled design capable of supporting LRIP testing. 4. Design and fabricate a compact ship-based launch mechanism for use on LCS or other surface combatants.

HONORING THE MEMORY OF BEN BUERGER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BONNER. Madam Speaker, Mobile County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor and pay tribute to the memory of Mr. Ben Buerger.

Since 1956, "Mr. Ben" owned and operated Ship and Shore Supplies Inc. on Dauphin Island; his store was truly the heartbeat of the island. His business sold everything from groceries to plumbing fixtures, building supplies and boating needs. He may be best known for riding out 1979's Hurricane Frederic in his store, which was one of the most devastating hurricanes ever to hit the central Gulf Coast. Following the storm, "Mr. Ben" set up temporary quarters on the island and worked to provide a consistent supply of necessities to the island's residents when they needed them the most.

"Mr. Ben" was always there to give a helping hand. For example, in 1959, when the lift span to the old Dauphin Island Bridge became stuck, he used his own boat to ferry stranded tourists and others to the mainland for free. In recognition of all of his efforts on behalf of the people of his community, Mobile's Press-Register awarded "Mr. Ben" the M.O. Beale Scroll of Merit in 1963 and in 1968.

To say that Ben Buerger was active in the Dauphin Island community is an understatement; he was truly an ambassador for the island. He served as president of the Dauphin Island Businessman's Association, president of the Dauphin Island Volunteer Fire Department and president of the Mobile County Volunteer Fire and Rescue Department. "Mr. Ben" also served in the U.S. Navy and was a veteran of World War II.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Ben Buerger will be deeply missed by his family—his wife, Barbara Buerger; his daughters, Karen Rebecca Moore and Kathryn Barker; his step-daughter, Michele Oliver; his sister-in-law, Caroline Buerger; his granddaughter, Kari Howell; his great-grandson, Nathan Howell; and his step-grandchildren, Anjel Clark and Alex Oliver—as well as the countless friends and fellow islanders he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

PAYING TRIBUTE TO DOUGLAS K. RAMSEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my good friend Douglas K. Ramsey by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Douglas K. Ramsey, for his service to the United States of America during the Vietnam War.

Mr. Ramsey is truly an American patriot. Following graduate studies at Harvard University, Mr. Ramsey entered the United States Air Force and served two years as a lieutenant in the field of communications intelligence.

In 1960, following his service in the United States Air Force, Mr. Ramsey joined the United States Department of State and was assigned to the Bureau of Intelligence and Research. Mr. Ramsey arrived at his duty post in Saigon, Vietnam, on May 3, 1963. While working for the State Department's diplomatic effort in Vietnam, Mr. Ramsey served in a number of capacities, including Assistant Provincial Representative in Hau Nghia.

On January 17, 1966, Mr. Ramsey was captured by a Viet Cong ambush party while transporting food and medical instruments to assist refugees and evacuees. During his time in Viet Cong custody, Mr. Ramsey suffered from malaria as well as neglect at the hands of his captors. He was finally released on February 12, 1973.

Madam Speaker, I am proud to honor Douglas K. Ramsey. He is truly an unsung hero and an American patriot. In these times when we often recognize the members of our armed services for their sacrifice and dedication in defense of America, we must also pause and reflect upon the service of our men and women in the diplomatic corps, who also risk their lives in defense of our way of life. I thank Mr. Ramsey for his service to America and the Boulder City community, and wish him the best in his future endeavors. As we celebrate Memorial Day this weekend, I urge my fellow Nevadans to pay tribute to the service of our fellow citizens in defense of freedom and democracy.

TRIBUTE TO KORYNE KANESKI HORBAL

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ELLISON. Madam Speaker , I rise today to pay tribute to two of my constituents including one of the most remarkable women I know—and the extraordinary things she has done and continues to do. Koryne Kaneski Horbal of Columbia Heights, Minnesota, is a tireless force for equality who defines the word trailblazer.

She has served as Chairwoman of the Minnesota Democratic-Farmer-Labor (DFL) Party, founder of the DFL Feminist Caucus, and a Member of the Minnesota Democratic National Committee (DNC) where she started the DNC's Women's Caucus. President Jimmy Carter named her Ambassador to the United Nations Commission on the Status of Women where she served for four years. During that time she, and noted author and feminist, Gloria Steinem, became good friends and have since worked together on many projects. Koryne has been a contributing writer to MS. Magazine, and now serves as a consultant to Augsburg College, in Minneapolis. In recognition of Koryne's contribution to society, Augsburg College established the Koryne Horbal Lecture Series to continue opening the windows of opportunity for young women and men that reflect Koryne's commitment to a gender equal society. Fittingly, next month Koryne Horbal will receive a "Humane With Respect" honorary college degree from Augsburg College that she didn't have the opportunity to acquire in her younger years.

Koryne is a loyal and dear friend—and a loving grandmother. If you asked Koryne, of all her renowned accomplishments; all the barriers she's broken down; all the glass ceilings she's shattered; all the myths she's proven wrong; what she is most proud of? Undoubtedly, and without hesitation, she would say loving grandmother—to a young man named Bryce Horbal whom she has raised since infancy. Bryce is a 13 year old honors student at Columbia Heights Middle School in my district. This young man, who towers over his grandmother at over 6 feet, reflects the values that have shaped his young life—instilled in him with a nurturing and loving hand by his grandmother. Almost three years ago, this young man wrote a poem that shows us why the accolades and accomplishments Koryne has achieved pale in comparison to the grandson she has raised. Bryce Horbal is a young man of whom much will be expected.

Madam Speaker, Bryce Horbal's poem:

"I am the homeless man who lives on the corner of main street asking for spare change holding a bottle of scotch in my hand;

I am the child whose mother and father left them in an orphanage because they couldn't handle the responsibility;

I am the person peering over the edge of a building considering to jump off because life is too hard to live;

I am the soldier in Iraq who gets killed by a road-side bomb fighting for the United States of America;

I am the little kid in Africa with HIV fighting to live without food or water on their own.

I am the person holding out my hand to the homeless man on main street giving him my spare change;

I am the new family to the child in the orphanage who I have just adopted;

I am the arm that pulls the person peering over the edge backwards to the thing we call 'hope;'

I am the person who jumps in front of bullets to save our troops in Iraq because every person in this world means something;

I am the cure for HIV and I have just gone into the little child in Africa along with food and water;

I am each and every one of you who cares about others."

PINECREST SINGERS RECEIVE NATIONAL RECOGNITION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to recognize some singers from Moore County in our district who won a national competition. Because of the quality of performance of the Pinecrest High School Chamber Ensemble and Sotto Voce last year in San Francisco, both choral groups were able to participate in this year's Heritage's "Festival of Gold" National Choral Competition at Orchestra Hall in Chicago.

They were competing against 21 other high schools from across the nation and both groups took first place in their respective divisions. The scoring was determined by three reputable judges in the world of choral music and based out of 100 possible points. Out of these Pinecrest's 30 member Sotto Voce received an average of 95.33 points, placing them in first place in the Women's Choir division.

Participating in the Sotto Voce division were Paige Baker, Keyvietta Baldwin, Braylin Bayless, Lauren Bonville, Casey Cooper, Ashlee Covington, Brittany Cullifer, Leah Dannelley, Kate Davis, Kelcie Frye, Caroline Gallagher, Erin Hennings, Ginni Holderfield, Lynn Hollyfield, Alease Jeffries, Auriel Jeffries, Haley Johnson, Ruth Jones, Dani Mayo, Gina Mendence, Kelly Nelson, Alexis Oxendine, Catherine Pittman, Michelle Porter, Rachel Stewart, Stephanie Vaughn, Linsdsay von Gal, Chelsi Wright, Joanne Wu, Haley Yarborough, and Elise Zawatteri.

The Chamber Ensemble, with an average of 96.33, took first place as well in the Chamber Choir division. Singing in the Chamber Ensemble were Braylin Bayless, Kevin Bean, Jonathan Blue, Spencer Bowman, Lia Brazile, Matt Carriker, Rashad Covington, Tolisha Covington, Brittany Cullifer, Leah Dannelley, Sarah Floyd, Adam Fogleman, Caroline Gallagher, Bradley Gibson, Matt Hazzard, Tyler Herbst, Alease Jeffries, Jordan Kennedy, Kelsey Leach, Kelcey Ledbetter, Le'Quita McKoy, Taylor Miles, Whitney Moore, Brenton O'Hara, Catherine Pittman, Michelle Porter, Aaron Shamberger, Ravon Sheppard, Amanda Smith, Rachel Stewart, Stephanie Vaughn, James Villone, and Josh Warthen. Pinecrest High Choral Director James Brown told The Sandhills Pulse, "This performance in Chicago solidifies just how talented and dedicated my students are in the Choral Program at Pinecrest . . . we graced each performance with intensity, passion and extreme professionalism."

In addition to the competition, a number of students were involved in an Honors Choir that was made up of selected members from all of the participating choirs. These students were responsible for learning four pieces on their own prior to arriving in Chicago and performed under the baton of Dr. Anton Armstrong, conductor of the St. Olaf Choir. The students participating in the Honors Choir from Pinecrest were Lauren Bonville, Matt Carriker, Ashlee Covinton, Kate Davis, Kelcie Frye, Caroline Gallagher, Bradley Gibson, Erin Hennings, Alease Jeffries, Auriel Jeffries, Ruth Jones, Brenton O' Hara, Alexis Oxendine, Rachel Stewart, Stephanie Vaughn and James Villone. Brown also told The Sandhills Pulse, "This year's tour will be one of my most memorable because of all aspects: my first group of graduation seniors who worked with me throughout their entire high school choral experience, fantastic chaperones and phenomenal accompanists." –

Again, we are proud to report that the Sixth District is home to these outstanding young singers.

THE DAILY 45: CURTIS HOLDEN

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. Yesterday, in Oakland, California, two men were shot and killed in separate incidents. My heart goes out to the family of 35-year-old Curtis Holden. My heart also goes out to the other victim, whose name was not immediately released. There have been 55 homicides so far this year in the city of Oakland.

How do we explain these senseless killings to our children? We must replace the culture of violence with a culture of peace.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

HONORING DUBUQUE SENIOR HIGH CHAMPION SWIMMER JORDON HUFF

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by Dubuque Senior High School swimmer Jordan Huff in the 2007–2008 season. This year Jordan won two individual State championship events. Jordan captured titles in the 200-yard freestyle and the 100-yard freestyle.

Madam Speaker, I am extremely proud of the accomplishments of Jordan and the Dubuque Senior High School Boys Swimming Team, both in and out of the pool. Perhaps Paul "Bear" Bryant—the late, great coach of the Alabama Crimson Tide football team—said it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This year, Dubuque Senior High School proved just that.

HONORING DAVID COOK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday May 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Roland Cook of Blue Springs, Missouri, for the great achievement of winning the 7th season of American Idol.

For the past 7 years, tens of thousands of Idol hopefuls from across the Nation auditioned for a shot at being the next American Idol. David started his journey by traveling from Blue Springs to the regional auditions in Omaha, Nebraska where he impressed the judges with his version of Bon Jovi's "Livin' on a Prayer." David's performance earned him a trip to Hollywood to compete on the show.

Throughout the season, David showed great strength and a commitment to his music by putting his own personality into each of the songs he performed, and quickly stood out among the contestants. With the support of his family, friends and all of Blue Springs, David never gave up and due to his hard work and passion for music he became the new American Idol.

Madam Speaker, I ask you to join me in congratulating David Cook on being named the new American Idol. I am proud to represent such a hardworking and gifted individual in the Sixth Congressional District. I know that all of Blue Springs joins me in wishing him the very best in his future endeavors.

100TH ANNIVERSARY OF THE MERRILLVILLE ALLIANCE OF TRANSYLVANIAN SAXONS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to recognize the officers and members of the Merrillville, Indiana, branch of the Alliance of Transylvanian Saxons (ATS). On Saturday, May 31, 2008, the Merrillville Alliance of Transylvanian Saxons will host a celebration honoring its 100th Anniversary, while also celebrating the ATS National Constitutional Convention at the Radisson Hotel in Merrillville, Indiana.

The Saxons originated in Germany and traveled eastward to settle in eastern Hungary during the 12th and 13th century. Following the conclusion of World War I, the Hungarian boundaries were altered and the Saxons' home became Transylvania, one of the three major provinces of Rumania. In Rumania, the Transylvanian Saxons were oppressed as minorities by the totalitarian Rumanian government, causing many to migrate to the United States.

The ATS was founded as a fraternal organization in 1902, with a mission of providing a safe community for immigrant families of Transylvanian Saxons to share and enjoy their language and traditions. The Merrillville Alliance of Transylvanian Saxons was established in 1908 under its parent organization to offer the same community to the 3,000 plus Transylvanian Saxons who had immigrated to Northwest Indiana. The fraternal fellowship provides cultural activities such as singing, dancing, and family and youth exchange programs. The officers of the Merrillville ATS, who so selflessly give to their organization, share the goals of the national organization and allow for their longstanding traditions to remain a part of their lives.

This year's celebration of the 100th Anniversary of the Merrillville Alliance of Transylvanian Saxons will recognize the continuous efforts of the Merrillville Lodge's officers: President Jeffery Szostek, Vice President Daniel Schuffert, Recording Secretary Raymond S. Palyok, Treasurer Donald Bowman, Secretary Randall B. Floyd, and Trustees Walter Szostek, John Sumichrast and Jim Smith.

Madam Speaker, I ask you and my other distinguished colleagues to join me in commending the officers and members of the Merrillville Alliance of Transylvanian Saxons for the efforts, activities, and leadership they have provided in maintaining their Transylvanian Saxon history and culture as part of Indiana's First Congressional District.

HONORING THE LIFE OF SERGEANT JOSEPH FORD OF KNOX, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor and remember Sergeant Joseph Ford, originally of Knox, Indiana. Sergeant Ford was a proud member of Bravo Troop First Battalion 152nd Cavalry 76th Infantry Brigade Combat Team of the Indiana Army National Guard. He died on May 10 when his vehicle rolled over during a training exercise near Al Asad, Iraq. While his death leaves us all mourning a life cut short, I also wish to celebrate the life of this tremendous young man.

For most of that life, Sergeant Ford was simply known as Joey. When Peggy Shidaker, his high school French teacher, learned of his death, she said "He enjoyed life and we enjoyed having him," and she noted how he had been a student who made her laugh. Maybe he made her laugh because he genuinely enjoyed school and learning and made frequent trips back to Knox High School to visit his old teachers after he graduated. This love of learning showed up throughout his life; one of the first things Lieutenant Josh Chastain noticed about Joey after he joined the National Guard was his interest in world and military history. Lieutenant Chastain noted, "He was a really intelligent kid. He knew a lot." This passion and interest in history, both ancient and modern, led Joey to varied interests: he loved to fence, and he aided a school production of The Three Musketeers by choreographing the fight sequences. It also led him to leave Knox following high school to attend the University of Southern Indiana and major in history.

But Joey's passion in history reflected a passion for his country. This passion—this patriotism—kindled in him the desire to serve his country. And Joey did not only want to serve, he wanted to serve in the infantry, joining a National Guard unit based in New Albany rather than one more conveniently located in Evansville, where he was in USI's ROTC program. He was so dedicated that when he looked at military service following high school, he realized he had to do a lot of work to meet the fitness requirements; he did not hesitate to put in that effort, and he ended up losing seventy pounds to fulfill his dream of serving.

He became a proud member of the Indiana Army National Guard. Peggy Shidaker remembered him once again returning to Knox High School following his enlistment, "He was so proud that he came back to tell me he was going into the National Guard, and we were really proud of him and happy for him. He found his passion in serving his country." The passion to serve his country did not stop at the water's edge: Lieutenant Chastain noted that Ford wanted to be the gunner on an armored vehicle rather than the driver and said of Joey, "He exemplified what a dedicated soldier is." This dedication is honored in his posthumous promotion from Specialist to Sergeant and the awarding of a Bronze Star.

Great as his love of country was, he loved his family even more, in particular his parents, Dalarie and Sam, and his wife Karen. Married just last June, Joey had met the love of his life during his time at the University of Southern Indiana. His friend and fellow Guardsman, Keith Auspland, noted that his conversations with Joey during training and in Iraq generally ended not with concerns about the mission but rather with concern for his family. Ausland wrote in his tribute to Joey that "Joe was a new husband and loved his wife dearly." Having deployed to Iraq in March, Joey had his goal of returning to Indiana in June to celebrate his anniversary with his wife.

When his mother Dalarie was asked the one thing she would want her son remembered for she said, "He was just so kind to everybody. At the memorial service, it was amazing just to see all the unique people who loved Joey. He never wrote off anyone and was friends with everybody: all shapes, sizes, and walks of life. He was a gentle soul." Today I honor and remember this gentle soul, this man who loved his wife and family, and followed his love of his country to service in a foreign land. Yet at the same time, I acknowledge our grief. He will be missed. May God bless Joey, his family, his fellow soldiers, and his country as we celebrate his life, and share in this collective sorrow.

IN RECOGNITION OF SAN FRANCISCO'S MEMORIAL TO HARVEY MILK

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. SPEIER. Madam Speaker, today marks the birthday of a civil rights icon and hero to millions of men and women, not just in San Francisco where he made his strongest impact, but all across the globe.

Seventy-eight years ago, Harvey Milk was born in New York. After college at Albany State College, he enlisted in the United States Navy, but was dishonorably discharged when authorities discovered that he was gay.

In 1970, Harvey landed in San Francisco, the city that would become his home and legacy. He opened a business there and began attending the Board of Supervisors meetings, using his bigger-than-life persona to introduce the public and San Francisco's elected officials to the plights of gays and lesbians. Today, there are many such voices, but Harvey Milk was a trailblazer.

When he appeared on the scene, even in San Francisco, arguably the most tolerant city in our Nation, it wasn't safe or accepted to be outspoken on issues facing lesbians and gays. Even politicians within the community were silent, both about their lives and the issues that affected them. But Harvey wasn't one to be quieted or closeted. He told anyone who would listen—and more importantly, forced those who wouldn't—about the injustices, inequities and outright discrimination suffered by gays and lesbians. His voice resonated for anyone labeled "different" or outside the mainstream.

In 1977, after three unsuccessful attempts for elected office, Harvey Milk won a hard fought race and was elected to the San Francisco County Board of Supervisors. Notably, he became the first openly-gay elected official in the United States. Tragically, Harvey's tenure in office was cut short.

On November 27, 1978, just weeks after working with former Governor Ronald Reagan to defeat the Briggs Initiative that would have banned gays and lesbians from teaching in public schools, Supervisor Harvey Milk was assassinated in San Francisco City Hall, along with Mayor George Moscone, by former Supervisor Dan White.

The episode and ensuing trial was one of San Francisco's darkest times. Harvey Milk's assassination, like that of John F. Kennedy and Martin Luther King, provided a foundation upon which people of divergent views could come together. Today, gays, lesbians, bisexuals, and transgendered people have more than just one seat at the table and are represented by a wide range of officeholders at every level of government.

If Harvey Milk were alive today, I believe he would be as proud of his legacy as we are of him. I also believe he would still be fighting for the dispossessed and voiceless everywhere.

Madam Speaker, today the City of San Francisco unveils the Harvey Milk City Hall Memorial. I rise to commend the city for honoring this civil rights pioneer, devoted community leader, inspiration to the gay, lesbian, bisexual and transgender community, and truly great American.

COMMEMORATING MAY 19 AS ATATURK, YOUTH AND SPORTS DAY IN TURKEY

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. SCHMIDT. Madam Speaker, I rise today to commemorate May 19 as a very significant day in the history of our dear friend the Republic of Turkey. In Turkey, May 19 is celebrated as the commemoration of Mustafa Kemal Ataturk, the Founder of the Republic of Turkey. It was May 19 in the year 1919 when Mustafa Kemal landed in the Black Sea port of Samsun and the war of independence began. Under his leadership less than a year later the Turkish Grand National Assembly was established and a few years later the Republic of Turkey was born a new nation.

Ataturk had a vision for Turkey and he set about reforming her. His vision of a pro-western, secular, and democratic state under the rule of law quickly became reality.

President John F. Kennedy said, "The name Ataturk reminds mankind of the historical accomplishments of one of the greatest men of this century. His leadership gave inspiration to the Turkish nation, farsightedness in the understanding of the modern world, and courage and power as a military leader."

It was in 1934 that Ataturk demonstrated his commitment to the rights of women by giving them full political rights. He understood that a country can only flourish when it's people are truly free.

My hero, General Douglas MacArthur described Ataturk better than most could ever attempt. "He was a soldier-statesman, one of the greatest leaders of our era. He ensured that Turkey got its rightful place among the most advanced nations of the world."

May 19 is a very important day when it all began. On this day a great leader began his journey, a vision became reality and a great nation was born. We should all learn a lesson from this man's life. A leader with a vision coupled with determination can lay the roots for a great future. Turkey's neighbors who today wrestle with their own beginnings should take note.

HONORING RICHARD APLING FOR HIS YEARS OF SERVICE WITH THE CONGRESSIONAL RESEARCH SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to praise a public servant who is finishing 20 years of outstanding service to the Congressional Research Service. Members of Congress and their staff who are engaged with Federal education and disability legislation have benefited from the wisdom and professionalism of Richard Apling, Specialist in Social Legislation. Rick joined CRS in 1988 and has worked with Members of Congress and their staff on many of our most critical education issues. Rick has received numerous outstanding performance ratings as well as the gratitude of all of the Members and staff whom he has served throughout his career at CRS.

Rick earned a bachelor's degree from Oberlin College, two master's degrees from the University of North Carolina, and a doctorate in education from Harvard University. Previous to joining CRS, he worked as a middle school history teacher and as a senior research associate at two private sector firms, senior research associate at Advance Technology, Inc., and at Policy Studies Associates.

Since he began his service at CRS 20 years ago, Rick has been a nationally recognized expert on numerous aspects of major Federal education policy. Rick has been the lead policy analyst responsible for a variety of important and complex education programs and statutes, particularly the Individuals with Disabilities Education Act, IDEA, and the Carl D. Perkins Vocational and Technical Education Act. Rick has also been responsible for a number of the larger programs authorized by the Elementary and Secondary Education Act, ESEA, including the Impact Aid program, and the increasingly important and complex issues of assessments and accountability for students with disabilities at the intersection of the ESEA and IDEA.

Rick is a leader in developing analytic capacity within the entire Education and Labor Section of CRS' Domestic Social Policy Division. He never fails to provide valuable input to colleagues; he has advised staff from throughout Domestic Social Policy Division, DSP, on allocation formula programming and a wide range of data analysis issues and has frequently served as a very effective mentor for junior staff.

Rick is a thoughtful, responsive and hardworking civil servant who has supported Members of Congress and staff with his tremendous depth of knowledge, history and analysis—always with a wry smile and incredible patience. His ability to research details and explain complex information is unparalleled, and no matter how tight the deadline or how stressful the situation, Rick always responds in a friendly and composed manner. Rick's work is an outstanding example of high-level analytic support for the legislative process, and collaboration and leadership in capacity building. He will be missed greatly, but his influence will continue to be reflected through support of Congress' deliberations by the many remaining CRS staff whom he has mentored or advised, who will carry on his tradition of service.

I am proud to thank Rick Apling publicly on behalf of this Congress for his many contributions to our Nation and, in particular, on behalf of students with disabilities.

RECOGNIZING MAYOR KENO HAWKER OF THE CITY OF MESA

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Keno Hawker, who is stepping down as Mayor of the great city of Mesa after eight years of extraordinary service. As a member of the Mesa City Council and as Mayor, Keno has been a tireless advocate for the residents of Mesa. Keno has taken his fiscally responsible approach to better the city he serves and has helped to enhance quality of life of the region we share.

Mayor Hawker has served his community well since 1986 when he was first sworn in as a city council member. The population of Mesa has almost doubled since then and, through his leadership, the city has continued to be a high-quality place to live and raise a family. Keno has also served the greater community as the Chair of the Maricopa Association of Governments Regional Council. He also served as Vice Chair, National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) Steering Committee.

Additionally, he served as Chair of the MAG Regional Council Transportation Subcommittee, Vice Chair and as a member of the MAG Air Quality Policy Committee and the Governance Task Force. Keno was also instrumental in building the new Phoenix-Mesa Gateway Airport, which is evolving into a major job center and reliever airport for our fast-growing region. Keno's hard work will spur economic growth and improve the quality of life for the people of Mesa for years to come.

I commend the citizens of Mesa for selecting such a deserving public servant. As a former Mayor of Mesa's neighboring city of Tempe, I understand the tremendous impact that a dedicated leader, like Keno Hawker, can have on their community.

Madam Speaker, please join me in recognizing Keno Hawker's continued work and advocacy for the fine citizens of the city of Mesa and Arizona.

HONORING THE REPUBLIC OF AZERBAIJAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise to honor the Republic of Azerbaijan, a fast growing young democracy which secured its independence in 1991 after the dissolution of the former Soviet Union. There are few countries in the world which gain a second opportunity for independence, like Azerbaijan. This May 28 the Republic of Azerbaijan celebrates the 90th anniversary of Republic Day, the day the nation and people first gained their independence.

It was May 28, 1918 when Azerbaijan declared independence from the Russian Empire. The February 1917 fall of the tsarist monarchy in Russia had created favorable conditions for the development of national movements within its border lands. By establishing its independence, Azerbaijan, then the Democratic Azerbaijan Republic, became the first ever secular democratic republic in the world with a predominantly Muslim population. Although independence lasted only 2 years before Soviet forces invaded in 1920, the period was distinguished by nation building, the arts, education, and economic growth.

The Republic of Azerbaijan's re-independence in 1991 did not come easily. As independence fervor was sweeping through the former Soviet Republics in 1990, peaceful demonstrations were taking place throughout Azerbaijan. Tragically, on January 1990, then President Mikhail Gorbachev sent troops to Baku. Civilians were no match for the onslaught of tanks and fully armored military personnel. The excessive force resulted in more than one hundred and thirty civilian lives.

The Azerbaijani people eventually prevailed when the Soviet Union collapsed. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan, and on October 18, 1991, the Constitution was approved.

Located in a highly political, dynamic and sensitive region between Russia and Iran, Azerbaijan is a confident member of the Council of Europe, United Nations, Organization of Security and Cooperation in Europe, and participates in NATO's Partnership for Peace program.

Azerbaijan is a strategic partner to the United States, and cooperates with the U.S., both bilaterally and multilaterally, (through the GUAM framework (Georgia, Ukraine, Azerbaijan, and Moldova) to prevent illegal trafficking and to secure borders Azerbaijani troops, like U.S. troops, are serving in Iraq and Afghanistan on behalf of their country and in support of the global effort against terrorism.

The United States recognized the sovereignty of Azerbaijan in 1918 and again in 1991. I applaud their leadership as a democratic republic and strategic partner in the region and worldwide. Congratulations to all Azerbaijani citizens, and Azerbaijanis around the world, on the occasion of the 90th anniversary of Republic Day.

EARMARK DECLARATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. EVERETT. Madam Speaker, in accordance with House Republican Conference standards, and clause 9 of House rule XXI, I submit the following information for the record regarding my program requests in H.R. 5658, the Duncan Hunter National Defense Authorization Act of 2009:

Title: Advanced Hypersonic Weapon Technology Demonstration.

Account: Army RDT&E.

Legal Name of Requesting Entity: Westar Aerospace & Defense Group, Inc.

Address of Requesting Entity: 890 Explorer Boulevard, Huntsville AL, 35806 U.S.A.

Description of Request: Provide funding for $7,000,000 for the Advanced Hypersonic Weapon (AHW) Technology Demonstrator program for the US Army Space and Missile Defense Command to reduce risk and flight test validate critical technologies (hypersonic boost-glide, thermal protection, precision navigation, guidance and control, and secure 2-way in-flight communication) requireed to enable the successful execution of the emerging USSTRATCOM mission for prompt global strike. TPS technologies are viewed by USSTRATCOM as the key to executing the prompt global strike mission. The prototype C3 capability would provide missle launch command and control associated with flight test demonstration supporting critical test execution and flight safety. As a potential spiral for weaponization, AHW would provide a ground launched forward-deployed mid-term option to destroy time sensitive/high value targets at long distances with a minimal deployment logistics tail.

Title: Composite Rotorcraft Airframe Development.

Account: RDTE, A.

Legal Name of Requesting Entity: GKN Westland Aerospace.

Address of Requesting Entity: 3951 Alabama Highway 229, Tallassee, Alabama 36078.

Description of Request: Provide funding of $2M for the development of a composite floor sub-structure to be demonstrated on the Black Hawk helicopter. Approximately $75,000 is for program management, $50,000 is for engineering planning, $200,000 is for tooling, $200,000 for design engineering, $75,000 is for material purchase, $500,000 is for generation of material mechanical property testing for use in design/analysis of the test structure, $400,000 is for process development through part manufacture, $500,000 is for structure testing. Recent DoD requested changes to the Black Hawk helicopter (H–60) includes Common Missile Warning Systems (CMWS) and Joint Tactical Radio System (JTRS) configurations. Studies have identified the aircraft airframe as the area for potential weight reduction. Lightweight airframe development has been conducted in SARAP (Survivable Affordable Repairable Airframe Program) through the demonstration of a lighter, low cost cabin for the Black Hawk. As part of this technology demonstrator cabin, a floor sub-structure used thermoplastic composite materials to reduce the weight by almost 25% over the baseline metal structure while, at the same time, reducing costs. Further development is required to take full advantage of the savings that composite materials technology can offer.

Title: Close Combat Missile Modernization (Javelin).

Account: RDTE, A.

Legal Name of Requesting Entity: Lockheed Martin.

Address of Requesting Entity: 5500 County Road 37, Troy, AL 37081.

Description of Request: $10M used to initiate obsolescence management of the guidance section of the Javelin Missile. The various efforts are divided between Raytheon and Lockheed Martin on a 60/40 work share arrangement. The 60/40 work share is divided by the program management office. Raytheon work will be done in Tucson, AZ at approximately $5.4M of effort. Lockheed Martin work will be done in Orlando, FL at approximately $3.6M of effort. The work in Orlando will consist of: Trade Studies, Guidance Section System Architecture, Guidance Section Software Architecture, Guidance Section Requirements, Phase I Design, Phase I Analysis, and Phase I Development Environment. The increase will develop the path forward for a fully funded RDTE effort to enhance Javelin's capability as a system by first enhancing the missile capability to provide longer range, in-flight correction, and beyond-line-of-sight capability. A new Javelin (Javelin II) missile would be manufactured at the LM Pike County operations at Troy, AL.

Title: Space Control Test Capabilities.

Account: RDTE, A.

Legal Name of Requesting Entity: Davidson Technologies, Inc.

Address of Requesting Entity: 530 Discovery Drive, Huntsville, AL 35806.

Description of Request: $10M to finalize development and validation of the Space Control Test Capability for the United States Air Force. Of the funds provided approximately $5 million or ½ of the available funding is for final development of a version of SCTC which will join the already developed closed-form version to give a new combined capability to analyze important transient command/control situations (e.g. satellite outages). The combined version provides both closed-form steady-state and transient-event analysis capabilities, builds upon Air Force selected analytical engines, and is already in the hands of the users in support of Terminal Fury. The addition completes the required analytical suite. Approximately $5 million or ½ of the funding is for tool validation. When completed, the combined SCTC tool is the only tool of its type and caliber in the Air Force analytical inventory. Completion of this combined tool in GFY 2009 is needed to provide quantitative data support for acquisition decisions. The tool will provide decision time-lag and throughput data for combination steady-state and transient situations to quantify performance of alternative system implementations. The Air Force will use these performance predictors to make sound, quantitative-based acquisition decisions for upcoming space systems in areas such as OCS, DCS, SSA and communications now and in the future, providing additional AF funding to enhance operational capabilities as required.

Title: Chapel—Fort Rucker, Alabama.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Congressman TERRY EVERETT (through Army Outyear Budget).

Address of Requesting Entity: 2312 Rayburn House Office Building, Washington, DC 20515.

Description of Request: A $7.1 million project to construct a chapel at Fort Rucker, Alabama. Construct a standard-design chapel complex featuring a sanctuary (400 seat capacity) and an activity center that is capable of seating an additional 239 people in a separate or combined service. The sanctuary includes a raised pulpit area and a baptismal suite. The facility also includes 15 religious education classrooms, two multi-purpose rooms, blessed sacrament room, sacristy/robing room, choir room, resource center, nursery, restrooms, kitchen, storage, and administrative space for two Chaplains, Education Director and Assistant. Supporting facilities include utilities, electric service; emergency and security lighting; fire protection, detection and alarm systems; paving, walks, curbs and gutters; parking;

storm drainage; information systems; and site improvements. Access for the handicapped will be provided. Heating and air conditioning (54 tons) will be provided with separately-zoned, self-contained units. Anti-terrorism/force protection (AT/FP) measures are included.

Title: Gunfire Detection System for Unmanned Aerial Vehicles.

Account: Army RDTE.

Legal Name of Requesting Entity: Radiance Technologies.

Address of Requesting Entity: 350 Wynn Drive, Huntsville, AL 35805.

Description of Request: $9 million for a wide angle weapons detection sensor that can detect, classify and locate a variety of weapon fires including Rocket Propelled Grenades (RPGs), MANPADS, small arms, mortars, tanks and artillery. This Weapons Watch (WW) Technology can process these events in near real time (less than a second) and disseminate the information over existing command and control channels immediately. This sensor, detecting from a variety of airborne platforms can cue other sensors or weapon systems to positively identify and neutralize the hostile weapon system. The basic sensor technology has been demonstrated as part of the Oveiwatch ACTD and has also been deployed to support current operations. At less than 30 pounds, it has flown on both manned and unmanned aircraft proving its ability to accurately detect at extended ranges while on the move. The Army Aviation Center is ready to integrate this technology on both manned and unmanned aircraft to provide both enhanced targeting and aircrew survivability. In concert with AMRDEC (Huntsville), PM UAV (Huntsville) and the Directorate of Combat Developments (Ft. Rucker), the contractor will provide simulation software and WW hardware to the USAAVNC for testing and certification through the Aviation Technical Test Center (AATTC). Aviation experts from both the Wiregrass area and Huntsville will develop the techniques, tactics and procedures to fully employ the capabilities of this system.

Title: Study of Warfighting Initiative for Future Technologies and Tactics (SWIFTT–A).

Account: Army RDTE.

Legal Name of Requesting Entity: Science Applications International Corporation (SAIC).

Address of Requesting Entity: 6723 Odyssey Drive, Huntsville, AL 35806.

Description of Request: $3 million will enable completion of a study being conducted with the U.S. Army Air Maneuver Lab, Fort Rucker, AL to develop manned and unmanned air vehicle teaming solutions for current and future war fighter requirements. Additionally, funding will address critical emerging issues in support of Aviation modernization efforts and desired capabilities of Aviation war fighters to expedite the delivery of solutions to the field. Funding will be allocated for the following: (1) upgrade the existing AMBL facility's modeling and simulation tools and infrastructure (10%) and (2) execute local and distributed simulation experimentations (90% labor).

VOLUSIA HONOR AIR GUARDIANS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MICA. Madam Speaker, on Saturday, May 17, 2008, 102 Volusia County veterans from the Second World War visited our Nation's Capital as part of the Honor Air program. The trip was made possible through the Rotary Clubs of Volusia County and with the support of sponsors and the 49 Guardian escorts.

It was my pleasure to assist in hosting the veterans during their visit to our Nation's capital. They first stopped at the World War II Memorial to pay tribute to their fellow patriots. In the first visit for all of the servicemen, it was a moving occasion. It was an emotional moment as these heroes stood among the stone columns, fountains and pools that comprise the Memorial.

In the afternoon, the Volusia veterans paid their respects at Arlington National Cemetery. Veteran leaders and I had the privilege to lay a wreath at the Tomb of the Unknowns in a solemn tribute to those who have paid the ultimate sacrifice for our nation. The day concluded with visits to the Woman in Services Memorial, the Korean War Memorial, the Vietnam Memorial and the Iwo Jima Memorial.

As the Congressman from Florida's Seventh Congressional District, it was my honor to play a part in our Volusia County heroes' visit. I would like to acknowledge former U.S. Senator Bob Dole, a fellow World War II hero and Deputy Secretary of Defense Gordon England who both graciously addressed the group. I ask that the United States House of Representatives join me in expressing our appreciation to the 49 Guardians, who through a sense of duty and at personal expense, escorted the World War II veterans on that memorable day.

The May 17, 2008 Volusia Honor Air Guardians included:

Joesphine D. Alexander; Stephen E. Alldredge; Jerry L. Autry; Jerry L. Autry, Jr.; Peter D. Bauer; Roger B. Baumgartner; Ken Bradley; Melina Brannon; David Franklin Brannon II; William Herschel Breneman III; Michael W. Brooks; Joseph Bryant; John F. Cheney; John H. Childress; Leslie Stafford Coggins; Robert L. Doyle II; Geoffrey E. Felton.

Thomas B. Fleishel; William B. Flowers, Jr.; Thomas R. Fowler; Eleanor Gustavsson; John Jeffrey Harting; Raymond H. Heffington; Robert Michael Hill; Randall Jackson; Ben F. Johnson; Russell L. Kelton; Candace Lankford; Gerald H. Lyons; Jeffrey A. Malmborg; Jefferson J. Mancinik; William C. Mancinik; James Mazurak; Clair Roach Metz.

Charles Paiva; Albert J. Razzetti; Alessandra Razzetti; Joseph Frank Rudolph; Thomas D. Smith; Brad Strickland; Theodore J. Surynt; Donaldson Paul Taylor; Carolyn Ganntt Teal; Parke Statford Teal; Kevin Thomas; Warren A. Todd; Alexander B. Veech; Gery Walker; and Douglas Allen Wedekind.

HONORING BOB IDEN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize to Dr. Bob Iden for his 11 years of outstanding service to Lake Highlands High School and his community.

After graduating from Lake Highlands High School, Dr. Iden attended Kilgore College on a football scholarship and finished his bachelor's and master's degree at North Texas University. Upon graduating, he continued to use his athletic background as a coach and teacher for the Richardson Independent School District for nine years. After working for the administration, Dr. Iden was hired to be the principal at his high school alma mater, Lake Highlands High School.

During his eleven years as principal, Dr. Iden's school received numerous honors under his leadership. In 2002, Lake Highlands High School was named a Blue Ribbon School, one of the highest honors a school can receive. In addition to numerous students being named National Merit Scholars, this year one of his students was named a Rhodes Scholar. Dr. Iden has received national recognition in Newsweek and U.S. News and World Report for his achievements, and he has become a tremendously well-respected and valued member of the Lake Highlands community.

This year Dr. Iden will retire from his career in education. I would like to wish Dr. Iden the best of luck in his future endeavors. While his time as an educator has come to an end, the results of his hard work will no doubt continue to be seen for generations to come.

Madam speaker, on behalf of the Fifth District of Texas, I am honored to recognize Dr. Bob Iden for his devotion to education and for helping to shape a brighter future for our community and our country.

HONORING BARBARA AND EDWARD COGAN

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. NAPOLITANO. Madam Speaker, I rise today to recognize and commend Barbara and Edward Cogan, educators who both recently retired after more than 30 years of distinguished service. Day after day they energetically taught our youngsters valuable life skills, while raising their family in the great community of Hacienda Heights, California, and volunteering with programs that have enhanced education throughout the 38th Congressional District.

Barbara Ruth Cogan grew up in the great city of Montebello, California, and began teaching in 1970 at Belvedere Elementary School. She later joined the staff of Basset High School in 1975 after receiving her credential in Special Education. Over the past 33 years there she has worked in the OH (Orthopedically Handicapped) department, providing tireless support to her students and always strove to ensure that each and every young adult in her classes reached their full potential.

Edward Cogan grew up in East Los Angeles and began his career in the field of mathematics as an engineer in Pomona, California. Starting in 1972 he also began teaching, working in both the Hacienda/La Puente and Los Angeles Unified School Districts, finally retiring from El Sereno Middle School in Los Angeles. His lessons on computer science and programming were years ahead of the internet revolution and provided a generation of students with the inspiration to pursue further careers in technology.

Barbara and Edward also spent many years volunteering in the 38th District. Many of their summers were spent contributing to the programs of the Youth Science Center in Hacienda Heights, an organization dedicated to inspiring people of all ages to discover the excitement of science and technology. Their involvement as parents also extended to countless hours of enthusiastic support to local schools, little leagues, and youth activities.

Madam Speaker, today I would like to personally acknowledge and congratulate Barbara and Edward Cogan for their many years of dedicated work and I ask my colleagues to join me in applauding their efforts as educators. I wish them both continued success, health and happiness in the future.

HONORING THE ASSUMPTION HIGH SCHOOL GIRLS' BASKETBALL CHAMPIONSHIP TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today in recognition of the outstanding results achieved by the Assumption High School's Girls' Basketball Team who won the Iowa Class 2A 2008 Iowa State Championship.

I congratulate the Assumption Knights for defeating the Mar-Mac Bulldogs 46–27 on Friday, April 29, 2008, at the Wells Fargo Arena in Des Moines.

This victory was the result of a remarkable defense that held their opponent to 30 percent shooting in the championship game, and an even stronger offense that shot 61 percent from the field in the second-half of the championship.

From 2004 to 2007, the Lady Knights won 94 percent of their regular season games only to finish just shy of the state championship. But in 2008, the Knights' perseverance was rewarded! They finished a perfect 27–0 and brought Assumption High School its first girls' basketball state championship!

Madam Speaker, I am extremely proud of the accomplishments of Assumption High School. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team says it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This past season, Assumption High School proved just that.

HONORING A FALLEN HEALTHCARE WORKER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. WEINER. Madam Speaker, several months ago, the Kingsbridge Heights Rehabilitation Center in the West Bronx unilaterally decided to stop making payments to the health care fund for its employees. Before some of my colleagues "tisk tisk, well that's just the free market at work"—as the Daily News and their award-winning columnist, Errol Louis, pointed out—this center has made $5.2 million in profits last year and its CAO, Helen Sieger, made $700,000 in salary—all of it paid for by Medicaid funds, our tax dollars.

Audrey Smith-Campbell and 220 of her colleagues decided they weren't going to take it; they were going to go on strike. Audrey Smith-Campbell was not a union activist or an ideologue. She was for 30 years a certified nurse assistant, caring for our parents and our grandparents, giving them dignity in their most vulnerable moments. She knew she wasn't ever going to get paid what she was worth but she wanted to be paid at least enough to live on.

Audrey Smith-Campbell is dead. She died after having a severe asthma attack because she couldn't afford to pay for her medication when she was on strike. She should be honored for the way she lived—and we should all be ashamed for the reasons she died.

INTRODUCTION OF THE PENSION PROTECTION ACT ERISA AMENDMENTS OF 2008

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. ANDREWS. Madam Speaker, I rise today to introduce the Pension Protection Act ERISA Amendments of 2008, PPAEA. Although I voted "no" on final passage of the Pension Protection Act, PPA, in 2006 due to a number of provisions, which put thousands of New Jersey jobs and retirees' plans at risk, I do believe there are many beneficial aspects of the law that are helping to protect the retirement plans of working Americans and retirees across the country.

For workers retired from a single-employer plan, PPA provided a better method of ensuring that an employer may continue to offer retirement benefits to their employees by meeting their plan financing obligations. This change made it far less likely that taxpayers would have to step in and pay the bill for thousands of retirees. PPA also provided smaller businesses with a bit more flexibility, by giving some of them a new plan option. One such option is known as the "Defined Small Employer Defined Benefit Plan" or "DB(k)," which I authored. DB(k) relieves employers of the administrative burden tailored for large plans and provides them with the best of both the defined benefit and defined contribution world.

For people who work for or are retired from multi-employer plans, the 2006 law gives those employers—and the funds to which they belong—an opportunity to receive some relief from external circumstances that caused those plans to be in jeopardy; and again, relieving taxpayers of potential liability and obligation.

In 2005, on the eve of the introduction of PPA, the economic forecast predicted an avalanche of more defined benefit plan terminations, placing the solvency of the pension Benefit Guarantee Corporation, PBGC, as well as hundreds of millions of retirees' assets at risk. With several major companies expecting to either eliminate or freeze their defined benefit plans a few years ago, PPA has been instrumental in slowing the decline in defined benefit, DB, plans. Nevertheless, DB plans are still on the decline. Today, less than one in five workers in the private sector—20 million workers—has a traditional defined benefit plan, while 401(k) plans are on the rise, dominating the retirement landscape. Today over 50 million American workers are covered by a 401(k) plan. Whether these plans are adequate to provide the average American worker with a comfortable retirement remains a question we will continue to examine in the coming years.

Solving the problem of providing retirement coverage, which is both affordable and adequate, is a priority of mine, but before we address it, we must first make sure PPA is measuring up to its fullest potential. The purpose of PPAEA is to correct a number of anomalies in PPA, which in many cases, subvert the policy goal of a particular provision. Though most of these anomalies were not intentional, if left uncorrected they have the potential to strip thousands of retirees of a lifetime of savings and force many employers to drop their retirement plan for their current employees.

As I indicated in the hearing I chaired last year in the Health, Employment, Labor, and Pensions, HELP, I am not interested in upsetting the fundamental agreements of PPA. Rather, I am most interested in vindicating those agreements and making them work better.

With the support of the Chairman of the Committee on Education and Labor and my good friend from California, GEORGE MILLER, and several other colleagues, I look forward to working with Members on both sides of the aisle to help pass a bill to further protect retiree assets, provide employers with a funding method that holds them accountable but provides flexibility, reduce burdensome transaction cost to plan sponsors and pensioners, and provide employers with additional investment tools to ensure that all retirees under their plan receive their promised benefit.

RECOGNIZING MAYOR WALLACE J. NICHOLS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today to celebrate Wallace J. Nichols, who served as Mayor of Fountain Hills from May 2003 to May 2008. Mayor Nichols has exemplified the leadership, dedication, and insight that constitute a great public servant.

Mayor Nichols has a long and impressive record of service to the Fountain Hills community. He served as an elected officer and Chairman of the Fountain Hills Sanitary District, Los Arcos Multipurpose Facilities District Board of Directors, Scottsdale Boys & Girls Club Board of Directors, Fountain Hills Boys & Girls Club Advisory Chairman, Chairman of the Fountain Hills Community Center Advisory Commission, and on the Citizens Committee/Community Benefits Committee Board.

Notably, he was instrumental in bringing the Boys and Girls Club to Fountain Hills. Mayor Nichols' support began on the advisory committee in Fountain Hills. Later, he became the head of the Four Peaks Branch fundraising campaign on the Boys & Girls Clubs of Scottsdale board. After tireless efforts from Wally, the Four Peaks Branch now boasts enrollment of nearly 1,000 children and teens. With overwhelming support from the Fountain Hills community, the Club is now offering more programs than it ever has, including outreach efforts with the neighboring Fort McDowell Yavapai Nation. Wally truly understands that strong communities are built upon the foundation of strong families, and that strong families are borne from constant commitment to kids.

Mayor Nichols has not only worked to secure a brighter future for Fountain Hills' youth, but also a greener, more sustainable one. Valley Forward—an environmental organization that surveys communities every four years and assigns them letter grades in air, land, water, and transportation—labeled the Town of Fountain Hills the "most improved" community out of 16 Maricopa County governments in its 2008 report. Under Mayor Nichols, great strides were taken in trail access, economic development plans, and mountain and wash protection.

Other local affiliations include the Noon Kiwanis, Fountain Hills Chamber of Commerce, Friend of the Fountain Hills Community Theater, Senior Center, Civic Association, Library Association, Republican Club, Fountain Hills Historical Society, and the Four Peaks Community Church. Focus on such organizations has helped create the sense of community involvement and civic participation in the Town of Fountain Hills.

As the former mayor of Tempe, I understand the challenges that governing a city can pose. Wally faced these challenges head on, with grace and unwavering commitment to the people he served.

Madam Speaker, please join me in expressing gratitude for the improvements Mayor Nichols has made upon Fountain Hills, and remembering the positive legacy that he has created for Arizona.

MUNSTER WE THE PEOPLE TEAMS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. VISCLOSKY. Madam Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Munster High School, located in Indiana's First Congressional District. Two exceptional teams from Munster High School, Team Adams and Team Jefferson, accomplished the extraordinary feat of finishing in first and second place, respectively, in the State competition of the We the People: The Citizen and the Constitution program. Following their victory at the State level, Team Adams went on to compete in the national finals held in Washington, DC, from May 3-May 5, 2008. For their knowledge and understanding of the American Government, these extraordinary young people received an honorable mention as one of the top ten finalists at this year's national competition.

The We the People program, administered by the Center for Civic Education, is a program that reaches over 28 million elementary, middle, and high school students. The goal of the program is to provide students with an understanding of the fundamentals of the Constitution and the Bill of Rights. The program helps students to understand their rights under the American governmental system.

The people of Munster, as well as the entire northwest Indiana community, can be proud of this truly remarkable class of students. Team Adams consisted of the following students: James Burgwald, Sarah Chowdhury, Sophia Griggs, Nicole Hong, Megan Hruska, Grant Huebner, Daniel Jayakar, Robin Jiang, Neil Keshvani, Charlie Krull, Alicia Nieves, Paige Patterson, Blake Platt, Michael Pudlow, Matt Stewart, Nicholas Stoffregen, and Julianne Watterson. Team Jefferson was comprised of: Danny Alexander, Eric Anderson, Keriann Ballanco, Katharine Banks, Arefin Chowdhury, Lorien Estes, Amy Fuhs, Carly Gibbs, Russell Gonzalez, Jonathan Harangody, Jessica Hilbrich, Nithin Krishnan, Viraj Maniar, Samantha Mardyla, Martha Mihich, Lana Muhrez, Molly Poczontek, Abhinav Ravi, Christopher Witter, and Meagan Yothment.

Madam Speaker, I would like to once again extend my most heartfelt congratulations to the members of Munster High School's We the People program, as well as their coach, Mr. Michael Gordon, and all of the community and faculty members who have instilled in these students the desire to succeed. The values exhibited by these young people and their interest in the history and fundamentals of our great Nation serve to inspire us all. I am proud to represent these fine individuals in Congress, and I am proud to have been given this opportunity to recognize these future leaders. I look forward to watching their achievements as they continue to rise to the top.

HONORING THE MEMORY OF DR. JACK HYMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the memory of an outstanding doctor, a wonderful man, and a truly great American, Dr. Jack Hyman.

Dr. Hyman was born in Tampa, Florida, and graduated as valedictorian from Plant High School. After graduating from the University of Florida, he entered Tulane Medical School and received his M.D. in 1941. He spent a year training in Urology before he was commissioned in the U.S. Army as a first lieutenant. He served in World War II as a physician in the Pacific Theatre of Operations. Just two short days after he returned from the war, Dr. Hyman married his longtime sweetheart, Frances Levy.

Upon his return from the war, Dr. Hyman completed his fellowship training in Urology at the Ochsner Clinic in New Orleans. During this time, he received a Master of Science degree from Tulane University and became a diplomat of the American Board of Urology and a fellow of the American College of Surgeons. Dr. Hyman then opened his first practice in New Orleans at the Ochsner Clinic. In 1948, Dr. and Mrs. Hyman moved to Mobile where he continued to practice medicine. In 1970, Dr. Hyman opened his second private practice, Urology Associates of Mobile, where he practiced until his retirement in 1998.

Dr. Hyman's service to his community did not stop at the doors of his medical practice. He served as president of Providence Hospital medical staff, president of the Mobile Infirmary medical staff, president of the Mobile County Medical Society, trustee of the board of directors of Mobile Infirmary, trustee of the Mobile Infirmary Foundation Board, president of the Medical Association of the State of Alabama, president of the Alabama Foundation for Health Care, and founding director of SouthTrust Bank.

And make no mistake, Dr. Hyman's service did not go unnoticed. In 1994, he was awarded the Samuel Buford Word Award, the Alabama Medical Association's highest honor, in recognition of extraordinary service to humanity. Additionally, the Tulane Medical Alumni Association awarded Dr. Hyman the C.D. Taylor Award in 2003, in recognition of his outstanding service to the community.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated doctor, community leader, and friend to many, as well as a wonderful husband, father, and grandfather. Dr. Jack Hyman will be dearly missed by his family—his lovely wife of 62 years, Frances Levy Hyman; their children, Phillip Hyman and his wife Mary, Bob Hyman and his wife Diane, Cathy Mosteller and her husband Matt, and Ellen Cunningham and her husband Russ; his grandchildren, Julie Hyman Wilkins, Jake Hyman, Michael Mosteller, Clifton Mosteller, Frances Mosteller, Jack Cunningham, Callie Cunningham; his great-grandchild, Tate Wilkins; his sister, Selma Cohen—as well as the many countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

I WILL! A TRIBUTE TO TECH. SERGEANT WILLIAM JEFFERSON, JR., UNITED STATES AIR FORCE

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mrs. DRAKE. Madam Speaker, Poet and Capitol Tour Guide Albert C. Caswell, who has been the author of many heartfelt tributes to our military servicemen and women, recently penned a poem in honor of Tech. Sergeant William Jefferson Jr. who died from injuries caused by an improvised explosive device on March 22, 2008. As an instructor at the Combat Control School, he trained more than 400 combat controllers in 4 years. He was posthumously awarded the Bronze Star, Purple Heart and Air Force Combat Action Medal. Sergeant Jefferson epitomizes the dedication and courage of our brave men and women on the frontline, who sometimes make the ultimate sacrifice to defend their country and its values. I am proud to submit the following into the RECORD.

I WILL!

I Will fight,
and I Will bleed!
All so my Country,
may live in peace!
And, I Will lead!
All for God,
and Country Tis of Thee!
And, I Will give up . . .
My wonderful wife, and watch her grieve!
And never again,
My sweet little child Tyler, so see!
As all of this world, I so leave!
And not ask why, so indeed!
But for The Greater Good . . .
All of this, I so would!
I may die, and I may bleed!
All so we can be free!
As I so look up to The Heavens above . . .
And ask The Lord all in his love, to watch over my family!
For I Will!
Dedicate my entire life to thee . . .
As I Will!
In the darkest nights of war, so be . . .
Strong, and full of courage . . . Me!
All for my Country Tis of Thee . . .
All for my brothers and Sisters in arms . . .
I Will forever fight on continually!
As I Will, carry that charge . . .
All with, what's inside of me!
As I Will!
Gaze, into That Face of Death!
And give up, all that I have so left . . .
All so to insure!
That my children . . .
Shall not ever have to go off to war!
As I Will, so stand for peace . . .
As I Will, hear Our Lord's Call Sign . . . calling me!
As an Angel in The Army of Our Lord. I Will Be!
Until, up in Heaven, Kristy, Tyler, Mom, Dad, and Family!
One day, we Will all so meet!
And Give up all, that I so love and need!
All for what I believe!
I Will!

In memory of A Real American Hero . . . Tech Sgt. William Jefferson Jr. May our Lord bless you and your wife Kristy and your daughter . . . and he will!

HONORING THE MEMORY OF THOMAS HAROLD RIDDLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, it is with great sadness that I rise today to honor the memory of a distinguished civic leader in Santa Clara County, Mr. Thomas Harold Riddle. Harold spent his entire life serving his community and country and helping those around him. He was a loyal solider, a gifted educator, an active minister, a party activist, a loving husband, and a devoted father.

Harold Riddle was born in Washington, DC, and grew up on a farm in Central California. During World War II, Harold and two of his brothers bravely served our country in the Marine Corps and saw action in the Pacific Theater. After the War, Harold returned home to California and earned his teaching degree and credentials from San Jose State University. He also went on to receive his master's degree in education from Stanford University. Harold's distinguished teaching career spanned 50 years and in 1973 he was recognized as California's Outstanding Teacher of the Year in Industrial Arts Education.

Harold met his future wife, the former Loretta Mezza, while they were both teaching students at San Jose State. They married after receiving teaching degrees in 1948 and would have celebrated their 60th wedding anniversary this August. Harold and Loretta Riddle were honored last month by local Democratic Party leaders with the Don Edwards Lifetime Achievement Award for their active involvement in civic activities. Loretta was a legislative staffer for Assemblyman and State Senator Al Alquist for over 30 years. Harold served for 12 years on the Santa Clara County Democratic Central Committee.

More important than his personal achievements, Harold will be remembered because he always made time for those that needed his time. From influential politicians to struggling high school students, Harold offered a friendly ear and sound advice. Harold is survived by his wife Loretta, his daughter Judy Riddle-Skintuay, and his sister Ruth Cooper. Our community mourns the loss of a great civic leader, friend, teacher, and family man.

DEVELOP AMERICAN ENERGY

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. SALI. Madam Speaker, "if we open a quarrel between past and present," Winston Churchill reminded us, "we shall find that we have lost the future."

Mr. Speaker, I fear that Sir Winston's words are applicable to the House today. We are pondering questions about the imprudent decisions of our past, and not acting wisely in the present. And we are thus at risk of losing America's energy future.

For the 15th day in a row, the average price for a gallon of gas set a new all-time high at $3.83 a gallon. Many of my constituents in Idaho, and many Americans will spend more than $50 every time they fill up at the gas station—in fact, for those who drive some of the most popular vehicles sold in the United States, filling their tank will cost more than $98.

This should be no surprise. Today the United States imports a little less than 1/3 of our crude oil from OPEC nations and another roughly 1/3 from non-OPEC nations who gain the benefit of OPEC price increases from production restrictions and we produce a little more than 1/3 of from American sources. OPEC is essentially dictating the high prices we are paying at the pump.

Yet American families are being faced not only with record high fuel prices but also rising food prices with each passing day. In only two years, the price of a gallon of milk has risen by nearly 70 cents. The price of bread, in the same period, is up more than 15 percent. And on it goes.

When food staples and gas are both going up in price, the family is hit hard. In other words, it's not just family vacations that are being cancelled. These high prices also affect the ability of Idahoans to afford to get to work, drive their kids to the doctor and buy some of the simple necessities of life.

The implications of rising fuel prices on education are also becoming apparent with media reports that some school districts are planning four-day school weeks in large part because of the rising cost of busing children to school. The costs of transporting school children will also affects field trips and other extra-curricular activities.

Similarly, American senior citizens and low income households have been disproportionately affected by higher energy costs. In 2006, before the skyrocketing and record breaking fuel price increases we are seeing today, low-income households in America spent nearly 20 percent of their income on energy-related expenditures.

This is a moral issue—an issue which for many low income families, senior citizens and hardworking families affects their access to education and even to their doctors, particularly in a rural state like Idaho.

Congress is and has been in control of the solution. To lower the price at the pump and to break our addiction to foreign oil, we must increase production of American energy, while in the short term conserving and encouraging innovation to increase renewable energy.

At her press briefing last Thursday, Speaker NANCY PELOSI (D–CA) acknowledged one of the universal truths of supply and demand when she said "certainly more supply lowers the price." I am relieved that the distinguished gentlewoman from California appreciates this elemental economic truth.

In recognizing the truth that supply lowers the price, Democrats followed SPEAKER PELOSI, supporting a bill to halt shipments of crude oil from being put into the Strategic Petroleum Reserve. They estimated that the resulting increases in supply of a mere 70,000 barrels per day would decrease prices by 5 cents a gallon at the pump. Although recognizing this truth, my Democrat colleagues continue to oppose the production of American crude oil.

Today, 73 percent of every dollar we pay for gasoline at the pump is the price of producing crude oil. Increasing the supply of crude oil, and thereby reducing the price of crude oil, is the single most effective thing Congress can do to lower gas prices.

And yet while my colleagues across the aisle understand that increasing supply is necessary, they consistently have opposed increasing the supply of American-made energy through increased production of American crude oil.

I find this stunning in large part because our dependency on foreign oil is so unnecessary. As far back as 1980, the then-Democrat Congress—under then-President Jimmy Carter—set aside a specific parcel of land in Alaska for oil and gas development. In 1996 Congress voted to explore and produce crude oil from those lands, but president Clinton vetoed that bill. Since then, Congress has failed the American people in not pursuing the domestic exploration and production of oil. It's that simple.

Congress has continued to erect huge roadblocks to exploration and development of oil on federal lands and has prohibited deep water exploration and development of oil and natural gas resources.

If we are to remain prosperous, America needs energy—American energy from every source possible. This means that we must develop and produce oil and natural gas, but it also means we must be innovative—innovative in conserving energy and innovative in producing alternative and renewable sources of energy.

Electricity is just as vital as gas. It is estimated that our demand for electricity will increase by 25 percent over the next 20 years or so.

For example, there is great potential for woody bio-mass as an alternative and renewable resource. This would allow us in Idaho to remove hazardous fuels from the forest and seek ways to use it to produce energy.

In the Northwest, whenever we talk about renewable and clean energy, we cannot forget traditional hydropower, which provides 60 percent of all power supply to the Northwest.

Hydropower is renewable and for America means no greenhouse gas emissions. Hydropower offsets more carbon emissions than all other renewable energy resources combined. It's a viable, clean and potent source of energy.

Similarly, nuclear power will be essential for our future. It is safe and clean and affordable. There are 104 reactors in the U.S. at present, and licenses for 30 more nuclear power plants are being sought by a variety of companies and groups. Nuclear power is environmentally-friendly and cost-efficient for producers and consumers alike.

In sum, we have substantial energy supplies available on the lands within our own nation.

Tragically, due to the policy changes encouraged by the majority party, Americans across this country have only continued to see higher and higher gas prices.

Congress must not, in some sad tribute to the cramped ideology of an extreme agenda, fail to allow the use of the resources we possess within our borders and within our technological and economic grasp.

America needs a sound energy policy that develops domestic energy from every source available, including crude oil, natural gas, clean coal, hydropower, nuclear power and every alternative source of energy.

To put it another way, we need all the energy we can get from all the sources we can afford to access. Period.

Madam Speaker, let's not lose our future because we dawdle in the present. Let us summon the courage and fortitude to act, and act now. As Winston Churchill, a man greatly honored by our country would, I believe, agree, the American people, and the future they hope for, deserve no less.

HONORING THE PLEASANT VALLEY HIGH SCHOOL CHAMPION BOYS SWIMMING TEAM IN THE 2007—2008 SEASON

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Pleasant Valley High School Boys Swimming Team in the 2007–2008 season. This year the Pleasant Valley swimmers won 2 state championship events.

In the 100 yard butterfly Zack Bartholomew brought home the title for Pleasant Valley. And in the 400 yard freestyle relay, the team of Will Horvat, John Beck, Jared Dammann, and Zach Bartholomew took the championship.

Madam Speaker, I am extremely proud of the accomplishments of the Pleasant Valley High School Boys Swimming Team, both in and out of the pool. Perhaps Paul "Bear" Bryant—the late, great coach of the Alabama Crimson Tide football team—said it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This year, Pleasant Valley High School proved just that.

RECOGNIZING DR. FREDERICK MARCIANO—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Dr. Frederick Marciano, Scottsdale Healthcare's "Salute to Military" Honoree this Memorial Day, May 26, 2008. Scottsdale Healthcare will be recognizing Dr. Marciano and other physicians with a connection to the Armed Services for their tireless service and sacrifice to this country.

More than 300 medical personnel have received exceptional trauma skill training at Scottsdale Healthcare since the program's inauguration in 2004. The program is offered in partnership with Maricopa Integrated Health System and has focused on the Air National Guard, Luke Air Force Base, and Davis Monthan Air Force Base.

I commend Scottsdale Healthcare for paying tribute to such a deserving service member. Dr. Frederick Marciano is the Medical Director of Neurology at Scottsdale Healthcare, and was mobilized in April as a Lieutenant Colonel in the U.S. Army Reserves to Active Duty at William Beaumont Army Medical Center in Fort Bliss, Texas. His clinical areas of expertise include neurotrauma, general neurosurgery, spinal surgery, and brain and spinal tumor surgery.

Dr. Marciano was also deployed in March 2003 to a Landstuhl Regional Medical Center in Landstuhl, Germany, where he treated casualties from military operations including Iraqi Freedom, Enduring Freedom (Afghanistan), and Noble Eagle (Bosnia). Notably, he was the lead surgeon in the treatment of POW Private First Class Jessica Lynch's spinal and neurological injuries.

Dr. Marciano has received the National Defense Service Medal twice, the U.S. Armed Forces Reserves Medal, the U.S. Army Service Ribbon, the U.S. Army Achievement Medal twice, the Overseas Service Ribbon, and the Superior Unit Award (Landstuhl).

Madam Speaker, please join me in recognizing Dr. Frederick Marciano's continued dedication to saving lives and securing our freedom.

THE INTRODUCTION OF THE "ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION ACT OF 2008," H.R. 6104

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. HONDA. Madam Speaker, yesterday I introduced the "Enhancing Science, Technology, Engineering, and Mathematics Education Act of 2008," H.R. 6104. This legislation aims to enhance the coordination of the Nation's science, technology, engineering, and mathematics education initiatives. Thirty-nine members of the United States House of Representatives signed on as original cosponsors of H.R. 6104. We were joined by our distinguished colleague Senator BARACK OBAMA who introduced a companion bill (S. 3047) along with three of his colleagues.

The intent of this bill is to increase the coordination, collaboration, and coherence of Science, Technology, Engineering, and Mathematics, STEM, education initiatives for the students of today and the citizens and workers of tomorrow.

As a former teacher, principal and school board member I am committed to improving the education we provide our young people. Developing citizens that are critical thinkers and scientifically literate will help drive a vibrant society and create a sound economy. Our economy depends on our country's education. Few policy decisions have more economic impact in the long-run than education policies.

Today, more than ever, our economic resiliency depends on the competitiveness of our labor force. Unfortunately, the signs are not good. Over 25 years ago, "A Nation at Risk" identified America's need to improve STEM education to ensure that we remain competitive in an increasingly global economy. But more than two decades later, "Rising Above the Gathering Storm" presented clear trends in international tests and college enrollments that show that our children are losing their competitive advantage, and so is our Nation.

In this country we have many successful STEM education programs. For example, nearby at the Indian Head Elementary School in Charles County, Maryland, scientists and engineers from the Department of Defense partner with students to develop cutting edge rocketry. Yesterday, two fifth grader students from this school, DeMisha White and Justin Dinch, together with their teacher Mr. Tim Emhoff, shared the incredible value of Federal programs in exciting our children about STEM.

Sadly, this program and the myriad like it are not coordinated. Over a dozen agencies are engaged in STEM education and they are often not aware of the efforts of other agencies—they are working in isolation. According to the American Competitiveness Council, in 2006 the U.S. sponsored 105 STEM education programs at these agencies, at a cost of about $3.12 billion. The ACC found that "coordination among agencies could be improved to avoid, for example, grants to numerous projects that support the same sorts of interventions . . . there appears to be a lack of communication among the agencies about the work they are funding and the results that are being generated . . . agencies are often uninformed by the results of earlier projects." Clearly, our Nation is not maximizing the impact of our STEM education initiatives.

The "Enhancing STEM Education Act of 2008," is a bi-partisan, bi-cameral bill that will provide a framework for Federal agencies, the States and all stake-holders to work collaboratively. It will help them establish national STEM education goals and to coordinate STEM education initiatives.

The bill has four major components:

(1) Elevating the STEM Education Subcommittee at the President's Office of Science Technology Policy, OSTP, to the standing committee level. This change would give STEM education a higher profile within OSTP and establish the mechanism for the coordination of Federal STEM education initiatives.

(2) Establishing an Assistant Secretary for STEM Education at the U.S. Department of Education. This Office would bring together the Department's STEM education efforts and manage programs such as Math and Science Partnerships and the Minority Science and Engineering Improvement Program.

(3) Creating the State Consortium on STEM Education. This voluntary group, of at least five States from across the country, would help align State STEM education efforts. Their mission is to coordinate policies to address weaknesses in STEM education. For example, the Consortium will work with stakeholders to identify strategies to improve the representation of women and minorities in these fields.

(4) And lastly, this bill establishing the National STEM Education Research Repository. This clearing house will be a portal to information about all federally funded STEM education programs, making the results of the more than $3 billion the Federal Government spends annually on STEM education available to local educators.

We need to ensure that all our children are prepared for citizenship in a world that is increasingly dependent on STEM literacy. The recent bleak economic news we've been hearing should be a wake-up call that we cannot continue to move forward without a blueprint for our students and our future economic wellbeing. This is why I introduced the "Enhancing Science, Technology, Engineering, and Mathematics Education Act of 2008."

I want to thank all my colleagues who joined with me to address the critical needs of our Nation. I especially want to thank Senator BARACK OBAMA, Chairman GEORGE MILLER, Representative VERNON EHLERS, and Representative RUSH HOLT for their leadership. I look forward to working with my colleagues to move this legislation through this Congress.

HONORING JON KIMBELL

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. TIERNEY. Madam Speaker, I rise today to honor Jon Kimbell, Artistic Director and Executive Producer of the North Shore Music Theatre (NSMT) in Beverly, Massachusetts, who after twenty-five years is retiring and embarking upon the next stage of his illustrious career in musical theatre.

Jon Kimbell has been at the helm of NSMT for nearly half of its existence. During that time, he provided the inspiration, experience and leadership that transformed the NSMT from a seasonal summer stock theater to a year round operation. Jon's energy and enthusiasm were contagious, and in partnership with a dedicated staff and a committed Board of Trustees, Mr. Kimbell oversaw the theatre's expansion from a $1 million organization with 7,000 subscribers in 1983 to a $14 million operation with 20,000 subscribers in 2008.

The North Shore Music Theatre helped make the region north of Boston a major destination in the cultural tourism industry. During Jon's tenure, NSMT became a nationally-recognized venue, and it has been named the second largest performing arts organization in the Commonwealth of Massachusetts by Boston Business Journal. Jon Kimbell and the North Shore Music Theatre are important pistons in the engine of the creative economy that attracts so many to the North Shore—both to live permanently and to visit repeatedly.

For a quarter of a century, Jon was true to the mission of the NSMT, and he worked tirelessly to increase the awareness, significance and celebration of musical theater and the performing arts through superb entertainment and educational programs. Under his tutelage, the North Shore Music Theatre established initiatives that expanded the horizons of countless thousands every year—from special needs populations, to underserved communities, to pre-professionals in training programs, and the theatre supported the development of an inter-generational musical theater program that united senior citizens and elementary school students.

Perhaps one of Jon's greatest achievements came at the most challenging of times. In the wake of a devastating 2005 fire that nearly destroyed the building, Jon guided the theatre with a firm hand and resolve, and utilizing his ever-resourceful personality and connections, he successfully arranged for NSMT to produce much of its season at the Shubert Theatre in Boston. Jon brought life to the old adage that "The show must go on!" He went on to spearhead a recovery effort that allowed NSMT to reopen a mere 110 days after the fire.

It is appropriate that the House recognize this personal milestone of Jon Kimbell. He has been accorded the accolades and been named recipient of numerous industry awards, and he will be remembered locally for having written and created one of the North Shore's valued holiday traditions, A Christmas Carol. His contributions to the quality of life for the people of the North Shore and beyond cannot be overestimated and will last into the future. Jon Kimbell was an engaged and contributing member of the North Shore community.

Bravo, Jon Kimbell!

HONORING THE BETTENDORF HIGH SCHOOL CHAMPION BOYS SWIMMING TEAM IN THE 2007–2008 SEASON

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Bettendorf High School Boys Swimming Team in 2007–2008 season. This year the Bettendorf swimmers won 4 state championship events!

In the 200 yard medley relay the team of John Gayton, Jon Alves, Andy White, and Jake Hemberger brought home the victory for Bettendorf. In the 200 yard IM and 100 yard backstroke, John Gayton took the titles. And in the 100 yard breaststroke, Andy White was victorious.

Madam Speaker, I am extremely proud of the accomplishments of the Bettendorf High School Boys Swimming Team, both in and out of the pool. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team said it best: "Show class, have pride, and display character. If you do, winning takes care of itself." This year, Bettendorf High School proved just that.

BOY SCOUTS OF AMERICA CENTENNIAL COMMEMORATIVE COIN ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. KUCINICH. Madam Speaker, I rise to thank the Boy Scouts of America (BSA) for almost 100 years of volunteer service to communities throughout the United States. Service projects over the years have included food drives, clothes drives and blood drives. Boy Scouts have volunteered their time at disaster relief sites, created nature trails and written letters to our brave troops overseas. In fact, participation in service activities by the Boy Scouts America are so numerous that I could not possibly mention them all here. I would like to take this opportunity to commend the Boy Scouts of America for providing valuable assistance to our society and I look forward to their continued participation in communities throughout the U.S.

Unfortunately, the Boy Scouts of America have used valuable resources to legally establish their ability to set exclusionary criteria for membership through a June 2000 Supreme Court ruling. Specifically, "the Boy Scouts of America will not employ atheist, agnostics, known or avowed homosexuals. . ." This discrimination should not be supported by the U.S. government. Congress has a responsibility to encourage equality and as such, should not commemorate any organization that engages in the practice of discrimination in any form.

Furthermore, H.R. 5872 provides that a $10 surcharge per coin be distributed to the BSA Foundation "in the form of grants for the extension of Scouting in hard to serve areas." I do not believe that the government should have a hand in raising funds for any organization that actively discriminates. Nor should the government raise funds for an organization that has a history of using valuable resources to legally establish the ability to maintain an exclusionary criterion for membership as the BSA has done.

As such, I must oppose this legislation. This Congress has a responsibility to defend against social injustice. Congress must set policies that demonstrate our ability to overcome, once and for all, the type of thinking that seeks to separate us.

LAKE COUNTY ELECTRICIANS JOINT APPRENTICESHIP AND TRAINING COMMITTEE BANQUET-

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and admiration that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, May 30, 2008, the Lake County Electricians Joint Apprenticeship and Training Committee, . JATC, will honor the class of 2008 at their annual Apprentice Completion Banquet, which will be held at the Avalon Manor Banquet Hall in Merrillville, Indiana.

This year, the Lake County Electricians JATC will be recognizing and honoring twenty-four graduates who have completed the apprentice training. This year's inside wireman graduates are: Donald Bullock, Vincent Catalano, Sean Clark, Dustin Greenya, Nicholas Kozlowski, John Lucas, Daniel Marlowe, Kevin Troy Nuss, Christopher Ortell, Jordan Pierson, Christopher Porter, Brian Robbins, Caleb Smith, Timothy Soderquist, Anthony Thames, Brandon Tomassoni, David Turpin, Jr., and John Wajvoda. This year's teledata technician graduates are: Victor Alvear, Scott Davis, John Hill, Corey Joiner, Randy Mohrs, and Jason Stanley.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These outstanding graduates all exemplify these traits. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their commitment, hard work, and selfless sacrifice.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these committed, hardworking individuals. Along with the other extraordinary men and women of Northwest Indiana's unions, these individuals have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, DC.

SENATE—*Tuesday, May 27, 2008*

(Legislative day of Thursday, May 22, 2008)

The Senate met at 9:15 and 2 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 27, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the Chair as Acting President pro tempore.

RECESS UNTIL THURSDAY, MAY 29, 2008, AT 9 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Thursday, May 29, 2008, at 9 a.m.

Thereupon, the Senate, at 9:15 and 31 seconds a.m., recessed until Thursday, May 29, 2008, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Thursday, May 29, 2008*

(Legislative day of Thursday, May 22, 2008)

The Senate met at 9 and 53 seconds a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 29, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY, JUNE 2, 2008, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Monday, June 2, 2008, at 2 p.m.

Thereupon, the Senate, at 9:01 and 22 seconds a.m., adjourned until Monday, June 2, 2008, at 2 p.m.

SENATE—*Monday, June 2, 2008*

The Senate met at 2:01 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain CDR Buck Underwood, U.S. Navy Chaplain Corps.

The guest Chaplain offered the following prayer:

Let us pray.

Father, we look to You as the author of truth, knowing that in You nothing is hidden. We thank You that we live under Your grace and mercy. We pray for our lawmakers and the entire Senate family, asking that You send the spirit of truth, that truth might be spoken in love, and that the works of their hands and the words of their mouths might honor You. Bless those You have raised up and placed in this body.

Thank You, Father, for blessing our Nation with abundant life, health, and resources which enable us to bless the entire world. Allow wisdom to prevail, that our Senators may be good stewards of Your blessings now and in the years ahead. Guide and equip the Members of this great institution so they may govern and live with integrity and honor.

With respect to all faiths present, I pray in the Name of my Lord and Saviour, Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIVE AMERICAN HOUSING ASSISTANCE

AMENDMENT NO. 4820, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 4820 be modified with the changes at the desk, notwithstanding passage of S. 2062.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4820), as modified, is as follows:

On page 15, line 8, insert "the demonstration program under" after "guarantees under".

On page 19, strike lines 1 through 13 and insert the following:

"(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.".

On page 22, line 9, insert "in accordance with section 202" after "infrastructure".

On page 29, strike line 18 and insert the following:

"(iv) any other legal impediment.

"(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.".

On page 32, strike line 18 and insert the following:

"(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such

On page 33, between lines 5 and 6, insert the following:

"(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

On page 36, line 12, strike "shall" and insert "may".

On page 37, lines 5 and 6, strike "such sums as are necessary" and insert "$1,000,000".

Beginning on page 39, strike line 1 and all that follows through page 41, line 14.

Beginning on page 42, strike line 8 and all that follows through page 43, line 21.

SCHEDULE

Mr. REID. Mr. President, today there will be a period of morning business following the remarks of Senator MCCONNELL and myself. Following morning business, the Senate will resume the motion to proceed to S. 3036, the Lieberman-Warner Climate Security Act of 2008.

ORDER OF PROCEDURE

I now ask unanimous consent that when the Senate resumes consideration of the motion to proceed to S. 3036 following morning business, the time until 4:30 be equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, under a previous order, the time from 4:30 to 5:30 is equally divided. At 5:30, the Senate will proceed to a cloture vote on the motion to proceed to the climate change legislation.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

CLIMATE SECURITY

Mr. MCCONNELL. Mr. President, I very much appreciate that the majority leader has generously allowed me to go ahead and make my remarks because I have a meeting.

Having spent most of the past week in Kentucky, I can say with a pretty high level of confidence that the single most important issue to the people of my State is the fact that they are paying about twice as much for a gallon of gasoline as they were at this time last year. I am also fairly confident that Kentuckians aren't alone in their frustration. Gas prices are, without a doubt, the single most pressing issue for Americans at this moment. That is why it is so hard to comprehend the majority's decision to move to a bill at the start of the summer driving season that would raise the price of gas by as much as $1.40 a gallon, home electricity bills by 44 percent, and natural gas prices by about 20 percent.

Now, of all times, is not the time to be increasing the burden on American consumers. Now is the time to be considering overdue legislation that would send gas prices down, not up. Now is the time to be considering and approving legislation that would allow Americans to increase energy production within our own borders and to accelerate the process of moving to clean nuclear energy. Now is the time to do something about $4-a-gallon gasoline, not something that would give us $6-a-gallon gas down the road. So the timing of this bill could not be worse, and the substance is just as bad.

Let's be clear on something at the outset of this debate: The Senate supports reducing carbon emissions. Just last year, we took a serious bipartisan step to increase fuel economy standards in cars and trucks, increase the use of renewable fuels, and expand research into advanced technologies to reduce pollution and stress on our environment. But in everything we have done, we have kept a couple of nonnegotiable principles in mind: First, any legislation that reduces carbon emissions can't kill U.S. jobs, and second, any legislation in this area must promote—promote—innovation here at home.

This legislation fails both of those tests miserably. If passed, it would have a devastating impact on the U.S. economy. It is at its heart a stealth and giant tax on virtually every aspect of industrial and consumer life. It would result in massive job losses. It seeks to radically alter consumer behavior without any measurable benefit to the environment in return. Overall, it is expected to result in GDP losses totaling as much as $2.9 trillion by 2050. If our economy were running on all cylinders, this bill would be terrible economically. At a time when the economy is struggling, when the price of gas, food, and power bills is skyrocketing, this giant tax would be an unbearable new burden for Americans to bear.

The Senate has already expressed its willingness to cut carbon emissions, and this Congress has acted in a bipartisan way to reduce greenhouse gases by tightening automobile fuel economy standards and by requiring increased use of alternative fuels in last year's Energy bill. But moving forward, we should agree, with gas prices as high as they are now, that any further action in this area must protect American consumers and American jobs. This means investing in new, clean energy technologies, including clean coal technologies, which can capture and store carbon emissions. This means encouraging the construction of new zero-emission nuclear powerplants and ensuring continued domestic sources of enriched uranium. It means developing countries must also participate, countries such as India and China, which already exceed the United States in greenhouse gas emissions.

Legislation that fails to address clean coal technologies would have a disproportionately negative economic impact on States such as Kentucky that rely on coal-fired powerplants. According to one study, this bill would eliminate nearly 55,000 jobs in my State alone and cost the average Kentucky household more than $6,000 a year. This is an unthinkable economic burden to lay on the citizens of my State, especially when developing nations such as India and China wouldn't be held to the same standards. The impact of this climate tax is too great to bear for Kentuckians and for the rest of the country.

At a time when Americans are struggling to pay their bills and when the price of gas seems to be rising higher and higher every day, the majority is showing itself to be laughably out of touch by moving to a bill that would raise the price of gas even higher.

This proposed climate tax legislation would be a bad idea even if its impact were beyond dispute. The fact that experts tell us its actual impact on reducing global temperatures is hardly measurable—and will be negligible if China and India do not approve similar measures—makes the wisdom of moving to it at this time even more questionable. Why would we raise the price of gas, the cost of electricity, the cost of food, and put the brakes on our economy when it will be all for nothing if China and India aren't willing to do the same? And who exactly expects these developing nations to take similar action to slow their economic growth and raise prices for their consumers? No one expects that. No one seriously anticipates that they will approve anything similar to this legislation, which means that for American consumers, the Boxer bill is all cost and no benefit.

There is a better way to move forward. Climate change is a serious issue, and we should continue taking action to address it, as we did in last year's Energy bill. But the way to proceed is to invest in clean energy technologies that allow us to reduce greenhouse gas emissions without harming our economy, sending jobs overseas, and raising energy prices across the board for U.S. workers, families, farmers, and truckers. Republicans are eager to begin this debate, and we will have amendments that protect consumers from the price increases and job losses in the Boxer substitute.

Some of the problems with this bill have been explored in a number of excellent articles over the past few days. I note in particular an article by George Will entitled "Carbon's Power Brokers"; an article by Charles Krauthammer entitled "Carbon Chastity"; an editorial in today's Wall Street Journal entitled "Cap and Spend"; a column by Robert Samuelson; and an article in today's New York Post by Jerry Taylor entitled "Solving Pump Pain."

Mr. President, I ask unanimous consent to have all five articles printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Real Clear Politics, June 1, 2008]

CARBON'S POWER BROKERS

(By George Will)

WASHINGTON.—An unprecedentedly radical government grab for control of the American economy will be debated this week when the Senate considers saving the planet by means of a cap-and-trade system to ration carbon emissions. The plan is co-authored (with John Warner) by Joe Lieberman, an ardent supporter of John McCain, who supports Lieberman's legislation and recently spoke about "the central facts of rising temperatures, rising waters and all the endless troubles that global warming will bring."

Speaking of endless troubles, "cap-and-trade" comes cloaked in reassuring rhetoric about the government merely creating a market, but government actually would create a scarcity so government could sell what it has made scarce. The Wall Street Journal underestimates cap-and-trade's perniciousness when it says the scheme would create a new right ("allowances") to produce carbon dioxide and would put a price on the right. Actually, because freedom is the silence of the law, that right has always existed in the absence of prohibitions. With cap-and-trade, government would create a right for itself—an extraordinarily lucrative right to ration Americans' exercise of their traditional rights.

Businesses with unused emission allowances could sell their surpluses to businesses that exceed their allowances. The more expensive and constraining the allowances, the more money government would gain.

If carbon emissions are the planetary menace that the political class suddenly says they are, why not a straightforward tax on fossil fuels based on each fuel's carbon content? This would have none of the enormous administrative costs of the baroque cap-and-trade regime. And a carbon tax would avoid the uncertainties inseparable from cap-and-trade's government allocation of emission permits sector by sector, industry by industry. So a carbon tax would be a clear and candid incentive to adopt energy-saving and carbon-minimizing technologies. That is the problem.

A carbon tax would be too clear and candid for political comfort. It would clearly be what cap-and-trade deviously is, a tax, but one with a known cost. Therefore, taxpayers would demand a commensurate reduction of other taxes. Cap-and-trade—government auctioning permits for businesses to continue to do business—is a huge tax hidden in a bureaucratic labyrinth of opaque permit transactions.

The proper price of permits for carbon emissions should reflect the future warming costs of current emissions. That is bound to be a guess based on computer models built on guesses. Lieberman guesses that the market value of all permits would be "about $7 trillion by 2050." Will that staggering sum pay for a $7 trillion reduction of other taxes? Not exactly.

It would go to a Climate Change Credit Corp., which Lieberman calls "a private-public entity" that, operating outside the budget process, would invest "in many things."

This would be industrial policy, aka socialism, on a grand scale—government picking winners and losers, all of whom will have powerful incentives to invest in lobbyists to influence government's thousands of new wealth-allocating decisions.

Lieberman's legislation also would create a Carbon Market Efficiency Board empowered to "provide allowances and alter demands" in response to "an impact that is much more onerous" than expected. And Lieberman says that if a foreign company selling a product in America "enjoys a price advantage over an American competitor" because the American firm has had to comply with the cap-and-trade regime, "we will impose a fee" on the foreign company "to equalize the price." Protectionism-masquerading-as-environmentalism will thicken the unsavory entanglement of commercial life and political life.

McCain, who supports Lieberman's unprecedented expansion of government's regulatory reach, is the scourge of all lobbyists (other than those employed by his campaign). But cap-and-trade would be a bonanza for K Street, the lobbyists' habitat, because it would vastly deepen and broaden the upside benefits and downside risks that the government's choices mean for businesses.

McCain, the political hygienist, is eager to reduce the amount of money in politics. But cap-and-trade, by hugely increasing the amount of politics in the allocation of money, would guarantee a surge of money into politics.

Regarding McCain's "central facts," the U.N.'s World Meteorological Organization, which helped establish the Intergovernmental Panel on Climate Change—co-winner, with Al Gore, of the Nobel Prize—says global temperatures have not risen in a decade. So Congress might be arriving late at the save-the-planet party. Better late than never? No. When government, ever eager to expand its grip on the governed and their wealth, manufactures hysteria as an excuse for doing so, then: better never.

[From the Washington Post, May 30, 2008]

CARBON CHASTITY—THE FIRST COMMANDMENT OF THE CHURCH OF THE ENVIRONMENT

(By Charles Krauthammer)

I'm not a global warming believer. I'm not a global warming denier. I'm a global warming agnostic who believes instinctively that it can't be very good to pump lots of CO_2 into the atmosphere but is equally convinced that those who presume to know exactly where that leads are talking through their hats.

Predictions of catastrophe depend on models. Models depend on assumptions about complex planetary systems—from ocean currents to cloud formation—that no one fully understands. Which is why the models are inherently flawed and forever changing. The doomsday scenarios posit a cascade of events, each with a certain probability. The multiple improbability of their simultaneous occurrence renders all such predictions entirely speculative.

Yet on the basis of this speculation, environmental activists, attended by compliant scientists and opportunistic politicians, are advocating radical economic and social regulation. "The largest threat to freedom, democracy, the market economy and prosperity," warns Czech President Vaclav Klaus, "is no longer socialism. It is, instead, the ambitious, arrogant, unscrupulous ideology of environmentalism."

If you doubt the arrogance, you haven't seen that Newsweek cover story that declared the global warming debate over. Consider: If Newton's laws of motion could, after 200 years of unfailing experimental and experiential confirmation, be overthrown, it requires religious fervor to believe that global warming—infinitely more untested, complex and speculative—is a closed issue.

But declaring it closed has its rewards. It not only dismisses skeptics as the running dogs of reaction, i.e., of Exxon, Cheney and now Klaus. By fiat, it also hugely re-empowers the intellectual left.

For a century, an ambitious, arrogant, unscrupulous knowledge class—social planners, scientists, intellectuals, experts and their left-wing political allies—arrogated to themselves the right to rule either in the name of the oppressed working class (communism) or, in its more benign form, by virtue of their superior expertise in achieving the highest social progress by means of state planning (socialism).

Two decades ago, however, socialism and communism died rudely, then were buried forever by the empirical demonstration of the superiority of market capitalism everywhere from Thatcher's England to Deng's China, where just the partial abolition of socialism lifted more people out of poverty more rapidly than ever in human history.

Just as the ash heap of history beckoned, the intellectual left was handed the ultimate salvation: environmentalism. Now the experts will regulate your life not in the name of the proletariat or Fabian socialism but—even better—in the name of Earth itself.

Environmentalists are Gaia's priests, instructing us in her proper service and casting out those who refuse to genuflect. (See Newsweek above.) And having proclaimed the ultimate commandment—carbon chastity—they are preparing the supporting canonical legislation that will tell you how much you can travel, what kind of light you will read by, and at what temperature you may set your bedroom thermostat.

Only Monday, a British parliamentary committee proposed that every citizen be required to carry a carbon card that must be presented, under penalty of law, when buying gasoline, taking an airplane or using electricity. The card contains your yearly carbon ration to be drawn down with every purchase, every trip, every swipe.

There's no greater social power than the power to ration. And, other than rationing food, there is no greater instrument of social control than rationing energy, the currency of just about everything one does and uses in an advanced society.

So what does the global warming agnostic propose as an alternative? First, more research—untainted and reliable—to determine (a) whether the carbon footprint of man is or is not lost among the massive natural forces (from sunspot activity to ocean currents) that affect climate, and (b) if the human effect is indeed significant, whether the planetary climate system has the homeostatic mechanisms (like the feedback loops in the human body, for example) with which to compensate.

Second, reduce our carbon footprint in the interim by doing the doable, rather than the economically ruinous and socially destructive. The most obvious step is a major move to nuclear power, which to the atmosphere is the cleanest of the clean.

But your would-be masters have foreseen this contingency. The Church of the Environment promulgates secondary dogmas as well. One of these is a strict nuclear taboo.

Rather convenient, is it not? Take this major coal-substituting fix off the table, and we will be rationing all the more. Guess who does the rationing.

[From the Wall Street Journal, June 2, 2008]

CAP AND SPEND

As the Senate opens debate on its mammoth carbon regulation program this week, the phrase of the hour is "cap and trade." This sounds innocuous enough. But anyone who looks at the legislative details will quickly see that a better description is cap and spend. This is easily the largest income redistribution scheme since the income tax.

Sponsored by Joe Lieberman and John Warner, the bill would put a cap on carbon emissions that gets lowered every year. But to ease the pain and allow for economic adjustment, the bill would dole out "allowances" under the cap that would stand for the right to emit greenhouse gases. Senator Barbara Boxer has introduced a package of manager's amendments that mandates total carbon reductions of 66% by 2050, while earmarking the allowances.

When cap and trade has been used in the past, such as to reduce acid rain, the allowances were usually distributed for free. A major difference this time is that the allowances will be auctioned off to covered businesses, which means imposing an upfront tax before the trade half of cap and trade even begins. It also means a gigantic revenue windfall for Congress.

Ms. Boxer expects to scoop up auction revenues of some $3.32 trillion by 2050. Yes, that's trillion. Her friends in Congress are already salivating over this new pot of gold. The way Congress works, the most vicious floor fights won't be over whether this is a useful tax to create, but over who gets what portion of the spoils. In a conference call with reporters last Thursday, Massachusetts Senator John Kerry explained that he was disturbed by the effects of global warming on "crustaceans" and so would be pursuing changes to ensure that New England lobsters benefit from some of the loot.

Of course most of the money will go to human constituencies, especially those with the most political clout. In the Boxer plan, revenues are allocated down to the last dime over the next half-century. Thus $802 billion would go for "relief' for low-income taxpayers, to offset the higher cost of lighting homes or driving cars. Ms. Boxer will judge if you earn too much to qualify.

There's also $190 billion to fund training for "green-collar jobs," which are supposed to replace the jobs that will be lost in carbon-emitting industries. Another $288 billion would go to "wildlife adaptation," whatever that means, and another $237 billion to the states for the same goal. Some $342 billion would be spent on international aid, $171 billion for mass transit, and untold billions for alternative energy and research—and we're just starting.

Ms. Boxer would only auction about half of the carbon allowances; she reserves the rest for politically favored supplicants. These groups might be Indian tribes (big campaign donors!), or states rewarded for "taking the lead" on emissions reductions like Ms. Boxer's California. Those lucky winners would be able to sell those allowances for cash. The Senator estimates that the value of the handouts totals $3.42 trillion. For those keeping track, that's more than $6.7 trillion in revenue handouts so far.

The bill also tries to buy off businesses that might otherwise try to defeat the legislation. Thus carbon-heavy manufacturers like steel and cement will get $213 billion "to help them adjust," while fossil-fuel utilities will get $307 billion in "transition assistance." No less than $34 billion is headed to oil refiners. Given that all of these folks have powerful Senate friends, they will probably extract a larger ransom if cap and trade ever does become law.

If Congress is really going to impose this carbon tax in the name of saving mankind, the least it should do is forego all of this political largesse. In return for this new tax, Congress should cut taxes elsewhere to make the bill revenue neutral. A "tax swap" would offset the deadweight taxes that impede growth and reduce employment. All the more so because even the cap-and-trade friendly Environmental Protection Agency estimates that the bill would reduce GDP between $1 trillion and $2.8 trillion by 2050.

Most liberal economists favor using the money to reduce the payroll tax. That has the disadvantage politically of adding Social Security into the debate. A cleaner tax swap would compensate for the new tax on business by cutting taxes on investment—such as slashing the 35% U.S. corporate rate that is the second highest in the developed world. Then there's the 2001 and 2003 tax cuts, which are set to expire in 2010 and would raise the overall tax burden by $2.8 trillion over the next decade. Democrats who want to raise taxes on capital gains and dividends are proposing a double tax wallop by embracing Warner-Lieberman-Boxer.

All of this helps explain why so many in Congress are so enamored of "doing something" about global warming. They would lay claim to a vast new chunk of the private economy and enhance their own political power.

[From the Washington Post, June 2, 2008]

JUST CALL IT "CAP-AND-TAX"

(By Robert J. Samuelson)

We'll have to discard the old adage "Everyone talks about the weather, but no one does anything about it." It is inoperative in this era of global warming, because the whole point of controlling greenhouse gas emissions is to do something about the weather. This promises to be hard and perhaps futile, but there are good and bad ways of attempting it. One of the bad ways is cap-and-trade. Unfortunately, it's the darling of environmental groups and their political allies.

The chief political virtue of cap-and-trade—a complex scheme to reduce greenhouse gases—is its complexity. This allows its environmental supporters to shape public perceptions in essentially deceptive ways. Cap-and-trade would act as a tax, but it's not described as a tax. It would regulate economic activity, but it's promoted as a "free market" mechanism. Finally, it would trigger a tidal wave of influence-peddling, as lobbyists scrambled to exploit the system for different industries and localities. This would undermine whatever abstract advantages the system has.

The Senate is scheduled to begin debating a cap-and-trade proposal today, and although it's unlikely to pass, the concept will return because all the major presidential candidates support it. Cap-and-trade extends the long government tradition of proclaiming lofty goals that are impossible to achieve. We've had "wars" against poverty, cancer and drugs, but poverty, cancer and drugs remain. President Bush called his landmark education law No Child Left Behind rather than the more plausible Few Children Left Behind.

Carbon-based fuels (oil, coal, natural gas) provide about 85 percent of U.S. energy and generate most greenhouse gases. So, the simplest way to stop these emissions is to regulate them out of existence. Naturally, that's what cap-and-trade does. Companies could emit greenhouse gases only if they had annual "allowances"—quotas—issued by the government. The allowances would gradually decline. That's the "cap." Companies (utilities, oil refineries) that needed extra allowances could buy them from companies willing to sell. That's the "trade."

In one bill, the 2030 cap on greenhouse gases would be 35 percent below the 2005 level and 44 percent below the level projected without any restrictions. By 2050, U.S. greenhouse gases would be rapidly vanishing. Even better, their disappearance would allegedly be painless. Reviewing five economic models, the Environmental Defense Fund asserts that the cuts can be achieved "without significant adverse consequences to the economy." Fuel prices would rise, but because people would use less energy, the impact on household budgets would be modest.

This is mostly make-believe. If we suppress emissions, we also suppress today's energy sources, and because the economy needs energy, we suppress the economy. The models magically assume smooth transitions. If coal is reduced, then conservation or non-fossil-fuel sources will take its place. But in the real world, if coal-fired power plants are canceled (as many were last year), wind or nuclear won't automatically substitute. If the supply of electricity doesn't keep pace with demand, brownouts or blackouts will result. The models don't predict real-world consequences. Of course, they didn't forecast $135-a-barrel oil.

As emission cuts deepened, the danger of disruptions would mount. Population increases alone raise energy demand. From 2006 to 2030, the U.S. population will grow 22 percent (to 366 million) and the number of housing units 25 percent (to 141 million), the Energy Information Administration projects. The idea that higher fuel prices will be offset mostly by lower consumption is, at best, optimistic. The Congressional Budget Office has estimated that a 15 percent cut of emissions would raise average household energy costs by almost $1,300 a year.

That's how cap-and-trade would tax most Americans. As "allowances" became scarcer, their price would rise, and the extra cost would be passed along to customers. Meanwhile, government would expand enormously. It could sell the allowances and spend the proceeds; or it could give them away, providing a windfall to recipients. The Senate proposal does both to the tune of about $1 trillion from 2012 to 2018. Beneficiaries would include farmers, Indian tribes, new technology companies, utilities and states. Call this "environmental pork," and it would just be a start. The program's potential to confer subsidies and preferential treatment would stimulate a lobbying frenzy. Think of today's farm programs—and multiply by 10.

Unless we find cost-effective ways of reducing the role of fossil fuels, a cap-and-trade system will ultimately break down. It wouldn't permit satisfactory economic growth. But if we're going to try to stimulate new technologies through price, let's do it honestly. A straightforward tax on carbon would favor alternative fuels and conservation just as much as cap-and-trade but without the rigid emission limits. A tax is more visible and understandable. If environmentalists still prefer an allowance system, let's call it by its proper name: cap-and-tax.

[From the New York Post, June 2, 2008]

SOLVING PUMP PAIN

(By Jerry Taylor)

Skyrocketing energy prices are hammering Americans.

Five years ago this week, gasoline cost an average of $1.43 a gallon at the pump; this week, it's $3.94. And home electricity averaged 5.43 cents per kilowatt-hour in 2003; it was up to 10.31 cents in December.

The underlying cause, of course, is that oil, coal and natural-gas prices have all gone berserk—with no relief in sight.

What to do?

Individually, of course, most of us will start conserving—people are already driving less, buying more fuel-efficient cars, etc. We'll keep on finding ways to save as prices stay high.

Should the government mandate even more conservation? No, "too much" conservation is as economically harmful as "too little." Just consider the economic harm that would be delivered by, say, capping speed limits at 30 miles per hour, or banning recreational long-distance travel. Both would save gobs of energy—but at the cost of doing more harm than good.

The only thing government should do on this front is ensure that prices are "right"—that is, that they reflect total costs. That's mainly an issue for electricity, where retail power prices typically bear little relation to wholesale prices. State governments need to encourage real-time pricing of electricity—so that consumers will get the signal to, for example, run the clothes dryer at night, when power is cheaper.

(Incidentally, those who argue that gas and diesel prices don't reflect important "external" environmental and national-security costs are simply wrong—at best, those added costs are trivial on a per-gallon basis.)

But there's a fair bit to do on the supply side. Congress could take four positive steps—if it really wants to bring prices down.

Open up key areas for oil and gas exploration and development. Washington has declared the Arctic National Wildlife Refuge and 85 percent of the outer continental shelf off-limits. It's absurd for our politicians to fulminate about the need for more oil production from OPEC when they won't lift a finger to increase oil production here at home.

That said, it will take years to get these fields on-line (all the more reason to start now!)—and they'll do more for natural-gas prices than for oil.

By the time those new fields would be producing, global oil production will probably be about 100 million barrels per day. Optimistically, the fields would yield about 3 million more barrels a day—for a long-run cut in the price of crude of about 3 percent.

But U.S. natural-gas reserves are almost certainly far greater—and gas prices are highly sensitive to regional (rather than global) supply and demand issues, so we'd likely see far greater reductions in electricity prices.

Open up the West to oil-shale development. The United States has three times more petroleum locked up in shale rock than Saudi Arabia has in all its proved reserves. But this U.S. oil is costly to extract. Oil prices need to be at about $95 a barrel to allow a reasonable profit from extracting oil from Rocky Mountain shale.

Well, it's probably profitable now, there's undoubtedly great investor interest in harnessing shale. Only problem: It's mostly on federal land; Washington has so far said, "Hands off!"

Environmentalists object to both these first two ideas—insisting that the wilderness that would be despoiled by energy extraction is worth more than the energy itself. That's nonsense—faith masquerading as fact.

How much something is worth is determined by how much people are willing to pay for it. If these lands were auctioned off, energy companies (the market representatives of energy consumers) would outbid environmentalists for virtually all of them.

Empty out the Strategic Petroleum Reserve. This now holds 700 million barrels of oil; draining it could add add up to 4.3 billion barrels of crude a day to the market for about five months. That's nothing to sneeze at—it's about half of what the Saudis now pump and almost twice what Kuwait puts on the market.

At the very least, this would bring gasoline prices down. And if the theories of a speculator-created "oil bubble" are true (I doubt they are), it would pop the bubble and send prices tumbling.

What of the national-security risk? Another myth. As long as we're willing to pay market prices for crude oil, we can have all the oil we want—embargo or no embargo.

A real U.S. physical shortage is impossible unless a) all international oil actors refused to do business with us—which won't happen, or b) a foreign navy stopped oil shipments to U.S. ports—which is the U.S. Navy is more than competent to prevent.

Opening this spigot now also means a $70 billion windfall for the U.S. Treasury.

Suspend (or end) federal rules that force refiners to use only low-sulfur oil to make gasoline and diesel. This is easily the best short-term fix for high gas prices.

Refiners were once relatively free to use heavy crude to make transportation fuel. Today, environmental regulations make it difficult and costly. And there's actually a (relative) glut of heavy crude right now.

Light-crude oil markets are incredibly tight, with no real excess production capacity. Heavy-crude markets are robust, with plenty of crude going unsold for lack of buyers.

Suspending low-sulfur rules would bring those heavy crudes into the transportation fuels. Oil economist Phil Verleger says it could well send gasoline and diesel prices plummeting.

Mr. McCONNELL. It is my expectation that once we get on the bill, the majority will allow for amendments, and I expect there will be a rather robust debate on the merits of this climate tax legislation. I know many of my Members are anxious to begin the debate.

Again, I thank the majority leader for the opportunity to go first today. I appreciate it very much.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLIMATE SECURITY

Mr. REID. Mr. President, there are lots of different stories around the country and around the world as to why people feel so strongly about the environment. My story I think is similar to others but just in a different context.

As most everyone knows by now, I grew up in a little mining town in southern Nevada—very arid, no water anyplace around. Had it not been for the discovery of gold, there would have been no Searchlight. To get water in Searchlight, you had to go deep into the bowels of the earth—500 feet, sometimes deeper than that.

I didn't travel much at all as a boy. I was a teenager before I went 50 miles to a place called Needles, CA. But three or four times during the time I was growing up, we would travel out of Searchlight right over the California border, about 20-some-odd miles from Searchlight, of course all on dirt roads, to see a freak of nature: these mountains, volcanic black mountains, out of the side of which gushed water. It was called Piute Springs, Fort Piute.

The reason we called it Fort Piute is during the Civil War, the U.S. Government built a military outpost there. When I was a boy growing up, you could see these big rocks they had built and spent 8 or 9 months building this place, and it still had the holes where soldiers could stick out their guns.

For a young boy, this was about as good as it gets—to go up into that fort and pretend you were one of the soldiers looking out one of those little windows. You had to stand on something they had down there to get high enough that you could do that. Even though that was a wonder, what was in that spring was even more wondrous. So in a place like Searchlight, where there was no water anyplace, and you could not grow trees—because it was rocky—even if you had water, gushing out of this mountain was a spring that ran for a couple of miles. As it came out of the mountain, it created all kinds of lush greenery. It is hard to comprehend, but even there—I read about them—they had lily pods, these big green things with flowers on them, floating around in the water. And they had these things—I don't know what they are called, but they are long and shaped like a hot dog; you break them open and white stuff comes out of them. I don't know what they are called, but you could see them, too.

You could take a rock and throw it down in that ditch, which sometimes was half as deep as this room we are in—the Senate Chamber—and it would sound like an airplane taking off. It was birds, birds—hundreds and hundreds of birds.

My wife was born in Southern California. I think it is no secret that she was never impressed with Searchlight when we were going to high school. When we went away to college and law school—back here is where we went to law school—I told her about that place. Without in any way prejudging her thoughts, I am confident she didn't believe what I was telling her about this lush place not far from Searchlight. It was the thing people dream of. But after we had children, I took her to Piute Springs. What a disappointment. During the time I had been gone, people had vandalized the fort and knocked down most of the big rocks. The foundation was still there, but you were lucky to find it that high. They set fire to the trees. The water from the spring was still coming, but it had been trashed. There was garbage all over and it was such a disappointment. That is the day I became an environmentalist. We have to protect the wonders of nature, and Piute Springs is a wonder. It is a freak of nature. How in the world in this arid volcanic rock formation up in those mountains could water possibly be coming out? I have focused on that, and we have spent taxpayer dollars in the last few years improving Piute Springs, making it more accessible, and making needed repairs to the damage that has been done to it over these many years. There are wonderful stories about Piute Springs. I guess that is why I feel so strongly about what we are doing here today.

We are going to vote on a motion to invoke cloture on the motion to proceed to S. 3036, the Lieberman-Warner Climate Security Act. I have to say that I am stunned by my friend, the distinguished Republican leader, who said he was surprised we would move to this bill now because it might have an impact on gas prices. We all know gas prices are awfully high. In fact, they have gone up more than 250 percent since the Republicans took over the White House 7½ years ago.

What the Republican leader didn't say is that the Energy Information Administration's projections for this climate bill might cause energy prices to increase over the next 25 years. He didn't mention that energy consumers will get an $800 billion tax cut to offset these gradual cost increases. I guess none of us should be surprised that the Republicans have actually already initiated a filibuster on a motion to proceed to this legislation.

Now, they will say that later today we are all going to vote for it. If that is the case, we should have been on this bill now—we should be on it now. We should not have to wait until 30 hours after we vote tonight. I hope they will let us go to the bill in the morning. But if the past is prolog, then they are going to eat up and waste 30 hours—30 hours that will start running this afternoon about 5:50, and will expire around midnight tomorrow night. This is what they have been doing for a year and almost six months.

It is a disappointment that they are adding to their all-time record of filibusters, 71. This is too bad. My friend, the distinguished Republican leader, said this bill makes it so that we, the majority, are laughably—that is his word—out of touch. With so many Americans suffering the consequences of the Bush economy and so much work for Congress to do, that statement is unfortunate. Should we wait until

Tuesday? Of course not. We should be legislating. If there are efforts made to improve the legislation, fine, let them do it.

Blocking legislation, as they have done time and time again, is their right. But what is the point? What is the purpose? Who does wasting 30 hours benefit?

I hope that during the debate, Senators will keep their remarks focused on the legislation before us or any specific reasons they have for objecting to proceeding to the bill itself. This is not directly a debate on gas prices. We have tried to do some legislating on that and we have been thwarted at every possible step. How? With Republican filibusters.

After the debate on the motion to proceed, of course, we will move to the bill. Senator BOXER will lay down a comprehensive substitute amendment with the full support of Senators WARNER and LIEBERMAN. The Senate will then proceed to the most comprehensive global warming legislation ever to come before any legislative body in the history of the world.

During consideration of this legislation, Senators will debate many subjects. But beyond all specific points of contention, one fact is indisputable: Global warming is real and it is caused mainly by manmade pollution.

The changes we see occurring all around us—drought, altered growing seasons, sea level rises, more intense precipitation and wildfires, storms that are shorter and more intense—are caused or worsened by the warming of the Earth.

Over the course of human civilization, and growing faster and faster since the Industrial Revolution, we have burned billions upon billions of tons of fossil fuels and thrown the waste carbon into the atmosphere.

We have taken carbon from the Earth and put it into the sky. That has caused the Earth to have a fever—a fever that is growing worse every day, not better. All of that excess carbon in the atmosphere far surpasses the atmosphere's natural ability to handle it.

We know now, with great certainty, that this process has caused average global temperatures to rise. Nobody can dispute that. It is making oceans more acidic and altering planetary biochemistry.

As the amount of carbon we put into the atmosphere continues to rise, the risk to our planet and way of life grows more and more dangerous.

Nevada is the driest State in the Union. Las Vegas' average yearly rainfall is 4 inches. My hometown of Searchlight—approximately 60 miles away—is a regular "rain forest" with 8 inches a year.

Our entire country and our entire planet face many risks due to global warming. But for arid States such as Nevada and the desert Southwest, the risk perhaps is the greatest.

The upper Colorado region saw better than average rainfall last year. We have been in at least a 10-year drought. This is the water that goes into the Colorado River. It is called the upper Colorado region. Last year, even though it was average rainfall, or a little above, not a single drop of that moisture got into the river. It all evaporated beforehand.

Nevada, like the entire West, is already seeing increased wildfires. Longer summers result in more dried-out fuels, which allow fires to ignite easier and spread faster. The wildfire season in the West is now 78 days longer than it was three decades ago. During that 78 extra days, there was more lightning, and the fuel is drier. The average duration of fires covering more than 2,500 acres has risen five times over. A fire of 2,500 acres is no big deal anymore. It used to be.

The world's leading climate researchers have concluded that if greenhouse gases continue to increase, the Southwest region faces longer and more intense droughts; still larger, more intense wildfires; more winter and spring flooding but reduced summer and fall runoff, with rivers in these seasons reduced to a trickle; more intense precipitation and storms when it rains, resulting in an increased flood risk; and longer and intense heat, with a correspondingly adverse impact on public health, particularly on the elderly.

I have focused only on the Southwest, but this is the way it is all over the country. I know more about the Southwest.

Hundreds, if not thousands, of American scientists tell us that the United States must begin making significant reductions by 2015 and reduce our emissions by 80 to 90 percent by 2050 if we hope to restore balance to the global climate system. That won't be easy. It could be the most significant challenge the world has ever faced.

Not every expert agrees on the quickest and most cost-effective path to get there, but all agree that the one thing we cannot afford is delay.

The bill before us is a positive and critical first step in a journey that will require innovation and cooperation both here and abroad.

This legislation addresses enormous challenges we face with long-term solutions that we leave our children, their children, and generations to come with a healthier, more livable planet.

The bill now before us does more than simply bring us closer to the worthy goal of protecting our environment. At a time Americans are losing their jobs and struggling to compete in the global marketplace, the Boxer-Warner-Lieberman bill is also about creating a new and powerful economic engine. It is about creating hundreds of thousands, if not millions, of high-paying permanent and sustainable jobs in our country. These jobs cannot be exported. It is about restoring our country's place as a global leader in technology and innovation. It is about ending our addiction to oil and our reliance on unfriendly, unstable regions from which it is imported.

Today we consume 21 million barrels of oil every day. That goes on tomorrow, the whole week, every week of the month, and every month of the year. That oil costs our Nation $2.7 billion each day. That is what we are paying for this oil. We import 65 percent or more of the oil we use. We are spending about a trillion dollars every year, which goes straight into the pockets of countries that don't have our best interests at heart—and that is an understatement.

The bill is also about creating a clean energy revolution by capping carbon pollution. A dwindling few continue to insist that global warming is a hoax—their word, not mine—and that it is not manmade, or that we should sit on our hands, stand by the status quo and wait for more evidence. They say let the marketplace take care of it. The marketplace has dug this hole we are in now and we are stuck in the hole. The marketplace has no roadmap to dig us out of this hole. These same people would have insisted in years past that cigarettes are OK; smoking or chewing is fine; there is no need to put seatbelts in cars; people have the right to make their own decisions; you don't need motorcycle helmets; certainly there is no reason to have speed limits anyplace at any time. These alarmists' and naysayers' time has passed.

Some say it is even cheaper to do nothing. Said a different way, they claim this is an entirely earthly cycle. Just wait and all will be well; our great Earth will correct it.

Some say we should wait until developing nations, such as China and India, take the lead. We heard the Republican leader say: Let them lead, not us. I say the United States, the greatest Nation in the history of the world, is obligated to lead, not to follow, on this most important issue of our time and perhaps of all time.

President Bush says: Let's bide our time until 2025. Is it cheaper to do nothing? Of course not. It is the opposite. The longer we wait, the more it will cost to solve this very difficult problem.

The Climate Security Act, the bill before us today, will cut taxes by $800 billion and finance the transition to clean alternative fuels by making polluters pay.

Let me talk a little bit about the sponsors of this legislation. This is bipartisan legislation. This is not some wild idea somebody came up with that sounds good. It is an idea where the two sponsors, Lieberman-Warner, a Democrat and a Republican, members of the Environment and Public Works Committee, got together and said: We need to do something about this situation.

They both have records for integrity and advocacy that are in the best keeping of the Senate. I don't always agree with Senator LIEBERMAN. As everyone knows, I think he has been wrong on the war, and I have told him that. Senator WARNER and I have disagreed on issues in the past. But I have great respect for both these fine legislators. Senator WARNER is a man who has made a difference in his 29½ years in the Senate. His advocacy is making a difference. So I admire and respect Senators LIEBERMAN and WARNER for their work on this legislation.

I talked about this legislation cutting taxes by $800 billion, and it finances the transition to clean alternative fuels by making polluters pay.

While we are investing in renewable fuels and renewing our environment, we will be investing in an entirely new industry—a high-tech, "green collar" economy—that will create jobs and develop the great companies of today and tomorrow.

Hundreds of thousands of new jobs in renewable energy have already been created by foresighted investors who see the need for clean energy that does not contribute to global warming. Millions more jobs can be created with the enactment of a strong cap-and-trade system that is in this legislation.

My State, Nevada, the Commonwealth of Virginia, the State of Alabama—those Senators present—are blessed with all kinds of good things in the environment. Specifically, though, Nevada, and most of our Nation, is blessed with an abundance of renewable energy resources that far exceed anything we would ever hope to get from fossil fuels.

Take, for example, solar energy. In the West, it is tremendously abundant. In most all of our country, it is abundant. It is on the verge of tremendous cost and efficiency breakthroughs.

It is not as if it has not been done in other places. Look what some of the Scandinavian countries have done with wind. They don't have a lot of Sun, but they have lots of wind, and they are creating huge numbers of jobs and lots of energy with their windmills.

There are people in the Midwestern part of the United States today who are farmers who are making more money from their windmills on their farms than they are from the crops they grow.

Solar energy, abundant in Nevada and the West, is on the verge of tremendous cost and efficiency breakthroughs. Geothermal energy can be found in Nevada, California, New Mexico, and other parts of the West. Wells can be drilled that harness the steam coming from the ground and turn it into productive energy. Wind energy can be effectively harnessed all across America.

We can break down the last barriers to the success of solar by enacting an effective cap-and-trade system that will level the playing field with dirty, polluting energy. We have to win the battle against dirty, polluting energy. Should we, as some say, wait for China and India to act? Of course not. Since when does America let other countries lead the way? It is our responsibility to forge the path other nations will follow. But beyond our moral responsibility is a tremendous opportunity for the green gold rush to take place here at home.

Should we wait until 2025, as President Bush would have us do? I don't think so. By 2025, our window of opportunity may well be closed. That is what the scientists tell us. The tipping point the scientists fear—the time at which the environmental impact of global warming becomes severe and irreversible—may have been reached by then, and our chance to create millions of new jobs, catalyze technology development, and keep investment in America will surely be lost. We must move forward. The path of delay, the path of wait and see—the chosen path of Bush and Cheney—ends in certain failure.

Let's withdraw our focus from oil and focus instead on solar, wind, geothermal, and biomass energies. We must not settle for failure. For 7½ years of the Bush administration we have come to expect it. We need to do better.

The Boxer-Warner-Lieberman bill is bipartisan in the truest sense. What better opportunity than to show the American people and the world the Senate is ready to move beyond partisanship to do the right thing. A time will come not far from now when a future generation will look back on us today. They will know what we know—that today global warming is real. Did we take the opportunity, did we accept the challenge to do something about it? That is what future generations are going to look back on. It is upon us to act now. We have to do it. The opportunity is here and we have to take it. That the future of our planet, our economy, and our security depend on choices we make now is without question.

I hope all my colleagues, Democrats and Republicans, will make responsible decisions now to make future generations safe, secure, prosperous, and proud.

I will finally say, my friend, the distinguished Republican leader, in citing his authority for doing nothing, said to read Charles Krauthammer. Everyone knows Charles Krauthammer is one of the most conservative columnists in America. The Wall Street Journal is not a sufficient authority to overrule the vast majority of scientists in America today—in the world today.

We are behind. Other countries are ahead of us. Great Britain and other countries around the world have done much more than we have done. We have a responsibility. Our Earth, I repeat, has a fever. The fever is going up, not down, and we have to bring that fever down. This legislation is our start to making our Earth well.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each.

The Senator from Alabama.

CLIMATE SECURITY ACT

Mr. SESSIONS. Mr. President, I don't think, with all due respect to my good friend, the majority leader, who decided to bring up this bill, that discussing one of the most massive bills we have seen is a waste of time. I don't think 30 hours is too long. The Wall Street Journal, which he dismisses—I don't dismiss it—said:

> This is easily the largest income redistribution scheme since the income tax.

That was today's Wall Street Journal editorial. I wish to say, this is not a matter that should be lightly dealt with. Thirty hours is not enough. We need to spend a lot of time talking about what the provisions are in this legislation, what we can do, as the majority leader says—and I agree, there are a lot of things we can do and we can do now—but what we ought not to.

I have to defend my friend, Senator MITCH MCCONNELL, the Republican leader, who objects to this legislation, and his statement that the Democratic leadership is out of touch. I have been traveling my State. I travel it a lot. I talk with a lot of people, and I hear one point: People are concerned about gasoline prices and energy prices. They know it is hurting their family budgets. Families are paying $50, $100 a month more this year for the same number of gallons of gasoline they were paying 2 years ago.

Where is that money going? Sixty percent is going to foreign nations where our oil is coming from. We are transmitting from our Nation $500 billion a year in wealth to foreign countries to buy this oil. So we need to do something. This wealth transfer is the largest in the history of the world. We have never seen anything like it, and it is, in my view, impacting our economy adversely.

I certainly believe we ought to do everything we can to create energy sources at home at reasonable prices and that we ought to seek to serve a lot of different interests.

I wish to respond to this sort of putdown of Mr. Charles Krauthammer. I think he is a fabulous columnist, a brilliant man, and a commentator. I believe the Wall Street Journal is one of the most sophisticated editorial pages in the country. I read an article in the Washington Post, from Mr. Robert Samuelson, pointing out the flaws in the legislation that is before us today. Patrick Michaels, in the Washington Times, and others are talking about the difficulty with this legislation. It is not a good idea, and it should not be done in this fashion, in my opinion.

We must be good stewards over this marvelous Earth over which we have dominion. It is also true that energy is a powerful force for good in the world. It has been estimated that in countries where electricity is readily available, the lifespan of the citizens are twice that in places where it is not. Electricity energy is the fabulous entity that has provided for the marvelous expansion of our lives, the quality of our lives, the health of our children and families, and without it, we would not be the people we are today. We would be still be hauling water in buckets from the spring.

It makes no sense that we would see this in any other light than as a good thing—how we can create more of it, cleaner, with less adverse impact on the environment and less adverse impact on our economy—and is something we ought to do.

Many are convinced and cite a great deal of scientific evidence that the world is warming and the time is short and the danger is great. But I think few would dispute the immensity of the Earth and the complexity of forces that are at work in our climate. So the warming experts have developed the most astounding, complex computer models to study and explain these forces and to monitor the warming trends that have been occurring for some decades, although apparently not the last 10 years. These computer models predict a continually abnormal warming trend in the long run. Many of our best scientists are convinced these computer models are fact, though others have questioned the extent of their accuracy of expected rise in temperatures and the negative consequences if it were to rise.

In a recent article by a senior fellow at Cato, Patrick Michaels, he noted there are some legitimate questions. I say this because I think there is certainly a majority view that we are, by emitting particularly carbon dioxide, warming our planet and that can have adverse consequences. But he made these points a couple of days ago. One point he made was that it is certain that the Earth has not warmed since 1998. That was a warm year, a very warm year. And it hasn't warmed since 2001 either. So it raises some questions.

Another study he quoted was published in Nature magazine by Noah Keenlyside of Germany's Leipzig Institute of Marine Science in which he predicts no additional global warming "over the next decade." So the question is, if we haven't had any in the last 10 years, and he is predicting another decade in the future, it suggests that we need to be thoughtful about how we handle this program; that we need to reduce greenhouse gases, reduce pollution, and we need to take strong steps, which I would support, but we need to do it in a thoughtful way.

Should we take action? Absolutely. Should it be a purely marketplace solution? I don't think so. I don't think we have a purely marketplace economy with regard to energy today. I believe government policies can impact what happens in the energy world, and I think there are things that we as a nation can do. So I would say, yes, I propose that we see and agree upon actions that can be taken now that will make a positive difference. And we can do that, I am convinced, in a way that does not drive up unnecessarily the burden on families or that mother who is trying to take care of her children and fill the gas tank and add another $1.50 a gallon.

By the way, that $1.50 a gallon increase on gasoline as a result of this cap-and-trade bill was an analysis done by the Environmental Protection Agency—our own EPA—a group that certainly has earned its reputation for being a fierce advocate for the environment. The National Association of Manufacturers also has scored it. They think it could be as much as $5 a gallon. And the Heritage Foundation has higher numbers than the EPA. So I don't know what it is, but I will tell you that on top of the rise in prices we have already seen, this legislation would drive up prices further. Not a single study suggests or says anything other than it will drive up the price of fuel on the American consumer.

Now, I will be frank with you. I participated in a hearing a couple of years ago in the Energy Committee on the cap-and-trade system in Europe. It sounded like something we might consider. I was interested in the hearings. I had believed that the sulfur dioxide emission cap and trade had worked in the United States and that this might work too. But after hearing the Europeans and business people and experts, I came away from that hearing in the Energy Committee very troubled.

Then, just a few weeks ago, we had another hearing on the economic cost of it, and it was very troubling indeed. So I have concluded that those are not the right steps. This kind of legislation is not the right step for us to take. I do not believe we should go down this road with this cap-and-trade proposal.

I want to note parenthetically, Mr. President, that the Environment and Public Works Committee that reported this bill to the floor never had a hearing, never had a hearing on how the trillions of dollars in cost that this bill will impose on working Americans and on businesses in this country will impact our economy. They never discussed that.

So I thank Senator BINGAMAN, the Democratic chairman of the Energy Committee, for at least having one hearing, with a few government experts who ran some of the numbers and pointed out the cost that could occur from this legislation.

So I have concluded that the cap-and-trade program is not going to work. It just will not work. It will create more lobbyists than ants in our country. It will, without doubt, sharply raise the cost of gasoline and electricity in America. It will make American businesses less competitive in the world, and it will surely damage our economy. It will also be, as everyone who looks at it will admit, a secret, sneaky tax. It is a tax of about $7 trillion on the American people, with the money going to some sort of funds and unelected persons to be spent in ways that we are not able to know right now how it will all be spent.

George Will, writing in the Washington Post on Sunday, called it "a huge tax hidden in a bureaucratic labyrinth of opaque permit transactions."

Now, is he an extremist? He is good with words, I will admit. I think that is maybe too kind for this legislation. In reality there is an element of power about it, and money. If the persons who propose this—at least those from the outside, particularly, who are advocating it—can overwhelm us at this point and overwhelm our common sense and our natural sense of caution, it may be that Congress will then turn over to them virtual control over the greatest engine of human progress the world has ever seen, and that is the American economy.

If this cap and trade becomes law, there will be politics, campaign contributions, corruption, promises, and lobbyists—yes, many lobbyists. It is perfectly natural. When the Congress takes control of large segments of the productive capacity of our Nation and commences to pass legislation, and bureaucrats begin to issue tens of thousands of regulations, the Congress will then be picking winners and losers. And businesses, union members, workers, cities, counties, States—special interests—all do not want to be losers. They want to be winners. So they must exercise, therefore, their right to petition Congress concerning a host of matters they had heretofore never considered to be a matter they would hear from Washington about. But now they have to be engaged.

I can go on, but you can see the picture, and it is not a pretty sight. So I have decided this is not the right way to go forward to deal with the challenges that we face. It would be a calamity, I am convinced, to impose this process on the American economy and the American people. So I urge those who are listening today to pay close attention because those masters of the universe are at it again. They are ignoring the legitimate needs of the middle class and the poor for low-cost, clean energy. They think they can just repeal the law of supply and demand if we turn this economy over to them; that they can create energy and produce technological breakthroughs just by passing a law or by simply putting pretty words on a piece of paper. It is not going to work that way.

The ones who bear this cost will not be the Nobel prize winners living in huge mansions but people who drive their cars and trucks to work every day, who fight our wars, who contribute to their churches and other noble causes, and raise their children right. They are the ones who will pay this cost. So I propose we get away from this concept. It has not worked well in Europe.

Scientific American, last November-December, did a fabulous study. This premier scientific journal, which believes in global warming, says we ought to take strong action. You know what they say about it? From memory, my best recollection of the quote is:

> A simple tax is the best way to deal with this problem. But because politicians don't have guts to impose a tax on carbon, what they are going to do is pass this cap-and-trade legislation, and it will be a below-the-radar-screen tax. And as a result, it causes many, many problems in implementation.

They pointed out those, one after another, in that important piece. So I propose we look for things that work by getting busy now, accelerating into production the ideas that may take us further and faster than we could proceed without government policy. In my view, common ground can be occupied on a need to deal with important issues along with global warming.

I think we need to deal with national security—our dependence on foreign oil. We need to continue to reduce pollution. We need to make sure we do not drive up cost and imperil our economy. We need to reduce CO_2 global warming gases. We ought to focus on all those issues, not just one, and we should take actions that will work by promoting hybrid automobiles, which we have done. We have promoted ethanol, and that has jump-started that industry. We can proceed to producing hydrogen fuel cells. We are not there yet, but it is possible.

What about diesel automobiles? They get 35 or 40 percent better gas mileage. Conservation across the board should be a new ethic in this country as far as I am concerned. Wind, biofuels, especially cellulosic fuels can be beneficial, and I personally have seen that. We need more American production of natural gas. Natural gas is much cleaner than coal, and geothermal. But most particularly, I would note we are not going to reach our global warming goals, as Prime Minister Brown in Great Britain announced recently, without nuclear power. He reversed their policy and said they are going to add five new nuclear plants.

We haven't built a nuclear plant in this country in 30 years. Nuclear emits no CO_2. It is economically more productive and not more expensive than other sources of energy. It emits no pollution into the atmosphere, and it certainly is an American-made product that provides for our independence from foreign intervention. We must do that. Any legislation that does not deal or does not enhance nuclear power—and this one does not—is not going to help us solve this problem.

So I would propose that we create an Apollo program, as we did in 8 years when we were planning on going to the Moon. My friend, Senator ALEXANDER from Tennessee, proposes a Manhattan project—well, OK—in which we move in quick order on a host of actions that could actually help us meet our global warming and our energy independence and our economy's needs. We can do that.

Not a dime—not a dime—should unnecessarily be spent on bureaucrats, bean counters, technicians, regulators, lawsuits, or lobbyists. You think we would not have lawsuits with this legislation? The effort and money should be spent on doing what works, and doing that now, the things we know will work. I will support that.

I think we need a new department in the Department of Energy that will focus exclusively on implementing a historic, coordinated effort to bring forward the many improvements that can make us more energy independent and more secure; that will reduce pollution, strengthen—not damage—our economy, and quickly begin to reduce CO_2. I know that can be done.

I have been in Alabama this week traveling the State and taking a look at energy projects. Wood and switchgrass are being burned right now in a coal plant generating electricity. I saw a new clean diesel engine at the Mercedes plant that can get 35 to 40 percent better mileage than gasoline. The Europeans, by the way, have half their cars in diesel because it gets much better gas mileage. There is sustained work at the University of Alabama's Transportation Center on hybrids and plug-in hybrids. You plug in your car at night, at 11 p.m. to 5 a.m., and charge your battery from a nuclear powerplant emitting no emissions, and you can drive and commute back and forth to work without using a drop of oil.

That is the kind of thing that is within our grasp, that is not too far away, and we ought to look at it. Hydrogen fuel cells and other ideas were also presented at the university. Then, at Auburn University, I saw a transportable cellulosic gasification unit that will be brought to Washington on June 19, and they are going to receive the top award in the Nation for that. Wood goes in one end, it is heated, and out comes gas or liquid fuel, and at a price we believe can be competitive. It is clean energy, American energy, reducing our dependence on foreign oil, and because it is from a plant—cellulose—it is not increasing the net CO_2 in the atmosphere.

I visited a small Christian school where students are working on algae as a source for gas for fuel. It has promise—trust me. I visited Huntsville, where, since 1984, they operate an incinerator to burn garbage for steam that operates the military's base at Redstone. This is proven. It is working. No other city in Alabama has such an incinerator. Another Alabama plan would take municipal waste and make ethanol from it. We were briefed on that. I visited the Jenkins Brick Company near Birmingham recently, and the heat they use comes from captured methane that comes off a landfill. So they are heating and cooking their brick with an energy source that, if leaked into the atmosphere, would be a particularly pernicious greenhouse gas. We have seen the collection, in Fairhope and Hoover and other places, of cooking oil for biodiesel instead of throwing it in the landfill. These are all actions that work.

I say let's forget this legislation, let's get busy doing things that will work. I and the American people are fed up with a dependence on foreign oil and the resulting high prices driven by the OPEC cartel that meets to decide how much they want to tax the American economy. They want to fight back. They are willing to take strong action now. But they are not understanding what this bill does. They do not expect the Congress to pass a bill that is going to cause them to pay even higher prices; that is going to create a huge bureaucracy with more regulations, lawsuits, lobbyists, and trillions of new taxes going to people who are not accountable to the American people—and they should not.

Snuffy Smith, the old cartoon guy who, in my youth, lived up in the mountains—he was a pretty good ethanol maker himself; maybe Senator WEBB would know that neighborhood—used to say, "Great balls of fire, time's a wastin'." I say time's a wastin'. Let's get busy now, but let's do the things that work. Let's not create a bureaucracy that will be counterproductive.

I yield the floor.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding that the junior Senator from California is going to want to yield back the morning business time, I suppose, and get on with the bill; is that correct?

Mrs. BOXER. Mr. President, I ask unanimous consent that the remaining morning business time be yielded back, and under the previous order, the Chair will report the motion to proceed to S. 3036.

Mr. INHOFE. Will the Senator yield for a question?

Mrs. BOXER. Sure.

Mr. INHOFE. I assume the Senator has an opening statement to make, and I do, too, on this legislation we are going to be going to. If you have an opening statement, Senator SPECTER would like to follow you and I would follow him. Is that an order that would be acceptable to the Senator?

Mrs. BOXER. I have to check because I have a number of Democratic Senators who wish to partake if we go to this. How much time will we have on this?

The ACTING PRESIDENT pro tempore. The time until 5:30 will be equally divided.

Mrs. BOXER. If the Senators could put a time certain on it, and I will be happy to put a time certain on my time?

Mr. SPECTER. Five minutes.

Mrs. BOXER. Five minutes? Great.

Mr. INHOFE. Twenty-five minutes.

Mrs. BOXER. I would have 25 minutes, to be followed by Senator SPECTER for 5, then followed by Senator INHOFE for 25, to be followed by Senator LIEBERMAN for 20.

I make that as a unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3036, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, if you will let me know when I have gone 20 minutes, I will greatly appreciate it.

The ACTING PRESIDENT pro tempore. The Chair will so notify the Senator.

Mrs. BOXER. Mr. President, this is a historic day, not only for our country, but I think the world is watching us. It is because we have a pressing issue called global warming, climate change; you could call it either one. Scientists have told us that in fact we have a very small window right now within which to respond. But it is a historic day because for the first time we have what I call tripartisan legislation out of the Environment and Public Works Committee. It is the Boxer-Lieberman-Warner bill. It is a Democrat, it is an Independent, and it is a Republican. We have come together to say to our colleagues and to the American people: Finally, we are going to deal with this critical challenge.

I wish to take a moment to thank Senator REID for scheduling this matter. There were a lot of voices saying: Why do this now? Why do we have to do this now? I know, because I came to the Congress with HARRY REID, why he wants to do this now. Because it is, in fact, one of the greatest challenges of our generation and we have to respond with a landmark bill, it will take us a while. We must get started. We certainly hope our colleagues will vote to get started. If they do not vote to get started, they are going to have to explain why they have turned their backs on the world's leading scientists and on the Bush administration's own political appointees—such as the head of the CDC, who told us that we face real problems if we do not act, such as the vectors that will now live in warming waters. They will be turning their backs on the intelligence community and the military community, who have looked out in the future and have written papers—and this is the main reason JOHN WARNER is into this—telling us that if we do not act, we are going to see desperate refugees throughout the world. We are going to see droughts and floods worse than the ones we have seen. When refugees are moving because of rising waters, droughts, or floods, you are going to see wars develop in all parts of the world. That is why Senator REID said yes. He said yes to American leadership. That is what we want to say by moving to this bill and supporting it. We say yes to green jobs.

Because the President already said he is going to veto this bill if it passes, I have to say it is very interesting that one of the reasons he gave is that in one of the models, it shows that gas prices will go up 50 cents a gallon in 20 years. That would be 2 cents a year. In fact, if you look at the record of this administration—and they have done nothing to stop it—gas prices have gone up, under their watch, 250 percent. Just take a look at this chart—250 percent, from $1.47 to $3.94; 250 percent. This administration did nothing. Now when they come forward and they say we can't pass this bill because gas prices will go up, here is the truth.

The truth is, because we are going to get better fuel economy—because of a bill the President did sign, and we are glad he supported this part—you are going to be putting less fuel in your tank. So even if it is more per gallon, you are going to be getting better mileage, so you are not going to feel that 2 cents a year. And second, and this is key, it is fitting for this administration which has supported big oil and supported foreign oil and goes to the Middle East and holds hands with the leaders there and kisses them on the cheek and begs for oil—it is very fitting: They are still the voice of the status quo. They are still the voice for continuing our dependence on oil.

This is what has happened without a climate change bill. This is what has happened without a bill to fight global warming. We see this ridiculously impossible increase in costs, and then the administration does nothing about this but is scaring the people and saying they are going to get hit with higher prices.

Let me also address this. In this Boxer-Lieberman-Warner substitute that is before us, we have in there two things we didn't have in the Lieberman-Warner bill. One is a deficit reduction fund.

You can take down the chart now. It is too ugly to look at.

In the Boxer-Lieberman bill, we did not have a deficit reduction trust fund, and therefore people could have argued that this is going to be a terrible thing for us as we look out in the future. We put that in there, and CBO says our bill is deficit neutral.

We also have in this bill a very large piece—almost $1 trillion—of tax relief. So when we do see some increases in energy costs in the early years—electricity, for example—we can offset that because there will be tax relief and then there will be this consumer relief that will go through the utilities. They will give rebates immediately.

For those people who said: Oh, my goodness, we are moving forward with this and we need to make sure we can get off the track, I want to say thank you to Senators BINGAMAN and SPECTER who, in their bill, had created what I thought was a very important offramp. The one thing I didn't agree with them on was the price they pegged for the price of carbon because the business people I spoke to, including those in Silicon Valley, said: That is a mess. If the price is too low, then business will simply not invest. The Silicon Valley people and the investors from across this country—we had one at a press conference today who said he represented, I think, a $4 trillion fund, said they are waiting to invest in new green technologies, in new jobs. They are waiting to do it. They are waiting for this legislation. But they will not do it unless we don't have an easy off-ramp, we have an off-ramp that can be used in circumstances that warrant it.

We have put the number between $22 and $30, which reflects the consensus of the labor groups as well as the environmental groups. We have tried to come together. We have tried to put this together in such a way that it essentially moves us forward, takes us where we have to go, and takes us there in a way that will mean the creation of millions of jobs.

Some of our colleagues will say this: Why do this now? We are in a recession. Precisely because we are in a recession is why we should be doing this. This bill is the first thing that brings us hope.

We sent a rebate check to people. I am really glad we did it. I voted for it. Guess what. We had no money to do that. We had to go into the red to do that. We had to go into deficit spending to send a rebate check. This bill gives us the funds to give relief to our consumers. This bill does that.

I compliment JUDD GREGG because I have had meetings with him, and this was his point. Mind you, he wants to give it all back to taxpayers. We use some of it for investments in these new technologies so we can swiftly move away from foreign oil and big oil, but it was JUDD GREGG—who I know was not a fan of our bill, again because of what I said—who gave us this idea and this notion that we could have these funds to return to our consumers.

I know Senator WARNER, who is on the floor now, has many contributions he is going to talk about in this bill. I will not go into details. But he also said it was important that the President has an ability to say: Wait a minute, this bill goes a little too far. We have to take a pause, a timeout. He has written it in such a way that I am very supportive of it because it balances the powers of the President and Congress. He will talk more about it.

Now that I see my two colleagues are on the floor—I have not had a chance to thank him on the Senate floor—I want to say to Senators LIEBERMAN and WARNER how much they mean to me—on this issue and also personally. I will not get overly emotional about it at all, but I will say this about Senator WARNER: Senator WARNER has a legacy that if he didn't do one more thing in the Senate, if he just decided to come by and say "Hi" to us for his last 6 or 8 months, it would have been enough. It would have been 10 times what most of us will achieve.

His legacy on national security is unparalleled; you know that and I know that. You have spoken to me about it. But when Senator WARNER came to me, since I am now chair of the EPW Committee—which is the deepest and greatest honor I have ever had—and he said: I have been doing a lot of thinking about this, BARBARA, and I think we have to move; we have to get America back into a leadership position; I have told JOE LIEBERMAN; he said he is going to work with us.

I knew at that moment we would, in fact, reach this day. Now, even reaching this day was not easy. When you read "How a Bill Becomes a Law," and it says, you take it to the subcommittee, and the subcommittee approves it; you take it to the full committee, the full committee approves it; then you take it to the floor and the floor approves it, this was difficult for us to get through subcommittee and then to get through the full committee and now to take it to the floor. We know this is not easy. We know this is difficult. All great matters of the day are not easy. They take time. They take effort.

Landmark laws take effort. They do not happen overnight. But at moments such as these, when we are dealing with such a big issue, we should think back to our predecessors, when our predecessors in Congress saw rivers on fire from pollution or contaminated water that made us sick or filthy air that filled our lungs, and magnificent creatures such as the bald eagle close to extinction, Congress acted. We were not afraid. We were not afraid. We stepped to the plate and said: This is America, and our ingenuity can resolve these questions. We could have walked away. They could have walked away. But they did not walk away.

Now we are going to find out who is going to walk away from this and who is going to step to the plate. I think it is that important. The American people deserve to know who is willing to step to the plate.

Now, look, every bill means we have to compromise. Lord knows. I am looking at my friend, Senator WARNER, and smiling because I am thinking of the many times he said to me: Senator, I do not think I can go there with you.

Then he wanted something, and I said: Senator, I do not think I can go there with you. But we met halfway here. We met halfway. That is what we need to do in the Senate.

I wish to say that my colleagues in the Senate, including Senator WEBB, who is sitting in the chair, have allowed me into their lives, into their offices. We have talked for hours. I have heard their concerns. They have raised questions. In many cases, they have led us in a good direction to be stronger.

For example, in the case of Senator WEBB, he had many concerns. One of them happened to be what about the countries we trade with, are not they going to have an advantage? I cited the Bingaman-Specter bill again and said: We took something good from that bill. We took that part of Senator SPECTER that deals with saying, if countries come and want to bring in a lot of products into our Nation, and their countries are not doing anything about this, they are going to have buy allowances; they are going to have to do their part.

These are the kinds of things we hope to strengthen in this bill. Look, we have clear evidence, evidence that greenhouse gas pollution will cause our planet to heat up well beyond what is safe. We have to act. I do not want to do more than is necessary; I do not want to do less than is necessary. I am trying to find that "just right" spot.

I do agree with Senator WARNER that because we are looking out into the future, we have to give the Presidents now and in the future the ability to say: Let's take another look. We also have to continue to look to the scientists. Therefore, in our bill we say, the scientists should submit a report every few years. We need to see if we are doing too little or is it just right and adjust to it.

I think I mentioned this before. Senator REID deserves a lot of credit for bringing this bill forward. We have wasted time. Look, I blame myself. I blame myself. I did not grab the reins of this thing early enough in my career.

I have to say, Senator LIEBERMAN did. Senator MCCAIN raised the issue early on. I had some problems with their approach, and I did not engage. I admit this. This is the hardest thing for anyone to admit, for a Senator to say: I was wrong. I was wrong. I did not get it.

I have to give Al Gore and all the people who came before the committee when I got the gavel a year ago, a year and a half by now—and we said: You know, we are going to look at this thing. I did not have all the answers then. I had a lot of questions. We had the world's leading scientists, we had religious leaders, we had State leaders, we had Republicans, we had Democrats, we had businesses, we had mayors.

We had 25 full-blown hearings on this. Plus we had lunches and we had dinners where we invited in the scientists, the experts, people from Europe who have taken the lead, to ask them questions.

They made a lot of mistakes in the beginning. We were nervous about that. I remember one of the first times Senators LIEBERMAN and WARNER and I spoke was, we have to make sure that whatever bill we work on does not give rise to speculation and get-rich-quick schemes.

So we have been very careful to learn from the mistakes Europe has made. But when you cut it all up and you look at Great Britain, for example, a very small country compared to us, they have cut back carbon by 15 percent. In the same time, they have raised their gross domestic product by 45 percent. They have created 500,000 new jobs.

You do not have to go that far. Go to my State of California. We are in a terrible mess right now because of the housing crisis. We have so much of the foreclosure problem. We have a recession in housing and in construction. I was told unequivocally that because of our global warming legislation we have there, 450 new solar businesses—and I am not even looking at nuclear and I am not looking at wind, I am looking at solar—450 companies have formed.

They are hiring many of the workers who are losing their jobs in the construction industry. So there are ways to do it that are wrong. There are ways to do it that are right. Now, today, you will hear from those who wish to kill this bill, kill it, kill it as dead as they can. They say it is too complicated, that we should do nothing and we should continue the status quo.

Well, the status quo is devastating, my friends. The scientists have told us that. The price of gas is off the charts. My friend, Senator LIEBERMAN, made this point beautifully at a press conference we had. The whole point of the bill is to get us off oil, is to unleash the genius of America so there are investments in alternatives, alternative fuel cars that get better fuel efficiency.

I will tell you this, knowing what I know from California, it is going to have a positive and beneficial effect; whereas, if we turn away out of fear, out of fear mongering, out of scare tactics, out of saying global warming is a hoax, it does not exist, look at scientist X, look at scientist Y.

You will hear it all on this floor. You will hear it all on this floor. But I remind you, there were people who said the world was flat, even when everyone knew it was not. There were people who said cigarettes did not cause cancer, when the rest of us knew they did. There are still people who say HIV does not cause AIDS. They are wrong. I can go on.

Oh, airbags, they will not save lives. Wrong. When you stand on the Senate floor, whether you are a Democrat or Republican, an Independent, whether you are short or tall or medium, whenever you challenge the status quo, watch out, folks, because the slings and arrows are going to be at your back, at your front, at your side.

I am ready. Why am I ready? I am ready because we have unbelievable bipartisanship on this bill. The quality of this partnership runs deep. LIEBERMAN and WARNER, LIEBERMAN and WARNER.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes 15 seconds remaining.

Mrs. BOXER. Thank you very much. The bipartnership on this runs deep. I have mentioned Senators LIEBERMAN and WARNER. Every member of my committee on the Democratic side and even some on the Republican side who did not like the bill contributed to the debate. Colleagues all over the Senate helped us.

The Energy Committee helped us. I will tell you, I went into member's offices, and I got great ideas from many offices. I mentioned Senator GREGG gave me a great idea. He does not like this bill because he wants to give all the money back. He does not want to invest any of the money, but he gave me a great idea on the tax cut. We had Senators CANTWELL and MURRAY point out the importance of hydropower and how we could address that.

I could name colleague after colleague. Senator JOHN WARNER, who will be here for a lot of this debate, is a magnificent voice on this subject. I put him in the category of Al Gore on this subject. He knows what he is talking about. He helped so much without any credit. He put together business meetings, he put together dinners. He had people come over. We studied together. We studied with scientists. It was like going to school.

Senator KERRY, Senator CASEY. And I could go on with other colleagues. The fact is, I am not fearful of what is going to come at us starting soon because we have the facts on our side. We have a deep well of support from colleagues who know their stuff. There are 11 National Academies of Science that concluded climate change is real. The Nobel Prize-winning Intergovernmental Committee on Climate Change: Global warming is unequivocal. Human health impacts, children and the elderly vulnerable. I have lots of other information which I do not have the time to do.

I mentioned national security. National security. A report by the Center for Naval Analysis found that the United States could more frequently be drawn into situations of conflict to help provide stability before conditions worsen and are exploited by extremists. This is what Senator WARNER said so wisely.

So in summing up at this point, I urge my colleagues to vote yes to proceed. I do not know whether there is going to be a deliberate effort to try to stop us on this motion to proceed because I have not been informed. I can only say to colleagues: Do not be fearful because you have nothing to be fearful about.

I will tell you what there is to be fearful about: doing nothing, saying no, turning your back on the scientists, on the religious leaders who are with us, on the mayors, the Governors, on so many supporters who understand this. That would be dangerous because gas prices are shooting up to the sky. If we do not get off oil, that is our future.

With that bill, that is not our future. So if you want to be afraid, and that is your motive, to be afraid, you want to be afraid, vote no. If you want to start to address energy independence, clean energy, if you want to address the threats science says we face, vote yes on the motion to proceed. Let's get down to this and have a great debate in the Senate tradition. Because this issue definitely deserves to have that kind of debate.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, could we have the Chair advise the body with regard to the existing time agreement. It would be my hope that I could follow Senator JOSEPH LIEBERMAN, since the two of us are the principal sponsors of this bill.

Mr. INHOFE. Mr. President, what I would like to do, we do have it locked in right now in terms of a UC. It would be Senator SPECTER next for 5 minutes, me for 25 minutes, and Senator LIEBERMAN for 20 minutes.

I will be managing the time in opposition. The time that has been requested from me is for Senator BOND to follow Senator LIEBERMAN. Then I am sure you would be on there.

Mr. WARNER. I will have to accept that.

Mrs. BOXER. Mr. President, I think I can resolve this. If my colleagues will wait a minute, can you tell me how much time remains on our side after Senator LIEBERMAN finishes?

The ACTING PRESIDENT pro tempore. Is Senator SPECTER speaking on the proponent or opponent side?

Mrs. BOXER. I think he got some time from Senator INHOFE.

Mr. SPECTER. Undecided.

Mr. INHOFE. He is our time.

Mrs. BOXER. Senator INHOFE said he is speaking on his time, which is fine either way. But I am trying to find out how much time remains.

The ACTING PRESIDENT pro tempore. After Senator LIEBERMAN speaks, there will be 29 minutes left.

Mrs. BOXER. May I give 2 minutes to Senator CARDIN following Senator LIEBERMAN and the remainder of the time to Senator WARNER?

Mr. LIEBERMAN. I propose that Senator WARNER and I divide the 20 minutes I have. I will take 10 and Senator WARNER can take 10. Then we will fill in after that. We have been in this together from the beginning and we are going to be on the boat at the end as well.

Mrs. BOXER. Is that all right with the Senator?

Mr. WARNER. I think that is most generous, but you take 15, I will take 5.

Mr. LIEBERMAN. I refuse the offer.

Mrs. BOXER. So it is 10 and 10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. After we hear from Senators SPECTER and INHOFE.

Mr. SPECTER. Mr. President, I thank my colleagues for squeezing me in for 5 minutes. I sought this time to talk very briefly about the Bingaman-Specter bill which is aimed at solving the problem of global warming but is somewhat more moderate than the Warner-Lieberman bill.

I will take a few seconds on a personal note. I have had quite a few people take a look at me today and ask me how I am. On C–SPAN 2, some people may notice I am a little pale, a little thin, and a little bald. I feel better than I look. I have gone through this chemotherapy for Hodgkin's once, and I am optimistic about doing it again. But I agree with Senator BOXER that this is an historic day, and I wanted to be here at the outset of this debate.

I have long been concerned about the problem of global warming, and I congratulate Senator MCCAIN and Senator LIEBERMAN for what they did several years ago and what Senator WARNER and Senator LIEBERMAN are doing now. I think it is vital that we move ahead on this issue, and I intend to vote yes on the motion to proceed. It is my hope that in this debate we can reconcile many of the interests. Warner-Lieberman and Bingaman-Specter have a lot of similarities, but there are significant differences. I believe it is going to be difficult to get 60 votes to impose cloture so that this bill can move ahead. Senator BINGAMAN and I started a long time ago, 18 months ago, in January of 2007, with a draft bill. We were ready for introduction July 11, 2007, and assembled a large group of labor, business, industry, and environmentalists to support the bill which we have. I would like to see us attain the goals of Lieberman-Warner. I would like it very much. But for reasons which are detailed in my extensive written statement, I do not believe that is possible.

On February 14 of this year, at the request of management and labor, I testified before the Finance Committee on the issue of what importers were going to have to do. Illustratively, China wants 30 years. Well, in 30 years there won't be a steel industry. We have to reconcile a great many conflicting interests. My State is a major coal State. One of the top experts on Capitol Hill on this subject, Tom Dower, worked months working through complex issues with labor and management and conservationists. The details of a very extensive analysis are set forth in my floor statement, but that is the essence of my approach today.

I ask unanimous consent that the full text of my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S CLIMATE SECURITY ACT

Mr. SPECTER. Mr. President, I seek recognition to discuss the Lieberman-Warner climate change bill, S. 2191/S. 3036, "America's Climate Security Act of 2007." It is my intention to support cloture to end debate on the motion to proceed to this legislation, however I have concerns about the legislation some of which I will outline here.

Global climate change is potentially the greatest threat to mankind and our planet that our civilization has ever faced. The amount and quality of scientific data continue to improve our understanding of global climate change. This information points toward potentially severe ramifications for Earth's climate, ecosystems, and life as we know it. The most recent assessment in February 2007 by the Intergovernmental Panel on Climate Change (IPCC) concluded that "most of the observed increase in globally averaged temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations." This 90% likelihood of human impact on the global climate adds to the compelling case that action to fight climate change is warranted.

Some skeptics of the human contribution to this global problem remain, however their voices grow more distant as more information comes to light and the realities that we face in terms of regulatory uncertainty around this issue have given rise to calls for action from the business community. Given past uncertainties, I have previously been unable to support legislative proposals which have threatened U.S. economic interests without meaningful environmental benefit. The Senate voted 95–0 in 1997 to overwhelmingly support the Byrd-Hagel resolution (S. Res. 98) rejecting the Kyoto protocol for its unequal treatment of developed and developing nations, as well as the potential serious harm to the U.S. economy. Subsequently, the Senate has twice voted on climate change legislation offered by Senators McCain and Lieberman—failing by votes of 43–55 in 2003 and 38–60 in 2005. As I stated on the Senate floor at the time, the McCain-Lieberman bill did not contain adequate protections for the U.S. economy, nor did it adequately address the global nature of the problem.

Given my commitment to finding a way for the U.S. to combat global warming, Senator Bingaman and I offered a Sense of the Senate amendment to the 2005 Energy Policy Act. An effort to set aside our amendment failed 54–43 and it was subsequently passed by voice vote. The resolution called for adoption of an economy-wide program that will slow, stop and reverse greenhouse gas emissions without harming the economy and that will encourage action by developing nations. Meeting these dual tests is a great challenge that I believe must be met not just to pass a bill into law, but to ensure the effort's long-term viability and support from the American people.

Following the 2005 debate, Senators Domenici and Bingaman as Chairman and Ranking Member, respectively, of the Senate Committee on Energy and Natural Resources issued white papers and held Committee sessions to debate the merits of various approaches to this issue.

In January 2007, Chairman Bingaman and I proposed a "discussion draft" of comprehensive legislation to address climate change. Between January and July, our staff held a series of public workshops for stakeholders and Senate, House, and Administration staff. Hundreds of people attended these sessions and hundreds more were involved in other meetings to provide comments, suggestions, and concerns. We heard from electricity generators, mining companies, transportation fuel refiners, natural gas producers, energy-intensive manufacturers, consumer groups, environmental organizations, conservationists, sportsmen, labor unions, faith-based organizations, and many others.

The culmination of this process was the introduction of the Bingaman-Specter "Low Carbon Economy Act of 2007," S. 1766, on July 11, 2007. We held a memorable press conference in the Energy Committee hearing room in the Dirksen building flanked by key supporters of our bill from labor groups, energy companies, and conservation organizations. I was very pleased to stand with Richard Trumka (AFL-CIO), Cecil Roberts (Mineworkers), Bill Klinefelter (Steelworkers), John Rowe (Exelon), Jim Miller (PPL), Jim Rogers (Duke Energy), Jeff Sterba (PNM), Mike Morris (AEP), and David Crane (NRG Energy). We also greatly appreciated the support of 21 groups representing millions of hunters, anglers and other conservationists including Ducks Unlimited; Trout Unlimited; National Wild Turkey Federation; and Pheasants Forever. In addition to Senator Bingaman and I, our bipartisan cosponsors included Senators Akaka, Casey, Harkin, Murkowski, and Stevens.

The "Low Carbon Economy Act" creates a strong and credible approach to reduce U.S. greenhouse gas (GHG) emissions while protecting the U.S. economy and engaging developing countries. The Act creates a cap-and-trade program for U.S. GHG emissions that is modeled on the successful Acid Rain Program. By setting an annual target and allowing firms to buy, sell, and trade credits to achieve the target, the program is designed to elicit the most cost-effective reductions across the economy. The target is set to avoid harm to the economy and promote a gradual but decisive transition to new, low-carbon technologies.

The strategic targets of the Act are: Starting in 2012 reducing U.S. GHG emissions to 2006 levels by 2020 and 1990 levels by 2030. To limit economic uncertainty and price volatility, the government would allow firms to make a payment at a fixed price in lieu of submitting allowances. This fee, referred to in the bill as the "Technology Accelerator Payment" (TAP), starts at $12 per metric ton of CO_2-equivalent in the first year of the program and rises steadily each year thereafter at 5 percent above the rate of inflation. If technology improves rapidly and if additional GHG reduction policies are adopted, the TAP option will never be engaged. Conversely, if technology improves less rapidly than expected and program costs exceed predictions, companies could make a payment into the "Energy Technology Deployment Fund" at the TAP price, to cover a portion or all of their allowance submission requirement.

Under the Act, carbon dioxide (CO_2) emissions from petroleum and natural gas are regulated "upstream"—that is, at or close to the point of fuel production. For these fuels, regulated entities are required to submit tradable allowances equal to the carbon content of fuels produced or processed at their facilities. Regulated entities that must submit allowances include: Petroleum refineries, natural gas processing facilities, fossil fuel importers, large coal-consuming facilities, and producers/importers of non-CO_2 GHGs. GHG emissions from coal are regulated "downstream" at the point of fuel consumption.

The proposal sets out a detailed methodology for distributing tradable emission allowances. At the beginning of the program in 2012, a majority (53 percent) of allowances are given out for free to the private sector. This amount is gradually reduced each year after the first five years of the program. In addition, 8 percent of allowances will be set aside annually to create incentives for carbon capture and storage to jump-start these critical technologies; 24 percent of total allowances will be auctioned by the government to generate much-needed revenue for the research, development, and deployment of low- and no-carbon technologies, to provide for climate change adaptation measures, and to provide assistance to low-income households; 5 percent of allowances are reserved to promote agricultural sequestration; and 1 percent of the allowances will reward companies that have undertaken "early actions" to reduce emissions before program implementation. Another 9 percent of the allowances are to be distributed directly to States which can use associated revenues at their discretion to address regional impacts, promote technology or energy efficiency, and enhance energy security.

To effectively engage developing countries, the Act would fund joint research and development partnerships and technology transfer programs similar to the Asia Pacific Partnership. The bill also calls for a Five-Year Review Process that provides an opportunity to reassess domestic action in light of efforts by our major trade partners (and relevant scientific and technological developments). If by 2020 other countries are deemed to be making inadequate efforts, the President could recommend to Congress that products imported from such countries must be accompanied by allowances (from a separate reserve of allowances) sufficient to cover their embedded greenhouse-gas content. If there is sufficient international progress in reducing global greenhouse gas emissions, the President could recommend changes in the U.S. program designed to achieve further reductions (e.g., to at least 60 percent below 2006 levels by 2050).

There are many other provisions of this comprehensive legislation that help set the U.S. on the right track in taking meaningful steps to combat global climate change and put our trading partners on notice that we take this issue very seriously. Strong U.S. leadership will go a long way in moving the Nation and the world toward a cleaner and more sustainable future.

Much of the Lieberman-Warner bill tracks closely to the Bingaman-Specter bill. The two bills regulate the same entities (oil and natural gas producers; coal consumers; and non-CO_2 greenhouse gas producers) using the same approach—cap-and-trade. They both initially provide a free allocation of roughly three-quarters of available allowances for affected industries and special purposes, while selling the remaining quarter through a government auction, the proceeds of which are used for technology research, development, and deployment, as well as climate change adaptation and other purposes. Both bills transition many of the free allocations to auctions over time—thus providing an increasing price signal to affected industries that they must invest in new technologies.

While these provisions are similar, there are fundamental differences that cause me great concern. First, the emissions reductions "targets" or "caps" in Lieberman-Warner are very stringent and potentially unattainable without high cost. The bill begins in 2012 and would limit emissions to 2005 levels; it would require 19 percent below 2005 by 2020 (1990 levels); and 30 percent below 2005 levels by 2030.

The second crucial problem of the Lieberman-Warner bill is the lack of adequate cost control mechanisms like a Bingaman-Specter-style "safety valve" or price cap, particularly in the context that we are considering taking unilateral action on a global problem for which many of our trading partners are not. Theoretically, the costs of a cap-and-trade program will be manageable if optimistic assumptions about the availability of affordable low-carbon technologies prove correct, very meaningful improvements in energy efficiency and conservation are attained, and ample "offsets" or allowances from non-regulated entities like farmers are readily available. However, there is a great deal of uncertainty about all of these crucial elements.

Therefore, there must be some protection for the U.S. economy as a whole and various sectors that would have to shoulder the burden of higher than expected costs. It is for this reason that I believe any cap-and-trade program should include a "safety valve" or cap on the price of each ton emissions. Without such a protection, a series of risks remain including cost-sensitive industries moving production overseas as a result of higher energy prices in the U.S. that could not be passed through to consumers in a competitive market. It is worth noting that such production would likely move to countries that are not taking actions to reduce greenhouse gas emissions, so essentially making the problem worse. Other risks include raising energy costs in the transportation and electricity sectors to levels that could not be met by consumers, thus exacerbating the overwhelming situation in which many Americans already find themselves.

I understand Chairman Boxer has included a new cost control mechanism in her substitute bill that is modeled on suggestions from the Nicholas Institute at Duke University and the National Commission on Energy Policy, as well as the U.S. Climate Action Partnership. My staff participated in a number of meetings with the offices of Senators Boxer, Lieberman, Warner, Baucus, and Bingaman over the timeframe of January through April 2008 in an attempt to explore options to control costs. I am disappointed that Chairman Boxer decided to include these new cost containment auction provisions without first vetting their details with me and my staff. Upon review of the details provided in the substitute, it appears that a number of emission allowances (6 billion tons) would be borrowed from 2030–2050 and placed into a reserve fund that could be used to release into the market in the form of another auction. In 2012, the President would choose a price between $22 and $30 from which this additional auction of allowances would occur, and in subsequent years the auction starting price would rise 5 percent over inflation annually. While this is an interesting concept, it is entirely unclear to me what effect, if any, this would have on the cost of the program. It is clearly complicated and does not likely provide affected industries with the same level of certainty that is inherent in a safety valve with an established price. I believe the new cost containment provisions require extensive review and in the meantime, a safety valve should be added—the details of which should be open to discussion, debate, and analysis as well.

Some other concerns I have with the current bill involve the international competitiveness provisions that were first included in the Bingaman-Specter bill and were conceived by American Electric Power (AEP) and the International Brotherhood of Electrical Workers (IBEW). On February 14, 2008, I testified before the Senate Committee on Finance at a hearing on the international implications of climate legislation. I outlined my thoughts that the provisions in the Bingaman-Specter and Lieberman-Warner bill to require imports by the year 2020 to have credits to account for the carbon emitted in their production is consistent with trade law. The Boxer substitute has made some changes to these provisions, including moving forward the start date of import allowance purchases to 2014. While this and other provisions are welcome, I remain concerned that we still have not gotten this part of the legislation quite right. I intend to work with my colleagues and affected industries like steel, glass, iron, aluminum, cement, pulp, paper, chemicals, and industrial ceramics, to shore up these imperative provisions.

I also understand that certain emissions from industrial production were intended to be exempted because there is no alternative method of production. These "process gas emissions" provisions should be made very clear so as to remove any uncertainty by these industries. Without these protections, the competitiveness issues again might lead companies to shift production of energy-intensive products like steel to countries without emission standards.

Finally, as I review the Lieberman-Warner bill, I am concerned that it does not provide the essential pathway to the future of coal use and thereby protect consumers from the price impacts of a rapid shift from coal to natural gas for electricity consumption. The U.S. currently produces half of its electricity through the combustion of coal. While there is also a great deal of capacity to burn natural gas, the high price of natural gas leads most regions of the country to only use it at times of peak demand. However, if a price to carbon places natural gas in a competitive advantage relative to coal use, we could see immediate shifting to this resource which is also used as a feedstock or raw material in chemical and fertilizer production. Natural gas prices in recent years have experienced a great deal of volatility. Coal, by comparison, has been relatively stable and less expensive.

If our Nation hopes to meet its rising energy demand into the future and keep prices for consumers affordable, any climate change response will have to factor how to bridge to that point in the future when capture and storage or sequestration of carbon dioxide is commercially deployable and regulated to ensure the environmental integrity of pumping millions of tons of carbon dioxide underground. This technology will not only be a key to meeting domestic energy needs while protecting the environment, but is likely the most effective way we can influence the greenhouse gas emissions of developing countries like China and India that are heavily dependent on coal. Under all modeling scenarios of climate change legislation, carbon capture and storage is shown to be critical. Otherwise, we will have to greatly exceed all expectations for deployment of nuclear energy, renewable energy, efficiency, and conservation, as well as other low carbon technologies, all of which will already be called upon to shoulder a tremendous burden in shifting our economy from one that is carbon-based on low-carbon-based. I intend to work with my colleagues to ensure this clean future for coal use.

In conclusion, the Senate has a unique opportunity to pass our Nation's first comprehensive climate change response. While this is an extremely complicated issue, much work has been done to date and it now comes down to finding the right balance between limiting U.S. greenhouse gas emissions and protecting the U.S. economy. This is often the challenge of environmental policy and we have found the right approaches in the past—including the acid rain cap-and-trade program after which this legislation is modeled. I look forward to working with all of my Senate colleagues as this debate proceeds. I thank the presiding officer and yield the floor.

Mr. SPECTER. It is my hope that we will reconcile all these interests and move ahead, but I think it is very important that we not search for a goal we cannot attain and end up doing nothing. We know the maxim that the perfect is the destroyer of the good.

I thank my colleagues and yield the floor.

Mr. WARNER. Mr. President, if the Senator from Oklahoma will yield for a moment, I say to my colleague, we have served together now for 28 years in this body. I wish you well in this latest chapter, but I also commend you for the forthright manner with which you have always come forward in this body at any time. If there is an ounce of reduction in the tremendous energy you apply to your work here in the Senate, you acknowledge it, but always saying you will be back stronger than ever. I wish you well.

Mr. SPECTER. Mr. President, I thank my colleague for those remarks. I feel better than I look, which isn't necessarily saying a whole lot.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to have an opening statement. Let me say that my good friend Senator BOXER and I, the last time we had a major bill on the floor, were in agreement with each other having to do with the Water Resources Development Act and, prior to that, transportation reauthorization. On this, we very much disagree. She has every right to be wrong. I wish to also mention, since she commented about the possibility that the cloture vote might be tough, I don't think it will be because there are a lot of people who very much oppose this legislation who are going to vote for cloture, including some of the leadership on our side that is opposed to this bill. Although the vast majority of the scientists do not believe that manmade anthropogenic gases, CO_2, methane, are a major contributor to climate change, that is not a part of the debate of the Lieberman-Warner bill. If it were, it would take a lot more time than we will be able to devote. So we are not going to discuss that. That is for another day. As we begin the debate today, the climate legislation, I want to make a few points.

First, I wish to discuss what we as Republicans stand for, then talk briefly about the process of how we got to the debate and how we got the debate on the floor today, then, finally, discuss how we wish to see the floor debate progress over the coming days or perhaps the coming weeks, as some believe it might be.

First and foremost, we, as Republicans, believe any legislation that attempts to address climate change must protect American families and must protect U.S. workers. It has to maintain global fairness and, finally, offer clean energy solutions. Unfortunately, this bill, the Climate Security Act of 2008, which, it is my understanding, is what it is called now since this has been an amendment or a substitute that we are considering, fails on all of these counts.

We believe any climate legislation must offer clean energy solutions. Substantial investment must be made in new clean energy technologies which would generate more energy efficiently by producing less carbon without the Government picking winners and losers. It makes good business sense to produce energy more efficiently, and American companies are at the forefront of developing these new technologies. We support investments in solar, wind, hydro, geothermal, and other innovative technologies, but we must be careful not to interfere in the free market system or we might stifle new innovations. Any approach that addresses climate change must incorporate more emission-free nuclear power. We are on the verge of a nuclear renaissance in this country, and it is key to our long-term domestic energy independence. We have to address the remaining issues that hinder the construction of new nuclear plants such as loan guarantees, waste, and regulatory certainty. Senator DOMENICI, the greatest champion the nuclear industry has ever had, is retiring at the end of this year. I can think of no greater honor to him than to make his renaissance a reality, the renaissance of nuclear energy.

Coal is our most abundant energy source. It must be a part of any solution. We must invest in clean coal technologies in order to increase our energy security. While we are continuing to explore carbon capture and storage, we cannot hold the future use of coal hostage to this one technological feat. Senator BYRD has been a tireless advocate for greater use of coal, and I know Senator VOINOVICH and Senator BARRASSO on the committee have been championing its use.

We need to promote natural gas. Increasing supplies of natural gas are needed in order to compensate for fuel switching which could harm America's industrial base and export jobs. We know that fuel switching is taking place right now. We have an almost limitless supply of natural gas available, and we have proven we can develop this important resource in an environmentally friendly way. I wish to see us build upon Senator WARNER's past work and open up more of the offshore resources which would be absolutely necessary for us to capture this natural gas.

We must seriously consider how climate legislation will impact economic competitiveness. Emissions are a global issue which should be addressed globally, not unilaterally. All major emitting countries, including developing nations, must participate in order for any U.S. program to produce meaningful reductions in atmospheric concentrations of greenhouse gases. Today China emits more carbon dioxide than we do. That divide is only going to grow because 2 years ago we produced more than they did. China is increasing their number of coal-fired generating plants by two each week. The Kyoto treaty expires next year, and any future treaties should include developing nations. Any action has to provide real protections for the American economy and jobs. American jobs should not go overseas where environmental laws are less strict and emissions increase. If the United States were to act unilaterally, manufacturing facilities will go overseas, because they have to go where the energy is. We know that. That is where the energy regulations or emission regulations are more lax. This will result in more emissions at the industrial source and more emissions in transporting products back to the United States.

Let me repeat that. In the event we acted unilaterally and we had a cap-and-trade system that ended up reducing emissions of CO_2, then companies that would be the losers in this program would merely move to China or India or down to Mexico. There they don't have any emission requirements. So it would actually have the effect of increasing the amount of CO_2 in the atmosphere. Any action has to provide real protections for the American economy and jobs. We must protect American families. Any action should not raise the cost of gasoline or energy to American families, particularly for the low income and elderly who are most susceptible to energy costs. Those who make $20,000 a year spend one-third or more of their income on energy. We can't turn our back on less fortunate people. We have to carefully consider the policy tools used to enact any climate legislation. Any solution must not include slush funds controlled by Federal bureaucracies used to reward political friends. The climate solution should not require an overhaul of our economy, and those decisions should not be made by nameless bureaucrats rewarding friends or pet projects.

Senator CORKER has examined this legislation carefully and has outlined over 45 new programs created by this bill. As the Wall Street Journal said last week:

> This bill would impose the most extensive government reorganization of the American economy since the 1930s.

We can't afford any tax increases either directly or indirectly. We must recognize that true innovation comes from the private sector. This bill will raise over $6.7 trillion from carbon sales and auctions primarily coming from consumers. In other words, consumers are going to be paying the $6.7 trillion. But it does direct $2.45 trillion back to consumers. So if all the transition assistance funding goes directly to consumers without the businesses or States keeping any of the funds to run their transition programs, which they are allowed to do, this means that over $4.2 trillion will be used to fund new government programs. The Senator from California referred twice in her opening remarks to Senator GREGG, complimenting him, saying he believes the only difference between the two of them is he wishes to send this back to the taxpayers rather than to have $4.2 trillion of new bureaucracies in this country. I agree with that. Any solution has to be national in scope without States or regions imposing duplicative or additional requirements on top of a Federal system. It will be impossible for American industry to remain competitive if different regions or States have additional climate programs on top of a Federal program.

Finally, any national program must contain a transparent, effective cost-control mechanism to avoid harm to the economy and job losses. There are many ideas out there which might work, including ideas from Senators BINGAMAN and SPECTER. Senator SPECTER just spoke. Simply borrowing credits from future years will only create a larger problem later on.

How we got here: Unfortunately, the bill we are discussing today violates all of these principles. It ignores the needs of American families. It jeopardizes the jobs of American workers. It does not offer a global solution and, in fact, will increase global emissions. It does not promote good, clean energy solutions and, in fact, will make us even more dependent upon foreign sources of energy.

One of the chief problems with this legislation is that it was hastily considered by the Environment and Public Works Committee without the benefit of the appropriate legislative process, and a new version is now being considered on the Senate floor that we have had no hearings on whatsoever.

The chairman of the Environment Committee has stated—and you are going to hear again and again today and in the next few days and maybe the next few weeks—that the committee held over 20 hearings last year before proceeding to a substitute and a full committee markup. However, you must take a look at the type of hearings we held. Most of the hearings examined the potential impact of climate change 50 years in the future. My favorite example is a hearing held on May 24 last year: "The Issue of the Potential Impacts of Global Warming on Recreation and the Recreation Industry." That was the name of the hearing. The apparent point of this hearing was to show that if there is no snow in 50 years, the skiing industry might suffer. Well, I think that is probably a reasonable statement, and I think it would. But the thing is, that did not really address a cap-and-trade system that we needed to study before coming to the floor.

Unfortunately, the list of issues unaddressed by this committee is longer than the actual list of hearings the chairman did hold. These topics, which were never explored by the committee prior to crafting the legislation, include how to draft a cap-and-trade system—how do you do it—how to allocate credits; how to design an auction system; how many credits to assign each industrial sector; how to structure the Carbon Market Efficiency Board; how to create a domestic offset program; what to do with international offsets; what the impacts would be on fuel switching; whether carbon capture and storage technologies will be available by 2030; whether the number of nuclear powerplants can be built in time to provide the necessary electricity; how the impact on the natural gas supply will affect other industries; how many jobs will be sent overseas; how much worldwide emissions will increase when U.S. jobs will be sent overseas; what the international provisions' impacts will be on trade and particularly exports; how to effectively contain costs through a transparent mechanism. The list goes on and on and on.

Contrast this committee process with the process currently underway in the House Committee on Energy and Commerce. Chairman DINGELL's committee, which has jurisdiction over climate change and environmental issues in the House, is pursuing the issue under a much more methodical and deliberative process, as any legislation of this magnitude demands. Acknowledging the complexity of the issues surrounding any mandatory greenhouse gas reduction policy, the committee has held a series of hearings and has released several white papers. The topics have included the fundamental aspects of greenhouse gas cap-and-trade policy, including the point of regulation and the benefits of auction versus allocation schemes; the interaction of climate change policy with other environmental laws such as the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act; State and Federal preemption issues; international competitiveness and how to engage the developing world; and technology barriers. These are only threshold issues, as each one lends itself to further examination. Now, that is what has been done over in the House of Representatives in Chairman DINGELL's committee, and he has made a lot of progress over there, and there are some things we should pay attention to. In fact, we plan to be using some of that on the floor here.

While the subcommittee did hold one legislative hearing prior to the markup and the full committee held three such hearings over a 2-week period before the full committee markup, all these hearings were held without the benefit of any economic or environmental analysis. The committee members had no idea what the impacts of this legislation would be when we considered the bill in December. We offered a number of amendments to protect workers, families, and to try to keep a check on energy prices. Almost all of them were defeated. But we were promised that our issues would be addressed before the bill reached the Senate floor. Well, that was last December.

On May 20, less than 2 weeks ago, the committee bill and report were finally filed after a more than 5-month delay. For a bill of this magnitude—and I remind my colleagues how the Wall Street Journal characterized it—I will repeat again—"this bill would impose the most extensive government reorganization of the American economy since the 1930s"—only allowing Senators to review the report for less than 2 weeks is highly troubling.

Even more troubling is that the same week, we all saw for the first time two more versions of the same bill. Later on May 20 a new version of the bill with a never before seen amendment was filed and held at the desk as a new bill, S. 3036, which is actually the version we will be voting on this evening.

Then finally, on Friday, May 23, a managers' substitute which completely rewrote the legislation was circulated to Members. I can only assume that once cloture is invoked—and it will be invoked—and we begin debating this bill, the substitute will be offered, which, of course, is something that has never been the subject of hearings, economic analysis, or an environmental benefits test.

Since the markup last December, we have had numerous economic modeling and analysis conducted by the EPA, the Energy Information Agency, and multiple private sector analyses. Unfortunately, the committee of jurisdiction, the Environment and Public Works Committee, never bothered to hold a single hearing on any of these economic reports.

I would like to point out that the Senate Energy and Natural Resources Committee held an economic hearing on our bill 2 weeks ago, and I applaud Chairman BINGAMAN for holding that important hearing. I will be quoting from that hearing from the Energy and Natural Resources Committee several times during the course of this debate.

So where are we today? We spent months holding impact hearings and then rushed through a few quickly scheduled legislative hearings and held a markup without any analysis of the bill. We then waited over 5 months before receiving yet two more drafts of the bill—the last version a mere 10 days ago. The Senate is now being asked to vote for cloture on a motion to proceed to a bill that was released 2 weeks ago.

Although I believe we really need to debate these issues on the Senate floor—and many of the Members who oppose the Lieberman-Warner bill are voting to proceed to it—I find it most difficult to vote to proceed to the largest tax increase in the history of America. The mechanics of this bill, the impacts, and the costs have never been fully debated, and they deserve to be. Proponents of this legislation have talked about how important this bill is and why we need to act. I believe this warrants a full debate.

In 1990, the Senate spent over 5 weeks debating the Clean Air Act amendments. I was serving in the House at that time. It went on and on and on. This bill goes much further than the Clean Air Act amendments in its impact on the American economy and jobs and our international competitiveness. It will do more to direct our energy policy for the next 50 years than either the Energy bill of 2007 or the Energy bill of 2005 combined. I hope the majority intends to provide enough time to fully debate this legislation and does not plan to rush it on and off the floor in an attempt to check a box.

Over the next few days, you will see a number of Republican amendments, which I believe will get bipartisan support, which will attempt to protect our workers, our families, our international competitiveness, and will promote clean energy solutions.

There have been many comments in the press, particularly from the chairman of the committee, that this bill will be pulled if any so-called weakening amendments are adopted. I hope we will have a constructive and open debate on this bill. There will be many amendments offered and, I hope, debated and voted upon.

This bill is the largest bill we will consider this Congress. In fact, it is probably the largest bill ever considered by the Senate in its impact on the economy and our entire way of life, and I hope the majority will give it the time it deserves.

But 2 weeks from now or whenever that vote does take place—keep in mind, tonight's vote at 5:30 is only a cloture vote on a motion to proceed. It is a procedural vote. It allows us to limit debate on the motion to proceed to the bill. But whenever the real vote comes or however long it takes to reach the final vote, it will be both interesting and informative to see how many Members of the Senate vote for the largest tax increase in the history of America.

Now, we will be talking about a number of things during the course of this debate. Some of this will be tonight, some of it will be over the next few days. We are anxious to do that. For our purposes today, we will be allocating time, and I would like to announce that after the time that is already under a unanimous consent agreement to go to Senators LIEBERMAN and WARNER, we will start going back and forth. I will be controlling the time for those who oppose the bill, and Senator BOXER or Senator LIEBERMAN will be handling the time for those who support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I ask unanimous consent that at this point Senator CARDIN be recognized for up to 5 minutes. The reason for this request is Senator CARDIN has to preside at 4 o'clock. Then we would go back to the 20 minutes divided between Senator WARNER and myself. Then presumably there would be somebody the Senator from Oklahoma would designate to speak. We are happy to add 5 minutes to the Senator's time to make it equal.

Mr. INHOFE. Mr. President, that is all right so long as the allocation of time does not punish us.

I also ask unanimous consent to lock in, after your presentation, Senator BOND for 15 minutes.

Mr. LIEBERMAN. I thank the Senator.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, today America takes a major step forward in reasserting our leadership on the world stage. Upon enactment, the Lieberman-Warner Climate Security Act will be the most aggressive climate change bill in the world, slashing American greenhouse gas emissions by two-thirds by mid-century, putting America in the lead in reducing harmful emissions.

Let me begin by acknowledging the tremendous leadership of Senators LIEBERMAN, WARNER, and BOXER. They have worked tirelessly to take on this, the greatest challenge of our time. And they have done so with great intelligence, great skill, and a remarkable willingness to forge a consensus that meets our needs. I salute them. They are extraordinary public servants, and the Nation owes them an incalculable debt of thanks.

The Climate Security Act is truly historic.

The legislation will transform the American economy, positioning us to continue our global leadership for decades to come. Energy efficient, high-performance businesses will flourish here and serve as international leaders in ushering in sustainable economic growth around the world.

Retooling the American economy for the 21st century will put us in charge of our own energy supplies. Our current reliance on other countries, many of whom are not friendly to Americans or the values we cherish, puts us at unacceptable risks to disruptions in the fuel supply chain. This bill will put us on a path to energy independence and that is a path to improved national security.

Dramatically reducing greenhouse gas emissions is essential to the environmental health of our planet. This legislation goes further, providing billions of dollars in resources to plant forests, grow sustainable sources of biofuels, and protect and restore our most precious natural resources, such as the Chesapeake Bay.

The Lieberman-Warner Climate Security Act is good for our economy, critical for our national security, and essential for the health of our environment.

The bill will reassert American leadership among the nations of the world. And we will do it the way America has always done it—with ingenuity and hard work and leadership by example.

Global warming presents a real and present threat to our economy.

Four global warming impacts—hurricane damage, real estate losses, energy costs, and water costs—will drain billions of dollars annually from our economy. By the end of the century, the annual costs from these impacts alone will reach an estimated $1.9 trillion annually.

Clearly, these impacts would be devastating. Unfortunately, they are not the only adverse economic costs of doing nothing.

Rising food prices and global food shortages underscore the need for stable, ample, and environmentally sound agricultural practices. But climate change brings with it widespread droughts in some parts of the world, an increase in plant pests and diseases, and reduced crop yields. The drought that has persisted in Australia in recent years has had a devastating impact on the world price of wheat. Today's rising cost for a loaf of bread is a harbinger of the dramatic impacts on our food supply if we fail to act.

And it is not just crops that will suffer. In the Chesapeake Bay rising water temperatures are blamed for a dramatic loss of the most common underwater grass in the lower bay. Eelgrass, as it is called, simply cannot tolerate the warmer waters. That means crabs and other species have no habitat. Virginia and my home State of Maryland have just instituted dramatic reductions in the blue crab harvest next fall because of the falling numbers of crabs in the bay. Our multimillion dollar blue crab fishery is at risk—and at risk today—from global warming.

The good news is that the actions we take to reduce global warming will be good for our economy.

Through its innovative cap-and-trade system, the bill is designed to be self-financing, and there will be sufficient funds to also make a major contribution to debt reduction.

American businesses will see an unprecedented Federal investment in retooling for tomorrow.

In the first 10 years, the bill provides $61 billion for renewable energy. Wind, solar, geothermal and other zero- and low-carbon sources of power will get the boost they need to become an integral part of our energy distribution system. And to prepare for that capital investment, the bill also provides $18 billion over that same period for an Energy Efficiency and Renewable Energy Worker Training program. We will have both the infrastructure and trained workforce for a new energy sector.

In Frederick, MD, today we already have one of the world's leading solar energy operations. Companies such as BP Solar will have the resources they need to grow their businesses and the trained workforce to build, install, and operate a new generation of electricity-generating equipment.

Our core heavy industries will benefit from $138 billion by 2022. Those funds will help iron, steel, pulp, paper, cement, and other carbon-intensive industries with the assistance they need to remain competitive while they shift to cleaner energy sources.

Lehigh Cement's largest plant in America is located in Union Bridge, MD. The plant produces up to 2 million tons annually. The company will now have the resources it needs to become even more efficient—and more profitable—because of this transition assistance.

The bill contains provisions that will help American consumers make the transition to tomorrow's economy, too. More than $800 billion is reserved for tax credits and tax cuts that will make sure that during the transition average Americans don't have to bear the costs.

I am especially proud of a section of the bill I authored that will direct about $171 billion, over the life of the bill, to States and localities for public transit nationwide. About two-thirds of this money will go to support existing systems such as Washington Metro, MARC and MTA, while about 30 percent will help develop new systems that will take more and more cars off our roads, cut dangerous emissions, ease congestion, and reduce our dependence on foreign energy sources, such as OPEC.

Today, too much of our national energy needs are supplied by other nations. Our reliance on foreign oil weakens our position in the world. Today, we are sending massive infusions of American dollars to oil-rich countries that don't share our values and are often active opponents of American foreign policy. We know that some of those petrodollars have been used to finance terrorists.

No entity relies on petroleum more than the American Department of Defense. We have a great strategic weakness with such a strong reliance on foreign oil.

My senior Senator, Senator MIKULSKI, and I have been working with Volvo-Mack Truck in Hagerstown, MD, to build prototype heavy-duty hybrid trucks for military use. These trucks will dramatically reduce their need for oil because of their increased fuel efficiency. They are also being tooled to handle a wide variety of biofuels. In the future, we envision fuel-efficient vehicles powered by home-grown biofuels.

The bill contains funding to support these prototypes, putting them into widespread use. Our military will benefit, along with the entire commercial sector of our economy.

Global warming threatens our national defense in another way. Naval Station Norfolk in Virginia is a keystone location for American Naval operations. But Norfolk is under grave threat because of rising sea level.

At a hearing before the Environment and Public Works Committee last summer, scientists told us that sea level rise has been higher in the Chesapeake Bay than worldwide because of a number of factors including land subsidence. Their best prediction is that we could see a 3-foot rise is water levels by the end of the century. Our critical national security infrastructure lies directly in the path of these rising waters.

Just 30 miles east from here in Annapolis, MD, the U.S. Naval Academy sits literally on the edge of the Severn River. The Academy has already seen damage from major storms. This is a story that is repeated up and down the coasts of America. Our military installations and assets are at risk. We need to act to protect them so that our Armed Forces can protect us.

While the Climate Security Act will have profound impacts on our economy and our national security, at its heart, this is an environmental bill. The bill was reported by the Environment and Public Works Committee. It amends the Clean Air Act. The Environmental Protection Agency is the central player.

The current administration has been painfully slow in recognizing the threats to the worldwide environment that runaway greenhouse gas emissions are causing. Begrudgingly, they are now accepting the fact that the impacts are huge and growing.

The legislation will reduce dangerous greenhouse gas emissions by over 70 percent from the 2,100 entities covered in the bill. Even with the uncovered segments of the economy included, the emissions are two-thirds below 2005 base levels. These are impressive cuts. I think we can do even better. The consensus scientific opinion in the world is that we must do better. Cuts of at least 80 percent are required, and I will support efforts on the floor to set that as our 2050 target.

Periodic reviews that are built into the bill will build the case, I believe, that we will need to do more to curb the most adverse environmental outcomes.

Cutting greenhouse gas emissions is essential to putting our global ecosystem back into balance. Doing so will have other direct health and environmental benefits. Bringing down CO_2 emissions will almost assuredly bring down nitrogen oxide, sulfur dioxide, and mercury emissions as well. The ozone code red days that are all too commonplace every summer will be reduced as we cut greenhouse gases. Similarly, the fish consumption advisories that every State faces because of widespread mercury contamination will gradually be lifted as mercury levels go down.

Although the bill modifies the Clean Air Act, we will see major benefits for our coastal areas, including the Chesapeake Bay. Rising water temperatures will abate. The bill also provides extensive funding to manage the adaptation that will be needed for our natural systems.

A National Wildlife Adaptation Strategy will direct funding to those areas most likely to be adversely affected by climate change and ocean acidification.

The Pittman-Robertson Wildlife Restoration Program and the Land and Water Conservation Fund are existing programs with strong State partnerships that have proven track records of effectiveness. Both will see major infusions of financial support: $185 billion for the Wildlife Restoration Program and another $52 billion for the Conservation Fund.

Annually, Maryland would be expected to receive an additional $52 million for these well-established programs.

The EPA, the Army Corps of Engineers, and NOAA will all have dedicated programs to protect and restore our fresh and estuarine water systems. The Chesapeake Bay is one of several water bodies specifically mentioned in the bill because of the value of the resources at risk and the need for priority funding.

The Forest Service and the Department of the Interior will have crucial roles to play as well. In all, the Federal investment in programs to protect natural resources will approach $300 billion over the life of the bill.

The time to act is now. There is no country in the world better positioned than the United States to undertake this historic challenge. We have the world's strongest economy. We are the international leaders in climate science. We have an extraordinary history of facing the gravest challenges facing mankind. I believe that America is ready to meet this change.

The time to act has long since passed. The time to catch up is now. I urge my colleagues to support the strongest possible Lieberman-Warner Climate Security Act. It is a challenge we can and must meet.

Mr. President, again, I acknowledge the tremendous leadership of Senators BOXER, LIEBERMAN, and WARNER in bringing forward this historic legislation. The Climate Security Act is truly historic. The legislation will transform the American economy, positioning us to continue our global leadership for decades to come. Energy-efficient, high-performance businesses will flourish here and serve as international leaders in ushering in sustainable economic growth around the world.

Retooling the American economy for the 21st century will put us in charge of our own energy supplies. Our current reliance on many other countries, many of which are not friendly to Americans or the values we cherish, puts us at unacceptable risks to disruptions in the fuel supply chain. This bill will put us on a path to energy independence, and that is a path to improved national security. This bill is important for national security. It is important for our economy, and it is certainly important for our environmental health.

The legislation goes further, providing billions of dollars in resources to plant forests, grow sustainable sources of biofuels, and protect and restore our most precious national resources, such as the Chesapeake Bay.

The Lieberman-Warner Climate Security Act is good for our economy, good for our national security, and good for our environmental health. The bill will reassert American leadership among the nations of the world, and we will do it the way America has always done it—with ingenuity, hard work, and leadership by example.

Clearly, we know the scientific information as to the dangers we face. The dangers we face are real, with extreme weather conditions, disruptions to our food supplies. We have seen this already. In my own State of Maryland, we have a problem today with the blue crab. The reason, quite frankly, is the waters of the Chesapeake Bay are just too warm for the seagrasses and juvenile crabs cannot survive. That is bad for our watermen. That is bad for our State. That is bad for our economy. I can give you another 100 examples in Maryland where science is telling us that global climate change is real, hurting our economy.

The good news is that action we take to reduce global warming will be good for our economy. Through its innovative cap-and-trade system, the bill is designed to be self-financing, and there will be sufficient funds to also make major contributions to debt reduction. Because of the financing and investments in the legislation, it will help reduce our Government borrowing. It is good for our economy.

American businesses will see an unprecedented Federal investment in retooling for tomorrow. In the first 10 years, the bill provides $61 billion for renewable energy. Wind, solar, geothermal, and other zero- and low-carbon sources of power will get the boost they need to become an integral part of our energy distribution system. To prepare for that capital investment, the bill also provides $18 billion over that same period for an energy efficiency and renewable energy worker training program. We will have both the infrastructure and trained workforce for a new energy sector.

For our core heavy industries, they will benefit also. There will be $138 billion to help heavy industries. Those funds will help iron, steel, pulp, paper, cement, and other carbon-intensive industries with the assistance they need to remain competitive while they shift to cleaner energy sources.

LeHigh, the largest cement plant we have in America, is located in Union Bridge, MD. The plant produces up to 2 million tons annually. The company will now have the resources it needs to become even more efficient and more profitable because of this transition assistance.

I am especially proud of the section of the bill I helped author that will direct $171 billion over the life of the bill to States and localities for public transit nationwide. I wish to thank Senator BOXER for helping make this amendment a reality in this bill. About two-thirds of this money will go to supporting systems such as the Washington Metro, MARC, and MTA, while 30 percent will help develop new systems that will take more cars off the road. This legislation will make public transit convenient and economic.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CARDIN. Mr. President, this bill is important for our country and for our future. I am proud to be a cosponsor. I urge my colleagues not only to vote to bring up this bill, but let's work out the amendments and let's pass it so that America can regain its leadership in the world on fighting the rising problems of greenhouse gases.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I ask the Chair if I may be informed when 10 minutes has expired.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. LIEBERMAN. I thank the Chair.

For the first time in the history of the Senate or of the House, a comprehensive bill to curb global warming has reached the floor after having been reported favorably by the committee of jurisdiction. This has happened, in my opinion, because of two people. One is Senator WARNER, who joined the fight early on with me, to my great pleasure, and made this a bipartisan piece of legislation and was responsible for helping us get it out of the subcommittee and the full committee. The second person is Chairman BOXER, whose drive and persistence and legislative skill fashioned a majority within the committee and brings this bill to the floor with some momentum behind it.

The fact is, twice in the past—in 2003 and 2005—Senator MCCAIN and I brought a comprehensive climate measure to a vote in the full Senate, but we had to do it by amendment because in neither case did the Environment Committee report it out favorably. I will say that the amendment, as it is known, lost twice with a high vote total of 44. I am confident we are going to do a lot better than that in this consideration. So the bottom line is, this Climate Security Act has reached this point through the regular order, as we say in the Senate, having earned increasing and diverse political support along the way. I think that represents a tremendous step forward.

The Climate Security Act has a bipartisan list of cosponsors in addition to Senator WARNER and myself, including Senators COLEMAN, COLLINS, and DOLE, Senators CARDIN, CASEY, HARKIN, KLOBUCHAR, NELSON of Florida, SCHUMER, and WYDEN. Each of those Members contributed substantially to the bill while also helping garner support for it among other Senators and key constituencies. I cannot thank them enough for their help and for the trust they have placed in Senators WARNER, BOXER, and myself.

Senator WARNER and I introduced the Climate Security Act for a very simple but serious reason. It was to protect the environment, economy, and national security of the United States of America from the worst effects of man-made climate change.

Is it a problem, climate change? Well, just last week the Bush administration itself released a scientific report confirming that if we as a nation fail to take strong action now to cut our emissions of carbon dioxide and other greenhouse gases, then the resulting climate change will impose severe hardship on the American people.

The administration's Climate Change Science Report finds that over the next 25 to 50 years increased temperatures will result in slower economic growth and lower yields for staple crops such as corn, soybeans, wheat, and rice. That is slower growth of those crops and lower yields. Arid regions of the United States will face more frequent wildfires, which will be made worse as fire-resistant plants are replaced in the natural order by more combustible grasses.

In the American West, the mountain snows that provide a steady flow of water for irrigation and reservoirs will dwindle. Rainfall will come at times in amounts that will make it hard to manage. The sustained temperature increases will stress livestock, slowing their reproduction and growth rates, thereby decreasing their milk production and increasing the time to market for animal products.

Across the Nation, an increased frequency and severity of heat waves will lead to more illness and death, particularly among the young, the elderly, the frail, and the poor. The climactic changes will allow animal, water, and food-borne diseases to spread in the Nation or to emerge in areas where they have been limited or had not existed.

These are the findings of a report of the Bush administration.

Unfortunately, our failure to take any action to reduce or even stabilize our greenhouse gas emissions since the 1980s, when scientists first began to warn us about it, means that some part of the negative impacts described by this administration's Science Report are now inevitable. That is the reality. Greenhouse gases don't go up and dissipate; they accumulate. They are there now, and some consequences are inevitable. The scientific community tells us that we can still prevent the situation from reaching much worse, even catastrophic proportions, if we take the lead now in reducing emissions of greenhouse gases.

That is what this Climate Security Act would do. The bill, beginning in 2012—remember, that is not now, in 2012. So if we begin by passing this legislation now, we are going to have some time to work with it if people find reasons to fix it as we go along before it goes into effect. So beginning in 2012, this legislation would place a cap on the aggregate greenhouse gas emissions of the 2,100 facilities in America that are responsible for 85 percent of those emissions in this country. This is a very important point.

People out there may wonder: Oh, my God. Does this mean in my little business, in my factory, on my farm—am I going to have to start to fill out a lot of paperwork and get involved in this cap-and-trade business? No. This is an upstream piece of legislation. Only 2,100 facilities in America will be part of this cap-and-trade proposal. The bill would tighten the caps slowly and steadily, such that the aggregate emissions of those sources of greenhouse gases would be down to about 30 percent of the current level by 2050. That would be a substantial accomplishment.

Making conservative assumptions about actions by other nations; that is, assuming other nations, including the rising great economic powers such as China and India—frankly, don't do much. The administration, through another agency, has determined that the emissions reductions achieved by the Climate Security Act would prevent atmospheric greenhouse gas concentrations from reaching the level to which scientists ascribe a high risk of catastrophic impacts.

In other words, assuming that a lot of the other big nations don't do much of anything, this bill will make sure we fulfill our responsibility to protect our citizens. In fact, it would keep global emissions below the catastrophic level.

Now, some say it will cost money. It will cost money. But what is the cost? Remember, this sets up a system where money is raised through the auctioning of allowances. But that money, a lot of it—that is, a lot of the money that will be raised—is immediately reinvested in research and development of new energy technologies, in subsidies to protect people and businesses that are going to be most likely affected. We have to understand as we consider this bill that it will not only deal with the problem of global warming; this bill is the energy independence, energy security act that America, in its right mind, should have adopted 30 years ago. People have said we need a Manhattan Project; we need an Apollo Moon shot project to make America energy independent, to break our dependence on foreign oil. This legislation will invest more than six times the amount of money that the Apollo project and the Manhattan Project combined spent. We need to do it to free ourselves—free America—from dependence on foreign oil, from tyrants in places such as Iran and Venezuela.

Senator WARNER and I asked the Energy Information Agency—a section of the Department of Energy of this administration—what would be the cost of our legislation. They responded that the Climate Security Act's impact on the Nation's economic growth would be negligible. The fact is, under our bill they say America would continue to grow robustly until 2030, which is the period they measured, and would hit a level just 0.3 percent lower than under a business-as-usual scenario.

Mr. President, those are my opening comments. With great honor and gratitude, I yield to my friend and partner and cosponsor from Virginia.

Mr. WARNER. I thank my colleague. I will have further words about my colleague. The chairman of our committee, on behalf of the Senate as a whole, has some information which, certainly, I find very heartwarming. So I wish at this time to yield to the chairman on a matter that is unrelated to the pending legislation.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent to read this e-mail and then to add 2 minutes to Senator WARNER's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KENNEDY'S PROGRESS

Mrs. BOXER. This is the statement of Dr. Allan Freidman, who is Senator KENNEDY's surgeon:

> I am pleased to report that Senator KENNEDY's surgery was successful and accomplished our goals. Senator KENNEDY was awake during the resection, and should therefore experience no permanent neurological effects from the surgery. The surgery lasted roughly three and a half hours and is just the first step in Senator KENNEDY's treatment plan. After a brief recuperation, he will begin targeted radiation at Massachusetts General Hospital and chemotherapy treatment. I hope that everyone will join us in praying for Senator KENNEDY to have an uneventful and robust recovery.

Mr. President, I share that with all of our colleagues. I think we should take just 10 seconds to think about the Kennedy family and pray for them—just 10 seconds.

Thank you so much.

I thank the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished chairman of our committee and our colleague and friend for bringing that to the attention of all Senators. I have been privileged to know Senator KENNEDY for many years. His brother and I were in law school together at the University of Virginia in 1949. I recall then meeting the Senator for the first time when he visited the campus on occasion. But he has been a very dear and valued friend, an absolute tower of strength in this body which he loves so much: the U.S. Senate. So I commend my colleague.

I also wish to thank my dear friend, Senator LIEBERMAN. We have been together on so many legislative measures through the many years we have been here together, particularly as it relates to national security. He is a pillar of strength in his own right on this bill and in many other ways. I admire the independence of the Senator. I admire his commitment, his fortitude, and the strength which he has been tested on so many times. He is a great credit to this Nation and this institution.

Mr. President, I was indeed brought to this moment as a consequence of national security measures as there are implications with regard to global climate changes.

I don't use the term "warming" because it is, to me, a complexity of different climate variations—not only temperature but weather patterns manifesting in drought, patterns manifesting in floods, patterns manifesting in hurricanes, and all sorts of other things, such as tornadoes.

I have had the privilege of living a little bit longer than most in this Chamber. Indeed, in my lifetime, I have never seen such a complexity and changes in weather. Certainly, the evidence seems to be compiling every day that human activity and increasing carbon dioxide emissions are the causes. It is now time to deal with that situation.

I belong to the school of thought in this debate that we simply cannot do nothing; we cannot constantly postpone. Senator LIEBERMAN and I, over a period of almost a year now, have put this bill together. It represents what we deem a consensus—I guess you would say a middle-of-the-road position. We could not satisfy all those who want stronger controls put in, more immediate corrections; nor could we satisfy those who sort of say let's wait and see. We felt we should put this together, bringing together the thoughts of so many of our colleagues. I would say that several dozen colleagues contributed to this bill. One is Senator SPECTER. In our bill, we relied on much of the good work included in Bingaman-Specter Low Carbon Economy Act.

Most significantly, our legislation includes provisions from their bill that protect U.S. manufacturers from competition with other countries not curbing emissions. Second, we also "borrowed" their idea for providing "bonus allowances" to facilities that adopt carbon capture and storage. This incentive is critical. The third point I will highlight is that we tried to provide the price certainty envisioned by their "safety value" by including a "rainy day account" of extra allowances that would be released to the market if a certain price point is hit. I thank those Senators for their very important contributions in improving this bill.

Mr. President, another reason I am drawn to working to address the issue of global climate change is that there is a great feeling all across America by people in small towns, large cities, and in State legislatures that we must move and move now; that we simply must do something. In my view, doing nothing is not an option. We simply must do something.

I believe the American people will be the final factor in this bill that is now about to be pending in the Senate, as to whether sufficient votes are garnered to send the bill eventually to the President after we have a conference, hopefully, with the House of Representatives, which I am certain, if this is passed by 60 votes here, the House will quickly put together their own thoughts—they have done a lot of work—and we will have a bill that will go to the President. That will be largely owing to the public, as they follow this debate and read about it, as they discuss it among themselves. They will send back a message to this institution that doing nothing is not an option. Do the best you can. In crafting this legislation, we have done the best we can. If my fellow Senators have ideas to further improve the legislation, I ask them to bring them forward.

I commend the distinguished ranking member. He pointed out that he will support going forward with this bill this afternoon and also that there should be a number of amendments, hopefully, to strengthen it from the perspective of the ranking member and a number of colleagues on this side of the aisle. Let's show the American public that this institution can work and address a complicated subject and try to reach common ground and understanding. To do nothing is not an option.

In the substitute amendment, we significantly improved the bill by giving the President of the United States emergency authority to modify any requirement of this bill in the event of a national, economic or energy emergency. In addition, Senator LIEBERMAN, Senator CARPER and I will be offering an amendment with respect to nuclear power. I ask unanimous consent that this section of the substitute amendment, and my amendment with Senators LIEBERMAN and CARPER be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. WARNER. Again, the first provision I refer to deals with the authority of the President of the United States. The Committee reported bill, I felt, did not give sufficient protections to the Nation for unforeseen things that could occur while this law is being met across the Nation. So we give to the President the authority to change any provision in this bill that he—or possibly she—deems appropriate. And then it is up to the Congress to determine whether they support what the President has done or not. I say that because we have drawn on a procedure that has been time tested by the Senate, and indeed the Congress, to give such power to the President regarding legislation. Supposing that, as a consequence of the legislation, it is shown it is damaging our ability to recover from what appears now to be a weakened economy? Then the President can readjust the timetable or the provision which he deems is contributing to that problem.

Now, we ask the power industry—most notably those segments of the industry dependent upon coal—coal is our largest natural resource of energy. This bill does not in any way try to damage coal. It, in fact, is a bill that will help that industry—our power industry—which requires coal as a source of energy for our daily needs. Give us time to explain to the coal industry how this is done. But if technology, in terms of capturing the CO_2, conveying, transporting it to a repository for sequestration—if that technology is not in place in a timely way, the President can step in and readjust the timetable.

If there are national security implications from this bill that the President deems harmful, he can readjust this bill. So there are more than adequate safety measures in here to protect this Nation, and the President has full authority to implement them.

The Warner-Lieberman-Carper amendment relates to nuclear power. We looked at this in the course of the deliberations in the committee, and at that time, it simply was not feasible to include provisions. The distinguished colleague from Oklahoma and others brought forward a number of provisions about nuclear power during the mark up, which we could not accept at that time for reasons I think are apparent to all. But I am happy to bring forth an amendment now, joined by my distinguished colleagues, Senator LIEBERMAN and CARPER, to look at the absolute essential requirement that we rely on nuclear power as a growing and a more important daily source of energy for this country.

Mr. President, I hope that when this debate has concluded, if it is shown that the proponents of this legislation have not met the majority requirements of this body as to what is to be done legislatively now—not in the future—to deal with this global climate change, then I hope that another legislative proposal will be brought forward via amendment, or perhaps even by a substitute bill, to replace ours. If it is the will of a majority to take that substitute, so be it. I hope I can support it. But to do nothing is not an option, Mr. President.

How much time do I have under the 10 minutes?

The PRESIDING OFFICER. One minute remains.

Mr. WARNER. I yield that back to my colleague from Connecticut to wrap up for the two of us—in 1 minute, 1 year's work.

EXHIBIT 1

Subtitle B—Presidential Emergency Declarations and Proclamations

SEC. 1711. EMERGENCY DECLARATION.

(a) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(b) CONSULTATION.—In making an emergency declaration under subsection (a), the President shall, to the maximum extent practicable, consult with and take into consideration any advice received from—

(1) the National Security Advisor;
(2) the Secretary of the Treasury;
(3) the Secretary of Energy;
(4) the Administrator;
(5) relevant committees of Congress; and
(6) the Board.

SEC. 1712. PRESIDENTIAL PROCLAMATION.

After making an emergency declaration under section 1711, the President shall declare by proclamation each action required to minimize the emergency.

SEC. 1713. CONGRESSIONAL RESCISSION OR MODIFICATION.

(a) TREATMENT OF PROCLAMATION.—A proclamation issued pursuant to section 1712 shall be considered to be a final action by the President.

(b) ACTION BY CONGRESS.—Congress shall rescind or modify a proclamation issued pursuant to section 1712, if necessary, not later than 30 days after the date of issuance of the proclamation.

SEC. 1714. REPORT TO FEDERAL AGENCIES.

Not later than 30 days after the date on which a proclamation issued pursuant to section 1712 takes effect, and every 30 days thereafter during the effective period of the proclamation, the President shall submit to the head of each appropriate Federal agency a report describing the actions required to be carried out by the proclamation.

SEC. 1715. TERMINATION.

(a) IN GENERAL.—Subject to subsection (b), a proclamation issued pursuant to section 1712 shall terminate on the date that is 180 days after the date on which the proclamation takes effect.

(b) EXTENSION.—The President may request an extension of a proclamation terminated under subsection (a), in accordance with the requirements of this subtitle.

(c) CONGRESSIONAL APPROVAL.—Congress shall approve or disapprove a request of the President under subsection (b) not later than 30 days after the date of receipt of the request.

SEC. 1716. PUBLIC COMMENT.

(a) IN GENERAL.—During the 30-day period beginning on the date on which a proclamation is issued pursuant to section 1712, the President shall accept public comments relating to the proclamation.

(b) RESPONSE.—Not later than 60 days after the date on which a proclamation is issued, the President shall respond to public comments received under subsection (a), including by providing an explanation of—

(1) the reasons for the relevant emergency declaration; and

(2) the actions required by the proclamation.

(c) NO IMPACT ON EFFECTIVE DATE.—Notwithstanding subsections (a) and (b), a proclamation under section 1712 shall take effect on the date on which the proclamation is issued.

SEC. 1717. PROHIBITION ON DELEGATION.

The President shall not delegate to any individual or entity the authority—

(1) to make a declaration under section 1711; or

(2) to issue a proclamation under section 1712.

Subtitle C—Administrative Procedure and Judicial Review

SEC. 1721. REGULATORY PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), any rule, requirement, regulation, method, standard, program, determination, or final agency action made or promulgated pursuant to this Act shall be subject to the regulatory procedures described in subchapter II of chapter 5 of title 5, United States Code.

(b) EXCEPTION.—Subsection (a) does not apply to the establishment or any allocation of emission allowances under this Act by the Administrator.

SEC. 1722. ENFORCEMENT.

(a) VIOLATIONS.—

(1) IN GENERAL.—It shall be unlawful for any owner or operator of a covered entity to violate any prohibition, requirement, or other provision of this Act (including a regulation promulgated pursuant to this Act).

EXHIBIT 2

On page 164, strike line 15 and insert the following:

(c) EDUCATION AND TRAINING.—For each

Beginning on page 181, strike line 1 and all that follows through page 183, line 3, and insert the following:

SEC. 536. EDUCATION AND TRAINING.

(a) DEFINITION OF APPLICABLE PERIOD.—In this section, the term "applicable period" means—

(1) each 5-year period during the period beginning on January 1, 2012, and ending on December 31, 2047; and

(2) the 3-year period beginning on January 1, 2048, and ending on December 31, 2050.

(b) NUCLEAR SCIENCE AND ENGINEERING EDUCATION.—For each applicable period, the Secretary of Energy shall use ⅓ of the amounts made available under section 534(c) for the calendar years in the applicable period to increase the number and amounts of nuclear science talent expansion grants and nuclear science competitiveness grants provided under section 5004 of the America COMPETES Act (42 U.S.C. 16532).

(c) NUCLEAR ENERGY TRADES TRAINING AND CERTIFICATION.—For each applicable period, the Secretary of Labor, in consultation with nuclear energy entities and organized labor, shall use ⅓ of the amounts made available under section 534(c) for the calendar years in the applicable period to expand workforce training to meet the high demand for workers skilled in nuclear power plant construction and operation, including programs for—

(1) electrical craft certification;

(2) preapprenticeship career technical education for industrialized skilled crafts that are useful in the construction of nuclear power plants;

(3) community college and skill center training for nuclear power plant technicians;

(4) training of construction management personnel for nuclear power plant construction projects; and

(5) regional grants for integrated nuclear energy workforce development programs.

(d) CLIMATE CHANGE SCIENCE AND POLICY EDUCATION.—For each applicable period, the Secretary of Education shall use ⅓ of the amounts made available under section 534(c) for the calendar years in the applicable period to support climate change policy and science education in the United States.

On page 292, strike line 22 and insert the following:

SEC. 901. FINDINGS; SENSE OF SENATE.

(a) FINDINGS.—Congress finds that—

(1) more than 40 years of experience in the United States relating to commercial nuclear power plants have demonstrated that nuclear reactors can be operated safely;

(2) in 2007, nuclear power plants produced 19 percent of the electricity generated in the United States;

(3) nuclear power plants are the only baseload source of emission-free electric generation, emitting no greenhouse gases or criteria pollutants associated with acid rain, smog, or ozone;

(4) in 2007, nuclear power plants in the United States—

(A) avoided more than 692,000,000 metric tons of carbon dioxide emissions; and

(B) accounted for more than 73 percent of emission-free electric generation in the United States;

(5) a lifecycle emissions analysis by the International Energy Agency determined that nuclear power plants emit fewer greenhouse gases than wind energy, solar energy, and biomass on a per kilowatt-hour basis;

(6) construction of a new nuclear power plant is estimated to require between 1,400 and 1,800 jobs during a 4-year period, with peak employment reaching as many as 2,400 workers;

(7)(A) once operational, a new nuclear power plant is estimated to provide 400 to 600 full-time jobs for up to 60 years; and

(B) jobs at nuclear power plants pay, on average, 40 percent more than other jobs in surrounding communities;

(8) revitalization of a domestic manufacturing industry to provide nuclear components for new power plants that can be deployed in the United States and exported for use in global carbon reduction programs will provide thousands of new, high-paying jobs and contribute to economic growth in the United States;

(9) data of the Bureau of Labor Statistics demonstrate that it is safer to work in a nuclear power plant than to work in the real estate or financial sectors;

(10) while aggressive energy efficiency measures and an increased deployment of renewable generation can and should be taken, the United States will be unable to meet climate reduction goals without the construction of new nuclear power plants;

(11) modeling conducted by the Environmental Protection Agency and the Energy Information Administration demonstrate that emission reductions are greater, and compliance costs are lower, if nuclear power plants are used to provide a greater percentage of electricity;

(12) the United States has been a world leader in nuclear science; and

(13) institutions of higher education in the United States will play a critical role in advancing knowledge about the use and the safety of nuclear energy for the production of electricity.

(b) SENSE OF SENATE REGARDING USE OF FUNDS.—It is the Sense of the Senate that Congress should stimulate private sector investment in the manufacturing of nuclear project components in the United States, including through the financial incentives program established under this subtitle.

SEC. 902. DEFINITIONS.

On page 293, line 14, insert:

"(D) establishing procedures, programs and facilities to achieve ASME certification standards"

On page 294, strike line 10 and insert the following:

or low-carbon generation, including—

(A) a technology referred to in section 832(a); and

(B) nuclear power technology.

On page 294, line 11, strike "**902**" and insert "**903**".

On page 294, line 16, strike "**903**" and insert "**904**".

On page 297, line 5, strike "**904**" and insert "**905**".

On page 297, line 7, strike "**903**" and insert "**904**".

On page 297, line 10, strike "**905**" and insert "**906**".

On page 297, line 14, strike "**904**" and insert "**905**".

On page 297, line 18, strike "**906**" and insert "**907**".

On page 297, line 19, strike "**906**" and insert "**907**".

On page 298, line 4, strike "**907**" and insert "**908**".

On page 298, line 17, strike "**909**" and insert "**910**".

On page 299, line 16, strike "**908**" and insert "**909**".

On page 301, line 11, strike "**909**" and insert "**910**".

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from Virginia. I thank him for an excellent statement. I think his point is well taken. Let's have a full and open debate and in the classic way and in the best Senate tradition. Let amendments come forward. We believe strongly that this problem is too real and too urgent to keep saying no, no, no.

We have come some distance in the Senate's consideration or discussion off the Senate floor about this. We are now at the place where almost nobody says this is not a problem, that climate change is not occurring; just about everybody agrees it is.

Now the question is, What do we do about it? We have tried to fashion—I like what Senator WARNER said—a balanced, kind of middle-of-the-road response to the problem of global warming. In dealing with global warming and climate change, there will also be the energy independence declaration program that America needs to secure our future. You cannot cut greenhouse gas emissions unless you cut dependence on oil, and most of that oil comes to America from abroad. This is an opportunity to deal with a big problem with a big solution and truly to secure and better the future of our country and its people.

I often say, when people ask why Senator WARNER decided to join in on this, that he responded with remarkable brevity for a Senator. He said two words: Science. Grandchildren.

The science speaks loudly that we have a problem. He wants to feel, on his watch, as we all should, that he did something to protect his grandchildren and all our grandchildren from that problem. That is what this legislation gives the Senate an opportunity to do.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I commend my colleagues for their fine remarks about the need to cut carbon emissions. I agree with them on cutting carbon emissions. I think that is important. But I think it is timely that we have this discussion now about the cost of it because we should pursue cutting carbon emissions, but we cannot slash family budgets, knock farmers and workers out of jobs and out of productive revenue.

At a time when Americans are suffering record pain at the pump, high energy costs, a mortgage crisis, and a soft economy, I am very concerned about raising energy prices on our families and workers.

I just returned from a six-city energy tour in my State of Missouri. Did I learn something. From Joplin in the southwest of my State, to Palmyra in the northeast, families, businesses, farmers, and truckers are suffering from record-high prices. Drivers are fed up with gasoline prices approaching $4 and diesel prices even higher. One pump in Joplin is $4.75 for a gallon of diesel.

These truckers and small businesses are saying how they are struggling now. Some are being forced out of business and don't know how they are going to meet their fuel costs and still employ people and carry the goods we need to get to market. When they pay higher prices, we all pay higher prices for everything because transportation costs are a critical element. They are squeezing farmers already. Do we want to vote to make this misery much worse?

I fear that this bill, as currently drafted, will make our suffering families and workers much worse off. The sponsors of the substitute tell us this bill will raise, between now and 2050, over $6.735 trillion. I apologize that there are nine zeroes on the charts; so you have to have two panels to have all the zeroes in that trillion-dollar figure. It would not fit on one poster board. That is what this bill would cost. Do you know where that cost goes? Similar to lots of stuff, it rolls downhill. This would roll down on the consumers. They are the ones who will pay for it in energy prices—millions of families and workers across the Nation.

Now, some may claim they are trying to hit energy companies with the cost of this program. Does anybody think energy companies will continue to produce if their costs go up this much? The first thing they do will be to pass it along to all of us, and we will feel it. Energy consumers and producers will have no other choice. That is because the technology to meet deep-and-fast carbon cuts, without massive economic disruptions, doesn't exist today; and as I talk to scientists in my State, as we look at projects on which we are working, they will not be ready for another 15 to 20 years.

We are working on some things that will work now. Biofuels is making a small dent—a small, small dent. We can expand that a little more. But even the advanced cellulosic ethanol processing is not economically feasible now. Thus, the impossible mandates of Lieberman-Warner will be a massive tax increase for all Americans.

To sum it up, cap and trade is a taxation, a massive taxation without technology. Cap and tax is what it was called in an article today.

The $6.7 trillion cost would hit my Missouri constituents particularly hard. Experts at the American Council for Capital Formation predict Missouri will lose 76,100 jobs by 2030 if we enact Lieberman-Warner. The average Missouri household will face a $6,852 extra cost per year. Energy cost for electricity will be 153 percent higher. Gasoline cost at the pump will be 140 percent higher.

The Lieberman-Warner bill, regrettably, has a particularly unfair and harsh impact on America's heartland. This chart shows how much bills will go up depending on where one lives. In the Northeast, it is 40 percent. In the Midwest, it is 137 percent. In the South, it is 104 percent. In the Great Plains, it is 113 percent. In Mountain/West, it is 87 percent. And the West Coast, not much. I mean no offense when I say that it is easy when you look at the chart to see that the primary proponents of this measure, in the Northeast and the far West—the pain will be focused primarily on the coal-dependent manufacturing jobs, heavy Midwest, South, and Great Plains.

Perhaps the most disturbing feature of this debate is that for all the pain on families and workers, for all of its $6.7 trillion pricetag, it will have no measurable impact on world temperatures. That is right; the Environmental Protection Agency estimates that if China and India do not institute similar plans to the same extent we do, as they have already told us they will not, this bill before us will have no measurable impact on world temperatures. That means $6.7 trillion in pain for American families and workers for no gain in global temperature lowering.

I will have more to say about this issue during this debate in the coming days. I also look forward to debating how we can cut carbon without cutting family budgets or worker payrolls. There is so much we can do to reduce carbon emissions by increasing nuclear power production, and we do need to get more nuclear power. Do we have the scientists, the engineers? No. Do we have the basic vats that are needed? No. We need to develop that industry in the United States. We need to do something about reprocessing spent fuel. Right now we are limited, we are constrained by our inability to get rid of spent nuclear fuel. We need to reprocess it and reduce it by 95 percent.

We need to expand coal technology, coal to liquid, coal gasification. These are very important. But what do we do with the carbon? That is why we are working on a project in southwest Missouri, for which I got an earmark 4 years ago, to try sequestration underground. Is it going to work? We don't know. That is why it is a demonstration project.

We need to expand our domestic manufacturing supply base for more advanced batteries to get more hybrid cars and trucks on the road. We worked with companies in Missouri to help them build better batteries. I would love to see the day when we have a full-size automobile, not a golf cart, that we can plug in at night when power demand is lowest, charge the battery, commute to work and back without ever having to stop at a gasoline pump. We are not there yet. We do not have the batteries.

We need more next-generation work on cellulosic biofuels. I was talking to the top scientists in Missouri on Wednesday. I was talking about biofuels. We have hundreds and hundreds of square acres with as much as 4,200 tons of green wood that need to be cleaned out of the forest to make it healthy.

I said: Congress, in its wisdom, has already mandated we produce 16 billion gallons of cellulosic ethanol by 2022. I said: By the way, how is the technology to convert wood to cellulosic ethanol?

They said: We are not there yet. We haven't found a means of converting wood to ethanol in an efficient, economically viable way.

I said: When do you expect it?

They said: We don't know.

I said: That is Congress; we passed a law saying you have to produce 16 billion barrels, and we forgot to ask the scientists when we were going to get that conversion.

We are working on it, but we are not there yet.

In each of these areas, I am proud to say that Missouri is leading the way to look for ways to reduce our carbon emissions. We want to do that. Set aside the arguments over the international impact and what the impact is. We will join with you in reducing carbon emissions, but, please, friends, let us develop the technology and not impose taxes when we put on caps without the technology. Caps without the technology is a $6.7 trillion tax increase.

We can all be leaders in clean energy for the future. We need to do so without ruining our economy, which this bill would do.

I look forward to discussing this issue in a constructive manner with all my colleagues in the coming week, and I assume in the months and years to come.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oklahoma.

Mr. INHOFE. Madam President, Senator DOMENICI is on his way, and I want to yield some time to him. He has been a real hero in our pursuing one of the forms we are going to have to have if we are ever going to run this great machine called America, and that is nuclear energy.

I was glad to hear the comments made by the Senator from Virginia who had complimentary things to say about nuclear energy and what is necessary if we are going to be able to continue to do this.

Before the Senator from Missouri leaves, he was referring to a chart that showed the increase in the price of gasoline. I don't know whether he still has that chart or if he has it in his notes. The Senator from Missouri went over it so fast. To me that is the focal point, at least in my State of Oklahoma.

Mr. BOND. The price of gasoline——

Mr. INHOFE. One hundred forty percent.

Mr. BOND. We said 140 percent. There are various figures that would add $1.44 to $1.45. This one is from the National Association of Manufacturers. I believe the EPA figures say $1.40, $1.45. I can tell the Senator that we are looking at significant increases in the price of gasoline. The low number would be $1.40, I believe, from the EPA.

Mr. INHOFE. Madam President, I ask the Senator from Missouri also to comment on the predictions as to what it would cost to the average household. In my presentation—and the Senator was in our caucus when we had a meeting—I had one chart that showed the United States. It showed how much it would cost an average household. My State, Oklahoma, and Texas were the largest hit. The increase for each family would be $3,300. Missouri was in the next tier down, which I think was around $2,800. That is something I think is very significant.

Mr. BOND. We have $6,852 on the average Missouri household. Our source for that is National Association of Manufacturers, March 13, 2008. Obviously, these costs are only estimates. When you realize that those States, such as Missouri, which depend on coal—and no telling what the grand czars will allocate, the unelected bureaucrats will allocate for coal production or utilities burning coal. They are right now $13 a ton on carbon emissions. I think some are trading three times that high in Europe. These numbers are all, at best, estimates. We can tell you that there is no way this won't have a significant impact.

Mr. INHOFE. I suggest to my friend from Missouri that I am sure Missouri is not that different from Oklahoma and it is the major concern people have. That is all, when I go around the State, people are talking about now.

Many different economic studies show gasoline prices rising significantly under this bill. Madam President, $1.50 is just an estimated range. One of the Government EPA studies shows gasoline prices going up by $1.40. Another independent agency study, the independent Energy Information Administration, predicts it will go up by 41 cents a gallon to $1 a gallon by 2030.

As gasoline prices continue to rise and set new record highs every day, this bill would only keep prices rising. The Energy Information Administration study predicts that gasoline prices will increase anywhere from 41 cents per gallon to $1 per gallon by 2030.

We are waiting for a Senator. How much more time on the opposing side do we have at this point?

The PRESIDING OFFICER. There is 31 minutes.

Mr. WARNER. Madam President, before the Senator yields the floor, I wonder if I may ask him a question.

Mr. INHOFE. That will be fine on the time on the other side.

Mr. WARNER. Fine. Of course, whatever the case may be. Because our colleagues are listening to these statistics, I think we better with greater specificity explain from where those numbers are coming. The Senator made a comment about the possible increase in the cost of gas. But is that not over the life of the bill, which is 20 years?

Mr. INHOFE. No.

Mr. WARNER. It is not tomorrow or the next day.

Mr. INHOFE. I am talking about by 2020 and some of the figures used are by 2030. An article in The Hill, just the other day—of course, that was before we had our recess—said that the Senate debate after Memorial Day could add up to 50 cents to the price of a gallon of gasoline, according to the study. They didn't say the timeframe. That was one of the more objective groups.

Here is another one that talks about that. Investors Business Daily says the bill essentially limits how much gasoline and other fossil fuels Americans use.

Mr. WARNER. Madam President, I asked the question, but I will finish it up. Let's be candid, we are talking about a bill that is 20 years ahead of us. Look how much gas has risen, 26 increases in the past, I think, 90 days. It has nothing to do with this bill. This bill has all types of checks and balances that the President can move in and stop these provisions from being invoked if he is concerned.

I listened patiently to my colleague from Missouri: This is wrong, that is wrong, this is wrong. All right, folks, who is going to come forward in this Chamber and say this is what is right, here is the better approach? And let us be careful in the representation about these incredible increases and so forth. Give the time period and then contrast that to what has happened in the last 90 days, which has nothing to do with this bill—nothing.

What has an impact is if this bill eventually becomes law, then it will put in place the mechanism by which to relieve the crisis we are faced with today—these repeated 26 increases in the cost of gasoline.

I yield the floor.

Mrs. BOXER. Madam President, how much time remains on either side?

The PRESIDING OFFICER. There is 28 minutes 19 seconds for the opposition, and 18 minutes on your side.

Mrs. BOXER. I yield 5 minutes to Senator KLOBUCHAR, a wonderful member of our committee and, by the way, author of the carbon registry portion of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank Chairwoman BOXER for her great leadership of our committee.

Today, we begin a discussion of a historic opportunity—an opportunity to restore American leadership on something that is so critical for the future of our country and of the world.

I just came back, Madam President, from Minnesota, where I spent the last week. People are glad that spring is here, but I was surprised by the number of people who came and talked to me about the climate change issue. They knew this debate was coming. It is not just kids with penguin buttons anymore. It is hunters in Hibbing who have seen the changes to our wetlands, people who ice fish, and little city councils in places such as Lanesboro, MN, that changed out their light bulbs to save money. And it is business people in Duluth who have seen Lake Superior at historic lows over the last 80 years. People in our State are seeing the changes, and they are concerned about the changing weather patterns and the frequency of changing weather patterns—with tornadoes, with floods, and with fires.

Local communities all over this country are taking action. My State of Minnesota has one of the most aggressive renewable standards in this country. We don't view this as a partisan issue. We view this as a bipartisan issue. Everyone from our Republican Governor to our Democratic legislature to independent city councils all over the State want to see action on climate change from Washington.

Just a year or two ago this Senate was debating whether climate change existed, and now, finally, today, with a vote on this motion, we can start debating how to solve it. We had an event today where people from all over the country talked about the effect it had in their communities—global warming. Someone from Alaska joined us to describe the way climate change has affected whale populations and fishing traditions that support her community.

It actually made me think of my own State of Minnesota where fishing is very important. I would love to ask the Presiding Officer if she knew how much money we spend on bait and worms alone in Minnesota every year, but, of course, the rules prohibit her from answering. In fact, the answer is, in the State of Minnesota we spend $50 million a year alone on worms and bait. It gives you a sense of how important, in the land of 10,000 lakes, fishing and outdoor recreation is to the State.

A total of $1.8 billion every year is spent on angling alone. That is why everybody from snowmobilers to hunters, to people who fish, to everyday citizens, care about this issue in my State, and why it is so important to move forward on this legislation.

The other piece of interest is that our State is third in the country with wind. We see the potential for jobs. If we set the standards in this country, the investment will follow. Think of what happened when we raised the gas mileage standard years ago: we saved money. Now we are doing it again this year.

Think about when John F. Kennedy stood and challenged this country to put a man on the Moon. We won that space race, but we did more than that. By drawing that line in the sand, by saying this country was going to move forward, we produced endless amounts of technology just from that one moment we said we were going to put a man on the Moon.

We produced weather satellites, solar technology, digital wristwatches, ultrasound machines, laser surgery, infrared medical thermometers, programmable pacemakers, satellite TV broadcasts, high-density batteries, high-speed, long distance telephone service, automated insulin pumps, CAT scans, radiation blocking sunglasses, and my personal favorite, those little chocolate space sticks that my family used to take on camping trips in the 1970s.

That was all because someone in the Nation's Capital said we were going to move in a new direction; we were not going to let other countries be the first to put a man on the Moon; we were going to be first.

That is what we have the opportunity to do with this legislation. We have the opportunity to start moving and doing something about climate change. Many people around the world are waiting for us to act, to go first, as we have so many other times. Other countries have done things, but our country, the United States of America, making a statement on this matter, will make a difference for the rest of the world. We need to set our expectations high. We need to set our standards high. And we have to remember, while climate change is a challenge—and I don't believe it is any longer seriously disputed in terms of the science on global warming—it is also an opportunity.

I look forward to the debate that we will have in the coming days, and I thank Chairwoman BOXER again for her leadership.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, I yield to the Senator from New Mexico whatever time he consumes.

Before I do that, I say to my good friend from New Mexico that I commented earlier on his being a real champion for nuclear energy, and the recognition that we can't resolve the process we have without a very bold nuclear program. And I would say this: We have over 30 applications now in the process, of people saying what they want to do. So I look at this, as I characterized it a few minutes ago, as a nuclear renaissance that is taking place, largely due to the efforts of the Senator from New Mexico.

Mr. DOMENICI. Madam President, has time been yielded to the Senator from New Mexico?

The PRESIDING OFFICER. Yes, whatever time the Senator shall consume.

Mr. DOMENICI. Let me comment on your observation. First, I thank you for indicating that I had something to do with the rise of nuclear power, which we are all glad to call a nuclear renaissance. I did have a lot to do with it, and I am very proud of that.

I think the Senator knows I will not be here very long because I have decided to retire after 36 years, and that means this January. But I am very confident that even leaving in that short time from now we have set the seeds for the nuclear renaissance. It will be in the world, not just in America. But it would always have been short of what it could be and should be if America was not part of this renaissance. If America wasn't a part, the world somehow would not feel right about nuclear. And since we started it, and then we unpropitiously stopped producing it and stopped all the leadership we had, we are starting anew. So there is great excitement in the American nuclear community, which is expanding dramatically.

Universities are establishing new nuclear physics courses. I think the Senator from Oklahoma knows that. We have put money in the energy and water bill, $10 million to $15 million a year, for universities to get started and bring them up where they were, and that is going to be very exciting. But have no doubt, since the United States knows how to produce the very best nuclear powerplants—the Nuclear Regulatory Commission is of the highest quality—they are not going to approve licenses unless they are absolutely certain of plant designs and that locations are absolutely the best. And that is going to take a little while.

We had, I think 33 or 34 is the number that are in the process of applying, with about 7 or 8 firmed up, completed, and all the process they need to submit being done. That is so exciting when you consider that in 20-plus years we had zero, not a single one, until we passed the Energy Policy Act. And the distinguished Senator from Oklahoma was not on the Energy Committee, but he was very helpful at every step as we produced this Energy Policy Act, which included, as everyone agrees, all of the ingredients to cause American nuclear power to have a renaissance, and it is doing that.

Now, there is no way we are going to effectively clean the CO_2 we produce in the use of power without nuclear power. It is the one big source of power that has no CO_2 emissions attached to it, so it is good we are moving there. But today we have a bill before us that has to be discussed, debated, and amended, as I see it, for such a long period of time for the American people and the Senators to understand its implications, that today I choose to just speak about one little part—the impact of this bill on oil and gas prices.

This is a bill that purports to put America on a path of producing less and less CO_2, but it has some real difficult hurdles to cross as we move there. In the meantime, there is no question that it has an impact on a lot of things, and we have to consider whether it is worth all the ramifications, considering what the bill will or will not do.

So, Madam President, let me remind Senators that we are all coming back from our home States. I am returning from my home State of New Mexico, where I visited constituents and listened to their concerns. In every town I visited, at every event I attended, and during every meeting, I took the same issue and put it before the people and discussed it with them. They asked the same questions over and over: How will Congress deal with the rising gas prices? I expect that most every Senator had similar experiences during his or her recent recess travels.

This morning, the price of gasoline was, on average, a record of $3.98. Now, I used an average, and I got that from an appropriate official. In many places it has already passed the $4 mark, but it averages $3.98. At the start of this Congress, the average was just $2.33, meaning the cost of gasoline has jumped by 70 percent in just 18 months.

Record gas prices are causing tremendous pain for Americans. In one recent survey, 40 percent of workers said the high price forced them to change the way they get to and from work. Many have stopped driving altogether. Public transit ridership is at an all-time high. Others have traded their vehicles in for smaller ones. But most importantly, many are feeling the impact on the family budget. They are just feeling like they can't make it because they only have one way to go to work. They have to work, and if there are two workers in the family, when you add the price of gasoline to that, it becomes an expense they can hardly bear.

The impact is not limited to transportation. It affects nearly every aspect of American life and ripples throughout our economy. As fuel costs rise, as I indicated, family budgets are stretched. Millions have canceled vacation plans and cut down on shopping trips. For those living paycheck to paycheck, the price at the pump is the difference between being able to pay their bills on time and going into debt. Runaway energy costs also hurt our businesses, as evidenced by recent announcements from Ford Motors and American Airlines.

High gas prices even impact the quality of education that our children receive. A school district in Minnesota has already announced that schools will move to 4 days a week to avoid budget shortfalls. Schools in North Carolina are planning fewer field trips for their students, which are often among the most memorable experiences that our children can have.

As these examples illustrate, the consequences of high energy prices are widely felt, far-reaching, and difficult to overcome. We must take real steps to ensure that these are properly addressed and that we are not telling these same types of stories in the future.

After hearing our constituents plead for relief from high gas prices, it was my hope that Senators would rededicate themselves to reducing the cost of oil and gas. Instead, by bringing up a bill to establish a cap-and-trade regime, which we will hear much about in the ensuing days, the majority has chosen to go in the opposite direction from reducing gas prices or holding them steady for our constituents.

As the summer driving season begins, and oil prices remain at near all-time record highs, it is simply incredible that the first measure debated in this session will not be a bill to lower energy prices by producing more of our own energy but a bill that will, in fact, substantially increase energy costs.

By assigning a cost to the carbon content of traditional fuels, there is no question this bill will increase the cost of gasoline. According to EIA, gas prices could rise by 41 percent in the year 2030. The EPA places this figure as high as a $1.01 per gallon by the year 2030.

Every policy has a price, but as we continue to face record energy prices, the costs of this bill are simply unacceptable, no matter which version is up for debate. An economist at the Federal Reserve Bank of Dallas recently told the New York Times that:

> Every one-cent increase in gasoline means Americans pay $1.42 billion more a year for gas.

An absolutely incredible number. You wonder why the economy is being affected by these enormous price increases of gasoline and diesel fuel. At a time when they can least afford it, this will translate to even greater pain at the pump for consumers. At a time when the strength of our economy is already a serious concern, it will lower the bottom line of American business and jeopardize their global competitiveness.

When recesses end and we make our way back to Washington, it is our obligation to do our best to resolve the concerns of our constituents. Right now we should be working to find a way to reduce energy prices. Instead, as we begin to debate a cap-and-trade regime which may not work, it is clear there is a fundamental disconnect between many in this Chamber and the American people who simply cannot afford to pay more for energy. As the Boxer bill proves, there is much Congress can do to raise these prices and we are setting about to do that.

I commend my colleagues for trying to tackle the task of reducing carbon emissions to address global climate change. However, the American people are facing higher costs and tough economic concerns. They are worried about their family budgets and about their jobs. This bill will make these worries greater and increase those costs even more.

I will be speaking at great length as we consider this bill in the coming days and I will speak of many other issues besides the one today, for there are many more. I speak of only one today which I think we should start with, and know what we are dealing with in terms of the side effects of legislation that is controversial. It is not only controversial but many are quite certain it will not do the job.

Mr. BYRD. Madam President, I am anxious to see action on this issue, but I keep asking myself, are we doing the right thing for the wrong reasons, or the wrong thing for the right reasons? Either way, I cannot support proceeding at this time. The Senate is not yet ready to consider this vastly important and highly complex legislation. It's ramifications are too unknown.

In December 2007, after several hearings and with written comments, the Environment and Public Works Committee reported S. 2191, America's Climate Security Act. It includes a hefty 334 pages of legislative text. Since then, a new bill has been drafted and placed on the Senate Legislative Calendar—S. 3036, the Lieberman-Warner Climate Security Act—which is what the Senate will consider if the motion to proceed is adopted. And yet another bill—a third bill—is expected to be offered as a substitute amendment by the chairman of the Environment and Public Works Committee. That bill includes 491 pages of legislative text. That is three bills, in 6 months, totaling 1,167 pages of legislative text. This new bill was circulated only days ago before the Memorial Day recess, and with an additional 157 pages that was not considered by the Environment and Public Works Committee—no hearings, no economic analysis.

In early April, after months of examination, the Congressional Budget Office produced a cost estimate on S. 2191, outlining the $1 trillion impact of that measure on the Federal budget, and the $90 billion annual impact on the private sector. Incidentally, this legislation would put hundreds of billions of dollars on automatic pilot, allocated by unelected, unaccountable boards, with little congressional oversight. However, no complete estimates exist for the substitute amendment that the Senate might consider. In addition, the Environmental Protection Agency and the Energy Information Administration at the Department of Energy have produced their economic analysis of S. 2191, outlining the impact of that legislation on different sectors of the economy. But, again, no complete estimates exist for the substitute amendment that the Senate might consider if it proceeds to the underlying bill.

Industry and environmental experts differ widely on how these bills will impact the American economy and energy prices. Without better independent analysis of the facts, there is little to prevent Senators from simply talking past one another. This being a presidential election year, the atmosphere is already highly charged. There is already too much political posturing on this complex, albeit popular, issue. This Chamber, the world's greatest deliberative body, must investigate further in order to render an informed decision. There are all kinds of parliamentary tactics that can be used on both sides of the aisle to limit debate and amendments on this bill, or to force votes on dangerous measures. The process can get out of hand very quickly and very easily.

I am haunted by another election year debate, when the Congress was rushed to judgement in voting for war in Iraq. And last year, it obviously did not adequately consider the consequences of a fuels mandate, which has contributed to international crisis and famine. In both cases, the result has been far different and far worse than what was thought and said at the time.

We must not be rushed to judgement on this vital issue. If not properly drafted, climate change legislation could bring unilateral devastation to critical sectors of the U.S. economy. It could cause massive increases in energy prices for American consumers. If not properly drafted, such legislation could well result in more harm than good.

The language of this measure is obviously still evolving, and the American people must know what is being asked of them before the Senate commits to mandatory emission caps. Otherwise, we cannot expect them to long endure the consequences that will surely follow. Without long-term public support, any effort to address this issue will eventually, and quite certainly, unravel.

Mr. LEVIN. Madam President, while I am willing to proceed to the climate security bill so that the Senate can debate and amend it, I am opposed to this bill in its present form. I am hopeful that the Senate will amend this bill and significantly improve it as we move forward.

Mr. INHOFE. Madam President, let me ask how much time is remaining on the opposing side?

The PRESIDING OFFICER (Ms. STABENOW). Just less than 16 minutes.

Mr. INHOFE. Madam President, I think it is the wish of the majority to have us use our time so Senator BOXER will have the remaining time, which is fine. I invite any Members who are around—I know several will want to speak tomorrow, but we do have time right now if they want to come down.

As I said in my opening remarks, this is not a discussion about science. That is something for another day. We have been talking about that now, the lack of science, for a number of years. I have to go back to then-Vice President Gore, who had a study done by a very prominent scientist—his name was Tom Wiggly. In this study, back when he was Vice President, he said: If we were to have all of the developed nations—not developing, not China, not Mexico, not India, but the developed nations—to sign on to, to ratify the Kyoto treaty and live by its emission requirements—of course they wouldn't do that anyway because the emission requirements are not complied with in some 15 Western European countries; only 2 are living within their emission requirements, but he said assuming all developed nations did sign on to Kyoto and live with the requirements, how much would it reduce the temperature in 50 years?

Do you know what his answer was after he did this massive study? Tom Wiggly, the scientist for Al Gore, said it would reduce the temperature by 7/100th of 1 degree Celsius. This is after all the economic pain.

I think what I might do is use a little of the time, if no other Members come down, to talk about how other people are looking at this. The Las Vegas Review Journal—I am hoping the leader of the Senate would be reading the Las Vegas Review Journal—said:

> Consumers are already struggling with gasoline approaching $5 a gallon and other utility costs that have been moving steadily higher for the past few years. New mandates placed on producers in the name of "global warming" will only make matters worse.

That was an editorial in the Las Vegas Review Journal a few days ago.

From the State of Ohio, The Plain Dealer—I know we are going to have Senator VOINOVICH taking a very active part in this debate. He is another one of the leaders bringing us into a renaissance for nuclear energy in America, which is desperately needed. I have to say, as we approach hopefully the solution—not having anything to do with this bill, but the energy crisis in America—I agree we need all sources. Oklahoma is very busy right now and very effective in their research on biomass—cellulosic biomass. Both the University of Oklahoma and Oklahoma State University, the Noble Foundation, are very active. We want that. It is not here now. That is better, to me, than the ethanol mandates that merely use up the market for corn to the extent that my livestock people in Oklahoma are paying a lot more now for feedstock than they did. You won't have to do it with feedstock in the future because you will be able to do it with biomass and other forms. When it gets down to what the solution is to the energy crisis, we do need to have all these in the future: Wind, solar, and all that, when the technology is here. But right now we are 53 percent dependent on coal for our ability to run this machine called America.

As the Senator from Virginia stated, we will have to have coal as well as nuclear energy. Clean coal technology is out there. We have to keep that going. A lot of people fear this bill is going to put an end to coal.

The one ingredient we have to have, of course, is natural gas. That performs well. A lot comes from my State of Oklahoma. But one thing that will be necessary to pursue in the future is nuclear energy. Right now some countries such as France are 80 percent dependent upon nuclear energy. We are down around 20 percent. That is an area where we can do something.

Up in Ohio, The Plain Dealer newspaper, in their editorial, said:

> The bill, as conceived, will just bore new holes into an already battered economy.

In Pittsburgh, the Pittsburgh Tribune-Review:

> If there indeed is a second Great Depression to come, this will be the government measure that guarantees it arrives with a devastating gut punch.

That was an editorial called "The Climate Security Act? Reject The Ignorami" in the Pittsburgh Tribune-Review.

San Francisco Chronicle—this is kind of interesting—from the State of California:

> The Senate debate on the climate bill probably will focus on its impact on energy prices and the economy, which in the short run could be considered significant.

The Associated Press recently said:

> With gasoline at $4 a gallon and home heating and cooling costs soaring, it is getting harder to sell a bill that would transform the country's energy industries and—as critics will argue—cause energy prices to rise even more.

The Wall Street Journal—there are a couple of them. I quoted already from the Wall Street Journal. This one was a few days ago.

> This is easily the largest income redistribution scheme since the income tax.

I think it is interesting when people realize what we are talking about here is redistributing the wealth from the people who are the poorest, very poorest people. A CBO report found recently, quoting from that report:

> Most of the cost of meeting a cap on CO_2 emissions would be borne by consumers who would face persistently higher prices for products such as electricity and gasoline. Those price increases would be regressive in that poorer households would bear a larger burden relative to their income than wealthier households.

We are going to hear from the chairman of the committee stating, I am sure, in the future: We are taking care of that because we are redistributing some of the $6.7 trillion, redistributing $800 billion of that to some of the poorer families.

Wait a minute, that is $1 out of $8. That is not a very good deal.

I think there are so many reports that talk about how devastating this is going to be to all of America but particularly those individuals, the elderly and poor people, because these are the ones who are spending a large portion of their spendable income on energy. It is very appropriate I think to say this is easily the largest income redistribution scheme since the income tax.

The New York Post:

> The only thing that will cool is the United States economy.

Talking about this bill.

> In effect, the bill would impose an average of more than $80 billion in new energy taxes every year.

That is the New York Post, entitled "Cap-&-Trade: Why It's Tax & Spend," of June 2.

Robert Samuelson:

> . . . let's call it by its proper name: cap and tax.

George Will:

> Speaking of endless troubles, "cap-and-trade" comes cloaked in reassuring rhetoric about the government merely creating a market, but the government would actually create a scarcity so government could sell what it had made scarce.

This is a rather interesting thing. I recommend this. It was published in the Washington Post under "Carbon's Power Brokers."

Charles Krauthammer had several good editorials. He said:

> There is no greater social power than the power to ration. And other than rationing food, there is no greater instrument of social control than rationing energy, the currency of just about everything one does and uses in an advanced society.

That was Charles Krauthammer, "Carbon Chastity," an editorial in the Washington Post on May 30.

There was a very good one, another from the Wall Street Journal that I have already quoted here. This is a different one than I quoted a minute ago. The Boxer climate tax bill:

> . . . would impose the most extensive government reorganization of the American economy since the 1930s.

Investors Business Daily—this is something in an op-ed piece, an editorial piece they had on May 29:

> The bill essentially limits the amount of gasoline and other fossil fuels Americans can use, as Klaus puts it—

referring to the President of the Czech Republic—

> in the name of the planet. A study by Charles River Associates puts the cost (in terms of reduced household spending per year) of Senate bill 2191—

which is the Senate bill passed out of the committee

> —at $800 to $1,300 per household by 2015, rising to $1500 to $2,500 by 2050. Electricity prices could jump by 36 percent to 65 percent by 2015 and 80 percent to 125 percent by 2050.

This was an editorial in Investors Business Daily.

It is interesting, I was noticing when Senator BOND from Missouri was making his very well-stated remarks, the study he had showed it would be closer to $6,000 a household. I do know in my State of Oklahoma and in the State of Texas, of all the States that will have the highest increase in taxes, it will amount to a minimum of $3,300 per family.

As I go around my State of Oklahoma—and I am back there every weekend; I am never here in Washington on weekends—I talk to people. They stop and think about what they do with $3,300 a year—it is not just a lot of them want to have another pickup truck or a bass boat or other things, but most of them are having real problems right now meeting expenses. This will be something they wouldn't want to have to try to endure.

We have had quite a few of the editorial writers around the country talking about it. Several have talked about the raising of gas prices and the effect that would have. I think we are all aware of that. I think probably the biggest issue should be the job-killer issue. The Independent Energy Information Administration says the bill would result in a 9.5-percent drop in manufacturing output, and even higher energy costs. The fact that it would grow Government—stop and think about it. This is interesting. The figure the other side uses, the promoters of the bill, is $6.7 trillion.

Then they say some of this is going to be going back into the economy. It comes down to about $4.2 trillion—$4.2 trillion, and one of the basic disagreements Senator BOXER had with the Senator from New Hampshire was that he wanted to return that to the taxpayers as opposed to having Government programs. It appears there will be, hopefully, not a majority—in fact I don't think there will be a majority of people in this body who are going to put themselves in a position where they say we want to have a $4.2 trillion increase in the bureaucracy.

If there is anything that does not need to be increased, it is the bureaucracy in America. It frightened me to think about what types of governmental agencies there are, what, 45 new entities and agencies that would be provided by this bill? Tomorrow we are going to parade before you some charts to show the various increases in the size of the bureaucracy. It is going to be something that will be frightening to most people.

However, there is a mentality of many people in the Senate—I respect every Member of the Senate—that somehow you must increase the size and the magnitude and the authority and the power of Government to make things happen. That is not the way our forefathers thought it would be.

I would suggest to you that we want to look at this increase in Government, $4.2 trillion over this period of time, as something that would be devastating to this country and its economy.

I see that my time has expired, and the remainder of the time will be used by my chairman of the Environment and Public Works Committee, the junior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague. Today we are going to vote on whether we want to continue the status quo when it comes to energy policy and when it comes to ignoring the great threat to our planet that scientists tell us is very serious.

Now, we can vote no, we can weaken this bill. It seems to me that is every Senator's right. But, frankly, this Senator and I know my colleagues who have worked so hard on this bill, Senators LIEBERMAN and WARNER, feel deep in our heart that this is a moment for us to come across party lines as we go back and remember we have tripartisan legislation, a Democrat, an Independent, and a Republican.

Again, we did not agree with each other on every detail. Lord knows we did not. But for the good of this country, for the good of the world, for the good of future generations, we came together.

I ask the Chair to let me know when there is 4 minutes remaining so it can be equally divided by these wonderful cosponsors. Would the Chair let me know when 4 minutes remains.

Let me take this little time I have to say I do not mind debating on the facts of our bill. But I have heard so much fiction that I had to go over to both Senators WARNER and LIEBERMAN and say: Did I hear them right? First of all, they are using numbers that are coming out of the air by groups that oppose our bill, that have no validity, that are not based on any modeling.

We have numbers based on modeling. Then I hear now the new thing. My dear friend Senator INHOFE—we are dear friends—says the Boxer tax bill. There is no tax in this bill. This bill is modeled on the acid rain bill, I say to my friend.

Polluters pay. This bill has one of the largest tax cuts in it that we have seen around this place in a very long time. It has a big piece of consumer relief. So I say to my friends, do not get up here and say: Boxer tax bill. Point to where there is a tax in this bill. There is no tax. I will point to where there is a tax cut and a set-aside, a huge one, almost $1 trillion, and a huge pot of almost $1 trillion in consumer relief which will be given, if necessary, to consumers if the cost of the electricity goes up.

So here we have a bill that takes care of our consumers, takes care of our taxpayers. Then we hear from Senator DOMENICI and Senator BOND: Oh, we cannot do this bill because oil prices, gas prices at the pump are going to go up.

They put out a number that they pull out of the air. The modeling shows, worst-case scenario, worst case, gas prices would go up 2 cents a gallon per year until 2030. By the way, the modeling that Senator LIEBERMAN has shows that the automobile fuel economy bill we passed will negate all that.

So this bill will bring no higher cost at the pump to our drivers. But let's look at what has happened under the last 7 years. Here is the status quo, folks. We have all lived it; now let's look at it. Gasoline prices have gone up 250 percent in the last 7 years. The source: U.S. Energy Information Administration. That is this administration's own energy department.

So without a global warming bill or a climate change bill, call it what you will, we have seen a 250-percent increase in the price of gas. What we do in our bill will get us off foreign oil, will get us off big oil, will lead to new technologies which will free us, will free us from these prices.

So those people who say: Do not vote for this bill because it is going to raise gas prices, only in a humpty-dumpty world, where you are over on your head could you come out with that. It makes no sense.

Let me show you the job growth that people are telling us we can expect from the Boxer-Lieberman-Warner bill. First of all, look at Great Britain. They have reduced their greenhouse gas emissions by 15 percent. They have grown their economy by 40 percent, and they have 500,000 jobs in the last 5 years in these new green technologies.

A report by the Apollo Alliance—that is a beautiful organization here in America—says this bill could create over 3 million new American jobs over a 10-year period, stimulating $1.4 trillion in new gross domestic product and producing over $280 billion in net energy savings.

We are going to get off foreign oil. I do not want to see a President have to run over to Saudi Arabia and hold hands with the Prince anymore. I am tired of that. It has to be the end of the status quo. This is an opportunity to do it.

Let's take a look. Job growth will follow strong legislation. In California—I mentioned this before—450 solar companies are now putting electricians and carpenters and plumbers to work where the construction industry is laying them off because of the housing crisis we are facing.

The top manufacturing States for solar are Ohio, Michigan, California, Tennessee, and Massachusetts. That comes from Solar Energy Industries. So we already are seeing it. Here is the labor support for the Climate Security Act. The Sheet Metal Workers, the Journeymen and Apprentices of Plumbing and Pipefitting, the United Union of Roofers, the International Brotherhood of Electrical Workers, the International Brotherhood of Teamsters, the International Association of Heat and Frost Insulators. And it goes on. The Building and Construction Trades Department of the AFL–CIO, the International Union of Operating Engineers, the brick layers, the elevator constructors. Why are they supporting this bill? These are the workers that my colleagues on the other side are scaring.

They are smart, they read the bill. They understand the many billions of dollars that are going to go into new technologies. And these technologies will heat our homes and they will cool our homes and they will run our cars and they will run our businesses.

The green jobs that will come are going to be jobs that can only be filled in America. Time is of the essence. Time is of the essence. Sir Nicholas Stern, former chief economist of the World Bank, found that by spending $1 now to address global warming we will save $5.

We know we cannot afford to wait. The time is now. People say: Why are you doing it before a Presidential election? Why this? Why that? This is above politics. This is above partisanship. If somebody told you, if somebody told you that if you brought your child to the supermarket on a very warm day and say it was your grandchild, because I know you are a proud grandma, and you said: Well, I have to run in there just for a minute, can I leave my child alone? Well, obviously you would never do it. The fact is, we would not lock our child in our hot car in front of a supermarket.

We cannot consign the next generation to a hot planet that is going to be inhospitable to our grandkids. We cannot do it. It is wrong. That is why we find Tony Blair saying: America must lead. He says the legislation sponsored by myself, JOE, and JOHN matters. It shows America will act. It will allow the United States to say to others: You must act. We are not going to sit around and wait for India and China. Since when do we do that? This is America.

I wish to go to the faith community. I think people ought to understand who is backing our bill. I see the Senator from North Dakota, who has been weighing this very strongly. The Evangelical Environmental Network and the Evangelical Climate Initiative, the U.S. Conference of Catholic Bishops, the National Council of Churches, the Religious Action Center of Reform Judaism, the Jewish Council for Public Affairs, the Interfaith Power and Light Campaign.

Let me close by saying why. All you have to do is read, read from the Scriptures, read from some of the great writings:

> See my handiwork, how beautiful and choice they are. Be careful not to ruin and destroy my world, for if you do ruin it, there is no one to repair it after you.

This is, it seems to me, the moral reason we must act. I thank you very much. I yield 2 minutes to the Senator from Connecticut and the remainder of the time to Senator WARNER.

Mr. LIEBERMAN. Madam President, the first thing I would say, in response to Senator BOXER's eloquent faith-based conclusion, is: Amen, Sister.

Secondly, in this last 2 or 3 hours that we have begun this very important debate you can see the different arguments forming. There are serious arguments. They are important arguments. So I appeal to our colleagues on both sides of this issue, regardless of whether you have decided to support the bill, vote for cloture on the motion to proceed so we can finally have the kind of debate from which we will all learn and from which the American people will take some encouragement that we are dealing with this problem.

It is obvious that one of the main arguments, perhaps the main one, will be its cost. This is an important issue which we want to discuss. The part that I respectfully take issue with is those who call this a tax increase. It is not a tax increase.

Senator WARNER and I had some choices to make. One was to do nothing. We rejected that. I suppose if you still feel we should do nothing, that, of course, you will want to come out and argue for that.

But we decided we had to do something. We had three choices. One was a carbon tax. We rejected that. One, because we do not think it is viable here. Two, it does not guarantee that you are going to reduce carbon emissions.

Second, we had an old-fashioned command-and-control option; mandate that this happens, control everything. We rejected that as well because it is inflexible.

The third choice was a market-based choice. Set the general ground rules, mandate a reduction in the cap, and leave it to the market. The fees that are raised under this bill are voluntarily accepted by people who decide they need to buy allowances. This is not a tax increase. We rejected a tax increase.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I am pleased to be here today for the opening debate on global climate change and the Lieberman-Warner Climate Security Act.

The issue of global climate change is a pressing one that has ramifications far beyond our imagination. It is my firm belief that we need to temporarily put aside what we do not know about climate change and its potential impacts and to focus instead on what we do know in order to begin to address this critical problem.

We know that the science is clear. Some might respectfully disagree, but they are in the minority. In fact, the science is so clear and the observations on the ground are so convincing that more than half of the States of this great Nation and more than 800 cities have taken the bull by the horns and have enacted or are working to enact legislation to reduce carbon emissions.

I am the strongest supporter of states rights and I commend these States for their vision and their leadership absent Federal action. But we cannot have a patchwork approach to addressing climate change. Federal leadership is now warranted in this case.

We know that allowing global climate change to go unchecked will result in increased threats to global security. In April 2007 the Center for Naval Analysis Corporation issued a report, "National Security and the Threat of Climate Change," which detailed the numerous threats posed by climate change.

The report found that global climate change does pose a significant threat to America's national security. The extreme weather and ecological conditions associated with climate change have the potential to "disrupt our way of life and to force changes in the way we keep ourselves safe and secure."

Some of the destabilizing impacts described in the report include: reduced access to fresh water, impaired food production, human health emergencies, and displacement of people. These are hardships that the globe will have to face.

These serious implications of climate change will have security consequences for the United States. For example, there will be an increased potential for failed nations and growth of global terrorism.

Another serious implication of climate change is the mass migrations of people that are likely to occur. Lack of water and food will force the movement of people. In the United States, the rate of immigration from Mexico is likely to rise because the water situation in Mexico is already marginal and could worsen with less rainfall and more droughts.

In addition to these indirect risks to national security, there are also direct impacts on U.S. military systems, infrastructure and operations. Climate change will add stress to our weapons system, threaten U.S. bases throughout the world, and have a direct effect on military readiness. As stated in the CNA report:

> As military leaders, we know we cannot wait for certainty. Failing to act because a warning isn't precise is unacceptable.

We know that the fate of the copious coal resources within our borders hinges on Congress providing regulatory certainty. Have you seen the record of late? Permit after permit for coal-fired powerplant is being declined. In fact, 54 percent of coal capacity ordered since 2000 has been canceled or put on hold in the last 2 years, in part due to uncertainty about climate legislation. The way to ensuring coal remains a viable resource for the future and allowing coal to continue to provide more than half the power in the U.S. is to give regulatory certainty so that investors will once again finance the building of coal-fired powerplants.

With that said, I know that the coal industry doesn't support this bill. But we have done our best to provide more than the financial support the industry says is necessary to fund the technologies such as carbon capture and storage that are going to allow coal to remain viable. But inaction is not an option for our Nation, and it is not the best path forward for coal.

The concept of mandatory, by law, cap-and-trade is proven to work. Cap-and-trade harnesses the best of free market power and brings in industry, as partners, in solving the energy and emissions challenges in the future. With all due respect to those who support the carbon tax approach, I believe while the administration of such a new tax may be simpler, there is no guarantee you get the environmental benefit that consumers are paying for.

The very suggestion that there will be some huge increase in gas prices due to capping pollution is false. It is a scare tactic. Absent any program, gas prices have gone up about $1.10 this year alone. What the increases show is that the status quo of laws are not working.

The United States will be hostage to the price of oil until we reduce our demand—and a cap on carbon is the most effective step we can take toward that goal. This bill provides a very large incentive for the private sector to receive the investment so they can create improved and new alternative sources of energy. It funds advanced vehicle technology, efficient hybrid fleets, advanced biofuels and mass transit that will transform the transportation sector and reduce our dependence on oil.

Modeling suggests that the Act would reduce imports by 8 million barrels per day by 2025, more than the entire amount currently imported from OPEC. Overall, it reduces oil imports by up to 58 percent.

We also know that the cost of inaction is much more likely to hurt American families and the American way of life more than the potential costs of action.

Not addressing climate change is not going to keep energy bills low. Increased demand for energy will drive prices up, without the incentives for expanding the use of alternative energy sources or providing a safety net for consumers, as my bill would do.

I relish this opportunity to debate climate change legislation in the Senate. It is my hope that we will have robust debate. I want my colleagues, both those who agree with my bill and those who don't, to have ample opportunity to offer amendments. If we are going to be serious, serious consideration must be given to all members who want to have their say in this landmark debate.

In closing, I look forward to the time ahead spent on this bill, and I am available to address any questions, concerns, or issues my colleagues wish to raise with me.

Madam President, once again, I think as we debated this afternoon, the bill has been passed out, put on each desk. I hope that represents the majority of our colleagues will agree to letting this bill go forward, because it is not just the bill, it shows the American people we are doing their business.

We are trying, through a debate, well-intentioned individuals on both sides, to solve one of the most difficult problems ever facing America, our energy shortages, our increased prices of energy, carbon emissions, how it has affected our environment, all those things.

Here it is. This is our joint effort, together with the chairman and members of the committee. If there is a better idea, bring it forward. This is the function which our Founding Fathers established this institution for. Bring forth our ideas and let us produce something and show the American people we can solve their problems.

Madam President, I ask unanimous consent that a letter from 20 different prominent, well-known industrial firms, confirming that this bill is necessary, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: The undersigned companies and organizations urge you to vote in favor of the Climate Security Act, S. 3036 (formerly S. 2191), which is expected to be considered by the full Senate beginning June 2. This is a very important vote on a bipartisan plan to address climate change. Prompt action on climate change is essential to protect America's economy, security, quality of life and natural environment.

The Climate Security Act, as revised in the manager's substitute amendment released last week, sets forth a sound overall framework for reducing America's emissions of greenhouse gases. Most notably, it establishes an emissions cap that steadily reduces greenhouse gas emissions from current levels at a rate of about 1.8% annually. The bill creates a flexible cap-and-trade system to achieve these reductions at lower cost by tapping the power of free markets. It includes an unprecedented national investment in zero- and low-carbon technologies, and includes important policies to advance energy efficiency and alternative energy sources. The bill provides assistance to small energy consumers, including low-income families, to ease the transition to a low-carbon economy. And the bill protects American industry to ease the transition to a cleaner future.

We all support the framework and approach contained in the Climate Security Act. However, we also recognize that there is continued work to be done to refine the details of the legislation through the amendment process in the Senate and as a bill is taken up in the House. Some of the undersigned groups have already communicated with you on amendments and will continue to do so and others may do so later.

However, we think it is notable and a testament to the work of the bill's sponsors and contributors that such a diverse group of interests are united on the following essential issue:

A "yes" vote for the Climate Security Act represents historic leadership to advance bipartisan solutions to climate change; a "no" vote will slow progress and maintain the status quo, which only increases the risks of unavoidable consequences and potentially greater economic costs that could result from the need for even steeper reductions in the future.

Sincerely,

Lee Califf, Director, Government Affairs, Alcoa.

Yvonne A. McIntyre, Vice President, Federal Legislative Affairs, Calpine Corporation.

Elizabeth Thompson, Legislative Director, Environmental Defense Action Fund.

Betsy Moler, Executive Vice President, Government and Environmental Affairs and Public Policy, Exelon Corporation.

Chris Bennett, Executive Vice President, FPL Group.

Ann R. Klee, Vice President, Corporate Environmental Programs, General Electric.

The Rev. Canon Sally G. Bingham, Founder and President, The Regeneration Project, Interfaith Power and Light Campaign.

Newton B. Jones, International President, The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers.

Scott Kovarovics, Conservation Director, Izaak Walton League of America.

Thomas B. King, Executive Director of Electricity Distribution and Generation, National Grid.

Mark Wenzler, Director, Clean Air and Climate Programs, National Parks Conservation Association.

Jeremy Symons, Executive Director, Global Warming Program, National Wildlife Federation.

David Hawkins, Director of Climate Programs, Natural Resources Defense Council.

Steven Corneli, Vice President, Market and Climate Policy, NRG Energy, Inc.

Phyllis Cuttino, Director, US Global Warming Campaign, Pew Environment Group.

Melissa Lavinson, Director, Federal Environmental Affairs and Corporate Responsibility, PG&E Corporation.

Eric Svenson, VP of Environment, Health and Safety, Public Service Enterprise Group.

Steve Moyer, Vice President for Government Affairs, Trout Unlimited.

William P. Hite, General President, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I have 1 minute 50 seconds remaining?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I have to do this pretty fast. Let me respond to some of the things the majority stated.

First of all, when they make the statement that this, talking about the price of gas, all this happened during the Republican administration, let me assure you this happened because of the Democrats in the Senate voting against any increase in supply.

Now, if anyone has any doubt about that, go to our Web site www.epw—that stands for Environment and Public Works—epw.senate.gov/minority. Look that up. You will see that I have documented the votes all the way back to the middle 1990s, when we have tried to increase our supply of energy or our refining capacity.

Secondly, the statements that this is not a tax bill, I would only read to you the total revenue generated through carbon sales auctions for consumers of power, heating, cooling, and gasoline: $6.7 trillion. That is their figure, not my figure.

The maximum potentially rebated to consumers would be $2.5 trillion. That leaves $4.2 trillion. If that is not a $4.2 trillion tax increase, I don't know what it is.

Thirdly, the fact that all labor seems to be for this. I suggest that Senators talk to the United Mine Workers, who are very much opposed to it, the United Auto Workers, who are opposed to it. As far as the various communities on the chart shown by the junior Senator from California, there are many of evangelical associations. We had a press conference. They all showed up. They are all very much opposed to this, and all these are Scripturally based.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INHOFE. Has all time expired?

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 742, S. 3036, the Lieberman-Warner Climate Security Act of 2008.

> Barbara Boxer, Richard Durbin, Byron L. Dorgan, Charles E. Schumer, Sheldon Whitehouse, Bill Nelson, Amy Klobuchar, Dianne Feinstein, Joseph Lieberman, Daniel K. Akaka, Christopher J. Dodd, Tom Harkin, Daniel K. Inouye, Max Baucus, Ron Wyden, Robert P. Casey, Jr., Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 14, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—74

Akaka
Alexander
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse

NAYS—14

Allard
Barrasso
Bunning
Byrd
Coburn
Craig
DeMint
Enzi
Hatch
Inhofe
Kyl
McConnell
Sessions
Shelby

NOT VOTING—12

Baucus
Biden
Burr
Clinton
Kennedy
Landrieu
Lautenberg
McCain
Murkowski
Obama
Wicker
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I do not see the ranking member on the floor, but I do see Senator MCCONNELL here. So if I could get Senator MCCONNELL's attention for a brief moment.

I understand from my colleagues on the other side that they do not intend to filibuster. So I would inquire, based on the vote we have just had, can we now agree that following morning business tomorrow we can begin consideration of the legislation?

I ask unanimous consent that following morning business on Tuesday, June 3, all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate then proceed to the consideration of S. 3036.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, the Republican side certainly intends to use the full debate time and, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I wonder if I modified my request to provide that following the official Senate photograph on Tuesday, all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate proceed to S. 3036.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, let me say, I am a little disappointed. First, I thank my colleagues from the bottom of my heart, and I know Senator LIEBERMAN and Senator WARNER are very gratified by this vote. We are going to move forward. We are challenging the status quo. We want to get us off foreign oil. We want to begin to move toward energy independence and a clean and healthy environment and green jobs and all the rest. So this is a great start.

But I am a little disappointed we cannot move to begin the real debate which comes, obviously, after cloture on the motion to proceed. I am sorry that is the case. But I say to my colleagues here, on both sides, we look forward to a very important debate on this legislation. This is a matter that is bigger than any one of us here. I think the fact that you have a Democrat, an Independent, and a Republican bringing you this legislation speaks to this issue. I think this is an issue that has to leap over those differences.

I hope we can all show up tomorrow. Since we are going to have this time—I am disappointed we cannot get to the amendment process, but we will take advantage of the time. I know Senator KERRY will be here in the morning. He is a national leader on this issue, and I intend to yield as much time as he would want. I hope Senator FEINSTEIN will come tomorrow. Looking around, Senator CANTWELL, Senator KLOBUCHAR, and Senator LINCOLN have all played such a major role in the part that dealt with making sure our consumers who are in need get help. Senator COLLINS just went on the bill. We have a great number of people here whose voices need to be heard, so I look forward to that debate tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we, too, look forward to the debate. I won't list all of the Members on our side who have asked to be recognized to speak on this bill, but obviously both sides have a lot of Members who wish to speak to the bill before we even get to the amendment process. That is the reason we want to utilize the full time that is available under the rules for that purpose, not intending to filibuster the bill. But I think it is also going to be important that we do proceed to amendments when that 30 hours is used. You will find the Republicans most anxious to go to amendments which can be offered and then debated and considered. So we will hold the other side to the proposition of getting votes on lots of amendments on this legislation.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I can't let that go by. I mean, we are ready to start the amendment process now. We are ready to start work on this bill now. There is no reason to wait 30 hours. I think colleagues in the course of offering amendments can speak for as much time as they want. It is disappointing to hear that we do have to delay. We are ready, willing, and able to get to the amendment process.

I yield the floor.

Mr. KYL. Mr. President, might I just make one other comment in response to the Senator from California?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. This is one of the most dramatic—or would be, if passed—one of the most dramatic changes in law, as one publication pointed out, since the 1930s in terms of increasing the scope of Government. Surely we can spend 30 hours debating this important legislation. It is massive in its intent, in its goals, in its scope, and in its effect on the American people. According to the Congressional Budget Office, it would result in a tax increase on the American people of over $900 billion and a gas tax increase of 53 cents per gallon. Surely, the Senate, the greatest deliberative body in the world, can take 30 hours to debate something of this magnitude before we begin the amending process. I thank my colleagues for appreciating that point.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I would politely point out to the Senator from Arizona—and I think he knows this full well—that the first amendment that comes up is subject to endless debate. There is no limit. The notion that we have to have 30 hours before we can get to a debate on an amendment—each amendment is subject to endless debate; the bill itself is subject to endless debate. So the concept of coming out here and saying: Oh, we have to have 30 hours—this bill will be debated, every amendment will be debated. But it would serve the Senate's purpose to actually get to an amendment now and then we could spend 30, 40, 48 hours, a week—we all know this is going to take a while—legislating an important bill does take a while here. But this notion that we have to spend 30 hours without any amendment just to talk about the bill when the bill will be exhaustively talked about in the context of any amendment is, frankly, specious.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I would just add to this debate about the 30 hours that it is going to be a reality, and I would say this: Senator BOXER, Senator WARNER, and I are going to be on the floor. This is an important matter. I think most important to the reality we now face of the 30 hours of debate is that our colleagues, no matter what their position on this legislation, should come to the floor, let's debate it, and then let's go to the amendments. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I was in my home State last week, and I can tell my colleagues that the American people have a very low knowledge of this bill, certainly the vocabulary in it. I think 30 hours that we will spend on this floor talking about a bill that is so important—so important to the environment, so important to energy security, at a time when gasoline prices are where they are, combined with the fact that people care deeply about the environment—is most appropriate, and my guess is that we are going to have a lot of technical amendments using language that most people in this body do not use. We are going to be talking about an auction process that has never been put in place in this country, an allocation process that will be allocating trillions of dollars to people around this country. I think for us to spend 30 hours talking about that so that all Senators are fully aware of what this bill says prior to voting on amendments is most appropriate. I would think that people who have spent a year putting this bill together would relish the time to talk about what this bill actually does and what it says. I look forward to being a very active participant in that. I thank the sponsors for bringing this forward.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thought it would be a good time to thank you, since you are here in the chair today, for all of your hard work on this bill. This has been a long time in coming. When you got on the committee, when you came as a new colleague, you worked so hard. You and AMY KLOBUCHAR and BEN CARDIN and BERNIE SANDERS, all new Members, became my right arm on this issue.

I wanted to make that note. Also, I want to say specifically that the Senator's work on the wildlife and enforcement sections, to name two, I think is really important because we are going to push hard to make this bill the law of the land right now. If we don't achieve that, eventually we will have a bill that will be the law of the land. The Senator's work will be present in all of those iterations going forward. So I thank the Senator.

Mr. President, I am waiting for the closing script, and I will do that when it arrives. I was taken by the Senator from Tennessee, Mr. CORKER, who has been a very interesting member in terms of this issue. He went with our committee to Greenland and saw the ice melt. I have to say to those who haven't been, it ought to be required if you really care about this issue. It is extraordinary. You can actually sit and watch the ice move and melt—the ice up there in Greenland. The average age of these enormous icebergs is 9,000 years.

Mr. President, from the minute that ice starts moving, it is a year until these enormously beautiful icebergs melt to nothing, leaving the sea to rise as they melt. Senator CORKER was very taken by that. He will speak for himself, but he has problems with this bill. I don't agree with him in the way he is interpreting the bill, but that is all going to come out. He talked about the importance of debating. I have to smile because today we had to debate, and we should not have to debate a motion to proceed. That is ridiculous. We should just proceed. We had a 74-to-14 vote to move to the first step.

Let's get to the bill. I have never seen a situation where you force more debate time when you really are interested in doing a bill. You usually force debate time when you are interested in slowing down the bill. This is the way it is here. If you want to move forward, then you don't say: I need 30 hours.

It will be interesting to see what happens tomorrow. As Senator REID said, I will be on the floor of the Senate all day. I encourage my colleagues—particularly those who worked hard on the bill—to join me. Let's see how many from the opposing side come over here. We need to debate them and refute them because already, I say to my friend from Rhode Island, we had charts on this floor that you would not believe. We had charts that had numbers that were out of the air, predicting a 140-percent increase in gasoline, when I can tell you right now, we looked at every model, and it is nothing like that.

As a matter of fact, we know the slight increase in the cost of gasoline that could occur—2 cents a year—from the impact of the bill will be entirely offset by the energy efficiency bill we just voted for and is now the law.

What we know is that this bill is going to get us off foreign oil, move us away from the status quo. Go out on the street and ask the average American: Are you happy with big oil, the record profits for them and their executives, and we are getting killed at the pumps? They will say: No—unless they are related to one of them.

If you say: Do you think it makes us look good when President Bush goes to the Middle East and kisses dictators and holds their hand and begs for oil? Does that make America look strong? They will say: No.

Next, if you ask them: Would you support legislation that will lead us to energy independence once and for all—and, by the way, we will clean up our environment, the greenhouse gas pollution, and we will save the planet? They will say: Yes.

So our opponents have a very tough job. They have to fight for the status quo. I can say from their presentations today—and they worked hard on them, believe me—in order to fight our bill, they have to distort it. One of them said it is a tax increase. There is no tax increase in this bill. There is a huge tax relief fund for tax cuts in this bill. There is another almost $1 trillion in a fund to give consumers relief.

If today was any indication, we are going to have a spirited debate. I only ask my colleagues to debate the bill that is on the Senate floor, not one that came to them from some special interest groups that oppose this and don't want us to go to energy independence.

I wish to read from a statement from former Vice President Al Gore. Since Senator CORKER is from Tennessee, I thought it would be interesting to put his statement in the RECORD:

> I want to commend Senator Boxer for her leadership of the Environment and Public Works Committee. We have the first global warming bill in history that is comprehensive, bipartisan, and that enjoys support across the country, from labor and agriculture, to the business and the environmental community.

Then he says he wants the bill to be stronger, but then he says it is vital that Congress begins to act.

I think this last line is so important:

> While it is important that people change their light bulbs, it is even more important that we change the laws.

I think that says it all. We are so late to this issue. We are so late. My Governor, a Republican, and my State legislature, Democratic, crossed party lines and passed laws. We now have just in the last year or so hundreds of new solar energy companies that have moved into the State, and they are hiring people who are hurting because of the crisis we have in the housing and construction business. So we believe a P-32—they have told us this—the bill leading the way in the country, is restoring economic renaissance to our State which otherwise is hurting very badly because of the recession we are all experiencing. We owe this to our grandkids, to our kids. We know the Conference of Mayors has acted, so have the State legislatures, along with Governors reaching across party lines, city councils, and boards of supervisors. Companies are saying we should do this. Labor unions are saying we should do this. Environmental and religious groups are saying we should do this. So there is no question that we need to act.

When somebody gets up on the other side and says they are not slowing it down, but they are going to require 30 hours of extra debate before we get to amending this bill, excuse me, but I have been here long enough to know they are trying to slow-walk this bill. The other side is slow-walking it.

I want them to read the scientific records, listen to the religious leaders, and listen to the venture capitalists coming forward and saying we need a signal now. Listen to Tony Blair, George Bush's best friend internationally, saying we must act because America is pivotal. So we have our time tomorrow, after we wait here for people to come and talk, and at some point maybe they will give us permission to start the amendment process.

Our children want us to act. I have to tell you that one of the great moments was when Senator WARNER came to me and said: My daughters really care about this issue. I knew if they were talking to him, he might be open to this issue. He saved the day in committee. He is a man who has such a great legacy already. He didn't have to do one more piece of legislation. He has his place in history on national security. He understood that global warming is a national security issue. Our Navy intelligence officials tell us that, and we will have some quotes tomorrow.

This is a win-win bill for national security, for our kids. It is a win for clean air, and it is a win for our consumers and for our workers and our businesses. Anything to the contrary—I believe this so much—is just scare tactics.

Mr. BIDEN. Mr. President, I want to thank my colleagues for holding the vote open as long as they could. Unfortunately, both of the trains I hoped would get me here were late, and I missed the vote by 10 minutes. I wish I had been able to get here in time to deliver this statement in support of cloture on the motion to proceed to the Climate Security Act, and to vote aye.

Mr. President, this is a historic moment. For the first time we have before the Senate legislation to slow, stop, and reverse greenhouse gas emissions in the United States.

When such a plan is finally passed, signed and enacted, we will look back on this day as the beginning. Let us commit ourselves to that goal.

And let us begin this historic process today by allowing the Senate to take up the Climate Security Act.

In our own country, and among our fellow citizens on this planet, we face a common threat. Now is the time for us to fashion a common response.

I introduced climate change legislation over two decades ago, in 1986, at a time when this issue was just on the horizon. It called for the establishment of national strategy to understand and respond to the emerging threat of global warming.

Even at that early date, this was a bipartisan effort.

I was joined by Senator Mack Mathias, a Maryland Republican. In those early days, Senators KERRY and Gore were also leaders, along with John Chafee.

This remains a bipartisan effort today. In fact, on the legislation laid down this afternoon, the Boxer-Lieberman-Warner bill, we have all three political parties represented.

This debate would not be happening without leadership from both parties over the years. Senator MCCAIN joined Senator LIEBERMAN in introducing the first Senate cap-and-trade legislation.

Senator WARNER has made climate change the issue that will cap his already distinguished career in the Senate.

We would not be at this point today, without the leadership of Senator BOXER, who has made global warming the signature issue of her Chairmanship of our Environment Committee.

Later in this debate, I intend to offer an amendment, with Senator LUGAR, along with Senators KERRY, WARNER, MENENDEZ, and SNOWE, calling for renewed leadership by the United States in international climate change negotiations.

I make these points because we all know that this debate hangs now in a delicate balance between the best, bipartisan instincts of the Senate, on the one hand, and the temptation, so strong at this time in an election year, to score partisan points.

I hope that we do not succumb to that temptation. Global warming is real, it is happening now, and the American people look to us for the political will to fashion a solution.

We know that our physical climate is changing. And we all know that the political climate in the United States is changing, too.

For too many years, the United States has stayed on the sidelines of international efforts to combat global warming.

We have missed the chance to turn the impending threat of catastrophic climate change into an opportunity to reduce the security threat of our dependence on oil, to reduce the health threat from pollution, to reduce the sheer waste and inefficiency in our economy.

And we missed the chance to do what many of the leading businesses in this country know we should do—capture a leadership position in the global competition for the next generation of clean technologies.

With this debate, we are taking the first steps toward meeting our responsibilities and seizing those opportunities.

The physical consequences of global warming are right before our eyes: the shrinking polar ice cap, retreating glaciers, changing growing seasons, animal migration, and rainfall patterns.

In my own State of Delaware, our coastlines are threatened by rising sea levels and the threat of stronger storms from warmer ocean temperatures. Our wetlands, crucial to wildlife, water quality, and fisheries, are threatened as salt water intrudes on the richest biological zones in our State.

The groundwater we depend on is similarly threatened by saltwater. As we draw from our aquifers, rising levels of sea water seep into the water table, accelerating their depletion.

This is not an abstract threat—it is right here at home, where we live.

Our national borders, our cities, our cultures, are all built around patterns of rainfall, arable land, and coastlines that will be redrawn as global warming proceeds.

Even the richest nations, the historical source of the emissions behind global warming, will face huge costs coping with those catastrophes.

The poorest nations, whose economies have contributed little or nothing to the greenhouse gases in our atmosphere, will be hit the worst, and will have the fewest resources with which to respond.

And now a third category has emerged: the rapidly expanding developing nations which will be the leading sources of greenhouse gases in the future.

Those nations must be part of the solution. But the United States must be willing to lead.

In the course of becoming the wealthiest nation in history, we became the greatest historical emitter of greenhouse gasses now in the atmosphere.

Now, other nations are following our path to wealth, and will become the next generation of major emitters.

It is no answer to say that we must now wait for poorer nations to act before we take steps to lead the way to a global solution.

That is not the leadership this global threat demands, Mr. President.

We must first reach agreement here on our domestic approach to global warming. That is why this debate is so crucial.

There will be honest differences on the best way to move to a low-carbon economy. But no serious analyst of this issue believes that the world can sustain business as usual.

This is a global problem, that demands a global solution. But that solution will be built on the commitments of each individual nation to do its part.

For too long, our differences have been stressed at the expense of the global good. Our constituents look to us to reconcile those differences, to find a way to respond in the name of the common good.

We are now engaged in the search to define and secure a truly global common good. I urge my colleagues to vote for cloture, to join in a constructive debate, in the best tradition of the Senate.

Thank you, Mr. President.

MORNING BUSINESS

REVERSAL OF THE HARTNESS v. NICHOLSON DECISION

Mr. AKAKA. Mr. President, on April 24, 2008, the Senate passed S. 1315, the proposed Veterans' Benefits Enhancement Act of 2007. Although the bill passed the Senate by a vote of 96–1, there are some who oppose it, expressing the belief that provisions in the bill misallocate VA pension benefits to reward nonveterans. I seek to set the record straight on S. 1315.

S. 1315 is a comprehensive bill that would improve benefits and services for veterans, both young and old. The bill includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, and specially adapted housing and automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans' status to these individuals, both those living inside and outside the United States.

Many Americans have forgotten that during World War II, the Philippines was not an independent nation as is the case today. The Philippines, along with Puerto Rico and Guam, was ceded to the United States in 1898 following the Spanish-American War. Although plans for Philippine independence from the United States were underway when World War II broke out, the United States government controlled the defense and foreign relations of the Philippines when the war began. It was not until 1946, after the end of World War II, that the Philippines became an independent nation. As a result of this relationship, Filipino veterans who fought under the United States Command were United States veterans until that status was taken away by Congress in 1946.

S. 1315, the bill as passed by the Senate, would overturn a 2006 decision of the United States Court of Appeals for Veterans Claims in the case Hartness v. Nicholson. The Hartness decision provided that certain veterans, those who receive a service pension benefit based solely on their age, qualify for additional benefits that are provided to very severely disabled veterans, a result not intended by Congress. The savings generated from overturning this court decision would pay for many provisions in the bill, including pension for Filipino veterans.

Despite the fact that the purpose of the provision in S. 1315 which reverses the Hartness decision is to do nothing more than restore the clear intent of Congress, it has been mischaracterized by some as an attempt to withdraw benefits from deserving veterans in order to fund benefits to Filipino veterans. That is simply not the case. Such accusations fail to appreciate the facts of the matter that led the Senate to take corrective action.

VA nonservice connected disability pension benefits have historically been paid to wartime veterans with low incomes who are disabled from conditions not connected to their service. Under current law, wartime veterans who receive pensions based upon disability are eligible to receive certain additional benefits if they are totally disabled and are also housebound, blind, or need the aid and attendance of another person to perform daily activities.

The statutory provision involved in Hartness was enacted in 2001 so as to provide a service pension, not based on disability, to certain veterans. Under this law, older, low income wartime veterans are eligible for a service pension at age 65, without the need to demonstrate any disability. This service pension, which is similar to one provided many years ago to veterans of the Spanish American War, is found in the service pension section of the statute, not in the section of the law where pension for disabled veterans is found.

The court in Hartness ruled that elderly persons who are not totally disabled, but who receive a service pension based on age, could also receive the extra benefits available under the disability pension benefit program, even if they did not meet the threshold requirement of total disability. In so doing, the Hartness court failed to demonstrate an understanding of the difference between a service pension and a pension based on disability.

In passing the service pension law in 2001, Congress clearly created a separate program and did not intend the result in the Hartness decision. Congress intended that veterans who were disabled would receive benefits under the disability pension program, with the opportunity to receive the extra benefits if they were more seriously disabled. Veterans who met the age threshold, but who were not disabled, would receive benefits only under the service pension program, with no basis for receiving the extra benefits. The intent of this action was to create a bright line distinction between the two pension programs, but the actual statutory construction allowed for ambiguity, leading the court to misinterpret the law.

The provision passed by the Senate in S. 1315 would overturn the Hartness decision so as to reaffirm that the extra pension benefits are only for those severely disabled veterans who receive pension on the basis of being totally disabled. This result conforms to the original Congressional intent of reserving the special additional benefits for those who demonstrate the greatest need based on disability, not simply those who attain a certain age. Even with the repeal of Hartness, aged veterans who are totally disabled and who are also housebound or in need of aid and attendance would still qualify for additional money under the nonservice connected disability pension program.

S. 1315 is now pending in the House of Representatives and there is some opposition to the bill that seems to stem from a misunderstanding of the purpose of VA pension benefits and the Hartness decision. Critics of the bill have suggested that it arbitrarily redistributes scarce VA benefits to the benefit of individuals to whom our government has no responsibility. These critics fail both to understand the history of the provisions construed in the Hartness decision and the service of Filipino veterans. Restoring the original purpose of the service pension law would provide the savings needed to pay for increased benefits for veterans with service-connected disabilities as well as justice for Filipino veterans of World War II.

COMMENDING CHECKPOINT ONE FOUNDATION

Mr. SMITH. Mr. President, today I wish to commend the work of the Checkpoint One Foundation, a nonprofit organization based in Oregon. Checkpoint One assists Iraqis who have served as translators with the U.S. military. Under recent legislation authored by myself and my distinguished colleague Senator KENNEDY, many of these Iraqis are seeking refuge in the United States from persecution in Iraq.

Checkpoint One was founded by Jason Faler, one of many Oregonians drawn to public and humanitarian service. Jason served as a military intelligence officer with the Oregon Army National Guard in Iraq, where he worked with many brave Iraqis who risked their lives assisting U.S. troops. These Iraqis are far more than just people who translate Arabic to English; they are cultural advisers and loyal friends who help our soldiers survive in every dangerous and unfamiliar corner of Iraq. They stand shoulder to shoulder with Americans, facing the same bullets and bombs, but often without the same protections. In the face of death threats and attacks on them and their families, these Iraqis provide invaluable service to coalition forces. We are morally obligated to come to their aid, as they have come to ours.

In response to this obligation, Senator KENNEDY and I introduced The Refugee Crisis in Iraq Act last year to help bring translators and other Iraqis in peril to the United States. The act passed and was signed into law in January 2008. Unfortunately, more than 4 months later, key provisions of the law have not been implemented. The State Department and Department of Homeland Security have still not described how they plan to meet their new obligations. In-country processing is not available for Iraqi translators and others who are persecuted but unable to get out of Iraq. Translators remain waitlisted, in spite of the fact that 5,000 new special immigrant visas are supposed to be available to them. Instead, Iraqi translators remain in danger in the red zone, their path to safety still blocked by bureaucratic red tape.

Many of the interpreters who apply for these visas are living on borrowed time, actively hunted by an insurgency which has brutally murdered their friends and colleagues. The three families that Jason began helping with the application process in the fall of 2006 arrived in September 2007, January 2008, and March 2008, respectively. One family was kept waiting in Jordan for over 5 months, and never given a sufficient explanation of the delay in their case.

This is an unacceptable way for the United States to treat Iraqis who have loyally served with our soldiers at great personal risk. Groups like the Checkpoint One Foundation are invaluable in helping the United States repay our debt to those Iraqis translators to whom we owe so much. Jason Faler, the Checkpoint One Foundation, and similar organizations should be highly commended.

ADDITIONAL STATEMENTS

HONORING BRENDA ZODY

• Mr. BAYH. Mr. President, today I honor a great Hoosier teacher, Brenda Zody, whose many accomplishments during 39 years as an Indiana educator serve as an example for us all. As Brenda prepares to retire from service to the children of Indiana, it is appropriate that we take a moment to give thanks to her for all she has offered to those she has reached throughout her career.

Brenda is a native of Martinsville, IN, and is a 1966 graduate of Martinsville High School. She received both her BS and MS degrees in education from Indiana State University, and began teaching in 1969 in Flint, MI. She moved back to her home state after a year, becoming an elementary school teacher at Staunton Elementary in Clay County, IN, while living in Vigo County.

In 1979, she returned to Martinsville with her family and began teaching second grade at Green Township Elementary, where she herself attended first, second and third grade as a child. She began teaching fourth grade in the late 1980s. During her time as a fourth-grade teacher, Brenda was involved heavily in the "Computer at Home/Buddy Project," an innovative education network which provided fourth and fifth graders across the State with take-home computers. She made it a point to take her students each year on Indiana history field trips, such as the Indiana Statehouse, the James Whitcomb Riley Home, the Benjamin Harrison Home, the new and old Indiana State museums, historic Vincennes and McCormick's Creek State Park. In addition, she was also heavily involved in the continuation of annual visits by Martinsville students to Cross School, one of Morgan County's only surviving one-room schoolhouses. Here, dressed in period clothing, students spend a day learning what school meant to children generations ago.

Brenda consistently went above and beyond the expectations of her post and, in doing so, imparted a love for the State of Indiana on her students. For these efforts, she was awarded the 2003 Wal-Mart Teacher of the Year award in Martinsville. She also played a critical role in developing the first written history of Green Township Elementary School. Today, Brenda resides in Morgan County on property that has been in her family for about 100 years. She is the mother of John Zody of Bloomington and Erin Zody Kaiser of Greenville, and is grandmother to Gavin and Ruth Kaiser. Brenda's parents are Bill and Ruth Hammans of Martinsville.

As Brenda prepares to retire from the Metropolitan School District of Martinsville, I am reminded of a quote by Henry Brooks Adams, "A teacher affects eternity; she can never tell where her influence stops." While no longer in the classroom, her influence upon the students she has taught will continue to be felt for generations to come.•

REMEMBERING HARVEY KORMAN

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the memory of a very special man, Harvey Korman of Los Angeles County, who died May 29, 2008. He was 81 years old.

Harvey Korman was a man of many talents and will be fondly remembered for his work in Hollywood as a comedic actor.

Harvey Herschel Korman was born to Ellen and Cyril Korman on February 15, 1927, in Chicago, IL. Interested in acting as a child, Harvey was signed by a local radio station when he was 12 years old. After serving in World War II, Harvey came back to Chicago to attend the Chicago Institute's Goodman School of Drama. After his studies at the Goodman School of Drama, Harvey moved to New York City, where he spent several years trying to find roles in Broadway theater productions.

After 13 years in New York, Harvey moved to Hollywood in the early 1960s. In 1964, Harvey was hired by Danny Kaye to be a part of "The Danny Kaye Show" ensemble. He stayed with the show for the next 3 years before joining the "Carol Burnett Show" in 1967. Harvey's versatile acting abilities played a critical role in explaining the success of the Burnett show, which appeared without interruption in television's top 10 during its 11-year run. It was through the "Carol Burnett Show" that Harvey also met one of his closest friends, Tim Conway. Through their many years together performing on the "Carol Burnett Show," Korman and Conway formed one of television's most formidable comic teams.

On the big screen, Harvey made more than 30 films, including four comedies directed by Mel Brooks: "Blazing Saddles," 1974; "High Anxiety," 1977; "History of the World Part 1," 1981; and "Dracula: Dead and Loving It," 1995.

Those who knew Harvey Korman recognized him as an animated and brilliant man. He took pride in promoting comedy to audiences worldwide. His work in comedic film and television will be remembered fondly by all those whose lives he touched. He will be deeply missed.

Harvey is survived by his wife Deborah Fritz and his four children: Kate, Laura, Maria, and Chris.•

REMEMBERING J.R. SIMPLOT

• Mr. CRAPO. Mr. President, Idaho lost one of her native sons on May 25, a man who put Idaho on the map and made "Famous Potatoes" synonymous with Idaho across the world. John Richard "J.R." Simplot passed away at the age of 99, leaving a legendary legacy of hard work and shrewd business dealing—a pioneer in every respect. Who would have thought that a young man, with no more than an eighth grade education who used to hunt wild horses to feed hogs—his first business venture as a teenager—would put Micron on the global map some 50 years later? Among other things, J.R. can be credited with catapulting the ubiquitous McDonald's French fry to worldwide fame.

By the reckoning of some, J.R. Simplot is responsible for the employment of 14,000 Idahoans today, as well as the establishment of many Boise retail and hospitality centers such as the Boise Centre on the Grove, the Boise Factory Outlet and the Qwest Arena.

Those of us who knew him knew a man with a colorful personality and a resolute sense of self and what he believed in. He was a dogged businessman, as comfortable in his role in convincing President Reagan to support U.S. business interests as he was wandering into a campground near his cabin to visit with folks around the fire. His personality was as multifaceted as the organizations and institutions to which he gave millions of dollars. J.R. donated to multiple causes including millions of dollars to Boise State University and other Idaho institutions of higher learning, the Ronald McDonald House, the Boys and Girls Clubs, the arts, Idaho Public Television, the Boise Zoological Society, Boise area medical centers, the YMCA and public libraries. Being rated by Forbes as one of the top 100 wealthiest Americans, and the oldest living billionaire in the United States, didn't change J.R.'s outlook on life, nor his habit of driving to McDonald's to eat a few times a week. In his trademark pragmatic way, he outlined for Esquire Magazine, at age 92, what it takes to be successful in business. He compared business to playing a game of marbles: "Each man has his own taw, and if he gets good with that taw, he can knock the hell out of some marbles. And he can win, but he has to have strong fingers and the right aim. It's like anything else: You got to work at it."

J.R. was a no-nonsense, down-to-earth, highly perceptive businessman, entrepreneur and philanthropist. Idaho can be proud of his incredible legacy.•

TRIBUTE TO STEPHEN TERRY

• Mr. INHOFE. Mr. President, I would like to congratulate Mr. Stephen Terry on his retirement from the Oklahoma City Veterans Administration Medical Center. Mr. Terry retired as of June 2, 2008, after serving the Veterans Administration for 42 years. He has been the main individual within the Veterans Administration that my office has contacted over the past 14 years I have served in the U.S. Senate. Mr. Terry has consistently helped me better serve Oklahoma veterans and their families. Mr. Terry has recently been awarded the Unsung Heroes Award by the Veterans Administration which is only awarded to those demonstrating outstanding public service which is characteristic of the time and attention Mr. Terry has provided to my constituents.

Not only has Mr. Terry given so many years to the Veterans Administration, he has also served his country in the U.S. Navy from March 1967 though December 1970 as a Corpsman HM3 for the Marines.

Mr. Stephen Terry has ably served his country throughout his entire career both in the military and in his public service. I appreciate that service and congratulate him on his well deserved retirement.●

MESSAGE FROM THE HOUSE DURING RECESS

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 23, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 3029. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

S.J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

H.R. 2356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debt card receipts before the date of the enactment of this Act.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills and joint resolution were signed on May 23, 2008, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 27, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bill:

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3480. An act to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

H.R. 5571. An act to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 134. Concurrent resolution expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities.

H. Con. Res. 305. Concurrent resolution recognizing the importance of bicycling in transportation and recreation.

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3480. An act to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes; to the Committee on the Judiciary.

H.R. 5571. An act to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read the first and second times by unanimous consent, and referred as indicated:

H. Con. Res. 134. Concurrent resolution expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res 305. Concurrent resolution recognizing the importance of bicycling in transportation and recreation; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 23, 2008, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 3029. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

S.J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 3024. A bill to authorize grants to the Eurasia Foundation, and for other purposes (Rept. No. 110–342).

H.R. 3913. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met (Rept. No. 110–343).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

H.R. 634. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3075. A bill to make certain technical corrections to title III of SAFETEA–LU.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana.

G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. BAYH, and Mr. JOHNSON):

S. 3074. A bill to establish a grant program to provide Internet crime prevention education; to the Committee on the Judiciary.

By Mr. DODD:

S. 3075. A bill to make certain technical corrections to title III of SAFETEA-LU; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself, Mr. THUNE, and Mr. SMITH):

S. Res. 580. A resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 901

At the request of Mr. CORKER, his name was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1232

At the request of Mr. DODD, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Hawaii (Mr. INOUYE), the Senator from Tennessee (Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1398

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1921

At the request of Mr. WEBB, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2433

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2836

At the request of Mr. CHAMBLISS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2858

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2862

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2862, a bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory.

S. 2917

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2917, a bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Florida (Mr. NELSON), the Senator from Missouri (Mr. BOND) and the Senator from

Vermont (Mr. SANDERS) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2975

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2975, a bill to provide additional funds for affordable housing for low-income seniors, disabled persons, and others who lost their homes as a result of Hurricanes Katrina and Rita.

S. 2980

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2980, a bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes.

S. 3010

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3010, a bill to reauthorize the Route 66 Corridor Preservation Program.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. ENSIGN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. CON. RES. 33

At the request of Mr. ALEXANDER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution recognizing the benefits and importance of school-based music education.

S. RES. 576

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 576, a resolution designating August 2008 as "Digital Television Transition Awareness Month".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 580—EXPRESSING THE SENSE OF THE SENATE ON PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

Mr. BAYH (for himself, Mr. THUNE, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 580

Whereas Iran is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the "Nuclear Non-Proliferation Treaty") and, by ratifying the Treaty, has foresworn the acquisition of nuclear weapons;

Whereas Iran is legally bound to declare all its nuclear activity to the International Atomic Energy Agency and to place such activity under the constant monitoring of the Agency;

Whereas for nearly 20 years Iran had a covert nuclear program, until the program was revealed by an opposition group in Iran in 2002;

Whereas the International Atomic Energy Agency has confirmed that the Government of Iran has engaged in such covert nuclear activities as the illicit importation of uranium hexafluoride, the construction of a uranium enrichment facility, experimentation with plutonium, the importation of centrifuge technology and the construction of centrifuges, and the importation of the design to convert highly enriched uranium gas into a metal and to shape it into the core of a nuclear weapon, as well as significant additional covert nuclear activities;

Whereas the Government of Iran continues to expand the number of centrifuges at its enrichment facility and to enrich uranium in defiance of 3 binding United Nations Security Council resolutions demanding that Iran suspend its uranium enrichment activities;

Whereas the Government of Iran has announced its intention to begin the installation of 6,000 advanced centrifuges, which, when operational, will dramatically reduce the time it will take Iran to enrich uranium;

Whereas the 2007 National Intelligence Estimate reports that the Government of Iran was secretly working on the design and manufacture of a nuclear warhead until at least 2003 and that Iran could have enough highly enriched uranium for a nuclear weapon as early as late 2009;

Whereas allowing the Government of Iran to obtain a nuclear weapons capability would pose a grave threat to international peace and security;

Whereas allowing the Government of Iran to obtain a nuclear weapons capability would fundamentally alter and destabilize the strategic balance of power in the Middle East;

Whereas, if it were allowed to obtain a nuclear weapons capability, the Government of Iran could share its nuclear technology, raising the frightening prospect that terrorist groups and rogue regimes might possess nuclear weapons capabilities;

Whereas allowing the Government of Iran to obtain a nuclear weapons capability would severely undermine the global nuclear nonproliferation regime that, for more than 4 decades, has contained the spread of nuclear weapons;

Whereas it is likely that one or more Arab states would respond to Iran obtaining a nuclear weapons capability by following Iran's example, and several Arab states have already announced their intentions to pursue "peaceful nuclear" programs;

Whereas the spread of nuclear weapons capabilities throughout the Middle East would make the proliferation of nuclear weapons elsewhere around the globe much more likely;

Whereas allowing the Government of Iran to obtain a nuclear weapons capability would directly threaten Europe and ultimately the United States because Iran already has missiles that can reach parts of Europe and is seeking to develop intercontinental ballistic missiles;

Whereas the Government of Iran has repeatedly called for the elimination of our ally, Israel;

Whereas the Government of Iran has advocated that the United States withdraw its presence from the Middle East;

Whereas the United Nations Security Council has passed 3 binding resolutions under Chapter VII of the United Nations Charter that impose sanctions on Iran for its failure to comply with the mandatory demand of the Security Council to suspend all uranium enrichment activity;

Whereas the United States, the Russian Federation, the People's Republic of China, France, the United Kingdom, and Germany have offered to negotiate a significant package of economic, diplomatic, and security incentives if Iran complies with the Security Council's demands to suspend uranium enrichment;

Whereas the Government of Iran has consistently refused such offers;

Whereas, as a result of the failure of the Government of Iran to comply with the Security Council resolutions, the international community began taking steps in 2006 that have begun to have an impact on the economy of Iran, but the rapid development of nuclear weapons capabilities by the Government of Iran is outpacing the slowly increasing economic and diplomatic sanctions on Iran;

Whereas the Government of Iran has used its banking system, including the Central Bank of Iran, to support its proliferation efforts and to assist terrorist groups;

Whereas, as a result of that use of Iran's banking system, the Secretary of the Treasury has designated 4 large Iranian banks as proliferators and supporters of terrorism and restricted the ability of those banks to conduct international financial transactions in United States dollars; and

Whereas Iran must import around 40 percent of its daily requirements for refined petroleum products: Now, therefore, be it

Resolved, That the Senate—

(1) declares that preventing the Government of Iran from acquiring a nuclear weapons capability, through all appropriate economic, political, and diplomatic means, is a matter of the highest importance to the national security of the United States and must be dealt with urgently;

(2) urges the President, in the strongest of terms, to immediately use the President's existing authority to impose sanctions on—

(A) the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups;

(B) international banks that continue to conduct financial transactions with sanctioned Iranian banks;

(C) energy companies that have invested $20,000,000 or more in the petroleum or natural gas sector of the economy of Iran in any given year since the date of the enactment of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note); and

(D) companies that continue to do business with the Islamic Revolutionary Guard Corps of Iran;

(3) demands that the President lead an international effort to immediately and dramatically increase the pressure on the Government of Iran to verifiably suspend its nuclear enrichment activities by, among other measures, banning the importation of refined petroleum products to Iran; and

(4) asserts that nothing in this resolution shall be construed to authorize the use of force against Iran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4821. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4821. Mr. WYDEN submitted an amendment intended to be proposed to him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, line 17, strike "not more than 5" and insert "a quantity of emission allowances equal to 5".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 5, at 9:30 a.m., in Room 562 of the Dirksen Senate Office Building to conduct an oversight hearing on Predatory Lending in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, on behalf of Senator LIEBERMAN, I ask unanimous consent that Alexander Barron, Ellen Cohen, and Sherry Gillespie, congressional fellows in his office, be granted the privileges of the floor for the duration of the debate on S. 3036. I also ask unanimous consent, on behalf of Senator PRYOR, that Suzanne McGuire, a fellow in his office, be granted the privileges of the floor for the duration of debate on S. 3036. Further, I ask unanimous consent that Rachel Radell, a fellow in the office of Senator FEINSTEIN, be granted the privileges of the floor for the duration of debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that T. J. Kim, a fellow with my committee office, be granted the privileges of the floor for the remainder of debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, on behalf of Senator NELSON of Florida, I ask unanimous consent that Maria Honeycutt be granted floor privileges for the duration of the Senate's consideration of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, on behalf of Senator CARPER, I ask unanimous consent that Khesha Jennings, a legislative fellow in his office, be allowed privileges of the floor during the climate change debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Javier Gamboa, an intern with the EPW Committee, be allowed privileges of the floor for the duration of the debate on S. 3036.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT

On Thursday, May 22, 2008, the Senate passed S. 2062, as amended, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Availability of records.
Sec. 206. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking "should" each place it appears and inserting "shall".

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

"(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

"(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

"(i) is owned by an Indian tribe or a tribally designated housing entity;

"(ii) is necessary to the provision of housing in an Indian area; and

"(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

"(II) would make housing more affordable, accessible, or practicable in an Indian area; or

"(III) would otherwise advance the purposes of this Act.

"(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "For each" and inserting the following:

"(1) IN GENERAL.—For each";

(ii) by striking "tribes to carry out affordable housing activities." and inserting the following: "tribes—

"(A) to carry out affordable housing activities under subtitle A of title II; and"; and

(iii) by adding at the end the following:

"(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title."; and

(B) in the second sentence, by striking "Under" and inserting the following:

"(2) PROVISION OF AMOUNTS.—Under";

(2) in subsection (g), by inserting "of this section and subtitle B of title II" after "subsection (h)"; and

(3) by adding at the end the following:

"(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

"(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

"(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

"(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).".

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking "(1)(A) for" and all that follows through the end of subparagraph (A) and inserting the following:

"(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or"; and

(B) in subparagraph (B), by striking "subsection (d)" and inserting "subsection (c)";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) 1-YEAR PLAN REQUIREMENT.—

"(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

"(A) be in such form as the Secretary may prescribe; and

"(B) contain the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

"(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

"(i) the types of household to receive assistance;

"(ii) the types and levels of assistance to be provided;

"(iii) the number of units planned to be produced;

"(iv)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for the demolition or disposition; and

"(III) any other information required by the Secretary with respect to the demolition or disposition;

"(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

"(vi) outcomes anticipated to be achieved by the recipient.

"(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

"(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

"(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

"(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

"(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

"(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

"(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

"(vi) a certification that the recipient will comply with section 104(b).";

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking "subsection (d)" and inserting "subsection (c)".

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking "fiscal" each place it appears and inserting "tribal program"; and

(ii) by striking "(with respect to" and all that follows through "section 102(c))"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

"(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

"(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).".

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

"(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.".

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking "The Secretary" and inserting "Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary"; and

(2) by adding at the end the following:

"(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

"(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

"(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

"(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.".

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting "and except with respect to loan guarantees under the demonstration program under title VI," after "paragraphs (2) and (4),";

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

"(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(B) LIMITS.—The Secretary";

(3) in paragraph (3)—

(A) in the paragraph heading, by striking "NON-INDIAN" and inserting "ESSENTIAL"; and

(B) by striking "non-Indian family" and inserting "family"; and

(4) in paragraph (4)(A)(i), by inserting "or other unit of local government," after "county,".

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking "to develop or to support" and inserting "to develop, operate, maintain, or support";

(2) in paragraph (2)—

(A) by striking "development of utilities" and inserting "development and rehabilitation of utilities, necessary infrastructure,"; and

(B) by inserting "mold remediation," after "energy efficiency,";

(3) in paragraph (4), by inserting "the costs of operation and maintenance of units developed with funds provided under this Act," after "rental assistance,"; and

(4) by adding at the end the following:

"(9) RESERVE ACCOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

"(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).".

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

"(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

"(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

"(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

"(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.".

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

"(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.".

SEC. 205. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting "applicants for employment, and of" after "records of".

SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

"Subtitle A—General Block Grant Program";

and

(2) by adding at the end the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"SEC. 231. PURPOSE.

"The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

"SEC. 232. PROGRAM AUTHORITY.

"(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

"(1) to or on behalf of which a grant is made under section 101;

"(2) that has complied with the requirements of section 102(b)(6); and

"(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

"(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

"(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

"(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

"(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

"(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

"(2) $2,000,000.

"SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

"(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).

"(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

"SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

"(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

"(1) the program under this subtitle; or

"(2) amounts made available in accordance with this subtitle.

"(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

"(1) Section 101(c) (relating to local cooperation agreements).

"(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

"(3) Section 101(j) (relating to Federal supply sources).

"(4) Section 101(k) (relating to tribal preference in employment and contracting).

"(5) Section 102(b)(4) (relating to certification of compliance).

"(6) Section 104 (relating to treatment of program income and labor standards).

"(7) Section 105 (relating to environmental review).

"(8) Section 201(b) (relating to eligible families).

"(9) Section 203(c) (relating to insurance coverage).

"(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

"(11) Section 206 (relating to treatment of funds).

"(12) Section 209 (relating to noncompliance with affordable housing requirement).

"(13) Section 401 (relating to remedies for noncompliance).

"(14) Section 408 (relating to public availability of information).

"(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

"SEC. 235. REVIEW AND REPORT.

"(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

"(1) the housing constructed, acquired, or rehabilitated under the program;

"(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

"(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

"(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

"(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

"(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

"(2) recommendations for—

"(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

"(ii) the period for which such a prohibition should remain in effect; or

"(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

"(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.".

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

"Subtitle A—General Block Grant Program";

(2) by inserting after the item for section 205 the following:

"Sec. 206. Treatment of funds.";

and

(3) by inserting before the item for title III the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"Sec. 231. Purposes.
"Sec. 232. Program authority.
"Sec. 233. Use of amounts for housing activities.
"Sec. 234. Inapplicability of other provisions.
"Sec. 235. Review and report.".

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) STUDY OF NEED DATA.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

"(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

"(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended."; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

"(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

"(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

"(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

"(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

"(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

"(i) delays in obtaining or the absence of title status reports;

"(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

"(iii) clouds on title due to probate or intestacy or other court proceedings; or

"(iv) any other legal impediment.

"(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.".

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.".

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting "an appropriate level of" after "shall include".

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking "goals" and inserting "planned activities"; and

(B) by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking "; and" at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

"SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

"Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

"Sec. 509. Effect on HOME Investment Partnerships Act.".

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

"SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

"(a) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

"(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

"(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

"(c) FINANCIAL SOUNDNESS.—

"(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

"(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

"(d) TERMS OF OBLIGATIONS.—

"(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

"(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

"(A) the period is more than 20 years; or

"(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

"(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

"(f) SECURITY AND REPAYMENT.—

"(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

"(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

"(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

"(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

"(2) FULL FAITH AND CREDIT.—

"(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

"(B) TREATMENT OF GUARANTEES.—

"(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

"(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

"(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

"(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

"(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

"(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section $1,000,000 for each of fiscal years 2008 through 2012.

"(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

"(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

"(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

"(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

"(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

"(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

"(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

"(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

"(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

"(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

"Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.".

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking "1998 through 2007" and inserting "2008 through 2012".

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking "1997 through 2007" each place it appears and inserting "2008 through 2012".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking "1997 through 2007" and inserting "2008 through 2012".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the Second Session of the 110th Congress: The Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the Second Session of the 110th Congress: The Senator from Florida, Mr. NELSON.

ORDERS FOR TUESDAY, JUNE 3, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, June 3; that following the prayer and the pledge, the Journal of proceedings be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume the motion to proceed to S. 3036, the Lieberman-Warner Climate Security Act of 2008; that the Senate recess from 12:30 p.m. until after the official Senate photograph to allow for the weekly caucus luncheons to meet, and that any time during adjournment, recess, or periods of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAKING OF SENATE PHOTOGRAPH

Mrs. BOXER. Mr. President, as a reminder, following the weekly caucus luncheons tomorrow, the official photograph of the Senate of the 110th Congress will be taken at 2:15 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:25 p.m., adjourned until Tuesday, June 3, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 3, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

9:30 a.m.

Foreign Relations
African Affairs Subcommittee
To hold hearings to examine China in Africa, focusing on the implications for the policy of the United States.
SD–419

Veterans' Affairs
To hold an oversight hearing to examine systemic indifference to invisible wounds.
SR–418

10 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Walter Lukken, of Indiana, to be Chairman, and Bartholomew H. Chilton, of Delaware, and Scott O'Malia, of Michigan, each to be a Commissioner, all of the Commodity Futures Trading Commission.
SR–328A

Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold an oversight hearing to examine passenger vehicle roof strength safety.
SR–253

Appropriations
Defense Subcommittee
To hold hearings to receive testimony from outside witnesses.
SD–192

Judiciary
To hold hearings to examine ways to improve the detainee policy, focusing on handling terrorism detainees within the American justice system.
SD–226

JUNE 5

9:30 a.m.

Energy and Natural Resources
To hold hearings to examine off-highway vehicle management on public lands.
SD–366

Indian Affairs
To hold an oversight hearing to examine predatory lending in Indian country.
SD–562

10 a.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine National Transportation Safety Board (NTSB) reauthorization.
SR–253

Banking, Housing, and Urban Affairs
To continue hearings to examine the state of the banking industry.
SD–538

Finance
To hold hearings to examine the choices for small business in advance of tax reform, focusing on Internal Revenue Service Form 1040 Schedule C, Form 1065 Schedule K–1, and Schedule S.
SD–215

10:30 a.m.

Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine community preparedness for disasters.
SD–342

2:30 p.m.

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JUNE 6

9:30 a.m.

Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for May 2008.
SD–562

2 p.m.

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To continue hearings to examine the organizational structures of the Department of State responsible for arms control, counterproliferation, and nonproliferation, focusing on the processes they have in place for optimizing national efforts.
SD–342

JUNE 10

2:30 p.m.

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine national strategies for efficient freight movement.
SR–253

JUNE 24

10:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine climate change impacts on the transportation sector.
SR–253

JUNE 26

9:30 a.m.

Veterans' Affairs
Business meeting to markup pending calendar business.
SR–418

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 3, 2008.

I hereby appoint the Honorable JESSE L. JACKSON, Jr., to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Felipe Goodman, Temple Beth Sholom, Las Vegas, Nevada, offered the following prayer:

Our God and God of our ancestors, God of Compassion, God of Justice, God of Peace, we ask for Your blessing for this House of Representatives, for our country, and for all our leaders. Grant them, O God, the ability to lead us with true understanding of Your vision so that this land under Your providence be an influence for good throughout the world. Protect the men and women of our Armed Forces who stand in harm's way so that we may enjoy the blessings of freedom and liberty. May it be Your will that they speedily return in full physical and spiritual health to their families and loved ones.

Let us remember, O God, where we came from so that we may never forget the destination of our journey as a Nation. Let us be always mindful that we are all children of immigrants. Give us the wisdom to understand what the responsibility of fighting oppression, fighting poverty, and injustice really means. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Nevada (Ms. BERKLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. BERKLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI FELIPE GOODMAN

The SPEAKER pro tempore. Without objection, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 1 minute.

There was no objection.

Ms. BERKLEY. Mr. Speaker, it gives me great pleasure to welcome Rabbi Felipe Goodman to the United States Congress. His credentials are as impressive as his spirit and his commitment. I know because not only is he my rabbi, he's my close personal friend.

Born in Mexico City, he is an alumni of Mexico City's University of the New World and obtained his master's degree from the Jewish Theological Seminary. Ordained in 1996, Rabbi Goodman now leads one of the most vibrant and fastest-growing conservative congregations in the United States, Temple Beth Sholom in my hometown of Las Vegas, Nevada.

In his 10 years of service, his congregation has grown from 100 to more than 700 families. He has built an entire new campus and is building a new home for its thriving school.

On January 5, 2007, 1 day after his 40th birthday, Rabbi Goodman became a United States citizen.

Rabbi Goodman is the co-author of "Hagadah de Pesaj," which is the most widely used edition of The Pesach Hagadah used in Latin America.

Singled-out by international leaders for both his ideas and hard work, Felipe became vice president of the World Union of Jewish Students.

He is one of 12 members of The Rabbinic Cabinet of The Chancellor of The Jewish Theological Seminary and serves as a member of The Joint Placement Commission of The Rabbinical Assembly, The United Synagogue and JTS. The Seminary recently appointed him to the Joint Retirement Board of The Conservative Movement. He's a former member of The Executive Council of The Rabbinical Assembly and its Nominating Committee.

But more than any degree or honor or appointment, he is an important, warm, caring, and respected spiritual and religious leader in Las Vegas, Nevada, a devoted husband to Liz; a wonderful father to Yoshua, Daniela, and Ariela.

I am honored to have him here with us in the House today and honored to call Rabbi Felipe Goodman my rabbi and my friend.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Maryland (Mr. WYNN), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed:

by the Speaker on Thursday, May 22, 2008:

H.R. 2356, to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day

H.R. 2517, to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes

H.R. 4008, to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act

S. 2829, to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes

S. 3029, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes

S. 3035, to temporarily extend the programs under the Higher Education Act of 1965

S.J. Res. 17, directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean

by Speaker pro tempore HOYER on Tuesday, May 27, 2008:

H.R. 6081, to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OUR TROOPS NEED FUNDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Congress adjourned for Memorial Day having failed to pass an emergency troop funding bill that our military says is vital to successful operations in Iraq and Afghanistan, including pay for our brave men and women in uniform.

Because the majority refuses to bring a clean bill to the floor, the military has announced that they will shift funding from one priority to another in order to meet the needs of our troops and civilian military employees. It is disappointing that when our military needs money to protect American families, the majority refuses to appropriate the funding without tying on billions more in unrelated spending.

On behalf of my constituents, many of whom serve proudly in the military, we need to work together for a clean emergency supplemental bill to be brought to the floor immediately for consideration. Our Nation is at risk with a delay in military funding, a failure to renew FISA, and limits on our energy independence.

In conclusion, God bless our troops, and we will never forget September the 11th.

THE LITTLE FELLOW FROM IRAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the little fellow from Iran, Mahmoud Ahmadinejad, is ranting and saber rattling again against Israel and the United States.

The L.A. Times reports the dictator said, "The Zionist regime of Israel . . . is about to die and will soon be erased from the scene". And, "The time for the fall of the satanic power of the United States has come and the countdown to annihilation . . . has started."

The devil of the desert is preaching hate and murder in the name of radical Islam. Throughout history more people have been murdered, pillaged, tortured, and plundered in the name of religion than any other reason.

With Iran's dictator's involvement in supplying aid against the United States in Iraq, his support of Hezbollah, and his desire to have nuclear weapons to use against Israel, the world of nations must not diminish this loose cannon's evil ambition.

Freedom-loving people of all nations and religions must see the dictator as a menace. Hopefully, the people of Iran will replace their trigger-happy leader with a regime that wants peace.

In the meantime Ahmadinejad should never doubt the United States' resolve for a safe and secure Israel. The U.S. will do whatever necessary to keep the flame of liberty burning at home and in the Middle East, even if the little fellow doesn't like it.

And that's just the way it is.

COMMENDING WALTER LUTHERAN HIGH SCHOOL, AUSTIN POLYTECHNICAL HIGH SCHOOL, AND RICHARD T. CRANE HIGH SCHOOL

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, over the weekend I had the opportunity to visit three schools in my congressional district, and I want to take the opportunity to commend and congratulate all three of them.

The Walter Lutheran High School in Melrose Park, Illinois, where I attended their graduation Sunday, and I was pleased that my nephew Dante Davis was one of the graduates; then the Austin Polytechnical High School, which focuses on manufacturing, in Chicago yesterday; and last night I had a town hall meeting at the Richard T. Crane High School in Chicago on stopping school violence.

All of them are outstanding, and I commend them.

ENERGY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since 2006 the Democrats have been completely in control of Congress. The Democrat leadership continues to put a roadblock in the way of accessing American oil. Gas prices have doubled in the past year. At the station down the street from my home, gas is now over $4 a gallon.

House Republicans believe in increasing production of American-made energy. Vast untapped American energy resources are currently under lock and key and off-limits. American energy resources can make our Nation more secure and less dependent on foreign oil.

House Republicans believe not only in technologies like wind, solar, and biomass but that we ought to make use of the billions of barrels of oil in Alaska, off the deep waters of the Outer Continental Shelf, and on Federal lands. We can do this in an environmentally sensitive way. And we should eliminate the red tape it takes to build a new oil refinery.

We should develop American-made energy.

HOW TO BRING DOWN THE COST OF GAS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today gas prices are hovering around $4 a gallon, and good legislation that would help ease the pain at the pump languishes due to congressional inaction. Washington is just not working for average taxpayers in North Carolina.

Recently, I've seen some good ideas to deal with high gas prices, but we can't seem to get them brought to the floor for a vote.

For example, I'm a cosponsor of Mr. YOUNG's American Energy Independence and Price Reduction Act, which addresses both sides of this issue. It would tap domestic oil in an environmentally sensitive way and then use the tens of billions of dollars of Federal revenue to invest in 18 different existing alternative energy programs, from wind energy to water energy, all without raising taxes.

How high will the Pelosi premium have to get before we vote on commonsense legislation like this? This bill proves that we can bring down the price of gas while investing in the energy of the future without raising taxes on America's working families.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2008.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2008, at 10:13 a.m.:

That the Senate passed S. 1965.

That the Senate passed S. 2420.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House
(By Robert F. Reeves, Deputy Clerk).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 2, 2008.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 2, 2008, at 4:53 p.m.:

That the Senate passed S. 2062.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2008.
Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 3, 2008, at 11:22 a.m.:

Appointments:

Mexico-United States Interparliamentary Group.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 138) supporting National Men's Health Week, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 138

Whereas despite the advances in medical technology and research, men continue to live an average of almost 6 years less than women and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between ages 45-54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15-34, and when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost half will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer will reach over 218,890 in 2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

☐ 1415

GENERAL LEAVE

Mr. DAVIS of Illinois. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 138, as amended, which expresses Congress's support of Men's Health Week, which is designed to raise awareness of men's health issues and the importance of preventative health care in order to improve the lifespan of American men.

H. Con. Res. 138, which was introduced by the gentleman from Maryland, Representative ELIJAH CUMMINGS, on May 1, 2007, was amended and reported from the Oversight Committee on May 15, 2008, before being passed by voice vote. The measure has the support and sponsorship of 59 Members of Congress, and expresses support for increased medical awareness that will improve the health and well-being of American men.

According to the Centers for Disease Control and Prevention, all of the 10 leading causes of death among Americans, such as cancer and heart disease, affect our Nation's men at a higher rate than our women. On average, the male life expectancy in America is 6 years lower than the life expectancy of their female counterparts. A leading cause of this disparity is that men are 100 percent less likely to visit a doctor for screening and preventative medical checkups. This reluctance is tragic, as many life-threatening conditions are mitigated when found through early detection.

Congress recognized the need to encourage preventative medicine by increasing health awareness in American men when it established National Men's Health Week in 1994. Now, 14 years later, this commemorative week has helped to raise awareness and lower illness among American men.

Therefore, Mr. Speaker, I urge the swift passage of this measure, as it will continue to encourage the men of our country to take a more active and preventative role in safeguarding their health, and, therefore, the health of America.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution promoting National Men's Health Week. Across this Nation, men are reminded daily about the benefits of living a healthy life. Whether through exercise, a balanced diet, or regular visits to the doctor, these simple steps can lead to longer, more vibrant lives. Sadly, many men still neglect the basic preventative measures and often fail to realize the ripple effect their declining health can have on those around them.

It is no secret that men have a shorter lifespan than women. Of the 10 leading causes of death in this country, men lead women in all 10. Yes, some of this can be attributed to lifestyle differences. Men are prone to engage in heavier drinking, smoking, and risky behaviors. But the sad reality is that men all too often neglect to seek out the medical help they need. Studies have shown that men are significantly less likely to visit the doctor than women are.

Congress and the President established National Men's Health Awareness Week in May 1994. They chose the week leading up to Father's Day, when our focus on the male figures in our life is greatest, to bring national attention to the critical health issues facing men and to highlight the preventative measures that are necessary and available.

Early detection is vital, and in many cases, increases chances for survival. Men's Health Awareness Week helps bring this information to light and highlights the proactive steps that men can take to improve their chances for a long, healthy life. The benefits of a more proactive approach to men's health extends not only to the individual, but to their families, friends, society, and the Nation.

Better long-term health means fewer medical expenses for families, taxpayers, and employers. When women outlive their spouses, often by more than half a decade, they face the financial, emotional, and physical burden of living out their remaining years in solitude. This can ultimately place undue stress on a family or taxpayers.

Men's Health Awareness Week helps broaden our understanding of the serious health risks facing men and the simple steps we can all take to help mitigate their effects. So I urge my colleagues not only to support this resolution, but to honor its message. If you're a man, go to the doctor. If you're a woman, encourage your husband, brother, son, and friends to do so. Take a walk, go for a jog, or eat a piece of fruit. After all, we all know that an apple a day keeps the doctor away.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Idaho (Mr. SALI).

Mr. SALI. I thank the gentlewoman.

Today, I rise in support of H. Con. Res. 138, supporting National Men's Health Week. Not only should we be recognizing this important health issue this week, but Congress should also be addressing other issues critical to the American people, especially rising fuel prices.

As Americans across this country pay an average of $3.98 per gallon, these prices hit families, and particularly school children. Just yesterday, the Calhoun Times reported in Georgia that, and I quote, "High gas prices hit high school sports. With gas prices soaring to record heights, the cost of taking teams on the road has become a looming storm on the horizon of high school athletics that has led some to worry what the future may have in store. All across the country, people are dealing with the pinch of high gas prices. With high school teams' main mode of transportation still the average school bus, which runs on diesel, costs are even higher."

This is unacceptable, Mr. Speaker. We need to act now to lower gas prices.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, as we observe and promote Men's Health Week, I am pleased to note that both the Illinois Department of Public Health and the City of Chicago's Department of Public Health, under able leadership of their commissioners, place great emphasis on men's health, and have two activities coming up this week; Saturday at Malcolm X College, and next week, the day before Father's Day, at Malcolm X Community College, where the focus is men's health.

I urge passage of this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE STATE OF MINNESOTA'S 150TH ANNIVERSARY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 923) recognizing the State of Minnesota's 150th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 923

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the "Gopher State", the "North Star State", and the "Land of 10,000 Lakes";

Whereas Minnesota's name comes from the Dakota word "minesota", meaning "water that reflects the sky", and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the U.S. military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the U.S.;

Whereas in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 Companies;

Whereas Minnesota houses over 30 institutions of higher education including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant was performed in the United States;

Whereas farmland spans over half of Minnesota's 54 million acres and the agriculture industry is Minnesota's second largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the House of Representatives congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 923, which recognizes the 150th anniversary of the State of Minnesota and highlights its contributions to America's economy and heritage.

H. Res. 923 was introduced by our colleague, Congresswoman MICHELLE BACHMANN of Minnesota, on January 16, 2008, and was considered by and reported from the Oversight Committee on May 1, 2008, by voice vote. This measure has the support and cosponsorship of 120 Members of Congress, including all of the Members from the State of Minnesota.

On March 2, 1849, Minnesota was established as a territory, and it became the 32nd State on March 11, 1858. Also known as the Gopher State, the North Star State, and the Land of 10,000 Lakes, Minnesota's name comes from the Dakota word "minesota," meaning "water that reflects the sky."

Minnesota has been and continues to be a leader in innovation in science and education. It is home of the Mayo Clinic, which is known for its cutting-edge medical work, and over 30 institutions of higher education, including the University of Minnesota, a world-class research university, which performed the first open heart surgery and the first bone marrow transplant in America. I should also mention that Minnesota is currently home to more than 35 Fortune 500 companies and is leading the Nation in the production and use of renewable energy.

So, Mr. Speaker, I would like to thank the gentlewoman from Minnesota for sponsoring the measure at hand. Given the 150th anniversary of Minnesota's statehood and the enormous contributions Minnesota has made to our Nation and the world, I urge passage of this resolution.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, this resolution seeks to commemorate the 150th anniversary of Minnesota becoming a State. In February of 1857, Congress passed an enabling act that defined the State boundaries and authorized the establishment of a State government for the people of Minnesota. Among other things, it called for a convention to establish a State constitution. As is normal in a democracy, the Democrats and Republicans could not come to a final agreement on language, which resulted in the drafting of two distinct constitutions.

Ultimately, a conference committee of five members from each party was formed in order to work out the differences and create one constitution both sides could agree to. This happened in August of 1857. Although neither party agreed to sign along with members of the other party, a consensus on the language was agreed upon and two copies were made and signed. Minnesota's State constitution was born.

A few months later, on May 11, 1858, President James Buchanan signed legislation granting statehood to Minnesota, making it the 32nd State in the Union. Until that point, Minnesota held the status of a territory for more than 9 years. Henry Hastings Sibley, the State's first Governor, famously uttered Minnesota is finally free "from the trammels of territorial vassalage."

On this occasion of the sesquicentennial, it is important that we recognize all that Minnesota has to offer. It is truly a time of celebration for the 5 million-plus residents of Minnesota, and there is a lot to celebrate. Its geography and terrain are among the most precious and beautiful our Nation has to offer. It is home to the headwaters of the mighty Mississippi River, which has been so crucial to the development of the economic viability of our Nation.

Minnesota is a land rich in natural resources and remains among the leaders in agriculture and iron production. Minnesota's farming industry feeds and nourishes many of our Nation's citizens today. Minnesotans are known to be a people with a sense of pride in their history and tradition. Many Minnesotans have had profound impact on the lives of people all across our Nation.

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For instance, the founders of the world-renowned Mayo Clinic, Dr. William Mayo and his two sons, William and Charles, began their practice in Minnesota.

Minnesota is also the birthplace of one of America's greatest literary figures and favorite authors, F. Scott Fitzgerald. His literary works have reached millions and continue to have a great impact on our youth. Fitzgerald's "The Great Gatsby" is regarded as one of the great American novels.

In conclusion, the State of Minnesota is one that is rich in nature, resources, and, most importantly, in people and heritage. For this reason, I ask my colleagues to support H. Res. 923, recognizing the State of Minnesota's 150th anniversary.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, I thank the gentlewoman.

I rise in support of H. Res. 923, recognizing the 150th anniversary of the great State of Minnesota. While I rise in support and recognition of this anniversary, I also rise to remind my colleagues that we must address rising fuel prices.

Some have blamed rising fuel prices on those who own and manage big oil companies. In a recent study, however, Robert Shapiro, Undersecretary of Commerce for Economic Affairs under President Bill Clinton, found that the vast majority of oil and natural gas company shares are owned broadly by middle-income Americans through mutual funds, pension funds and individual retirement accounts, while a mere 1.5 percent of the shares of public oil companies are owned by company executives. That means that when Congress levies additional taxes on oil companies, the American public will pay for that tax in one of two ways; either through their pension or mutual funds, or by paying a higher price at the pump.

Mr. Speaker, increasing taxes is not the answer to rising fuel prices.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I yield such time as she may consume to the sponsor of this resolution, my colleague from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding to me.

This is a wonderful, delightful resolution to be able to speak on this afternoon. It is the State of Minnesota's 150th birthday. We have had a big party all year, we are going to continue to have a big party all year, and it is my honor to be able to present this resolution before our distinguished body and also to let the American people know the entire Minnesota delegation has joined me on this resolution. All Democrats, all Republicans, we are united in this great party of celebrating Minnesota's 150th birthday.

Mr. Speaker, as this resolution's author, I rise to support House Resolution 923. As Minnesota turns a very proud 150 years old, we are no worse for the wear as a State, and I am very honored to recognize the contributions that Minnesota has made to the United States economy and to our great heritage of freedom and prosperity.

On March 3rd, 1849, Minnesota was established as a United States territory as part of the Northwest Territory, and later we became the 32nd State in this great country, on May 11, 1858.

Minnesota is now home to over 5 million very lucky people. Minnesota is renowned for our welcoming communities, our high quality schools and our valuable natural resources. Minnesotans take advantage of those resources every weekend that we can, our beautiful lakes, our forests, our prairies. "Minnesota Nice" is more than a saying for us; it is our way of life, and we welcome you to come and enjoy our hospitality any time you get to our great State of Minnesota.

We are also known as the Gopher State. We are also known as the North Star State and the Land of 10,000 Lakes. But, truth be told, we actually have over 15,000 lakes in our great State. Our name comes from the Dakota word "minesota," which means "water that reflects the sky," in other words, sky blue waters. And it is that, and more.

Native Americans continue to play an extremely important role in Minnesota and a defining role in our very proud heritage. The influence of the Native Americans can be seen not only in the names of our local towns, our local lakes and our natural landmarks, but also in the enduring culture of conservation of the land and the great love that every Minnesotan shares and our bond with the outdoors.

It was in 1889 that the Saint Mary's Hospital, now known as the world famous Mayo Clinic, opened its doors to patients in Rochester, Minnesota. They are now known worldwide for their cutting-edge care, and quite often in the news we will hear of yet one more world leader who makes their way to little Rochester, Minnesota, to receive what we know in Minnesota is the finest health care system in the United States.

Minnesota also houses, Mr. Speaker, over 30 institutions of higher education. Education is a very strong value in the State of Minnesota, including the world renowned University of Minnesota, a world class research university of which we are all extremely proud and where the Nation's and world's first open heart surgery was performed and also the first bone marrow transplant was performed in the United States.

Minnesota continues to be a leader in innovation. In fact, Minnesota is currently home to more than 35 Fortune 500 companies. Yes, we are the State, Mr. Speaker, that gave you SPAM, and we are the State that gave you the Post-it note.

But our rise in corporate and technological prominence has not compromised our agricultural background. Farmland spans over half of Minnesota's 54 million acres. My father was born on a farm and grew up on a farm, and farming is a way of life for many of our Minnesota people. The ag industry is a jewel in Minnesota and it is Minnesota's second largest job market, employing nearly 80,000 farmers that serve to feed the world.

At a time when energy costs and production are dominating the headlines, Minnesota is a national leader in the protection and use of renewable energy. We are very proud of this fact, and it helps our Nation reduce our dependence on foreign oil.

For 150 years, Mr. Speaker, Minnesota has attracted a very special caliber of people, marked by our spirit and by our character. The citizens of the State of Minnesota are dedicated to our families. Families are very important. Faith is very important in our State, our communities, and also in our Nation. We are people of faith. We are people of charity. We are people of hope and dedication, love and compassion. We have a very high rate of giving in the State of Minnesota.

Mr. Speaker, I hope you and my fellow colleagues will join me in recognizing the rich history and the substantial contributions that Minnesota and Minnesotans have made to this great Nation. We have a lot to be proud of, Mr. Speaker, and this legislation marks yet one more happy milestone in Minnesota's long history of success.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to one of the cosponsors of this resolution, Representative WALZ from Minnesota.

Mr. WALZ of Minnesota. Thank you, Mr. DAVIS, for managing the bill. A special thank you to my colleague from a little further upstate in Minnesota, Mrs. BACHMANN. Thank you for your kind words. Your pride and enthusiasm for our State is evident, and I think all of us who live there understand why.

I, too, rise to ask my colleagues to join me in congratulating the great State of Minnesota, the 32nd State. It is our sesquicentennial, 150 years. From the natural beauty of the Mississippi River, across to the plains near South Dakota, this is a State that amongst the stark beauty has planted the seeds, as you heard my previous colleague talk about, of innovation, from health care to computer technology to agriculture.

I am especially proud to represent the southern area of the State, the First District, those many towns, like Winona along the Mississippi River, which were the stopping points near the upper end of the paddle boats that brought our forebearers to Minnesota. The courthouses and the city halls still represent that long heritage, that rich tradition and that sense of community that had people staking out a new life in the "big woods," in the Land of 10,000 Lakes.

I am proud to have the City of New Ulm in my district. New Ulm is, as you might expect, a very, very German town. It boasts the "Herman the German" statue that is the second largest brass statue behind only the Statue of Liberty in the United States. There is the proud tradition of the Minnesota Music Hall of Fame that captures the tradition of the many musicians and folk artists that have come through and lived in Minnesota. Both Winona and New Ulm were capitals of a day, and I am very proud of them during the sesquicentennial celebration.

The City of Rochester, as you heard my colleague mention, the small town on the prairie that the Mayo brothers opened the door to a hospital and have established the most advanced critical hospital in probably the world. The Mayo Clinic is a destination. You must fly there to get there. There is not a large city to draw you there, but there is the absolute guarantee of the most quality care that you can receive anywhere in the world. They are leading the way not only in innovations in medical research, they are leading the way in how we deliver health care to all Americans.

Also the City of Austin, known for many, many things, and one also you heard my colleague mention, the invention of SPAM and the SPAM Museum. Mr. Speaker, I invite you and anyone to please visit this wonderful place. You will find out how SPAM is made, first and foremost, but it also is something about the Hormel Institute and this other great company. They have a research lab that is there that is called the Hormel Institute. By most accounts the Hormel Institute will feature the international conference on carcinogens and in cancer research, especially melanomas, and the Hormel Institute, when the story of how cancer is solved, it will probably start in Austin, Minnesota. It is something we are very proud of, a public-private partnership.

Minnesotans have always prided themselves on their education, of investing in their children. Garrison Keillor talks about all of our children are above average. We know that we have a ways to go, but we do take pride in that, from our many, many public schools and institutions of higher learning, producing one of the highest graduation rates in the country, and usually in the very top three of all SAT and ACT scores. So there is a great pride in this.

It is those residents of Southern Minnesota that I am here today to congratulate, people who have chosen to live in a somewhat harsh climate, to take the opportunity to settle this land, to move into the Upper Midwest and to settle and create not just places to live, but communities that were vibrant and growing, and that understood that the investments we put back in them would benefit this country.

So, I am proud of our State. I am proud of what our State contributes to this Nation, just like our other 49 States and territories do. This Nation is strongest when we are altogether, and admission of Minnesota as the 32nd State strengthened this great Union. Today I say congratulations to all Minnesotans, and we are looking forward to the next 150 years.

Ms. FOXX. Mr. Speaker, I look forward to the opportunity to visit Minnesota myself later this year. I urge our colleagues to support H. Res. 923, recognizing the State of Minnesota's 150th anniversary, and yield back the balance of my time.

Mrs. BACHMANN. Mr. Speaker, as this resolution's author, I rise to support H. Res. 923. As Minnesota turns a proud 150 years old, I am honored to recognize the contributions she has made to America's economy and heritage.

On March 3, 1849, Minnesota was established as a U.S. territory and later became the 32nd state on May 11, 1858. It is now home to over five million people and is renowned for its welcoming communities, quality schools and valuable natural resources. "Minnesota Nice" is more than a saying; it's a way of life.

Minnesota is known as the Gopher State, the North Star State, and the Land of 10,000 Lakes; and its name comes from the Lakota word minesota, meaning "water that reflects the sky." Native Americans continue to play a defining role in Minnesota's proud heritage. Their influence can be seen not only in the names of local towns and lakes and natural landmarks, but also in the enduring culture of conservation and love for the outdoors.

In 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota and is now known worldwide for its cutting-edge care.

And Minnesota houses over 30 institutions of higher education including the University of Minnesota—a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States.

Minnesota continues to be leaders in innovation. In fact, Minnesota is currently home to more than 35 Fortune 500 Companies.

But our rise in corporate and technological prominence has not compromised our agricultural background. Farmland spans over half of Minnesota's 54 million acres and the agriculture industry is Minnesota's second largest job market, employing nearly 80,000 farmers.

At a time when energy costs and production are dominating the headlines, Minnesota is a national leader in the production and use of renewable energy, which helps our nation reduce its dependence on foreign oil.

For one-hundred and fifty years, Minnesota has attracted a special caliber of people, marked by their spirit and character. The citizens of our great state are dedicated to their families, their communities and their country. They are people of faith and charity, hope and dedication, love and compassion.

Mr. Speaker, I hope you and my fellow colleagues will join me in recognizing the rich history and substantial contributions Minnesota has made to its nation. Minnesotans have a lot to be proud of, and this legislation marks another milestone in Minnesota's long history of success.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage of this resolution, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 923.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF THE ARBOR DAY FOUNDATION AND NATIONAL ARBOR DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1114) supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1114

Whereas the Arbor Day Foundation was founded in 1972 and now has nearly 1,000,000 members;

Whereas these members and the countless supporters of the Arbor Day Foundation continue to further the mission of the Foundation, which is to "inspire people to plant, nurture, and celebrate trees";

Whereas the Arbor Day Foundation manages the 260-acre Arbor Day Farm to serve as a model of environmental stewardship;

Whereas the Arbor Day Foundation distributes more than 10,000,000 trees annually through its Trees for America program;

Whereas the Arbor Day Foundation has worked with the Department of Agriculture's Forest Service since 1990, helping to plant nearly 12,000,000 trees in national forests damaged by fire, insects, or other causes;

Whereas J. Sterling Morton recognized the need for trees in Nebraska and proposed a tree-planting holiday called "Arbor Day" in 1872;

Whereas the observation of Arbor Day soon spread to other States and is now observed nationally and in many other countries;

Whereas J. Sterling Morton once observed that "the cultivation of trees is the cultivation of the good, the beautiful, and the ennobling in man"; and

Whereas National Arbor Day, the last Friday in April, will be celebrated on April 25, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Arbor Day Foundation; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Arbor Day with appropriate activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

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GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I present for consideration H. Res. 1114, which expresses the support of Congress for the environmental goals and ideals of Arbor Day and the work of the Arbor Day Foundation.

H. Res. 1114, which was introduced by my colleague, Representative JEFF FORTENBERRY, on April 16, 2008, was reported from the Oversight Committee on May 1, 2008 by voice vote. This measure has the support and sponsorship of 53 Members of Congress, and recognizes the importance of Arbor Day and the Arbor Day Foundation in preserving America's green spaces.

J. Sterling Morton, the father of Arbor Day, once observed that, "The cultivation of trees is the cultivation of the good, the beautiful, and the ennobling in man." Established in 1872 as a tree planting holiday and celebration, Arbor Day has had a powerful and positive effect on America's landscape and ecosystem, and is now observed both nationally as well as in many foreign countries.

Mr. Speaker, we can't speak about National Arbor Day without mentioning the work of the National Arbor Day Foundation which was created with a mission to inspire people to plant, nurture, and celebrate trees. The Foundation has attracted almost 1 million members to become passionate about conservation and is worthy to be commemorated for their efforts to distribute 10 million plus trees annually for planting. And so I ask, Mr. Speaker, that we show our support of Arbor Day and the Arbor Day Foundation by agreeing to H. Res. 1114.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Nebraska, the author of this resolution, Mr. FORTENBERRY.

Mr. FORTENBERRY. I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, J. Sterling Morton, the founder of Arbor Day and an outstanding Nebraskan, once said, "Each generation of humanity takes the earth as trustees." That is the spirit embodied in Arbor Day. The simple act of planting a tree provides resources and beauty for future generations, and engages in good environmental stewardship. This resolution supports the goals of National Arbor Day and the National Arbor Day Foundation.

I would like to begin by expressing my sincere appreciation to the distinguished gentleman from California (Mr. WAXMAN), the chairman of the Committee on Government Reform, and Mr. CLYBURN of South Carolina for his help today, and the distinguished gentleman from Virginia (Mr. DAVIS), the ranking member of the committee, for their help in bringing this important resolution to the floor.

A bit of history on Arbor Day. J. Sterling Morton served as United States Secretary of Agriculture, and is honored as one of two Nebraskans to have a statue in the United States Capitol. His former home, Arbor Lodge in Nebraska City, is now the centerpiece of a truly magnificent State historical park.

An early pioneer to the Nebraska territory, he first proposed Arbor Day in 1872 to address the absence of trees in Nebraska. Trees were needed to produce fuel and building materials, provide the necessary shade and wind breaks, as well as to prevent soil erosion. It is estimated that Nebraskans planted more than 1 million trees during that first Arbor Day.

Before long, the idea spread. Arbor Day is now celebrated in all 50 States and in many Nations throughout the world. Although National Arbor Day is always the last Friday in April, individual States observe Arbor Day on various dates, according to the most appropriate tree planting times.

Another outstanding Nebraskan, John Rosenow, built upon that legacy. In 1972, he established the National Arbor Day Foundation. Its mission is to "inspire people to plant, nurture, and celebrate trees." Through its Trees for America program, it distributes more than 8 million trees annually. The Foundation has worked with the United States Department of Agriculture's forest service since 1990, helping to plant nearly 4 million trees in national forests that have been damaged by fire, insects, or other natural causes. The Foundation has also branched out beyond the United States borders, promoting environmental activities throughout the world, including rainforest preservations.

Mr. Speaker, it is very appropriate that we honor Arbor Day and its vision of dedication to tree planting. We should also recognize the countless individuals in our country who have planted trees in fulfillment of this important vision.

J. Sterling Morton once also said, "Other holidays repose on the past. Arbor Day proposes for the future." By supporting this resolution, we honor the spirit of Arbor Day. Planting trees is about planting for the future.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Idaho (Mr. SALI).

Mr. SALI. I thank the gentlewoman.

I rise in support of H. Res. 1114, supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day. I wholeheartedly support the planting as well as the management of healthy trees and forests. The Forest Service has estimated that a healthy and well managed forest could sequester much more of our national carbon emissions than our forests currently sequester, currently sequestering an estimated 10 percent of our national carbon emissions.

I rise in support of this resolution. I also rise to urge my colleagues to address other issues facing our Nation, especially rising fuel prices. Increasing the supply of crude oil and ultimately its price is the single most effective thing Congress can do to lower gas prices. Today, 73 percent of every dollar we pay for gasoline is the price of producing crude oil. And yet, according to a study just released by the Bureau of Land Management, while onshore public lands in the United States are estimated to contain 31 billion barrels of oil and 231 trillion cubic feet of natural gas, some 60 percent of these lands are completely closed to leasing. Congress must act to lift the restrictions on America's energy rich public lands and increase exploration for and production of American crude oil and natural gas, and do so in an environmentally friendly manner.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Nebraska for introducing this resolution.

I am reminded that my mother was a serious conservationist who just loved the beauty of flowers and trees. I would urge passage of this resolution as I close by remembering the words of Joyce Kilmer who had a poem called "Trees." He said that:

> I think that I shall never see
> A poem so lovely as a tree.
> A tree that may in summer wear
> A nest of robins in her hair;
> Upon whose bosom snow has lain;
> Who intimately sleeps with the rain.
> Poems are made by fools like me,
> But only God can make a tree.

I would urge passage.

Ms. FOXX. Mr. Speaker, I rise today in support of this resolution honoring the goals and ideals of the Arbor Day Foundation and National Arbor Day.

Trees—They provide us with shelter and warmth. They clean the air we breathe. Their majesty inspires awe and alters landscapes. Mankind owes its livelihood to these miracles of nature, yet it is so easy to overlook their importance and beauty.

These traits were not lost to J. Sterling Morton, a pioneer who moved from Detroit to the unforgiving, treeless plains of the Nebraska Territory in 1854. A journalist and avid lover of nature, Morton used his position as editor of Nebraska's first newspaper to spread agricultural information and his enthusiasm for trees.

His words did not fall on deaf ears. Fellow pioneers soon realized how valuable trees were to their survival, not only for fuel and building materials, but for the stability of the soil and shade from the arid sun.

Once appointed as the secretary of the Nebraska Territory, on January 4, 1872 Morton first proposed a tree-planting holiday called "Arbor Day." That same year, on April 10, citizens across Nebraska planted over one million trees.

The first official Arbor Day was held on April 10, 1874 and by 1885 it became a legal holiday in Nebraska to be celebrated on April 22, J. Sterling Morton's birthday. Throughout the 1870's the appeal spread across the nation and it was not long before Arbor Day was celebrated in each state of the United. States.

Today, Arbor Day is observed not only throughout this great nation, but across the globe. While most states observe Arbor Day on the last Friday in April, celebrations have evolved to correspond with varying ideal planting weather.

In response to growing national and international popularity, the Arbor Day Foundation was founded in 1972 to "inspire people to plant, nurture, and celebrate trees." The Arbor Day Foundation fuels their mission through the Arbor Day Farm, promoting and coordinating events, working with government and corporate entities, and distributing over' 10 million trees annually.

What began as a local holiday born of one man's enthusiasm has flourished into a global celebration. From Florida to Oregon and Cambodia to Venezuela, people gather to honor the ideals of Arbor Day.

I urge my colleagues to support this resolution and cherish its goal, captured convincingly in the words of its founder, J. Sterling Morton—"the cultivation of trees is the cultivation of the good, the beautiful, and the ennobling in man."

Mr. DAVIS Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1114.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DR. MARTIN LUTHER KING, JR., POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1734) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr., Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. MARTIN LUTHER KING, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, shall be known and designated as the "Dr. Martin Luther King, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Martin Luther King, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the sponsor of this resolution, Representative BLUMENAUER from the State of Oregon.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I rise today in asking my colleagues to join me in this legislation to designate the facility of the postal service on Northeast Killingsworth in Portland as the Dr. Martin Luther King, Jr., Post Office.

Dr. King, as a powerful symbol of racial justice and social equality in our country, is a fitting designation for this facility. I have had some experience in the community dealing with recognition for Dr. King. Some 20 years ago as Portland's Commissioner of Public Works that I worked with the community, notably of my friend Bernie Foster, the publisher of The Scanner newspaper, and others, to designate Union Avenue after Dr. King. It was an eye opening experience for me, a reminder of the troubled racial past of our community and our State. While Oregon has a rich cultural heritage for black Americans, it had a rocky path towards racial equality.

While slavery was declared illegal early in Oregon's history, in 1848, the provisional government had exclusionary laws surrounding land ownership. And when Oregon was admitted to the Constitution, it had exclusionary laws then. It was only after a long and aggressive struggle that progress was made.

In 1914, the NAACP opened a chapter in Portland, and continues to be the oldest continually chartered chapter west of the Mississippi. This movement was bolstered by the independent black owned weekly newspaper, The Advocate, that dated back 105 years in Portland that tirelessly featured articles and editorials dealing with the evils of segregation, lynching, employment opportunities, and other issues that kept the reality of Jim Crow and the pressing need for civil rights in the State, local, and national agenda in the forefront. Sadly, it wasn't until 1927 that the Oregon State Constitution was finally amended to remove the clause denying blacks the right to vote, even though Oregon had ratified the 14th amendment in 1868.

We have been, in our community, trying to come to grips with that past. And, as I mentioned, it was a tumultuous experience we had 20 years ago in the renaming of Union Avenue after Dr. King. But it did come to pass. In the course of the 20 years, we have watched steady progress as we have dealt with our past and as we look forward to the future.

I find the renaming of this post office after Dr. King to be significant on so many different levels. First of all, it came about as the result of a grassroots community effort led by local letter carriers, Jamie Partridge and Isham Harris, that epitomized the service from that particular post office, something that people in the community remark to me as sort of an island, one of these 37 outposts of the post office where half the world's mail is delivered every day. But this is a linkage to people, and it is a very special office signified by the leadership of letter carriers themselves.

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Starting with their fellow workers, moving out through the Piedmont and Concordia Neighborhood Associations, the Sabin Neighborhood Association, showing deep community pride in its heritage.

I find today, Mr. Speaker, that it is particularly noteworthy because we are going to make history, in all likelihood, tonight or tomorrow, where there will be enough votes for the nomination of the first African American nominee of a major party for President of the United States, and one who I sincerely hope is elected.

Having the opportunity to reflect on that great national achievement, while we have the recognition locally for Dr. King and his achievements and the progress that has been made in our community gives me great pride. I'm pleased that we take a small step forward with the designation of this Post Office in the honor of Dr. King, and hope that my colleagues will join me in supporting it.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to express my strong support of this bill designating the post office located at 630 Northeast Killingsworth Avenue in Portland, Oregon as the Dr. Martin Luther King, Jr. Post Office.

Dr. Martin Luther King, Jr. is one of the most important public figures of our times. His leadership during the civil rights movement helped to make America the country it is today, a country that strives for equality, justice and liberty for all its citizens. Dr. King is an American icon and, as such, deserves this honor and recognition.

Dr. King, a southern Baptist minister, was instrumental in leading the civil rights movement during the 1950s and 60s. After his march on Washington in 1963, Dr. King's memorable and often quoted I Have a Dream speech established him as one of the greatest public speakers of his time.

In over 2,500 speeches over the course of his career Dr. King cried out against segregation and other forms of racial inequity, bringing discrimination to the forefront of people's minds and making civil rights a primary concern.

His ceaseless efforts to end racial discrimination and segregation through nonviolent means earned him a Nobel Peace Prize in 1964, making him the youngest recipient in history. He has also been honored with a Presidential Medal of Freedom and a Congressional Gold Medal. In 1983 Congress established a national holiday as a tribute to his memory.

Widely recognized as one of the most pivotal figures in the battle to end bigotry and discrimination on the basis of race, Dr. King led the Montgomery Bus Boycott in 1955, helped to found the Southern Christian Leadership Conference in 1957, and was instrumental in orchestrating the famous Birmingham, Alabama protests.

Towards the end of his life, Dr. King expanded his message to apply to impoverished Americans. The Poor People's Campaign focused on the economic injustice and tried to reach out to poor people of all races and cultures. Dr. King dedicated his life to ensuring the principles this country holds so dear, those of liberty and justice for all citizens.

I thank my respected colleague, EARL BLUMENAUER, for introducing this legislation, and reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, it is my unique pleasure to join my colleagues in the consideration of H.R. 1734, which designates the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon as the Martin Luther King, Jr. Post Office.

The naming of a postal facility in Northwest America, hundreds of miles from Dr. King's civil rights battlefield in the Deep South, is a strong testimony to the far-reaching impact this pivotal figure had on our Nation as a whole.

H.R. 1734 was introduced by Representative EARL BLUMENAUER of Oregon on March 28, 2007, and was considered by and reported from the Oversight Committee on April 9, 2008, by voice vote.

Mr. Speaker, we're all well aware of the activism of Dr. Martin Luther King during his lifetime on this Earth. From his leadership in helping to organize the Montgomery Bus Boycott in 1955, to his riveting I Have a Dream speech, Dr. King reminded our country of its fundamental responsibility to safeguard the natural, God-given rights of all men so that we are free to pursue our goals and aspirations without the artificial walls of skin color, religious affiliation, sexuality or any other pointless barrier that separates us from our fellow human persons.

Mr. Speaker, let us join our colleagues from the great State of Oregon, and once again pay tribute to the life and work of the great Reverend Dr. Martin Luther King, Jr. by renaming this postal facility at 630 Northeast Killingsworth Avenue in Portland, Oregon in honor of this great American hero. I strongly urge passage of this bill.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, I rise in support of this bill to designate this Portland post office in the name of and memory of Dr. Martin Luther King, Jr.

While I support this designation, I note with some disappointment that we are not also addressing rising fuel prices on this week's schedule. Dr. King spoke passionately about our Nation's moral obligation to make sure that the needs of the poor and the elderly are met.

American senior citizens and low-income households have been disproportionately affected by higher energy costs. In 2006, before the skyrocketing and record-breaking fuel price increases we are seeing today, low-income households in America spent nearly 20 percent of their income on energy-related expenditures.

This is a moral issue, an issue which, for many low-income families, senior citizens and hardworking families, affects their access to education, and even to their doctors. It's time for Congress to act on that moral obligation to take care of the poor and the elderly, and lift the restrictions on America's energy rich public lands to increase exploration for and production of American crude oil and natural gas, and do so in an environmentally friendly manner.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 1734.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time and urge support for this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1734.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHI MUI POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5477) to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHI MUI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, shall be known and designated as the "Chi Mui Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chi Mui Post Office Building".

THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina, (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Now, Mr. Speaker, it's my pleasure to yield such time as he might consume to the sponsor of this resolution, Representative ADAM SCHIFF from California.

Mr. SCHIFF. I thank the gentleman from Illinois for yielding, and I want to thank him, Mr. WAXMAN and the staff on the committee for working with me on this legislation.

I'm proud to stand here today to honor a well-respected and dedicated leader from the San Gabriel Valley. Mr. Chi Mui was a beloved member of the Asian American community in Southern California, and the mayor of the city of San Gabriel, where he dedicated himself to improving the quality of life for his neighbors, community and country. I can't think of a more fitting tribute to such an exceptional man than naming the post office in San Gabriel, the town where he touched so many lives, in his honor.

Chi Mui's story epitomizes the American dream. Born in Toisan, China, Chi Mui was a man of humble origins whose early experiences enabled him to relate and connect to the Asian community in California.

After spending many of his early years in Hong Kong, Chi moved with his parents to New York City's vibrant Chinatown in 1963, at the age of 10. Chi spoke Cantonese with his parents, who were a seamstress and a cook, but quickly immersed himself in the language of his new home. As a new immigrant, he remembered feeling like an outsider on the edge of society, and found refuge, his own oasis in the New York Public Library, where he broadened his mind and developed a lifelong commitment to supporting public libraries.

His time reading and studying in the library served him well as he continued his schooling, graduating cum laude with a bachelor's degree in civil engineering from Polytechnic University in New York in 1980. After attending New York University, he moved west and began his distinguished career in public service.

In Los Angeles he served as deputy to one of our colleagues, LUCILLE ROYBAL-ALLARD, and later to California State Senator, Richard Polanco. As their deputy, and in his own time, Chi began working to better the lives of immigrants in the region. Chi Mui's immigrant roots and experiences gave him a special insight and the wisdom and ability to connect with generations of people who came to this country for a better life.

Chi was a key player in the development of 600 units of affordable and senior housing in Los Angeles' Chinatown, and taught citizenship classes to help hundreds of legal residents become U.S. citizens. In 1999 he led an alliance of community leaders, neighborhood groups and businesses to save 50 acres of open space known as the "Cornfield" in downtown Los Angeles. This land became California's first ever urban State park, and is now known as the Los Angeles State Historic Park.

An avid runner and an athlete, he cared deeply about improving recreational facilities and opportunities for youth in the urban area of Los Angeles, and helped obtain $35 million in State funding in 2001 for recreational facilities and activities in the new Los Angeles State Historic Park.

Chi also helped expand the capacity of the Alpine Recreation Center, which doubled in size due to his efforts. He volunteered his time to coach youth at the Alpine Center where he taught teamwork and sportsmanship.

He also founded and co-founded the Los Angeles Chinatown Athletic Association Volleyball Club and created a night basketball program for at-risk youth. Youth are still benefiting from his legacies. Both programs are still going strong today.

Chi Mui's experience as an immigrant and his close ties to his Chinese heritage led him to be active in the Chinese American community in the L.A. area. In recognition of his leadership, he was elected President of the Los Angeles Chinese American Citizens Alliance twice. The Alliance was founded in San Francisco in 1895, and advocates for equal political, economic and educational opportunities for Chinese Americans.

Chi believed in working together with everyone, and often brought different cultures and races together to work on common problems. While he was close with the Chinese American community, he also worked hand in hand with the Indochinese and Chinese-Vietnamese communities, and he was an important link between the Asian American community in San Gabriel and all other residents where he served on the San Gabriel City Council.

Chi Mui was one of only a handful of first-generation Chinese Americans to successfully run for office when he was elected to the San Gabriel City Council in March of 2003. He made history as the first Asian and Chinese American City Council member and mayor since the City of San Gabriel's incorporation in 1913.

Remembering how important library access was to him, Chi was a devoted member of the Friends of San Gabriel Public Library, and led the effort to open the county public library in San Gabriel on Saturdays to provide more services to residents and students without increasing costs.

However, his personal passion on the City Council was the "greening" of the community, and he worked tirelessly to preserve the quality of life that San Gabriel residents value. A long-time advocate of parks and open space, Chi Mui helped the city obtain funds for the master plan and redesign of Vincent Lugo Park, and successfully pushed for additional trees and greenery on neighborhood streets.

For several years, Chi fought a courageous battle with cancer, during which he continued his work for the residents of San Gabriel. On April 27, 2006, at the age of 53, Chi passed away with his wife Betty and a few close friends at his side.

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He was greatly loved by the City of San Gabriel, and those who knew him saw his commitment to making the city a wonderful community for lifelong residents and new commerce as well.

I greatly enjoyed the chance to work with him during his tenure on the city council and know I speak for a great many when I say how much we all miss him.

People around the country recently finished celebrating Asian Pacific American Heritage Month which ended on Saturday, May 31. Asian Americans have touched many lives around the country, and Chi Mui is no exception. It is fitting that we pass this legislation, H.R. 5477, which will add yet another Asian American name to a very short list of post offices honoring this important community.

Chi Mui will never be forgotten by those who knew him. He had a profound effect on the people of southern California and the City of San Gabriel. Future generations will recognize his good work in our community as we preserve his memory and rename the San Gabriel post office in his honor.

I thank again the gentleman from Illinois.

Mr. DAVIS of Illinois. I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5477, legislation to name the post office in San Gabriel, California, in honor of Chi Mui.

Today, we honor Chi Mui who passed away from cancer on April 27, 2006. His accomplishment in serving the citizens of San Gabriel, California, as the first Asian and Chinese American council member and mayor of San Gabriel was a testament to his lasting dedication and friendship to the community.

The modest beginning of Chi Mui's life did not forecast the dramatic and incredible impact he would have on the people of Los Angeles. Born in China on October 26, 1952, Mayor Mui was the son of a seamstress and a cook. At the age of 10, he moved with his family out of his home in China and into New York City where he quickly learned to speak English. In 1980, Mayor Mui graduated cum laude with a degree in civil engineering from Polytechnic University of New York and subsequently moved to southern California.

Before being elected to the San Gabriel City Council in 2003, Mayor Mui wasted no time in devoting his efforts to his new community. He was instrumental in developing 600 units of affordable and senior housing in Los Angeles's Chinatown and spent his time teaching citizenship classes in order to help hundreds of fellow immigrants achieve citizenship in their new home.

A passion for open space, Mayor Mui led the efforts to obtain the space and the $35 million necessary to build the first urban state park in downtown Los Angeles. Mayor Mui was also a devoted athlete and cofounded the Los Angeles Chinatown Athletic Association Volleyball Club where he worked as a coach teaching and reinforcing life lessons that continue well beyond volleyball.

In a city where one in two residents is Asian, Mayor Mui played a role as liaison between the city government and the Asian community. As a city council member, he led the efforts to open the county public library in San Gabriel on Saturdays to provide greater access to residents without increasing cost.

His tireless work for the Asian community was recognized when he was twice elected President of the Los Angeles Chinese American Citizens Alliance.

Recognizing his ability and devotion to San Gabriel in the Asian community, the council appointed him vice-mayor in 2005. In 2006, it elevated him to the position of mayor, an invaluable step that linked the members of the Asian community.

With gratitude to his service to the San Gabriel community, I ask all Members to join me in supporting H.R. 5477.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I rise to present for our consideration H.R. 5477, which names the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building."

Chi Mui is best known for his commitment to public service as the former mayor of the Southern California City of San Gabriel. H.R. 5477 was first introduced by Representative ADAM SCHIFF on February 21, 2008, and is supported by over 50 Members of Congress, many of whom hail from the

State of California. The bill before us has been considered by the Oversight Committee and was approved by the panel on April 16, 2008, by voice vote.

Regarded as a role model to those interested in pursuing public service, Mayor Mui was able to rise from the most humble beginnings to become one of Southern California's most respected local leaders and social advocates.

A tireless fighter for immigrant rights and affordable housing, Chi Mui's accomplishments and contributions go beyond his service as mayor of San Gabriel of California, to include his work on improving opportunities for deserving youth and ensuring inclusion and integration of Southern California's Asian American population.

Mr. Speaker, it was only a few short weeks ago that we here in the House were celebrating both National Public Service Recognition Week and Asian Pacific American Heritage Month. Mayor Chi Mui's life helped to highlight the significance of celebrating both of these commemorative celebrations. Therefore, I ask my colleagues to join me in recognizing this extraordinary American citizen by passing H.R. 5477.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, I rise in support of H.R. 5477 designating this post office in the name of Chi Mui.

While I rise in support of this resolution, I again rise to urge my colleagues to address rising fuel prices. Chi Mui's efforts to improve his community are akin to the efforts of America's charitable organizations that seek to meet the needs of Americans all across our lands. Today, as Americans across this country pay $3.98 per gallon at the pump, these prices hit nearly every facet of life, including those charities providing care for many Americans in need.

One Tennessee paper reported today on the effects these prices are having on charities, and it says, "Nonprofit agencies and charities that rely on voluntary drivers to help carry out their work say soaring gas prices are forcing volunteers to scale back or even stop driving. This means there are fewer people to drive cancer patients to treatment and fewer people to deliver food to the needy."

Congress has a moral obligation to address rising fuel prices by immediately lifting the restrictions on America's energy-rich public lands to increase exploration for and production of American crude oil and natural gas and to do so in an environmentally friendly manner.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 5477, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge support for this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5477.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3774) to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Executive Service Diversity Assurance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the Government Accountability Office—

(A) minorities made up 22.5 percent of the individuals serving at the GS–15 and GS–14 levels and 15.8 percent of the Senior Executive Service in 2007;

(B) women made up 34.3 percent of the individuals serving at the GS–15 and GS–14 levels and 29.1 percent of the Senior Executive Service in 2007; and

(C) although the number of career Senior Executive Service members increased from 6,110 in 2,000 to 6,555 in 2007, the representation of African-American men in the career Senior Executive Service declined during that same period from 5.5 percent to 5.0 percent; and

(2) according to the Office of Personnel Management—

(A) black employees represented 6.1 percent of employees at the Senior Pay levels and 17.8 percent of the permanent Federal workforce compared to 10.1 percent in the civilian labor force in 2007;

(B) Hispanic employees represented 4.0 percent of employees at the Senior Pay levels and 7.8 percent of the permanent Federal workforce compared to 13.3 percent of the civilian labor force in 2007; and

(C) women represented 28.2 percent of employees at the Senior Pay levels and 43.9 percent of the permanent Federal workforce compared to 45.7 percent of the civilian labor force in 2007.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Office of Personnel Management;

(2) the term "Senior Executive Service" has the meaning given such term by section 2101a of title 5, United States Code;

(3) the terms "agency", "career appointee", and "career reserved position" have the meanings given them by section 3132 of title 5, United States Code; and

(4) the term "SES Resource Office" means the Senior Executive Service Resource Office, established under section 4.

SEC. 4. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office. The mission of the SES Resource Office shall be—

(1) to improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) to advance the professionalism of the Senior Executive Service; and

(3) to ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(b) FUNCTIONS.—It shall be the function of the SES Resource Office to make recommendations to the Director with respect to regulations, and to provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service. In order to carry out the purposes of this section, the SES Resource Office shall—

(1) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by—

(A) creating policies for the management and improvement of the Senior Executive Service;

(B) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(C) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(2) be responsible for the policy development, management, and oversight of the Senior Executive Service pay system;

(3) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;

(4) be responsible for developing and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(5) provide oversight of, and guidance to, agency executive resources boards;

(6) be responsible for the administration of the qualifications review board;

(7) establish and maintain annual statistics (in a form that renders them useful to appointing authorities and candidates) on—

(A) the total number of career reserved positions at each agency;

(B) the total number of vacant career reserved positions at each agency;

(C) of the positions under subparagraph (B), the number for which candidates are being sought;

(D) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;

(E) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;

(F) the composition of executive resources boards with regard to race, ethnicity, sex, and individuals with disabilities; and

(G) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;

(8) make available to the public through the official public internet site of the Office of Personnel Management, the data collected under paragraph (7);

(9) establish mentoring programs for potential candidates for the Senior Executive Service, including candidates who have been certified as

having the executive qualifications necessary for initial appointment as a career appointee under a program established pursuant to section 3396(a) of title 5, United States Code;

(10) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;

(11) advise agencies on the best practices for an agency in utilizing or consulting with an agency's equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency's Senior Executive Service appointments process; and

(12) evaluate and implement strategies to ensure that agencies conduct appropriate outreach to other agencies to identify candidates for Senior Executive Service positions.

(c) PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—For purposes of subsection (b)(8), the SES Resource Office may combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.

(d) COOPERATION OF AGENCIES.—The head of each agency shall provide the Office of Personnel Management with such information as the SES Resource Office may require in order to carry out subsection (b)(7).

SEC. 5. CAREER APPOINTMENTS.

(a) PROMOTING DIVERSITY IN THE CAREER APPOINTMENTS PROCESS.—Section 3393 of title 5, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "In establishing an executive resources board, the head of the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process for career appointees, by including members of racial and ethnic minority groups, women, and individuals with disabilities."; and

(2) in subsection (c)(1), by adding after the last sentence the following: "Consideration should also be given to improving diversity by including members of racial and ethnic minority groups, women, and individuals with disabilities on qualifications review boards.".

(b) REGULATIONS.—Within 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement subsection (a) and to improve diversity in executive resources boards and qualifications review boards.

(c) REPORT.—Within 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report evaluating agency efforts to improve diversity in executive resources boards and of the members designated by agencies to serve on qualifications review boards, based on the information collected by the SES Resource Office under subparagraphs (F) and (G) of section 4(b)(7).

SEC. 6. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.

(a) SENIOR EXECUTIVE SERVICE DIVERSITY PLANS.—Within 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall address how the agency is identifying and eliminating barriers that impair the ability of minorities, women, and individuals with disabilities to obtain appointments to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including—

(1) conducting outreach to minorities, women, and individuals within the agency and outside the agency;

(2) establishing and maintaining training and education programs to foster leadership development;

(3) identifying career enhancing opportunities for agency employees;

(4) assessing internal availability of candidates for Senior Executive Service positions; and

(5) conducting an inventory of employee skills and addressing current and potential gaps in skills and the distribution of skills.

Agency plans shall be updated at least every 2 years during the 10 years following enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurances, procedures, and commitments to provide adequate opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service, shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.

(b) SUMMARY AND EVALUATION.—Within 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

(c) COORDINATION.—The Office of Personnel Management shall, in carrying out subsection (a), evaluate existing requirements under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and determine how agency reporting can be performed so as to be consistent with, but not duplicative of, such sections and any other similar requirements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 3774, the Senior Executive Diversity Assurance Act, on October 9, 2007. The bill was considered by the Federal Workforce Subcommittee on April 15, 2008, and by the full Committee on Oversight and Government Reform on May 1, 2008, when it was approved with amendment by voice vote.

Mr. Speaker, I want wanted to thank Senator AKAKA for introducing a companion bill in the Senate, S. 2148, and for co-chairing an April 3, 2008, joint hearing where both the House and the Senate Federal Workforce Subcommittees examined the need for legislation to improve diversity at the highest levels of the Federal Government.

According to data from the Office of Personnel Management, the percentage of minorities and women at senior pay levels in the Federal Government, including the SES, is lower than in the civilian workforce and the Federal workforce as a whole. According to GAO, the number of African American men in the SES actually decreased between the years of 2000 and 2007. I believe that H.R. 3774 takes an important step towards improving the diversity of the Senior Executive Service.

This bill is a long time coming. Since 2003, I have requested Government Accountability Office reports and hearings on this issue. As chairman of the Subcommittee on the Federal Workforce Postal Service in the District of Columbia, I held a hearing in May 2007 on diversity in the SES. Following that hearing, my staff and I met with a number of Federal employee organizations, including the African American Federal Executives Association, the National Association of Hispanic Federal Executives, the Asian American Government Executives Network, Federally Employed Women, Blacks in Government, and the Senior Executives Association.

We learned that the lack of diversity in the SES is not skewed to a shortage of women and minorities at the GS-15 and GS-14 levels, which are the development pools for the SES. According to the Government Accountability Office, in 2007, minorities made up 22.5 percent of the employees in the SES development pool. At the same time, minorities made up only 15.8 percent of the SES. Rather, we heard that there are concerns with the selection process, and there is a lack of oversight and accountability in promoting and hiring minorities in the SES.

The Senior Executive Service Diversity Assurance Act aims to address these concerns. H.R. 3774, as reported by the Committee on Oversight and Government Reform, reestablishes the Senior Executive Service Resource Office within the Office of Personnel Management and adds new requirements for the office such as requiring the collection of data on the mark-up of the selection panels that considered candidates for SES positions. OPM currently encourages agencies to make these panels diverse but collects no data on the panels.

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The bill requires agencies to ensure diversity by including, to the extent practicable, minorities, women, and individuals with disabilities on executive resources boards and any other panels or subgroups used to select SES appointees. This bill provides that OPM and agencies should also give consideration to improving diversity in qualifications review boards, which are the panels set up by OPM to certify the leadership qualifications of potential SES appointees. The bill requires OPM to issue regulations and report to Congress on agency efforts to improve the diversity of executive resources boards and qualifications review boards.

Finally, under this bill, agencies will be required to submit diversity plans, modeled on the current requirement that agencies submit plans for the hiring and advancement of individuals with disabilities. Each agency must submit a plan to OPM describing what efforts the agency is making to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the SES. These plans will have to be updated every 2 years for 10 years, and OPM will be required to submit a report to Congress summarizing and evaluating agency plans. I have also included a findings section that will help explain the purpose and intent of the legislation which is to address the concerns of the numbers of minorities in the SES.

Diversity will not be achieved in the SES on good intentions and failed policies. Now is the time to improve diversity in the SES, particularly since 90 percent of the current SES corps will retire over the next 10 years. Diversity of gender, ethnicity, age, and disabilities, as well as diversity of education, thinking, and experience are crucial if the Federal workforce is to mirror the communities we live in and serve. Paying close attention to diversity is the key to staying competitive in an increasingly global economy and recruiting the best and brightest workforce. It is my belief that all Americans want to work for organizations where they have the opportunity to use their skills, their knowledge to develop their careers. The Senior Executive Service Diversity Assurance Act will help provide that opportunity.

Therefore, Mr. Speaker, I urge passage of H.R. 3774.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on H.R. 3774, the Senior Executive Service Diversity Assurance Act.

In April of this year, the Department of Justice wrote to the committee raising a number of constitutional concerns with the introduced version of this legislation. While a number of changes were made to address these concerns during committee consideration of the legislation, some remained concerned that the legislation could still be vulnerable to constitutional challenges. For example, making demographic information about these senior executive service candidates and incumbents available for hiring purposes could suggest that this information should be taken into account in the selection process.

But I stand before you today to raise a concern much bigger than the state of our Federal workforce. I stand before you today to bring your attention to the woeful lack of attention that has been given this Congress to the skyrocketing gas prices throughout this Nation.

Throughout the country, for the first time in our history, a gallon of gas at local gas stations averages more than $4, and there appears to be no relief in sight for working class Americans.

House Republicans have introduced a comprehensive plan to lower gas prices and preserve energy independence. The Republican plan would increase the production of American-made energy in an environmentally safe way. It would promote new, clean, and reliable energy sources. It would cut red tape and increase the supply of American-made fuel and energy. And it would encourage greater efficiency by offering conservation tax incentives.

The Democrats, however, have no such plan to help American families and small businesses deal with their increasing pain at the pump.

At a time when our country is facing a serious crisis in energy prices, with all due respect to my colleague from Illinois, my assumption is that most Americans would prefer that we focus on solving America's energy woes, rather than spending valuable floor time debating the creation of various offices within the Office of Personnel Management.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve our time.

Ms. FOXX. Mr. Speaker, I have no further speakers and yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, in closing, I want to thank and commend chairman of the Oversight Committee, Representative HENRY WAXMAN, and the ranking member, Representative TOM DAVIS, for their outstanding leadership and work on this legislation.

I also want to commend all of our staff persons on both sides of the committee, both the Democratic side and the Republican side. And especially do I want to commend my staff director for the Subcommittee on the Federal Workforce, District of Columbia and Postal Service, Ms. Tania Shand, for the tremendous work that she has done on this issue over the last 3 years in actuality.

And with that, Mr. Speaker, I urge passage of this bill.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3774, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TELEWORK IMPROVEMENTS ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4106) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telework Improvements Act of 2008".

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

"CHAPTER 65—TELEWORK

"Sec.
"6501. Definitions.
"6502. Governmentwide telework requirement.
"6503. Implementation.
"6504. Telework Managing Officer.
"6505. Evaluating telework in agencies.
"6506. Continuity of operations.

"§ 6501. Definitions

"For purposes of this chapter—

"(1) the term 'agency' means an Executive agency (as defined by section 105), except as provided in section 6506(c);

"(2) the term 'telework' or 'teleworking' refers to a work arrangement under which an employee regularly performs the duties and responsibilities of such employee's position, and other authorized activities, from home or another worksite removed from the employee's regular place of employment; and

"(3) the term 'continuity of operations' refers to an effort within individual executive departments and agencies to ensure that primary mission essential functions continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies.

"§ 6502. Governmentwide telework requirement

"(a) TELEWORK REQUIREMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this chapter, the head of each agency shall establish a policy under which employees shall be authorized to telework, subject to paragraph (2) and subsection (b).

"(2) REGULATIONS.—The policy of each agency under this subsection—

"(A) shall be in conformance with regulations which the Administrator of General Services shall, within 120 days after the date of the enactment of this chapter and in coordination with the Office of Personnel Management, prescribe for purposes of this subsection; and

"(B) shall ensure that employees are authorized to telework—

"(i) to the maximum extent possible; and

"(ii) without diminishing employee performance or agency operations.

"(b) TREATMENT OF CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—

"(1) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—

"(A) require daily access to classified information;

"(B) require daily face-to-face contact with members of the public or other persons, or the use of equipment, at the employee's regular place of employment; or

"(C) are such that their performance from a site removed from the employee's regular place of employment is not feasible; or

"(2) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head—

"(A) the employee is needed to respond to an emergency;

"(B) the employee requires additional training; or

"(C) the denial is necessary, for a specific or ascertainable period of time, to achieve goals and objectives of programs administered by the agency.

"(c) RULE OF CONSTRUCTION.—Nothing in this chapter shall—

"(1) be considered to require any employee to telework; or

"(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan.

"§ 6503. Implementation

"In order to carry out the purposes of this chapter—

"(1) the head of each agency shall ensure that—

"(A) appropriate training is provided to supervisors and managers and to all employees who are authorized to telework; and

"(B) no distinction is made between teleworkers and nonteleworkers for purposes of performance appraisals;

"(2) the General Services Administration, in coordination with the Office of Personnel Management, shall provide advice, assistance, and, to the extent necessary, training to agencies, including with respect to—

"(A) questions of eligibility to telework, including considerations relating to employee performance; and

"(B) making telework part of the agency's goals, including those of individual supervisors and managers;

"(3) the General Services Administration, in coordination with the Office of Management and Budget and the National Institute of Standards and Technology, shall prescribe regulations, within 120 days after the date of the enactment of this chapter, to ensure the adequacy of information and security protections for information and information systems used in, or otherwise affected by, teleworking; such regulations shall be consistent with information security policies and guidance issued by the Office of Management and Budget and the National Institute of Standards and Technology, and shall, at a minimum, include requirements necessary—

"(A) to control access to agency information and information systems;

"(B) to protect agency information (including personally identifiable information) and information systems;

"(C) to limit the introduction of vulnerabilities;

"(D) to protect information systems not under the control of the agency that are used for teleworking; and

"(E) to safeguard the use of wireless and other telecommunications capabilities used for telework purposes; and

"(4) the General Services Administration shall—

"(A) maintain a central, publicly available telework website to be jointly controlled and funded by the General Services Administration and the Office of Personnel Management; and

"(B) include on that website any regulations relating to telework and any other information the General Services Administration and the Office of Personnel Management consider appropriate.

"§ 6504. Telework Managing Officer

"(a) APPOINTMENT AND COMPENSATION.—

"(1) IN GENERAL.—Each agency may appoint an officer to be known as the 'Telework Managing Officer'. If an agency appoints a Telework Managing Officer, such Officer—

"(A) shall be appointed—

"(i) by the Chief Human Capital Officer of such agency; or

"(ii) if none, by the head of such agency; and

"(B) shall be compensated at a rate not less than the minimum rate of basic pay for grade GS–15 of the General Schedule.

"(2) WAIVER.—The Administrator of General Services may waive the minimum rate requirement under paragraph (1)(B) with respect to an agency if such agency has fewer than 100 employees (determined on a full-time equivalent basis) and the head of such agency certifies that being required to comply with paragraph (1)(B) would adversely impact agency operations.

"(b) LIMITATIONS.—An individual may not hold the position of Telework Managing Officer as a noncareer appointee (as defined in section 3132(a)(7)), and such position may not be considered or determined to be of a confidential, policy-determining, policy-making, or policy-advocating character.

"(c) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Telework Managing Officer of an agency shall be as follows:

"(1) Serving as—

"(A) an advisor on teleworking to the head of such agency and to the Chief Human Capital Officer of such agency (if any);

"(B) a resource on teleworking for supervisors, managers, and employees of such agency; and

"(C) the agency's primary point of contact on teleworking matters for employees of such agency, Congress, and other agencies.

"(2) Ensuring that the agency's teleworking policy is communicated effectively to employees.

"(3) Ensuring that electronic or written notification is provided to each employee of specific telework programs and the agency's teleworking policy, including authorization criteria and application procedures.

"(4) Developing and administering a tracking system for compliance with Government-wide telework reporting requirements.

"(5) Providing to the Comptroller General and to the Administrator of General Services such information as the Comptroller General may require to prepare the annual reports under section 6505(b).

"(6) Establishing a system for receiving feedback from agency employees on the agency's telework policy.

"(7) Developing and implementing a program to identify and remove barriers to telework and to maximize telework opportunities in the agency.

"(8) Ensuring that employees are notified of grievance procedures available to them (if any) with respect to any disputes that relate to telework.

"(9) Performing such other duties and responsibilities relating to telework as the head of the agency may require.

"(d) ALTERNATIVE TO TELEWORK MANAGING OFFICER.—If no Telework Managing Officer is appointed under subsection (a) with respect to an agency, the duties and responsibilities of a Telework Managing Officer shall be carried out by the Chief Human Capital Officer of, or a career employee in, such agency, as determined by the agency head.

"§ 6505. Evaluating telework in agencies

"(a) IN GENERAL.—The Comptroller General shall establish a system for evaluating—

"(1) the telework policy of each agency; and

"(2) employee participation in telework programs at each agency.

"(b) ANNUAL REPORT.—The Comptroller General shall, based on the system established under subsection (a), submit an annual report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Each report under this subsection shall, with respect to the period covered by such report—

"(1) evaluate the telework policy of each agency;

"(2) for each agency, indicate the total number of employees in such agency and identify—

"(A) the number and percentage of employees who were eligible to telework;

"(B) the number and percentage of employees who teleworked an average of at least once a week on a regular basis, determined based on time spent actually teleworking;

"(C) the number and percentage of employees who teleworked an average of at least 20 percent of the hours that they worked in every 2 administrative workweeks, determined based on time spent actually teleworking;

"(D) the number and percentage of employees who teleworked at least once a month on a regular basis, determined based on time spent actually teleworking;

"(E) the number and percentage of employees who were not authorized to telework and the reasons why they were not so authorized;

"(F) the number and percentage of employees who were authorized to telework and then later stopped teleworking, the reasons why those employees stopped teleworking, and whether their stopping was voluntary or due to other factors, such as office coverage needs or productivity;

"(G) the extent to which barriers to maximizing teleworking opportunities have been identified and eliminated;

"(H) the impact (if any) of the agency's telework policy on the recruitment and retention of employees;

"(I) the impact (if any) of the agency's telework policy on the performance of agency employees; and

"(J) the level of employee satisfaction with the agency's telework policy, determined based on employee feedback;

"(3) evaluate the compliance of each agency with the requirements of this chapter; and

"(4) identify best practices in agency telework programs.

A report under this subsection shall be submitted for the year in which the regulations under section 6502(a)(2)(A) take effect and for each of the 4 succeeding years. Each such report shall be submitted within 6 months after the end of the year to which it relates.

"(c) MINIMUM REQUIREMENT FOR COMPLIANCE.—For purposes of subsection (b)(3), an agency shall not be considered to be in compliance with the requirements of this chapter unless the employees of such agency who were authorized to telework were permitted to telework for at least 20 percent of the hours that they worked in every 2 administrative workweeks (disregarding any workweeks for which such employees did not submit a request or for which they were otherwise ineligible to telework).

"§6506. Continuity of operations

"(a) IN GENERAL.—The head of each agency shall ensure that—

"(1) to the maximum extent practicable, telework is incorporated into the continuity of operations planning of such agency; and

"(2) mission critical personnel, as determined by the head of such agency, are equipped to telework in time of a catastrophe.

"(b) COORDINATION RULE.—The continuity of operations plan of an agency shall supersede any telework policy of such agency to the extent that they are inconsistent with one another.

"(c) AGENCY DEFINED.—For purposes of carrying out subsection (a)(2), the term 'agency' means an agency named in paragraph (1) or (2) of section 901(b) of title 31.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

"65. Telework .... 6501".

(2) Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, as contained in the Consolidated Appropriations Act, 2005 (5 U.S.C. 6120 note) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "appoint a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be".

SEC. 3. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.

(a) IN GENERAL.—Chapter 14 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—CHIEF HUMAN CAPITAL OFFICERS COUNCIL

"§1421. Chief Human Capital Officers Council

"(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

"(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

"(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council;

"(3) the Administrator of General Services; and

"(4) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

"(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, telework (as defined by section 6501), and legislation affecting human resources operations and organizations.

"(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

"(d) ANNUAL REPORT.—Each year, the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Chapter 14 of title 5, United States Code, is amended by striking the matter before section 1401 and inserting the following:

"CHAPTER 14—CHIEF HUMAN CAPITAL OFFICERS

"SUBCHAPTER I—AGENCY CHIEF HUMAN CAPITAL OFFICERS

"Sec.
"1401. Establishment of agency Chief Human Capital Officers.
"1402. Authority and functions of agency Chief Human Capital Officers.

"SUBCHAPTER II—CHIEF HUMAN CAPITAL OFFICERS COUNCIL

"1421. Chief Human Capital Officers Council.

"SUBCHAPTER I—AGENCY CHIEF HUMAN CAPITAL OFFICERS".

(2) The analysis for part II of title 5, United States Code, is amended by striking the item relating to chapter 14 and inserting the following:

"14. Chief Human Capital Officers ..... 1401".

(3) Section 1303 of Public Law 107–296 (5 U.S.C. 1401 note) is repealed.

SEC. 4. REPORTING REQUIREMENT.

(a) INCORPORATION OF TELEWORK INTO CONTINUITY OF OPERATIONS PLANNING.—Within 12 months after the effective date of the regulations under section 6502(a)(2)(A) of title 5, United States Code (as amended by section 2), the General Services Administration, in coordination with the Office of Personnel Management, the Federal Emergency Management Agency, and the Chief Human Capital Officers Council, shall report to the appropriate committees of Congress on the incorporation of telework into agencies' continuity of operations planning, including—

(1) the extent to which such incorporation has occurred within each of the respective agencies;

(2) the extent to which each agency has conducted continuity of operations tests and exercises incorporating telework for essential and non-essential personnel;

(3) the extent to which agencies have used telework in response to emergencies; and

(4) any recommendations the General Services Administration considers appropriate.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "appropriate committees of Congress" means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the terms "telework" and "continuity of operations" have the meanings given those terms by section 6501 of title 5, United States Code (as amended by section 2); and

(3) the term "agency" means an agency named in paragraph (1) or (2) of section 901(b) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I introduced H.R. 4106 on November 7, 2007, to improve the efficiency of the Federal workforce by allowing more employees to telework.

Telework has a number of benefits for both agencies and employees. A happy workforce is a productive workforce, and giving employees the opportunity to telework can help boost productivity by cutting down on commuting time, reducing absenteeism, and allowing for greater organizational flexibility.

Improving telework can also help reduce pollution, traffic congestion, and the significant financial burdens that Federal employees face from high gas prices.

Unfortunately, telework is not being used to the fullest extent, and according to a report on telework released by the Office of Personnel Management in December 2007, only 6 percent of Federal employees participated in telework programs in 2006.

H.R. 4106 will improve telework in many key ways, while also allowing the government to maintain security of government information and to uphold performance standards. The bill defines telework and requires the Government Accountability Office to evaluate agency telework programs.

The bill requires the head of each agency to establish a telework policy authorizing employees to telework. The bill sets a consistent standard by providing that an agency will only be considered to be in compliance with the bill's requirements if employees who are authorized the telework are allowed to do so at least 20 percent of the hours worked in every two workweeks.

Under H.R. 4106, each agency is required to either appoint a telework managing officer or designate their chief human capital officer or a career employee to carry out the responsibilities of a telework managing officer who will serve as the agency's primary point of contact on telework.

The bill also improves the ability of the government to respond to emergencies by requiring larger agencies to incorporate telework into their continuity of operations plans.

This bipartisan bill was amended and approved by the Oversight Committee by a voice vote on March 13, 2008. A number of changes were made during the committee's consideration of the bill to address suggestions raised by the ranking minority member of the committee, Representative TOM DAVIS, such as requiring that essential personnel be equipped to telework during a catastrophe.

We are considering the bill today with an amendment that makes further changes to the bill based on feedback from the Office of Personnel Management. For example, the amendment clarifies the definition of continuity of operations to cover a situation such as the 2006 flooding of the Internal Revenue Service headquarters building. The amendment also requires GSA and OPM to jointly find and operate a central telework Web site.

This bill will allow more Federal employees to telework but at the same time ensures that agencies have the necessary flexibility, guidance, and oversight.

And so, Mr. Speaker, I urge swift passage of H.R. 4106.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as.I may consume.

Mr. Speaker, I rise today to speak on H.R. 4106, the Telework Improvements Act of 2008. This legislation is designed to encourage more Federal employees to participate in telework programs. This legislation moved through committee, and I understand Chairman WAXMAN worked with Ranking Member TOM DAVIS to make several improvements to this legislation.

Getting serious about promoting telework is a major step in the right direction, but telework only indirectly addresses the problem of soaring gas prices. Mr. Speaker, gas prices have gone up $1.63 since Democrats took control of this House last January, and as far as anybody knows, Democrats still have no plan to address this problem.

The Republicans, on the other hand, stand ready to address the problem with a blueprint that promotes alternative and renewable fuels, harnesses technologies already being employed successfully by many of our global competitors, and encourages responsible oil and gas exploration designed to unlock America's natural energy resources and end our dependence on foreign fuel imports.

I remain concerned that none of the bills being considered today do anything to address the pain at the pump currently facing our Nation.

American families and small businesses are begging Congress to throw them a life preserver amid today's soaring gas prices, but no relief is in sight. No wonder Americans believe Washington is broken.

Most Americans believe it is past time to start addressing the real problems facing American families. I note with some disappointment that not a single piece of legislation to help lower gas prices is on the House schedule this week.

I reserve the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to a member of our subcommittee and a cosponsor of this legislation, Representative SARBANES from the State of Maryland.

Mr. SARBANES. I want to thank the chairman of our subcommittee, Representative DAVIS, for yielding this time.

Mr. Speaker, I rise today in support of H.R. 4106, the Telework Improvements Act of 2008.

As a daily commuter from Baltimore to the District of Columbia, I know how frustrating it can be to spend hours a day traveling. And with a focus on gas prices that we've heard repeatedly today, we need to explore pragmatic and innovative alternatives.

I've worked closely with Subcommittee Chairman DAVIS and with Chairman HENRY WAXMAN on this legislation, and I thank them for their leadership. Last year, when I offered a similar amendment to the energy bill, they helped to ensure that the amendment passed the House by voice vote, and I am pleased we will now pass this measure so that we can begin to expand telework options for the Federal workforce.

This is a win, win, win. A stronger telework policy will be good for the Federal Government, it will be good for the Federal worker, and of course it will be good for the environment. At a time when a large percentage of the Federal workforce is at or approaching retirement age, we need to recruit and retain the best and brightest of a new generation of workers. By crafting strong and effective telework policies, agencies can compete for these workers and retain them.

The U.S. Patent and Trademark Office and the Defense Information Systems Agency, which have some of the most robust telework policies in the Federal Government, are perfect examples of how agencies can utilize telework to recruit and retain a first-rate workforce. USPTO and DISA have retained workers, despite having a workforce that is in high demand elsewhere.

The private sector is still far ahead of the government in terms of embracing telework as a recruiting tool. We must catch up if we want to compete. In fact, the Federal Government can and should be a model employer and a driving force for increasing productivity while striking the right balance between family and work.

If you want to understand the competitive edge that comes from telework, you don't have to take my word for it, just listen to what one major CEO said. "What would I say to a CEO who resists greater employee flexibility because of concerns about loss of accountability and productivity? I would hope he was a competitor, and I would keep my mouth shut. Companies that don't believe in this are going to be trapped by it in the end." We don't want the Federal Government to be trapped either, and that's why it is important to embrace telework,

Telework is also beneficial to Federal workers by helping to improve quality of life and strike a better work/family balance. It would have the effect of giving back a couple hours a day to commuters who would otherwise be stuck in traffic, time they could spend with their families. At a time when gas prices are soaring, it could also have a profound economic benefit for families that are struggling in the current economic climate.

So again, in conclusion, I want to say that telework is a win, win, win. It's good for the Federal Government, it's good for the Federal workers, and it's great for our environment.

I am pleased the House has taken up this legislation, and look forward to working with the Senate to ensure that it becomes law.

Ms. FOXX. Mr. Speaker, while this legislation will give a break from high gas prices to some Federal employees, the vast majority of Americans have to use their cars to go to work and to other activities and are paying an average of $4 a gallon, the highest prices in history, while the Democratically controlled Congress does nothing to help those hardworking Americans who struggle to do the right thing every day, but are receiving no assistance from the Democrat majority here.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, in closing, I once again want to commend the chairman of the Oversight Committee, Mr. WAXMAN from California, for his outstanding leadership and support. I also want to express appreciation to the ranking member, Mr. TOM DAVIS from Virginia, for his support and leadership.

I also want to thank all of the members of the subcommittee, especially the ranking member, Mr. MARCHANT, as well as all of the Members on both sides of the aisle. Our staffs have done a tremendous job of working through all of the snares that may have existed and have helped us shape a piece of legislation that I think is going to give enormous benefit to the American people. We are going to be able to cut down on the use of gasoline as people commute to and from work. We're going to be able to reduce pollution. And we're going to enhance the creation of a more desirable environment. So I thank all of those who have been a part of making this day possible. I urge passage of this legislation.

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 4106, the Telework Improvements Act of 2008.

I would like to thank Congressman DANNY DAVIS for introducing this important and necessary legislation. I also want to recognize Chairman HENRY WAXMAN and Ranking Member TOM DAVIS on the Oversight and movement Reform Committee for reporting out a good bill for our consideration today.

As many of my colleagues know, I have been a long-time and staunch supporter of telework or telecommuting. Telework offers a 21st century workplace option that can reduce traffic congestion and air pollution, as well as cut gasoline consumption and dependency on foreign oil. Study after study has shown that telework benefits employees and employers. It gives employees the flexibility they need to meet daily demands.

Employers—both government and private businesses—get the benefit of increased productivity, improved morale, fewer sick leave days used, better worker retention, and reduced costs for office space.

My legislation enacted in 2001 mandated a phased-in program to expand the number of federal employees who telework with the goal of giving every eligible federal worker this workplace option by the end of 2005. While annual surveys by the Office of Personnel Management on telework by federal employees have shown some progress in meeting the law's mandate, there is much more that agencies can do to expand the number of federal telecommuters and this legislation is an important next step in making the Federal Government a model telework employer.

To emphasize the importance of telework in the federal workplace, when I chaired the Commerce-Justice-Science Appropriations subcommittee, I included provisions in the FY 2005, FY 2006 and FY 2007 spending bills for the departments of Commerce, Justice, and State and related agencies to withhold $5 million from the agencies which fail to meet the 2001 law.

I am proud to be an original cosponsor and strong proponent of the Telework Improvements Act that we are considering today. It will require the head of each executive agency to establish a policy under which employees may be authorized to telework and allow authorized employees to be allowed to telework at least 20 percent of the hours worked in every two administrative workweeks.

Given the soaring cost of gas, I can think of no better time for us to be passing this bill and encouraging further adoption of telework. In the Washington, D.C. metropolitan area, including my district in northern Virginia, telework has the added benefit of taking cars off the road and reducing congestion and air pollution. It is also a good policy to have in place for continuity of operations in the event of an emergency.

Mr. Speaker, I strongly urge my colleagues to vote in support of this legislation so that we can ensure that the federal workforce is making full use of teleworking.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to speak in on H.R. 4106, the Telework Improvements' Act of 2008. This issue has long been a struggle for many of us here in Congress, especially those Members representing the National Capital Region.

The problem is far too many federal agencies are missing the opportunity to promote teleworking among their employees. Ninety percent of the employees eligible to telework do not do so at this time.

With the vast majority of the federal government's workforce located here in the National Capital Region, utilizing telework will have an immediate and dramatic impact on the traffic congestion in the region. It will also increase worker productivity as our Federal workforce spends less time commuting to and from work every day. As an added benefit, keeping people off the roads will reduce our carbon emissions. Everybody benefits, not just the teleworkers.

Several improvements were made to this legislation during Committee consideration, many at my request. First, the reported version includes stronger language regarding the protection of information being accessed through remote networks. This IT security language is important to reassure the general public that, as we promote the use of telework in federal agencies, the government is taking necessary steps to make sure personal information is safeguarded.

Second, the reported version requires agencies to further integrate telework into their continuity of operations planning by making sure mission critical personnel are prepared to telework in the event of a major disaster, such as a terrorist attach or an outbreak of the pandemic flu.

Third, the reported version tasks the Chief Human Capital Officers Council with being a central coordinator of best practices for agencies regarding telework.

Fourth, the reported version gives agencies some flexibility in determining how best to promote telework within their workforce by allowing them to either assign the telework responsibilities to the agency's Chief Human Capital Officer or to a career official at the agency.

Promoting the use of telework by our federal workforce will improve employee efficiency and ultimately lead to improved service to the American public, and I appreciate the majority's willingness to work with us on this legislation.

Mr. Speaker, I am happy to support this legislation and urge its adoption.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4106, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL FOOD DONATION ACT OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Food Donation Act of 2008".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

(2) EXCESS.—The term "excess", when applied to food, means food that—

(A) is not required to meet the needs of executive agencies; and

(B) would otherwise be discarded.

(3) FOOD-INSECURE.—The term "food-insecure" means inconsistent access to sufficient, safe, and nutritious food.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that all contracts above $25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) TERMS AND CONDITIONS.—

(1) COSTS.—In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this Act.

(2) LIABILITY.—An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this

Act shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2420, the Federal Food Donation Act, is a modest measure designed to help address a very large problem, hunger in America. In 2005, 25 million people in this country, including 9 million children, had to rely on soup kitchens and other charitable feeding programs to help meet their nutritional needs.

S. 2420 is very similar to legislation introduced by Representative JO ANN EMERSON, H.R. 4220, which passed the House on a voice vote last December. It requires Federal agencies to include in their food service and space rental contracts a provision which encourages contractors to donate any surplus wholesome food to nonprofit organizations that provide assistance to the hungry. This bill builds on the work of some innovative nonprofit organizations and think tanks that have been conducting similar programs in the private sector.

The bill also includes provisions which would ensure that cost of collecting, transporting and storing donated food would not be borne by the Federal Government, and that executive agencies and contractors would be protected from civil or criminal liability.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to take up S. 2420, the Federal Food Donation Act. The House version of this legislation, H.R. 4220, was introduced by Representative JO ANN EMERSON and was passed by the House last December.

S. 2420 would require the Federal Acquisition Regulation to be amended to provide certain contracts for the provision, service or sale of food, include a clause encouraging the donation of excess food to organizations such as homeless shelters. In doing so, the legislation also states agencies and contractors making donations would be protected from civil or criminal liability associated with the donation.

Mrs. EMERSON has been a leader in the effort to relieve hunger in this Nation, and I applaud her dedication to this issue. I urge my colleagues to support this bill.

Mr. WOLF. Mr. Speaker, I rise in support of S. 2420, the Federal Food Donation Act of 2008. This bill would require a clause in federal food services contracts greater than $25,000 to encouraging donations to nonprofit organizations, such as food banks and food pantries.

I have been active in the fight against hunger for over two decades. Following my first visit to Ethiopia during its famine in 1984, I worked across the aisle to fight hunger both at home and abroad. I was pleased to work for the passage of the Bill Emerson Good Samaritan Act of 1996 that protected organizations donating food to charitable organizations from liability in order to spur greater donations.

However, I am concerned that rising food commodity prices and gasoline prices could hamper efforts by food banks and food pantries to meet the needs of the hungry. In meeting with charitable organizations in my congressional district, it is clear that the business community and government agencies could be doing much more to support efforts to a growing number of families relying on food assistance from charitable organizations.

Anyone who has visited a grocery store in the last year understands the challenge our food banks are facing. U.S. grocery prices increased 5.1 percent overall during the last year, with a 17-percent increase in cost for dairy products, a 13-percent increase for rice and pasta, and a 12-percent increase in the cost of breads. This has a tremendous impact on the bottom line for American families. For example, if a family earns $45,000 a year, it now costs them an extra $1,000 to maintain the same food, gas, and basic goods purchases compared to 2006—a 9.6-percent increase. This makes more families dependent on food assistance, and even more affluent families less likely to donate to food banks and food pantries.

I am proud that the food banks and food pantries, grocery stores, and chambers of commerce in my district are coming together to raise awareness of this challenge and develop community-based solutions. Given the large federal agency presence in my district, I believe that this bill will help supplement their efforts.

Mr. Speaker, I urge my colleagues to join me in supporting this pragmatic and necessary legislation.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 2420.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FEDERAL AGENCY DATA PROTECTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4791) to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Agency Data Protection Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. Authority of Director of Office of Management and Budget to establish information security policies and procedures.
Sec. 5. Responsibilities of Federal agencies for information security.
Sec. 6. Federal agency data breach notification requirements.
Sec. 7. Protection of government computers from risks of peer-to-peer file sharing.
Sec. 8. Annual independent audit.
Sec. 9. Best practices for privacy impact assessments.
Sec. 10. Implementation.

SEC. 2. PURPOSE.

The purpose of this Act is to protect personally identifiable information of individuals that is maintained in or transmitted by Federal agency information systems.

SEC. 3. DEFINITIONS.

(a) PERSONALLY IDENTIFIABLE INFORMATION AND MOBILE DIGITAL DEVICE DEFINITIONS.—Section 3542(b) of title 44, United States Code, is amended by adding at the end the following new paragraphs:

"(4) The term 'personally identifiable information', with respect to an individual, means any information about the individual maintained by an agency, including information—

"(A) about the individual's education, finances, or medical, criminal, or employment history;

"(B) that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records; or

"(C) that is otherwise linked or linkable to the individual.

"(5) The term 'mobile digital device' includes any device that can store or process information electronically and is designed to be used in a manner not limited to a fixed location, including—

"(A) processing devices such as laptop computers, communication devices, and other handheld computing devices; and

"(B) storage devices such as portable hard drives, CD–ROMs, DVDs, and other portable electronic media.".

(b) CONFORMING AMENDMENTS.—Section 208 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking "information that is in an identifiable form" and inserting "personally identifiable information"; and

(B) in clause (ii)(II), by striking "information in an identifiable form permitting the physical or online contacting of a specific individual" and inserting "personally identifiable information";

(2) in subsection (b)(2)(B)(i), by striking "information that is in an identifiable form" and inserting "personally identifiable information";

(3) in subsection (b)(3)(C), by striking "information that is in an identifiable form" and inserting "personally identifiable information"; and

(4) in subsection (d), by striking the text and inserting "In this section, the term 'personally identifiable information' has the meaning given that term in section 3542(b)(4) of title 44, United States Code.".

SEC. 4. AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO ESTABLISH INFORMATION SECURITY POLICIES AND PROCEDURES.

Section 3543(a) of title 44, United States Code, is amended—

(1) by inserting before the semicolon at the end of paragraph (5) the following: ", including plans and schedules, developed by the agency on the basis of priorities for addressing levels of identified risk, for conducting—

"(A) testing and evaluation, as required under section 3544(b)(5); and

"(B) remedial action, as required under section 3544(b)(6), to address deficiencies identified by such testing and evaluation"; and

(2) by adding at the end the following:

"(9) establishing minimum requirements regarding the protection of personally identifiable information maintained in or transmitted by mobile digital devices, including requirements for the use of technologies that efficiently and effectively render information unusable by unauthorized persons;

"(10) requiring agencies to comply with—

"(A) minimally acceptable system configuration requirements consistent with best practices, including checklists developed under section 8(c) of the Cyber Security Research and Development Act (Public Law 107–305; 116 Stat. 2378) by the Director of the National Institute of Standards and Technology; and

"(B) minimally acceptable requirements for periodic testing and evaluation of the implementation of such configuration requirements;

"(11) ensuring that agency contracts for (or involving or including) the provision of information technology products or services include requirements for contractors to meet minimally acceptable configuration requirements, as required under paragraph (10);

"(12) ensuring the establishment through regulation and guidance of contract requirements to ensure compliance with this subchapter with regard to providing information security for information and information systems used or operated by a contractor of an agency or other organization on behalf of the agency; and".

SEC. 5. RESPONSIBILITIES OF FEDERAL AGENCIES FOR INFORMATION SECURITY.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (2)(D)(iii), by striking "as determined by the agency" and inserting "as required by the Director under section 3543(a)(10)";

(2) in paragraph (5)—

(A) by inserting after "annually" the following: "and as approved by the Director";

(B) by striking "and" at the end of subparagraph (A);

(C) by redesignating subparagraph (B) as subparagraph (D); and

(D) by inserting after subparagraph (A) the following:

"(B) shall include testing and evaluation of system configuration requirements as required under section 3543(a)(10);

"(C) shall include testing of systems operated by a contractor of the agency or other organization on behalf of the agency, which testing requirement may be satisfied by independent testing, evaluation, or audit of such systems; and";

(3) by striking "and" at the end of paragraph (7);

(4) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(5) by adding at the end the following:

"(9) plans and procedures for ensuring the adequacy of information security protections for systems maintaining or transmitting personally identifiable information, including requirements for—

"(A) maintaining a current inventory of systems maintaining or transmitting such information;

"(B) implementing information security requirements for mobile digital devices maintaining or transmitting such information, as required by the Director (including the use of technologies rendering data unusable by unauthorized persons); and

"(C) developing, implementing, and overseeing remediation plans to address vulnerabilities in information security protections for such information;".

SEC. 6. FEDERAL AGENCY DATA BREACH NOTIFICATION REQUIREMENTS.

(a) AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO ESTABLISH DATA BREACH POLICIES.—Section 3543(a) of title 44, United States Code, as amended by section 4, is further amended—

(1) by striking "and" at the end of paragraph (7);

(2) in paragraph (8)—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period and inserting "; and" at the end of subparagraph (E); and

(C) by adding at the end the following new subparagraph:

"(F) a summary of the breaches of information security reported by agencies to the Director and the Federal information security incident center pursuant to paragraph (13);"; and

(3) by adding at the end the following:

"(13) establishing policies, procedures, and standards for agencies to follow in the event of a breach of data security involving the disclosure of personally identifiable information, specifically including—

"(A) a requirement for timely notice to be provided to those individuals whose personally identifiable information could be compromised as a result of such breach, except no notice shall be required if the breach does not create a reasonable risk—

"(i) of identity theft, fraud, or other unlawful conduct regarding such individual; or

"(ii) of other harm to the individual;

"(B) guidance on determining how timely notice is to be provided;

"(C) guidance regarding whether additional special actions are necessary and appropriate, including data breach analysis, fraud resolution services, identify theft insurance, and credit protection or monitoring services; and

"(D) a requirement for timely reporting by the agencies of such breaches to the Director and Federal information security center.".

(b) AUTHORITY OF CHIEF INFORMATION OFFICER TO DEVELOP AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of title 44, United States Code, is amended—

(1) by inserting after "authority to ensure compliance with" the following: "and, to the extent determined necessary and explicitly authorized by the head of the agency, to enforce";

(2) by striking "and" at the end of subparagraph (D);

(3) by inserting "and" at the end of subparagraph (E); and

(4) by adding at the end the following:

"(F) developing and maintaining an inventory of all personal computers, laptops, or any other hardware containing personally identifiable information;".

(c) INCLUSION OF DATA BREACH NOTIFICATION.—Section 3544(b) of title 44, United States Code, as amended by section 5, is further amended by adding at the end the following:

"(10) procedures for notifying individuals whose personally identifiable information may have been compromised or accessed following a breach of information security; and

"(11) procedures for timely reporting of information security breaches involving personally identifiable information to the Director and the Federal information security incident center.".

(d) AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.—Section 1402(a) of title 5, United States Code, is amended—

(1) by striking ", and" at the end of paragraph (5) and inserting a semicolon;

(2) by striking the period and inserting "; and" at the end of paragraph (6); and

(3) by adding at the end the following:

"(7) prescribing policies and procedures for exit interviews of employees, including a full accounting of all Federal personal property that was assigned to the employee during the course of employment.".

SEC. 7. PROTECTION OF GOVERNMENT COMPUTERS FROM RISKS OF PEER-TO-PEER FILE SHARING.

(a) PLANS REQUIRED.—As part of the Federal agency responsibilities set forth in sections 3544 and 3545 of title 44, United States Code, the head of each agency shall develop and implement a plan to ensure the security and privacy of information collected or maintained by or on behalf of the agency from the risks posed by certain peer-to-peer file sharing programs.

(b) CONTENTS OF PLANS.—Such plans shall set forth appropriate methods, including both technological (such as the use of software and hardware) and nontechnological methods (such as employee policies and user training), to achieve the goal of securing and protecting such information from the risks posed by peer-to-peer file sharing programs.

(c) IMPLEMENTATION OF PLANS.—The head of each agency shall—

(1) develop and implement the plan required under this section as expeditiously as possible, but in no event later than six months after the date of the enactment of this Act; and

(2) review and revise the plan periodically as necessary.

(d) REVIEW OF PLANS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall—

(1) review the adequacy of the agency plans required by this section; and

(2) submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review, together with any recommendations the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) PEER-TO-PEER FILE SHARING PROGRAM.—The term "peer-to-peer file sharing program" means computer software that allows the computer on which such software is installed (A) to designate files available for transmission to another such computer, (B) to transmit files directly to another such computer, and (C) to request the transmission of files from another such

computer. The term does not include the use of such software for file sharing between, among, or within Federal, State, or local government agencies in order to perform official agency business.

(2) AGENCY.—The term "agency" has the meaning provided by section 3502 of title 44, United States Code.

SEC. 8. ANNUAL INDEPENDENT AUDIT.

(a) REQUIREMENT FOR AUDIT INSTEAD OF EVALUATION.—Section 3545 of title 44, United States Code, is amended—

*(1) in the section heading, by striking "**evaluation**" and inserting "**audit**"; and*

(2) in paragraphs (1) and (2) of subsection (a), by striking "evaluation" and inserting "audit" both places it appears.

(b) ADDITIONAL SPECIFIC REQUIREMENTS FOR AUDITS.—Section 3545(a) of such title is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "subset of the agency's information systems;" and inserting the following: "subset of—

"(i) the information systems used or operated by the agency; and

"(ii) the information systems used, operated, or supported on behalf of the agency by a contractor of the agency, any subcontractor (at any tier) of such a contractor, or any other entity;";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(D) a conclusion whether the agency's information security controls are effective, including an identification of any significant deficiencies in such controls."; and

(2) by adding at the end the following new paragraph:

"(3) Each audit under this section shall conform to generally accepted government auditing standards.".

(c) CONFORMING AMENDMENTS.—

(1) Each of the following provisions of section 3545 of title 44, United States Code, is amended by striking "evaluation" and inserting "audit" each place it appears:

(A) Subsection (b)(1).

(B) Subsection (b)(2).

(C) Subsection (c).

(D) Subsection (e)(1).

(E) Subsection (e)(2).

(2) Section 3545(d) of such title is amended to read as follows:

"(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on an audit relating to programs or practices of the applicable agency.".

(3) Section 3545(f) of such title is amended by striking "evaluators" and inserting "auditors".

(4) Section 3545(g)(1) of such title is amended by striking "evaluations" and inserting "audits".

(5) Section 3545(g)(3) of such title is amended by striking "Evaluations" and inserting "Audits".

(6) Section 3543(a)(8)(A) of such title is amended by striking "evaluations" and inserting "audits".

(7) Section 3544(b)(5)(D) of such title (as redesignated by section 5(2)(C)) is amended by striking "a evaluation" and inserting "an audit".

SEC. 9. BEST PRACTICES FOR PRIVACY IMPACT ASSESSMENTS.

Section 208(b)(3) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and", and

(3) by adding at the end the following:

"(D) develop best practices for agencies to follow in conducting privacy impact assessments.".

SEC. 10. IMPLEMENTATION.

Except as otherwise specifically provided in this Act, implementation of this Act and the amendments made by this Act shall begin not later than 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee of Information Policy, Census and National Archives, I am pleased to join my colleagues in the consideration of H.R. 4791, the Federal Agency Data Protection Act, a bill to protect personally identifiable information of individuals that is maintained in or transmitted by Federal agency information systems.

H.R. 4791, which I introduced along with Chairman HENRY WAXMAN and Representative ED TOWNS on December 18, 2007, was reported from the Committee on Oversight and Government Reform on May 21, 2008. I want to also thank Ranking Member TOM DAVIS for working with us on this legislation, especially on the notification provision.

Despite progress made with the implementation of the Federal Information Security Management Act, or FISMA, GAO found that pervasive weaknesses continue to exist primarily because agencies fail to maintain secure IT networks. As a result, GAO concluded that Federal financial data are at risk of unauthorized modification or destruction, sensitive information at risk of inappropriate disclosure, and critical operations at risk of disruption.

H.R. 4791 would secure our agencies' IT access and require an annual audit of agency programs. The bill would also establish a comprehensive definition for "personally identifiable information" and mandate that agencies notify individuals when their personal information is accessed in a data breach.

Mr. Speaker, in light of today's report that 1,000 patients at Walter Reed Army Medical Center and other military hospitals had their names, Social Security numbers and birth dates exposed in a security breach, this is a timely measure that provides Americans with some assurance that the Federal Government will work diligently to protect their personal information.

I urge the swift passage of H.R. 4791.

Mr. Speaker, I reserve the balance of my time.

☐ 1600

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on H.R. 4791, the Federal Agency Data Protection Act. While we appreciate the majority's willingness to incorporate several suggestions from our side such as including language from H.R. 2124, Representative TOM DAVIS' Federal Agency Data Breach Protection Act, we remain concerned that this legislation misses some key opportunities to advance legislation which truly strengthens our Federal information security laws.

But, Mr. Speaker, I rise today to speak on a much more pressing issue, an issue of great concern to all Americans.

With gas prices soaring to $3.98 per gallon over the weekend, according to AAA, the House returned officially from Memorial Day break today, but believe it or not, not a single piece of legislation to help lower gas prices is on the House schedule this week. This is particularly amazing since then Minority Leader NANCY PELOSI promised the American people "a commonsense plan" to lower gas prices way back in April, 2006. And it's particularly troubling since House Republicans unveiled a comprehensive plan to lower gas prices 2 weeks ago and has promoted that plan across the country during last week's Memorial Day recess.

Instead of delivering on their April, 2006, promise, however, the Democrats in charge of Congress have delivered only a staggering $1.65 Pelosi premium, meaning consumers are forced to pay $1.65 more per gallon of gasoline compared to what they paid on January 4, 2007, the Democrats' first day in the majority.

For an average family that fills up its two cars once a week, that's an astronomical 2,574 more dollars per year that they are forced to pay at the pump. That's $2,574 less that families have for their children's educational expenses; $2,574 less for family vacations this summer; and $2,574 less for food costs, which also are skyrocketing.

No wonder Democrats are continuing to feel the heat for doing nothing, nothing, to address the rising cost of gasoline.

Let me quote part of a column in Monday's New Hampshire Union Leader about what Congress has done to contribute to American families' and small businesses' pain at the pump:

"Congress has prevented the drilling in the Alaska National Wildlife Refuge, which could be providing 1 million gallons of oil per day. Congress has put 85 percent of the U.S. coastal areas off-limits for drilling. Congress has recently prohibited the processing of oil shale, which could provide substantial quantities of oil economically . . .

"To sum it up, Congress has done nothing to help but lots to increase on our dependence on foreign oil and increase the price Americans pay for oil and gas."

An op-ed published over the weekend in the Athens, Georgia, Banner-Herald makes the case that the Democratic Congress has contributed to the recent surge in gas prices:

"Drilling is prohibited in the Alaska National Wildlife Refuge, a potential source of 1 million barrels a day, 5 percent of America's daily oil consumption. Also off-limits is 85 percent of America's coastline.

"Americans deserve to know the story, in all its gory details, of what their government has done and is doing to cause high prices at the pump and to make gasoline, indeed, all energy, more scarce and more expensive in the future."

Indeed, while Democrats have offered nothing more than broken promises and policies that drive up gas prices, House Republicans have unveiled a comprehensive plan for lower gas prices and energy independence. The GOP blueprint promotes alternative and renewable fuels, harnesses technologies already being employed successfully by our global competitors, and unlocks America's natural energy resources through the responsible exploration of oil and gas in the United States, a reform backed by the majority of Americans, according to a new Gallup Poll. How much longer will Democrats ignore the will of the American people by keeping the House Republicans' plan off the House floor?

Another quote from the Charleston, West Virginia, Daily Mail: "Doing Nothing is What Democrats in Congress Have Specialized in, and That's One of the Reasons Gasoline Costs $4 Per Gallon."

Mr. Speaker, we can stand here and deal with a lot of issues that we're dealing with this week, but we need to get to the issues that the American people want us to deal with, and that's the soaring price of gasoline and energy costs.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, in closing, I want to urge the House to support this bill, H.R. 4791, and to say that the American people expect that personal information that they share with their government should be kept private and should be protected, and this bill will ensure that that information is protected.

Mr. DAVIS of Virginia. Mr. Speaker, secure information is the lifeblood of effective government. But we've seen a wide range of incidents involving data loss or theft, privacy breaches, and security incidents at Federal agencies.

In almost all of these cases, Congress and the public would not have learned of these events had we not requested the information. After all, despite the volume of sensitive information held by agencies—tax returns, military records, health records, to name a few—there currently is no requirement that agencies notify citizens whose personal information may have been compromised. We need to ensure the public knows when its sensitive personal information has been lost or compromised.

Therefore I am pleased we incorporated my legislation, H.R. 2124, which requires timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a Federal agency.

In addition to focusing on ensuring adequate protection of individuals' personal information held by the Federal Government, I have also spent years focusing on general, government-wide information management and security policy.

For example, the Privacy Act and the E-Government Act of 2002 outline the parameters for the protection of personal information. The Federal Information Security Management Act (FISMA), which I authored, requires each agency to create a comprehensive risk-based approach to agency-wide information security management, through preparedness, evaluation, and reporting requirements.

These laws created a solid foundation for Federal information security, making security management an integral part of an agency's operations and ensuring agencies are actively using best practices to secure the Federal Government's systems.

But it is now incumbent upon us to take Federal information security to the next level—to find new and innovative ways to secure government information.

Unfortunately, I do not believe H.R. 4791 does enough. Most of the provisions contained in this bill are a grab bag of vague requirements, additional mandates, and misplaced priorities. It casts dynamic concepts in stone. And it gives agency personnel more boxes to check.

I have long called for a bill with teeth—and an opportunity to discuss and debate the overall issues associated with improving Federal information security. I think we have missed some key opportunities in that regard.

For example: (1) We haven't seriously considered, to my knowledge, the need to pursue providing incentives for agency success—such as financial incentives for agencies which excel.

(2) We haven't given enough consideration, to my knowledge, to the need to pursue funding penalties and personnel reforms which provide real motivation for an agency to improve its information security.

(3) Although I've pushed the scorecards for many years, we need increased Congressional oversight of agency information security practices.

(4) Have we done enough to bring greater consistency across the IG community regarding standards and review regarding improved information security?

(5) And in our recent review of this issue, I do not believe we have considered, nor do we address, what I believe is one of the most important and complex problems associated with these issues: the difficulties faced by agency Chief Information Officers in their attempts to be successful and effective—both in terms of their status within their agencies and their underlying statutory authority.

(6) Also, have we taken a serious look at whether the creation of a Federal CIO or an Information Czar at OMB would improve the Federal Government's ability to handle and process information? I do not believe so.

Yesterday, OMB Deputy Director for Management, Clay Johnson, wrote to the Committee asking to work with us on a handful of concerns the Administration has with the current draft of the legislation. Although the majority did make important modifications, removing controversial provisions affecting data brokers for example, which were of particular concern to Representative MIKE TURNER, other areas still need to be addressed.

The Administration has expressed particular concern about the bill's codification of terms and requirements in statute, including the definition of "personally identifiable information" as well as various technology-specific provisions, including "personal digital devices" and "peer-to-peer file-sharing programs". I have long maintained that effective security legislation should be technology neutral to enable the government to adequately address constantly evolving threats and technologies. Ironically, we could find ourselves less secure as agencies are forced to meet outdated mandates and requirements. I trust the majority is willing to continue these discussions as the legislation moves forward.

Mr. Speaker, public confidence in government is essential. In the end, the public demands effective government. And effective government depends on secure information. I remain concerned that this legislation falls short in a number of these important areas.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4791, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McNULTY) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 138, by the yeas and nays;

House Resolution 923, by the yeas and nays;

House Resolution 1114, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 138, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138, as amended.

The vote was taken by electronic device, and there were—yeas 362, nays 0, answered "present" 0, not voting 71, as follows:

[Roll No. 367]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—71

Andrews
Baca
Boehner
Boswell
Brown, Corrine
Cardoza
Castor
Cazayoux
Courtney
Crowley
Cubin
Doolittle
Edwards
Ellison
Emanuel
Everett
Ferguson
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Gutierrez
Hinchey
Hulshof
Hunter
Inglis (SC)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Moran (VA)
Murtha
Musgrave
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

☐ 1857

Messrs. LINDER and MARKEY changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAZAYOUX. Mr. Speaker, on rollcall No. 367, had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall 367, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

RECOGNIZING THE STATE OF MINNESOTA'S 150TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 923, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 923.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 70, as follows:

[Roll No. 368]

YEAS—363

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan

Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—70

Andrews
Baca
Boswell
Brown, Corrine
Cardoza
Castor
Cleaver
Courtney
Crowley
Cubin
Doolittle
Edwards
Ellison
Emanuel
Everett
Ferguson
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Gutierrez
Hinchey
Hulshof
Hunter
Inglis (SC)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Murtha
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Terry
Udall (CO)
Udall (NM)
Velázquez
Walsh (NY)
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

☐ 1904

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 368, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF THE ARBOR DAY FOUNDATION AND NATIONAL ARBOR DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1114, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1114.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 364, nays 0, not voting 69, as follows:

[Roll No. 369]

YEAS—364

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark

Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—69

Abercrombie
Andrews
Baca
Boswell
Boustany
Brown, Corrine
Cardoza
Castor
Courtney
Crowley
Cubin
Davis, Tom
Doolittle
Ellison
Emanuel
Everett
Ferguson
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Gutierrez
Hinchey
Hulshof
Hunter
Inglis (SC)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Murtha
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

☐ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 369, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall votes 367, 368, and 369 on June 3, 2008. Had I been present, I would have voted "aye" on all three votes.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Madam Speaker, on Tuesday, June 3, 2008, I missed three recorded votes. Had I been present, the record would reflect the following votes:

H. Con. Res. 138. Supporting National Men's Health Week, "yes."

H. Res. 923. Recognizing the State of Minnesota's 150th Anniversary, "yes."

H. Res. 1114. Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, "yes."

PERSONAL EXPLANATION

Ms. LEE. Madam Speaker, earlier today I missed rollcall votes numbered 367 through 369. Had I been present, I would have voted "aye" on rollcall 367 regarding, H. Con. Res. 138, Supporting National Men's Health Week; "aye" on rollcall 368 regarding, H. Res. 923, Recognizing the State of Minnesota's 150th Anniversary; and "aye" on rollcall 369 regarding H. Res. 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5839

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor to H.R. 5839.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5540, CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–677) on the resolution (H. Res. 1233) providing for consideration of the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–678) on the resolution (H. Res. 1234) providing for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF LT. GEN. WILLIAM E. ODOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to pay tribute to Lieutenant General William E. Odom, a great American and a true patriot. General Odom passed away last Friday at the age of 75 after a lifetime of service to the Nation. General Odom was a soldier and a scholar. He was a teacher and the author of seven books on history and international relations. He served Presidents of both parties. He was one of our Nation's top experts on military intelligence. He was a great visionary. And he was among the first to correctly and courageously warn that invading Iraq would be folly.

I am proud to say that he was a friend. He generously shared his insight and counsel with me, and I found what he told and shared to be invaluable.

General Odom was born in Tennessee and graduated from West Point. He received a Ph.D. from Columbia University and became a leading author on the Soviet Union. After teaching at West Point and Columbia, he served in the Carter administration as assistant to the President for national security affairs. Neither a Democrat nor a Republican, he also served in the Reagan administration as director of the National Security Agency. After retiring from the military, he became a professor at Yale University and a senior fellow with the Hudson Institute.

General Odom was a patriot in every sense of the word. He served in Vietnam, and his family has continued to serve. His son was wounded in Iraq. But General Odom also understood that true patriotism meant disagreeing with your government's actions when you think they are wrong.

He opposed the invasion and occupation of Iraq long before it began when it was not the popular thing to do and long before most of the rest of the country opposed it. His boss in the Carter administration, Mr. Brzezinksi, had this to say of his early opposition to the invasion, "Among senior military people, (Odom) was probably the first to consider the war in Iraq a misbegotten adventure. He believed that we're just stoking hostility to the United States in that region and developing an opposition that cannot be defeated by military means."

In September of 2006, I and several of my colleagues in the House invited General Odom to speak at one of a series of ad hoc Congressional hearings and forums hosted by the Progressive Caucus on Iraq. General Odom described how al Qaeda's recruitment efforts had been seriously weakened by our efforts in Afghanistan, but he said that al Qaeda's recruitments soared after the invasion of Iraq. General Odom said, to (Osama bin Laden), the invasion must have been manna from heaven, probably saving his organization." I can't think of any more powerful argument against the invasion and continued occupation of Iraq than what he said.

General Odom did not just oppose the administration's policy. He offered a real alternative that could both end the conflict in Iraq and lay the foundation for regional peace. He said, "No effective new strategy can be devised for the United States until it begins withdrawing its forces from Iraq. Withdrawal is the pre-condition for winning support from countries in Europe that have stood aside, and, other major powers including India, China, Japan, and Russia. It will also shock and change attitudes in Iran, Syria, and other countries on Iraq's borders making them more likely to take seriously new U.S. approaches to restoring regional stability."

Everyone who knew General Odom knew that he was a tireless worker and a straight shooter. He continued to oppose war virtually up until the day that he died. Just 3 days before he passed away, an op-ed article he co-authored on Iran appeared in the Washington Post. The article opposed the drumbeat of war against Iran and offered a policy of diplomacy that can stop Iran from acquiring nuclear weapons. I hope every Member of this House will read that article.

General William Odom was a military man who worked hard for peace. If we had listened to him about Iraq in 2002, we could have saved tens of thousands of lives. I hope we will listen to his words now, because they can save many more lives in the future. General Odom was a great inspiration while he was alive, and I know that he will continue to inspire us in the days ahead.

[From the Washington Post, May 27, 2008]

A SENSIBLE PATH ON IRAN

(By Zbigniew Brzezinski and William Odom)

Current U.S. policy toward the regime in Tehran will almost certainly result in an Iran with nuclear weapons. The seemingly clever combination of the use of "sticks" and "carrots," including the frequent official hints of an American military option "remaining on the table," simply intensifies Iran's desire to have its own nuclear arsenal. Alas, such a heavy-handed "sticks" and "carrots" policy may work with donkeys but not with serious countries. The United States would have a better chance of success if the White House abandoned its threats of military action and its calls for regime change.

Consider countries that could have quickly become nuclear weapon states had they been treated similarly. Brazil, Argentina and South Africa had nuclear weapons programs but gave them up, each for different reasons. Had the United States threatened to change their regimes if they would not, probably none would have complied. But when "sticks" and "carrots" failed to prevent India and Pakistan from acquiring nuclear weapons, the United States rapidly accommodated both, preferring good relations with them to hostile ones. What does this suggest to leaders in Iran?

To look at the issue another way, imagine if China, a signatory to the nuclear Non-Proliferation Treaty and a country that has deliberately not engaged in a nuclear arms race with Russia or the United States, threatened to change the American regime if it did not begin a steady destruction of its nuclear arsenal. The threat would have an arguable legal basis, because all treaty signatories promised long ago to reduce their arsenals, eventually to zero. The American reaction, of course, would be explosive public opposition to such a demand. U.S. leaders might even mimic the fantasy rhetoric of Iranian President Mahmoud Ahmadinejad regarding the use of nuclear weapons.

A successful approach to Iran has to accommodate its security interests and ours. Neither a U.S. air attack on Iranian nuclear facilities nor a less effective Israeli one could do more than merely set back Iran's nuclear program. In either case, the United States would be held accountable and would have to pay the price resulting from likely Iranian reactions. These would almost certainly involve destabilizing the Middle East, as well as Afghanistan, and serious efforts to disrupt the flow of oil, at the very least generating a massive increase in its already high cost. The turmoil in the Middle East resulting from a preemptive attack on Iran would hurt America and eventually Israel, too.

Given Iran's stated goals—a nuclear power capability but not nuclear weapons, as well as an alleged desire to discuss broader U.S.-Iranian security issues—a realistic policy would exploit this opening to see what it might yield. The United States could indicate that it is prepared to negotiate, either on the basis of no preconditions by either side (though retaining the right to terminate the negotiations if Iran remains unyielding but begins to enrich its uranium beyond levels allowed by the Non-Proliferation Treaty); or to negotiate on the basis of an Iranian willingness to suspend enrichment in return for simultaneous U.S. suspension of major economic and financial sanctions.

Such a broader and more flexible approach would increase the prospects of an international arrangement being devised to accommodate Iran's desire for an autonomous nuclear energy program while minimizing the possibility that it could be rapidly transformed into a nuclear weapons program. Moreover, there is no credible reason to assume that the traditional policy of strategic deterrence, which worked so well in U.S. relations with the Soviet Union and with China and which has helped to stabilize India-Pakistan hostility, would not work in the case of Iran. The widely propagated notion of a suicidal Iran detonating its very first nuclear weapon against Israel is more the product of paranoia or demagogy than of serious strategic calculus. It cannot be the basis for U.S. policy, and it should not be for Israel's, either.

An additional longer-range benefit of such a dramatically different diplomatic approach is that it could help bring Iran back into its traditional role of strategic cooperation with the United States in stabilizing the Gulf region. Eventually, Iran could even return to its long-standing and geopolitically natural pre-1979 policy of cooperative relations with Israel. One should note also in this connection Iranian hostility toward al-Qaeda, lately intensified by al-Qaeda's Web-based campaign urging a U.S.-Iranian war, which could both weaken what al-Qaeda views as Iran's apostate Shiite regime and bog America down in a prolonged regional conflict.

Last but not least, consider that American sanctions have been deliberately obstructing Iran's efforts to increase its oil and natural gas outputs. That has contributed to the rising cost of energy. An eventual American-Iranian accommodation would significantly increase the flow of Iranian energy to the world market. Americans doubtless would prefer to pay less for filling their gas tanks than having to pay much more to finance a wider conflict in the Persian Gulf.

TEXAS SHERIFF OMAR LUCIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, during the last week I had opportunity to go to the Texas Rio Grande Valley and visit with some relentless lawmen that represent the State of Texas down on the Texas-Mexico border. I had the privilege to be the guest of Valley Sheriff Omar Lucio. We call it the Valley. It's really the Rio Grande Valley that separates the United States from Mexico. And he is the Sheriff in the tip of Texas where it meets Brownsville and Metamoras.

This map here has a photograph or a drawing of where Sheriff Lucio is Sheriff in Cameron County, the red area. Most of his county borders the water. Some of it borders the Gulf of Mexico. Some of it borders the Rio Grande River. And he's been Sheriff there for 3 years.

I went there as his guest to see the way it really is on the Texas-Mexico border and how the violence and the crime is causing a tremendous problem to the locals who live in that area.

Sheriff Lucio is from the Valley. He was born in San Benito, Texas, and he started his law enforcement career in Harlingen, Texas, as a peace officer; and he retired as a captain of police from Harlingen. He's an educated individual from Pan American University. He has a degree in criminal justice and a degree in sociology, and he's also a graduate of the FBI academy at Quantico.

Prior to being Sheriff, he was also the Chief of Police of the City of Mercedes, and he is on the Texas Sheriff's Association, and more importantly, the Texas Border Sheriff's Coalition. What that is, Mr. Speaker, is the Sheriffs, the 16 county Sheriffs that border Mexico and Texas, all the Sheriffs form a coalition because of the tremendous problems they have as law enforcement officers protecting their communities.

Let me try to explain it to you this way: When a crime is committed in a county, even if it is committed by some outlaw that has crossed the border illegally into the United States, the people affected do not call the border patrol, they call the local Sheriff, whether it is a burglary, auto theft, robbery, or a murder. The Sheriffs are the ones who are called because of the crimes that are committed in those counties and not the border patrol.

The border patrol patrols, as the law says, 25 to 30 miles inside the Texas-Mexico border. Most of the Texas counties are a lot bigger than 25 miles. In fact, Cameron County, where Sheriff Lucio is Sheriff, is 1,300 square miles. Now, 300 miles of that is water border. And his biggest concern is the drug cartels that infiltrate the United States from Mexico.

I want to mention that some of the information I received from Sheriff Lucio was quite remarkable, and I'm very impressed with the intelligence-gathering network that he has. Without going into that—it would not be proper for me to tell you how he gathers his information—but he gathers information from all sources, and he knows as much as anybody, including Homeland Security, as to what is taking place with the drug cartels that are infiltrating especially his county.

And he's concerned about the turf wars in Juarez, Mexico, and Laredo, and concerned that they will spread down further south into Metamoras, which is across the border from his main town of Brownsville, Texas. He says that the illegal criminals that come into his county are the biggest threat to not only national security but the security of the folks who live in that area. And he was very concerned about some of the proposals that the Homeland Security has for trying to protect that area.

There are 70 miles of fence proposed in that area, and Homeland Security is even proposing a fence so far inland that it cuts part of Texas' southmost college in half. Half of that college will be on the southern side of this fence. And that is probably not a good idea, and I would invite the Homeland Security chief to go down to that area and see some of the area and why it's impractical in that area to have a fence. Maybe in other parts of Texas, but certainly not in this particular part of the area.

His deputy sheriffs, Mr. Speaker, make $24,000 a year, $24,000 a year patrolling this rugged territory between Mexico and the United States. And I met a good number of those deputy sheriffs and some of his lieutenants, and I insert the names of The Posse, as I call them, into the RECORD at this point.

Gus Reyna, Jr., Chief Deputy; Javier Reyna, Captain; Lt. Carlos Garza, Investigations; Mike Leinart, Chief Jail Administrator; Lt. Domingo Diaz; Lt. Tony Lopez; Lt. Rick Perez; Lt. Dionicio Cortez; Sgt. Andy Arreola; Inv. Alvaro Guerra; Inv. Leo Silva.

And to a man, they are all determined to protect the citizens of Cameron County, Texas, from criminals from any source.

But they talk about the biggest problem they have is the fact that the border is not secure, that criminals come across the border, whether it is drug cartels or just old-fashioned robbers, and then they go back home across the border. And he is asking that he and other border Sheriffs get more manpower down on the border.

I told him that fence was going to cost $1 million a mile. He said he would rather take that $70 million that's going in his county for fences and have more personnel, more equipment, because the drug cartels have better equipment, more money, better fire power than he does.

In fact, speaking of equipment, I noticed that he didn't really have a lot of patrol vehicles. The way they get their vehicles, because they don't have a budget for vehicles, is they have to confiscate the drug dealers' vehicles, and they turn those over and become part of his operation.

So I want to thank him for his work down on the Texas-Mexico border, and the Cameron County folks are safer because of Sheriff Lucio and his relentless deputy sheriffs.

And that's just the way it is.

□ 1930

NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise this evening to thank my colleagues for just a few minutes ago passing unanimously H. Con. Res. 138, which I introduced recognizing June 9 through 15, 2008, as National Men's Health Week.

The need for this legislation could not be more evident, as far too many of our friends, brothers, uncles, cousins, grandfathers and fathers die each day from illnesses and diseases that are treatable.

Despite the advances in medical technology and research, men continue to live an average of almost 6 years less than women, and African American men have the lowest life expectancy of all groups.

Further, all of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage rate than women.

Men simply are not getting the care they need. Women are 100 percent more likely to visit the doctor for an annual examination and to get preventive care.

This happens for a variety of reasons, including fear on the part of men, lack of health insurance, a macho attitude, thinking that they cannot be harmed, lack of information and cost factors. The disparity in men's health has led to increased risk of death from heart disease and cancer. But these problems do not only affect men.

More than one-half of elderly widows now living in poverty were not poor before the deaths of their husbands, and by age 100, women outnumber men eight to one.

We simply must get more men the early care and education they need to lead long, healthy lives. That is why I sponsored this resolution that recognizes June 9 through June 15 as National Men's Health Week. We need to educate both the public and health care providers about the importance of early detection of male health problems to reduce rates of mortality for common diseases.

Appropriate use of tests such as prostate specific antigen, PSA, exams, blood pressure screening, cholesterol screening and in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages. This early detection can lead to increases in the survival rates to nearly 100 percent of men.

National Men's Health Week was established by Congress in 1994. The week is designed to encourage men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illnesses.

Men who are educated about the value that preventive health can play in prolonging their life span and their roles as productive family members will be more likely to participate in preventive care.

By recognizing National Men's Health Week, we bring this very important issue to the forefront, encouraging discussion and promoting this critical education in early detection.

I thank Chairman WAXMAN and Subcommittee Chairman DAVIS for their support, and I appreciate my colleagues voting in favor of this resolution.

MOMENT OF SILENCE IN THE U.S. HOUSE OF REPRESENTATIVES TO HONOR FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on May 8, 2008, I introduced H. Res. 1183, a resolution calling for the House to observe a moment of silence on the first legislative day of each month for those killed or wounded, as well as their families, in the United States' engagements in Iraq and Afghanistan.

I am very grateful that the Speaker of the House has written me to indicate her support for this proposal and has agreed that it is important for the House of Representatives to honor America's fallen heroes. It is my understanding that the Speaker will initiate this moment of silence during the first series of votes tomorrow.

I am pleased that this month will mark the beginning of the House's ongoing observation of a moment of silence for those killed or wounded in Iraq or Afghanistan. I thank Speaker PELOSI for making this right and fitting tribute a part of the regular order of the House.

This moment of silence will serve as a solemn reminder of the more than 4,000 killed and more than 30,000 wounded in Iraq and Afghanistan and a thank you from a grateful Nation. For their courage and selfless commitment to duty, these servicemembers, and their families, deserve our unending support.

Again, I want to thank Speaker PELOSI, and Catlin O'Neill on her staff, for working with me to make this remembrance a reality for the families of those who have sacrificed for our Nation.

SECURE RURAL SCHOOLS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, tomorrow, this House will take up a critical piece of legislation, H.R. 3058. This legislation would extend the secure rural schools program for 4 years. If this legislation is not adopted, we expect that more than 7,000 teachers in rural districts across the United States of America will be laid off. We expect that in more than 600 counties critical services such as sheriffs deputy patrols, jail deputies who perform services in the jail, and other critical emergency services will end. Road funds will be impacted in terms of critical road and bridge maintenance. This is must-pass legislation.

But we also recognize that the United States of America is in a fiscal bind here. So the Democrats have reimposed something pretty simple most Americans live by called pay-as-you-go. So we had to figure out a way to pay for this. We've gone through a whole ream of proposals, and we've found one that works, and I think in this time of record-high oil and gas prices, it's particularly appropriate.

We would have in place a renegotiation of existing leases which omitted a price trigger at $35 a barrel or impose a conservation resource fee if those companies would renegotiate. A number of good citizen companies have renegotiated, including Shell, BP and Conoco. A number of other not-so-good citizen companies, those which are extorting incredible amounts of money from the American consumer, such as ExxonMobil, have refused to renegotiate, and they're trying to take their unintended windfall.

Now, many on the other side of the aisle are going to say this is unconstitutional. Well, I would urge my Republican colleagues to read the CRS Report for Congress, No. RL 33974. It addresses those issues in depth. It's not a taking. It doesn't violate the doctrine of unconstitutional conditions. It doesn't violate substantive due process and equal protection. And it doesn't cause a breach of contract.

In fact, CRS finds that the government, but of course not this administration, the Bush administration, may have a cause of its own under a section called unilateral and mutual mistake.

Everyone admits these provisions, these triggers are supposed to be in the bill. At $35 a barrel, that's about $100 a barrel ago, the subsidies were supposed to go away for these oil companies. They didn't because some bureaucrat messed up. So, in fact, the preponderance of evidence is that the government has a cause of action to reinstate lawful charges against those oil companies. This bill would do that, and it would assure the future of more than 600 counties, hundreds of school districts, 7,000 teachers.

If we don't pass this, if you lean on the slender read, if you're concerned about the wealth of the oil companies, I refer you to ExxonMobil's and others' most recent statements. I refer you to the Wall Street Journal to look at the price of oil hovering in the upper $120 a barrel when this fee was supposed to come in at $35 a barrel.

You can't lean on the unconstitutional read, but if you do want to side with the oil companies over and above rural schools, public safety, maintenance of roads, bridges and highways in rural counties across America, then you will side with the oil companies in this vote tomorrow.

I hope a majority of my colleagues join me on the right side of this issue.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, every year I conduct town hall meetings in each of the 69 counties that comprise the First District of Kansas. I want to hear what's on the minds of my constituents and receive my marching orders that I bring back to Washington, D.C.

And so now for the 12th year, I've made the rounds, some 5,000 miles with 69 town hall meetings, and I'm here on the floor tonight to visit one of those issues that has certainly been raised by Kansas voices, and I want to make certain that those voices are heard and that the commonsense that my constituents have is part of the debate on the issues that we face here in the Nation's capital.

While the issues that Kansans talk to me about every year—they change I guess from year to year a bit—one thing remains the same. Folks want to see good things happen in their own communities, and they want to see good things happen in their country.

This year, the issue I heard the most about was the high cost of energy. I heard from Kansans who can't take much more pain at the pump. Right now, prices which are expected only to increase are too high for Kansans, and it's past time in their opinion, and mine as well, for Congress to pay attention.

Farmers, truckers, manufacturers, teachers, seniors, all shared with me that something needs to change or they just can't make it. This is what I heard all across our State. Kansans are trying to get by, and their employers are struggling to keep them employed.

And it's not just about economics. It's about our foreign policy. We can look at the nightly news and see that our own foreign policy is distorted because of national security issues that are presented by the fact that we're at the mercy of oil-rich countries, many of them who despise us.

Kansans understand that technology changes with time and so should environmental and energy policies. Exploring and drilling can be done with limited environmental impact. China, with Cuba's permission, is tapping our natural resources, our natural gas fields, right off our own coasts, where our companies are banned. They are banned even with advanced technologies and a strong commitment to see that there is no ecological disaster.

While I support increasing the domestic supply of oil and gas, I know it's not the only answer. We need to meet our country's energy needs in a diverse way. It's capturing the power of the sun. It's harnessing the wind that blows across my State of Kansas. It's using heat from within the Earth to generate electricity. All of these and many more energy sources are completely renewable. Renewable energy can create jobs at home and help our economy, improve our environment, and reduce our dependence upon foreign oil.

Energy conservation can also help. Too many of us have gotten away from the things that we always knew. Growing up, it was considered a sin in my family to leave the lights on when you weren't in the room. We need to get back to that mentality of being responsible with our energy use.

Across Kansas, folks are recognizing the benefits of conservation. Farmers are transitioning to no-till practices, which reduce the number of times the tractor passes through the field. Commuters are carpooling. Every gallon that we conserve, every degree we don't heat or cool, every empty room that doesn't have a light on, helps us reduce the demand.

I'm taking steps in my own congressional office to reduce energy use.

Tonight, I'm on the floor delivering a message from Kansans, like Brian and Laura Velasquez from the small town of Reading, Kansas, on the east side of my district:

"Dear Representative MORAN, we are a middle class Kansas family. It has become more difficult the past few years for us to make ends meet in spite of increased income. Since our lifestyle has not changed, the main explanation has to be the fallout from the cost of fuel. We are not the only ones in this predicament. The U.S. is at the mercy of too many oil-rich nations that are not concerned about our welfare. This needs to change now."

I agree with my constituents. It's clear that Americans want Congress to develop policies that increase the supply of energy, and they want Congress to encourage the development of new fuel sources. Until the supply of energy, renewable or fossil fuels, increases, prices will only continue to rise.

We must work together, not just with words but in action to promote energy conservation, develop domestic production of oil and natural gas, and aggressively pursue alternative fuels. Let all Americans know we hear their concerns and we will act.

NATIONAL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHL) is recognized for 5 minutes.

Mr. KUHL of New York. Mr. Speaker, I rise today in support of National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week, quite a handle. It commenced just 2 days ago on Sunday and lasts until Saturday.

Last year, I introduced legislation to support designating this first week of June as National CPR and AED Awareness Week, and I am pleased that Congress passed my proposal to help bring an important issue to light.

Heart disease continues to be—and I repeat that—heart disease continues to be the leading cause of death in the United States. So I believe that we must do all we can to bolster our efforts to combat heart disease and sudden cardiac arrest.

Approximately 325,000 coronary heart disease deaths occur outside of the hospital emergency room every year, and roughly 95 percent of sudden cardiac arrest victims die before even reaching the hospital.

These statistics serve as a clear reminder that we must take action to save lives at the local and the community levels, and an annual National CPR and AED Awareness Week will help us do just that.

CPR more than doubles a victim's chances of surviving sudden cardiac arrest by maintaining the vital flow of blood to the heart and to the brain.

□ 1945

Over 75 percent of out-of-hospital cardiac arrests occur within the home, so CPR can make a difference between life and death.

Additionally, automated external defibrillators are easy for even bystanders to operate and are highly effective in restoring a normal heart rhythm if used within minutes after the sudden onset of cardiac arrest.

Communities with comprehensive AED programs have achieved survival rates of over 40 percent, as opposed to 5 percent, which is the traditional rate of survival. And I am proud to have sponsored the New York State law that required public high schools to have at least one such device on the school grounds.

As a state senator, I worked with my colleague, Assemblyman Harvey Weisenberg, Long Island, who advanced this initiative after a young man named Louis Acompora from Northport, Long Island, died from a blunt impact to the chest while playing lacrosse. He was a goalie and was doing exactly what he was trained to do. Had an AED been available at the time, his life very well might have been saved. Thankfully, our efforts in New York have helped to save over 35 lives in New York State in the 5 years since the law's enactment.

The American Heart Association, the American Red Cross, and the National Safety Council are holding public awareness and training campaigns around the country. And the National Safety Council is also offering a free online course of CPR and AED training all week long. This week, as a result of their efforts, it is our hope to train over 100,000 Americans in CPR and AED treatment opportunities. And Americans will have the opportunity to learn to combat heart disease at the community level and hopefully save lives all across the country.

I urge my colleagues to join me in supporting this week, Mr. Speaker, it's a very important initiative.

ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Mr. Speaker, most Americans think that Members of Congress are somehow privileged and above the ordinary everyday concerns of the constituencies that we represent. I think all 434 of my House colleagues know that that's not true. By normal standards, we do get a very adequate salary, $162,500 a year, but out of that we have to pay our expenses of living in our districts and here in Washington, D.C. We have the same expenses that every other American family has.

This morning, before I left to fly to Washington, DC, I opened our credit card bill. We have a MasterCard. And on that bill we put most of our gasoline expenses and our routine living expenses. And my wife, Terry, has been working very, very hard this year to minimize the amount of expenses on that credit card. And we've both made an effort to make sure we only put things that we have to put on the credit card. So the vast majority of our MasterCard is now for gasoline.

And I just happened to look down the list of all the gasoline expenses from the early part of last month to right now, and it added up to over $600. Now, $600 is not an extraordinary amount, but a year ago that same amount of gasoline would have been about $300, maybe $350, and 2 or 3 years ago, it would have been about $150. And now it's over $600. And that's not taking any trips. That's not driving to see our families. That is my wife and my stepdaughter and my day-to-day drive to work, drive to school, drive to the grocery store, do all the things that we do in everyday living in central Texas.

Now, as I said earlier, I make a very adequate salary and my wife makes an adequate salary. And it pinches us, but we can afford it. But what if my wife and I were on an income of, say, $4,000 a month, $48,000 a year? Having to spend $600 a month for gasoline just to go back and forth to work and to go to school and to go to church and to go to the grocery store would be a real struggle.

So we have a situation today where the new Democratic majority in the House has come in promising to bring energy prices down and a new commonsense plan for energy. Here we are, with approximately 5 months to go in this session of Congress, at least through the election in November, and energy prices are up almost 200 percent, gasoline prices, since the day that our Speaker, Mrs. PELOSI, took the gavel from Mr. Hastert.

And the response to the higher energy prices, at least so far, has been, at best, symbolic. We passed a bill giving the right to sue OPEC. OPEC supplies about 40 percent right now of our energy, our oil, so we're going to sue OPEC if that bill were to become law.

Several weeks ago we passed a bill suspending shipments of the Strategic Petroleum Reserve; that's about 60 to 70 thousand barrels of oil a day. There were great predictions that day that passage of that one bill would bring prices down $25 a barrel, and I think one Member said 50 cents a gallon. Well, the day the bill passed, oil prices went up almost $2 a barrel. And a week after that, they hit an all-time high of $135 a barrel. They have now come down a little bit, but they're still, I believe today's price is about $127 a barrel.

So I think it's fair to ask my friends in the majority, where is our energy policy to really bring energy prices down for America? I'm not happy that in my little part of America I'm having to spend over $600 this month when we pay our MasterCard bill just for gasoline. And if the projections are true, later this summer I may have to spend seven, eight, even nine hundred dollars a month just for basic transportation in Arlington, Texas.

Most people think that we're helpless, that we can't do anything about these high energy prices, that they're almost like one of the Ten Commandments. Luckily, and hopefully, the truth is not that; we have tremendous energy resources in this country that have yet to be developed.

We can do something about these energy prices, and we can do it with made-in-America energy. We've been debating whether we should drill up in Alaska and ANWR for the last 20 years. We actually passed a bill and sent it to the President that would have allowed that in 1996. The President at the time, President Clinton, vetoed that bill. Had he not vetoed that bill or had we been able to override his veto, projections are that ANWR would probably be producing in the neighborhood of two to three million barrels of oil per day right now. I say projections because you never know until you actually drill the wells and start to produce the oil. But there are huge oil reserves in ANWR. And the minimum assumption would be half a million barrels a day within 3 to 4 years of the go-ahead to begin production. And that's just one oil field.

If we want to go off the coast of California where we drilled the original offshore oil wells, where you still have oil seeps that naturally come to the surface, where you do have some producing platforms that were in existence prior to 1968, it's estimated that we probably have three to five billion barrels of oil available right there, and that we could produce another half a million to a million barrels just off the coast of California.

If you want to go to the east coast, where we've done almost no exploration at all because of various moratoria, if the Gulf of Mexico is any indication, we probably have billions and billions of barrels of oil reserves and natural gas reserves off of that coast.

We know that there is oil and gas off the coast of Florida that's not being drilled right now because of a moratorium. Interestingly, the communist Chinese are drilling off the coast of Florida through a lease arrangement with Mr. Castro and the Cuban dictatorship in Cuba. It would be ironic if the communist Chinese ended up getting more oil and gas off the coast of Florida than Americans do.

If you don't want to drill offshore, what about onshore lower 48? We have probably two trillion—trillion is a thousand billion—we have two trillion barrels of shale oil reserves in Wyoming and Colorado. In the Energy Policy Act of 2005, we passed a procedure to inventory those and to do an expedited permitting process of the Minerals Management Service so that they could perhaps come into production, but on the floor of the House last year this Congress put a moratorium on implementing those rules. So we're putting our shale oil reserves off limits.

So it comes as no surprise, if you look at all these areas where we've put the stop sign up, that oil production in the United States is going down. At our peek, we produced over 10 million barrels of oil per day in the United States of America. At one time we were the number one producer of oil in the world. That's down to a little less than six million barrels a day. We use the equivalent of nine to ten million barrels of oil per day just for mobility purposes. We're only producing in the neighborhood of six million barrels.

We have tremendous energy reserves in this country. And if we want to bring these prices down, we don't have to look overseas to the Middle East, we don't have to beg OPEC, we don't have to sue OPEC, we do have to take our energy future into our own hands and begin to produce more American energy.

It's more than just oil and gas, obviously. We have tremendous coal resources in the United States. We have somewhere between 250 and 400 years of coal reserves. We've got lots of research being done to convert that coal to a liquid, a diesel-like fuel that we could use to fuel our transportation fleet.

When we had the debate on the so-called energy bill last year in this Congress, the rules were set up so that no amendment on coal-to-liquids was made in order in the Energy and Commerce Committee, the committee of principal jurisdiction, nor in the Rules Committee, nor on the floor of the House of Representatives. So we passed an energy bill which I voted against because there really wasn't any energy in it. It had no coal in it. It certainly had no oil or gas drilling in it. It was basically a mandatory conservation bill.

So my statement to the American people this evening, Mr. Speaker, is pretty straightforward. We've got tremendous energy resources in this great Nation of ours. We've got the ability, within a reasonably short period of time, and I would say that would be 2 to 4 years, maybe 2 to 5 years, if we made a decision in this Congress to produce some of the energy reserves that we know we have, we could, in all probability, double the amount of oil that we're producing right now. We could certainly increase it by three to four million barrels a day, if not double it. And if we did that, energy prices would come down.

On the world market, oil is a fungible product, which means it can move anywhere, it's a commodity. We have the ability, worldwide, to produce on an average day around 85, 86 million barrels of oil. Unfortunately, the demand for oil is about 85 or 86 million barrels per day, give or take a million barrels or so. So we have a situation where you don't have a cushion, you don't have a capacity cushion. And the econometric models have shown that if you don't have about a 5 percent cushion, which would be about four or five million barrels a day, that price is going to tend to spike upwards. And that's what we have today.

□ 2000

We have a demand-driven price because we do not have on the world markets enough cushion to dampen the speculation, so the American consumers are having to pay right now on average right at $4 a gallon. I don't know about you, Mr. Speaker, but I don't think American voters and the American citizens are going to be really happy if, in the face of these higher prices, our decision as a Congress is to just shake our fists and say we have the ability to sue the foreign cartel which we call OPEC.

As the ranking Republican on the Energy and Commerce Committee. I have been working for the last 6 months with a group of Republicans both on and off the committee. Several weeks ago, we put in a package of 15 bills. These bills, taken together, would produce more American-made energy for American workers and energy consumers. They run the gamut. I'm not going to go through every bill right now, but we look at the oil and gas industry, the coal industry, the nuclear power industry, the alternative energy industry. You name it. We take a look at it, and do something to bring into play American-made resources for American energy consumption.

I would encourage all of our Members of Congress to take a look at these bills. We are going to try to get them to the floor as quickly as possible. I certainly think that if we are naming post offices and are commending watermelon festivals and things of this sort that we certainly can find room to have some real energy bills on the floor and to have a debate and to, hopefully, pass those bills to the other body.

At this point in time, Mr. Speaker, I would like to yield to my good friend from Ohio, Congressman LATTA. Congressman LATTA comes from a distinguished family of congressmen. His father was the ranking Republican on the Budget Committee when I was a young pup. Our current Congressman LATTA has come to Washington with the same common sense that his father exhibited 20 years ago.

So I would yield as much time as he may consume to Mr. LATTA of Ohio.

Mr. LATTA. Well, I appreciate the gentleman from Texas yielding.

I stand here tonight, coming back from Memorial Day break, and people back home, I think, know more about what is going on in this country than we do.

Every place I went—we had meetings across our district—the folks all asked the same thing: When are you going to be doing something about energy in this country? Because we can't afford these prices at the gas pumps. They all said the same thing, what some of them have been saying down here. We have got to start developing our own energy sources in this country. We have got to start acting now.

Why is it important to be acting now?

You know, years back, we had the ability in this country to be able to make some mistakes and to correct them in 5 or 10 years, but we don't have that luxury anymore. That luxury now is gone. What is going on now is that the rest of the world is catching up to us.

I just want to start with this chart, if I may. That is the harsh reality of what we have here. The United States consumes about 21 percent of the world's energy right now with 300 million of the people. When you look at this chart and in looking at 2010, you see that India and China will almost be at a parity with the United States in 2010. In 2015, energy usage in China and in India will exceed that of the United States. By 2020, China alone will be exceeding the energy usage of the United States. When you look at this graph, the United States' usage is very, very slowly going up, but if you look at the energy usage of China, it is skyrocketing straight up.

What does that mean?

People back home understand this, too. "Energy" means jobs. "Jobs" mean people can make sure that they can have those different benefits that the honorable gentleman from Texas was talking about. You know, if you look at this as energy prices keep going up, what happens? Fuel prices go up. Food prices are going up because you've got to get the food to market. Then you have got to have heating. Then the question is what are those people going to do about going out and about buying those necessary goods and services for their families and also to help keep this economy moving. It's tough, and people back home understand it much better than we do. Congress has got to act, and they want it done now.

The other thing is, as for acting right now, if we stood in the well of this House and they stood over in the Senate and we said that the United States has an energy policy right now for developing its own sources within this country alone, you'd see the world speculation go down on what it costs on the oil markets. We're not doing that and they know it, so they can keep raising that price on us. America can't be tied to Middle Eastern oil for any longer because it is costing us way too much money. We have to be able to control our own destiny in this country.

What are we going to do about this?

Well, to give you an idea of what's happening back home, I come from the ninth largest manufacturing district out of 435, so we depend on energy. In Ohio, 80 percent of the goods and services that are delivered in Ohio are delivered by truck. When you're looking at things being delivered by truck, of course they're using fuel. Their fuel costs are going up, so whatever they are delivering is costing Ohioans more and more dollars, and the same can be said across this great Nation.

The same can be said when you talk about farms. There are farmers out in northwestern Ohio right now. They have been planting corn. They are out there, putting in soybeans. It's the same thing. Diesel prices are up. Fertilizer prices are up. Chemical prices are up. Why? Because they're all petroleum-based. So those costs are, unfortunately, going to have to be passed along to the people back home and across the country.

Before we broke for Memorial Day, at one of our town hall meetings that we had, at the teletown hall, one of the questions that we posed was an informal poll. We said, "What should we be doing? Should the United States be out, drilling in this country?" Overwhelmingly, 6 to 1 said that the United States must be drilling at this time so we can meet our own energy needs.

If we don't meet those energy needs, what is going to be happening, especially with those jobs back home?

At one of the float glass facilities in my district, their costs in the last 5 years have gone up from $10 million in energy costs to $30 million in energy costs. Why is this significant? There are only 37 float glass facilities left in the United States while there are, right now, 40 being built in China. So, if they can put cheaper people on these production lines with the price of the fuel, the countries around the world are going to do one thing. They are going to be buying those goods not from the United States but from China, and we are going to watch more and more of our facilities closing because of the costs of high energy in this country, and we can't afford that.

What do we have to do?

Well, I think there are several things we have to do in this country. One, I think we have to go out and develop our nuclear energy that we have at our disposal.

What is the rest of the world doing?

You know, a lot of people always have jokes about the French every so often. I come from the ancestry of the French. 70 to 80 percent of all energy in France is derived from nuclear energy. They are actually exporting energy into Europe from France. Russia currently has 31 reactors in operation. It is projected that 37 to 42 nuclear reactors that are currently or will be under construction are all scheduled to be in operation by 2020. Japan has 55 nuclear reactors in operation, and two or more are in construction right now.

What is China doing on the nuclear side?

Well, right now, in the next 25 to 30 years, it is pretty much, in looking at China, that they will be building at least 40 new nuclear power stations across that country. Right now, China has 21 nuclear reactors under construction or about to be under construction. They are moving ahead.

What is India doing?

India is the second leading country right now in the development of nuclear energy. India is building small nuclear reactor plants, and in the next 25 years, they will probably have 30 in operation. They are moving ahead.

What is the United States doing?

Well, the last nuclear power plant that was licensed in the United States was the Wolf Creek Nuclear Power Plant in 1977. The last plant to go on line was in Tennessee in 1996. The last new licensed nuclear reactor to go on line was in 1996. We are way behind. Not only are we behind in getting these plants on line, but we are also behind in that there is only one place on Earth where a lot of these parts can be manufactured to get these plants on line, and that is in Japan. So, if the United States isn't out either building its own machinery that we have to have to run these nuclear power plants, we are in trouble because the rest of the world is already in line to get these plants built. So we have got to get moving, and we have got to get moving quickly. That's what the people back home know and what we talk and talk and talk about in Congress.

Coal. The United States has about 24 percent of the world's coal. What are we doing with it? Well, on the majority's side, they don't want to do anything with coal. In Ohio, I can tell you a lot about coal. We, unfortunately, have what you call high-sulfur coal. So, in a lot of places, it is very, very expensive to have to go out and burn that coal because you have to put a lot of scrubbers on.

Now, we have an individual in my district who has developed clean coal technology where you can burn this coal in a closed environment and produce methane. But, again, are we doing that in this country? No, we are not doing it. You know, when you talk to people out there in the scientific world as to how much coal we actually have in this country, some people say we might have 250 to 350 years of coal, and we're not doing anything with it. We have got to do something.

The Chinese today are going to invest around $24 billion in clean coal technology while the United States sits. We have got to be doing something.

Hydroelectric. You know, we all know that the Chinese are building their hydroelectric dam right now to produce more power. We're not doing it either. We're not doing anything.

Drilling. That's where the American people really get it. They really got it when gasoline prices hit $3.50 a gallon, especially in my district. I think that was the breaking point for people in northwest Ohio. They say, "Why aren't we doing something in this country?" You know, we see these gas prices rising. I know, when I got home over the Memorial Day break, I should have filled up my car before I left that week because gas was around $3.83 when I left Bowling Green. I got home that following Friday. It was $4.20 a gallon.

People say, "What are we doing in Congress?" Again, nothing. As the gentleman from Texas alluded to in talking about ANWR, you're talking about only drilling at around 2,000 acres, which is only one-half of 1 percent of an area. Nothing is being done. You know, it's estimated there are 9 to 16 billion barrels of recoverable oil there, and we're not doing anything.

We're not doing anything offshore. You know, the Chinese, as were alluded to a little earlier, and the other countries around the world are drilling offshore. They're drilling offshore in the United States, but we're not doing anything. It's time to act.

Where I come from in northwest Ohio there was at one time one of the largest oil fields in the United States in the 1800s. They say there's probably as much oil out there today as there was then, but it's too costly to get it up. We ought to have credits out there for individuals and companies to go out there and get that oil and bring it up. We need to be doing that. We've got to get these prices down because, again, our jobs and our livelihoods and our country depend on action today.

You know, if we got that oil here, the other problem we'd have is that we haven't been building refineries in this country. It's been about two-and-a-half decades since a refinery has been built in this country. It's time we got going. We've got to get this thing done now because we don't have time in the future to do it. If you look, as the energy usage is going up across the world, the United States is getting farther and farther behind everyone else. When they have energy and we don't, that's when we're going to be in big trouble.

Now, I was a history major in college, and in reading our American history, of course of our great Industrial Age, we had all the natural resources. We had the coal that produced the power to make sure that we could make the product, which we were able to export around the world. Well, look at this chart, and you're going to see who is going to be able to do that in the future. We have got to be able to meet our needs, and we have got to meet them today. Time is running out.

You know, the other scary thing about this is we send more and more of our energy overseas. One of the things we have to think about is who is owning our debt. Right now, $2.43 trillion is owned by foreign countries. The Chinese own about $487 billion of our debt, and we can't have that.

I really appreciate the time the gentleman has allotted to me, and I yield back. Thank you.

Mr. BARTON of Texas. I appreciate the gentleman from Ohio's insightful comments.

As he has pointed out, it's not a lack of American energy; it's a lack of willpower on this floor to develop that energy. What we need is American-made energy for America's families and factories.

To talk a little bit more about that, I want to recognize the distinguished conference secretary of the Republican Conference, the gentleman from Williamson County, Round Rock, Texas, Congressman CARTER, for such time as he may consume.

□ 2015

Mr. CARTER. I thank the gentleman and my good friend for yielding and allowing me to talk on this. You know, having two Texans here, somebody is going to be saying, Well, there they are in Texas again, talking about energy. And we know something about it. But let me tell you about a couple of energy experts that I ran into when I held a little impromptu event of standing around a service station in my district and talking to the people at the pumps as they pulled up to buy gasoline and diesel.

The first memorable energy expert that I remember was a lady that pulled up there and she had a baby, I would say about 2 years old, and then she had probably the age 6, 7, 8-year-old girl in the car who looked like she was on her way to her ballet lesson. I said, I wanted to ask your opinion on gasoline prices. This lady started crying. She said, I am a single mom. I have got three kids, two of which I have to transport to everything that they go to. I don't want to deprive my children of anything that they can go to, like their ballet lessons or their ball games. But I just don't know how I am going to be able to feed my family and be able to take my kids around, with the price of gasoline.

That is an energy expert. This lady knows that the fact that we have failed in our energy policy in this country has caused her to have a harm imposed upon her family. There's not much you can say to that energy expert but I'm sorry, ma'am. We are trying.

Then we have another energy expert that pulled up there, and he had a plumbing truck. And he was a family plumbing business in Georgetown, Texas. I asked him how he felt about the energy business. He said, Well, I will tell you what, partner. The price of plumbing in this part of Texas is going up, and it's going up in a big way. Me and my boys are running four trucks. And he said, I am telling you, the cost of fuel going up is killing us, and we are going to pass it on to our customers, and the price of plumbing is going up. And he says, You know the old joke about plumbers charging more than lawyers? Well, I guarantee it's going to be that way from now on. I laughed and said, Yes, sir. I hear what you're saying. He said, I hope you hear what I am saying.

I wanted to share that story with you because that story took place 2½ years ago when gasoline hit $2.85 a gallon. That was that same 2½ years ago when the Republicans were in the majority in the House of Representatives. When they took their shots, they were taking them at me, because the party that I belong to was the party in power and we were being heavily criticized for $2.85 a gallon gasoline.

Fortunately, that gasoline went down some and it lightened up after a point in time, but the criticism continued about the price of gasoline. And in the last election, we had promises that there was a plan to bring down the price of gasoline, absolutely commonsense plan to bring down the price of gasoline. Well, since that promise, I think gasoline has gone up $1.65 a gallon. At least when I was home this last week, gasoline in my part of Texas was $3.95 a gallon. I understand now it's over $4 a gallon.

I have to think back to that lady and those kids and that family plumber with his boys and their business and all those people who are having the services and are having the relationships with those people. Those were the kind of oil and gas and energy experts we ought to start listening to.

There is a commonsense solution to our energy problem. I want to tell you that at the time that I was talking about previously, then-Chairman BARTON had presented an energy plan that was excellent; that sought energy from all sources, including renewables, but certainly looked at the oil and gas resources, coal resources, atomic energy resources that are available to this country. Yet, that bill was killed by the Democrats in the Senate and got nowhere. We are now sitting here looking at a worse situation than that by almost two. And we are not getting anything done.

As my colleague pointed out, while we are doing this, the Chinese Communists are drilling off the shores of Florida in Cuban waters. But we don't drill in those waters. Did you know that last year the oil and gas industry in the drilling process spilled one tablespoon of oil worldwide? One tablespoon. Yet, we are not willing to even take a look at seeking the resources that were there.

When I was a kid, I guess I was in high school, they had an article in the Houston paper where they talked about the dwindling resources in the oil and gas business. My father worked for an oil company. So I was concerned. And I asked him about it and he told me, son, there's shale oil in the Rocky Mountains but it's too expensive to go get. When the price is right, we will be able to harvest trillions of barrels of oil from the mountain regions of our country. That oil is still there and the price is available now to where it's worth going after. We should seek the resources that will bring down the price. The American-made power is what our American citizens are asking us for. They are begging us for it.

When you go home now, I guarantee you there's not a member of this House that if they went home and stayed home this last Memorial Day break, if they didn't have somebody ask them about the price of gasoline, they must have been deaf or slept through the whole period. Because they asked me at church, they asked me at the grocery store, they asked me at the service station, everybody that saw me, and they asked me everywhere I went, even at the hospital.

So, you know, when you're sitting there realizing that the American family is now suffering and looking down the road and saying there is no relief in sight, it's time for us to wake up America, wake up this Congress. Let's do that bipartisan work that so many people are bragging about right now. Let's do it, and let's do it now.

Let's do all the energy resources that are available to Americans. Let's don't be afraid of one or another industry. The American intelligence can make every one of these resources clean and available and nonpolluting to this country. We have proven it. Let's look off the coast of California and let's look off the coast of Florida and let's look in Alaska, let's go to known reserves, and let's take care of that lady and those three kids so that she has affordable gasoline so she can live her life in the kind of good, free manner that Americans and Texans want to live.

I thank Mr. BARTON, my good friend, for allowing me to come here and talk about this. I am no energy expert. I just know that the American people are. And they want energy that provides the ability to drive their automobiles and heat their homes and light our world and give us the prosperity of industry that will keep us going. If we have that, we will have done our job, and this is our job today.

I thank you for yielding time.

Mr. BARTON of Texas. I thank the gentleman from Round Rock.

Mr. Speaker, can I inquire how much time we have remaining in our Special Order, please?

The SPEAKER pro tempore. The gentleman has 20 minutes remaining.

Mr. BARTON of Texas. Thank you. I would now like to yield such time as he may consume to Mr. GINGREY of Georgia, a physician, who, before he became a Member of Congress, was a baby doctor and delivered over 5,000 American lives into our great Nation, and is concerned about their future and wants to make sure they have affordable energy.

Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my colleague, the distinguished ranking member of the Energy and Commerce Committee, former chairman of the committee, for yielding time to me.

My other colleague from Texas, our conference secretary, part of our leadership, my good friend, Judge CARTER, just said that he is not an expert on energy. But he certainly is an expert on common sense. He got some of that expertise by talking to his constituents at that impromptu town hall meeting at the gas pump in Texas. That is where we get some of our knowledge from the people that we represent, and they are mad as heck and they are not going to take it any more.

I am absolutely surprised, Mr. Speaker, shocked that this new Democratic majority is apparently not listening to what the American people are saying. Back in April of 2006, then-Minority Leader NANCY PELOSI released a statement saying, and I quote, "Democrats have a plan to lower gas prices." Well, Mr. Speaker, here we are tonight, June 3, 2008, over 2 years after NANCY PELOSI, Speaker PELOSI now, announced that Democrats had this commonsense plan to help bring down skyrocketing gas prices. The average retail price of gasoline is $3.99 for a gallon of regular. That is what I paid last night to fill up my car, a 25-gallon tank. It cost me almost $100.

Mr. Speaker, this is something that the American people can no longer afford. I don't know what this comprehensive plan the Speaker had in mind when she spoke to us in January of 2007 for the very first time, I don't know what that comprehensive plan was, but I darn sure know what the results of the plan was. The result is gasoline prices at the pump for regular have gone up more than $1.65 a gallon. Some plan. The proof of the pudding indeed is in the eating.

There are some things that I want to point out in regard to some of the plans that the Democrats have had in regard to lowering these gas prices and a nationwide average of $3.98 a gallon; in my district, $3.99. Here's some of the things that maybe they proposed to bring down the price of a gallon of regular gasoline. Sue OPEC? You save nothing. Launch the seventh investigation into price gougers? You save nothing. Launch the fourth investigation into speculators? You save nothing. Twenty billion dollars in new taxes on oil producers? Increasing the debt. Halt oil shipments to the strategic petroleum reserve? Maybe save a nickel a gallon.

On the other hand, Mr. Speaker, my colleagues, the Republican plan to lower gas prices: Bring United States offshore oil drilling, ANWR, saving anywhere from 70 cents to $1.60 a gallon. Drilling in ANWR. My colleagues talked about that. Probably an additional 1½ million barrels of petroleum a day from that source.

Bring United States deepwater oil on line. Out of the Outer Continental Shelf is what we are referring to. That could save anywhere from 90 cents to $2.50 a gallon. Bring new oil refineries on line. Our good friend from Ohio, Representative LATTA, pointed out that we haven't had a new oil refinery or a nuclear power plant license in this country in over 30 years. That could save 15 cents to 45 cents a gallon. Cut earmarks to fund a gas tax holiday. That could save 18 cents a gallon. Again, we agree with the Democrats on this one. Halt the oil shipment to the strategic petroleum reserve, saving a nickel a gallon. Our plan, the Republican plan, my colleagues, in a very conservative way, would save at least $1.98 a gallon; $1.98 a gallon. The Democrat plan, at most, a nickel a gallon.

Well, let me just tell you one thing that they did, the Democratic majority, Mr. Speaker, in their energy bill of 2007. There is a section in that bill, a section called 526. Basically, what it says is no agency of the Federal Government, no agency of the Federal Government can utilize a source of energy production that creates a bigger carbon footprint than conventional fuel, conventional gasoline and diesel fuel. They are absolutely not permitted to do that.

Now I want, Mr. Speaker, and all of my colleagues, I want you to think about the consequence of that. The Federal Government on an annual basis utilizes something like 480,000 barrels of refined petroleum products; 480,000 barrels.

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I am sorry, that is a day. I said annually. That is a day, 480,000 barrels. And which branch of the Federal Government uses the most of that? Obviously, the Department of Defense. And which branch of the Department of Defense, which service branch, uses the most of that? The United States Air Force, flying the platforms that we have to maintain the security of this country. Almost 480,000 barrels. It is estimated, Mr. Speaker, that the Air Force will spend an additional $9 billion for that fuel in the year 2008, fiscal year 2008, because of these rapidly increasing prices of oil.

Now, that bill though says they can't go out and utilize anything other than that liquid petroleum we all think about bubbling up out of the ground. Yet in this country, my friend from Texas referred to it, Representative CARTER, is something called shale oil that his grandfather told him about.

Shale oil, Mr. Speaker, is mainly in the West, in several Western States, and the total amount of additional petroleum that could be gotten from that shale oil is something like 3 trillion barrels of refined products. Yet we are not allowing the agencies of our Federal Government to utilize these sources.

Tomorrow in the Science Committee, of which I am a member, the NASA Subcommittee will be marking up the reauthorization of NASA, the National Aeronautics and Space Administration. They do research on shale oil, on oil sands, another product that is very plentiful in Canada. A lot of oil could be gotten from that. They are doing that research. They are sharing that research with the Department of Defense, and yet they are not able to utilize any of that additional oil. The amount that we could get from shale oil is equivalent to the amount that we have probably utilized in the world over the last 100 years. That is how much capacity we are talking about.

Those are the sort of things we can do to bring down the price. I could go on and on, but the gentleman has been very generous with his time and I want to yield back to him. But we need a comprehensive plan that includes nuclear, that includes the use of these alternative sources of petroleum products, like oil sands and shale oil. And until we get together and do this on a bipartisan basis, the American public is going to continue to suffer.

I yield back to the distinguished gentleman.

Mr. BARTON of Texas. I thank the gentleman. I want to point out he needs to change his sign. He has his "9" upside down. If you subtract 5 cents from $3.98, you get $3.94 or $3.93. You don't get $3.63. He has his "6" and "9" down there.

Mr. GINGREY. I thank the gentleman for calling that to my attention. We will make that change.

Mr. BARTON of Texas. Mr. Speaker, I think you begin to get the point we are trying to put across this evening. America has got great energy resources. We are not using those resources right now. For various political reasons, we have put them off limits.

We are not allowing any exploration or production in ANWR in Alaska. We are not allowing any exploration or production off the West Coast of the United States. We are not allowing any exploration or production off the East Coast of the United States. We are not allowing our shale oil resources to be developed in the interior of the United States. We are not developing our coal resources with the clean coal technology that the gentleman from Ohio spoke about. So we are a victim of self-inflicted wounds in this country.

I would like to say that it can't get any worse, but it can. I was just on a congressional delegation that visited Europe. We went to Slovenia and to Italy to interact with the European parliament and then toured some NATO bases in Italy. They are paying the equivalent of $9 a gallon for gasoline, $9. So even though we think $4 a gallon is way too high, there are other parts of the world that are paying double what we are paying.

If our energy prices continue to go up, there will be consequences. General Motors just announced yesterday they are closing four of their automobile assembly plants in this country. Ford Motor Company, one of the icons of American industry, their stock is selling at almost an all-time low, at least a modern era all-time low. They just divested part of their company. They sold it to an Indian automobile company. The higher prices go, the more uncompetitive America is in world markets and the more Americans are thrown out of work. It is kind of a self-propelling cycle.

We need to do something about it. The good news is that we can do something about it. We have the ability more than any other Nation in the world to produce our own energy for consumption here in the United States. American-made energy for American families and factories is a doable deal. It is not a pipe dream. But we have to start in this Congress.

Now, we have a package of 15 energy bills that have been introduced at various times in this Congress. They are active. They have bill numbers. The Speaker of the House and the majority leader and the chairwoman of the Rules Committee and the chairman of the Energy and Commerce Committee and the chairman of the Ways and Means Committee could schedule these bills for committee action, could schedule these bills for floor action and bring them to the floor.

It wouldn't bother me a bit if the Speaker wanted to bring these to the floor under an open rule; let Members of both political parties go to the Rules Committee and have amendments made in order. Let's have a full, fair, open debate in committee, the Rules Committee and on the floor of the House of Representatives.

Some of these bills would probably pass on a suspension calendar if they were brought to the floor. Some of the bills would be very controversial. The access bill, opening up ANWR, H.R. 6107, would be a close vote, no question about that, but I think a majority of the House of Representatives would vote in the affirmative to let us develop an energy resource that could have as much as 10 billion barrels of oil in it. On a daily basis that would be somewhere between 1 and 2 million barrels per day with existing technology, if we were to make the decision to let that go and to start producing it.

We have a shale oil reserve bill. We have an alternative fuel for defense and aviation bill. Mr. GINGREY talked about that. We have a-coal-to-liquids bill that is Mr. SHIMKUS' bill that has a Democrat sponsor, Mr. BOUCHER, the subcommittee chairman of the Energy and Air Quality Subcommittee of the Energy and Commerce Committee. We have a renewable fuel standard bill that would take the renewable fuel standard back to the 2005 Energy Policy Act. We have a bill to encourage new refineries, Congresswoman HEATHER WILSON's bill. We have a bill on speculation that was introduced by myself. We have a boutique fuels bill, H.R. 2493, introduced by our Republican whip, Mr. BLUNT. We have a bill that provides for some tax provisions by Mr. TERRY of Nebraska. We have some bills on nuclear energy. We have an Outer Continental Shelf bill that has been introduced by Congresswoman MYRICK of North Carolina.

I could go on and on. The point I am trying to make is we have American energy resources that could be developed and I think should be developed. We are not hopeless, we are not helpless, but right now we have a majority that, for some reason, has decided that it is okay for American citizens to pay these high energy prices, and, as I said earlier, if we sit here on our hands and do nothing, the prices are going to go up and up and up, which is not a good thing for our economy.

Mr. Speaker, with all due respect, we are planning a series of special orders. We are going to continue to try to educate the American people on the energy situation. But we are not just out here complaining and whining and bemoaning our fate. We have a positive solution that, if implemented and sent to the President and signed into law, would begin to bring immediate results in the terms of additional energy resources and lower energy prices.

Let's work together. As Daniel Webster says in the saying above the Speaker's rostrum, let us develop the resources of our land, call forth its powers, build up its institutions, promote its great interests, and see whether we also in our day and our generation can do something that will be seemed worthy to be remembered by future generations.

THE STATE OF HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I came to the floor of the House tonight to talk, as I frequently do, about the state of health care in this country and some things that may be on the cusp of change and some things that will never change. But I want to start off tonight by talking about what is going to happen to physicians across this country on July 1st, less than a month from now, as far as their Medicare reimbursements.

Now, you may recall I was on the floor of the House last December talking about the need for addressing the reduction of reimbursement rates for physicians across the country. The best we could come up with on the floor of this House was to stall that 10.7 percent reduction in reimbursement for Medicare patients. The best we could come up with was to stall that for 6 months' time. We told ourselves at the time that this gives us a little more time that we can work on a solution that is more meaningful. We want to work on a bigger and grander solution.

But, Mr. Speaker, what has happened? The days and months have ticked by, and now we are less than 4 weeks away from that day when physicians will wake up and find that their reimbursement for seeing a Medicare patient is now 10.9 percent less than it was the day before.

Is this really a big deal? Well, yeah, it is a big deal, because everywhere across the country currently new Medicare patients call up physicians' offices trying to be seen and they find the same situation over and over again. They can barely get the word "Medicare" out of their mouths before they are told by that physician's office that we are not taking any new Medicare patients. And why? Why is that happening? Because of the activities, or, in this case, the inactivity of the United States Congress, of the United States House of Representatives.

It is imperative, it is imperative that we address this issue. It is imperative that we address it in a forward-thinking way so that we solve the problem once and for all and we don't have to come back here year after year and face the same problem over and over again, or, as is the case this year, every 6 months and face the problem over and over again.

I have advocated for such a fix many different times on the floor of this House. It has been very difficult to get colleagues on both sides of the aisle to embrace this concept and understand that we must move forward from where we are now. We need a short-term, mid-term and long-term solution to this problem.

What have we done? Again, we find ourselves just about to go over the cliff, just about to fall over the precipice, where once again we tell the Medicare patients of this country that we don't care about them. We tell the physicians who are seeing Medicare patients in this country that we don't value your service and we are going to hit you with a 10.7 percent cut. And that is not the end of it. December 31st, there will be another 5 percent reduction, so a grand total of 15 percent in reduction of Medicare reimbursement before we reach the end of this year.

Mr. Speaker, can you imagine any other business going into their banker and saying, you know what? I have got a great business plan here. I am going to start a business, or expand my business, because, after all, a physician's office is a small business. I am going to go into business or expand my business, and here is my business plan. And the banker looks at it and says, I see it says here you are going to earn 15 percent less this year than you are earning next year on each patient interaction. How in the world could you expect to be able to maintain your business with this type of business plan?

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Reality is this type of business plan would not fly anywhere in this country, and yet we are asking over and over again our doctors, our clinics, our health care providers to live under this regimen.

Now, when I address the need for a short-term, mid-term, and long-term solution, let me just lay out for you what I have in mind. The short-term solution is available to us right now. We could delay these cuts to the Medicare reimbursement rate. We could do that by passage of a simple measure that was introduced the last week of May, H.R. 6129. This is a bill that is fully paid for, fully paid for and would forestall the 10.7 percent cut July 1, and the 5 percent cut December 31, to February 1. That is not a great length of time, but it allows us a little more time to work on this problem, actually gets us past the first of the year so that we get to the organization of a new Congress. And maybe, if we did our homework and did our legislative work before we all went home and campaigned for reelection, maybe if we did that work in July and August and September of this year, we could actually have ready to go a package for the new Congress to pass shortly after the first of the year that would deal with this problem.

But it is a paid for solution. It doesn't expand the deficit. It actually uses the same mechanism that was used by the Medicaid moratorium that we all passed. I think there were 300 favorable votes for that Medicaid moratorium on the floor of the House a few weeks ago. This is the same mechanism of taking the money out of the physicians assistance quality initiative to pay for this fix on the physicians payment. It would not expand the deficit, and it would get us passed the first of the year.

The cuts that are looming ahead of us under a formula called the sustainable growth rate formula are going to be significantly pernicious, not just to keep our doctors in business, but to keep our doctors seeing our patients, our Medicaid patients, arguably some of the most complex patients there will be in any medical practice because they have multiple simultaneous conditions.

We are going to prevent those patients from having access to a physician because we are telling the doctors that we don't value their service, and we are telling the patients that we don't value their ability to have access to their doctors who prescribe their treatments, who offer those treatments that are going to keep them living longer and healthier lives.

And there is an unintended consequence to this as well. The unintended consequence is that many of the private insurance companies across the country actually peg their rates to what Medicare reimburses. So they have a contract that says we will pay, in the case of TRICARE, 85 percent of the Medicare usual and customary. In the case of some of the other private insurers, it is a little more generous, they pay 110 percent or 115 percent of Medicare rates. But all of those rates are going to be reduced when Medicare rates in turn are reduced if we don't act by the first of July. And actually, the way things work in Washington, if we don't have something pretty concrete on the table by the middle of June, the Center for Medicare and Medicaid Services is going to be required to go ahead and put forward their rules and regulations for when this new fee schedule goes into effect July 1.

And make no mistake about it. We can tell ourselves that, oh, we will have time to come back in July and fix this and we will make it retroactive. But we don't make it retroactive for the private insurers who peg to Medicare. And the reality is we are talking about such small volumes on every explanation of benefits that comes through the physician's office that it becomes extremely tedious and time consuming and expensive to track all of these and make certain that the government makes good on its promise and comes back and delivers that.

And how do I know this? I know this because when our side was in charge with the passage of the Deficit Reduction Act right at the end of 2005, because of a technical problem we didn't get actually the bill passed until the first part of January of 2006, and as a consequence the language in the Deficit Reduction Act that would have prevented a programmed reduction in Medicare reimbursement rates, that did not go into effect until well into the month of January 2006. And, again, we had to come back and retroactively make all of these practices whole. And just as a practical matter it becomes very, very difficult for the doctor's office to keep track of that and make certain that in fact those reimbursements were brought up to speed.

The other aspect of this, the mid-term and the long-term aspect, and I have advocated for this for some time. We need to pass legislation that will put us on a path to repeal the sustainable growth rate formula. This is a formula that year over year reduces the rate at which physicians are reimbursed. The reality is Congress almost never sees that through. We always come in and do something to keep our doctors from having to sustain those large cuts in their practice. But every year we come up against this precipice, we come up against this cliff, and every year the doctors' offices are having to make plans for their future. Do they buy new equipment? Do they hire a new partner? Do they bring on additional personnel? Well, they can't tell because they don't know what we are going to do to them in Medicare at the end of the year or, in this case, in the middle of the year.

So we need a method of repealing the sustainable growth rate formula. We have all discussed this. The cost associated with the repeal of that from the Congressional Budget Office is high. So what I have recommended in the past is we put ourselves on a path; we put ourselves on a trajectory to repeal this formula, do it over a couple year's time, get some savings in the meantime to offset that cost. And we all know that those savings are built into the system and they are accruing every day. But rather than having those savings go to part A of Medicare, let's hold them in part B and reduce the cost of repealing the sustainable growth rate formula. And then ultimately, in 2 years' time or so, repeal the SGR formula once and for all and put the Nation's physicians on what is called the Medicare Economic Index.

This is not a formula that I derived; it was created by the Medicare Payment Advisory Commission, the MedPAC Commission several years ago, and it is essentially a cost of living adjustment, the same cost of living adjustment that hospitals receive, the same update that insurance companies receive, the same update that drug companies receive. Let's put part B, the physician's part of Medicare, on that same level playing field with the other participants in part A, part C, and part D of Medicare.

So I did want to get that out there. I encourage my colleagues to look at H.R. 6129. This is an important piece of legislation. It is a rope to throw to the Nation's physicians and patients that are already on their way over the cliff. It is a cliff that we created for them. We gave them the push over the edge. The least we can do at this point is to offer them a little bit of help so that they don't come crashing down at the bottom of that cliff.

Now, the reality is this is only for 7 months' time. This does not take any of the heat off of any of us, that we still need to work on that long-term solution. I actually offered this particular bill as an amendment to the Medicaid moratorium a few weeks ago in committee, and I was told, oh, no, no, no, we can't do that; because if we do that, then the people who might be working on solving this problem will know that the pressure is off and they don't have to work on it. I beg to differ. The pressure will still be on. The mid-term and long-term solutions still are out there to be had, and it will be incumbent upon this Congress, particularly here we are going into an election year. Do you want to go home and talk to your doctor groups around in your district and say: You know what? We just didn't think we had the time to fix this problem that you all are up against, so shortly after I am sworn in next year you will be looking at a 15 percent reduction in your payment rates. And, do you really want to go home and talk to your patients, who already call up their physician's office and say, I am sorry, I am not taking any new Medicare patients; do you really want to go home and face those patients in your town halls when they find out that you didn't lift a finger, you didn't lift a finger to keep this from happening when we all knew it was coming? We knew it was coming last December, and the best we could do was 6 months is the best we can manage. We knew it was coming all spring. We know it is coming now.

Let's fix this. This short-term solution is paid for. It is not going to expand the deficit. No tax increase has to result. It is there. The money is there. We took the money from the same place that the other side took the money for the Medicaid moratorium. Let's take that money and fix this problem short term, and then get on about fixing it long term.

Mr. Speaker, the real reason I came to floor tonight until this other problem took precedence was to talk a little bit about an event we had up here on Capitol Hill about 2 months ago now, and it was done to capture some of the successes that are happening out there in the real world as far as it relates to delivery of health care in this country. This was a symposium that was held on April 8 of this year, was done in conjunction with the Center for Health Transformation. Many people will recognize that organization. This is the organization that was founded and is still run by the former Speaker of the House, Newt Gingrich. He was very kind and generous with his time that day and came to this meeting over in the Rayburn Building, and we talked a little bit about some of the things that are working out there in the real world. Because, after all, Mr. Speaker, do we really want to give up a measure of our freedom in this country? And that is what it would entail if we go to a much more restrictive type of delivery of health care in this country.

Freedom is the foundation of life in America, and unlimited options, unlimited opportunities are something every single one of us on both sides of the aisle takes for granted and will embrace when we give our talks at home, whether it be on Memorial Day or Independence Day. We like to talk about how the freedom of America makes us the greatest country on earth.

Freedom is transformative. Freedom is the basis for what we should be doing when we look at how we can transform the Nation's health care system. And innovation goes hand in hand with those choices.

Come to think of it, Mr. Speaker, when I was a youngster in medical school many, many years ago, I would have never thought we would have seen the day where you could go on the Internet, just an average person, you don't need a doctor's order, you don't need a ton of money; you can go on the Internet and get your human genome sequenced for you individually for less than $1,000. Never when I was in medical school would I have thought you would be able to go on the Internet and get such information. In fact, I wouldn't have known what the Internet was when I was medical school because Al Gore hadn't invented it then. At the same time, today you can go and get that information. We are putting that information in the hands of patients, which then they are going and sharing with their physicians. And this is powerful information for the individual to have.

The New York Times in October of 2006 published a piece by Tyler Cohen when he talked about the ability to innovate and how it has made American medicine really the envy of the world. Seventeen of the last 25 Nobel Prizes have gone to American scientists working in American labs, and four of the six most important breakthroughs in the last 25 years have occurred because of the research of American scientists, things like the CAT scan, coronary artery bypass, statins for reduction of cholesterol. In fact, the National Institutes of Health will tell you statistics that 800,000 premature deaths from heart disease have been prevented in the last 25 years because of innovation that has in part been developed by the National Institutes of Health and then part developed by the private sector in this country.

So it is truly a good news story, and the reality is America is not done. We are not done with the advancements in medicine. The next generation of breakthroughs, I already alluded to what is happening with the human genome. Look at the speed with which information is now processed and transferred and disseminated. Who would have ever thought that we would be in this phase of rapid learning in which we find ourselves currently. This is truly likely to be the golden age of medical discovery. And the breakthroughs that occur have been a result of the environment that has fostered and encouraged competition and choice.

It doesn't mean we can't make a good thing better. It doesn't mean that everything about our system is perfect. But certainly, when we look at ways in which we might change the system, for heaven's sake, let's not do things that will harm the innovation that our system has brought us. American ingenuity prospers when we strive to be transformational. The reason we can be transformational is because of the degree of freedom we have. Remember, freedom is transformational.

So when we are advancing toward a goal and we are not focused on the transaction like we do with our Medicare reimbursement; when we are focused on the goal of being transformational, that is when good things can happen. But the present debate in Washington is focused on dollars and cents, and we are not focused on the transformational. We are not even looking at ways where we can fundamentally enhance the interaction that occurs between the doctor and the patient in the treatment room. We are simply looking at ways of moving dollars around on a balance sheet, and we do that and we think we have done a good job. And, again, I reference what has happened with the Medicare physician reimbursement rates that are going to go down so much in just a few weeks.

Mr. Speaker, I am one of the few policymakers on Capitol Hill that has also spent a lifetime in health care. For 25 years before I came to Congress, I had my own practice. I have sat in exam rooms with patients, I have looked them in the eye, I have taken a prescription for them and counseled them as to risks and benefits and costs and written a prescription. I figured out how to build my business, how to expand my business. I figured out how to build my business in lean economic times back in the 1980s in Texas. I figured out how to expand my business in good economic times in the 1990s in Texas. I figured out ways to pay my employees and keep the lights on. But, again, if we don't have a commonsense approach to these health care issues, our solutions are going to be far short of the mark.

This experience gives me the practical knowledge to play some role in the development of this policy.

□ 2100

I think this comes in handy because, as we change health care in this country, we want to be certain that we do it in a way that allows health care to still be delivered in this country.

And there's widespread recognition that things need to change. There's different ideas as to how to accomplish it. The good news is that, regardless of what happens tonight, there is going to be a fundamental referendum on health care in this country come November, because whoever prevails on the Democratic side, of course Senator MCCAIN on the Republican side, the views are distinct from each other, and it is going to give the American people a clear choice about the direction to go in health care. One is focused on more government control, and one is focused on more patient control. I'll give you a guess as to which side that I would come down on.

And again, policymakers are focused on change, and the people who care for patients, the people who are involved in their practices, they need to be involved in this discussion as well because, in truth, health care begins and ends partly with patients, but truly with the people who are involved in the delivery of that health care, and specifically I reference physicians and nurses, hospital administrators and other health care personnel will figure into that equation. But those are the individuals who have to be involved in this grand national debate we're going to have about health care transformation in this country over the next 5 months.

And many of my friends who are health care professionals don't realize the critical role that they must play in shaping the health care debate. They must be active, they must be engaged, or otherwise you're going to be forced to sit on the sidelines and play by the rules that other people are going to make for you.

And again, I reference the earlier part of my discussion. You see, the rules that we'll come up with here in Washington, DC , those rules are, let's take 10.7 percent away from our doctors this month, and in 6 months let's take another 5 percent away from them, and then we'll figure something out in the meantime.

Well, I will just tell my friends who are involved with the delivery of health care, whether it's in Washington, whether it's at home in Texas, you need to be involved. You've got to act before all you can do is react. And if health care professionals don't lead, then we'll have to accept what the health care prescription is that is given to us by the people who sit in this body, the people who sit on the other side of the Capitol, whoever sits in the White House.

It doesn't make sense to have a body that is what, two-thirds lawyers, making all of the decisions about how the doctors are going to practice in this country.

One of the possible prescriptions that's out there, one of the things that I find very problematic is expanding the government role for health care.

Mr. Speaker, if I were to pose a hypothetical question, what is the largest single payer government health care system in the world? Well, you know what? It's right here in the United States of America. Our Medicare and Medicaid and all of the other systems that are involved and administered by the Department of Health and Human Services accounts for pretty much 50 cents out of every health care dollar that is spent in this country. That means 50 cents out of every health care dollar that's spent in this country originates right here on the floor of the House of Representatives. And I would just ask you, are we doing such a great job?

I reference my earlier remarks about what's happening to the Medicare system if we don't do something within the next 4 weeks. Are we doing a great job with what we control currently?

Now, the government can play a role by encouraging coverage and maybe help incentivizing and encouraging the creation of programs that people actually want. Rather than forcing them into a government-prescribed program, what if we build something that actually brings value to people's lives and offer that as an alternative as we try to expand access to health care and health care coverage in this country.

And the good news is we actually have a model within the very recent past that has worked, and worked very well, and that is the Medicare Part D program which began in this Congress my first year here in 2003, and rolled out on January 1, 2006. And as a consequence, now, 90 percent of the seniors in this country have some type of coverage for their prescriptions. Contrast that to when I took office and that number was somewhat below 60 percent. So that has been a good thing. It has moved in a positive direction.

Well, what do people think about this program that has now been in effect for a couple of years? Well, current polling shows about a 90 percent satisfaction rate with Medicare Part D. So that's a good news story. We've got 90 percent of the people covered. We've got 90 percent positive ratings with various polls.

Well, what about the cost? We heard a lot about the cost on the floor of this House as we debated that bill and in the aftermath after that bill was passed, but the reality is when we passed that bill in the House, the Center for Medicare and Medicaid Services projected the cost per enrollee per month to be about $37.50. The reality is, the cost currently is about $24.50, and it has been stable over the time that this program has been in effect.

So here's a Federal program that, yeah, it has been a joint public/private partnership, but 90 percent coverage, 90 percent acceptance rate, and came in at a cost two-thirds of what was originally projected. I would say, from the limited time I've had here in Washington, that's the definition of a success story with a Federal program.

So 29 people are enrolled as of 2007, and the average cost is less than $24 a month. The first Federal program to rein runaway medical spending by restoring savings incentives and leveraging the power of that public private competition.

So overall, some of the best things that government can do is, when they recognize that there's a problem in say the delivery of health care or even in arenas such as health care information technology, we can kind of set the stage and tell people what our expectations are, and then get out of the way. Don't put a lot of regulation. Don't put new causes for liability out there. Get out of the way, and let the private sector do what they do best, what they do every day of the week. If we can do that by creating the right environment to let the private sector deliver the kind of innovation, the kind of cost savings and the type of quality that realistically has been delivered to other industries over and over and over again, if we can do that then maybe we have done something worthwhile.

You know, these are the same market forces that took us from a single black rotary telephone to these fancy electronic devices that all of us carry with us 24 hours a day now. We cannot imagine being without our iPods and iPhones and BlackBerrys. But it wasn't too many years ago, in fact, the year I started in private practice where it was a single line black rotary telephone, and we thought it was the height of high technology when we got those little push buttons on our phone.

Look at the change that's happened in aviation in literally what has been now the first century of aviation, going from the type of plane that the Wright brothers flew to the Boeing 787 dream liner that is coming on-line now. We have seen fantastic change.

I already mentioned the inventor of the Internet, and in the short period of time, we've come to the age that's brought us things like iTunes and YouTube, things that most of us now would find indispensable. If someone said we're going to take this away from you, we'd say that's not a good idea. We'd rather the government wouldn't do that.

But here's the secret. Here's the deal. The free market is delivering this same kind of value every day, day in, day out. Innovation and efficiency are hallmarks of what they're able to do. So why not? Why not allow them to participate in this grand plan that we call transformation of the Nation's health care system?

I've experienced it, and I'm excited about experiencing more of it and learning more about it, both as a legislator and as a professional in medicine.

But I just have to tell you, this past fall, Health Affairs did a symposium in downtown Washington, and I went to that symposium. I largely went because Dr. Mark McClellan was going to talk about his experiences with the Medicare program, Medicare Part D Program. Dr. Elias Zerhouni was going to talk about his experience with the National Institute of Health. But I had really no intention of sitting and listening to Ron Williams talk about—the new CEO of Aetna talk about what was happening within Aetna because I thought, well, Aetna's one of those private insurers who really, as a provider, we've oftentimes been at odds. But I listened to Dr. Zerhouni and I listened to Dr. McClellan. But it was Ron Williams who really talked about the biggest changes that are coming in medicine, particularly in the arena of health information technology, and the things that he was talking about were truly transformative.

So my question to him later was to ask why is—what would you require, what is the environment that you require to be able to do these great things that you're talking about? And he outlined perhaps a program where there would be some certainty as to what the privacy regulations are.

We all talk about privacy in this body. We're going to have a hearing about it tomorrow. But does anybody really understand what we mean when we say we want some privacy provisions? What about the STAR clause that prevents a hospital from putting a computer line in a doctor's office? Is that really a good idea as we go forward with wanting to develop more and better situations where we can have advancement in health information technology? Is that truly such a good idea?

Maybe we would do better if we relaxed some of the regulations, if we provided some certainty in the areas of liability, provided some certainty in the area in the definition of things like privacy, maybe that would be a better way to go about it.

During that discussion with the CEO of a large insurance company, he talked about things, about the different algorithms they've developed purely from using financial data, no clinical data involved, but the types of anticipation that they could now have about very expensive diseases that they might have to pay for and the clues they could get very early on in the process of this, and how they might be able to moderate or modify activities so that they didn't have to pay for that very expensive care at the end stage of the disease, they could actually work on that at an earlier stage and not only prevent the large expenditure for the more expensive disease, but also improve the quality of life because, after all, we're increasing the amount of time that a person has in a state of relative good health.

Another company that I talked to recently talked about a new test they're going to have for a disease called preeclampsia, pregnancy-induced hypertension. When I was in practice, and even just a few years ago, if you saw a patient where you were worried that this might be happening, about the only option you have was to put the patient in the hospital and observe them over time and see whether this was a real phenomenon or just a one-time event. But the price you paid for being wrong was severe, and certainly could result in severe injury to the patient and/or her baby. So we always erred on the side of caution with that.

But now there may be a new blood test that will elucidate very quickly whether someone is truly at risk for this problem, or if perhaps this one indication of elevated blood pressure was just an outlier, and, in fact, they aren't truly at risk for this problem. This would be a tremendous tool to put in the hands of clinicians. And look at the savings, not just in eliminating some of the unnecessary hospitalizations, but making certain that the people who really need the intensive care get that intensive care and get the intensive observation and scrutiny that their particular situation demands.

And a recent study out of Dartmouth outlined how hospitals can deliver better care and do a better job at a lower cost by embracing some measures of efficiency. This study demonstrated that Medicare could save as much as $10 billion a year if all United States hospitals followed the example of the most efficient hospitals. These facilities didn't cut costs at the expense of patient care, but focused on better coordination of care and better avenues of communication between doctors and specialists and better avenues of communications between hospitals.

Now, again, earlier in the month of April I was fortunate to co-host a panel with former Speaker Newt Gingrich which focused on some of the real world examples of success in health care transformation. And Mr. Speaker, I'll just tell you, it's no secret to people in this body that former Speaker Gingrich is a real leader when it comes to leading the charge for change in the arena of health care. He's involved in a great many other things, but certainly, in the arena of change in health care, former Speaker Gingrich has really pushed this to the forefront, and has really—I am so grateful for his involvement in that, and his bringing new ideas and new people to the table on a constant basis that help us, are going to help us evolve into this system that we all would like to think that we can help deliver to our country.

Now, he brought in several companies that demonstrated how free market choice and competition can lead to more options at a lower cost, when it comes to health care. And let me just share a little bit about what we learned that day. Since there weren't many Members who were able to attend, let's talk a little bit about some of the companies that are relying on innovation to save lives and save money and to actually save time in the process.

Overall, there was agreement that we can get better results with what—we don't have to pay more money. With the money that we're paying right now, we can get better results by actually engaging patients in their own care. And you know, this goes back to what Dr. Zerhouni has talked about at the National Institute of Health.

Because of what we've learned about the human genome, medical care is going to be personalized to a level that no one ever thought about before. You're going to be able to know, no longer will it be a course, a question of, well, we're going to try this particular medication because we'll see how it works. If it doesn't work, we've got an alternate.

☐ 2115

You will actually know that beforehand because of knowing about a person's genetic makeup. So medicine will become a great deal more personalized.

Because of that, it's going to be also, it's going to be, of necessity, focused on prevention. We know what diseases you're at risk for so we're going to recognize that and focus on the preventive aspects of that. And as a consequence, it has to become more participatory. That is, the patient can no longer simply be a passive recipient of health care services and the expense of health care doctors. The patients themselves need to be involved in the maintenance of their health and the decisions surrounding the delivery of health care.

Now, in industry circles, this is what is known as consumer-directed health care, consumer-driven health care. The goal of consumer-directed health care is to kind of eliminate the middleman, in our case the government, or it could be the insurer in the private sector who tries to find their way in as a wedge.

Remember I talked about that fundamental interaction between the doctor and patient in the treatment room? What of the barriers to enhancing that relationship? Well, it can be the government, it could even be a private insurance company. If we can somehow remove the middleman, number one, the patient will not be so insensitive, so anesthetized as to the cost of their care; and they will be more in tune to the benefits that can accrue to them should they work harder on participating in their own health care.

If people are anesthetized, Mr. Speaker, they're anesthetized to the true cost of health care. All they want to know is when and if they can see their doctor and what their co-pay will be and if you order expensive tests, like a CAT scan or an MRI, the only question is is it covered; not is it necessary, is it truly something I need, how is this truly going to benefit my care in the future. It's, well, will insurance pay for it, and if it does, do I have to pay a copay.

Now, I know from personal experience, and certainly my staff has told me this as well, you know, you receive one of those forms. It's called an EOB, explanation of benefits. You receive one of those from the insurance companies. Most people toss it. It's so confusing. It really has no bearing on reality anyway. It doesn't have anything to do with the ultimate cost or the ultimate bill that was paid either by the insurance company or the individual so most people just simply pay no attention to that; and yet this is the one piece of paper that actually tells the patient what it costs to deliver the care that they have just received.

So that means they're consuming health care services but they're not conscious of the costs. So there's little incentive on their part to modify their behavior to do things better next time, to be active participants in their own health care.

So consumer-directed health care says if people aren't anesthetized, if people are fully awake and fully conscious, they're more likely to make sound and wise decisions about their lifestyle and about maintaining their own health.

Now, there was a McKenzie study that found that consumer-directed health care patients were twice as likely as patients in traditional plans to ask about costs and three times as likely to choose a less expensive treatment option, and chronic patients were 20 percent more likely to follow their outlined regimen very carefully.

Now critics argue that consumer-directed health care will cause consumers, particularly those who might be less wealthy or less well-educated, to avoid appropriate and needed health care because of the cost burden and the inability, the inability to make informed and appropriate choices.

Now, one of the companies that was at the panel we did in April had data that actually contradicted that criticism. The Midwestern Health Care Company introduced a consumer-directed health plan to its 8,600 employees. They also left their traditional PPO, their regular insurance, in place. In the first year, 79 percent of employees chose one of four consumer-directed health plans. These health plans had several important features, but two of those were preventive care was free and employees received financial incentive to change behaviors like smoking and weight control.

In addition, they also received some incentive to manage chronic conditions like asthma and diabetes, that is, see their physicians at the prescribed time, take the prescribed medicines according to the directions and do the appropriate follow-ups.

So this has been in place for a couple of years. Do we have any statistics, are there any metrics that would indicate an overall direction of improvement? And in fact, 7 percent of health care dollars were spent on prevention compared to a national average of a little less than 2½. So that's a significant increase. And nearly 40 percent of the employees now take an annual personal health risk assessment and earn $100.

Nearly 500 employees have quit smoking, and as a group, that 8,600 employees have lost 13,000 pounds through weight-management programs.

From a cost standpoint has there been a difference? And the answer is yes. The average claim increase of 5.1 percent in the past 2 years compared with those who are in traditional PPO-type insurance where the claims increased 8 percent. So a 3 percent reduction for an increase in claims activity for people who were taking a more active role in the involvement of their own health care.

This company has a lot of impressive data. Policymakers can, in fact, learn from the example that was brought to us that day. And we can learn from some of the other companies as well.

One of the largest for-profit health insurance companies featured on the panel described their incentive-based health benefit design. Now, they have a plan that is a high-deductible plan. It's a $5,000 deductible for a family. I don't think anyone would argue that that's a fairly high deductible for a family to have to face if they have an illness. But the good news is that family, with that $5,000 deductible, and of course they get a break on their premium with such a high-deductible plan, their premium costs less than some of the other plans. So they do save money on the premium.

But also if they're willing to participate in some things like weight control, smoking cessation, cholesterol screening, exercise management, if they're willing to participate in those, they can reduce that $5,000 deductible in $1,000 increments down to a $1,000 deductible with no increase in their premium. So they still have the very low premium associated with a $5,000 deductible plan, but now they've reduced their deductible to $1,000 for that family, which is a much more manageable figure.

And how did that they do that? Because they voluntarily enrolled in a smoking cessation plan, they voluntarily enrolled in a plan to measure cholesterol, and because they voluntarily enrolled in a plan to actively manage their weight and increase their exercise. So positive things that the individuals can do themselves that result in an actual benefit as far as the insurance expenditure is concerned.

Now, there were also some very positive results from some of the other consumer-directed health care options. 88 percent of health savings account holders carried a balance from 2006 into 2007. That means they didn't spend all of their money that was set aside for health care expenditures, and they were actually able to carry that forward into the next year. And you can imagine doing that year over year over year along with the miracle of compound interest, as long as you start young, that can be a powerful way to put some savings in place for payment for health care later on.

I actually say this from personal experience. I was one of the first people to get a medical savings account. This Congress, under the leadership of former chairman Bill Archer of the Ways and Means Committee, passed a medical savings account bill in 1996. In 1997, I signed up for one. I had it until I came to Congress at the beginning of 2003, and that money now sits there and grows year in and year out and is a substantial amount of money that is now available for treating health-related conditions well into the future. That is a powerful tool to put in the hands of someone. And the actuality is the earlier you start, the more powerful is that concept.

So 88 percent of health savings account holders had a carryover balance from 2006 to 2007. And the average balance among people who were judged to be of low income was almost $600, $597 on average. So that's not insignificant.

Now, how many Americans are encouraged to live healthier lives and to conserve their health benefits like these individuals that we've just described? People that are making personal decisions about prevention and lifestyle and managing chronic conditions and cost. Most people with other private health insurance are not because there is no reason for them to. They just simply pay their insurance premium every month. They hope that they don't have to use it. They hope that their health is not threatened and they have to rely on this insurance company, and if they do, they hope that they will in fact be covered when that illness strikes.

In fact, Mr. Speaker, within my own family, I have a youngster who teaches school. He teaches middle school there in Denton, Texas. Once I said, You know, you have gotten to an age where you need to think about preventative health care. You need to think about going to see the doctor once a year for a physical and having some lab work done and having a few things checked. He said, I don't need to do that. I thought he was going to tell me because he was young and indestructible. He said, I don't have to do that because they came to our school and did a bunch of blood tests and told me I was fine.

I said, What do you mean they came to your school and did a bunch of blood tests? He said, Yeah. If we went out and had the nurse draw our blood, they would actually give us $20 a month off of our health insurance premium, and I did the math. That's $240 a year. I'll take that in exchange for having a little blood work done.

How forward-thinking for this independent school district to provide that type of service. That way if someone in fact does have an elevated cholesterol but it's entirely silent and they have no idea that they have it, that person can be identified and have some treatment started that will prevent the problem down the road. And in fact if there are no problems, then the school district also benefits because they know they have a very healthy workforce, and they are very fortunate to have a very healthy workforce working for them.

But the closet diabetic, the person with high cholesterol that is otherwise not known, the person with other medical conditions that is otherwise not known, the person with even illnesses that would lead to electrolyte imbalances may be discovered by those types of screening tests.

So this, all in all, is a good thing and a way for, yes, the independent school district to save money on some of those higher dollars, just like the CEO at Aetna described, being able to save money on those higher-dollar diagnoses by paying a little bit of money on the front end to, in this case, to elucidate those conditions, and then if they are found, to encourage that person to perhaps seek some treatment for that.

So there is, of course, a quote that we're all familiar with about the fundamentals of learning being reading, writing, and arithmetic. Perhaps for Congress our fundamentals for health care should be risk, responsibilities, and rewards. And if we will focus on those—after all, on both sides of the aisle, who can be opposed to more care, lower cost, better quality? I mean, how can you be opposed to those three things? That's what we all talk about in all of these lofty terms about what we're all for.

Well, let's be for that. Let's be for that and ensure that we put the tools in the hands of the American people so that they can actually participate themselves in the blessings that the American health care system is likely be able to provide for them in the years to come.

So, that's the right prescription for health professionals, and it's the right prescription for them to push for when it comes to real system reform, and it's the right prescription for Members of Congress to subscribe to as well.

So let me just finish by once again stressing the importance that we've got some immediate work in health care ahead of us. Forget all of the stuff that's going to happen in the presidential election. If we don't fix this problem with the Medicare physician reimbursement rate, if we don't fix or stop those cuts that are going to go into place in just a few weeks time, then a lot of this discussion will be for nought because we will have driven doctors out of practices and we will ensure that patients don't have access to care of any type. Whether it is expensive care, whether it is quality care, it doesn't matter. We will just have ensured that our Medicare patients don't have access to that care.

So I do urge my colleagues to please pay attention to this. Look into whatever bill you want. I urge to you look into H.R. 6129, which is a paid-for short-term solution to the cliff about which we're fixing to go over the edge. And I do want to encourage my colleagues to focus on this because this is extremely important. This is important to the doctors and patients back in your district.

Nothing is more personal to a person than their medical care and their relationship with their physician, and this hits right at the heart of that relationship if we allow these cuts to go into place and oh, yeah, by the way, there's another 5 percent reduction where that came from waiting for you at the end of the year.

☐ 2130

Make no mistake about it, Mr. Speaker, this is a presidential election year. All eyes tonight are going to be on what is billed as the last presidential primary, and then we'll start the fall campaign literally tomorrow morning.

Make no mistake, it's going to be difficult for things to rise to the top of the national discussion, which is why I encourage my colleagues to take the time and trouble now to look at this legislation, look at H.R. 6129, do the right thing and get behind this bill, if you can, and let's deliver to the Speaker of the House of Representatives a significant number of cosponsors, 200 or 300 cosponsors, so that we will actually get this legislation done in what remains of the days between now and the 4th of July break. And perhaps we can also, too, get some attention over in the other body on the other side of the Capitol so they will take this up as well.

There's probably no more important thing, perhaps with the exception of passing the Foreign Intelligence Surveillance Act, but there's probably no more important or intense piece of legislation that we can take up these next 4 weeks. This is an immediate concern. This is a clear and present danger to the physicians who practice in this country and the patients who depend on those physicians for their health care, the access for those patients to their physicians. This is the number one issue of this Congress this month, and we should not shirk our responsibility.

Please, let's don't do what they did in December and just simply walk away from this responsibility. Let's take charge of this. We have it within our power to affect this.

Again, this is a paid-for provision. This is not going to expand the deficit. It doesn't create a tax increase. It doesn't take money away from anyone else. This is the right thing to do. And this Congress, this Congress ought to stand up and do the right thing when it comes to the patients and the physicians of this country.

On the larger issue of the health care referendum that we're going to be facing in this country, I urge my colleagues to listen very carefully to the arguments that are going to come from both political parties as we go into the fall presidential election. Please remember that that which grows the government side of health care may not be in the best interests of patients in the long term. And those programs that tend to encourage the involvement of the private sector and tend to encourage the participation of the patient in the maintenance of their own health care, those are programs that are likely to deliver value and allow us to continue what has been the greatest health care system the world has ever known.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLISON (at the request of Mr. HOYER) for today.

Mr. KANJORSKI (at the request of Mr. HOYER) for today on account of personal reasons.

Ms. MCCOLLUM of Minnesota (at the request of Mr. HOYER) for today.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and June 4, 5, 6, 9, and 10.

Mr. JONES of North Carolina, for 5 minutes, today and June 4, 5, 6, 9, and 10.

Mr. DEAL of Georgia, for 5 minutes, June 4.

Mr. BURTON of Indiana, for 5 minutes, today and June 4, 5, and 6.

Mr. BROUN of Georgia, for 5 minutes, today and June 4.

Mr. BURGESS, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, June 4.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today and June 4, 5, and 6.

Mr. TANCREDO, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today and June 5.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as folows:

S. 1965. An act to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on May 22, 2008:

H.R. 2356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definitions of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by Speaker pro tempore, Mr. HOYER, on May 27, 2008:

H.R. 6081. An act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2829. To make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 3029. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. To temporarily extend the programs under the Higher Education Act of 1965.

S.J. Res. 17. Directing the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 23, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 2356. To amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. To amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. To amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6830. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes [Docket No. AMS-L&RRS-08-0015] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6831. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements [Docket No. AMS-FV-07-0054; FV07-915-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6832. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Sorghum Promotion, Research, and Information Order [Docket No. AMS-LS-07-0056, LS-07-02] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6833. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Dairy Promotion and Research Program; Section 610 Review [Docket No. AMS-DA-08-2004; DA-06-04] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6834. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership [Docket No.: AMS-FV-08-0001; FV-08-701 IFR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6835. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. AMS-FV-07-0155; FV08-932-1 FIR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6836. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2008-2009 Marketing Year [Docket Nos. AMS-FV-07-0135; FV08-985-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6837. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Increased Assessment Rate [Docket No. AMS-FV-07-0151; FV08-959-1 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6838. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Change in Reporting Requirements [Docket No. AMS-FV-07-0095; FV07-983-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6839. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Change in Reporting Requirements [Docket No. AMS-FV-07-0095; FV07-983-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6840. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes in Handling Requirements [Docket No. AMS-FV-07-0082; FV07-983-1 FIR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6841. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Section 610 Review [Docket No. AMS-FV-07-0017; FV07-905-610 Review] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6842. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading; Correction [Docket No. AMS-PY-08-0030; PY-06-002] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6843. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian and Southeast Marketing Areas; Correction [AMS-DA-07-0059; AO-388-A22 and AO-366-A51; Docket No. DA-07-03-A] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6844. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Removal of Regulated Areas in Texas [Docket No. APHIS-2007-0157] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6845. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting notification of the review and certification of the Joint Air-to-Surface Standoff Missile (JASSM) program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6846. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John F. Sattler, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6847. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul E. Sullivan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6848. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Kevin J. Cosgriff, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6849. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert D. Bishop, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6850. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Christopher A. Kelly, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6851. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David F. Melcher, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6852. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James M. Dubik, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6853. A letter from the Secretary, Department of Defense, transmitting a letter on the certification of Lieutenant General Philip R. Kensinger, Jr., United States Army; to the Committee on Armed Services.

6854. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notification of the Department's decision to convert to contract the intermediate level ship maintenance support functions; to the Committee on Armed Services.

6855. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting a letter on the report required by Section 888 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

6856. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's annual report on extensions of a contract period to a total of more than ten years, pursuant to 10 U.S.C. 2304a(f) Public Law 108-375, section 813; to the Committee on Armed Services.

6857. A letter from the Deputy Under Secretary foe Logistics and Material Readiness, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment for 2008, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

6858. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting the Department's decision to conduct a streallines A-76 competition of aircraft maintenance functions at Andrews Air Force Base, MD; to the Committee on Armed Services.

6859. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the National Guard ChalleNGe Program Annual Report for Fiscal Year 2007, pursuant to 32 U.S.C. 509(k); to the Committee on Armed Services.

6860. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Jacob K. Javits Gifted and Talented Students Education Program — received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6861. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Demands for Testimony or Records in Legal Proceedings [Docket ID ED-2007-OS-0138] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6862. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Projects (DRRPs) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6863. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Long-Term Care Partnership Program: Reporting Requirements for Insurers [ASPE:LTCI] (RIN: 0991-AB44) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6864. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

6865. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 07-08 informing of an intent to sign the Agreement between the Department of Defense of the United States and the Defence Material Administration of the Kingdom of Sweden for Production and Deployment of the Excalibur 155mm Precision Guided, Extended Range Projectile, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6866. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6867. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 08-25 of 4 December 2007 (Transmittal No. 0B-08); to the Committee on Foreign Affairs.

6868. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-61 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6869. A letter from the Director, Defense Security Cooperation Agency, transmitting the quarterly reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the application for a license for the manufacture of significant military equipment abroad and the export of technical data, defense services and defense articles to the Government of Japan (Transmittal No. DDTC 061-08); to the Committee on Foreign Affairs.

6871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of aplication of a license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 047-07); to the Committee on Foreign Affairs.

6872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application of a license for the export of defense articles and services to the Governments of Russia, Ukraine, and Norway (Transmittal No. DDTC 037-06); to the Committee on Foreign Affairs.

6873. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 021-08); to the Committee on Foreign Affairs.

6874. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Georgia (Transmittal No. DDTC 047-08); to the Committee on Foreign Affairs.

6875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 034-07); to the Committee on Foreign Affairs.

6876. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Political Activity — Federal Employees Residing in Designated Localities (RIN: 3206-AL32) received May 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6877. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; Annual Leave for Senior-Level Employees (RIN: 3206-AL49) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6878. A letter from the Chief, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Authorizations Under the Bald and Golden Eagle Protection Act for Take of Eagles [[FWS-R9-MB-2008-0057][91200-1231-9BPP-L2]] (RIN: 1018-AV11) received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6879. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. —118); to the Committee on the Judiciary and ordered to be printed.

6880. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. —119); to the Committee on the Judiciary and ordered to be printed.

6881. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. —117); to the Committee on the Judiciary and ordered to be printed.

6882. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Survivors' and Dependents' Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues (RIN: 2900-AL44) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6883. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP, Extension Act of 2007: 3-Year Moratorium on the Establishment of New Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities and Increases in Beds in Existing Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities; and 3-YearDelay in the Application of Certain Payment Adjustments [CMS-0938-IFC2] (RIN: 0938-AP33) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6884. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also: Part 1, 1, 223.) (Rev. Proc. 2008-29) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6885. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.482-1: Allocation of income and deductions among taxpayers (Rev. Proc. 2008-31) received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6886. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report concerning the extension of waiver authority for Turkmenistan, pursuant to Public Law 93-618, Subsection 402(d)(1) and 409; (H. Doc. No. —116); to the Committee on Ways and Means and ordered to be printed.

6887. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Part D Claims Data [CMS-4119-F] (RIN: 0938-AO58) received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6888. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Provider Reimbursement Determinations and Appeals [CMS-1727-F] (RIN: 0938-AL54) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 22, 2008]

Mr. BERMAN: Committee on Foreign Affairs. H.R. 6028. A bill to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; with an amendment (Rept. 110–673 Pt. 1). Ordered to be printed.

[Filed on June 3, 2008]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5599. A bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building" (Rept. 110–674). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 311. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 110–675). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 335. Resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa

Alpha Sorority, Incorporated (Rept. 110–676). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1233. A resolution providing for consideration of the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 110–677). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1234. A resolution providing for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes (Rept. 110–678). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 22, 2008]

H.R. 6028. Referral to the Committee on the Judiciary extended for a period ending not later than June 6, 2008.

[The following action occurred on May 30, 2008]

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 11, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KELLER of Florida (for himself and Mr. SCALISE):

H.R. 6167. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 6168. A bill to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN:

H.R. 6169. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. CAPITO (for herself and Mr. SHIMKUS):

H.R. 6170. A bill to require the inclusion of coal-derived fuel at certain volumes in aviation fuel, motor vehicle fuel, home heating oil, and boiler fuel; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6171. A bill to provide for the establishment of a commission and a national competition to significantly improve the energy efficiency of and reduce emissions from Federal buildings in the National Capital Region; to the Committee on Oversight and Government Reform.

By Mr. RAMSTAD (for himself, Mr. KIND, Mr. WALZ of Minnesota, Mr. KLINE of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mrs. BACHMANN, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 6172. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 6173. A bill to amend the Internal Revenue Code of 1986 to suspend temporarily the excise tax on aviation fuel used in commercial aviation; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 6174. A bill to amend part C of title XVIII of the Social Security Act to reduce variation in Medicare Advantage payment rates among counties within the same State within certain very large metropolitan area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GORDON, Mr. LEWIS of Georgia, Mr. CHANDLER, Mr. HARE, Ms. SUTTON, Mr. HONDA, Mr. LIPINSKI, and Ms. LEE):

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority; to the Committee on Science and Technology.

By Mr. KENNEDY:

H. Con. Res. 367. Concurrent resolution expressing support for designation of the period beginning on June 9, 2008, and ending on June 13, 2008, as "National Health Information Technology Week"; to the Committee on Energy and Commerce.

By Mr. SCALISE:

H. Res. 1235. A resolution expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. SOUDER.

H.R. 154: Mr. OLVER and Mr. MARKEY.

H.R. 269: Mr. CARSON.

H.R. 333: Mr. COURTNEY.

H.R. 371: Mr. FILNER.

H.R. 378: Mr. SESTAK.

H.R. 423: Mr. RAMSTAD and Mr. ROGERS of Michigan.

H.R. 503: Mr. CARSON and Mr. ENGLISH of Pennsylvania.

H.R. 621: Mr. MCHENRY.

H.R. 643: Mr. GEORGE MILLER of California, Mr. ARCURI, and Mrs. MCCARTHY of New York.

H.R. 699: Mrs. MUSGRAVE.

H.R. 879: Mr. LAMBORN.

H.R. 936: Mr. CARSON.

H.R. 971: Ms. CLARKE.

H.R. 1017: Mr. CARSON.

H.R. 1073: Mr. OBERSTAR.

H.R. 1076: Mr. ELLISON.

H.R. 1078: Mr. OLVER.

H.R. 1120: Mr. THORNBERRY.

H.R. 1157: Mr. YARMUTH.

H.R. 1185: Ms. HIRONO, Mr. CARSON, and Mr. KUCINICH.

H.R. 1188: Mr. RUSH and Mr. COHEN.

H.R. 1190: Mr. TIBERI and Mr. CARSON.

H.R. 1275: Mr. HINOJOSA.

H.R. 1279: Mrs. NAPOLITANO.

H.R. 1283: Mr. ARCURI.

H.R. 1304: Mr. LARSON of Connecticut.

H.R. 1306: Mr. JONES of North Carolina and Mr. KING of New York.

H.R. 1322: Mr. CARSON.

H.R. 1359: Mr. ROSKAM.

H.R. 1363: Mr. CUELLAR and Mr. LOEBSACK.

H.R. 1439: Mr. HINOJOSA.

H.R. 1532: Mrs. TAUSCHER.

H.R. 1553: Mr. HELLER and Mr. KUHL of New York.

H.R. 1576: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1606: Mr. HIGGINS, Mr. HINCHEY, and Mr. ALTMIRE.

H.R. 1621: Mr. JOHNSON of Georgia.

H.R. 1644: Mr. OBERSTAR.

H.R. 1653: Mr. CARSON.

H.R. 1683: Mr. CARSON.

H.R. 1732: Mr. CARSON.

H.R. 1748: Mr. RUPPERSBERGER.

H.R. 1781: Mr. ARCURI.

H.R. 1829: Mr. SOUDER.

H.R. 1932: Mr. ANDREWS.

H.R. 1940: Mr. GRAVES.

H.R. 1956: Mr. PAUL and Mr. SESTAK.

H.R. 2032: Ms. BERKLEY, Mr. CAPUANO, and Mr. ENGEL.

H.R. 2092: Mr. MCNERNEY, Mr. BISHOP of New York, Mr. STARK, Mr. PALLONE, and Mr. WU.

H.R. 2131: Mr. LEWIS of Georgia and Ms. SUTTON.

H.R. 2154: Mr. BURTON of Indiana.

H.R. 2160: Mr. SHAYS.

H.R. 2164: Mr. HALL of Texas.

H.R. 2183: Mr. WALBERG and Mr. ARCURI.

H.R. 2192: Mr. CARSON.

H.R. 2193: Mr. SESTAK.

H.R. 2241: Mr. GORDON and Mr. CARSON.

H.R. 2244: Mr. PASTOR.

H.R. 2268: Mr. INSLEE and Mr. TIERNEY.

H.R. 2452: Mr. SESTAK and Mr. RUPPERSBERGER.

H.R. 2472: Mr. POMEROY, Mr. REHBERG, and Mr. SIRES.

H.R. 2493: Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, Mr. WILSON of South Carolina, Mr. PICKERING, Mr. PITTS, Mr. TERRY, Mr. SULLIVAN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. HERGER, and Mr. KUHL of New York.

H.R. 2514: Ms. MATSUI and Ms. ROYBAL-ALLARD.

H.R. 2567: Mr. CARSON.

H.R. 2585: Mr. GINGREY.

H.R. 2588: Mr. SOUDER.

H.R. 2606: Mrs. CAPPS.

H.R. 2676: Ms. SLAUGHTER.

H.R. 2694: Ms. JACKSON-LEE of Texas.

H.R. 2864: Mr. KENNEDY and Mr. FATTAH.

H.R. 2880: Ms. FOXX, Mr. LEWIS of Kentucky, and Mr. MORAN of Kansas.

H.R. 2915: Mr. CARSON.

H.R. 2923: Mr. FRANK of Massachusetts and Mr. SCALISE.

H.R. 2994: Mr. MCCOTTER.

H.R. 3042: Mr. VAN HOLLEN and Mr. ARCURI.

H.R. 3094: Ms. HIRONO, Mr. WU, Ms. LEE, Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, and Mr. SALAZAR.

H.R. 3107: Mr. SESTAK.

H.R. 3112: Mr. FRANK of Massachusetts, Mr. ROYCE, and Mr. WELDON of Florida.

H.R. 3232: Mr. DOGGETT, Mr. SULLIVAN, and Mr. COSTELLO.

H.R. 3257: Ms. HERSETH SANDLIN.

H.R. 3267: Mr. DAVIS of Illinois, Mr. RAHALL, Mr. KILDEE, Mr. BURGESS, and Mr. LEWIS of Georgia.

H.R. 3291: Mr. SOUDER.

H.R. 3334: Mr. MARKEY and Mr. WITTMAN of Virginia.

H.R. 3374: Mr. SESTAK.

H.R. 3423: Mr. KILDEE.

H.R. 3457: Mr. CHANDLER.

H.R. 3479: Mr. LATOURETTE.

H.R. 3544: Mr. PASTOR.

H.R. 3618: Mr. PRICE of North Carolina.

H.R. 3642: Mr. HOLT and Mr. GEORGE MILLER of California.

H.R. 3750: Mr. LEWIS of Georgia and Mr. KENNEDY.

H.R. 3753: Mr. BUYER.

H.R. 3785: Mr. PAUL.

H.R. 3812: Ms. ESHOO.

H.R. 3820: Mr. CARNAHAN.

H.R. 3865: Mr. SHAYS.

H.R. 3934: Mr. SCOTT of Virginia, Mr. SARBANES, Mr. GERLACH, Mr. BOYD of Florida, and Mr. SHULER.

H.R. 3968: Ms. BALDWIN.

H.R. 4067: Mr. CARSON.

H.R. 4088: Mr. YOUNG of Florida.

H.R. 4105: Mr. KAGEN, Mr. SALAZAR, and Ms. WATERS.

H.R. 4107: Mr. ROTHMAN.

H.R. 4109: Ms. WATERS, Ms. BALDWIN, and Mr. HONDA.

H.R. 4114: Mr. WU.

H.R. 4141: Mr. CARTER and Mr. ANDREWS.

H.R. 4244: Mr. ALLEN.

H.R. 4449: Mr. RANGEL and Mr. DAVIS of Illinois.

H.R. 4544: Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ANDREWS, and Mr. INSLEE.

H.R. 4836: Mr. CLYBURN.

H.R. 4926: Mrs. CHRISTENSEN and Mr. ALLEN.

H.R. 4936: Mr. STARK.

H.R. 5085: Mr. SOUDER.

H.R. 5139: Mr. SESTAK.

H.R. 5192: Mr. UPTON.

H.R. 5265: Mr. CARSON, Mr. ALTMIRE, and Mr. ROGERS of Kentucky.

H.R. 5268: Mr. SARBANES.

H.R. 5404: Ms. ROS-LEHTINEN, Mr. THOMPSON of California, and Ms. SPEIER.

H.R. 5405: Mr. KUHL of New York.

H.R. 5469: Mr. KILDEE.

H.R. 5534: Mr. BLUMENAUER.

H.R. 5536: Mr. GRIJALVA.

H.R. 5546: Mr. DAVID DAVIS of Tennessee.

H.R. 5573: Mr. KIRK, Mr. RENZI, Mr. ARCURI, Mr. MCINTYRE, Ms. LINDA T. SÁNCHEZ of California, and Mr. CARNAHAN.

H.R. 5580: Ms. WOOLSEY and Mr. MILLER of North Carolina.

H.R. 5606: Mr. DAVIS of Alabama and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5638: Mr. BUTTERFIELD.

H.R. 5640: Mr. JOHNSON of Georgia.

H.R. 5669: Mr. PAYNE and Mr. DAVIS of Illinois.

H.R. 5673: Mr. PORTER.

H.R. 5684: Mrs. MCMORRIS RODGERS.

H.R. 5734: Mr. CUMMINGS.

H.R. 5737: Mr. HAYES, Mr. LUCAS, Mr. ROGERS of Alabama, and Mrs. MILLER of Michigan.

H.R. 5740: Mr. CHANDLER and Mr. FORTUÑO.

H.R. 5741: Mr. GILCHREST.

H.R. 5747: Mr. PRICE of North Carolina.

H.R. 5748: Mrs. MYRICK.

H.R. 5759: Mr. PLATTS and Mr. STEARNS.

H.R. 5760: Mr. HINOJOSA, Mr. MCHUGH, Ms. ROS-LEHTINEN, and Mrs. CHRISTENSEN.

H.R. 5782: Mr. PLATTS and Mr. DAVIS of Kentucky.

H.R. 5791: Mr. CARSON.

H.R. 5793: Mr. FORBES, Mr. ROSS, Mr. GONZALEZ, Mrs. MCMORRIS RODGERS, and Mr. PICKERING.

H.R. 5797: Mr. HAYES and Mr. SALI.

H.R. 5798: Mr. BISHOP of New York.

H.R. 5814: Mrs. MYRICK and Mr. ROYCE.

H.R. 5821: Mr. ROGERS of Alabama, Mrs. BLACKBURN, Mr. LAHOOD, and Mr. Wamp.

H.R. 5831: Mr. ARCURI.

H.R. 5852: Mr. MOORE of Kansas and Mr. ROTHMAN.

H.R. 5867: Mr. MCDERMOTT.

H.R. 5869: Mr. FARR, Mr. HINOJOSA, and Mr. UDALL of New Mexico.

H.R. 5874: Mr. WAMP, Mr. SMITH of New Jersey, and Mr. BAIRD.

H.R. 5882: Mr. GRIJALVA.

H.R. 5895: Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Pennsylvania.

H.R. 5898: Mr. TOM DAVIS of Virginia, Mr. HINOJOSA, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, and Mr. SAXTON.

H.R. 5899: Ms. HERSETH SANDLIN.

H.R. 5901: Mr. RUSH and Mr. GRIJALVA.

H.R. 5908: Mrs. CUBIN.

H.R. 5924: Mr. ANDREWS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5950: Mr. NADLER and Ms. JACKSON-LEE of Texas.

H.R. 5954: Mr. MICHAUD, Mr. BLUMENAUER, and Mr. BRADY of Pennsylvania.

H.R. 5960: Mr. COSTELLO.

H.R. 5965: Mr. CARSON.

H.R. 5971: Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mr. MCCOTTER.

H.R. 5979: Mr. PLATTS.

H.R. 5984: Mr. WITTMAN of Virginia, Mr. INGLIS of South Carolina, Mr. EVERETT, Mrs. CUBIN, Mr. LAHOOD, Mrs. SCHMIDT, Mr. GARRETT of New Jersey, Mr. LEWIS of California, Mr. PEARCE, and Mr. YOUNG of Florida.

H.R. 5992: Mr. FILNER.

H.R. 5998: Mr. MCHUGH, Mr. ROTHMAN, and Ms. SLAUGHTER.

H.R. 6020: Mr. GRIJALVA.

H.R. 6026: Mr. PICKERING, Mr. BUYER, Mr. ROHRABACHER, Mr. CANTOR, Mr. PUTNAM, Mr. AKIN, Mr. CANNON, Ms. FOXX, Mrs. MCMORRIS RODGERS, Mr. MICA, Mr. SOUDER, Mr. TANCREDO, Mr. FERGUSON, Mr. TOM DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. SHADEGG, Mr. MCCOTTER, and Mr. INGLIS of South Carolina.

H.R. 6045: Ms. LORETTA SANCHEZ of California and Mr. ENGLISH of Pennsylvania.

H.R. 6057: Mr. HALL of New York, Ms. SCHAKOWSKY, Ms. LEE, and Mr. DEFAZIO.

H.R. 6073: Mr. BUTTERFIELD and Ms. TSONGAS.

H.R. 6075: Mr. CARNAHAN.

H.R. 6076: Ms. SLAUGHTER, Ms. SUTTON, Ms. CLARKE, Mr. ELLISON, Mr. JOHNSON of Georgia, and Mr. HONDA.

H.R. 6083: Mr. EDWARDS.

H.R. 6092: Ms. SHEA-PORTER, Mr. CALVERT, Mr. HALL of Texas, Mr. FOSSELLA, and Mr. FEENEY.

H.R. 6098: Mr. DICKS, Mr. BRADY of Pennsylvania, Mr. SHAYS, and Mr. BILIRAKIS.

H.R. 6101: Mr. SOUDER and Ms. JACKSON-LEE of Texas.

H.R. 6102: Mr. SOUDER and Ms. JACKSON-LEE of Texas.

H.R. 6105: Mr. SENSENBRENNER.

H.R. 6107: Mr. CULBERSON, Mrs. CUBIN, Mr. GRAVES, Mrs. DRAKE, Mr. KINGSTON, Mr. HERGER, Mr. MANZULLO, Mr. SESSIONS, Mr. WALSH of New York, Mr. WILSON of South Carolina, Mr. PENCE, Mr. SMITH of Texas, Mr. LINDER, Mr. POE, and Mr. BOUSTANY.

H.R. 6108: Mr. BROWN of South Carolina, Mr. FLAKE, Mr. ISSA, Mr. KUHL of New York, and Mr. HERGER.

H.R. 6122: Mr. HINOJOSA and Ms. SUTTON.

H.R. 6126: Ms. ZOE LOFGREN of California.

H.R. 6129: Mr. AL GREEN of Texas.

H.R. 6137: Mr. HERGER.

H.R. 6139: Mr. HERGER.

H.R. 6150: Mr. LATTA.

H.R. 6153: Mr. ORTIZ.

H.J. Res. 79: Mr. OLVER.

H.J. Res. 89: Mr. CHABOT, Mr. GINGREY, Mr. HENSARLING, and Mr. CULBERSON.

H. Con. Res. 70: Mr. DAVIS of Illinois, Ms. DELAURO, Mr. MCGOVERN, and Mr. HONDA.

H. Con. Res. 163: Mr. BOYD of Florida.

H. Con. Res. 195: Mr. SIMPSON, Mr. SULLIVAN, Mr. SHUSTER, Mr. LAHOOD, Mr. UPTON, Mr. BOUSTANY, Mr. BONNER, Mr. TAYLOR, Ms. BEAN, Ms. ROS-LEHTINEN, Mr. STUPAK, Mrs. MYRICK, Mr. GINGREY, Mr. MCCOTTER, Mr. SESSIONS, Mr. LATOURETTE, Mr. HULSHOF, Mr. LOBIONDO, Mr. BUYER, Mr. REGULA, Mr. RAMSTAD, Mr. LINDER, Mr. BROUN of Georgia, Mr. TIM MURPHY of Pennsylvania, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 239: Mr. SMITH of New Jersey.

H. Con. Res. 321: Mr. BOUCHER and Mr. Carson.

H. Con. Res. 336: Mr. DEAL of Georgia, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. CARNEY, Mr. PLATTS, Mr. MORAN of Virginia, Mr. FURTUÑO, and Mr. ROGERS of Michigan.

H. Con. Res. 341: Mr. WILSON of Ohio, Mr. GOODE, Mr. PRICE of North Carolina, Mr. DOYLE, Mr. PATRICK MURPHY of Pennsylvania, Mr. ANDREWS, Mr. PEARCE, Mr. DINGELL, Mr. AKIN, and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 342: Mr. THORNBERRY, Ms. GRANGER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HALL of Texas.

H. Con. Res. 349: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 350: Mr. FARR, Mr. POE, Mr. BERMAN, and Mr. LARSON of Connecticut.

H. Con. Res. 360: Mr. BRADY of Pennsylvania.

H. Con. Res. 361: Mrs. MYRICK, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, Ms. ROS-LEHTINEN, and Mr. CARSON.

H. Con. Res. 362: Mr. BURTON of Indiana, Mr. KLEIN of Florida, Mr. KIRK, Mr. FORTUÑO, Mr. SHAYS, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. ROYCE, Mr. WEXLER, Mr. WAXMAN, Mr. ENGEL, Mr. KNOLLENBERG, Mr. CANTOR, Mr. CROWLEY, Mr. ROGERS of Alabama, Mr. MORAN of Kansas, Mr. COSTA, Mrs. MALONEY of New York, Mr. SCOTT of Georgia, and Mr. TOWNS.

H. Con. Res. 364: Mr. BERMAN, Mr. ENGEL, Mr. GUTIERREZ, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. FORTUÑO, and Mr. FALEOMAVAEGA.

H. Res. 111: Mr. CASTLE, Mr. LOEBSACK, and Mr. POMEROY.

H. Res. 373: Mr. ANDREWS, Mr. ROTHMAN, and Mr. FRANK of Massachusetts.

H. Res. 415: Mr. FILNER and Mr. SHAYS.

H. Res. 596: Mr. SALI.

H. Res. 648: Mr. KUHL of New York, Ms. BORDALLO, Mr. SESTAK, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mr. BILBRAY.

H. Res. 672: Ms. SUTTON and Mr. PAYNE.

H. Res. 795: Mr. WAXMAN.

H. Res. 937: Mr. EDWARDS.

H. Res. 977: Mr. BAIRD, Mr. COHEN, Mr. TAYLOR, Mr. DOYLE, Ms. BORDALLO, and Mr. BRADY of Pennsylvania.

H. Res. 1008: Mr. HOLT and Mr. PORTER.

H. Res. 1012: Mr. HARE.

H. Res. 1037: Mr. LEWIS of Georgia.

H. Res. 1042: Mr. TERRY, Mrs. MYRICK, and Mr. WALDEN of Oregon.

H. Res. 1110: Mr. CAMP of Michigan.

H. Res. 1143: Ms. SLAUGHTER, Mr. SHAYS, and Mr. DUNCAN.

H. Res. 1146: Mr. EMANUEL.

H. Res. 1164: Mr. CARSON.

H. Res. 1191: Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mrs. JONES of Ohio, Mr. STEARNS, and Ms. ROS-LEHTINEN.

H. Res. 1202: Mr. BUTTERFIELD.

H. Res. 1205: Mrs. DAVIS of California and Ms. SCHAKOWSKY.

H. Res. 1207: Ms. TSONGAS.

H. Res. 1210: Mr. CUELLAR, Mr. PAUL, Mr. MCCAUL of Texas, Mr. SNYDER, Mr. MELANCON, Mr. BARTLETT of Maryland, Mr. BOOZMAN, and Ms. ROYBAL-ALLARD.

H. Res. 1224: Mr. ADERHOLT and Mr. LINCOLN DAVIS of Tennessee.

H. Res. 1225: Mr. HINOJOSA, Mr. ALTMIRE, Mr. PAYNE, Mr. KUCINICH, and Mr. HARE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative BISHOP of Utah, or a designee, to H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, does not contain any congressional earmarks, limited tax benefits or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5839: Mr. BUTTERFIELD.

SENATE—*Tuesday, June 3, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Gracious God, by Your providence we have been given the gift of this day, and from Your hand our needs are supplied.

Give our lawmakers a reference for Your sovereignty and a faith in Your unfolding providence. May their trust in Your guidance lead them to labor for Your honor. May their first aspiration be to hear You say, "Well done." When they are tempted to doubt, infuse them with Your faith. When they are tempted to fear, strengthen them with Your courage. Keep them from becoming weary in choosing the more difficult right, as they remember that in due season, they will reap a bountiful harvest. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 3, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today following my remarks and those of Senator MCCONNELL, there will be a period of morning business until 11 a.m., or when the hour is gone, with the time equally divided and controlled. The Republicans will control the first half—I see Senator CORNYN, ready to begin—the majority will control the second half of morning business. Then we will resume consideration of the motion to proceed to S. 3036, the Climate Security Act. The Senate will recess at 12:30, as we do every Tuesday, for our weekly caucus luncheons, and will reconvene following the official Senate photograph which is scheduled for today at 2:15.

I hope all Senators will make themselves available for the photograph. It takes weeks for the staff to set up to take these pictures. If you look around, you can see in the galleries the lighting. It is very difficult to get the lighting down here to take all 100 Senators. So I hope everyone will be here at 2:15 and be thoughtful and considerate to their colleagues so the staff can get the picture taken as quickly as possible.

FILIBUSTERS

Mr. REID. Mr. President, yesterday there was a vote, as we all knew there would be—an overwhelming vote—to proceed to legislation to stem the tide of global warming. This strong bipartisan vote came only after the Republicans forced us to file cloture and use more of the Senate's valuable time. Another filibuster. This is, as I have said before, filibusters on steroids. We have never, ever, in the history of our great country, had as many filibusters as this Republican minority has initiated. In a short 10 months, the 2-year record for filibusters was broken by this Republican minority. They have stopped or slowed down everything they could. They have even forced us to file cloture on things they agree on. Why? Because it eats up valuable time.

We now have 12 weeks left until our adjournment time. There is so much to do—so much to do. We are interested in doing the people's business. The Republicans are interested in stalling—stalling. As an example, today we should be on this piece of legislation, but, no, they are going to do as they have done time and time again: use 30 hours.

For everyone listening, what does this mean? The rules of the Senate are that once you file cloture—first of all, it takes a couple days to file cloture. You have to let it wait for a couple days. Now, why would they make us file cloture on this bill? It is bipartisan; it is sponsored by Senator WARNER and Senator LIEBERMAN, but they have done this. So after we file cloture, we come in and we have a vote. Remember, we waste those days while cloture is ripening. Then, to make it even more absurd, the rule is that after cloture is invoked, you have 30 hours. They make us use that 30 hours. It is wasted time. There is no reason we can't be on this bill.

I spoke to one of the Republican leaders yesterday, and he said: Well, we want more time to debate the bill. No one is taking any debate time away from anybody. But shouldn't we be on the bill? So I say time runs out tonight, shortly before midnight, on the 30 hours. In the morning, we are going to be on this bill. That means we are going to have to stay in until midnight tonight. That is up to the Republicans. That is up to the minority. But we are going to start legislating on this bill tomorrow morning. As everyone knows, the rules around here allow me to have the right of recognition, first recognition. We are going to start legislating in the morning.

I am happy if there is a need for more debate on the bill. This is an important bill. We should have all the debate; people should be able to make their statements. I am not trying to disallow anyone from making their statement, but let's at least legislate, as we should in this most serious body, the greatest debating—they say—body in the world, the Senate of the United States.

This strong bipartisan vote came, as I have indicated, after Republicans forced us to file cloture and use 2 days of Senate time, as I have already outlined. It forces us to waste 2 days for a vote they overwhelmingly supported. Now, the Republicans are forcing us to burn, as I have indicated, another 30 hours of procedural time before we can begin debate. That is two filibusters and more than 3 days of valuable Senate time wasted, all for a vote that most Republicans supported. We should have been on the bill, at the very least, last night.

Why would Republicans set these roadblocks to progress? I have outlined why. They are still in a snit because the American people surprised everyone and we are in the majority. It is a slim majority, but we are in the majority. We believe the people's business should be the issue at hand.

I have said many times Republicans have every right to vigorously debate and oppose legislation on which they have disagreements. That is how the legislative process is supposed to work.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The majority introduces a bill, the two sides engage in debate and, in many cases, some type of compromise is reached. Legislation is the art of compromise. Then a vote is taken and whoever has the most votes—then we have a winner and a loser. But most of the time, if you are moving forward, there are only winners, there are no losers.

The Republicans have every opportunity to debate this bill in public and negotiate it in private. That is what we would like to do. If there is some way they think this can be compromised, condensed, made bigger, we are willing to work with them. This is a bipartisan bill. It is their legislative right and obligation—I understand that—to convince Senators who are in disagreement to join with them. But the unprecedented Republican filibustering we have seen renders the legislative process difficult—difficult. Seventy-two times, and add to this almost every time we have had to do 30 hours—sometimes twice.

So I think the American people are clearly seeing the picture. The picture is the Republicans are wanting to maintain the status quo. They are treading water until President Bush leaves. The good news for the American people is there are only 7 months of that left. I think it is clear what has happened. You see in Louisiana, you see in Mississippi, you see in Illinois, three heavily Republican House seats went Democratic. Why? Because the American people see what is going on, just as they see that global warming is here. The American people aren't going to get lost in cap and trade. What they are concerned about is emissions, lowering emissions. They know it is a problem. They know what is going on in Congress is a problem. That is why we have seen these special elections go overwhelmingly Democratic in places where the Republicans always used to win.

On this legislation, I say to my friends, let's debate the legislation, let's try to work to pass it. Let's try to move forward on it. Stop running out the clock. Engage in the legislative process so we can continue to work toward making the American dream affordable for our country's struggling families once again.

The price of gasoline during the 7 years and 5 months President Bush has been President has gone up 250 percent—250 percent. In Nevada, you can still find a place to buy gas for less than $4 a gallon, but it is not easy. One of my friends I went to high school with called me—Teddy Sandoval, a wonderful guy. I have known him my whole life. He called me. I thought he was having some personal problem, and he was. Do you know what it was? He said: HARRY, I bought a diesel truck because diesel fuel was so low, and now I can't afford to fill it anymore because diesel has gone way up.

Diesel. I saw over the holiday we just had, the week off we had, in California and Nevada diesel fuel was as much as $4.50 a gallon. My friend told me he had been in New York, and it was $5.15 a gallon for diesel fuel.

So I plead with my Republican friends: Let us move forward on this legislation. I have said I don't want to use this term "fill the tree," but we have to have some recognition from the Republicans that we are going to legislate seriously. Do you remember what happened last time when we said let's have an open amendment process? There was a rush to the floor to try to help JOHN McCAIN on the flawed piece of legislation he had. Thinking the GI bill of rights is too generous—too generous—they rushed to the floor to support JOHN McCAIN's flawed GI bill of rights. Now, fortunately, Democrats and Republicans saw it was flawed. It took a lot of procedural time. The Republicans, which was never done—never done previously, rarely done previously—would come with a piece of their legislation and file cloture. That was a prerogative that was left to the majority. That was the way it was around here.

So unless we have some agreement that we are going to legislate appropriately on this bill, then I think we are going to have to step back and see what we can do because it will appear very clearly that the Republicans are not at least willing to engage in that regard and that they are not willing to engage in serious legislation.

There have been 72 Republican filibusters, and we are going up, not down. That is not good for the country. It is not good for the Senate. I don't think it is good for my Republican colleagues.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half of the time.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that our 30 minutes be allotted so that there is 15 minutes for me and 15 minutes for the Senator from Ohio following my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What is the request, Mr. President?

Mr. CORNYN. Mr. President, I will restate it. Of the 30 minutes of time for the minority, I asked that it be divided between the Senator from Ohio and me.

Mr. REID. So it is my understanding that the Senator from Texas wants an hour of morning business.

Mr. CORNYN. No, sir.

Mr. REID. So it will be 30 minutes for the Democrats and 30 for the Republicans.

Mr. CORNYN. Yes, with our 30 minutes being equally divided between the Senator from Ohio and myself.

Mr. REID. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. CORNYN. Mr. President, I heard the distinguished majority leader criticize the Republicans for wanting to have a debate on this piece of legislation. Frankly, I think we would be remiss in our duties if we didn't discuss this important piece of legislation, as complex and difficult a topic as it is and, frankly, ask questions that I know our constituents would ask of us were we to vote for or against this particular legislation.

I, for one, make no apologies for doing what I consider to be my duty, and I think all of us would do well to ask questions about this legislation, which proposes a $6.7 trillion pricetag—that is trillion; not billion, not million but trillion, $6.7 trillion.

We talk about what Congress has been doing. Let me mention what Congress has not been doing and what the Senate has not been doing.

It has been 109 days since the Foreign Intelligence Surveillance Act was not reauthorized, which has hampered our ability to listen in on terrorist-to-terrorist communications.

We have spent 560 days since American businesses and farmers have been disadvantaged by not taking up the Colombia Free Trade Agreement. For my State alone, it is roughly $2.3 billion a year. But my producers, farmers, and manufacturers are disadvantaged by tariffs on those goods when they are imported into Colombia, even though Colombian goods bear zero tariffs coming into the United States. We ought to fix that.

So it has been 560 days since that condition has existed. It has been 705 days since some judicial nominees have been waiting for a vote. It has been 771 days since Speaker PELOSI went campaigning before the 2006 election and said, if elected, the Democrats would deliver a commonsense solution to the price of gasoline and the pain consumers were feeling at the pump. That was 771 days ago. Yet there has been no proposal by our friends in the majority to actually come up with a commonsense solution to help ease the pain at the pump. Instead, we have a bill which—while I don't question the motivation for the bill since we are all concerned about the environment, I do think it is important that we ask questions about a bill that carries such a high pricetag and which will have the impact of actually increasing the cost of energy—gasoline and electricity—rather than reducing it.

I must say that last week, like all the rest of my colleagues, I went back home and had a chance to visit with a number of my constituents. Of course, high gasoline prices was the No. 1 issue on their minds. Even though my State is doing relatively well compared to the rest of the country, with about a 4.1-percent unemployment rate, we have seen some softening in the housing market, but generally speaking, my State is prospering. We are grateful for that. But even people who have jobs and feel as though they are doing pretty well otherwise are still feeling their paychecks shrink as a result of rising energy costs.

I am wondering why we are now on a piece of legislation that, rather than reducing the cost of their gasoline or electricity, will actually increase it. Right now, the average price of a gallon of gasoline across the country is right at $4 per gallon.

As I talked to my constituents last week around the State, they asked me: What is Congress going to do to finally take action to lower those prices?

Well, unfortunately, I had to tell them we only got 42 votes on a provision on a bill—the Domenici amendment—which would actually have increased our use of American energy and reduced our dependency on imported oil from some of our enemies, such as Hugo Chavez from Venezuela and Ahmed Amadi Nejad from Iran, which are part of OPEC.

By our inaction in Congress, we are driving up that cost because, since 1982, we have been putting vast American reserves of energy out of bounds through a moratorium that was enacted on the Outer Continental Shelf, through our unwillingness to explore and develop oil shale in the West and our unwillingness to allow the State of Alaska to develop its own energy reserves in the Arctic National Wildlife Refuge. So it is easy for me to understand, seeing that disconnect between what my constituents are concerned about—high prices of energy, including gasoline—having to come back and debate a bill that will drive up those costs even further—it is easy to see why more and more people believe Congress is totally disconnected from reality. Congress appears to have very little relevance to the issue that concerns the American people the most, and that is the family budget.

I want to be clear about one matter though. The debate about our environment is one well worth having. Of course, we can all do better and should do better in being good stewards of the environment, conserving energy and reducing waste. Reducing dependency on foreign oil and bringing down prices at the pump are needed too. My fear is that this important issue is rapidly becoming just another tired political game.

Taking care of the environment is not a Republican versus Democrat issue. It should not be about partisan politics. Haven't we learned by now that the American people are fed up with the games in Washington and want real solutions?

Well, yesterday, the majority leader and the chairman of the Environment and Public Works Committee, Senator BOXER, were criticizing the fact that we wanted to use some of the time today to ask questions about this important legislation so that we could educate ourselves and our constituents about what is in this very complex piece of legislation. But I do have some questions I hope will be answered in this week's debate.

First of all, how much will this bill cost? I have read estimates that this bill's pricetag is somewhere in the $6.7 trillion range. I fear that if that is correct, this is simply too costly of a burden to put on the American people. This is especially true when I believe more cost-effective solutions are available. I think we should balk at any piece of legislation that carries a pricetag of $6.7 trillion. Perhaps I have not been in Congress long enough to be jaded by such talk, and I hope I never am, but I still have trouble grasping the enormity of a number like $1 trillion. Now we are talking about $6.7 trillion. People in Congress tend to toss those numbers around like it is pocket change. But this is real money coming out of the budgets of real people—the American people.

I would like to know why $6.7 trillion, and what is that money going to be spent for?

Why do we have to opt for a cost in that range when there are more cost-effective solutions available, such as tax credits for developing renewable energy, clean energy, like solar energy and wind energy? Why aren't we doing more to develop our nuclear energy capacity to create electricity, which is carbon free? Why aren't we doing that instead of spending $6.7 trillion?

I want to know what the impact of this legislation would be on our economy and on the family budget. Already we have seen—as a result of the inaction of Congress over this last 771 days, since our Democratic colleagues said they had a commonsense plan to reduce the price of gasoline at the pump—the average American family lose $1,400 in increased gasoline costs as a result of the rise in gasoline prices over that same period of time.

Now, some estimates are that Texas families—my constituents—would pay an additional $8,000 if we pass this piece of legislation. That includes, some estimates say, a 145-percent increase in electricity costs and a 147-percent increase in gasoline costs. That is at least $5.30 a gallon at a time when gasoline is $3.98 a gallon.

Is it really true the proponents of this legislation want to raise that to $5.30 a gallon? It seems to me we are going in the wrong direction, not the right direction.

At the same time, it is estimated this legislation, if passed, would actually cause more than 300,000 Texans to lose their jobs. Overall, estimates indicate this bill could cost the economy in my State—one of the States that is actually doing very well from an economic point of view—more than $50 billion in additional costs.

Mr. President, we cannot afford another wet blanket on our economy caused by higher taxes and more expenses coming out of the family budget and more pressure on our job creators that provide people an opportunity to put food on the table.

Another question I have is, if the United States of America decides to impose this costly burden on ourselves, will China and India likewise impose the same burden on their energy industry? Of course, booming industrial giants such as China and India both have 1 billion-plus people. We know we are increasingly in a global competition and not only with India and China but the entire planet.

Why in the world would we impose a costly piece of legislation in the amount of $6.7 trillion on the American people and raise electricity costs and gasoline costs and depress the gross domestic product of this country, putting people out of work, if our major global competitors are going to get off scot-free and not likewise constrain their economy by imposing these sorts of burdens on themselves?

Finally, Mr. President, I would like to know on what basis do the proponents of the legislation believe this bill will have its intended effect? If human beings contribute to climate change, which I will not debate—I assume we do in some way or another—why have these targets been proposed? What is the science to justify those? What if those targets are reached, albeit at a cost of $6.7 trillion, with rising gas and electricity costs and a depression effect on our gross domestic product? How do we know, and where is the science that says, this bill will actually have its intended effect, particularly if China and India, our global competitors, don't participate?

The Wall Street Journal has dubbed this legislation "the most extensive Government reorganization of the

American economy since the 1930s." It seems to me this is something we should debate and examine and we should ask questions about so that we will know what the effect of this bill will be if it is passed.

We have already seen that Congress is not exactly omniscient when it comes to the energy area, where we have subsidized corn-based ethanol as an alternative to renewable sources of energy. The fact is, we found there are unintended consequences when we use food for fuel.

How do we know this particular bill, the Boxer climate tax bill, will not have unintended consequences? I fear it may not have the intended effect of reducing carbon emissions, and it may have some of the unintended and disastrous side effects I have already outlined.

If we are certain this is the right approach to protecting the environment, where is the evidence? Yesterday, the distinguished chairman of the Environment and Public Works Committee, and today the majority leader, complained about the fact that we want to use some time today to ask these questions and get answers. We should not be asked nor should the American people be asked to accept this on faith: Don't worry, trust us. It reminds me of the most fearsome words in the English language: We are from the Government, and we are here to help. If that is true, the American people ought to see the evidence that will justify this huge expenditure of their money, the huge increase in prices of energy, and the depressing effect on the economy, why that is necessary, and whether it will actually work as intended. Where is the evidence?

Senator BOXER, the distinguished chairman of the Environment and Public Works Committee, said the rising cost would not be a problem because of tax offsets she has included in this bill. She assured us this bill contained almost $1 trillion of tax relief, so that if we do see some of the increases in energy costs in the early years—electricity, for example—we can offset that. It almost boggles the imagination that the primary author of this legislation, Senator BOXER, would essentially concede that there will be rising energy costs as a result of this legislation and say we ought to spend $1 trillion more of the taxpayers' money to provide offsets for relief. This huge, complex bill deserves all the scrutiny we can give it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to say, first of all, that I share some of the great concerns of my colleague from Texas.

Today, I rise to address the legislative proposal introduced by Senators LIEBERMAN and WARNER to address global climate change. Like many of my colleagues, I share the urgency to take proactive steps to address this challenge we have.

That said, I have serious reservations about the proposal. I think it is overly aggressive, vastly outpacing what technology can provide and thus ensuring enormous economic pain on the country, and it is overly bureaucratic and cumbersome in its implementation, representing an unprecedented expansion of Government power and a massive bureaucratic intrusion into American lives that will have a profound effect on businesses, communities, and families.

The EPA has stated in answer to a letter I sent them that this program will take between 300 and 400 people to implement, whereas the acid rain provision takes just under 30.

The major failure of this legislation is it fails to harmonize our country's economic energy and environmental objectives, and the consequences to American interests could be devastating.

The international aspect of this problem is particularly troublesome. The developing world is currently undertaking an intensive expansion of energy infrastructure and escalating industrial and commercial expansion to meet the demands of growing domestic and international markets. The developing nations' combined emissions shortly will exceed the developed nations' combined emissions.

In 2007, "[t]he International Energy Agency issued a . . . report projecting global energy demand would increase by more than one-half by 2030, and that 'Developing countries . . . contribute 74 percent of the increase in global primary energy use . . . China and India alone account for 45 percent of that increase.' "

China puts on line two coal-fired plants every week—two coal-fired plants every week. In June, the Netherlands Environmental Assessment Agency announced that China's 2006 CO_2 emissions surpassed those of the United States by 8 percent. With this, China tops the list of CO_2-emitting countries for the first time and, by the way, years ahead of the projections that were made a couple of years ago.

Much like China, those countries with large domestic reserves of coal—and that includes the United States—will continue to use it. It is unrealistic to assume that the world would turn its back on this abundant resource. We must take this reality into account, and this can be done by jump-starting the technology that is needed to produce the energy we need in an environmentally sound manner.

Recognizing the international dynamic of this problem, the Lieberman-Warner proposal attempts to impose a tariff-like requirement to hold carbon credits for goods entering the United States from countries that do not control their emissions. The U.S. Trade Representative has questioned the plan's efficacy, and China, Mexico, and Brazil have signaled that the policy could begin a trade war. Indeed, top officials from the European Union and the United Nations have also raised doubts about whether the U.S. trade penalties would harm the prospects of a new global warming agreement.

But even if the provision is WTO compliant, it will not address the underlying competitiveness issues the United States would face from the higher fuel, feedstock, and electricity prices the bill would impose on U.S. manufacturers.

A better approach is needed. Americans are already struggling with the increase in their cost of living due to higher prices for gasoline, home heating fuel, electricity, food, and health care, and this bill would only make things worse. I wish some of the sponsors would go back into their respective constituencies to hear the complaints from most people—middle-class people, poor, the retirees—whose standard of living is being reduced in the country today because of these costs.

We cannot tolerate policies that harm our economy and drive businesses overseas. If those businesses locate in countries that do not share our environmental objectives, then we are worse off on two counts: Fewer jobs in the United States and no benefits at all to the environment.

Over my strenuous objections, this bill was voted out of the Environment and Public Works Committee without an analysis of the economic impacts on the country from either the EPA or the Energy Information Office. Today, we have at least a dozen analyses of the bill from a wide variety of groups, and they are all about the same.

EPA's analysis predicts that by 2030, annual losses in gross domestic product could be as high as $983 billion, and by 2050, those losses would grow to $2.8 trillion. To put this into perspective, CBO projects the Federal budget for this year will be $2.9 trillion. That means the potential impact losses from this legislation in 2050 would equal that spent on everything we intend to spend this year from Social Security to national defense. Think about it.

In order to meet the caps of the bill, the analysis assumes aggressive growth in nuclear and other clean energy technologies at rates that are widely regarded as unachievable and, from my perspective, unbelievable. For example, they predict a 150-percent increase in nuclear power by 2050. Today, there are 104 operating plants, meaning that we have to build up to another 150 new plants by 2050. The Energy Information Office said, when they did the analysis, that we would have to build 220 of them by 2030 in order for these caps to be realistic. These assumptions are unrealistic and mask the true cost of implementing the bill.

In regard to nuclear power, I recently published a paper in the Nuclear News on the steps we need to take to launch a nuclear renaissance. I am going to make certain that each Member receives a copy of this paper. But bringing vast amounts of new nuclear power on line will not be a layup shot. For example, there is only one company and one plant in the world that makes the vessels and forges for plants. Recently, we anticipated new plants would cost about $5 billion. The new cost is $7 billion per copy. Today, we have pending at the Nuclear Regulatory Commission 9 applications for 15 new plants that, if constructed, would not come on line until 2015, 2016, and 2017. Honestly, we are going to be lucky to have 30 new nuclear powerplants by 2030.

In regard to what we call capture carbon and sequestration—the technology that is needed—no commercial experience or testing at scale has been done. DOE says it will take 10 years before the seven large-scale demonstration tests are complete to look at sequestration. DOE said that a more robust geological assessment will not be complete until 2015. Liability and critical infrastructure issues remain unanswered, and DOE says commercial CCS may not be available for 20 years.

The connection between the costs of the program and the availability of clean energy technology is clear. As EIA points out:

> The . . . timing of the development, commercialization, and deployment of low-emissions electricity generating technologies such as nuclear power, coal with CCS, and dispatchable renewable power is a major detriment of the energy and economic impacts of 2191.

I want to repeat that.

> The . . . timing of the development, commercialization, and deployment of low-emissions electricity generating technologies such as nuclear power, coal with [carbon capture sequestration], and dispatchable renewable power is a major detriment of the energy and economic impacts of 2191.

The Cleveland Plain Dealer, which is the largest newspaper in the State of Ohio, this Sunday editorialized on this bill. The title is "This carbon bill isn't the answer." It goes on to say:

> The bill, as conceived, will just bore new holes into an already battered economy. . . .
>
> Coal-dependent states with partially deregulated energy prices—Ohio, for instance—would take a double hit in economic dislocations and electricity price spikes, with barely any financial cushions to make the disruptions more palatable. The bill also lacks the kind of consumer fairness and flexibility necessary to avoid fuel-price shocks and damage to manufacturing nationwide.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, June 1, 2008]

THIS CARBON BILL ISN'T THE ANSWER

The latest version of a bill that would mandate a carbon emissions cap-and-trade system for utilities and others using high-carbon coal is due to come before the full U.S. Senate on Monday. It could be voted on before the end of the week.

To judge from the intensity of lobbying, you'd think it was a proposal to make it easier to exit Iraq, corral oil prices, revive the economy, spur renewable energy investments and end unemployment.

You'd be wrong on all counts.

The bill, as conceived, will just bore new holes into an already battered economy.

It also doesn't have a prayer of becoming law. There is no companion legislation in the House, and President Bush threatens a veto if one materializes.

Neither of Ohio's senators has said he supports it, and the big push by environmentalists to try to swing one of those likely nays—the one belonging to freshman Democrat Sherrod Brown—is all about symbolism over substance. In failing to compromise on issues of regional equity repeatedly highlighted by Ohio's other senator, George Voinovich, the bill's supporters evince crass disregard for the economic realities of hard-hit manufacturing states.

Neither Brown nor Voinovich denies the need to reduce carbon emissions and address global warming.

That need is increasingly urgent, given recent findings by scientists within the formerly skeptical Bush administration on how accelerating climate change is beginning to impact Americans' well-being.

Yet the hammer-and-tong approach of the Senate bill—originally sponsored by Democrat Joe Lieberman of Connecticut and Republican John Warner of Virginia and recently tweaked by Democrat Barbara Boxer of California—lacks even a semblance of balance.

Coal-dependent states with partially deregulated energy prices—Ohio, for instance—would take a double hit in economic dislocations and electricity price spikes, with barely any financial cushions to make the disruptions more palatable. The bill also lacks the kind of consumer fairness and flexibility necessary to avoid fuel-price shocks and damage to manufacturing nationwide.

Those who have watched the Europeans' cap-and-trade system deteriorate into a nightmare of bureaucratic costs, nonsensical investments in outdated factories in China and puzzling price spikes in which the utilities were the only clear winners can be excused for scratching their heads over why cap-and-trade remains the "only" idea worth pursuing.

Surely there are less cumbersome, more equitable ways of making carbon emissions more expensive, and thus spurring investment in new technologies, without breaking the banks of both small-town and industries Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have printed in the RECORD the paper I have written on the nuclear renaissance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nuclear News, March 2008]

MAKING THE NUCLEAR RENAISSANCE A REALITY

(By George V. Voinovich)

In September, for the first time in over 30 years, a license application to build a new nuclear power plant was filed with the Nuclear Regulatory Commission. Three more applications soon followed. The NRC expects to receive 18 more applications within the next two years for a total of more than 30 new reactors. Although no applicant has yet made a firm commitment to build, a number of them have made significant investments, such as ordering long-lead construction items. Internationally, the resurgence seems to be moving at a faster pace. According to the International Atomic Energy Agency, there are 34 reactors in various stages of construction in 14 countries.

The underlying political climate for nuclear power has changed over the past several years, influenced by a confluence of factors: the growing demand for electricity, sharp increases in the prices of natural gas and oil, and the increased emphasis on clean energy. Recent government policies, such as the Energy Policy Act of 2005, have certainly helped in stimulating private sector investment for new nuclear as part of a portfolio of "environmentally clean" energy projects. At the state level, legislation has passed or is being considered in Georgia, Iowa, Wisconsin, Florida, Virginia, Kansas, South Carolina, and Texas recognizing the value of a diverse energy portfolio that includes new nuclear plants. These factors have created an environment in which nuclear has once again emerged as a viable (perhaps one of only a few) energy source for baseload generating capacity.

Currently, 50 percent of our electricity comes from coal, 19 percent from nuclear, 19 percent from natural gas, 9 percent from renewable sources such as hydro, solar, and wind, and 3 percent from oil. Of these, coal and nuclear (with average capacity factor of about 90 percent) have been the backbone of baseload generating capacity, since they are capable of providing a steady flow of power to the grid at low cost and high efficiency. Solar and wind power plants produce electricity only when conditions are right; when the sun sets or the wind calms, their output drops, regardless of the demand for electricity. Natural gas power plants are too expensive to run as baseload plants due to volatility in natural gas prices.

According to the Energy Information Agency, U.S. electricity consumption is projected to grow from 3821 billion kilowatt-hours in 2005 to 5478 billion kilowatt-hours by 2030, an increase of more than 43 percent. To be sure, we must have greater efficiency, more demand-side management, and more renewable energy, but we must also have clean coal and nuclear generating capacity to sustain our $11-trillion-a-year economy. With increasing environmental constraints, particularly the desire for caps on carbon emissions, expanding nuclear's share of baseload seems logical. The 104 nuclear power plants operating today represent over 70 percent of the nation's emission-free generation portfolio, avoiding 681 million metric tons of CO_2, compared with 13.1 million tons for wind and 0.5 million tons for solar.

So it is no accident that there is a growing realization among environmentalists, scientists, the media, think tanks, and policymakers that nuclear power must play an important role in harmonizing the country's need for energy independence, economic competitiveness, and a healthy environment. Sen. Barbara Boxer (D., Calif.), chairwoman of the Environment and Public Works Committee, recently stated: "I am a pragmatist. The vast majority of the members on my committee support nuclear power, and so do the majority in the Senate. . . . I don't think there is any question that we are going to be seeing new plants." Patrick Moore, one of the founders of Greenpeace, also caused a stir last year when he declared that "nuclear energy is the only large-scale, cost-effective energy source that can reduce emissions while continuing to satisfy a growing demand for power . . . and these days it can do so safety." They have come to a similar conclusion: If we are to meet the growing electricity needs in this country and also address global climate change, nuclear power has a crucial role to play.

Despite these positive developments, a number of formidable challenges to realizing a nuclear renaissance remain, particularly in the areas of regulatory uncertainty, financing, availability of human capital, expansion of the domestic supply chain infrastructure, and nuclear waste management. I intend to take steps, together with other stakeholders, to turn these challenges into opportunities. My hope is that these steps will serve as a road map to making the nuclear renaissance a reality.

REGULATORY UNCERTAINTY

Processing 22 or more new plant license applications concurrently on schedule in a thorough manner will be a monumental challenge for the NRC, which has not seen this type of major licensing action in the past 25 years or so. That is why as chairman of the Senate Environment and Public Works Committee's Subcommittee on Clean Air and Nuclear Safety between 2003 and 2006, and now as ranking member, I have focused a great deal of time and effort on making sure that the NRC is gearing up to meet this challenge and avoid a bottleneck. My management philosophy since my days as mayor of Cleveland and governor of Ohio hasn't changed: Place the right people to run the agencies and departments, provide them with the resource and tools necessary to do their jobs effectively and efficiently, and then hold them accountable for results.

Together with Sen. Tom Carper (D., Del.) and Sen. Jim Inhofe (R., Okla.), I introduced a number of bills—the Nuclear Fees Reauthorization Act of 2005 (S. 858), the Nuclear Safety and Security Act of 2005 (S. 864), and the Price-Anderson Amendments Act of 2005 (S. 865)—to provide the NRC with what it needs in terms of legislative reforms, human capital, and other resources to do its job effectively and efficiently. These pieces of legislation were enacted into law as part of the Energy Policy Act of 2005. Among other things, these bills authorized the NRC to take innovative steps to attract both young talent and retired experts to address the agency's anticipated shortages in technical capabilities.

The NRC's licensing process has been completely overhauled. All regulatory approvals are now received up front based on a completed plant design, before construction starts and significant capital is placed at risk. Under the old process, repeated construction delays and massive cost overruns were common as applicants struggled to stay ahead of evolving regulatory requirements and design changes. The old process required two separate permits—one to begin construction of the plant, and one to operate it—allowing multiple opportunities for delay. Some multibillion-dollar facilities stood idle for years while licensing proceedings ground slowly to completion. The new process requires only a single combined construction and operating license (COL) for both functions. There are opportunities for public participation in the new process, but most of those occur before construction begins, when such participation is most productive.

While the new licensing process is a significant improvement over the old process, a level of healthy skepticism remains by virtue of the fact that the new process has not yet been tested. Given the complexities involved, it is perfectly reasonable to expect some wrinkles during the NRC's review of the first few applications under the new process. In my view, the level of success and certainty in the process will depend in large part on the discipline with which the process is implemented by both the NRC and the applicants.

Finally, and perhaps most important, the composition and the stability of the commission will be more critical than ever before. Senator Carper and I will work with the administration and the Senate leadership to ensure that future appointees have a balanced and objective view regarding nuclear power and its role in harmonizing the country's need for energy independence, economic competitiveness, and a healthy environment.

FINANCING

The nuclear industry's major financing challenge is the cost of new baseload nuclear power plants relative to the size of the companies that must make those investments. Unregulated generating companies and regulated integrated utilities represent different business models, and those differences influence how these companies approach nuclear plant financing. Regulated companies expect to finance nuclear plants in the same way they finance all major capital projects, with state regulatory approval and reasonable assurance of investment recovery through approved rate charges. These companies must know—before construction begins—that their investment in a new nuclear plant is judged prudent and can be recovered. Unregulated companies rely on debt financing with a highly leveraged capital structure. Since the estimated cost of a new nuclear plant ($5 billion to $6 billion) is a significant fraction of the company's assets, it is in effect a bet-the-company decision.

To help overcome these obstacles, the Energy Policy Act of 2005 provides key incentives for investments in new nuclear plants: a production tax credit of $18 per megawatt-hour for the first 6000 megawatts of new nuclear capacity; regulatory risk insurance against delays in commercial operation caused by licensing or litigation for up to $500 million for the first two plants and $250 million for the next four; and loan guarantees up to 80 percent of the cost of projects, such as nuclear plants, that reduce emissions. While the production tax credit certainly improves the financial attractiveness of a project during its commercial operation, and regulatory risk insurance provides a safety net in case of regulatory delays, it is the loan guarantee provision that makes the difference for unregulated companies in deciding whether or not to build. Properly implemented, this loan guarantee program allows unregulated companies building nuclear plants to employ a more leveraged capital structure at reduced financing costs, which then benefits consumers through lower rates for the price of electricity.

I have worked hard to make the loan guarantee program perform as Congress intended in the Energy Policy Act of 2005—that is, to attract sufficient private capital at low cost. In addition to meeting with key administration officials, including then Office of Management and Budget Director Rob Portman and Energy Secretary Sam Bodman, in 2007. I introduced the Voinovich-Carper-Inhofe Amendment (SA-1575) to the Energy Bill (H.R. 6) to allow loan guarantees of 100 percent of the loan amount for capital-intensive projects such as nuclear and clean coal, provided that the borrower pays for the loan subsidy costs. Although this amendment did not make it into the final version of the Energy Bill, the administration recently issued a final rule that in effect adopts the intent of the Voinovich-Carper-Inhofe amendment.

I have also been working with the Senate appropriators to increase the fiscal year 2008 cap on the aggregated value of the guaranteed loans. On June 15, together with Senators Carper and Inhofe, I sent a letter to the appropriators urging them to increase the cap from $9 billion (as called for in the president's budget) to an amount sufficient to cover all qualified and worthy energy projects, including new nuclear, clean coal, renewable energy, and energy efficiency projects. The appropriators responded by increasing the cap to $38.5 billion, with $18.5 billion for new nuclear, $6 billion for clean coal-based power generation and gasification plants that incorporate carbon capture and sequestration, $2 billion for advanced coal gasification, $10 billion for renewable energy, and $2 billion for a uranium enrichment facility.

Another critical factor for the successful implementation of the loan guarantee program is a transparent methodology for calculating the credit subsidy cost to be paid by project sponsors. Such costs should be reasonable and commercially viable. I will continue to work with my Senate colleagues and the administration to make sure the loan guarantee program is working the way it is intended to work. The need for government-sponsored investment incentives should be only temporary. Once it is shown that new plants can be built to schedule and budget, the sector will take care of itself. I don't want to create a ward of the state, but rather to overcome initial hurdles and nurture a sector that makes economic and policy sense on its own.

HUMAN CAPITAL AND JOB OPPORTUNITIES

Senator Carper and I recently held a nuclear energy roundtable with representatives from organized labor, industry, academia, professional societies, and government agencies. The roundtable was very productive as it raised an awareness of the impending shortage of the skilled workers needed to support the nuclear renaissance. Government, industry, and labor efforts in the development of a skilled workforce must be coordinated in order to align with anticipated investment in new plants. Each new nuclear plant will require 1400–1800 workers during construction, with peak employment of as many as 2300 workers. Skilled tradesmen in welding, pipefitting, masonry, carpentry, sheet metal, and heavy equipment operations—among others—all stand to benefit. If the industry were to construct the 30 reactors that are currently projected, 43,400 to 55,800 workers would be required during construction, with peak employment of up to 71,300 workers. Everyone at the roundtable agreed that the construction of more than 30 new reactors over the next 15 to 20 years could present an enormous challenge for the nuclear industry.

The roundtable resulted in a number of recommendations to turn this challenge into an opportunity, including the following: (1) use recent retirees as instructors, mentors, and advisors; (2) provide more flexibility to a younger generation of workers; (3) invest in building a pipeline of future workers by front-loading recruitment and training—the philosophy of "just-in-time" inventory does not work with human capital; (4) identify all existing public and private-sector training programs, and then leverage and fund those that are successful (e.g., Helmets to Hardhats and the Building Construction Trade Department's training program); and (5) provide adequate and consistent funding in science and technology for universities and colleges.

Successful follow-through on these suggestions requires a collaborative effort from the federal and state governments, industry, organized labor, and academia. Congress has demonstrated leadership in addressing some of these workforce challenges. The recently enacted America Competes Act establishes a solid policy framework for addressing the science, technology, engineering, and math workforce challenges identified in the National Academies' report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future. Sen. Jeff Bingaman (D., N.M.) and I fought to restore federal funding to support nuclear science and engineering programs at universities across the country in FY 2007 and FY 2008.

Senator Carper and I are planning a follow-up roundtable in mid-2008 to align investment and workforce development initiatives to ensure the collaboration and coordination of government, industry, and labor efforts in developing the energy-related skilled work force, and to solicit input on legislative support.

EXPANDING THE DOMESTIC MANUFACTURING BASE

In the three decades since the last nuclear plant was ordered and the two decades since the bulk of the nuclear plant construction was completed in the United States, the nuclear design, manufacturing, and construction industry has significantly declined. The leading U.S. firms have either ceased operation, consolidated, or become subsidiaries of non—U.S. parent companies. The companies that remain have survived by retrofitting and maintaining existing U.S. plants.

Initially, it will not be possible to manufacture all of the major plant components required of new nuclear plants in the United States. Successfully bringing the planned 30 or more new nuclear reactors on line, however, requires the reestablishment of the construction and component supply industries, as well as the supplier network needed to support those industries—from the steam generators and reactor vessel heads to the thousands of valves, pumps, heat exchangers, and other parts used in a nuclear plant. The potential for growth in the manufacturing sector and manufacturing jobs to support the construction of 30 new nuclear plants is staggering.

I am a strong advocate for government policies that encourage private-sector investment in the manufacturing of various components and pieces of equipment for the energy sector. This includes the nuclear industry, as well as other energy technologies the nation will need, such as carbon capture and sequestration. The United States has long been a leader in innovation and advanced manufacturing. We need to promote policies that take advantage of the growth of our energy sector and of American ingenuity, productivity, and entrepreneurship by encouraging the manufacturing industries that will support future energy development to produce their products in the United States.

I introduced the Voinovich-Carper-Inhofe Amendment (SA-1683) to the Energy Bill (H.R. 6) to make American-manufactured nuclear components, parts, and service-related jobs available to foreign markets. The support of our House colleagues—Chairman John Dingell (D., Mich.) and Ranking Member Joe Barton (R., Tex.) of the House Energy and Commerce Committee—was instrumental in getting this piece of legislation passed and signed into law. This legislation is anticipated to spur growth in U.S. manufacturing for new international commercial nuclear power plants, create highly skilled jobs across the United States, and provide American companies and workers access to foreign markets that have long been dominated by foreign competitors.

MANAGING NUCLEAR WASTE

The U.S. high-level radioactive waste management program under the Department of Energy has faced several challenges for many years. First, a redirection of the program has occurred with every change in administration. Second, a majority of the Nuclear Waste Fund revenues are consistently applied to support congressional budgetary priorities rather than their intended purposes. Third, the annual appropriations process provides for ongoing opportunities for those opposed to the direction of the program to interfere with its success.

At the time the Nuclear Waste Policy Act was signed into law in 1982, the direct disposal of spent fuel as a national policy was established on the premise that the existing fleet of nuclear plants would operate only through their initial 40-year license and then be retired, with no new plants being built. This was during the post-Three Mile Island accident era, when nearly 100 planned nuclear plants were canceled. Today, the story is vastly different, with most nuclear plants likely to extend their operating lives to at least 60 years. Also, there may be as many as 30 new nuclear power plants planned in the next 15 to 20 years.

I held a subcommittee hearing in September 2006 to examine both short- and long-term options for the nuclear waste issue. One of the options discussed was a program to determine whether the reprocessing of spent nuclear fuel should be adopted in some form, rather than the current policy of direct disposal. Through reprocessing, uranium and plutonium recovered from spent fuel can be recycled into new fuel. Reprocessing also serves to significantly reduce the volume of material requiring geologic disposal. Reprocessing technology has been used on a commercial scale for many years in a number of countries. The renewed interest in an expanded role for nuclear power in the climate change debate further emphasizes the importance of reexamining U.S. policies related to the nuclear fuel cycle. I believe we should not remain solely fixated on a waste solution that was designed for a different day.

Another idea presented at the hearing involves long-term interim storage perhaps complementing a spent fuel recycling program. While permanent disposal at Yucca Mountain or a similar facility remains a long-term imperative, the combination of short-term on-site storage and longer-term interim storage of spent fuel gives us time to complete the technology development needed to safely and securely recycle spent nuclear fuel.

Senator Carper and I plan to hold a roundtable to solicit input from various stakeholders to help us develop a legislative proposal with the following objectives in mind: (1) implement an accountable and sustainable governance structure to execute the federal government's responsibilities under the Nuclear Waste Policy Act; (2) enable the investigation of recycling spent nuclear fuel with appropriate consideration of safety, nuclear proliferation, environmental, energy supply, and economic factors; and (3) ensure that the fees paid into the Nuclear Waste Fund are applied for their intended purpose—i.e., the disposal of radioactive wastes produced by the generation of electricity from nuclear power—in a manner insulated from political influences.

I believe that the safe and secure growth of nuclear energy is essential if we are to harmonize the country's need for energy independence, economic competitiveness, and a healthy environment. Nuclear power is growing in the world, and our own energy needs can serve as a springboard to rebuild U.S. technology and manufacturing capabilities to something approaching the leadership the nation once enjoyed, contributing to foreign markets as well as supporting our own. I intend to work with my colleagues in the Senate to build bipartisan support and leadership for making the nuclear renaissance a reality.

Mr. VOINOVICH. Mr. President, while coal and manufacturing States pay their neighbors and the Government to stay in business, the bill establishes trillions of dollars in new entitlements, earmarks—earmarks—with money flowing to over 30 new Government spending programs, constituting, as the Wall Street Journal recently pointed out, one of the largest tax-and-spend bills in the Nation's history.

Based on EPA's analysis, this bill would raise over $6 trillion from the allowance auction from owners and operators of utilities and factories that have to purchase allowances to stay in business. But the cost of purchasing these allowances would be passed on to consumers as higher prices, which will, as the CBO points out, amount to a regressive tax hitting low- and middle-income working families. In my State, they predict that by 2012, the cost of electricity will go up 50 percent, the cost of natural gas 80 percent, and the cost of gasoline will go up 30 percent. Some of my constituents say: How can the cost of gasoline go up? I point out to them that we have refineries that refine oil. With this bill, they are going to have to buy allowances, and those allowances will increase the cost of your gasoline 30 percent. Did you hear that? A 30-percent increase in gasoline costs as a result of this legislation. Give me a break.

Despite the severe economic damage Lieberman-Warner would impose on the U.S. economy, the policy would do little to address global climate change. EPA's—this is not some conservative group out there—analysis indicates the policy will reduce global concentrations of CO_2 less than 5 percent by 2095.

Addressing climate change will require a technology revolution centered on the way we produce and use energy. The theory behind Lieberman-Warner is that the more painful it is on business, the faster CO_2 reductions will occur. I believe the solution to this problem lies in our ability to increase access to clean energy. Instead of using the power of the Government to increase energy cost, we should use it to decrease barriers to investments and clean energy solutions.

The United States took a lot of flak from countries for our not signing Kyoto, but I am pleased the Bush administration has been moving forward with some new initiatives. And while we didn't sign Kyoto, we do have a base of international activities to build on, and one of them could provide the basis for becoming a multinational effort, giving all countries a vested interest in technology advancement and deployment.

The thing we have to remember is that, above all, the developing world desires sustained economic growth. Slowing down economic development to address climate change is not an option they are willing to pursue, and we cannot force it upon them. If we are going to be successful in addressing the challenge of climate change, we have to set a realistic vision for the developing world, using what Richard Armitage and Joseph Nye referred to as smart power. When they testified before the Senate Foreign Relations Committee on April 24, 2008, they argued that the world:

> . . . looks to the U.S. to put forward better ideas rather than just walk away from the table.

This was the perception after Kyoto, and it could be the perception again today if we do not find a way to engage the developing world.

They go on to say:

> The United States needs to rediscover how to be a smart power, which matches vision with execution and accountability, and looks broadly at U.S. goals, strategies, and influence in a changing world.

And they rightly conclude that our:

> . . . challenges can only be addressed with capable and willing allies and partners.

Without willing partners in China and India, we cannot be successful in addressing climate change. Technologies development and promotion should drive our national climate policy. It is the only rational path forward. It is the only way to deal with emissions from rapidly expanding coal-based economies such as China and India, that readily admit they have no intention of accepting binding emission targets.

The public interest and private sector communities agree that the crucial factor that will determine whether we have an effective climate policy is the extent that policy will encourage the development and deployment of needed technology. Regulation without sufficiently available technology will result in high cost for American consumers while offering little hope that developing nations will answer the call to reduce their emissions.

In conclusion, I agree that we need to act quickly to address climate change, but we must be smart about how we proceed. I am hoping after this year's debate, we can come together—come together—on a bipartisan basis, to draft a bill that doesn't impose unilateral actions that hurt our economy and drive jobs overseas but rather jump-starts technology, engages our international partners through collaborative multinational efforts to develop and deploy the clean energy technologies that everyone recognizes are necessary to solve this global environmental problem.

I appreciate the Chair giving me an extra minute.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Florida.

HIGH COST OF ENERGY

Mr. NELSON of Florida. Mr. President, I wanted Sara Sanders to come over here and be on the floor while I am speaking, because this photograph is of her hometown, Madison, FL, in Madison County, which is in north Florida. If you examine this photograph of downtown Madison, here is the old courthouse, and across U.S. 90 is this Shell gasoline station.

This photograph is from a couple of days ago, and you can see that regular is $4.09.9 a gallon, and premium is $4.33.9 a gallon. This is certainly a record for Florida, and it is especially a record for the rural parts of Florida, which Madison County, part of north Florida, is a part of.

Last week, when we were in recess, I did 18 townhall meetings all over the State of Florida, and I can tell you our people are hurting. They are hurting because they are having difficulty making financial ends meet. Our people are hurting and are having difficulty making their paycheck go far enough. Our people, particularly those who have to drive long distances and don't have any alternative of mass transit to get to work, are having difficulty being able to afford getting to work. That is symbolized by this photograph of a couple of days ago in Madison, FL—$4.10 for a gallon of regular gas.

Where is it going to go? Well, I wish to have you look at this particular chart. Now, this indicates to us what has happened to the price of gas over the last 8 years. In January of 2001, the price of gas was at $1.47. Seven and one-half years later, the price at the end of May was $3.94 a gallon. This is a national average. As that photograph reflected, it has exceeded, even in rural parts of America, $4 a gallon.

It rocked along here at less than $1.50 for a couple of years. Then, in 2003, it jumped above $1.50 and started to gradually climb. Then, in 2005, it spiked up right after Katrina. As a matter of fact, overnight, when Katrina hit, it went from about $2.65 to up over $3. It gyrated back and forth, exceeding that $3 limit, and look what has happened in the last month or 2 months. It has gone from less than $3 a gallon all the way up to $4 a gallon.

There is something that is going on, and people are sick and tired because they are frustrated they can't afford this. By the way, Florida is a microcosm of America. A lot of America has moved to Florida and, therefore, when you look at a representative sampling of this country, our State is a microcosm. And having been all over the State for all of these townhall meetings this past week, I can tell you that people's frustrations are turning to anger. They do not know what to do, but they want their Government to act.

Now, what do we do? Well, I must say it is very interesting that we hear coming from parts of the energy sector the same old story: We have to drill more. If you could drill more and you could get it to market immediately, that would certainly bring some relief. But when that is said, the full story isn't told. Because when the oil companies say they want to drill more, and that supply and demand will take care of the problem, what they fail to say—and they fail purposely to say this—is that there are 33 million acres under lease that are submerged lands—33 million acres—of which they haven't drilled. It is there. They have not drilled.

Of course, a side issue here is the constant pressure to come in and drill off of our coast, off of the east coast of the United States and off of the west coast. But there are 33 million acres under lease, submerged, that are already available. Plus, there are another 34 million acres that are either owned or leased on lands that have not been drilled. Now, you don't hear that, but that is a fact. Of those 33 million acres that are submerged, and that are under lease and ready to be drilled, or to go through the process of leasing, they ignore the fact that we worked out a compromise 2 or 3 years ago where we would add an additional 8.3 million acres of submerged lands in the Gulf of Mexico that could be leased. We kept that away from the military training area, which is most of the Gulf of Mexico off of the State of Florida.

All that submerged land is there for drilling, but of course we hear the same old refrain from over the years: Well, let's drill. Let's drill our way out of the problem. The fact is that is a red herring to get us off of the ultimate solution to this problem. The answer is not just drill, the answer is alternative energy sources.

Now, let me put it another way. The United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. If you only have 3 percent of the world's oil reserves but you are consuming every day 25 percent of the world's oil production, doesn't that suggest to you that you can't drill your way out of the problem; that you ought to be looking to different solutions?

I am going to suggest a few. But first I want to go back in history. What has happened in America? First, we had a wake-up call. Remember, it was back in the early 1970s. The OPEC cartel was formed and they decided to have an oil embargo, and so the price of oil jumped per barrel something like from the $2 or $3 a barrel price to suddenly $10 and a little more, and the long gas lines occurred. There was world oil panic and we vowed we were going to do something about it. As a matter of fact, the President of the United States at the time said, We are going to make ourselves energy independent.

Well, here we are, 3½ decades later, and it is not the United States that is energy independent, it is Brazil that is energy independent. In those early 1970s, after that scare, when we vowed we were going to do something about it, we went back to sleep. Then in the late 1970s, we had another wake-up call. This wake-up call was the Iranian hostage crisis. Remember how the oil markets got jittery and we started having the long lines at the gas stations again, and we said, We are going to do something about this energy independence on foreign oil? Then what happened? We collectively, as a nation, went back to sleep.

Cheap oil was part of the problem. It seduced us, even though that cheap oil was continuing to get a little more expensive. So, then, we get up to the end of the decade of the 1980s and Saddam Hussein suddenly moves on Kuwait and takes over another country and their oil fields. We had another crisis and oil spikes again. The Nation was in an energy crisis. Our foreign oil supplies were being threatened, and we make another vow that we are going to do something about it. And what happens? We allow ourselves to be lulled by the sweet dulcet tones of being reliant on a cheap energy source, even though it was getting higher and higher, and we go back to sleep.

Then we turn the century. Suddenly, we have September 11. Then we have Afghanistan. Then we have the Iraq war. All of those oil supplies in that region of the world are threatened and, suddenly, everyone is getting jittery. At the same time, China is emerging as an industrial power, and so is India. They are demanding more and more of the world's oil supplies and the supplies are getting tighter and tighter and the price starts going up and up. Still, on the Senate floor with my colleague, the senior Senator from California, as I have assisted her for the last 8 years, each year trying to increase miles per gallon in the fleet average of our automobiles, we are not able to get the votes to pass it. We allow ourselves to be lulled and lulled back to sleep.

Finally, because of the way this gas price spiked after Katrina to over $3, finally we were able to marshal the political will so that we could change the miles per gallon, a modest change, to 35 miles per gallon from 25 miles per gallon—although that 25-miles-per-gallon standard set in the 1980s was illusory because light trucks and SUVs were exempt. We were able to get to a new standard to include all and a fleet average of 35 miles per gallon—but it would not be fully phased in, over the period of the next 12 years, until the date of 2020.

Before I offer some additional solutions, why has oil, as measured in gas prices, gone, in just a few months, from $3 a gallon to over $4 a gallon?

Is the President indicating that I do not have any further time, Mr. President? Is the Presiding Officer indicating I do not have any further time?

The ACTING PRESIDENT pro tempore. No. The Senator has spoken for 15 minutes. I was consulting with the Parliamentarian to see if there were limits. There were none.

Mr. NELSON of Florida. That was my understanding. Mr. President, does the Senator from California want to speak?

Mrs. FEINSTEIN. Through the Chair to the Senator from Florida, I am the first speaker on the global warming bill. Do what you need to do. I thank the Senator.

Mr. NELSON of Florida. I am having a good time doing it, too. I will wrap up within the next 5 or so minutes.

Why, then, other than what we have already talked about—the tightness of the world's oil market—why, in just the last couple of months, has it spiked from $3 a gallon to over $4 a gallon? Why, in Madison, FL, a rural part of Florida, 2 days ago, was regular gas at $4.10?

Part of that reason, of course, is what we have talked about, the world tightness. Part of it is that the United States relies on oil from foreign shores for 60 percent of its daily consumption of oil from places such as the Persian Gulf and Nigeria and Venezuela—the Persian Gulf, roughly 20 percent of our oil supply; Nigeria, 12 percent of our daily supply; Venezuela, 14 percent of our daily supply. I have just mentioned three very unstable parts of the world. That is part of the skittishness of this world oil market. But there have to be additional reasons.

How about the weakness of the dollar? You know what we could do about that? Here is a solution. We could start bringing our budget back into balance instead of going out where spending is here but revenues are only here and the difference each year we have to borrow. Guess whom we are borrowing from—China and Japan. They are buying our debt in order for us to meet our expenditures. If we bring that budget back into balance, we can start strengthening our dollar, which will help us in this overall global market of oil since oil is sold in U.S. dollars.

But I think the biggest part of this spike is that we have world oil markets that are buying futures contracts, and the speculators are speculating up the price as they bid up the price, and they are not having to put down a substantial amount of money. They are only putting down about 6 percent of the total oil contract, so 94 percent they are basically getting on future credit, and that means they can bid up that price.

The question is, Are we going to get in and start checking out these commodities exchanges? Are we going to get a Commodity Futures Trading Commission that will crack the whip, that will examine this speculation driving up the price?

We passed a part 2 weeks ago in the farm bill that is now law that will close that Enron loophole that occurred in the year 2000, that exempted Enron and others from oversight in the trading markets for energy. That certainly has allowed that speculation to go on. We got a little victory there, on the Commodity Futures Trading Commission.

The bottom line is, if we are going to solve this problem we have to have the political will. This Senator will be speaking about the Lieberman-Warner bill later on, but there is all kinds of inflammatory rhetoric about how this is going to jack up the price of gasoline and of oil.

But the fundamental problem is we have to have the political will to start going to alternative sources in order to break the stranglehold of dependence on oil and particularly foreign oil. That means we are going to have to go to alternative sources such as biofuels. We are going to have to pour the money into research and development on cellulosic ethanol. Ethanol, of course, we can mix in our existing cars with gasoline, and that yields much less consumption of oil.

In the new vehicles, the new cars, you can take 85 percent of ethanol and mix it with 15 percent of gasoline. Just think how much less is the use of oil. Or you put all of that mixture—85 ethanol, 15 gasoline—into a hybrid, and what about a plug-in hybrid? Suddenly you have expanded your equivalent miles per gallon of oil consumed to upwards of several hundreds of miles. We have the technology to do this. The question is, Do we have the political will? That is what I bring us back around to.

There is a lot of inflammatory rhetoric about how, if you try this new thing or you try that new thing—don't do it. Go back on the old, reliable oil. I have seen frustration grow into anger out there as I faced my constituents and tried to give them hope this past week in those 18 townhall meetings.

They need hope. We need to help provide that hope.

The next President of the United States needs to help provide that hope. I want to be a part of that solution, to provide that hope. This Senator is going to continue to speak out against those voices that would say: No, no, just do it the same old way.

It is time for change. It is time for bold ideas. It is time for research and development. It is time to take the competitive genius of America, this Yankee ingenuity, our ability to create, our ability in our technological prowess—it is time to utilize all of those assets and to break through to a new beginning.

I yield the floor.

The ACTING PRESIDENT pro tempore. There is 7 minutes remaining in morning business. The Senator from California.

Mrs. FEINSTEIN. If I may, it is my understanding there is an agreement that I would be the first speaker on global warming. I have about 21 minutes. I could use 7 of them now. If the Senator from Oklahoma—I see him on the Senate floor—if he would prefer some time in morning business, I am prepared to yield to him, and then if I could be recognized as soon as we go to the bill?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I think we are working on a unanimous consent request right now. Why don't you go ahead and use the remaining time in morning business, and then you will be the first speaker to use the remaining of that 21 minutes or whatever you want, and that 14 minutes will come out of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I am going to yield back the morning business time so we can go to the bill and I will be able to speak without interruption.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Without objection, morning business is closed.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3036, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order of speakers after morning business, prior to the recess for caucus luncheons, be as follows: Senator FEINSTEIN for up to 20 minutes, ISAKSON for up to 15 minutes, CORKER for up to 20 minutes, SPECTER for up to 15 minutes; KERRY for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in favor of the climate change legislation sponsored by Senators JOE LIEBERMAN and JOHN WARNER and the managers' substitute amendment offered by my friend and colleague, Senator BARBARA BOXER.

I congratulate all three of them. This is not an easy road. I want particularly to thank the chairman of the committee for her work. She has been open, she has been consultative, she has asked to meet with Members, she has asked for Members' participation in the work. She has been both strong and solid in her leadership.

After years of debating about the science underlying the warming of our planet, today marks a momentous step because for the first time we are considering comprehensive legislation to address global warming in a comprehensive manner. I believe the time has come for the Senate to pass legislation to tackle this problem.

The bill represents the most comprehensive opportunity we have in this Congress to help curb our carbon footprint and take meaningful action to prevent catastrophic climate change—and nobody should disbelieve that is coming. The fact is this: Global warming is happening. It has already begun to inflict changes on the world as we know it. If you read the newspapers, if you watch television, or if you simply take a look around, it is undeniable. Just look at weather patterns. More destructive and deadly storms, such as the cyclone that hit Burma and the tornadoes that have devastated parts of the Midwest, are happening. Species are beginning to disappear. The Fish and Wildlife Service has just announced that the polar bear has been placed on the endangered species list because of global warming.

Its habitat is literally melting away. Polar icecaps are melting. The Northwest Passage was navigable for the first time last summer. The Arctic Circle could be ice free by 2030. The West is running out of water. Scientists at UC San Diego believe there is a 50-50 chance that Lake Mead, a key source of water for 8 million people in the Southwestern United States, will be dry by 2021, if the climate changes, as expected, and its use is not curtailed. Projections suggest that both Antarctica and Greenland could melt at the same time. If that were to happen, the seas would rise by 20 feet. So we are feeling the effects of warmer weather. Five out of the past 5 years and 19 out of the last 20 have been the warmest on record.

The Western United States is receiving the brunt of warming. This is because the West's average temperature is 70 percent greater than the planet as a whole. So the Earth's temperature has warmed 1 degree over the past century, but it has warmed 1.7 degrees in the 11-State Western region, and it is only getting warmer. Take a look at this map.

Here is why. Carbon dioxide doesn't dissipate in the atmosphere. It remains for 30, 40, 50, 100 years. The atmosphere is a shell around the Earth, and carbon dioxide has been growing since the Industrial Revolution in this atmosphere. So the question becomes, how much will the Earth warm? This very question is at the heart of why we need climate change legislation, because scientists tell us we can make a difference to impact how much the Earth will warm. We can't stop warming, but we can slow it down. But if we are to do even that, we have to act soon and decisively. I truly don't believe there is a minute to waste.

To stabilize the climate and to prevent catastrophic warming, scientists say we need to begin by reducing emissions by 65 to 80 percent below 1990 levels—that is 65 to 80 percent below what we have put into the atmosphere in 1990—and do all this by the middle of the century. That translates into a goal of 1,450 parts per million of carbon dioxide in the atmosphere. Vice President Al Gore told me recently there is some new science out that we actually may need to limit carbon emissions to 350 parts per million, which is even stronger. There is new science out that shows the Earth is warming even faster than was originally predicted. We need to contain the warming to 1 to 2 degrees. We will still experience significant but manageable changes, but if we fail to act, the Earth's temperature could rise 5 to 9 degrees or more. Those results are catastrophic and irreversible.

I tell constituent breakfasts about the Earth. Most people believe the Earth can't change. But, in fact, planets do change. Look at Mars, look at the Earth 250 million years ago, when there was one mass on Earth only. The Earth is subject to change. That change can be dramatic, and warming affects that change. This is a gamble we cannot afford to take. The truth is, though, there is no silver bullet. There is no one thing that will turn the tide. We need to go clean and green in driving, in heating, in cooling, in building, and fueling. We need to move away from fossil fuels. We need the Lieberman-Warner legislation.

By 2050, this bill would reduce emissions by 63 percent below 2005 levels or 57 percent below 1990 levels. So the legislation sets us on the path toward meaningful greenhouse gas reductions. It does so in a way that encourages innovation and makes the investment in cleaner energy and green practices across the entire economy. Importantly, it also includes important provisions to keep our economy strong. The bottom line: This legislation is a major step in the right direction. It is the most significant thing we can do right now to help prevent catastrophic climate change.

Let me take a few moments to talk about what the bill does. There are two ways to deal with this. One is a carbon tax. Most scientists want the carbon tax, but most people believe a new tax is not going to happen. The other alternative is a cap-and-trade system, much as Europe has been doing and much as the Northeastern States have been doing to deal with acid rain. They have reversed acid rain by 45 percent through their cap-and-trade system. This legislation establishes a cap-and-trade system for roughly 86 percent of the economy. It includes the electricity sector, manufacturing, transportation, and natural gas. It would be the world's most comprehensive effort to address global warming to date. It controls emissions in more sectors of our economy than Europe's carbon control program. It would restore American leadership in the fight to protect our planet.

Here is how it works. In 2012, emissions are capped at 2005 levels. They begin to ratchet down 2 percent per year. By 2020, emissions would be 19 percent below current levels. By 2050, emissions would be cut to approximately 63 percent below 2005 levels by 2050, or 57 percent below 1990 levels. That is the cap part. The trade part of the bill allows for the trading of allowances, which are permits to release 1 metric ton of carbon dioxide into the atmosphere. It is a proven system. It is working well right now in the United States to control acid rain and smog pollution. It has given companies flexibility to innovate and embrace new technologies.

Under the bill, the pollution permits are allocated in a way that transitions our economy toward a low-carbon future. In the early years, one-third of the allowances will be allocated to polluting industries covered by the bill to assist with their transition to less carbon-intensive technologies. So one-third goes to those who pollute to help them convert. Revenue produced by selling allowances at auction will be used to invest in low-carbon technology development and deployment.

The bill funds carbon capture and sequestration, renewable energy, and other low-carbon technologies for producing electricity. That is a good thing. It funds efforts to retool car factories, to produce more efficient vehicles and ventures to develop cellulosic biofuels, two steps essential to reducing vehicle emissions. It funds efforts to increase the efficiency of buildings, homes, appliances, and it rewards States that produce significant emission reductions.

In later years, this bill refocuses its assistance toward worker training and financial relief for consumers. It is a good bill. It assists those in coastal and arid States who will have to adapt to sea level rise and rainfall loss. So it makes our world better off, but it also helps those who may have to shoulder an undue burden.

Here is the bottom line: This cap-and-trade bill significantly reduces emissions. It funds new technologies. It deploys existing low-cost options. It contains costs. It mitigates negative impacts. It effectively combats climate change, while protecting our quality of life.

I wish to take a few moments to talk in detail about some of the key provisions of the bill that are of particular note. First, the legislation includes language to establish Federal oversight for the new carbon market. This is something I learned, as a Californian in the Western energy crisis, that we need to do. A $100 billion market for the trading of carbon emissions is going to spring up as this cap-and-trade system is established. We need to be prepared. Just as there are those who manipulate the price of oil and the price of gas—and we in California found that out to the tune of $40 billion—this new market could attract Enron-like manipulation, fraud or excessive speculation, unless we take preventive action. This month Congress finally passed legislation in the farm bill to close the Enron loophole to protect electronic energy markets. It took us 6 years after the Western energy crisis to achieve that. It is time to learn from these mistakes. We need to take steps now to ensure that the market functions with transparency, as well as antifraud and antimanipulation provisions from the get-go.

Specifically, this legislation requires the President to establish an interagency working group, the carbon market working group. It is made up of the heads of the following agencies: the EPA, the Federal Energy Regulatory Commission, the Commodities Futures Trading Commission, the Securities and Exchange Commission, and the Treasury Department. Within 270 days of enactment of the bill, the working group would establish the regulatory framework for the market and recommend necessary regulations that ensure enforcement of core market oversight principles. These principles would include ensuring market transparency in price, volume, and other trading data—all of it made available to the public—requirements for recordkeeping, an audit trail which, up to this point, doesn't exist on the electronic marketplace—but thanks to the Enron loophole closure bill, it will exist—and finally, preventing fraud, manipulation, and excessive speculation.

I was pleased to hear the Commodities Futures Trading Commission is now taking a look at excessive speculation in the oil market as a reason for the drive up of prices of gasoline. I will bet anything there is excessive speculation in that market today. These regulations would be fully enforceable by existing market oversight agencies, and violators would be subject to significant penalties. So it is critical we protect these markets from the outset. We cannot afford to delay.

Secondly, the bill promotes green practices for farmers and foresters. This is something I am very interested in. California is the largest ag State. The legislation includes language I authored to fund research on innovative and cost-effective methods for farmers and foresters to store carbon in the soil.

It is believed that farming and forestry practices to sequester carbon in the soil hold great potential to reduce our carbon footprint, and this is particularly true in my State. But the fact is, we do not yet know enough about the best ways to carry out carbon sequestration.

So this legislation would help shed light on a number of practices farmers and foresters can take to sequester carbon. The research would be funded through allowances for agriculture in the cap-and-trade system established by the Lieberman-Warner legislation. Some of these practices could include several methods popular in my State, including row crop practices such as conservation tillage—this is a picture of it—permanent crop practices, including planting cover crops during the winter season, and using prunings for bioenergy production rather than chipping, mulching, or burning the material, and practices to reduce the digestion-related emissions of methane gas from cattle and livestock. Once we understand which of these innovative methods is the most cost effective, farmers could then sell low-cost offset credits to companies that need to reduce their emissions. So this is a win-win.

Third, this bill promotes low-carbon fuels through a low-carbon fuels standard. Similar to the Clean Fuels and Vehicles Act, which Senator SNOWE and I introduced last year, this would require each major oil company selling gasoline in the United States to reduce the average life-cycle greenhouse gas emissions per unit of energy in their gasoline. The provision ensures that the car and truck emissions go down as we increase the use of low-carbon renewable fuel, such as cellulosic ethanol. By improving the renewable fuel standard, which requires the use of 36 billion gallons of renewable fuel by

2020, it assures that the climate benefits of this provision are realized.

My conclusion and my bottom line: Confronting global warming will require action on a broad scale. To those in this body who are dissenters, I say this: If we do not do it, when the science has coalesced, when the science tells us the time is limited, when the science tells us we cannot stop it because it does not dissipate—we must move away from carbon, and we must move to other kinds of fuels, and do so quickly, and we must take these steps to aid the conversion of American industry. Also, most important, this bill will signal that the United States, after a long period of doing nothing, is prepared to stand up tall and to lead.

I thank Senator WARNER and Senator LIEBERMAN for this legislation. I know the senior Senator from Virginia is on the floor. I know he is going to retire at the end of the year. I want him to know very personally from me how much I respect him.

I respect your leadership on this issue, Senator WARNER. I think it leaves you a great legacy. I only hope we will do justice to you by passing this legislation here today. So thank you so much for your leadership.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might just speak for 2 minutes.

I thank my colleague from California. I say to her, it has been a pleasure to work with you and to continue to work with you in the Senate. Our primary responsibilities are on the Intelligence Committee, but you are a very diversified Senator and can seize many subjects and provide your expertise for the benefit of this Chamber. I thank you for your thoughtful, personal remarks and your very informative speech given this morning.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be able to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. That order has already been entered.

Mr. ISAKSON. Mr. President, I wish to commend the Senate for assessing what is the most important issue confronting the United States of America today; that is, energy, its contribution to the environment, its costs, its availability, its future, and its impact on the economy.

I rise today to thank a number of people who have contributed to the body of knowledge I want to try to recite as best I can today: Michael Quiello, Caroline McLean, and Duncan Hill of my staff; Annie Caputo of the staff of the EPW; and three individuals back in Georgia, two alive today, one, unfortunately, who is deceased: Carl Knobloch, a distinguished man in our State of Georgia, who is probably the most ardent advocate for open and green space and the preservation of our environment of any one I know; Mr. Chris Sawyer, who is a distinguished lawyer, who represents many national organizations and many conservation organizations; and Mr. Bob Shearer. Bob passed away last year, but in the 1970s he had led the Georgia Power Company during the time it built the Plant Vogtle, a nuclear energy plant in Georgia that today provides affordable, reasonable, reliable, and inexpensive energy without emitting any carbon into the atmosphere.

Mr. President, I could not agree more with Senator FEINSTEIN's remark that it is time for us to put all of the issues and all of the solutions on the table. It is time for us to talk about everything we need to do to improve our environment, make energy more affordable, and protect our economy.

I think it is ironic that the legislation that will be before us is a piece of legislation that leaves out two subjects that are critical to being accomplished in what the bill portends. First, it basically leaves out any provisions for nuclear energy or the expansion of electricity through nuclear power. Second, it gives no attention to the single way we know to sequester carbon today. It talks about carbon sequestration in a prospective way but does not talk about the single way we sequester carbon today, which happens to be through Mother Nature.

So for just a second I wish to talk about nuclear power, and I wish to talk about conservation and open and green space. Both are included in two amendments that at some point in time in the debate I hope to be able to offer.

First nuclear—and Senator WARNER was kind enough to share with me an amendment he plans to offer on nuclear, which is a recitation of a number of facts that ironically I am going to recite in my remarks—and I commend him for doing that—the most important of which is that today in America, 73 percent of the noncarbon-emitting energy generated in this country is generated by nuclear. That 73 percent saves 700 million metric tons of carbon from going into the atmosphere.

You would think if you already know you are saving 700 million metric tons of carbon from going into the atmosphere and you know that 73 percent of your noncarbon-emitting energy is coming from nuclear, it would seem that if you want to reduce carbon emissions and carbon in the atmosphere, you would empower nuclear energy.

I think we should do that because regardless of your philosophy on global warming and climate change, carbon is making a difference, and it is in our geopolitical interest and it is in our environment's interest to reduce carbon—geopolitically because we buy less from Chavez, Ahmadinejad, and Putin, where we get a majority of our oil today. That is the geopolitical issue, and that is good for us to do. Environmentally, they are not exactly sure at Greenland what all is happening, but they are sure the carbon isotopes and the ice borings are much higher today than they were 30 years ago, and that is the one change.

So it is important to reduce carbon. But to leave out the single way we know to do it best, to leave out the empowerment of nuclear energy, to talk about it only in terms of reference and not in terms of action is, to me, disappointing.

The amendment I will offer—which I offered in committee—does a number of things.

First of all, it provides incentives for nuclear energy in terms of a 10-percent investment tax credit for the production of a new nuclear powerplant. By the way, solar tax credits today are 30 percent. This is one-third of the tax credit for solar. But 10 percent is a good incentive, and these plants are huge investments. That is No. 1.

Second is accelerated depreciation or recovery of investment over 5 years. That is appropriate.

Third, loan guarantees—loan guarantees and standby help—for an industry that in the 1970s, when Government stalled it and investment dollars went away, absolutely almost went bankrupt trying to continue to build the plants that today emit carbon-free energy in the United States of America.

Those three provisions—the standby loan guarantee, the investment tax credit of 10 percent, and the 30 percent in terms of depreciation and the 5-year depreciation recovery—make perfectly good sense, incentivize nuclear, and reduce the emission of carbon into the atmosphere.

I have a chart I will put up. It is very interesting on these subsidies, by the way. There are a lot of antinuclear people who talk about how the Government should not subsidize nuclear. Well, we subsidize almost every form of energy. Today in America, $24.34 of every megawatt hour produced by solar is a tax incentive, a Federal subsidy. On wind, $23.37 is a Federal subsidy on every megawatt hour. For nuclear, it is $1.59. That is the level of subsidy. Ten times or really twelve times the nuclear subsidy is what you pay for solar and wind, which give you 27 percent of your carbon-free electric energy, while nuclear gives you 73 percent.

The bill also deals with empowering the workforce. When we evacuated nuclear energy generation in the 1970s, something else evacuated in America, and that was the construction of nuclear equipment, and that includes all the employees the industry would need in a revitalized industry. So we focus on that and talk about trying to bring that back to the United States of

America and to empower our workforce so we can build safe, reliable nuclear energy plants in the 21st century.

I have a number of quotes from the following members, in public debate, when we debated this nuclear amendment in the EPW Committee. Senator LAUTENBERG, Senator BAUCUS, Senator CARDIN, Senator CARPER, Senator WARNER, and Senator LIEBERMAN all made comments endorsing and embracing the fact that nuclear is a part of the solution. I would ask today, if it is a part of the solution, why is it not a part of the Lieberman-Warner climate change bill?

On conservation, for just a second. Carbon sequestration is something we need to perfect, and we do not know how to do it yet. We think we can find some caverns in the earth and we can sequester it there, but we are not quite sure. The technology is not there yet, nor is the cost, but we hope we can do it. But Mother Nature has been sequestering carbon for all time because that is the way the balance in our environment works. That is one of the issues.

So I have an amendment to propose which is a conservation easement tax credit amendment to incentivize the United States of America over the next 5 years through $25 billion in refundable tax credits to generate a fund to buy conservation easements in open and green space throughout the United States of America.

Since the founding of our country, 15 percent of our forest and open space and green space is gone forever to an impervious surface known as urban development. If that continues, then our own natural carbon sequestration system will be broken. So it is important, while we still have the open and green space, while we know where our wetlands are, where our rivers and waterways are, where our important ecosystem lands are, that we create a mechanism for those lands to be protected, but not one where the Government goes and buys it—it costs you a lot of money to buy all this land—instead, to have a program where you create refundable tax credits, very much like the low- and moderate-income housing tax credits, $5 billion a year for 5 years, to be sold in the market, to raise the money for which you, in turn, allow 501(c)-qualified organizations, like the Trust for Public Land, the Conservancy, et cetera, the capital to go to out and, according to a statewide plan, buy conservation easements to protect in perpetuity those areas critical to our ecosystem and our country and, in fact, our environment.

It would seem to me that when you debate the most topical issue of the day, the most controversial issue of the day—the thing everybody wants to talk about—if you know there is only one way to sequester carbon, and that is through the natural process of nature—and protecting open and green space does that—and you know the only major supplier of carbon-free energy is nuclear, that you would make an investment in this act by seeing to it that you empower the future of the country to focus on conservation and nuclear and all the other sources available.

I am a Republican. I am not one who likes to throw partisanship out in any debate. I think you ought to win something on merit. But I think we and our party and the Democrats and their party need to look at this issue in a different perspective. A lot of us have our biases. It is time to put our biases aside. If there is a known solution out there where we can reduce carbon, expand our energy availability, and reduce costs, we ought to embrace it. Nothing should be off the table. Solar shouldn't, wind shouldn't, nuclear shouldn't, renewable shouldn't, biodiesel shouldn't; whatever it is, synthetic fuels, we should act now, and we should act boldly to see to it that while we work for the best interests of our environment, we work for the best interests of our citizens.

Our citizens today are paying more for gas and energy than they have ever paid before, and there is no end in sight. We have a debate today that if this bill passed in its form, it would raise that cost even more; by some estimates, $1.50 a gallon more. We are talking about serious business here. We need to be serious as Members of the Senate, as Members of the most deliberative body in the world, and make sure every option is on the table. For this Senator, that means expanding conservation easements for better sequestration of carbon naturally, and it means by reempowering the nuclear energy business to see to it that the one source of reliable, safe, carbonless energy that we know today in the United States is empowered for the 21st century.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Georgia. I listened very carefully, and I appreciate his reference to the fact that I will be offering at the earliest possible time an amendment to lay some foundation in this proposed legislation addressing nuclear power.

As I listened to what the Senator from Georgia said, I basically agree. But as the Senator well knows, if we were to have included these provisions, either during the course of the committee markup or indeed now in the amendment process, we would get blue-slipped. This type of legislation, which I support, I say to the Senator, must originate—as he well knows having served—in the House of Representatives and then come to the Senate.

So as colleagues follow this and say to themselves: This Senator brings forth very constructive proposals, why didn't the managers put that in the bill, I think you would have to agree with me we would be faced with a blue-slip problem and our bill would come to a dead halt.

Mr. ISAKSON. Mr. President, I appreciate the distinguished Senator's—may I address the distinguished Senator through the Chair?

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate the generous comments of the Senator from Virginia and the work he has put into this, and I would publicly acknowledge that in the committee and privately. The Senator has stated eloquently to me his support for the concept of expanding and empowering nuclear energy.

I also understand what our block is: the blue slip. I referred in my closing remarks: We have to start putting our biases aside to allow the full debate to take place on what we are going to do to lower energy costs and reduce carbon. If we talk about nuclear being good but aren't willing to address it and somebody is going to blue-slip or put a hold or kill a bill simply because it has nuclear in it, then we are not serious, in my judgment, about reducing the cost of energy, reducing the amount of carbon or dealing with the problem ahead. I am not speaking to the distinguished Senator from Virginia because I know where his head and his heart are, and Senator LIEBERMAN has expressed the same thing. But there are others—there are biases on both sides. We need to put our biases away and allow every viable alternative to be debated on the floor of the Senate and voted on. Up until the time we do that, we are wasting our time and, unfortunately, we are wasting a lot of our taxpayers' money who are paying exorbitant prices for the problem today.

Mrs. BOXER. Will the Senator yield?

Mr. ISAKSON. I am delighted to yield.

Mrs. BOXER. Mr. President, I wonder if the Senator knows that Exelon has given its support to this bill and also NRG and they are coal and nuclear and Exelon is nuclear. So I wonder if my friend understands that Senator WARNER is going to do an amendment, as he has said from day one, and I am sure you will help him with that amendment. The amendment probably has a very excellent chance of passing.

I wish to make sure my friend knows companies that build nuclear powerplants endorse this bill without any changes, although there are going to be more changes. Under some of the modeling, I wonder if my friend has looked at what the projections are for building nuclear powerplants without one amendment on this bill. Does my friend know the answer to my question? Has he looked at some of the modeling that we have gotten from this administration on this point?

Mr. ISAKSON. Mr. President, I thank the distinguished chairman. I am aware some of the companies that are in the nuclear business have endorsed this, and let me say this—and if I stand to be corrected, I would appreciate the Senator correcting me. But those who are heavily invested in nuclear that are operating today are in support of this because they are going to sell their carbon credits to those who are not heavily invested in nuclear and are generating coal. That motivation is a motivation that is economic as much as anything else.

What I would like to see is for us to get everybody on a level playing field, where we have more nuclear and we have less coal and we have less gas and we have less oil-generating electricity. Then we will be better off. So this is a winners and losers game in terms of the carbon tax or the carbon credits. Those who have a low-carbon footprint are going to have credits to sell and those who have a high-carbon footprint who use coal or oil are going to have to pay a lot of money to buy it. That is why there are some biases in these industries that are for and against.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. BOXER. Mr. President, if I might ask unanimous consent for 5 minutes so the three of us can engage because I think this is a very important point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. First of all, I think for my friend to say these two companies have no future plans to build powerplants or expand the plants, that makes no sense. I haven't read their annual report, but for him to say the only reason is because they are going to make some money off the allowances—I don't think he is looking at the plans for these companies, No. 1, but they can speak for themselves.

The second part, which my friend didn't answer, is that in the modeling we have seen, without one amendment, it looks as if there will be built, over the period of the lifetime of this bill, 150 nuclear plants. So without one amendment—and there are going to be amendments—and I have never been a great fan of nuclear energy. For one reason, I worry about the waste. I worry about the waste. I worry about having all this waste. So that is my issue. I have said many times there are a few of us who care about that, and there are others who seem to feel comfortable it is totally safe. We will have that debate.

But the fact is, when you pass legislation such as this, there is a winner. The winner goes to those energy sources that don't produce carbon just on its face. That is why we give so much for clean coal, because we are trying to make sure we keep going with coal and that it is clean coal.

So I would say to my friend, and then I will yield my time to Senator WARNER to go back and forth—I am pleased he came over here. I love working with Senator ISAKSON. He is a friend. He is a pal. We don't see eye to eye on this particular issue because I believe that to have people who are nuclear powerplant proponents say this bill doesn't do enough, means they haven't looked at what the projections are ipso facto because it is a clean energy source, in terms of carbon. I wished to make that point. But I wish to thank my friend for the tenor and tone of his remarks.

I yield the remainder of my time to Senator WARNER.

Mr. WARNER. Mr. President, I thank the chairman. I would say to my good friend from Georgia, I have talked extensively with a wide range—as you have—of the industrial individuals who represent nuclear plants today and are forthcoming. The chairman is quite correct. A number of these companies are planning to go ahead boldly and courageously and build new plants. Given the uncertainties of where they are going to get the parts, can they be manufactured in the United States; given the uncertainties as to whether there are enough trained people to operate these plants, they are going ahead. So I don't believe it is just a profit motive.

But as I talk to these individuals, it is clear to me they are watching the jurisdiction of the Energy Committee as having a great proportion of the nuclear responsibility; the Tax Committee, and they cautioned against trying to do too much in this bill for fear of interrupting a process that is in place with the Energy Committee, the Tax Committee, and such other committees as deal with nuclear power because that responsibility does spread over quite a number of committees within the Senate. So we could not simply put into our bill, recommended by way of amendment at this time, such a comprehensive amendment because we know it is disruptive to the work that apparently is going on in other committees as it relates to nuclear power.

But perhaps I will reflect on this as to whether I could add in my amendment, or the Senator from Georgia might wish to modify my amendment and take those portions of his which do not impact blue slip—I think that is something we don't want to get tangled up with—and doesn't infringe on the jurisdictions of the other committees and see if we can make it work.

Mr. ISAKSON. Mr. President, I thank Senator WARNER. To Chairman BOXER, first of all, if I said—I very well could have—if I said I knew they weren't going to build more powerplants in the future, I didn't mean to say that. What I meant to say was those nuclear companies that were the most supportive were the ones that were way ahead in the building of nuclear plants already generated far more carbonless energy because of that and were going to sell their credits—and I am a business guy; I think making money is a great deal—are going to sell their credits to those companies that are more coal- and carbon-producing friendly.

You are right, I didn't talk about the modeling. The modeling does project more plants in the first 42, 43 years of the life of the bill to 2050. However, I would submit to you, a modernized nuclear title would allow those plants to come on safely, more quickly, and could more quickly address the carbon issue than the way we are currently caught in this conundrum of the antinuclear versus the pronuclear, so we do nothing to empower an industry that we know generates 73 percent of our carbonless energy today.

But I thank the distinguished chairman for her patience, the distinguished Senator from Virginia for his contribution. I look forward to working with you in any way I can to hopefully move us forward.

I yield back the remainder of my time.

Mr. WARNER. Mr. President, again, I commend our colleague for a very constructive contribution to the dialogue on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 20 minutes.

Mr. CORKER. Mr. President, I rise to speak about the Lieberman-Warner Climate Act. I understand I have 20 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CORKER. I ask that the Chair notify me when I have 5 minutes remaining.

I wish to say I am very excited to be on the floor today. I have tremendous respect for the sponsors of this bill and all those who have been involved for some time. I think everybody knows by this point that while there are a number of arguments regarding the bill that is on the floor, I choose not to debate the science. I accept the fact that we as a country and we as a world need to address this issue.

I came to the Senate to focus on the big issues our country has to deal with. I saw this as one of those issues. For that reason, a year ago, I accompanied Senator BINGAMAN to Brussels, to Paris, and to London, where I sat down with carbon traders and with European Commission members. I met with cement manufacturers, utility providers, and all those involved, if you will, in this debate in Europe.

I also was fortunate enough to accompany the chairman, Senator

BOXER, to Greenland to see the poster child, if you will, of what this debate in some ways is about. Ever since that time, I have been fixated, if you will, on the goal of figuring out a way that we as a country can put in place policies that allow our GDP growth, we can continue to ensure a better standard of living for those coming after us, having energy security as a country, and making sure we have climate security all at the same time. That has been my goal. I have seen, actually, this debate that is taking place this summer right now as a tremendous opportunity for us to come together as a country and to focus on those things.

Some of what I saw in Europe were unintended consequences, things such as fuel-switching that took place, when people move from coal to natural gas and all of a sudden found themselves very dependent on an unfriendly government—Russia—to supply natural gas and using that political clout, if you will, over some of those countries that were dependent. So I have worked with Senator WARNER and with others to try to craft legislation that I think works for our country.

I see this as a tremendous opportunity; I do. A lot of people think this is not a good time to be talking about climate change legislation. They say that because we have $4 gasoline at the pumps, this is a terrible time to be talking about legislation of this nature. I actually think this is a perfect time to be talking about it. I think there is a passion in our country, exhibited by the chairman, to address the issue of climate change. I think there are many people in our country who feel that same way. I think Americans throughout our country, seeing the prices at the pump, are feeling very vulnerable as it relates to their own energy security and realize that we as a country need to have a comprehensive energy policy that we do not have today. So I see this tremendous opportunity for these two groups who have been at odds for so many years—actually generations—to actually come together and to do something that is good for our country, both from the standpoint of the environment but also making sure our country is energy secure.

Now, I am going to say something I know that may not be that well received, but I think this bill, unfortunately—and with all the respect that I have for the sponsors—I think this bill unfortunately squanders that opportunity.

The reason I say this bill squanders that opportunity, instead of addressing those two things I mentioned in a pure fashion, we have resorted to the old-time politics of making sure we support various interest groups around our country and spread trillions of dollars around the country to try to win support for this bill. I think that is a shame.

I plan to offer some amendments I will discuss at the right time. Let me make sure the American people understand what happens with cap-and-trade legislation. Most Senators do. What this bill contemplates is capping the amount of carbon emissions our country emits, and then reducing that cap over time, from the year 2012 to the year 2050, and establishing a price for that carbon by creating an auction. It would be much like if Senator DOMENICI and I and Senator WARNER decided we were going to create a company, and what we did was allocated ourselves shares of that company, and in order to make the company grow, we sold public shares in the marketplace. Those shares would generate income into our company and allow us to grow, if that is what we wanted to do. But the day we went public, it would enrich us. Those allocations of shares we allocated to ourselves would enrich us immediately because they become marketable securities.

Obviously, what this bill does is, No. 1, takes trillions of dollars into the Treasury beginning in 2012 through an auction process; in other words, we sell carbon allowances on the public market. On the very day that occurs, the allowances that are talked about as if they mean nothing become marketable securities, and they enrich all of those entities that receive those allocations. That is where I think this bill misses the mark.

The auction proceeds that come in with this bill—let's be fair and I will not use words that are demagogic—when we pass cap-and-trade legislation, we all understand it increases the cost of energy that is generated through fossil fuel. That is a fact. That is petroleum, diesel, coal, ethanol, all of those things that, when they are consumed, emit carbon and will cost more on day one. So the American public is going to be paying for that.

Everything Americans buy—if this bill passes—that has something to do with energy will increase. When they go to the gas pump, it will cost more. When they pay their utility bills at the end of the month, it will cost more. When they buy food and clothing, it will cost more.

What this bill, unfortunately, does is takes in trillions of dollars—by the way, the EPA has modeled this based on a price of $22 per ton for carbon in the beginning. I want people to understand that today, in essence, in London carbon is selling for $41 a ton. Based on the modeling, this bill, over its life, transfers wealth of $6.7 trillion. But if it were, say, based on the prices of carbon today in London, it might be as much as $13 trillion.

We all know if this bill passes, every American will pay more for energy, and I understand that. By the way, I want everybody in this body to know I am open to discussing cap-and-trade legislation that takes our country in the right direction. What I am so opposed to—and I am so saddened by the fact that this bill does this—is this bill takes trillions into our Treasury and then, in a prescribed way, much of it in nondiscretionary spending, spends that money from the year 2012 through the year 2050. We have talked a lot about earmarks in this body. This is, in fact, the mother of all earmarks—to make sure I am neutral, it is the mother and father of all earmarks. This, in essence, creates an entitlement program from 2012 through 2050. I don't understand, if proponents want to affect our climate, why they don't take those trillions in and then immediately redistribute all of those dollars back to the American citizens. The reason is—and I am sad to say this—this bill attempts to win support of the American people and interest groups throughout our country by the same old thing that has gotten our country in trouble today, and that is spreading this money around to the various interest groups throughout the country and prescribing the spending in a way that I don't know of any bill since Medicare or Social Security. I don't know of a bill that has done this to this extent in modern times.

Another piece that goes unnoticed is the allocation process. This bill allocates out to entities all across this country carbon allowances. Those are marketable securities. It is the same as owning a share in IBM. It is a tremendous transference of wealth. Twenty-seven percent of the allocation in this bill goes to entities that have nothing to do with emitting carbon. I have no idea why we would do that in legislation of this nature. I think it is reprehensible. One of the reasons we see so many people walking the halls of our Senate offices in tailored suits, carrying nice briefcases, is that people who are in the know—I know the Senator mentioned some of these companies—realize this is a tremendous transference of wealth. If they sit at the table and they have something to do with how these allowances are allocated, that might be better for them even in operating their companies, as well, because we are creating a situation that transfers trillions of dollars of wealth.

I am going to be offering some amendments, and I am disturbed that some of the sponsors have indicated these are poison pill amendments. I have focused solely on the policies of this bill. I have never used demagogic language to describe this bill—never. I have never tried to debate the science. I am trying to focus on the policies of the legislation.

Mr. KERRY. Will the Senator yield for a question?

Mr. CORKER. I will yield when I finish. I know the Senator has spent a tremendous amount of time on this, and I respect that.

The reason we have cap-and-trade legislation being discussed is the fact that we want to limit the amount of carbon emissions that come out of our country. So one of the other pieces of the bill that, to me, is truly offensive is that this bill allows for something called international offsets, which is nothing more—again, I will go into this in detail when I offer an amendment—this is something that encourages companies in our country to go through a loophole so they don't have to pay the full price of carbon, and actually spend billions of dollars in countries such as China, where we already have tremendous trade deficits.

I absolutely have no understanding of why we would permit that in a bill such as this, which is being designed to limit carbon emissions in our country. These international offsets have been documented to be fraudulent. We have had tremendous problems in working through the United Nations to administer these programs. I have no idea why international offsets, which have been so fraudulent and have nothing whatsoever to do with lowering emissions in our country, would be part of this bill.

Let me say, in general, I realize we are not going to pass a bill this year, in all likelihood. I think that, in many ways, is regrettable. I think we as a country, right now today, when the American people are feeling very vulnerable—and right now we have many Senators in the Chamber who have such a passion as it relates to climate security—I think it is regrettable that we cannot come together and, as a part of this legislation, add many components—for instance, that one which PETE DOMENICI from New Mexico led us on—and create a bill that doesn't just address climate but also addresses our country's energy security.

The American people are looking to us right now to act like adults. I have to say I am not sure that as a country, for the last several years, for some period of time, we have owned up to our country's major problems. We have not done that. We have a tremendous opportunity in this body this week and next week to address our country's environmental issues simultaneously with energy security. I think that is what the American people are looking to us to do.

I regret the fact that this bill, instead of being about climate security, instead of being about something that drives our country toward using technology that would cause our country to be energy secure, has ended up being about money. It has ended up setting up a command-and-control economy.

Look at these various wedges on this pie chart. I could show many more. It is an amazing thing that from the year 2012 through the year 2050, over a trillion dollars of this money is pre-prescribed. It is amazing that, as it relates to technology, there is a five-person board that has been set up to decide where the trade of dollars will be spent. I cannot imagine this body—I cannot imagine it—approving legislation of this type.

What I hope will occur is that the American people will become aware of what this debate is about. I hope all of us will have a constructive debate in this body. My goal and hope is that we as a body will come together around climate change and energy security in an appropriate way and in such a way so those generations coming after us will have a better quality of life.

Mr. KERRY. Will the Senator yield?

(Several Senators addressed the Chair.)

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. How much time does the Senator from Tennessee have remaining?

The ACTING PRESIDENT pro tempore. Three and a half minutes.

Mrs. BOXER. Mr. President, Senator KERRY wishes to question the Senator, if it is OK with the Senator from Tennessee. After that, I wish to be recognized for unanimous consent requests and perhaps an additional minute or two, to be followed by Senator WARNER for 2 minutes and Senator DOMENICI for 2 minutes. And then——

Mr. DOMENICI. Mr. President, I want time.

Mr. SPECTER. Parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania will state his inquiry.

Mr. SPECTER. It is my understanding that I have 15 minutes at 12:15, which I have been waiting for all morning.

The ACTING PRESIDENT pro tempore. Yes, following the Senator from Tennessee.

Mr. SPECTER. I thank the Chair.

Mrs. BOXER. I wish to have 2 minutes to do unanimous consent requests before my friend starts. I know Senator WARNER wishes 2 minutes. The remaining time would be between the Senator from Tennessee and the Senator from Connecticut.

Mr. SPECTER. Mr. President, I am agreeable to defer my 15 minutes, which is scheduled to start at 12:15, for 2 minutes for Senators BOXER and WARNER. I don't understand what followed that. So I wish to proceed at that time with that.

Mrs. BOXER. Yes, that is exactly what I said.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, if I understand, the Senator from Tennessee has some time left. I did rise to ask a question. The Senator said he would be happy to answer the question.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. DOMENICI. I object.

Mr. SPECTER. Reserving the right to object, I don't know what the request is.

Mrs. BOXER. I will reiterate it. It is that Senator CORKER finish his 3½ minutes and do a colloquy back and forth with Senator KERRY; that immediately following that, I have some time to make some unanimous consent requests and have a minute to comment on what has transpired, and that be followed with 2 minutes for Senator WARNER. So far we are 3 minutes delaying Senator SPECTER. Senator DOMENICI said he did want some time, or did not?

Mr. DOMENICI. Let me say, I am going to ask the Senator from Tennessee to yield to me a minute of his time to answer a question, or ask a question on his time.

Mr. SPECTER. Mr. President, reserving the right to object, and I do intend to object, I have already said I would be willing to yield 2 minutes to Senator BOXER and 2 minutes to Senator WARNER, where Senator BOXER then added some amorphous language about an exchange between the Senator from Tennessee and the Senator from Massachusetts. I don't understand what that is and how long.

If I may finish, Mr. President. If I may finish.

Mr. CORKER. I will take my time back.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I have been waiting a while. I would like to have my time which has been locked in and for which I have been waiting. Beyond the yielding to Senator BOXER for 2 minutes and Senator WARNER for 2 minutes, I will object to anything further.

Mr. KERRY. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee, 3½ minutes, has expired. Is there objection to the unanimous consent request?

Mr. SPECTER. Mr. President, will you restate the unanimous consent request?

Mr. DOMENICI. Parliamentary inquiry: How did his time expire?

The ACTING PRESIDENT pro tempore. Through this conversation.

Mr. DOMENICI. This conversation is automatically charged to him?

The ACTING PRESIDENT pro tempore. Yes, he had the floor.

Mr. CORKER. Mr. President, if I could, I think what they have asked for is 3½ minutes plus 4 minutes, for 7½ minutes. The Senator from Pennsylvania, whom I admire and respect—I have sat here many times waiting for every Senator on this floor to speak. This is an important topic, and I hope he will allow Senators on the other side of the aisle to have a little discussion right now for 7½ minutes, and then we will stop.

Mr. SPECTER. I will be glad to add to the 4 minutes 3½ additional minutes which Senator CORKER asked for on the condition that be the extent of it.

Mrs. BOXER. Yes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request? Without objection, it is so ordered.

The Senator from Massachusetts, I believe, is recognized for a question for the Senator from Tennessee.

Mr. KERRY. Mr. President, I listened to the Senator from Tennessee calling this bill a spending bill—in fact, an entitlement bill. I ask the Senator from Tennessee—I believe the Senator from Tennessee voted for farm subsidies. I believe the Senator from Tennessee voted for capital gains tax reduction. I believe the Senator from Tennessee voted for the oil and gas depreciation.

I would like to know from the Senator from Tennessee, if those are not subsidies, how he distinguishes incentives that change behavior that are market driven. You either take advantage of it or you don't. Nobody commands and controls. It is up to the individual company. Why is the effort to have a transfer of a payment that is an incentive for different behavior any different from any of those things for which the Senator from Tennessee has voted?

Mr. CORKER. Actually, I am glad the Senator from Massachusetts brought that up. That is the portion of cap-and-trade legislation that I believe is appropriate. Unfortunately, what this bill does is it takes in trillions of dollars and then pre-prescribes how that money is spent, going out into areas to people who have nothing whatsoever to do with emitting carbons. Twenty-seven percent of the allocations go out to entities in this country that have nothing whatsoever to do with emitting carbon. That is a huge unnecessary transference of wealth.

I would like to yield some time to Senator DOMENICI. I answered the question, and I would love to debate the Senator further on the floor. I know we have the Senator from Pennsylvania.

Mr. DOMENICI. Mr. President, I want to say to everyone in the Senate, in all honesty, they ought to have a chance to hear the Senator from Tennessee. If they haven't, they ought to read what he said because there is no question that I, as a rather informed Senator, had no idea what this bill does until I listened to him and then looked at it.

It is absolutely incredible that we are thinking of a bill such as this to solve climate change when, as a matter of fact, it is going to be the biggest redistribution of wealth we have ever adopted in this Senate, and we are not even sure it will accomplish anything very significant toward the reduction of carbon dioxide as an impediment to climate change.

I cannot understand why we would be doing this. One little piece is a commission of five men who will distribute allocations pursuant to this legislation, totally at their discretion, a trillion dollars or more. Who on God's Earth would think that is in this bill? But it is. I commend him. I hope he comes here two or three times and explains again in more detail what this bill does.

I am not against legislation for climate change, but I am convinced that we better do something for the American people on bridging crude oil use, crude oil development, putting some of the things we need in place for energy before we put this legislation in place. I think the American people will soon understand that.

Mr. CORKER. Mr. President, how much time is left?

The ACTING PRESIDENT pro tempore. The Senator has 15 seconds.

Mr. CORKER. Let me just say, I hope we have further debate. I respect people on both sides of the aisle. Surely, we can come up with a way to make sure our environment is appropriately dealt with and that we have energy security——

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. CORKER.—and not cause this to be a burden on Americans as it is by prespending trillions of dollars.

The ACTING PRESIDENT pro tempore. Time has expired. The Senator from California.

Mrs. BOXER. Mr. President, we all respect each other, but I have to say, I don't think my friend from Tennessee understands this bill at all. All I can say is, he couldn't understand it because the biggest piece of this bill, OK, is funds for the American people, a big tax cut. If my friend opposes a tax cut, he ought to say it. It is a huge tax cut for the American people to help them deal with the increases in gas prices.

Right now, under this President, we have seen a 250-percent increase in the cost of a gallon of gas, just in 7 years. We have no resources. This bill gives us the resources. It gives us consumer relief.

My friend from Tennessee used very harsh words, in my opinion, to attack a bill that really does address the issue of global warming, addresses the issue of energy independence. And for him to call it command and control is rather a joke since we specifically rejected a carbon tax and we allowed the free market to set a price on carbon.

As to Senator DOMENICI's statement, again, he says it will do nothing. Read the modeling. We do what we have to do in this country to exert the leadership to decrease these greenhouse gases, and we do it in a way that has won the support of business, labor, and huge numbers of people across this country, including the U.S. Conference of Mayors and Republican and Democratic Governors.

Mr. President, I ask unanimous consent that when we resume after lunch that I be recognized to speak for up to 30 minutes, followed by Senator INHOFE to speak for up to 30 minutes.

Mr. INHOFE. Reserving the right to object.

Mr. KERRY. Reserving the right to object, it is my understanding, there was an order in place——

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object.

Mr. WARNER. Reserving the right to object, I thought I had 2 minutes.

Mrs. BOXER. The Senator does.

Mr. WARNER. Then at the appropriate time the Chair directs me, I will use the 2 minutes.

Mr. KERRY. Mr. President, I simply would like to ask we modify that request because I was going to follow, but we have chewed up a lot of time now and we have our caucuses. I am happy to go after Senator INHOFE and Senator BOXER, or I am happy to go before, whatever they prefer, but I think we ought to do it after the caucuses now at this point. I ask the Chair what her pleasure is.

Mrs. BOXER. If my colleague agrees.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the understanding was that Senator SPECTER would be next for 15 minutes, and after that, the Senator from Massachusetts. If it is the Senator's preference to wait until afterwards, I have no objection to that.

Mrs. BOXER. And Senator WARNER has 2 minutes.

The ACTING PRESIDENT pro tempore. Is there an objection to the request as modified?

Mr. SPECTER. Mr. President, what is the pending unanimous consent request?

The ACTING PRESIDENT pro tempore. To allow the Senator from California and the Senator from Oklahoma to each have 30 minutes after we come back from the recess.

Mrs. BOXER. Followed by Senator KERRY.

The ACTING PRESIDENT pro tempore. To be followed by the Senator from Massachusetts. Is there objection?

Mr. INHOFE. I object.

Mrs. BOXER. I thought you said it was OK.

Mr. INHOFE. Let's just try a new one. I ask unanimous consent that the Senator from Virginia be recognized for 3 minutes, followed by the Senator from Pennsylvania for 15 minutes.

Mr. SPECTER. That is this morning, now.

Mr. INHOFE. All this takes place prior to the break for lunch.

Mr. REID. Mr. President, is there a request that we go past 12:30?

Mr. INHOFE. My unanimous consent request, I say to the distinguished leader, would postpone the 12:30 recess for lunch for about 10 minutes.

Mr. REID. I will just say, I have no problem if the lunches don't start until 20 till 1, but anything other than that, I respectfully have to say I hope people can come after the Senate picture this afternoon. I know comparing it to global warming, it is not a very important issue. Staff has worked some 6 weeks to set up this place to take the picture at 2:15. Both caucuses have a lot to talk about. Senator KERRY has agreed to wait until after lunch. That will be fine.

The ACTING PRESIDENT pro tempore. For the record, we have not disposed of the unanimous consent request. But if my mathematics is correct, that unanimous consent request will take us up to 15 before 1. Is there objection to the unanimous consent request by the Senator from Oklahoma? Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer. Mr. President, I say to my good friend, this has been an excellent debate he engendered on this floor. This is what we should have. This is the only way we are going to resolve this issue of global warming. I urge the managers to consider building in a little block of time after speakers, such as there can be some colloquy taking place rather than just one speaker, another speaker, reading a speech or delivering a speech. This is what it is all about.

Mr. President, I say to my good friend, he and I have worked on this issue over a period of about 2 or 3 months. I have worked on it for 8 months. I don't claim any special credit. But if the Senator feels so badly about this bill, why haven't he and others brought to the floor a companion bill to replace this and to solve the problems he has? It is one thing to come in here and hail damnation on what we have done by means of putting this bill together, but if it is going to be a constructive process, show us—

Mr. INHOFE. Will the Senator yield?

Mr. WARNER. Let me finish the statement, and I will yield the floor—a comprehensive bill that will work to the satisfaction of a majority of the people here. For example, you talk about this board, seven men. Let's say there might be a woman or two on it.

Mr. CORKER. I didn't say "men." I said five people.

Mr. WARNER. The point is, if we look at section 435 of the bill, it says that chart the Senator has up there has to be approved by the Congress.

Mr. CORKER. It can only be vetoed.

Mr. WARNER. Nevertheless, you omitted any reference to the fact that Congress has a hand. If you look at the amendment I have thrown in, the President of the United States, at any time he or she desires, can go in and change that. So it is not as if we have unleashed this bill in perpetuity. There are a number of checks and balances in this bill to protect the very issues that the Senator states.

Mr. CORKER. Mr. President, if I may proceed, because my name has been brought forth, for 60 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. First of all, this bill, in black and white, prespends over $1 trillion with no congressional oversight. The Senator from Virginia is right on the one portion to which he was referring. We can either veto it or approve it, but we have no say-so on how those technology moneys are spent.

I object to the comment about me being a Johnny-come-lately. I have been very transparent about this legislation. I have authored three very detailed amendments, sent them to every colleague in this Senate, and have given the background to them. I have been totally transparent throughout this process. I have made public presentations about the three amendments that I think would make this bill far better—things that people call poison pills. I think the Senator knows I certainly have not come to this debate at a late time, and I plan to offer those amendments.

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. WARNER. Mr. President, I agree with what the Senator has said.

The ACTING PRESIDENT pro tempore. Time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. It has been a little tough getting these 15 minutes, but I am glad to have them.

Mr. WARNER. The Senator showed courtesy in getting them.

Mr. SPECTER. Mr. President, I sought recognition to discuss a number of amendments which I will be proposing to offer. I intend to offer an amendment on emission caps because of my concern that the emission caps which are set in the Lieberman-Warner bill cannot be obtained.

I believe the problem of global warming is a major problem and we ought to deal with it, but I think we have to deal with it within the realistic bounds as to what the technology would permit, and it is going to be very difficult to get 60 votes to oppose cloture, and if a legislative proposal is on the floor which is unattainable, we are going to end up getting nothing. So it is my intention to take the emission caps from the Bingaman-Specter bill and offer them as an amendment to the Lieberman-Warner bill.

I intend to offer a second amendment—a cost-containment safety-valve amendment. This amendment will include the so-called technology accelerator mechanism which has been included in the Bingaman-Specter bill, and will provide a very important safeguard on the legislation.

I intend to offer a third amendment on international competitiveness. It is vital that we not structure legislation which will put United States industry at a substantial disadvantage. On February 14, I testified before the Senate Finance Committee on this subject, noting that China wishes to have 30 years, and by that time there will be no steel industry. So there have to be restrictions on steel illustratively coming in the United States, and this amendment on international competitiveness will deal with that subject.

I intend further to offer an amendment captioned "Process Gas Emissions," because there is no technological alternative to a company's annual requirement to submit emissions allowances.

Finally, there is a potential fifth amendment, which I am not yet certain about, and that would involve the pathway to the future for coal amendment.

The statement was made earlier in the past half hour about Senators not understanding this bill. I think that is a real problem. This is an extraordinarily complex bill. We have had the Warner-Lieberman bill, then we have had the Boxer bill, a second bill, and now I understand there is going to be a third substitute. So as we are working through the amendments which I have articulated, it is a difficult matter, with the topography changing and with the underlying bill changing, and it is my hope this bill will remain on the floor with procedures to give Senators sufficient time to take up the very important matters which are at hand.

The first and most fundamental one is to have enough debate so that there is an understanding of the bill. I agree with my distinguished colleague from Virginia, Senator WARNER, who a few moments ago asked for time so there could be debate and an exchange. Too often speeches are made on this floor without an opportunity for debate and questioning and cross-questioning to get to the very important matters. There has been some speculation that the procedure that will be employed by the majority leader—so-called filling the tree—would preclude further amendments. I hope that will not be done here. Regrettably, it has become a commonplace practice, going back with Republican majority leaders and Democratic majority leaders, so that the filling of the tree has made a very fundamental change in Senate procedure, which traditionally has been that a Senator could offer an amendment on any subject at any time and get a vote.

When the tree is filled, obviously matters cannot be debated and efforts for cloture cannot move forward. This is a matter which has awaited a fair amount of time. It is complex. And if Senators are not able to offer amendments, such as the amendments which

I am proposing to offer, there is no way to find out what the merits of the bill are and what the merits of the amendments are.

On the subject of filling the tree, I have had for months now an amendment on a rules change filed with the rules committee which would alter the authority of the majority leader to employ the so-called procedure of filling the tree.

Another concern which is related has been the shift in the practice of the Senate on the filibusters. There had been a tradition in the Senate that when somebody offered a bill, and there was opposition and the opposition intended to conduct a filibuster—that is to deny a vote unless 60 votes were obtained to cut off debate—that there would be that kind of debate. Most recently, we have seen the practice employed that if someone says there is an intent to have a filibuster, there is a motion to proceed for cloture on a filibuster, there is a 20-minute vote, and when cloture is not invoked, the matter is eliminated.

Recently, we had a very serious piece of legislation coming to the floor which sought to change a ruling of the Supreme Court of the United States on the rights of women to obtain relief, where the Supreme Court had imposed a 6-month statute of limitations in a situation where the woman who sought relief didn't even know she had a cause of action within the 6 months. Well, that matter came and went so fast on the Senate floor that nobody knew what it was about. Had the proponents of that legislation debated it, brought it to public attention, and had the opponents of the legislation, who wanted to filibuster it, engaged in extended debate, the public would have understood what was going on.

So the matter of having adequate time to debate this very complex legislation is very important. And if there is to be any possibility of finding 60 Senators to coalesce around a cloture petition, 60 Senators to agree on legislation, Senators are going to have to have an opportunity to offer their amendments. There is great therapy in being able to offer an amendment, even if it is not accepted. But we can hardly engage in a practice of filling the tree, where Senators are not permitted to offer amendments, and expect to have this bill move forward, people understand it, and find 60 Senators who are willing to come together on the very important piece of legislation which is at hand.

Mr. President, I ask unanimous consent that there be included in the RECORD at this time a summary of the sheet of the five potential amendments I intend to offer, and an explanation of the amendment on the cost-containment safety valve, an explanation on the amendment on international competition, an explanation on the amendment on process gas emissions, and the single sheet which explains the proposal on a possible pathway to the future for the expanded use of coal amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL SPECTER AMENDMENTS

Emissions Caps/Targets Amendment.—Substitute the Bingaman-Specter (S. 1766) emissions limits in place of the Lieberman-Warner limits.

Lieberman-Warner	Bingaman-Specter
2012—cap at 2005 level	2012—cap at 2012 level.
2020—15% below 2005 (1990 levels).	2020—cap at 2006 level.
2030—30% below 2005	2030—cap at 1990 level.
2050—70% below 2005	2050—≥60% below 2006 contingent on international effort.

Cost-Containment Safety-Valve Amendment.—Include the so-called "safety valve" or Technology Accelerator Mechanism that was included in the Bingaman-Specter bill; that provision states that if the price for an allowance for each ton of greenhouse gas (Carbon Dioxide equivalent) being traded on the open market reaches a certain level, then regulated entities have the option of purchasing additional allowances directly from the government at a set price; specifically, we set the price at $12 per ton, rising 5% over inflation annually.

International Competitiveness Amendment.—Address the standard used to determine if our trading partners are taking "comparable action"; restrict an Administration's ability to simply waive requirements on importers; bring the compliance date in line with the start of the program (i.e. 2012, rather than 2014 in the new version—changed from 2020 in the original); revise provisions added for "downstream" products that may ironically result in exempting the "upstream" inputs like steel; include all countries, not just large emitters; and equalize the ability of U.S. and foreign entities to purchase international allowances to meet the requirements.

Process Gas Emissions Amendment.—Clarify that process gases for which there is no technological alternative will not be counted in a company's annual requirement to submit emissions allowances.

Pathway to the Future for Coal Amendment.—Potentially including provisions: Providing technology funding and incentives; adding a carbon dioxide storage liability framework; adding a safety-valve; aligning emissions caps/targets with technology; improving allocations; addressing duplicative State programs; and other issues.

EMISSIONS CAPS/TARGETS AMENDMENT

As I stated yesterday, I have serious concerns about the stringency of the emissions reductions in the Lieberman-Warner "Climate Security Act." There is great concern in the industrial, electric, and general business sectors that these emissions levels are unattainable without serious demand destruction in the form of lost jobs and production in the U.S. that would result from higher cost.

If we do not set the emissions caps at a reasonable level, the supply and demand situation set up under a cap-and-trade program will impose high costs by definition. I intend to propose an amendment to substitute the Bingaman-Specter (S. 1766) emissions limits in place of the Lieberman-Warner limits. This will more closely align technology development with the emissions reduction targets.

In my view, the most important thing our nation can do is start a mandatory climate change reduction program as soon as possible. If we wait until there is consensus among important stakeholders from both sides of the equation, we will lose another year or two or three that we frankly do not have.

Emissions targets/caps

Bingaman-Specter 2012—cap at 2005 level.

2012—cap at 2012 level 2020—15% below 2005 (1990 levels).

2020—cap at 2006 level 2030—30% below 2005.

2030—cap at 1990 level 2050—70% below 2005.

2050—60 percent below 2006 contingent on international effort.

COST-CONTAINMENT SAFETY-VALVE AMENDMENT

Senator Bingaman and I worked very hard to find the right balance between starting the U.S. on an emissions reduction path, but protecting the economy;

We are talking about taking unilateral action on a global problem reducing concentrations of greenhouse gases in the atmosphere; we cannot solve this problem alone and until a comprehensive international agreement is in place, the U.S. remains at risk of competitive disadvantages.

If some proponents of climate change legislation are correct in their predictions, the cost of domestic action on the problem will not be high.

However, if costs are above what Congress determines in unacceptable, there must be an adequate mechanism to keep the program in line with what the U.S. economy can handle; I intend to offer an amendment to include the so-called "safety valve" or Technology Accelerator Mechanism that was included in the Bingaman-Specter bill; that provision states that if the price for an allowance for each ton of greenhouse gas (Carbon Dioxide equivalent) being traded on the open market reaches a certain level, then regulated entities have the option of purchasing additional allowances directly from the government at a set price; specifically, we set the price at $12 per ton, rising 5% over inflation annually; this protects the economy, while still sending the necessary price signal to industry that there is an escalating price to carbon that must be factored in investment decisions; I am open to a debate about the appropriate level at which to set such a safety-valve;

Unfortunately, opponents of this provision have flatly attacked it without addressing the question of what an appropriate price trigger would be; I was very glad to hear Chairman Boxer state on the Senate floor yesterday thanking Senator Bingaman and me for our proposal on this subject. She described it as "what I thought was a very important off ramp. The one thing I didn't agree with them on is the price they picked for the price of carbon."

I hope this is an indication that we can finally have a legitimate debate about this important protection for the U.S. economy and consumers.

While Senator Boxer inserted a new "cost containment auction," I believe the new cost containment provisions require extensive review and a true safety-valve should be added.

Senator Warner provided leadership in adding provisions to empower the President to alter the program, but I fear this still provides too much discretion and would potentially be used after adverse effects have already happened.

INTERNATIONAL COMPETITIVENESS AMENDMENT

Senator Bingaman and I included key international provisions in our bill. These provisions were based on a proposal from American Electric Power (AEP) and the International Brotherhood of Electrical Workers (IBEW).

Senators Lieberman and Warner included our provisions in their legislation as well; The purpose of these provisions is to ensure that greenhouse gas emissions occurring outside the U.S. do not undermine our efforts to address global climate change and we further want to encourage effective international action.

As first introduced, if eight years after the enactment of the U.S. program, it is determined that a given major emitting nation has not taken comparable action, the President at that time is authorized to require that importers of greenhouse-gas-intensive manufactured products (iron, steel, aluminum, cement, glass, or paper) from that nation submit emissions credits of a value equivalent to that of the credits that the U.S. system effectively requires of domestic manufacturers.

I testified before the Senate Finance Committee on February 14th of this year on these provisions. It is my view that since the provisions treat imports the same as domestic products, I believe they are compliant with GATT and would survive a WTO challenge. Now, I understand that modifications of this proposal are found in the Boxer substitute.

As my staff and various industries review the language, there remain concerns that the provisions may still require changes to ensure their effectiveness; specifically, I am considering offering an amendment to: Address the standard used to determine if our trading partners are taking "comparable action"; restrict an Administration's ability to simply waive requirements on importers; bring the compliance date in line with the start of the program (ie. 2012, rather than 2014 in the new version—changed from 2020 in the original); revise provisions added for "downstream" products that may ironically result in exempting the "upstream" inputs like steel; include all countries, not just large emitters; and equalize the ability of U.S. and foreign entities to purchase international allowances to meet the requirements.

PROCESS GAS EMISSIONS AMENDMENT

It is my understanding that some emissions resulting from production of energy-intensive manufacturers like steel and cement would be exempted because there is no feasible technological alternative;

For example, the use of carbon is irreplaceable to the processes and the metallurgical reactions necessary to produce virgin steel. Carbon, in the form of coal or coke, is used as a reducing agent to strip oxygen molecules from iron ore, producing iron, the basic building block of steel, and carbon dioxide. Without carbon there can be no steel.

Without this exemption, given current technology, the only way to substantially reduce emissions in the integrated steel industry is to reduce production and employment.

Cooperative efforts are underway between the steel industry and the U.S. Department of Energy to find technologies to produce steel with far less carbon emissions, but they are far from commercial viability.

I intend to offer an amendment to clarify that process gases for which there is no technological alternative will not be counted in a company's annual requirement to submit emissions allowances.

This exemption will only impact a very small percentage of U.S. emissions, but will protect an essential industry that will play a major role in the energy sector expansion that would result upon passage of this bill or even in its absence given rising energy demand.

PATHWAY TO THE FUTURE FOR COAL AMENDMENT

I am considering offering an amendment to address the serious shortcomings in the Lieberman-Warner bill in terms of providing a pathway to the future for coal;

I am concerned that the bill does not provide sufficient funding or incentives for carbon capture and storage (CCS) and advanced coal technologies; It is my understanding that the Boxer substitute replaces the original Lieberman-Warner advanced coal research program with a "kick-start program" that dramatically cuts carbon capture and storage technology funding. According to the National Mining Association, the substitute provides 85% less funding through 2030 for advanced coal and sequestration development, and eliminates all funding for carbon storage demonstration projects.

Without adequate funding for these priorities, the result is likely to be severe reductions in U.S. coal use—America's most abundant energy resource.

Further, the substitute dramatically reduces the number and rate of bonus allowances for CCS deployment from the previous Lieberman-Warner bill. The Bingaman-Specter bill was the first to create this incentive for early deployment of carbon capture and storage technologies. I am told the substitute reduces CCS bonus allowances 19 percent through 2030 compared to levels in Lieberman-Warner which were already insufficient.

Broadly, the Boxer substitute fails to harmonize the timeline for emission reductions with the availability of commercially deployed technologies necessary to reduce emissions.

I look forward to working with my colleagues and the coal industry to find the right balance between imposing a mandatory cap on carbon emissions while ensuring the future of coal.

Some issues we need to consider are: Providing technology funding and incentives;

Adding a carbon dioxide storage liability framework; adding a safety-valve; aligning emissions caps/targets with technology; improving allocations; address duplicative State programs; and others.

Mr. SPECTER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I say that my friend from Pennsylvania has been a great leader on this, and I am ready right now, as is Senator WARNER, as is Senator LIEBERMAN, to start debating amendments. Unfortunately, the Republican leadership has said we need to run out 30 hours, so we are not going to be able to begin the amendment process. But it runs out tonight and, hopefully, first thing in the morning we will start with the amendment process.

Mr. President, I have a unanimous consent request, signed off on by Senator INHOFE and myself, and I ask unanimous consent that the order of speakers for this afternoon's debate on the motion to proceed to the climate bill be as follows: BOXER, 20 minutes; INHOFE, 30 minutes; KERRY, 20 minutes; BARRASSO, 15 minutes; WHITEHOUSE, 15 minutes; GRASSLEY, 15 minutes; CASEY, 15 minutes; ENZI, 20 minutes; CARPER, 30 minutes; ALEXANDER, 20 minutes; WARNER, 20 minutes; BOND, 20 minutes; LIEBERMAN, 30 minutes; VITTER, 15 minutes; NELSON of Florida, 15 minutes; and CRAIG, 15 minutes.

Further, I ask unanimous consent that following each speaker, the bill manager or their designee from the opposite side of the previous speaker have up to 5 minutes for a rebuttal statement prior to the next speaker listed above being recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. If the Senator would add me for 15 minutes on that list, I would appreciate it.

Mrs. BOXER. Happy to do that. And, Senator, I will add a Democrat before you, and you will be the next Republican after Senator CRAIG, for 15 minutes.

Mr. GREGG. Thank you. I appreciate it.

Mr. KERRY. Mr. President, I ask that my 20 minutes be made 30, for my purposes.

Mrs. BOXER. That is fine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until after the official Senate photograph.

Thereupon, at 12:43 p.m., the Senate recessed until (2:31 p.m.), and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

UNANIMOUS-CONSENT REQUEST—
S. 239

Mrs. FEINSTEIN. Mr. President, in a moment I wish to make a motion, but I would like to say as a prelude, for 6 years I have worked on legislation to provide for notification in the event of a data breach. During that period of time, 43 States have passed their own legislation. We would not know of data breaches if it were not particularly for the State of California which has put forward action on several of them.

The bill went to the Judiciary Committee. It has been heard in the Judiciary Committee. With the cooperation and support of the chairman of that committee, Senator LEAHY, the bill has come out unanimously and has been pending before this body. There are holds on the bill.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 180, S. 239, data breach modifications; that the committee-reported amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object—and I will object—I value the interest and effort Senator FEINSTEIN has put into this bill. I have also worked on this issue for some time. Last year, I think my bill cleared the committee by unanimous consent, and this year her bill is out on the floor. There are some differences. I commit to Senator FEINSTEIN, post my objection today, that we will try to work together to see if we can reach accord. There are some differences that are significant and some I am sure we can work out. So we will just have to give a good-faith effort at it.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, if I could respond to something the Senator from California said, I commend Senator FEINSTEIN for her efforts. She has worked very hard on this privacy matter. I realize there are some who want to block it. If you are a person who has had your identity stolen, if you have had your computer hacked, and somebody has gone into your bank account or somebody has ruined the chances of your children getting into a college, all from identity theft, you would be rushing down here to vote for this bill. I hope my friends on the other side of the aisle, Republican Senators, will stop objecting. I hope we can pass this legislation.

CLIMATE SECURITY ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, is it appropriate at this time to yield some of my time? I have an hour postcloture; is it appropriate now to yield that to someone?

The PRESIDING OFFICER. It is.

Mr. REID. I yield ½ hour to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, to remind the first few speakers, what we have is BOXER for 20 minutes, and I plan to yield 5 of those minutes to Senator DURBIN, then a rebuttal by Senator INHOFE or his designee, then Senator INHOFE for 30 minutes, then a rebuttal by our side, then Senator KERRY for 30 minutes.

I have found this debate so far to be very interesting and very heartfelt. What I would like to do before I yield a few minutes of my time to Senator DURBIN is kind of take it to where it has gone thus far. So far we have had a vote to proceed to this matter, a very strong vote to do that, 74 votes yes. That is good.

What isn't so great is, we are kind of being slow-walked by the Republican leadership in such a way that we can't start the amendment process which, as we all know, is crucial on a bill of this nature. So that is disappointing.

I think the debate has been very interesting, and I would like to relate where I think it is at this point.

Those of us who believe the Boxer-Lieberman-Warner proposal makes sense believe it is time to change the status quo as it relates to our energy policy in this country. What we have now with our dependence on fossil fuels is an energy policy which is now getting very costly because of increased demand in the world, because of speculation, because of a lot of reasons, and it is also polluting the planet to the point where we see the global warming impacts already starting.

My colleague, Senator FEINSTEIN, was brilliant today, both at a press conference and on the floor, in talking about what is already happening in the West with our snow pack, with lakes that are disappearing, with the problems we are having. We know, if we listen to the scientists—and the scientists are in agreement, and I am glad that my colleagues on the other side are not debating whether global warming is happening; they have, it seems to me, accepted that fact—that we have a choice. Either we continue what we are doing today with the same kind of energy sources we have, with the buildup of greenhouse gas emissions and carbon pollution or we move forward and say: How can we tackle this issue in a way that saves the planet, saves the species?

By the way, 40 percent of God's creatures may be extinct if we don't act. How are we going to do this in such a way that our grandchildren and their children don't face a disastrous situation where the planet becomes inhospitable. We have the numbers, how many thousands more people will die of heat stroke. We have the numbers, and the numbers come from the Bush administration. So how do we do this in a way that saves the planet, cuts down on pollution and, by the way, gives us alternatives to energy we now have which, in the long run, will be cheaper, more reliable, and make us completely energy independent?

I believe what our bill does is achieve those goals. We fight global warming. At the same time, we bring about an economic renaissance from investments in new technologies that will make us energy independent. To me, it is a pretty stark choice. Either you are for the status quo and you are going to find an excuse not to be for this bill or you are going to take a look at this bill, which is a tripartisan bill—a Democrat, an independent, a Republican bringing it to the Senate—reflective of America, reflective of the span of our views in this Nation.

The one thing I hear—again, it must be out of some talking point somebody wrote over there on the other side—is gas prices. Don't do this bill because of gas prices.

I am going to show you what has happened to gas prices without this bill. I want you to look at this. This is what has happened under George Bush's watch. We have seen gas prices go all the way up to $3.94 from $1.50, and that, in 7½ years, is a 250-percent increase. That is what our people are upset about.

My colleagues on the other side know this. They have done nothing about this. I am going to ask my assistant majority leader to talk about this. How many times we have begged them, do something about big oil. Return the money to the people. Investigate what is happening with speculation. No, they won't do anything. But what they are saying is, and what the Bush administration is saying is, if you pass this bill, this Climate Security Act, gas prices are going to go up.

Folks, they are going to go down. Worst case scenario that the President picked up, they will go up 2 cents a year. That is the worst case scenario. But that is going to be offset by the fuel economy bill that the President himself signed.

I am looking at Senator CARPER, the Presiding Officer. He worked hard on that, with Senator FEINSTEIN, Senator INOUYE, and Senator KERRY, those of us on the Commerce Committee. That will be offset. The truth is, the stark truth is, you pass this bill, we are going to see a reduction in gas prices. We are going to have alternatives, and we are going to see jobs created. We are going to see new companies starting. We are going to see the genius of America take hold if only we have the courage—not to come on this floor and make a bogus argument about an issue they did nothing about, but if we have a real debate on what this bill means.

So at this time, I reserve the remainder of my time.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Thirteen minutes.

Mrs. BOXER. Mr. President, I yield 5 minutes of those 13 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, first, I extend my gratitude to Senator BOXER for her extraordinary leadership on this issue, a bipartisan issue, with Senator LIEBERMAN, Senator WARNER, and so many others on both sides of the aisle.

In the history of our country and of this great institution, the Senate, there have been many occasions when Senators have come to the floor and spoken of threats to the security of the United States of America. Those threats usually came in the form of dictators or ideologies such as communism and fascism, and we mobilized American opinion behind fighting those threats. We asked great sacrifices from our people to come forward to make sure future generations would enjoy the freedoms and opportunities we enjoy today, which many take for granted.

The debate today is about another threat, a very real threat, to the future not only of the United States but to all the countries in the world. It is a common threat. This bill is about reducing carbon pollution that causes global warming. It uses free market incentives to protect American jobs and creates international sanctions for those countries that do not participate. It is a tried and true approach. We have used this very same approach, as this bill suggests, to successfully reduce acid rain. So we know it works. We know how compelling it is for us to move on it, and move on it quickly. Delay on this subject will mean even greater sacrifices in the future. In fact, it may reach a point where it is not even feasible to address the issue.

We are all concerned about the cost of fuel, whether it is gasoline or diesel fuel or heating oil or jet fuel. The stark reality is, this bill will bring us to a new attitude and a new approach: more fuel efficiency, driving the same miles using less fuel, with less carbon pollution, and fewer emissions.

This bill drives us forward in a positive way to deal with the needs of our economy and to keep the costs of energy within the grasp of families and businesses and farmers.

Secondly, the bill focuses on creating new jobs, the jobs of our future. In this country and in the world will be jobs that really look to the environment as a major element in costing out things. It is no longer just the cost of bringing a ton of steel halfway around the world from China. It is also the carbon cost of transporting that steel that has to be taken into consideration. That is a very real cost.

When we start thinking in terms of fuel efficiency, the United States can use the same kind of entrepreneurial spirit and innovative spirit that has been such a successful engine to our economy in the years gone by, whether it has been the Silicon Valley or medical technology. The United States can lead again because we have the economy and the talent to get in the front of this parade and to stay there when it comes to job and business creation.

It is also a question of public health. We know global warming is going to create an environment where many will suffer; pulmonary disease, such as asthma, cancers, such as melanoma, are going to increase if we do not get serious about this issue. I think we understand that. For the good of our children and grandchildren, and for our desire to make sure they have better and longer lives than ourselves, this bill is extremely important.

Finally, this whole issue of global warming is an issue that really addresses stability in our world. It is no surprise that some of the tinder boxes—and I do not mean any pun by that—some of the tinder boxes in the world today are countries in desperate straits trying to find water for their people. It is a huge issue in the Middle East. It is also an issue in Africa. When that issue has become its most extreme, we find genocide in Darfur, we find turmoil in other parts of the world and instability. Coming to grips with global warming, stabilizing our global climate, is a way for us to try to bring some peace and stability to this world.

When you think about the parameters of this debate, could you think of anything more serious? How can we face our children and grandchildren if we do not honestly debate this issue, if we do not step up and say: On our watch, at our time, our generation did the right thing?

We cannot undo what has been done in the past, generations gone by, centuries in the past. But we are responsible for now and for the future.

This is our chance to move forward. I beg my colleagues, even if you find differences and difficulties with the bill, let's work together.

Senator WARNER, I am glad you are here. We would not be here without you, and that is a fact. You have shown a bipartisan spirit to address this issue, and you have taken a little bit of grief from your side of the aisle. Well, trust me, many of us appreciate your leadership on this issue, and it will be long remembered.

In that spirit—Senator WARNER, Senator LIEBERMAN, Senator BOXER, and others—we need to say to future generations: We can come together, both parties, and take on this challenge successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his comments. But a short time ago there was a colloquy on the floor, and someone said they felt——

Mrs. BOXER. I did.

Mr. WARNER. There was a slow roll. I immediately went back to consult with my leadership, and that is not the case. The reason for not going to amendments today seems to me to be a valid one; that is, a number of Senators wish to speak. The list is up to 18 now, and they want to speak in such a way that is not feasible if we are in an amending posture.

So I thank the distinguished chairman on this matter because I do believe we have made some progress today. We have had good, constructive speeches. Senator CORKER spoke, Senator ISAKSON spoke on this side, and colleagues on your side. I think Senator KERRY was about to speak.

Mrs. BOXER. He is going to speak.

Mr. WARNER. So I think, Mr. Chairman, we are making some good, solid progress in the Senate and can rightfully take pride in what we have done thus far. Would you agree with me?

Mrs. BOXER. Yes, I do.

Mr. President, I wonder how much time I have left of my time?

The PRESIDING OFFICER. Seven minutes.

Mrs. BOXER. OK. Senator WARNER is speaking on my time, then? Which is fine.

Mr. WARNER. Mr. President, I have nothing further to say.

Mrs. BOXER. No, it is fine. I say to Senator WARNER, I believed we were slow-walking it only because we are so anxious to get to the amendments. But I hear what you are saying—if this is real. We are going to have some good debate today. This is the list of Senators on both sides. This is good.

Mr. WARNER. Mr. President, that would not be possible if we were in an amendment posture. We could not get all those Senators in.

Mrs. BOXER. Well, let me say, I welcome everyone to the floor.

Let me conclude my little part today at this time by saying we have seen the faith communities come out very strongly for the Boxer-Lieberman-Warner bill—the Evangelical Environmental Network, the Evangelical Climate Initiative, the U.S. Conference of Catholic Bishops, the National Council of Churches, the Religious Action Center of Reform Judaism, the Jewish Council for Public Affairs, the Interfaith Power and Light Campaign. These are just some.

I think we have had some very wonderful meetings with them and press conferences with them. The way they look at the world is this: It is God's creation that is at stake, and they feel very moved and very bound to respond. It is rare you see this kind of coalition coming forward. But they look at God's creatures, and they say: We have a responsibility. They look at human beings all over the world who will suffer mightily if we do not get a grip on this global warming because we know, with rising sea levels, we will have refugees who will be stranded. We know in our own country we will have thousands die of heat strokes. We will have many thousands die from vectors and problems of new kinds of amoebas and so on that will now be present in the warmer waters.

We had an incident, and I believe it was at Lake Havasu, where we had some little child who went swimming and got a brain infection, who got that because the waters are getting warmer. So this is not theoretical. It is real.

Here, as shown in this picture, is a beautiful creature, the polar bear and people say: Oh, is this all about saving the polar bear? It is about saving us. It is about saving our future. It is about saving the life on planet Earth. And, yes, it is about saving God's creatures.

I remember sitting just a few feet away, at our hearings, from the scientists who said 40 to 50 percent of God's species could be extinct if we do not act. Now, that is not something we can turn away from, at least in my opinion. Here is this magnificent creature in peril because of the disappearing ice.

I also think we have to remind ourselves that global warming is a national security issue. I know when Senator WARNER became involved in it, it was in great part because of this. A report conducted by the Center for Naval Analysis found that the United States could more frequently be drawn into situations of conflict to "provide stability before conditions worsen and are exploited by extremists. . . . The U.S. will find itself in a world where Europe will be struggling internally, with large numbers of refugees washing up on its shores, and Asia in serious crisis over food and water. Disruptions and conflict will be endemic features of life."

Look, this is not a quote from Senator BOXER or Senator KERRY or Senator LIEBERMAN or Senator WARNER, who care about this bill. This is a quote from the Center for Naval Analysis. This is very serious. This is, Implications for U.S. National Security, commissioned by the Department of Defense in October 2003. Here we are in 2008, and we have a long way to go to get this bill done.

So I would say in my remaining few minutes that you are going to hear people come to the Senate floor and say: If we do this bill, it is going to imperil jobs. Well, nothing could be further from the truth.

You look at Great Britain, where they have reduced greenhouse gas emissions by 15 percent since 1990, and their economy grew 40 percent. Mr. President, 500,000 new jobs were created.

The Apollo Alliance here at home said we are going to see thousands and thousands of new jobs created. We have a study of the impacts of California's global warming law: 89,000 new jobs projected. I can tell you right now, we are in a tough time in California because of the housing crisis, OK. A lot of folks being laid off are going to work for the 450 new solar companies that have sprung up in California.

If you look at the top manufacturing States for solar, it is Ohio, Michigan, California, Tennessee, and Massachusetts. So these jobs are going all over America.

Look at all of labor supporting our bill. It is remarkable: the Operating Engineers, the Building and Construction Trades, the International Brotherhood of Electrical Workers. They understand we will be building a new infrastructure for our new energy which is going to result in lower energy prices.

Our local governments support action—the Conference of Mayors; the National Association of Clean Air Agencies; the Climate Communities, which is a coalition of cities, towns, counties, and other communities.

Not only will we see lower gas prices as a result of this legislation, but we are going to see amazing job growth. It occurred in Germany, just as it occurred in Great Britain.

Here we see this group that came together to support us saying: "Prompt action on climate change is essential to protect America's economy, security, quality of life and natural environment." I want to reiterate this. You are going to hear predictions of gloom and doom.

Mr. President, I ask unanimous consent for 20 more seconds to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. You are going to hear predictions of doom and gloom. But do you know what? Either these folks have not read the bill or they are reading off talking points that were made to start a political fight. We should come together across party lines. We should pass this bill.

I look forward to hearing from the rest of my colleagues.

Before I yield the floor, I ask the Presiding Officer, since we do not have anyone to rebut us, is it possible to go to Senator KERRY at this time? Would that be possible? I ask unanimous consent that we go to Senator KERRY, since we do not have the other side here. Or, actually, I ask unanimous consent to go to Senator LIEBERMAN for 3 minutes, followed by Senator KERRY for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank my colleagues.

I rise to build on something that Chairman BOXER just said about the national security implications of the global warming problem.

Last week I had the privilege to attend an Asian-Pacific Security Conference in Singapore, which is called the "Shangri-la Dialogue." At that conference, there were high-ranking defense officials from just about every country in the Asian-Pacific region, large or small. I noticed on the schedule of meetings there was a session on climate change. So this intrigued me because, again, this was a defense group, an international security group.

I went to the conference, and it was quite something. Our friends in the Asian-Pacific region are deeply concerned about the possible consequences of global warming and anxious that the world unite to protect them and us from the worst of it. A gentleman leader in the Defense Department of Singapore said they have begun to negotiate with European experts in the construction of dikes, because they think if they can build adequate dikes, they can probably withstand a rising sea level which they believe will happen—probably will happen, according to the best science—of a meter. But if the water rises above a meter, their leaders have concluded that as much as a third of Singapore could be under water. There was a gentleman there from the Defense Department of Bangladesh who said they are beginning to try to make plans for confronting a migration of as many as 5 million people in Bangladesh who will be forced by rising tides to leave their homes—5 million people.

Now, I say by reference, we don't think about those extraordinary effects of global warming, but if seas rise—to say the obvious, the United States has enormous coastlines and our low-lying areas will be subject to consequences that could be severe to the way of life of the people there. There has been a trend in our country of people moving to the coast, millions and millions and millions. If we don't do something about global warming soon, the life they lead will be severely compromised, and that is what this bill is all about—trying to avoid that.

I thank the chairman, Senator BOXER, for stressing that this is not only an environmental protection bill, this is not only an economic growth bill; this is a national security bill.

I thank the Chair, I thank my colleague, and I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair. Let me begin by thanking first Senator BOXER for her unbelievable leadership in this effort, as well as Senator LIEBERMAN and Senator WARNER, all of whom have worked diligently on the Environment and Public Works Committee. As everybody knows, there are some shared committee assignments with respect to this issue—the Commerce Committee and the Energy Committee—but I think there has been a superb effort of bringing everybody together under one roof, and that has largely been because of Senator

BOXER's determination to get us to this point.

We are here to debate what is absolutely—and it is interesting. We hear it from colleague after colleague on the other side of the aisle. They say: Oh, yes, we have to do a global climate change bill; yes, this is a critical issue. Then they add the caveat: But not this bill, not this time; then not providing a genuine effort or alternative to say this is how it could work.

It is also interesting to note there has been a huge shift in America with respect to this issue. Major Fortune 500 companies support the fundamental underlying precept of this bill. They haven't necessarily all landed on this bill yet, but they support the notion that we put a market-based mechanism in place whereby the marketplace will decide how rapidly and how each individual company will decide to reduce its emissions. What is important here is that we are creating a framework—and not a new framework. This is not something sort of brought out of the sky untested that is a new theory. We have been doing this since 1990 when we passed the Clean Air Act and successfully reduced sulfur dioxide, the cause of acid rain, and successfully reduced it at about a quarter of the cost that most of the naysayers predicted.

So I think our colleagues on the other side of the aisle frankly come here with a particular burden of proof. They have been wrong over the course of 25 or 30 years. They have been wrong when they opposed water treatment facility efforts at the Federal level, when they opposed air quality treatment at the Federal level, and each time when we have proceeded forward because we had forward-leaning leadership, Republican and Democratic alike—it is important to note that the Clean Air Act was reauthorized under President George Herbert Walker Bush, who understood the importance of moving forward. So we have shown that this mechanism, which was created to deal with acid rain, works. It is the law of our land today. The marketplace is doing it today. Companies are participating in this today. This is a proven mechanism whereby the marketplace—not the Government—will decide at what rate and who bears what burden and people are free to choose within an economic benefit how they proceed.

What is at stake today is whether Washington and this institution can rise above partisanship and break with the old entrenched interests and finally start to come together to solve what is undoubtedly the most urgent and profoundly complex challenge we face—how we protect this planet we live on. We have been down this road before. Twenty years ago I participated in the first hearings that were ever held in the Senate which Al Gore—then Senator Gore—chaired, with several other Senators, and we looked at this issue of climate change in the Commerce Committee. Ever since then, the story at the Federal level has been one of disgraceful denial, delay, back-scratching for specialized interests, and a buck-passing that has brought us perilously close to a climate change catastrophe. We have witnessed a failure of leadership in our time, and here on the floor of the Senate this week, at this moment—now—we Senators have the ability to reverse that.

Today, all of the scientific evidence—I am not going to say too much about it, but I cannot sort of frame this debate for the next days without saying something about it—all of the scientific evidence is telling us we can't afford to delay the reckoning with climate change any longer. All of the science is already telling us we have waited too long. Since the start of the Industrial Revolution, atmospheric levels of carbon dioxide have increased from 280 parts per million to now 380 parts per million. Today, we know not as a matter of guesswork—we know as a matter of scientific fact, incontrovertible fact—we know the atmospheric carbon levels are higher than they have been at any time in the past 800,000 years. How do we know it? Because scientists have been able to bore down into ice core and measure the carbon dioxide levels that have been preserved in the ice over those years, as well as other time-measuring mechanisms. That accumulation translates into an increase in global temperatures of about .8 degrees centigrade.

Now, because this carbon dioxide that we put up into the atmosphere has a life—it continues to live—as nuclear materials have a half life of thousands of years, carbon dioxide has a life of anywhere from 80 to 100 years. So what we have already put into the atmosphere will continue to do the damage it is already doing, unless somehow, by a miracle of science or a miracle, there is a method discovered in order to go backwards. So we are looking at another .7 to .8 degrees of temperature increase that we can't stop. That brings us to about 1.4, 1.5 degrees of centigrade increase.

Why is that figure important? I will tell you why that figure is important. Because there is a scientific consensus of thousands of scientists across the planet that is telling us that as a matter of public policy, to avoid the potential of a tipping point—they can't tell us with a certainty that the tipping point is at 1.9 degrees or 2 degrees or 2.3, but they are telling us that their best judgment is that to avoid a tipping point of catastrophe on the planet, we must hold the temperature increase of the Earth to 2 degrees centigrade and to 450 parts per million of greenhouse gases. So we are looking at now being at 380, we have a cushion of going to 450; we already know we have risen 100 in the Industrial Revolution, but the Industrial Revolution didn't have China and India and the rest of the world industrializing as it is today. So we are staring at the potential of a much greater input of carbon dioxide, much greater input of greenhouse gases unless we take steps now, with the United States leading, in order to lower the levels of emissions and ultimately stabilize them at a level that is sustainable in terms of the science of our planet.

Two weeks ago I brought several of our country's top climate scientists to brief us in advance of this debate. Now, those scientists—scientists are by profession conservative people. They have to be. If you are going to be accepted as a top scientist, your reports are peer reviewed, they are analyzed, they are looked at by others in the same field and judged as to their methodology and the conclusions they draw. The fact is we have something like 920 peer-reviewed reports, all of which say we have to do what we are seeking to do here on the floor now. And there isn't one report—not one peer review—to the contrary. There is not one report that suggests humans aren't doing what we are doing and that we don't have to stop doing it now or face the potential of catastrophe.

The fact is these scientists also told us that what they predicted 2 years ago, 3 years ago, 4 years ago is completely eradicated now by the rate at which the evidence from Mother Earth herself is coming back. Earth is telling us that we are now seeing a degradation at a rate that is far greater than those scientists predicted. In fact, the science projected a general decline in the Arctic Ocean in 2001. Well, guess what. The 2007 IPCC Report sounded significantly more alarm bells, saying:

> Late summer sea ice is projected to disappear almost completely towards the end of the 21st century.

Less than a year after that report, in January of this year, another report found that a seasonal ice-free—ice-free—Arctic Ocean might be realized as early as 2030. I am told that the scientists who study this topic now believe it could even happen sooner, but that is what they are comfortable telling us publicly. Scientists are observing a 30-percent increase in the acidity of oceans with a devastating impact on ocean life, literally destroying the ocean food chain from the bottom up. Scientists project that 80 percent of living corals will be lost in our lifetime. The impact of the acidity—the acidity, for those who don't follow it, comes from the greenhouse gases. We put them up in the air, they travel around the world, they rain, it gets into the clouds, rains and comes down into the ocean, or spills as particulates into the ocean. The result is that acidification reduces the ability of crustaceans in the ocean to form their shells. So starfish, lobsters, clams, crabs, coral reefs, all of these things that rely on their ability to form shell are threatened as a consequence of the increase of acidity in the oceans.

What is more, scientists know that the oceans act as a storage center for carbon dioxide. In the jargon of global climate change, it is called a "sink" because the carbon dioxide sinks into it and disappears. What we know is the oceans do this. What we don't know is where is the kickback point in the oceans. When are the oceans full and they start to spit it back out because they can't contain it anymore? Well, I tell you what: Sound the alarm bell. Because scientists in Antarctica found that that is already happening; that there is a regurgitation of carbon dioxide in the Antarctic they didn't anticipate and which now sends warning signals about the rest of the oceans.

Even the Bush administration's own top scientists last week laid out a chilling assessment. They said the following: Floods, drought, pathogens and disease, species and habitat loss, sea level rise, and storm surges that threaten our cities and coastlines are what we are looking at unless we begin to reduce the global greenhouse gases.

The effects of climate change are now apparent on every single continent. It is being witnessed in very tangible and unexpected ways. For instance, if you are a hunter in South Carolina and you like to go duck hunting, today the only reason South Carolina has real duck hunting to offer is because of farm ducks, not because of the migration that used to take place. It is the same thing in Arkansas, with the population of the waterfowl that is significantly reduced. The Audubon Society has reported a 100-mile swathe of migration of vegetation, of growth. In Alaska, we are seeing millions of acres of spruce destroyed by beetles that used to die because of the level of the cold, but Alaska has warmed more than any other part of the United States, and the result is they now infest those trees. There are consequences that none of us can even properly define or imagine. But prudence dictates that, knowing this is the course we are on, we need to do something about it. We need to do something about it now.

The instability of the permafrost, increasing avalanches in mountain regions, and warmer and dryer conditions in the Sahelian region of Africa are leading to a shortening of growth seasons. Yesterday, there was a huge meeting of the U.N. to discuss food shortages taking place in various parts of the world. Up to 30 percent of plant and animal species are projected to face extinction if the increase in global temperature exceeds 1.5 to 2.5 degrees Celsius.

The impacts are not limited to species and ecosystems. Last week, the U.S. Department of Agriculture released a new study projecting that the rise of concentrations of CO_2 in the atmosphere will significantly disrupt water supplies, agriculture, forestry, and ecosystems in the United States for decades to come. By midcentury, anticipated waterflows in much of the West is going to decline by an average of 20 percent. Already in the West—to listen to our Senators from the West talk about the drought and the problems they have of lakes that are now drying up—all these are concerns we need to address here.

The same report says that, by 2060, forest fires and the seasonal severity rating in the Southeast is projected to increase from 10 to 30 percent and 10 to 20 percent in the Northeast. The impact on infrastructure will be severe. In March, the U.S. Department of Transportation found that the projected sea level rise in the gulf coast would put substantial portions of the region's transportation infrastructure at risk. Storm surges in the gulf coast will flood more than half the area's major highways, almost half the rail miles, 29 airports, and virtually all ports.

The question before the Senate now is, How do we turn this prediction of danger into opportunity? And it is opportunity. I don't think to anybody it is "pie in the sky" when they think about the possibilities of what we can do for our health as a nation, for our environment, for our obligation to future generations, for our security, for our energy policy, and for the price of gasoline. All these things can be driven in the right direction if we make the right choices in the Senate in this next week.

The fact is the Climate Security Act that Senators BOXER, LIEBERMAN, WARNER, myself, and others bring to the floor is a bill that puts us on the right path. No one agrees with every compromise that is made in this bill. We all understand that. We all agree on the importance of action, though. We all agree on the importance of getting something done now.

This is a strong and flexible piece of legislation. It will reduce the emissions, the gases, the carbon dioxide that creates global warming by 19 percent by 2020 and 71 percent by 2050. That will lead to an overall reduction that meets targets well within the range of the reduction that scientists tell us is necessary to avoid catastrophic impact on climate change.

In the next days, I hope we can work with our colleagues. If you have an objection to the bill and you have a better way of coming about it, that is what we are looking for. That is legislating in the best tradition of this institution. What we don't want to do is have people come to the floor and say this is the most important issue, we have a better way of doing it, but the better way never appears. It is never framed in an appropriate amendment that seeks to do other than kill the bill. We have the ability to be able to frame this in a responsible way.

I have concerns and others have concerns that the cost-containment auction, when coupled with the borrowing and offset provisions—I wish to make sure it has the potential to lower the target in the early years of the program. I don't want to see us avoid responsibility for years to come. So I hope to work with the bill's authors, and maybe we can develop a mechanism to make sure we maintain the short-term targets as directed by the scientists, while at the same time providing adequate cost certainty. But the overall structure of this bill provides important incentives to create a clean energy economy in our country. It directs auction proceeds—and this is important to understand. This is not a bill that goes out and taxes Americans and says you have to pump a whole bunch of money into the Federal budget so the Government can do something. That is not what happens here. This bill creates a marketable unit of reduction of carbon dioxide. By providing that, people will be able to buy and trade in those units. The money that comes from that purchase and trading is money that is then directed to help States make the transition, to help soften the transition for companies, to help provide the technology and the research and development that speeds us down the road to the creation of alternative and renewable fuels.

There are only three ways to deal with global climate change. One is to move to alternative and renewable fuels. Two is to come up with a way of having clean coal technology quickly. Three, it is through energy efficiency mechanisms.

The United States is literally the worst of all participating nations at this point, in terms of energy efficiencies. You can travel to Europe or to Asia and go up to an escalator and it is not working and you think you have to call somebody to fix it, but when you get near it, the escalator starts to move. When you get off and nobody else is coming, it stops. That is energy efficiency. We don't do that. Ours turn 24 hours a day, no matter whether people are there—unless they are turned off. It is the same thing with lights. When you walk out of a hotel room in some other places and it is dark and you shut your door, the lights go on. As you walk down the hallway, lights go on in front of you and off in back of you. When you get onto the elevator, the lights go out. We don't do that. There are countless efficiencies we can put into buildings, fleets, automobiles, and into the use of energy. The McKinsey report—that company is a well-respected profit-making company in America—tells us that we can get anywhere from 40 percent to 75 percent of all of the savings we need in order to deal with this crisis just from energy efficiency.

What are people waiting for? If we moved down that road, we would be doing better than by doing nothing. This bill provides very important incentives to capture and seek restoration of carbon itself. It targets $14 billion to expedite the near-term development of these facilities. It focuses on the need to support communities here and abroad, in order to adapt to the problems of climate change.

I wish to highlight the fact that $68 billion in this bill is devoted to reducing emissions from deforestation. A lot of people don't realize that cutting down forests is one of the biggest contributions to carbon dioxide. Deforestation and forest degradation is an enormous contributor that we have to turn around. Many of us wish the number was more, but we think it is enough to be able to get moving and start down that road and have an impact.

My colleagues on the Foreign Relations Committee hope to address this issue in greater depth because deforestation accounts for 20 to 25 percent of global emissions. We need to help other countries move in the right direction.

When you look beyond the details of the allocation formulas and the offset verification procedures, this bill sends a critical message to our economy. I have spent a lot of time, as have the chairman and Senator LIEBERMAN, meeting with businesses across the country. I have talked to the Business Roundtable. I have met with the U.S. Climate Action Partnership companies. These are Fortune 500 companies, such as Dow Chemical, DuPont, British Petroleum, American Electric Power, and Florida Power and Light. While they don't all agree with every piece of this bill yet, they all agree they want the Congress to pass a program where we are helping the marketplace to solve this problem by creating a system where you trade these units of carbon dioxide reductions and where you have a cap on the total level of emissions in order to push people to go out and adopt this program.

What this program does is provide certainty to the marketplace. If you talk to those on Wall Street today, they will tell you what they want is certainty. They want to know what is the pricing of carbon. This allows the marketplace to adjust and set the price of carbon. It allows the marketplace to come up with the mechanisms and indeed drives a lot of venture capital money into the efforts to create the alternative renewable fuels that are the better long-term economic responses to global climate change and to the imperatives to reduce emissions.

In addition, let me say my colleagues, with all due respect, have continually overestimated and overstated what the costs of doing this would be. I wish to refer back to the acid rain debate. I was part of those negotiations. I remember sitting in a room off the Senate floor with former Senator George Mitchell, Bill Reilly, JOHN SUNUNU, and others, and we negotiated. The very people who today stand up and say don't do this, it is going to cost too much, are the same people who, in 1990, said don't do it, it will cost too much. They came in with industry-driven figures. The industry-driven figures said it is going to cost $8 billion and will take 8 years, and you are going to bankrupt America. To the credit of George Herbert Walker Bush, he didn't buy into those figures; he accepted the figures of the environmental community, which came in and said it is not going to cost $8 billion; it will be about $4 billion and it will take about 4 years. To the credit of President Bush, we did it. They were all wrong because it cost $2 billion or so and took about 2½ years. It was 25 percent of the cost that was predicted. Why? Because nobody is able to predict what happens went the United States of America sets a national goal and we start to target our technology and innovation and move in a certain direction.

What I am hearing from our venture capitalists and scientists is they are already moving in that direction. They are already exploring unbelievable alternative fuels. If this passes, we will create much more incentive and energy behind that race to find those alternatives. I predict there will be two or three "Google" equivalents created in the energy field in the next 10 to 15 years if we pass this bill and start moving in this direction.

There are plenty of economists out there to document what I said. Nicholas Stern, former chief economist at the World Bank, said the investment of 1 percent of GDP can stave off a 5- to 20-percent loss of GDP. So when colleagues say to us don't do this because it is going to cost too much, they don't ever tell you it is going to cost more not to do it. It is going to cost us much more not to do it. Every year we delay and wait, we drive up the curve of what we have to grab back to reduce in order to meet the target goals. So, in effect, delaying will make it more dangerous, as well as more expensive, because you are going to have to grab back more and faster in order to make up the difference. Frank Ackerman at Tufts recently updated the Stern model. He found that four global warming impacts alone—hurricane damage, real estate losses, energy costs, and water costs—will come with a price tag of 1.8 percent of U.S. gross domestic product, or almost $1.9 trillion annually, by the end of the century. Bill Nordhaus, at Yale University, and Robert Samuelson, of the Washington Post, might take issue with some of Stern's methods, but the larger point is there; that those are huge figures, much bigger figures, being quoted on the downside of not doing anything rather than the cost of doing something.

In the end, addressing global climate change is going to be good for American business, and those businesses that are supporting it understand it is going to be good for American business. We can actually market our technologies. We can get involved in technology transfer with other countries. We can rejoin the global community in an effort to act responsibly. Once we put a cap on carbon, we can expect an explosion of new technologies which will take advantage of that new market.

The fact is, I think that is one of the most exciting things I have run into. I met recently in Massachusetts with 45 Massachusetts green energy companies. We have companies that are taking construction waste right now and they are turning construction waste into clean fuels and selling electricity. That could spell the end of dumpsites as we have known them in America, of landfills if we take that product and turn it into energy that is clean.

We have a battery manufacturer in Watertown, MA. That battery is powering a car for the distance of 40 miles of travel. The length of the average American commute is 40 miles. So if we were to push these batteries out in the marketplace, the average commuter in America could go through the entire day barely touching a drop of gasoline. People today who cannot fill up their tank completely because their credit card shuts off would all of a sudden be filling it up once a month or more. That is the future of America.

The price of fuel is going to go down because, in fact, this bill lowers our imports by almost 8 million barrels a day. If we do that, it is inevitable that we will be paying less money and lowering the price of gasoline. The fact is, to not do it is to see a continued increase at a rate the American people cannot afford.

I mentioned this in the caucus earlier today. I met a week ago with Dr. Craig Venter, who is the person in the private sector who did the mapping of the human genome. They are taking the knowledge they now have from the mapping of the genome and are using that to apply it in biology, to synthetic biology where, through certain microbio processes as well as through photosynthesis, they are now taking carbon dioxide and using it as a feedstock for the creation of new fuel. If that works, that is just a total game changer—a total game changer—if we can actually take carbon dioxide, which is the biggest problem we face with respect to global climate change, and turn it into something that is positive in a fuel alternative.

There is more to say on this issue. There will be more to say in the next days. I look forward to this debate.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, in 2006, the renewable sector of energy in America generated 8.5 million new jobs, nearly $970 billion in revenue, over $100 billion in industry profits, and more than $150 billion in increased tax revenues at all levels of government.

One study found that with a serious commitment to an aggressive clean energy strategy, we could create 40 million jobs and $4.5 trillion in revenue by the year 2030, which is not even the end of the period this bill seeks to address in terms of reductions. We can create millions of jobs at every single level of our economy. We can create jobs for scientists, jobs for professors, jobs for people in the software and computerware business, jobs that come all the way down the food chain in terms of every aspect of American life and particularly in the infrastructure and construction industries where we would be building the new plants and new facilities and the new delivery systems for all of this technology.

This is the future. This is the future we can see because we have been there before. The United States has transitioned in fuels before. We used to do everything by burning wood, and then after we burned all the wood around our cities and learned we could not do it anymore, we discovered oil. We used to use whale oil from Nantucket, MA, and lit most of the streets in New England. Then we moved to a mix of items, including hydro, coal, even nuclear ultimately.

We are in that next transition now. I remind my colleagues that one of the sheiks who helped organize the oil cartel years ago said the stone age did not end because we ran out of stones, and the oil age will not end because we have run out of oil. The oil age will end because global climate change and global warming are sending us a message about what is happening to this planet.

We have a God-given responsibility. You can read Genesis or Isaiah or any of the other parts of the prophets, and there are enough references to our responsibilities as individual human beings to be the guardians of the Earth, to protect this creation. That is why many Evangelicals and others are supporting this bill, because they understand that responsibility. Anybody here, whether they are religious or not, ought to understand the fundamental responsibility we have not to see 30 percent of the species wiped out and whatever possibilities of disease cures with any one of those species as yet undefined and untested.

This is the greatest challenge we are to face. We are staring in the face of opportunities where the United States has the ability to strengthen our economy, provide more jobs, save fuel, provide alternatives for people, reduce the cost of day-to-day life, and, in the end, live up to our responsibilities as legislators.

I remind my colleagues of what President Kennedy once said of the race to the Moon when he challenged America to go there. There were a lot of doubters and a lot of people who thought it was a pipe dream. President Kennedy himself was not absolutely certain, did not know for sure we could do it, but he believed in America. He said this is a challenge we are willing to accept, one we are unwilling to postpone, and one which we intend to win. And he said we have to do it not because it is easy but because it is hard. That is the kind of spirit this Congress and this Senate ought to show now. This issue is a lot easier, frankly, than going to the Moon, and the United States has proven we can do the former. Now we need to do what we can to reduce the emissions that create global warming and threaten all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, in dealing with climate change, there are certain principles I always apply in assessing the approach to this issue. One is that our Nation will continue to need and depend on fossil fuels. Fossil fuels must be a part of any effort to achieve a cleaner energy future. There is no way we can get there without them. No. 2 is a strong American economy, one that creates jobs, that creates new technologies. That is critical to developing the tools we need to capture and sequester carbon. China and India will not address carbon emissions until such technologies are developed. And No. 3, we cannot afford to hurt the very regions, the very industries, and the very workers who will provide that technology through hard work and innovation.

In terms of economic impact, I have serious concerns with the Lieberman-Warner approach as currently written. According to a recent study done by the National Association of Manufacturers, the negative economic impact to the Rocky Mountain West and to my home State of Wyoming is very real and significant. The impact is perhaps the greatest in terms of high gasoline prices for folks all across the Rocky Mountain West. Gasoline prices for western families will increase significantly under this bill.

Every day, folks in the Rocky Mountain region are going to have to drive long distances. They do it to get to work. They do it to shop for food. They do it to go to school. The distances, in many places, are much greater than they are in other parts of the country. My home State of Wyoming ranks at the top of the list of all the States in terms of vehicle miles traveled on a per capita basis. I drive these roads every weekend visiting folks in Gillette, Riverton, Cheyenne, and Casper. They are hours apart. Westerners are rightfully upset about how much they are paying at the pump. I am sure my colleagues' constituents are too. Letters come in every day from all across Wyoming asking when Washington is going to help them. Yet we hear in testimony from the Energy Information Agency that gas prices under this bill could go up anywhere from 40 cents to $1 a gallon. Others are predicting it could go up even higher than that. Whichever estimate you choose, whichever one you choose to look at, gas prices are going to go up under this bill.

Why will it be even worse in the Rocky Mountain States? Partly because the West and Rocky Mountain West rely on small refiners for their fuel. It is not uncommon in the Rocky Mountain West to have the local gasoline station in these small towns be just across the road from the small refiner. Towns depend on these refiners for their fuel. They provide the fuel for the families of the West. Without the small refiners, Wyoming and the Rocky Mountain West would have to ship our gasoline in from out of State.

The small refiners do not fair very well under this bill. They have to compete with the large refineries for a small portion of the allowances. Without additional help, they will go under and an entire region of the country will pay even more significant increases in the price of their fuel.

Some may try to lump small refiners in with the big oil companies that actually produce the oil. The small refiners have to buy their oil from that oil producer. These small refiners are paying $125 to $130 a barrel for oil, and it is having a devastating impact on them. Some have suggested that they simply pass along the cost to the consumer. Tell that to the folks in the West who are already being punished at the pump.

This part of it is not a partisan issue at all. I plan to offer an amendment I am working on with Members of both sides of the aisle——

Mr. KERRY. Will the Senator yield for a question?

Mr. BARRASSO. I will yield, if I may, at the end of the presentation.

I want to work with others to offer this amendment because this affects everyone in the Rocky Mountain West.

Gas prices have reached the point where people are simply driving less. Family vacations and school field trips are being canceled. People are working 4 days a week but longer hours each day. Why? Because of the high cost of fuel.

Some may say: Great, we want people to drive less. Some may say: Hey, have your constituents take alternative transportation, public transportation, such as the subway or bus. As many of you know, we in the West have spectacular, majestic rural areas that many of you enjoy on your vacations. We ask you to come and visit our national parks, our many State forests and monuments. But these majestic natural places come with a cost: there is no subway.

High gasoline prices are just one of the many major negative economic impacts to the West under this bill. Job loss is another major factor. The National Manufacturers Association study projects that Wyoming would lose between 2,000 and 3,000 jobs by 2020 and double that by 2030. Montana would lose between 4,000 and 6,000 jobs in 2020, double that by 2030. Utah would lose 10,000 to 15,000 jobs in 2020, double that by 2030. The numbers in the West go on and on. What kinds of jobs will be lost? Jobs in the energy sector, jobs that pay well, jobs with pensions, jobs with health insurance—the kinds of jobs we should be protecting in this country.

Westerners are being told by the supporters of this bill: Don't worry, green-collar jobs will replace the jobs lost in the West. Where is that written? What guarantee can you point to in this bill that a family in Gillette or Laramie or Riverton or Cheyenne is going to get a green-collar job? And what is a green-collar job? Will they get the job the minute they lose the one they have now? How long will they have to wait? Will they have to uproot their family and move to find work? Where is it written in this bill that the pay and the benefits of the so-called green-collar job will be equal to the job the bill takes away? The reality is it is not written anywhere.

In terms of energy costs, the situation is not very good for the Rocky Mountain States. Wyoming is among the top five States in what are called heating degree days. That is a measure of what it takes to heat a home all throughout the year. If you have been through a Wyoming winter, you would understand why. The most vulnerable people in my State, the seniors, people on fixed incomes, cannot afford to have their energy bills increased.

Why are we asking people all across the country to pay more of their hard-earned dollars on high gas prices and energy prices in this bill? I frankly cannot answer that, except to say, That is Washington for you.

But it gets worse for Wyoming. According to a National Association of Manufacturers' study, Wyoming coal would face a severe decline. That too would result in lost jobs, broken family budgets, and displacement. As I have said, fossil fuels, including coal, are vital to our energy security. We need to make them cleaner because they will remain a vital part of America's energy mix. Clean coal technology is still a work in progress. It will take time to perfect. The men and the women of Wyoming who are the backbone of the coal industry are essential to providing clean coal technology to America.

America simply cannot tolerate the lost jobs and the high energy prices that will come from dramatic decreases in coal production under Lieberman-Warner. As I stated in the beginning, we need to have a strong economy. We need an economy that creates jobs and fosters innovation. That is how to provide the clean energy technologies we need.

It is not only the Rocky Mountain West that is going to be hard hit by this legislation. The Energy Information Agency testified before the Memorial Day recess in the Senate Energy and Natural Resources Committee that the larger price impacts occur from Lieberman-Warner in those regions of the country that are most reliant on coal. So that is also the South. It is also the Midwest. That is rural America.

The median income in Wyoming is $46,000 a year. Wyoming family budgets are predicted to lose between $1,000 and $3,000 a year in income over the next 13 years and double that by 2030 under this bill. Many families in Wyoming would have to dedicate $1 out of $5 from their family budget for energy costs under this bill. This is what rural America can expect under this bill. Sadly, it appears the impacts of the bill hit lower income families the hardest. It doesn't have to be this way. I truly believe we can address climate change. There are better ways and more economically friendly approaches, and those ways that can make a real difference.

Earlier this year, I introduced legislation to address climate change. I believe overlooked in the debate are greenhouse gases that are currently in the atmosphere—the gases that are currently contributing to the warming of the planet. The best science tells us it is a factor. To what extent, we are not sure. It would seem to me a worthy approach to find a way to remove existing greenhouse gases from the atmosphere and permanently sequester them. This is the other end of the problem. Now, to accomplish this, we are going to need to invest the money to develop the technology. The approach my legislation takes is to address this through a series of financial prizes, where we set technological goals and outcomes. The first to meet each criteria would receive Federal funds and international acclaim. The prizes would be determined by a Federal commission under the Department of Energy. The commission would be comprised of climate scientists, physicists, chemists, engineers, business managers, and economists. They would be appointed by the President, with the advice and consent of the Senate. The awards would go to those, both public and private, who achieve milestones in developing and applying technology, technology that could significantly help to slow or to reverse the accumulation of greenhouse gases in the atmosphere. The greenhouse gases would have to be permanently sequestered, and sequestered in a manner that would be without significant harmful effects.

I believe this approach is only one example of how we can tackle the problem of climate change in an economically acceptable way without sacrificing real progress. I hope as we begin this debate on this issue, more Members of this body embrace approaches that address climate change while protecting jobs, family budgets, and the industries we count on today.

I have repeatedly asked questions during the hearings in both the Environment and Public Works Committee and the Energy and Natural Resources Committee on this bill about what the impact will be on my home State. To date, I have not been able to get a straight answer. I am relying on the State-specific numbers that we have available. If you don't like the National Association of Manufacturers' numbers, then try the Heritage Foundation. The Heritage Foundation is predicting major job losses in the Rocky Mountain West. The study says Wyoming will lose 1,100 jobs by 2025, and Utah will lose over 5,000 by that same year, with Montana losing 1,800. Most of those will be manufacturing jobs. And those are the numbers that predict job losses even if everything in the bill goes according to plan, including full implementation of clean coal technology.

It is important to note that gas prices nationally will go up 25 percent under Lieberman-Warner, according to the Heritage Foundation. Another source, the Energy Information Agency, testified at the Energy and Natural Resources Committee and said gas prices would go up 40 cents to $1.

As Americans, we have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future. Yes, we want to protect our environment; and, yes, we want a strong economy. It just so happens that the one does rely on the other.

It has been said that the environmental movement in the United States was born out of America's prosperity. Americans who had benefited from post-World War II prosperity began to become more concerned with clean air, with clean water, and with land management. Since then, a prosperous America has also been an environmentally conscious America. Nothing could be more true in terms of addressing climate change. Let's keep our economy strong, let's use our untapped human potential and American spirit to develop the technological solutions we need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY. Mr. President, does the Senator still have time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. I understand we have 5 minutes; is that correct?

Mrs. BOXER. Why don't you take 2 minutes.

Mr. KERRY. I ask the Senator, first, is he aware that the National Association of Manufacturers' report allows for zero technological advances; that it has no technological advances taken into account whatsoever? Does the Senator believe, in fact, the United States is not going to make any technological advances in the days ahead?

Mr. BARRASSO. Mr. President, every study—every study—points to lost jobs and higher energy prices, higher gasoline prices, whether it is the Heritage Association or the National Association of Manufacturers. I have looked at study after study after study. I have read the books and visited with experts around the country and around the world, and everything I am seeing and reading takes me in that direction, and that is that gas prices will be going up and jobs will be lost.

Mr. KERRY. Mr. President, again, it is not true that every study says that. In fact, the EPA study itself comes out with about a .04 change in GDP at a time when the GDP is going up 97 percent according to our own administration. So it is simply not accurate to say that every report says that.

Secondly, I wish to know on what scientific study the Senator bases the notion that we are going to get the carbon dioxide out of the atmosphere in time to be able to deal with the predictions of what is happening, which require us to move immediately to deal with emissions. Could the Senator tell us what scientific report says we can get it out in time to meet this challenge? And does the IPCC, the 2,000 scientists who have been working on this for years now, suggest that is an alternative?

Mr. BARRASSO. Mr. President, that is why I introduced the GEAR Act earlier this year and gave a speech from this Chamber at this desk talking about giving the same kind of prizes that allowed people 500 years ago to understand longitude so ships could sail the seas; the same kind of prizes Charles Lindbergh was searching for when he flew across the ocean. It is those kinds of prizes and incentives that say, Let's get our best minds working on this. I don't know what the timetable is. I have talked to the scientists, and I say, Let's put in incentives, and that is why I brought that bill.

Mr. KERRY. The answer is, there is no study. The answer is, there is no serious scientist who is suggesting we can meet the needs of global climate change and conduct some long-term analysis of whether we can get it back out of the atmosphere. It doesn't exist. It is nonexistent.

Secondly, the analysis used by the National Association of Manufacturers has a skewed oil price which completely cooks these numbers; and it is a report which has no allowance whatsoever for any technological advancement. That is not representative of the United States of America when we talk about the technologies I talked about. Moreover, they are the same people who came in in 1990 with those crazy predictions of what it was going to cost us to do the other.

I think the people who relied on people who were wrong years ago have a bigger burden of proof to come to the floor now and show us they have a study that actually makes sense.

Mrs. BOXER. Mr. President, I was hopeful to have 5 minutes, and I know Senator INHOFE is going to take a lot of time to rebut, so I ask unanimous consent to take 5 minutes now.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I have to say it is amazing to me how a Senator from a place that is almost ground zero on global warming could stand up here and be so negative, very unlike his Governor.

I ask unanimous consent to place in the RECORD the testimony of the Hon. David D. Freudenthal, Governor of the State of Wyoming, before the House Select Committee on Energy Independence and Global Warming.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE HONORABLE DAVID D. FREUDENTHAL, GOVERNOR, STATE OF WYOMING, BEFORE THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING

GREETINGS

Mr. Chairman, distinguished members of the Select Committee thank you for the opportunity to appear before you and comment on the future of coal under carbon cap and trade. This is really a discussion on carbon management, more particularly carbon capture and sequestration, which inevitably leads to a discussion of the role of coal in fueling the American and international economy.

WYOMING IN CONTEXT

Please allow me to place my comments in the factual context of Wyoming as a state committed to both energy production and environmental protection. I find people in Congress are most familiar with our two national parks—Yellowstone and Grand Teton—and our role as the leading coal producing state in the nation with production of 446 million tons of low sulfur coal in 2006.

What is generally not as well known are the other forms of energy Wyoming produces. Depending on the day of the week and the mood of our friends in Oklahoma, we are either the second or third largest natural gas producing state in the country with annual production a bit over two trillion cubic feet or about 10% of the domestic supply. Wyoming has for several years been the largest producer of uranium in the country with approximately 2 million pounds a year of yellowcake (uranium concentrate) produced. We currently rank in the top quartile of states in wind generation, and have an estimated 8,000 megawatts of developable wind when the transmission constraint is released. Two projects have been announced recently which will add approximately 200 megawatts of capacity and at least 10 wind power projects are in various stages of review and development with state regulatory agencies. We produce about 53 million barrels of oil annually placing Wyoming in 7th place among the states.

Put another way on a net BTU exporting basis, subtracting state consumption from state production, Wyoming is by far the largest energy exporting state in the nation providing about 10 quadrillion BTUs or roughly 10% of the country's energy supply. [See attached graphic]

COAL IN CONTEXT

My purpose today is not to argue, but to recognize some fundamental realities.

Like it or not, coal is going to be used in America and the world for some time to come. Even without any new coal fired plants there are 1,522 existing generating plants consuming over one billion tons of coal per year. Over the next twenty years, new and replacement generating capacity is forecast at 292 gigawatts, the equivalent of 25 coal-fired power plants each year. While conservation and efficiency programs are forecast to make a real dent in the rate of growth of electricity consumption, we are going to need every form of energy we can harness including clean coal, natural gas and renewable resources. Non-hydro renewable resources of wind, solar and geothermal meet less than 1% of our energy needs today. Fossil fuel sources provide over 80%. For the foreseeable future, carbon based resources are a necessity if we want to keep the lights on. Hence, any serious carbon management effort must include aggressive support for carbon capture and sequestration.

WHO PAYS?

Without question, long term carbon management is going to cost a lot of money. Private and public sector investment will be redirected and those costs will ultimately fall to taxpayers and consumers. Carbon capture and sequestration will also consume significant energy in the capture processes, compression and transportation which of course will add to operating costs. It would seem an appropriate policy goal then to pick those processes most likely to yield the greatest effectiveness at least cost to the consumer/taxpayer.

Consumer energy costs are not a trivial matter in my state. A recent analysis we completed suggests that the lowest income quartile, those households earning less than $25,000 per year pay about 16% of their income for energy. Those in the highest quartile pay on average 2–3% of their income for energy. So those that can least afford it. pay 7 to 8 times as much a portion of their income for energy as most of us in this hearing room. Imagine what happens if the cost of energy rises 15, 20 or 25 percent and that differential begins to rise exponentially. In my small state that would affect over 51,000 households or 25% of my constituents. That means nearly 130,000 people are going to have to make very hard choices about how they spend scarce dollars. As policy makers we cannot ignore this issue in our search for solutions.

NO SILVER BULLETS

It is clear the public attitude is changing with respect to greenhouse gas management and as proof you need look no further than the ads surrounding the Sunday morning talk shows. Company advertising now talks about how green they are, not how efficient they are, or how much growth they enjoy. Other advertisements publicly shame firms which make money off of projects or companies which do not meet the "green" test. And much of the public conversation is about increased consumption of natural gas in lieu of coal.

But even the current shift to natural gas is not without carbon implications. Burning natural gas has fewer CO_2 emissions per unit of electricity produced but still has carbon emissions and if one considers the upstream footprint of exploration and production natural gas is an answer, but not a perfect answer. For example, in my state, natural gas processing plants emitted 6.9 million metric tons of CO_2 equivalent in 2005, representing nearly 25% of our net carbon footprint. One of the two largest plants operated by ExxonMobil has a large well field and plant that produces natural gas, helium and CO_2 for the enhanced oil recovery industry. However much of the CO_2 is currently vented to the atmosphere. In fact, for every million cubic feet of natural gas produced, nearly two million cubic feet of CO_2 is produced and a majority of it is vented to the atmosphere. My friends in California where much of the natural gas ends up don't always take this into account when they do their carbon footprint analysis.

STATE PERSPECTIVE

We believe the state has a role in managing greenhouse gases and to that end we have begun to construct the legal framework to do so. However, even the simple question of who has the right to sequester CO_2 under state law is amazingly complicated. Does that right belong to the surface owner or to the owner of the mineral estate? How do we take into account the vast federal ownership of both the surface and mineral estate?

From the point of view of a Governor, the absence of a well thought out, cogent federal policy that maps the pathway forward makes the task of setting workable rules, regulations and operating practices that much more difficult. This is equally true for the private sector. Until someone monetizes CO_2 through performance standards with offsets, cap and trade or some variation of these schemes the marketplace is wandering in the desert. The level and pace of technology development will be set largely by the scheme you adopt as the price of carbon, the timeline for implementation and off ramps such as safety valves anchor the assumptions behind any economic investment. With these variables in mind, the structure needs to be set sufficient to promote large scale demonstration projects sufficient to resolve the outstanding questions in a rational but aggressive manner.

We meet with folks who are absolutely serious about developing new plants to supply energy and they assume they will live in a carbon constrained world. They fully anticipate sequestration of $C0_2$ or the necessity of some other mechanism to manage greenhouse gases. Most are not shy about their dislike of taxes or escalating costs, but uncertainty about future carbon rules absolutely overwhelms every discussion. It appears to me that a number of these investments will never come to fruition until the other shoe drops and the boundary conditions are established for the risk with respect to carbon management.

In a minute I will list some specific actions I think make sense, but first I want to make an observation as a predicate to those recommendations. It is the simple notion that when it comes to carbon management, it is difficult but necessary to admit what we don't know. Because in the absence of full knowledge we tend toward absolutist positions like "only wind", "no nukes", "only biomass" or "no coal". I am not sure the federal government knows how we should construct the greenhouse gas management regime and I am not sure industry knows either.

If you will grant me this observation for a moment, it seems a prudent course would be to pick those activities we believe must be undertaken no matter what path ultimately proves to be the correct one. For example, we know we need studies and demonstrations putting $C0_2$ in the ground in quantity to determine the physical facts i.e. measuring, monitoring and verifying sequestration data in the real world. We favor an array of these demonstrations as proposed by the Department of Energy carbon sequestration partnerships as a sensible approach given different conditions across the country.

Additionally, we know there are differences between enhanced oil recovery (EOR) and carbon sequestration which may or may not overlap. Monetizing a $C0_2$ stream for the purposes EOR may mitigate the cost impact on consumers in the early years of a carbon policy. This needs to be studied with some degree of granularity.

Staying with the theme of moving from the abstract to real world data, I believe we need to accelerate those programs that lead quickly to economically viable, commercial scale electric generation plants. This would include both super critical pulverized coal plants with significant carbon capture and sequestration as well as integrated gasification combined cycle (IGCC) plants with carbon capture and sequestration. My observation is that substantial federal underwriting to hasten this process is required to assist those companies willing to pursue these types of plants. Short of constructing and operating these plants and learning the lessons required to engineer follow on plants, we will be confined to the laboratory bench and speculation.

While I have heard and seen a number of presentations I am not sure there is definitive information on available technologies and the quantitative analysis surrounding commercial deployment of carbon sequestration. Academics and companies have their plausible estimates but I have yet to see money changing hands in a commercial transaction. In fact the discussion with the individuals charged with financing these projects, quickly becomes an exercise working through a list of the uncertainties. On that list are not only questions about the technologies involved with carbon management but the impact of the hyper-inflation in material, manpower and construction costs. Simple questions such as whether CO_2 capture and sequestration costs (capital and operating) will be recoverable as part of a utility's rate base has yet to be answered.

With respect to the federal-state interface and their respective roles in this enormous undertaking, we favor a model of federal standards and state implementation. The Clean Air Act is an example of how this might work. One important difference however between that process and our current situation is the state of development of the technology enabling implementation. Hence another threshold activity would seem to be the federal underwriting of the research and development of capture and storage technology to the point of commercialization. We need to not only understand the capital costs but the operating and maintenance costs through time. Additionally, the likely internal energy requirements to implement both a robust capture system and preparing CO_2 for transport and sequestration are most probably significant. This needs to be understood not only by the plant design engineers but by public policy makers as well.

Indemnification and risk assumption and at what juncture are also critical unresolved issues. There is precedent that the private sector absorbs the operational risk related to capture, transportation and injection. But post-injection risk, namely in situ liability of harm to human health, the environment and property related to CO_2 leakages needs to transfer to the public sector at a reasonable point in time when the operational risk of the initial process has practically concluded. Funding for this long-term risk management pool would likely need to derive from the monetization of CO_2 through a federal cap and trade or taxation system.

Another point of separation between the historically successful management of sulfur dioxide and carbon dioxide is the amount of material involved. In rough terms there is about 250 times the amount of material involved in dealing with CO_2 as with SO_2 in electric power generation. It would seem a detailed study of the required infrastructure would make sense. What will it take to move significant amounts of CO_2 from generation source to ultimate sequestration site? How much pipeline capacity will be needed and where will it need to be installed? What are the energy requirements to move large amounts of CO_2? What design standards will need to be in place and in force to ensure safe handling?

Resolving these vital questions requires a long-term commitment to fund demonstration projects at scale, to monitor, measure and verify the CO_2 activity and begin to build a risk assessment profile. According to a recent MIT study, to do so requires an 8–10 year commitment and a federal commitment of at least $1 billion/annum. But with a projected decline in GDP growth of $400–800 billion if carbon capture and sequestration is not deployed, our economy stands to suffer a far worse outcome if CCS is not commercially available in the next few decades.

STATE ACTIVITIES

As I mentioned before, Wyoming has undertaken a number of activities to address the management of greenhouse gases. We are a founding member of the Climate Registry.

We are in the process of conducting an inventory of greenhouse gas sources to establish our emissions baseline and begin to identify practical opportunities for reduction. Many of our significant oil and gas companies are members of EPA's Natural Gas STAR Program which implements best practices to reduce methane emissions in natural gas exploration and production. For a number of years, our Department of Environmental Quality has employed a permitting protocol requiring best available control technology (BACT) for oil and gas minor sources which significantly reduce greenhouse gases. We have for many years had a Carbon Sequestration Committee investigating terrestrial sequestration opportunities springing from our agriculture lands and forests.

We have funded a study underway by the Wyoming State Geological Survey to identify optimal CO_2 sequestration sites and to date they have found a site that is calculated to store all emission from every source in Wyoming for 350 years (20 billion tons). We have funded and operated the Enhanced Oil Recovery Institute at the University of Wyoming which assists primarily independent oil producers in finding suitable fields and employ CO_2 floods to produce more oil. We participate in two carbon sequestration partnerships and have proposals for large scale demonstration projects at two promising sites. We have established the Wyoming Infrastructure Authority, a state instrumentality to address the electricity transmission constraint that keeps our vast wind resource from the marketplace. Recently, Rocky Mountain Power has announced plans to build nearly 1200 miles of high voltage power lines across four western states. We have competed in the FutureGen competition making the case for a western mine mouth plant located near both enhanced oil recovery well fields and deep saline aquifers for long term carbon sequestration. We have actively and seriously pursued section 413 of the Energy Policy Act of 2005 which calls for an Integrated Gasification Combined Cycle (IGCC) electric generation plant with carbon sequestration at an altitude above 4,000 feet with low ranked coals in a western state. We have signed a Memorandum of Understanding (MOU) with the State of California and particularly the California Energy Commission and California Public Utility Commission to work toward the development of this IGCC plant. We have funded a clean coal request for proposal (RFP) process with intention of drawing the best ideas from industry partnerships to advance the state of the art in clean coal technology.

We have established the School of Energy Resources at the University of Wyoming and will dedicate a portion of our time on the National Center for Atmospheric Research (NCAR) supercomputer to sequestration reservoir characterization. We have passed statutory incentives for the development of wind energy. We are exploring an exchange with a Chinese province focused on CO_2 sequestration.

SUMMARY

As you can see we are expending a good deal of money, time and talent in the pursuit of greenhouse gas management and will continue to do so. But please recognize this is just the tip if the iceberg and we need federal involvement in a serious way to really move forward in a meaningful way.

My recommendations for the Committee's consideration are three. First, continue to focus the debate on the proper, rational and achievable framework that leads to the monetization of carbon. However, let me be clear here, I am not urging continued inaction. The lack of a federal plan essentially paralyzes the other players, both private and public sector.

Secondly, focus short-term spending and federal underwriting on the nearly universally agreed upon activities of carbon capture and sequestration. With respect to capture, a better understanding of the technologies particularly the economics and power requirements is fundamental. Given the amount of material involved, a comprehensive study of the infrastructure requirements to move CO_2 from source to sink is necessary. With respect to storage, continuation or acceleration of the multiple current sequestration projects which will put CO_2 in quantity in the ground is essential.

Finally, the Congress should take up the issue of parsing the long-term liability of carbon storage. Serious investment in plants which will make use of carbon sequestration will likely not be forthcoming until this issue is settled.

It is my understanding that there have been over 105 hearings on this and the broader topic of energy independence in just the last eight months. I ask to you consider what specific information is still required to chart the course. For while I'm only one Governor, we will commit our resources towards obtaining the answers you need, so that we can effectively move forward now. The problem at hand is enormous, climate change does not wait for us and we cannot afford to delay.

Mr. Chairman, thank you for your time and attention.

Mrs. BOXER. Mr. President, to quote part of what Governor Freudenthal said:

> I am not urging continued inaction. The lack of a federal plan essentially paralyzes the other players, both private and public sector. The problem at hand is enormous. Climate change does not wait for us and we cannot afford to delay.

I have had many conversations with the good Governor, and let me tell you why he is upset. The West has got problems. In my friend's own State, the average temperature rising in the Colorado River Basin, which stretches from Wyoming to Mexico, is more than double the average global increase. So his State is facing real problems, and essentially he gets up here, and has every right, and reads off the National Association of Manufacturers' talking points. I thought the West was independent. I am a little stunned.

We are hearing the same things now over and over: Raising gas prices. Let us look again. Under George W. Bush, we have had a 250-percent increase in gas prices. Where was my friend when we tried to do a windfall profits tax and give back the money to his poor working people he is crying about today? He wasn't with us on this. He has never been with us on this.

The fact is, we know if you look at this administration's own charts, not the National Association of Manufacturers', we will lower gas prices, because clearly we are going to have other technologies—other technologies. And the fuel economy standards that we passed here—and I don't know if my friend supported them; I hope he did—are going to make it cheaper for folks to drive because their cars will do better. So if there is a 2-cent-a-year increase—which is the outside limit, by the way—as Senator LIEBERMAN says, at the end of the day it won't be an increase for our families.

Now, my friend talked a lot about working people, so let's talk about working people. Let's see the working people who support this bill. My friend says he talks for working people, so I will tell you who is supporting the Boxer-Lieberman-Warner bill. The International Union of Operating Engineers. They see jobs, jobs, jobs. The building and construction trades. They see jobs. The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; the International Association of Heat and Frost Insulators; the International Brotherhood of Boilermakers, Iron, Shipbuilders, Blacksmiths.

I don't have enough time. I don't have enough time. The Laborers International Union of North America. It goes on and on. So when folks on the other side get up and say they are crying for working people, why don't you listen to working people? Because they see what is happening.

Let me tell you, my friend, what is happening in California, where we have a cutting-edge global warming law, and whether this bill passes or not, they are moving forward. So are the western States, I say to my friend. The fact is, let me tell you what is happening. We have a terrible recession in my State because of the crash of the housing industry. We are hoping we come out of this, but in the meantime, I am told by my Governor, who is a Republican, Governor Schwarzenegger, who supported this bill, that 450 new companies, solar companies, have set up shop and they are hiring those workers.

Then my friend says: What are you doing for the workers? Take a look in this bill. We have worker training. My friend actually wrote one of the pieces of this part of the legislation. Universities have think tanks, and they have job training. We are very excited about the jobs that will come. We are excited about the fact that finally we will get energy independence.

Really, in a way, I smile. I am not happy about it, but I have to smile when my colleagues on the other side complain about gas prices when they stood there and supported George Bush through his whole term when gas prices have gone up 250 percent. What was his answer? He went across to the Middle East and held hands with a Saudi prince and begged. It did not work. Let's forget about these phony arguments and support this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Oklahoma.

Mr. INHOFE. Madam President, we have heard the same thing over and over. This is only the second day. I guess we have maybe 10 days to go. The junior Senator from California is so interested in the fact that it is only up by 2 cents a year. Looking at the Energy Information Agency study, what is interesting about that is the Energy Information Agency study presumes that we would have an additional 260 nuclear plants on line. When the appropriate time comes I will be asking her that question, if she supports that.

We have several speakers coming down. Senator GRASSLEY from Iowa is coming down, so I will visit a little bit until he gets here. Then we want to go on schedule, and I am hoping we will be able to go back and forth and hear from a number of these Members.

First, I thank my colleague from Wyoming. I don't know what he experienced this last winter. When the Senator from California talks about temperatures and all this, it happens that we in the State of Oklahoma have had the worst cold spell during this last winter than we have in 30 years. I find this to be true all over the country. You just can't have it both ways.

One of the good things about this discussion and this debate is we are not going to be discussing the science. I know the Senator from Massachusetts talked about the scientists in the IPCC. I have to remind my friends across America, really it was the IPCC. That is the United Nations, in case nobody knows who the IPCC is. They are the ones who started all this.

By the way, anytime there is a quote from the IPCC, it is a summary for policymakers. Those are not—

Mr. KERRY. Will the Senator yield?

Mr. INHOFE. No, I will not.

That has nothing to do with scientists. We talked about 2,000 scientists. We have a list of 30,000 scientists who said: Yes, there can be a relationship between CO_2 and a warming condition, but it is not major.

Let me use an example. This is the best example because it comes from someone we all love dearly, former Vice President Al Gore. Former Vice President Al Gore wanted to explain to us how serious it was way back when he was Vice President. This is in the middle 1990s. He said he hired a scientist. The scientist's name was Tom Wiggly. Tom Wiggly was a well-known scientist, one who was supposed to know what he was talking about. He was the choice of Vice President Al Gore.

When he did this, the Vice President said: Do a study and tell us what would happen, how much cooling would take place if all of the nations who were developed nations—not developing nations, not China, not India, not Mexico—just the developed nations were all to sign onto the Kyoto Treaty and live by the emissions requirements. How much would that reduce the temperature in 50 years?

Do you know what the answer was? Do you remember that? You remember that. It was seven one-hundreths of 1 degree Celsius. That is not even measurable.

Of course, that is not Senator JIM INHOFE; that was Vice President Al Gore. Al Gore has done his movie. Almost everything in his movie—in fact, everything has been refuted. Interestingly enough, the IPCC—on sea levels and other scare tactics used in that science fiction movie, it has been totally refuted, and refuted many times, by the IPCC.

On the conversation we have been having on gas prices, if you look at different studies—you don't want to believe studies. Look at some of the government studies. They have a responsibility to come out with something that is realistic. If you do not want to do that, just use logic. If you are to pass a bill that has a cap on the supply of oil and gas in this country, and that cap goes into effect, by mere supply and demand the price is going to go up. It has to go up. So the EPA estimates that this bill, the Lieberman-Warner bill, will increase fuel costs an additional 53 cents per gallon, and by $1.40 by 2050.

The Energy Information Agency weighed in on the same thing and estimated gas prices will increase anywhere from 41 cents a gallon to $1 a gallon by 2030. While the climate bill's proponents, as we heard just a few minutes ago from the distinguished junior Senator from California, argued that this shows the gas price numbers going up by only 2 cents a year, that is assuming we have 2½ times the nuclear plants we have today. That is all written in this report. Right now we have approximately 104. That would be 260 nuclear plants.

Mr. KERRY. Will the Senator yield for a question?

Mr. INHOFE. No, I will not. Not now.

Then, getting into the nuclear, it is one of the things I think no one is going to argue with. You are not going to resolve the energy crisis unless it has a strong nuclear component. I think you are going to have some amendments coming up on this bill that certainly are supported by Senator WARNER, who is a cosponsor of the bill, that say we need to dramatically increase our nuclear capacity in America. I have been saying that for a long time.

If you look at European countries where there are not problems right now, in the European countries, actually 80 percent of their energy comes out of nuclear energy. In our country it is about 20 percent. I would say any kind of correction of this problem is not going to take place unless we have the nuclear plants.

The study that was referred to, the one that said only 2 cents a year, that is assuming we have an increase of 260 nuclear plants—it is wildly optimistic, impossible, can't be done. Nonetheless, that is what is being discussed. Nuclear energy is a very important part of our mix. It is going to have to be in the future.

I would say this: If I were on the other side of this bill, and I were trying to get this bill passed, I would welcome the opportunity to have that discussion on the nuclear amendment that will be offered by more than one person, but certainly offered by even the author of the bill, Senator WARNER.

I see the Senator from Iowa has arrived, and I think he is scheduled to speak for up to 30 minutes.

Mr. GRASSLEY. I probably will not take all that time.

Mr. KERRY. Will the Senator just yield for a question before he yields?

Mr. INHOFE. The problem with that is, as you well know, it is not very reasonable because we are on a schedule to listen to other people, other than the distinguished junior Senator from Massachusetts.

Mr. KERRY. With all due respect, Madam President, we are here to have a debate. It is hard to have a debate when you are talking all by yourself. If the other side wants to engage in a good discussion, there are an awful lot of things said that are inaccurate, and I wonder if the Senator wants to discuss them.

Mr. INHOFE. I will be happy to do that after the remarks of the Senator from Iowa. Is that all right?

Mr. KERRY. Terrific.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, on April 24 of this year the Senate Finance Committee held a hearing on the tax aspects of what we call the cap-and-trade program, which is an essential part of this bill before the Senate. At that hearing, the Director of the Congressional Budget Office, Peter Orszag, testified about the economic impact of a cap-and-trade system.

Then we also had Robert Greenstein of the Center on Budget and Policy Priorities testifying on the impact of a cap-and-trade system on low-income families.

I would like to share with my colleagues some very relevant information, in the case of my colleagues not having an opportunity to review the testimony that was before the Senate Finance Committee. Mr. Greenstein, who is often pointed to by Members of the other side of the aisle on economic issues, expressed support for policies to address climate change, but pointed out:

> Significant increases in the price of energy and energy-related products will necessarily occur as a result of the enactment of effective policies to reduce greenhouse gas emissions.

I think sometimes this issue is presented as though there will be no cost or that big corporate polluters will pay all the costs. On the contrary, we have then the CBO Director Orszag testify:

> Under a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances but, instead, would pass them along to their customers in the form of higher prices.

So we are in this situation where everybody wants you to believe that corporations pay taxes or corporations absorb costs. But corporations are tax collectors or, if they have costs, they are passed on to the consumers and individuals end up paying. Mr. Orszag explained that price increases stem from the restrictions on emissions itself, and price increases are, in fact, an integral part of a cap-and-trade system. This is because price increases would be a key mechanism through which businesses and households would be encouraged to change behavior, leading to reductions of CO_2.

Regarding the impact of higher energy prices, I would like to refer to Mr. Greenstein again, whom I know many on the other side of the aisle very closely listen to about issues that affect the poor. He observed in his testimony:

> Households with limited incomes will be affected the most by these higher prices because they spend a larger fraction of their budgets on energy and energy related products and because they—

Meaning people who are in lower income levels—

> are less able to afford investments that could reduce their energy consumption, such as a new or more fuel efficient heating system or car.

That is the end of the quote from Mr. Greenstein.

It is important to emphasize we are not just talking about heating bills. Mr. Greenstein further testified:

> The impact of climate change policies on low-income consumers goes well beyond the direct effect of higher energy prices on their utility bills. More than half of the increased costs that low-income households would face would be for goods and services other than utilities.

Any item that requires energy to produce will become more expensive—common sense. Items he mentioned that would be more costly for low-income families are quite obvious—gasoline, food, and rent.

We have heard a lot of rhetoric from the majority party expressing concerns about the current high gas prices. Now they have brought before us a bill that would yet further raise gas prices. It seems like making points that are in conflict, very definitely in conflict. You cannot complain about high gas prices and then introduce legislation to raise gas prices yet higher.

The new substitute amendment does contain a token provision for tax relief for consumers, but it only allocates the revenue from 3.5 percent of the allowances in the first year for this relief.

Robert Greenstein, whom I have quoted many times—many of the supporters of this bill usually quote him, maybe on other issues—testified that 14 percent of the allowance revenue would be needed to shield low-income households from further poverty and hardship instead of 3.5 percent. The current bill still falls short even in the year 2030, when 12 percent of allowances will be available to fund tax relief for consumers and emissions will be 45 percent below 2012 levels.

Mr. Greenstein estimates that the average increase in energy-related costs for the poorest fifth of our population would be somewhere between $750 and $950 per year for a modest 15-percent reduction in emissions. Can you imagine the outcry if Congress passed a bill to raise taxes on the poorest fifth of our population by $750 to $950 per year? Some of the very proponents of this legislation would be those crying foul the quickest. But that is exactly what this bill will do. I guess the Democratic leadership is hoping no one will notice.

Be forewarned, just look at a recent election in Britain. The Labor Party recently enacted a new tax policy that was perceived as a tax increase on low-income people, and its approval ratings hit historic lows, leading to sweeping losses in local elections. If Congress is going to impose significant new costs on working families, we must take sufficient action to maintain their standard of living. However, that means more than providing benefits to offset direct costs imposed by the bill before Congress. All Americans rely on healthy economic growth to provide jobs and opportunity.

CBO Director Orszag testified regarding a CO_2 cap that "the higher prices caused by the cap would lower real wages and real returns on capital, which would be equivalent to raising marginal tax rates on those sources of income." In other words, a cap-and-trade system has the same economic effect as the most antigrowth type of tax increases one could think about. We are talking about a loss of jobs. We are talking about a loss of economic opportunity for too many Americans.

The Environmental Protection Agency estimates that this bill could reduce U.S. manufacturing output by almost 10 percent in 2030 and could cut gross domestic product by as much as 7 percent—by $2.8 trillion—in the year 2050. So we have people proposing this legislation from whom I have sometimes heard outcries on the floor of the Senate because there is outsourcing of manufacturing jobs, losing manufacturing in the United States. We have a bill before the Senate that is going to make that situation worse, according to the EPA.

To help mitigate the adverse effect of a CO_2 cap, Director Orszag suggested that one option would be to use revenue from auctioning allowances to reduce existing taxes that tend to dampen economic activity. Instead, what does the bill do? The bill before us creates a raft of new Government spending programs. In fact, this bill is 491 pages long, and I have had my staff count how many pages of new spending programs. They counted 212 pages. Much of the rest of the bill, then, is devoted to creating new bureaucracy to manage new programs and to bring about new mandates. We are talking about $6.7 trillion in spending over the life of the bill. That is an astounding amount of money, even by Washington standards.

Of course, the authors of the bill will say these new spending programs would invest in new technology. I heard that sort of discussion on the floor of the Senate a week or two before we took our Memorial Day recess. I also heard speeches a couple weeks ago that it would help the environment in some way. One problem with that argument is that almost all of this spending would occur after the caps have taken effect because that is when the revenue from the allowance auctions will start coming in. So common sense tells me that is way too late. It is too late to start investing in alternative energy technology after we already have a cap in place that effectively limits the amount of energy that can be produced from fossil fuels. We need to develop those alternatives right now. If we wait, the pinch we feel from the cap will be much harder. We must have alternatives in place before caps.

I should add that even though this bill showers money on many industries and special interests in an attempt to attract political support, it does little or nothing to promote further use of wind energy. My interest in wind energy is that I happen to be the father of legislation that passed in 1992, and Iowa is one of the leading producers of wind energy of the 50 States. As a promoter of the wind energy tax credit, I can tell you that this is zero-carbon, zero-pollution technology, and it has tremendous potential to help meet any future carbon emissions goals.

Congress should take a very positive, concrete step toward reducing greenhouse gases right now. You don't do that by leaving wind energy out of the legislation. That step we ought to be taking right now would be to send to President Bush a package of extensions of expiring renewable energy production tax incentives. In order to become law, that package would need to be in a form obviously acceptable to the President. The Senate acted on this issue when the Cantwell-Ensign amendment passed the Senate in the housing bill debate. The full Congress needs to follow through and get it to the President. With those production incentives and investments in effect and way ahead of time of what this bill would do, the projects will be built and more green energy will be supplied to American homes, motor vehicles, and businesses.

I look forward to seeing these vital incentives extended, but we need to do more—much more—if we are going to have in place the alternatives to meet any future emissions targets. Instead, what does this bill do? This bill for the most part waits until the cap has already taken effect and we will need to start switching to alternative sources of energy. Only then does it begin spending money to develop the alternatives we will already desperately need by that point.

In addition, this legislation creates a whole new Federal bureaucracy, called the Climate Change Technology Board, to spend money. So we tax the American people. We are going to have an independent agency spend the money, independent of any other Government agency. It will consist of five Directors appointed by the President. This new unelected bureaucracy will have broad discretion to spend funds that are allocated directly to it without going through Congress and with minimal congressional oversight. Congress will only be allowed to block funding after the fact and only if it passes legislation within 30 days. Anyone who is familiar with the legislative process around here, particularly in the Senate, knows this is essentially a carte blanche to spend money.

I am sure we will hear justifications of how each of these new spending programs will do a lot of good. When we hear that, I urge my colleagues to keep one thing in mind: According to the EPA, a typical American household will lose $1,400 in purchase power, and $4,400 in 2050, due to this legislation. What we need to ask is whether these new spending programs justify a tax of $1,400, increasing to $4,400, on a typical American family.

The authors of this bill will say this is not a tax. I have already quoted the CBO Director saying that this bill will have the same economic effect as tax increases. We know this bill will raise trillions of dollars in Federal revenue, and CBO says it will consider auction proceeds to be Federal revenues. Spending in the bill, quite obviously, will be Federal outlays. In the process, American families are going to feel a tight pinch on their pocketbooks.

So you get back to something that is kind of Midwestern common sense about this legislation and about whether it is a tax increase or not a tax increase, whether it is a Federal expenditure or not a Federal expenditure, because where I come from, as the saying goes, if it walks like a duck, talks like a duck, it is a duck. Well, this looks like a tax and it talks like a tax.

The question is, What to do with the revenues? We are faced with a tough decision. With this much new spending, there is something in there for everyone. But does it justify a tax of $1,400—eventually $4,400—on hard-working American families? Rather than spend this money on new Government programs, the right thing to do is to return it to the American people to offset increased costs they will bear, prevent increased poverty, and preserve economic opportunity for all.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I believe Senator INHOFE may have some time left—4 minutes—on his 30 minutes, then I would have 5 minutes to rebut, and then we would go to Senator WHITEHOUSE.

Mr. INHOFE. I don't think that is entirely accurate because I think the Senator who just spoke, Mr. GRASSLEY, was on the list and was designated as the speaker with some time.

The PRESIDING OFFICER. The Chair understands that the Senator from Oklahoma yielded time to the Senator from Iowa from the 30 minutes of the Senator from Oklahoma.

Mr. INHOFE. The UC that was passed allowed Senator GRASSLEY to speak. He was out of order only by one. Senator WHITEHOUSE was supposed to be first, and then he was supposed to speak. What is it you want? Maybe I can accommodate that.

Mr. LIEBERMAN. I was going to suggest that you controlled 30 minutes. You had 4 minutes remaining. If you wanted to use that, then I would take the 5 minutes under the order we have for rebuttal, and then we would go to Senator WHITEHOUSE.

Mr. INHOFE. That is fine.

Mr. LIEBERMAN. Good.

Mr. INHOFE. According to the Chair, I have 4 minutes remaining.

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. INHOFE. First, let me repeat what I started out talking about in the opening discussion on this bill. We said we are going to go ahead and we will not talk about the science because the science is not in this bill. What we are going to talk about is the economics of this bill. That is what we have done. I have also said that if anyone wants to talk about science—I used the example of Vice President Gore's own scientist who said what a small, immeasurable impact it would be if we were to sign on to the Kyoto treaty which is cap and trade, very similar to what we are talking about today.

Then, in 2005, we went through the same thing with the McCain-Lieberman bill. That bill, I have to say to my good friend from Connecticut, was not nearly as bad as the Kyoto Treaty and far better than this bill today because the price tag on that was less than the Kyoto Treaty. The Kyoto Treaty would have been in the range of between $300 and $330 billion. That amount of money was a huge, very high amount. But the bill that came along in 2005 was the bill by MCCAIN and LIEBERMAN which is far less than that. Now, this is the one that is the big one. The range here in terms of the cost is about 20 percent, 25 percent higher than Kyoto would have been at that time.

We started talking about gas prices and the fact that the nuclear component is going to have to be necessary. But what we did not really get around to—and I think we need to do it over and over again in the next few days, until such time as we get onto the amendments—is the fact that the amount of money this is going to cost over a period of time, according to Senator BOXER in one of her early press releases, is $6.7 trillion. This would be in the form of higher gasoline or electric bills. A lot of people will make the statement that this really is not an accurate figure. Well, this is not my figure, this is her figure.

They have also said the bill provides that some of this money can be—or the amended bill, which we have not seen all that long a time, provides that some of this money can go back to poorer families. That amount in the maximum, as I calculate it, is $2.5 trillion, which leaves $4.2 trillion.

Now, you might wonder, what is all this going to go to? I found it very interesting, when the junior Senator from California was complimenting the senior Senator from New Hampshire, when Senator GREGG said: Well, we are in somewhat agreement, she said: The difference is, he wants to return that money to the people, that $4.2 trillion, instead of supporting this bureaucracy.

Well, as to the bureaucracy, we think it is going to be about 45 new bureaucracies, and it is going to take, over the 50-year life of this bill, I would suspect, right around $4.2 trillion to run that bureaucracy. I would conclude, though, by saying this country does not need 45 more bureaucracies.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, let me respond to some of the things that have been said in the last half hour. But let me come back to why we are here and why the Environment Committee reported this bill.

This bill has a purpose, and the purpose is to reduce the carbon pollution that causes global warming. Why are we doing it? We are doing it because we want to turn this country and this planet over to our children and grandchildren and those who follow them in a better, safer condition than it will be if we just let global warming go unchecked.

There have been a lot of things that have been blamed on this bill today: Gas prices, which got pretty high without this bill being adopted because it has not been adopted. The response has been given to that. Tax increases. These are not tax increases. We rejected a carbon tax. This is the result of a market where businesses exercise choice. They can either reduce their carbon emissions below the cap, in which case they have some credits to sell or, if they cannot do it, they will go back out in the market, of their own choice, and buy some at auction, and that creates the revenue which we then refunnel.

In the last block of time, what seemed to be suggested was that the passage of this bill would gravely hurt the American economy. In the first place, my friend from Wyoming, Senator BARRASSO, cited a study by the

National Association of Manufacturers and the American Council for Capital Formation. I believe the underpinnings of this study have been undercut by independent authorities.

At a May 20 hearing before the Senate Energy and Natural Resources Committee, the Deputy Administrator of the Energy Information Agency—part of the Department of Energy, part of the Bush administration—Mr. Howard Gruenspecht said that this NAM, National Association of Manufacturers, modeling mistakenly attributes costs due to rising world oil prices as impacts of the Climate Security Act, which will reduce world oil prices because it will reduce demand for oil, rather than considering those costs as part of the economic baseline for the study. The fact is—and here again I cite two studies done by agencies of this administration, the EPA and the EIA—both predict continued strong growth for the U.S. economy under this Climate Security Act. The modeling of the Environmental Protection Agency found that under this bill, gross domestic product would grow by 80 percent between 2010 and 2030.

Here is the slight impact of the Climate Security Act.

Incidentally, these studies all do not account for the costs of doing nothing, which we believe would be many billions of dollars. Look at it this way: If we do not pass this act—and this does not count for the cost of hurricanes and other extreme effects of global warming—the total output of the American economy is projected to reach $26 trillion—that is a great number—in June of 2030. With the passage of the bill, the economy will reach $26 trillion in April of 2030. So is it worth that few months' delay to get to the $26 trillion to avoid the cost of doing nothing and the harm global warming will do to our country and our planet, affecting our children and our grandchildren? My answer is yes.

Let me suggest this too. There is a cost of the status quo for industry. My friend from Wyoming, Senator BARRASSO, comes from a great coal-producing State. Coal is America's most abundant natural energy resource. America has the largest coal reserves in the world. This bill aims to continue to allow American industry, power companies, to use coal—in fact, to use it more.

But let me suggest this: Under the status quo, without this bill, coal and those manufacturers who rely on it are in trouble. Fifty-four percent of the new coal-fired electric power capacity ordered in this country since 2000 has been canceled. Why? Because companies cannot get affordable financing to build the plants. And why not? Because investors have 100 percent certainty that a climate law is going to be enacted in this country within the next few years, certainly within the lifetime of a coal plant.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. The bottom line is, coal and the manufacturers who depend on it need this bill to raise the money they need to build additional coal plants to provide energy for American industry. That would be great for our economy.

Madam President, I yield the floor to my friend from Rhode Island, who I might say played a very important and constructive and creative role in the work the Environment Committee did in bringing S. 2191 to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the distinguished Senator from Connecticut for his kind words and, more importantly, for his leadership.

Madam President, for the first time the Senate is embarked on a full debate on one of the most pressing issues facing America and the world today; that is, reducing the carbon pollution that causes global warming.

This legislation, admirably and painstakingly pieced together by Senators WARNER and LIEBERMAN and by our chairman, Senator BOXER, takes a historic step to confront the crisis before us.

As we speak, unchecked greenhouse gas emissions are causing the most significant and rapid climate and ecosystem shifts living memory has ever witnessed, affecting our oceans, our rivers, our lakes, our plants, our crops, and our wildlife. They affect our economy. They affect our very national security.

The evidence of global warming can be found in every State in the country. My home State of Rhode Island, the Ocean State, is perhaps the smallest, but it is no exception. Over the past 20 years, the annual mean winter temperature in our beautiful Narragansett Bay has increased by about 4 degrees Fahrenheit. Now, the difference between, say, 63 and 67 degrees may not feel like much to someone plunging into the clear waters of Narragansett Bay, but for the populations of fish and shellfish that make Narragansett Bay their home, that feed Rhode Island families, and fuel Rhode Island's proud fishing tradition, it is an ecosystem shift. It displaces cold water species, and it threatens the fragile and rich diversity of marine life in our precious Narragansett Bay.

So far, the consequences of global warming have been relatively mild. But there are worse things to come—in the world and in the waters around us. We are forewarned by overwhelming and undeniable scientific evidence.

Let me speak briefly about the science underpinning the evidence of global warming. We are fortunate to have an enormous body of scientific data measuring the warming of the Earth, the rising of the seas, the shift in weather patterns, and the effects on all the Earth's creatures. This data comes from all corners of the world and from the full spectrum of scientific thinking, most recently, indeed, from a report by the Bush administration's own Department of Agriculture. The scientists essentially all draw the same ultimate conclusion: Global warming is happening, it is manmade, and it is getting worse.

Let me talk for a minute about some of the very foundations of the science we will be discussing.

As shown on this chart, this is a very simple scientific device: the bell curve, the standard normal distribution. It basically is the standard analytical device for almost all the observations in which science works. In this dimension, one measures the danger of what could happen. In this dimension, one measures the likelihood that will happen.

What you find in the bell curve is that there is a strong agreement, a strong, solid foundation of observed agreement around a level of danger that has a very high likelihood of taking place. It is this area, as shown on this chart—this key area—where the likelihood is the greatest that we face the dangers that have been described on this floor so eloquently by Chairman BOXER and Senator KERRY and others of the global warming that the Earth is undergoing.

Now, you will, during the course of this debate, hear about other points of view. I am confident of that. Most of them lurk down here, as shown on this chart, in the area where the likelihood is the least, but the danger is the least. That is the key. But this is really fringe science. The body of science on global warming, like the body of science on almost any other topic, follows a curve in which the vast majority of the observations, the vast majority of the scientific conclusions follow an allocation, a curve like this.

What the people who are fond of pointing out these low-danger but low-likelihood opinions usually forget to tell you is that there is this side of the curve. This side of the curve may also be unlikely, but it is very significant to us as a species because here the danger is even greater than what the vast bulk of the science we are relying on here in this discussion today would indicate. These are very significantly dangerous scenarios for our species.

What we have found as time has gone on and as the scientific observations have kept coming in is that we think it is here, as shown on this chart, but when the observations come in, they tend to be here, as shown over here on this chart. We are always running ahead of the science when the observations come in. Science is not telling us: Take it easy, don't worry. Science is telling us that the more information we get, the more dangerous it appears to be.

It is a simple, traditional, normal distribution curve. The discussion that supports the changes we are making here is taking place where the weight of the science is. If people try to take you off that and show you this end of it, beware because there is just as great a likelihood that this other end of the danger spectrum will occur.

Another aspect of the science here is the so-called trend line. Now, this is just an example. It is not any statistics at all; it is just dots we put together to show a variety of data over time and how a trend line flows through it. It is calculated through a very established scientific process.

There is a book that was written several years ago called "How to Lie with Statistics." A trend line provides a lot of opportunity to mislead people with statistics. In this debate, unfortunately, that happens a fair amount.

I will give an example of that in a second. But basically, each of these, as data points come in over time—and in this case the temperature of various places on the Earth is measured—scientists are able to draw a trendline that essentially any reputable scientist, almost any reputable mathematician, can draw through those points, and then you base your conclusions on the trendline. That is standard, grade A, basic 101 science.

Now, let's look at how that works in terms of global warming. Here are temperature changes plotted over years 1978 through 2003. Here is a trendline that has been plotted through all of these orange data points. It clearly indicates the warming of the Earth. This is the type of information on which reasonable and prudent people across this country—in businesses, in homes—base their decisions all the time. It is the type of decisionmaking our military relies on, our intelligence communities rely on, our scientists rely on, our corporate leaders rely on. It is not anything special or magic. The trendline is very clear about what is happening.

Now, in the green box I have highlighted a section of the data because what I have seen is a number of reports that have focused on only this little piece of information. If you pull this little piece of information out—this was an El Niño year, so temperatures were unusually high. If you pull this little bit of data out, you can draw a very different trendline through this. It would probably look something like that. There have been people who have said: Well, that shows that in 1998 global warming stopped—because they took this tiny little segment of the overall data and tried to focus only on that.

So it is very important in this debate, when you see some of the information that has been brought out, to understand that books such as "How To Lie With Statistics," their principles are still alive and well, and unfortunately, data such as this has even seeped into discussion in the Senate.

For many years, global warming denial thrived on an industry of sham science bought and paid for by special interests. Those days are diminishing. Even the most vocal global warming deniers have increasingly fallen silent because the science is speaking to us now with an unequivocal voice. We can reduce the carbon pollution that is causing global warming, and time is of the essence. The bill before us takes a badly needed step toward the new green economy that beckons America with the promise of new technologies, new products and, most importantly, new jobs that will drive our American economy for decades to come.

This country has never before shied away from the next great challenge or the next big idea. Classic American know-how has always led the world into new frontiers of scientific and technological discovery. The cold hand of the past always has reached out to impede progress, and we see it clawing on this floor today. But America is called by the future, not by the past.

We have heard discussion today on whether there are costs if we act to address the carbon pollution that is causing global warming. What are the costs if we do not act? If we do not act, we will continue to send our hard-earned dollars overseas to buy oil from nations that do not care for us. The economic implications of our crippling dependence on foreign oil are evident to every American every time they pull up to the gas pump. The challenge to our national security grows increasingly clear with every day our troops spend mired in the war in Iraq. If President Bush had tackled this problem 7 years ago after he was elected, we would not have the gas prices we see today. We would not have the weakened oil economy we live in today. We are paying at the pump because President Bush was AWOL when the future called.

If we do not act, we will not only keep paying at the pump for our continued addiction to foreign oil, but we will fall behind the rest of the world in developing and exploiting the green jobs and technologies of the future. If we do not act, we will witness increasing destruction of our natural landscape, disappearing coastlines back East, fire-swept prairies out West, a tornado-ravaged heartland, our hurricane-battered gulf coast. Hunters will see game species change their patterns and migrate away. Trout fish will find rivers too warm. If we do not act, we will allow the extinction of cherished creatures who share God's Earth with us, from the struggling polar bears of Greenland to Rhode Island's own little piping plover.

If we do not act, we will become the first and only generation of Americans—the first and only generation of Americans—to leave the world to our children in worse condition than the one that was handed to us. We should not make ourselves that first and only generation. We should not break the faith with our children and grandchildren.

I look forward as much as anybody in this room to a spirited debate that will give all Members of this body the opportunity to share their ideas and concerns. But when the debate is done, we must not shirk our duty. This has to be a legitimate debate. This can't be just about scoring political points. There is a true problem before us. We have it within our care, within our control, within our power to do something to get this right. I look forward very much to this debate. I hope my colleagues are all joining in it in good faith. I hope we will rely on real science and real arguments and not on talking points from industries that haven't gotten it yet.

But when you see indications such as this, that people are willing to take one little segment of the data out of context as much as that, I think people who are watching this can see if that is what people are doing, there is cause for concern about how serious they are about solving this problem.

Madam President, I thank you very much and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first, before the Senator from Rhode Island leaves, let me remind him he started the discussion by saying this is the first time we have been debating this. We have been debating this for years. I know the Senator from Rhode Island wasn't yet elected when we had the McCain-Lieberman bill on the floor and I remember that so well because I was down here for 6 solid days doing nothing but debating this.

One thing I wish to ask you to do is—we made the request when we first started—this is not a discussion on science. We are now talking about a bill. We want to talk about the bill. I am convinced that people coming down and talking about science are doing that because they don't want to talk about the bill, they don't want to talk about the tax ramifications of this bill.

Now, for the purpose of this discussion from now on, let's assume the science is there, that we don't have to worry about science. Let's talk about the bill.

I yield the rebuttal time to the fine Senator from Tennessee, Senator CORKER.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I thank the Senator from Oklahoma. I say to my friend from Rhode Island—would the Presiding Officer let me know when I have a minute left?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CORKER. The Senator from Rhode Island has talked about science, as the Senator from Oklahoma has mentioned, and I say I agree with him, that the large body of science says that man is contributing to global warming. As a matter of fact, I will even give to the Senator from Rhode Island the fact that cap and trade may be a legitimate way for us to deal with this. I think everybody in this body knows I am very open to looking at a legitimate cap-and-trade bill.

What I would ask the Senator from Rhode Island is—and I know he knows this subject well; he and I were in Greenland together and I know his beautiful wife Sandra actually swims daily in the bay that he is talking about, so she knows well about those temperatures. I know they discuss this at great length.

But if, in fact, we have this issue to deal with, why isn't the issue itself, by itself, good enough for us to focus on it? Why is it that we create a bill that—instead of focusing on cap and trade and lowering emissions in our country, why is it instead that we create a bill that brings trillions of dollars into the United States Treasury and then pre-spends that money from the year 2012 to 2050? Why would we do that? Isn't the issue by itself strong enough? This is the mother and father of all earmarks. I have no understanding why anybody in this body would support legislation that prescribes trillions of dollars of spending.

Secondly, why would the Senator from Rhode Island support a bill where 27 percent of the allocations that are worth trillions of dollars—why would he support a bill that actually transfers those allocations which, in essence, is a tremendous transference of wealth to entities that have nothing whatsoever to do with lowering carbon emissions? Why would he support a bill such as that? Again, I have seen a lot of people walking around here with nicely tailored suits and briefcases, and I know that they realize if they sit at the table, they are going to benefit themselves by being tremendously enriched in the process. But why would the Senator not support a cap-and-trade bill that returned the auction proceeds to the people of America who are going to be paying higher costs legitimately as a result of this bill?

The last piece—and this is one that is very difficult for me to understand. Why would the Senator from Rhode Island—my friend, whom I love serving with—support a bill that pays and sends U.S. companies—instead of spending money here in our country on technology that lowers emissions here, encourages them to spend billions and billions of dollars in China that benefit that economy when we have tremendous trade deficits today?

So what I would say is again—I will say it over and over—I respect the authors of this bill. I agree with the science. I think we are squandering a tremendous opportunity in this body, because we are using old-time politics to win support for legislation that ought to be good enough on its own, and in the process the American people are paying the tab. I think it is reprehensible that we are going about it in this fashion. I think today with gasoline prices at $4 a gallon, we have an opportunity—I think this is a perfect time to talk about this bill to marry responsible climate security with responsible energy security.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. CORKER. The American people elected us—the Senator from Rhode Island, the Presiding Officer, all of us at the same time—to focus on the big issues of this country. We have a tremendous opportunity in this body to have a balanced climate security bill that doesn't take money out of the pockets of Americans forever and spend it through bureaucracy, but to tie that with energy security and do it in a way that everyone wants, in a way that creates growth and economic development in this country. I think it is a shame—a shame—that we are squandering that opportunity by having legislation on this floor that instead takes money from the American people, never returns it, builds a bureaucracy that doesn't exist, and damages our country for the next 40 years.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to take a few minutes to respond to the questions that were asked of me. I think I have some time remaining of the 15 minutes I was allocated.

Mr. INHOFE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator has 1 minute remaining on his 15 minutes.

Mr. INHOFE. Madam President, that was a 5-minute rebuttal. The question I will ask the Chair, has the 5-minute rebuttal time expired?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. So it would take a unanimous consent request for him to have more time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WHITEHOUSE. I ask unanimous consent that I may respond to the questions that were asked of me by name.

Mr. INHOFE. OK. For 1 minute. After this I think we will try to stay on schedule.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, since time is very short, to my good friend Senator CORKER from Tennessee I say this: First, the basic principle of this legislation is that polluters should pay, and I would hope that every person in this room would agree with that. Polluting industries should not get away with causing global warming by releasing carbon pollution for free and having all the rest of us pay the costs of that. If you agree with the proposition that polluting industries should pay, then you have to, as you suggested, figure out the best way to get the funds back to the American people.

We try to do it in this bill in ways that step us into the green economy we need for the future and in ways that step us up toward energy independence. The Senator may disagree. That is what the bill is about. If the minority would allow us to go to amendments, we could discuss that. That is not the way it is right now. We have to step forward. Senators BIDEN and LUGAR are going to come forward with foreign policy recommendations to make sure the rest of the countries move with us. I agree with the Senator from Tennessee that we have to make sure the rest of the world moves with us. But we cannot wait for the rest of the world to move.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

Mr. INHOFE. Mr. President, I yield 20 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 20 minutes.

Mr. ENZI. Mr. President, I have an important message for everyone listening to me right now: This bill will cost you money. It will make your gasoline more expensive. It will increase your electric bill—dramatically. It will take hard-earned money out of your pocket. Companies don't pay the costs of higher energy. They pass it on to you, the customer. You need to think about what you want to pay for your gas and electricity when this bill has its full effect on you.

How willing are you to pay the personal cost of global warming legislation—even if it might not make a difference? What you and I need is a bill that spurs innovation and recognizes what is possible with technology. What you and I need is a bill that cleans the environment without destroying our economy. I am in favor of using alternative sources of energy and reducing emissions and giving incentives to invent cleaner air. I am in favor of increasing our supplies of energy. I am in favor of actions that will bring down your cost of energy.

We are now debating an issue that Congress has been discussing for a long time. I have been involved in this global warming debate for a long time. I was a member of the original Senate delegation that attended the Kyoto conference, at which the Kyoto protocol was created. I saw right away that that conference was not an environmental conference, it was an economic conference with the United States as a target.

Well, before that, I was also the mayor of Gillette, WY, the center of the largest coal-producing area in the Nation. Like many of my colleagues, I have spent a lot of time studying this issue.

Some say this bill is essential. I am not convinced that such is the case because I am not convinced it takes the right approach to reducing emissions. We may need to address this issue but not through the legislation we have before us today.

I am concerned that this is a piece of legislation that will make energy much more expensive for Americans, at a time when the No. 1 issue I am hearing about is the need to decrease energy prices, especially gasoline. I am concerned that we are debating a bill that will send American jobs overseas. I am concerned we are debating a bill that will irrevocably harm our ability to use our Nation's most abundant energy source—coal.

I am not a fearmonger. I am an environmentalist. I am in favor of using alternative sources of energy. As my constituents will tell you, we have a great potential for wind and solar energy in Wyoming. I am for conservation. We need to find ways to consume less energy. I am for inventions that reduce gasoline and diesel consumption, and I am for inventions that reduce or eliminate all suspect chemicals and gases. But I am not a fearmonger.

We have held congressional hearings, but hearings around here aren't designed to get at the truth; hearings are to make a preconceived point. The chairman selects all of the panel members but one. The ranking Republican gets to pick that one. Then both sides show up to make specific points and to discredit the other approach. We have a bill before us that is one approach to this issue. Now we need to determine if it is a sensible solution, and we must determine what you, the public, are willing to pay. What are we willing to make you, our constituents, pay to implement the plan we have before us today to maybe address global warming? I suspect my folks in Wyoming are not willing to pay the enormous costs associated with this bill.

This bill is a one-size-fits-all approach. It is expensive. It creates a huge new bureaucracy. It assumes that technology is further along than it truly is, and it ignores the fact that nations such as China and India do not and will not have similar programs. We need a bill that spurs innovation and recognizes what is possible with technology. What we need is a bill that recognizes that if we want a clean environment, we cannot destroy our economy.

I figured out when I was mayor of Gillette and we were going to have a coal boom that we could wait to be run over or we could work to realize the benefits from development. We worked with the mines. We got the necessary facilities and amenities their employees would like. We made sure they did a reclamation job that makes us proud. You see, Wyoming coal is a clean coal. We ship it to all 50 States. Other States mix their coal with ours to meet the clean coal standards.

In the early days of my hometown's coal boom, the critics of coal said, "Don't let them tear that area up. It is not reclaimable." Today, visitors in Gillette say, "Don't let them tear that lush land up." And I have to say, "That is where the mine used to be, and that area is where the mine is headed." Most of those visitors then say, "Let the mines move ahead if they can improve it like that." Of course, the next generation is going to say, "You moved all that dirt and you didn't make a bigger difference than that?" The mining companies have to put the contours back exactly as they found it. That comes from one-size-fits-all legislation. People in the East got upset about mountaintop removal, and they should be upset when that occurs. But we mine coal differently in Wyoming. Our coal is in 60- to 90-foot seams under a few feet of dirt.

When we talk about coal mining, the first question should be: What would be hurt by mining? Second, we should ask: Can we improve what was there before? Are there any local needs that could be met? Wildlife is part of Wyoming's heritage. It is part of our recreation and even our food. What can we do to improve the habitat for wildlife? These questions are all asked before we allow mining to move forward in Wyoming in the first place. Unfortunately, sometimes policy in Washington dictates that we cannot do everything we want to do.

A few years ago, a prime emphasis from Washington was wetlands. Wyoming was photo-surveyed during our wettest spring in years, and we have been maintaining at that level. As the mayor of Gillette, I wanted to do better. I worked to get more wetlands on reclaimed mine property. But I was turned down because they weren't wetlands before. I finally got permission for a demonstration on one mine. It worked beautifully. It looked lush and it attracted animals and birds that were supposed to be attracted. It was a marvelous success. Do you think we have been able, in the next 20 years, to do one other project like that? No, we have not. Why not? Because restrictive policies in Washington by Congress have held us back. Don't try to make things better; try to keep them the same. That is not a good policy.

The Lieberman-Warner bill is an example of a similar policy. Instead of recognizing that, if given the proper tools, American innovation can solve any climate crisis, instead of trusting that industries will make advances and will improve technology, providing they can pass the cost on, the bill assumes that technologies are far ahead of where they truly are. And it does so at a tremendous cost to consumers. You may be paying for huge costs that may not make any difference.

There are so many studies on this subject that you cannot count them all. The bottom line is you can count on the fact that this bill will be expensive. You can explain it any way you want, but it will increase the energy cost of all you hard-working Americans. I have heard a lot of my colleagues talk about the struggling middle class. Well, if you implement a policy that will significantly increase energy prices, the middle class will struggle even more.

There is also a lot of talk about the need for the United States to be the leader on climate policy. People argue that if the United States acts, the world will follow. Europe is working to meet the greenhouse gas reduction standard they set up, but they are doing it by shipping their manufacturing to India and China because those countries don't have to meet any sort of standards. I don't want the United States to do the same thing. I want the jobs here. Presidential candidates are complaining about jobs going overseas. Whose jobs will be shipped out because of this bill? I cannot support a bill such as this, which does little to include the developing world in this effort. We have already reduced our logging, and those jobs shipped overseas have almost eliminated the Siberian tiger. We have placed an emphasis on ethanol and have Brazilians chopping down the rain forests to plant corn.

We are going to spend some time talking about this bill. The American people need to know that this bill costs money. It will make gasoline more expensive. It will increase their electric bills. It will take hard-earned money out of their pockets. It is the right time to have this debate so we can discuss the approach this bill is taking and determine if we are willing to saddle the people of our States with the enormous costs caused by it.

On June 1, George Will did an editorial in the Washington Post and exposed the cap-and-trade policy of this bill for what it is—a carbon tax, but clever and hidden. While I was at the global warming conference in The Hague, the United States was negotiating to get some recognition for the increase in trees in the United States since they absorb CO_2 and put out oxygen. The United States has had a significant increase in trees over its history, and studies have shown that the trees absorb more CO_2 than the people of the United States put out. The other countries wouldn't allow that since the conference every year is an economic conference, not an environmental conference.

Here is how the cap and trade will work. Actually, here is how cap and trade will shift wealth. Landowners who have trees on their land can put their trees' CO_2 absorption on the market. They can do that right now. The same trees that have been absorbing and transforming—that the world will not credit—will now be paid to do what they have always done. And you will pay for it at the gas pump and when you flip the electric switch, or when your furnace or water heater come on. That is right, the companies will buy the cap-and-trade credits for the trees and other absorbers, but you will pay it because it will be passed on.

I want everybody listening to visualize opening their utility bill the month after this bill goes into effect. Can you see your shocked look as the already high bill is now 50 percent higher? But that is nothing. Visualize how high your bill will go when you get into the spirit of selling credits. Speculation has driven up oil costs. Cap and trade will result in speculation as well. You will wonder what happened to your utilities, and they will tell you that Washington foisted this expense on you. The utilities will explain how Congress forced them to buy CO_2 credits to stop global warming. If there were a carbon tax—and I am not suggesting any new tax—if it were a carbon tax, it would at least be in proportion to what you yourself used and could be transparent. If this bill becomes law, you should visualize what will happen when you fill up your automobile. If you have a job in manufacturing, imagine what will happen to your job when India and China, that have no constraints, get your job because their energy, with no environmental controls, is cheaper. Without a way to increase energy supplies that we rely on every day, so that prices will come down, this bill is out of step with the times and will cost you dollars—and perhaps your job.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if the Senator has completed, it is my understanding I will have a 5-minute rebuttal time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I am going to make a few comments and then turn to Senator LIEBERMAN. Can you tell me when I have used 2½ minutes, please.

Let me say, new speaker, same talking points. Unbelievable. Not one of my friends on the other side, not one, in my opinion, has offered anything to combat global warming, to get us off foreign oil—not one. It is unbelievable.

I checked the record. Let's hold up these charts on oil. Here we go again. It has been 7 years since George Bush took office, and gas prices have gone up 250 percent. I did not hear my colleagues on the other side of the aisle saying: Oh, my people are hurting, let's go to the oil companies; we know the executives are earning many millions. Nothing.

Let's look at what happened in the past 9 months, since January 7: an 82-cent increase. My colleagues, silent. Now they are worried, just when we can get off foreign oil, just when we have a plan to do it, we can say goodbye to big oil, out of the stranglehold, oh, they are suddenly concerned because gas prices could go up 2 cents a year, which, by the way, is the outside limit and we know, because of fuel economy we passed, is not going to impact our people.

Let's look to June 2007. The Senate rejected an effort by Senator BAUCUS to provide tax credits to renewable energy by closing loopholes for the oil industry that is taking all the money from my people and your people and the hard workers of America: 47 Democrats said yes; 34 Republicans said no.

In November 2005, an amendment by Senator CANTWELL to establish a national goal of reducing our dependence on foreign oil so the President does not have to go hold hands with a Saudi prince, let's see what happened then: 45 Democrats voted yes, but 52 Republicans said, no, they don't want to be energy independent. That is what this is about. All these crocodile tears, and you will hear it time and time again.

Where were they when we tried to do something about oil prices? How about in November 2005, an amendment by Senator CANTWELL to create a new Federal ban on price gouging: 45 Democrats yes; 42 Republicans no.

Don't listen to this. This is a phony attack just when we are ready to get off foreign oil.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

Mrs. BOXER. I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from California. In the midst of all the attacks being made against the Climate Security Act, something may be missed by those who are listening or watching. We have a problem. It is called global warming. This bill, according to the Environmental Protection Agency of the Bush administration, solves that problem, protects us from the worst consequences of global warming.

I presume, because my friends on the other side are opposed to the bill, they don't deal with either the reality of global warming or the fact that our bill solves it. They are blaming just about everything but the common cold on our bill.

One of the biggest deceptions is this business that this bill will increase gasoline prices. I presume that argument is being made because all of us and the American people are angry about the increase in gasoline prices. The truth is the Climate Security Act will not increase gasoline prices, it will decrease gasoline prices because it will decrease our reliance on oil. In reducing carbon emissions, we have to stop using oil and use other ways to power our vehicles and that reduces the demand for oil.

Look at this chart. This is a study done by the International Resources Group, an economic consulting firm. This is the line for what oil imports will be in 2015 if we do not pass this bill: about 15 million barrels a day. Here is the line for 2191 if the Climate Security Act passes: down 58 percent, 6.4 million barrels a day, the lowest amount of imported oil in this country since 1986. That is 8.4 million barrels per day less imported into the United States.

We know there is speculation in the oil market, but the laws of supply and demand still have some effect. If we can reduce demand for oil that much, we are going to reduce the cost of gasoline. That is what this bill is all about. It is going to take that money and invest it in the kind of new technologies America has been waiting for, and they exist.

So let's go from the attack to something positive. Let's protect our children and grandchildren from global warming caused by carbon pollution.

I thank the Chair.

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania is to be next for a period up to 15 minutes.

Mr. ENZI. Mr. President, I believe I have 6 minutes remaining on my 20 minutes.

The PRESIDING OFFICER. Did the Senator wish to retain his time?

Mr. ENZI. I certainly wish to retain a portion of it.

The PRESIDING OFFICER. The Senator has 7 minutes remaining, and that time apparently was not yielded back.

Mrs. BOXER. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand Senator WHITEHOUSE tried to reclaim his time, and he was not allowed to do it. Was he at the end of the day? It took a new consent agreement. Do we wish to now have a new consent agreement that people can do half their time and reclaim their time later? Is that something, I say to Senator ALEXANDER, he wants to do? I don't mind it at all. I would like to have it in the agreement.

Mr. ALEXANDER. Mr. President, as I understand it, that is what the practice has been recently in the debate.

Mrs. BOXER. Why don't we formalize it?

Mr. ALEXANDER. That would mean a Senator who had 20 minutes could reserve an amount of time used for rebuttal.

Mrs. BOXER. As long as they use it immediately after the rebuttal, and does that mean you get another rebuttal? That is why this is a problem. The whole notion was for rebuttal after the individual finished speaking. If somebody withholds, it is very complicated.

The PRESIDING OFFICER. Does the Senator wish to make a unanimous consent request?

Mrs. BOXER. I would like to keep it the way it is but make an exception now for Senator ENZI because I feel like he didn't know that rule. I would like to keep it the way it is and not be able to yield back time. You have your time, we have the rebuttal, we move on. I object to changing it, except in this circumstance, allowing Senator ENZI to have that 3 minutes.

Mr. CORKER. Reserving the right to object, I think we already have a unanimous consent agreement that says exactly what is happening right now. My thought was we would have a debate on the floor.

Mrs. BOXER. Excuse me, if Senator CORKER objects——

The PRESIDING OFFICER. The Senator from California will withhold.

Mr. ENZI. I was here for the previous discussion, and it was my understanding that the train had to continue on time, but it was set up that it would flow, that we could withhold shortly and then have a slight rebuttal after the rebuttal.

The PRESIDING OFFICER. The Senator from California has a unanimous consent request pending and that unanimous consent request is that Senator ENZI be able to retain his 7 minutes and thereafter Senators with allotted time under the current order must use that time in one block.

Mrs. BOXER. I am going to amend that.

The PRESIDING OFFICER. That is the unanimous consent request of the Senator from California. Is there objection?

Mr. CORKER. I object.

Mrs. BOXER. Then he cannot speak.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. CORKER. That is the order that is on the floor. You can't change the rules.

Mrs. BOXER. That is not the order.

Mr. CORKER. That is the order. The fact is the order is if people have remaining time, they can speak after rebuttal. That is exactly right.

Mr. ALEXANDER. Parliamentary inquiry, Mr. President: Could the Chair state the existing unanimous consent agreement?

The PRESIDING OFFICER. The Senator from California and the Senator from Tennessee will hold on for a minute. The understanding of the Chair at this point is that Senators use their allotted time and then there is up to 5 minutes for rebuttal. If the Senator does not use the entire allotted time during the one block, then time is yielded back and nothing is reclaimed. That is the understanding of the Chair with respect to the unanimous consent order in place. That unanimous consent agreement was enforced with respect to Senator WHITEHOUSE, who asked consent to be granted an additional minute, which time he had not previously used.

The Senator from Tennessee.

Mr. CORKER. Mr. President, that was not the understanding Senator INHOFE had left me with. However, I respect the Chair. If that is the ruling, then I do not object. I thank the Senator from California for her courtesy in giving Senator ENZI his remaining time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to amend my UC to say that there be 2 minutes of rebuttal, after Senator ENZI completes his 7 minutes, to be controlled by myself.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Let us make it clear that the value of this debate, not just to ourselves but to the American public, is to have some exchange between us and to have a little followup and some questioning. I hope nothing that has been said thus far will restrict a Senator—for example, my dear friend who is about to speak, I would like to ask him a question and then that be charged against my time. Is that to be in any way obstructed by that procedure which we normally follow—I assume you will accept the question or maybe equally divide the time so we have some colloquy taking place.

The PRESIDING OFFICER. It would take consent to enter into that form of colloquy.

Mr. WARNER. I beg your pardon.

The PRESIDING OFFICER. It would take consent for the time to be charged against the time allocated to the Senator from Virginia.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am thrilled to report the white smoke is coming out, and we have reached agreement on how to proceed. We are going to keep the order—and I hope everyone will make sure I am saying this right—keep the order the way it is. The only exception is, if a Senator wants to question another Senator, that Senator will do it off of the time they already have.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mrs. BOXER. That is wonderful. Now I believe we go to Senator CASEY for 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we are making history today in the Senate because this is the first global warming bill that has reached the floor for a full debate and vote. Congress has, in the past, as we know, considered symbolic global warming legislation, but this is the first time that we are working on the details—how to create a national policy to slow, stop, and reverse the catastrophic global warming that we see across the world. At the same time, this legislation and this debate could not be more important to our economy and our national security.

This bill is very simple. There is a lot of complexity to it, obviously, but at its core it is very simple. It is about creating jobs, first of all; it is about protecting God's creation; and it is also about enhancing our national security and, indeed, the world's security. It is not a perfect bill, but it is a good bill on which to build a national program to reduce greenhouse gas emissions.

I do want to commend several Members of the Senate: Senators LIEBERMAN and WARNER, Senator BOXER, and so many others who have worked so many years on this legislation, and especially worked in the last year and the last 6 months to bring this to where we are today. These Senators, with help from other Members of the Senate, have crafted a bill that includes all of the major policy issues that we must address: the cost to American families, job creation, worker protection, focusing on developing nations that will soon be the largest emitters of carbon, and keeping America competitive internationally.

At its core, this bill also recognizes and celebrates the best of the American spirit. We are confronting challenges in this bill, no doubt about that, but we are confronting challenges with American innovation, American ingenuity, the can-do spirit of the American people, and the skill of the American people in leading the world in confronting a difficult challenge. So I think that is something we should recognize: that this is a good opportunity for the American people not only to confront the crisis of global warming, but also to create jobs, to build a stronger economy, to reduce our dependence on foreign oil, and to do something very significant on the question of what happens to our planet.

The authors of this bill have worked to include a number of things that are important to me, especially a program in this bill that is critical to the security of American workers—the Climate Change Workers Assistance Program. In short, what this program will do is make sure that workers who are adversely affected will have wages, they will have health care benefits, and they will have the intensive training they need to make the transition that will happen to some of our workers. This program will also provide a link between creating new manufacturing jobs in the future and helping transition to those new jobs of the future over time. This program is also a safety net intended to give American families peace of mind that they will not be left behind as we build a new economy with these new jobs.

That is the key point. Americans have called on us—have called on us—to take action and to prevent global warming, and they are willing to do a lot of the hard work to implement a national program to secure our collective future. Together, we can do this. We know we can do this. America has always been able to confront difficult challenges, whether that challenge was the Depression or a World War or any challenge presented to us. We have met those challenges just as we are meeting the challenge that is global warming. We can stop global warming at the same time that we create a robust new economy that will provide good jobs for our families.

There is a lot of talk about the cost of this bill, and there is no question that there are costs. But I also worry about the cost to our families. All of us worry about that. People are working so hard just to make ends meet. This bill contains programs to directly address these concerns, including a paid-for tax policy to return money to consumers to offset increased costs and special assistance for States such as Pennsylvania, my home State, that rely on manufacturing and coal as a major part of their economy.

But to this discussion of cost I wanted to add something opponents of this bill don't talk much about, and that is the cost of inaction, the cost of doing nothing, which many in this Chamber apparently believe we should do—do nothing and hope it gets better; talk about it and talk about it and do nothing and wait for another day. While there is certainly a cost to implementing this legislation, there is also a cost if we sit back and do nothing. Not only will it be more expensive to address global warming the longer we wait, we can expect even greater costs in terms of major storms and weather events, increased wildfires, loss of food crops, and so many things that we are seeing playing out right before our eyes today in the world.

Just last week, a report commissioned by the U.S. Department of Agriculture acknowledged the impact global warming could have on crop disasters. We already know what happens when grain crops fail due to drought and flooding in different parts of the globe. It is happening right now. Lack of crops and increased costs of staples, such as wheat and rice, are causing food riots in some countries. By one estimate, one-fifth of the world's nations are in a food insecurity situation right now, as we speak.

So this is not just a humanitarian crisis for those people and their countries, this is also a national and international security threat—that threat being food insecurity—caused by a number of events and causes but especially the challenge that we have of global warming because that is contributing to that food insecurity. To sit back and do nothing about global warming when we see this path ahead of us and have heard the warnings from scientists all over the world would be not just the wrong policy—to do nothing on global warming—it would, in fact, in my judgment, be immoral.

So I support the Climate Security Act, and I will vote in favor of its passage.

Before I give up the floor, I have heard a lot of discussion in the last day or so from people criticizing this legislation, about a number of parts of the bill they do not like. But one of the things they keep pointing to is gas prices. Senator BOXER and others have used the chart that talks about the price increase of gasoline since President Bush has been in office, an exorbitant increase in the cost of gasoline. But I have to ask my friends on the other side of the aisle who keep talking about this bill increasing gas prices—and, frankly, it would not do that over time. We know from some of the data that has been presented that this bill will bring down the cost of gasoline. But let's say they are really concerned about this part of the legislation. Let's just say they are trying to make their point about gas prices.

If they are so concerned about gas prices today, why don't they support, as we have tried to push on this side of the aisle, strategies to bring down that cost or to, at a minimum, provide some measure of relief to our families?

How about a windfall profits tax? If people really are worried about gasoline prices, why don't critics of the bill support that? Why don't the critics of the bill, if they are so worried about families and gas prices, not only support a windfall profits tax but support measures that we have introduced already—and I hope we can have a vote on this—to focus on excessive speculation that is in the market right now?

So there is a lot we can do right now to bring down the cost of gasoline, or at least try, but it seems the other side of the aisle just wants to talk about bringing gas prices down but does not want to do it.

I think this Climate Security Act is one way not only to deal with our energy challenges but to do our best to protect God's creation, to enhance our national security, and to create lots and lots of jobs for our families and for our future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I yield to the Senator from Tennessee up to 5 minutes to rebut the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. I thank the senior Senator from Tennessee. I will only take a moment.

I enjoy so much working with the Senator from Pennsylvania. We came in at the same time and I appreciate the points he made. I actually wish to more fully address the comments made by the bill manager, the Senator from California, and say that I don't see any crocodile tears coming from this desk. The fact is, we will be offering meaningful amendments that focus on this legislation, with no excuses. I know the senior Senator from Tennessee has been in the forefront of this issue for some time. I think all of us realize that while gasoline prices have increased no doubt over the last 7 years, no doubt this bill will cause gasoline prices to continue to increase.

I think there is a big discussion about what we do with the revenues generated by this bill. That is a legitimate argument. We all realize there is a tremendous transference of wealth that takes place in this bill. All we are trying to do is cause this bill to be more pure and at the same time to try to link it toward energy security. I am looking forward to the amendment process.

I thank the Senator from Virginia for adding so much to the tone of debate we are having here.

I yield back my time to the Senator from Tennessee for not only rebuttal but his comments about the bill itself.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I understand under the regular order that leaves me with a couple of minutes plus 20 minutes, is that correct?

The PRESIDING OFFICER. The Senator has 3 minutes for rebuttal and then 20 minutes.

Mr. ALEXANDER. May I ask the Chair to let me know when 3 minutes remains in my time.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Mr. President, this is an important day in the Senate because we are debating an important issue. It is one the country cares about and should care about. It is one which a great number of Senators here on both sides of the aisle have discussed. I congratulate Senator WARNER and Senator LIEBERMAN for their leadership. The chairman of the Environment and Public Works Committee is here. She has worked diligently on this and made it a priority. We are doing what the Senate ought to do.

What the American people do not like is when they see us engaged in what I like to call playpen politics—when we start trying to see who can stick fingers in each other's eyes. What they do like to see is for us to have principled, vigorous debates about important issues that have to do with the future of our country, and how we deal with climate change is one of those issues.

That is how we are dealing with this. We voted by a large margin, Democrats and Republicans both, to proceed with this debate and say this is important enough to put on the floor. The majority leader apparently is giving us a significant amount of time to debate this—as we say in Tennessee, to air out the issues—and that is surely what we ought to do.

We began this morning in a bipartisan breakfast. Senator LIEBERMAN and I are the hosts, along with some others, of a bipartisan breakfast on Tuesday mornings. The Presiding Officer often attends those meetings as well. The purpose of that is for Democrats and Republicans to sit around a table in a room, with no staff and no media, and discuss issues about which we do not agree in hopes we can find a way to deal with them.

This is an important day in the Senate. We are doing exactly what we ought to be doing on an issue of importance to the American people. The Lieberman-Warner bill is the basis for this discussion. We are going to be hearing this week a lot of criticisms of the Lieberman-Warner bill and I am going to make some of them myself. But that is not to criticize the effort, because we have to start somewhere. These are two of our most distinguished Members. The bill has gone through the committee and it is now on the floor. We would be derelict if we didn't say let's deal with climate change in the correct way.

What I wish to do in the time I have remaining is to talk about three things: No. 1, what is wrong with this bill; No. 2, to suggest a better way to deal with the climate change issue; and No. 3, to suggest what I believe is the best way to deal with the entire range of issues that are presented to us which I believe are much larger than climate change.

Let me jump to the end of my remarks at the beginning by simply saying: I believe climate change is a real issue, that humans are a contributor to climate change, and we must deal with it. But I also believe that an unusual demand for energy in the United States and the world is a real issue. In our region where the Tennessee Valley Authority produces about——

The PRESIDING OFFICER. The rebuttal time of the Senator has expired.

Mr. ALEXANDER. I thank the Chair.

In our region where the Tennessee Valley Authority produces about 3 percent of all electricity in the country, estimates are that we would need 700 new megawatts of power in the next year. That is a coal plant and a half. That means 30 or 40 new coal plants around the country just to meet that, if the rest of the country is like TVA. That is a real issue as well.

Our Nation's overreliance on oil from other countries is a huge issue for us. We don't like being in the pocket of people who are selling us oil, including some who are trying to kill us by bankrolling terrorism. We want to be more independent than that in the world. It affects almost every aspect of our national security. It is costing $500 billion a year. Overdependence on foreign oil is driving down the value of the dollar. That lack of independence in our supply is a major issue.

Clean air is an issue. Carbon is not the only pollutant in the air that I am concerned about, coming from Tennessee, nor would it be for a Senator from California either. We have a real concern about sulfur, nitrogen, and mercury. I have, since I have been in the Senate, supported legislation in a bipartisan way—first with Senator CARPER—to stiffen requirements on mercury, nitrogen, and sulfur as well as begin to cap powerplant emissions for carbon. That is a little different perspective as well, rather than just saying carbon is the only problem. There is a range of problems we need to deal with.

My preference, as I will say in my remarks, is that we should have a new Manhattan Project for clean energy independence. That is the real way to deal with high gas prices, high electric prices, climate change, clean air, and the national security implications of too much dependence on foreign oil. But let me go back to the beginning and start with some problems with this bill.

What is wrong with Lieberman-Warner? The first thing wrong is that the Warner-Lieberman bill, according to an analysis by the Environmental Protection Agency, would increase the tax on gasoline by 53 cents per gallon by the year 2030, and an additional 90 cents or so after that. That's a 53-cent-per-gallon gas tax increase, according to the Environmental Protection Agency. That is not some Republican policy group speaking—that is the EPA.

I intend, when the opportunity comes, to offer an amendment to strike from the bill the provisions that would put a 53-cent gas tax increase on the American people. That is the first thing wrong with the bill.

The second thing wrong with the bill is that the Environmental Protection Agency says a 53-cent gas tax increase may hurt the pocketbook of the American consumer, but it will not reduce the carbon. It is not enough to cause people to drive much less and it is an ineffective way to do what the sponsors of the bill want to do, so we would have the worst of both worlds—we would be increasing the gas tax by 53 cents per gallon, and we would not be doing what we aim to do which is to reduce carbon with that effort.

The third thing wrong with the bill is it creates, over the next 10 years—according to the Congressional Budget Office—what I would call a trillion dollar slush fund. It would collect money—in effect a carbon tax, through a cap-and-trade system on the entire economy of the United States—and bring it to Washington, DC, where Members of Congress would, over the next 40 years, create about 42 mandatory entitlement spending programs for that money. Nothing is more dangerous in Washington, DC than a $1 trillion slush fund with a group of Congressmen with ideas about how to spend it.

My cure for that, and I think there will be amendments to this effect, is that to the extent there is any money brought into Washington as a result of a cap-and-trade auction—whether it is only on powerplants or the whole economy—that money ought to be returned directly to the taxpayers, especially the working people who will be having to pay for the higher electric rates or the higher gas prices caused by this legislation.

Those are three problems I have with the bill. No. 1, the 53-cent-per-gallon gas tax increase—that is what the EPA says. I don't think anyone doubts that. No. 2, it doesn't work because the EPA also says—and so does other testimony before the committee of which Senator BOXER is chairman—that an economy-wide cap on fuel is not an effective way to reduce the amount of carbon produced, at least in the early years. And third is the trillion dollar slush fund for Members of Congress to use for their own great ideas they come up with. I can't think of a worse way to spend the money.

It is well intentioned, but the bill as it has grown has become, in effect, with all respect, a well-intentioned contraption and it creates boards and czars and commissioners and money, and it is too complicated and too expensive. It has the potential for too many surprises. It overestimates what we in the United States have the wisdom to do in writing legislation about an economy that produces about 30 percent of all the wealth in the world every year and uses 25 percent of the energy. This is a very complex free market economy we have here and we have to be very careful about how we affect it.

Having said that, would there be a better way to deal with climate change? The answer is, I believe so. I wish to say briefly what I think that is. I believe it would be to put a cap-and-trade system on powerplants alone—that is 40 percent of the carbon produced in the American economy—and a low-carbon fuel standard on fuel. A low-carbon fuel standard, which is already in this legislation, is very simply the idea that beginning in the year 2023 we would control the amount of carbon that fuel in cars and trucks could produce, and that is it. In other words, instead of putting cap and trade on the whole economy as the Lieberman-Warner bill would do, we should only put cap and trade on powerplants—nothing else—and use a different approach for fuel.

Why would cap and trade work for powerplants? We have a lot of experience with cap and trade for powerplants. Cap and trade is simply a system of setting limits on the amount of carbon to come out of the smokestacks at a powerplant—if it is a coal plant or whatever kind of plant it might be. We have experience with measuring that. We actually have measurements for sulfur, nitrogen, and now mercury. We could do it for carbon. We could select effective enforcement dates that had some realistic relationship to the development of technology—for example, the technology to recapture the carbon that comes out of coal plants. And, in doing so, I believe that could be an effective way to begin to control the source of 40 percent of the carbon produced in the United States—the powerplants.

Would it add to the cost of electricity? Yes, it would. What would we do with the revenues from credits that were auctioned if there were a cap-and-trade system? We would give the money back. Not through a lot of federal spending programs, not to the State governments, not to pet projects; we would give it straight back to the working people to help pay their electric bills because they are the ones who would have those higher rates.

That would leave manufacturers alone. It wouldn't drive them overseas. It would avoid setting up all these boards and commissions and czars and government bureaucracies.

Then what would we do about fuel? Already we have done the single most important thing we could do as a Congress for climate change when we passed higher fuel efficiency standards at the end of last year. We did that in a bipartisan way, too. In 2007, we increased by 40 percent the fuel efficiency standards for cars and trucks in the United States for the first time in over 30 years. Testimony from David Greene of the Oak Ridge National Laboratory said that is the single most important thing the Congress can do to deal with climate change, overdependence on foreign oil, or clean air. And we did it. That is the first thing.

But there is another step we could do and that is already in this bill. It is the low-carbon fuel standard that I talked about a few moments ago. As it is now presented in the bill, it would require fuel suppliers to lower the carbon content of transportation fuels by 5 percent less per unit of energy in 2023, and 10 percent less in 2028. The advantage of a low-carbon fuel standard, unlike the cap-and-trade system which is ineffective in terms of reducing carbon in fuel, is that it would be 100 percent effective because it would require a certain amount of reduction. Second, it is the way we normally deal with fuel and pollution. For example, the low-sulfur diesel standards for big trucks that the Clinton EPA started and the Bush EPA finished is making a big difference in the Smoky Mountains of Tennessee by reducing the amount of sulfur in the air starting this year. That is a form of fuel standard. This would be a low-carbon fuel standard, just like the low-sulfur diesel standard is for big trucks. It is simple. There would be a timeline that we could prepare for, and it might actually lower gasoline prices rather than adding 53 cents per gallon to the price of gasoline as the Lieberman-Warner bill would, because if you know that there needs to be a low-carbon fuel standard, then you might, for example, choose electricity as a fuel and have a plug-in hybrid vehicle and that would reduce the amount of carbon for fuel.

Or you might advance research for biofuels made from crops we don't eat, such as cellulosic ethanol, and use more of that kind of fuel. But we wouldn't have Senators and Congressmen and people who are elected to office making judgments about picking and choosing winners and losers.

If you are asking me how I would do it, I would imagine that if we looked ahead a couple years and had to guess today what kind of climate change legislation might actually pass the Senate, the House of Representatives, and be signed by the President, I think it will be a very simple piece of legislation, probably cap and trade for powerplants, with effective dates regulated or adjusted to the development of technology that would permit powerplants to meet the standards. Then, for fuel, it would be the higher fuel efficiency standards we already passed into law last year, plus a low-carbon fuel standard. That would cover two-thirds of the carbon we produce in the United States. The current bill only presumes to cover 85 percent. The approach I am suggesting would fairly distribute the burden because most people buy electricity and most people buy gasoline. It should be lower cost, fewer surprises, and much less complicated than the bill we are debating in the Senate today.

I might add to that framework I suggested, we would take whatever money was auctioned off in the cap-and-trade system on powerplants and—rather than building what I call a slush fund—refund it to the taxpayers. That money would come right in and go right back home, right back to the taxpayers. It wouldn't stop.

Finally, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1½ minutes. I stand corrected. The Senator has 4½ minutes.

Mr. ALEXANDER. Finally, the best way to deal with the climate change issue would be a different agenda—one that focuses on clean energy. I would much prefer to see the Senate today talking about clean energy independence rather than the President asking the Saudis to drill for more oil or the Democratic majority saying: Don't explore for oil but raise taxes on gasoline by 53 cents per gallon. I would rather see a Republican or a Democratic President work with the Congress and say: Let's say to the world we are going to launch a new Manhattan Project for clean energy independence. So within 5 years we will be well on our way to saying to the Saudis: We want to be your friends, but we can take or leave your oil.

The way to do that would be, first, to begin to do the things we know how to do to increase supply. For the next 30 years, we are going to use oil; it might as well be ours rather than importing it. Explore for oil offshore, and use it from the 2,000 acres in Alaska that is next to 13 million acres of wilderness. Then agree on six or seven grand challenges, such as those I suggested at the Oak Ridge National Laboratory a couple of weeks ago, to give us a chance to make breakthroughs that would give us that kind of clean energy independence. Those would include making plug-in cars and trucks commonplace, a crash program for carbon recapture, for making solar costs equal or as low as fossil fuel costs, advanced research for biofuels from crops that we don't eat, more new green buildings, even fusion for the longer term.

I believe from the day the American President and the Congress announced to the world that we were engaged in a new Manhattan Project for clean energy independence that included both supply, demand, and research, what would happen is that the rest of the world would change its way of thinking, that the speculators would get nervous, that the oil-producing countries would get real, and that the price of gas would stabilize and eventually go down. Within 5 years, we would be well on our way to clean energy independence. That is the way to deal with high gas prices, high electric prices. That is also the way to deal with clean air, climate change, and the national security implications of our overdependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. There is now 5 minutes available for rebuttal. The Senator from California.

Mrs. BOXER. Mr. President, Senator LIEBERMAN and I had planned to share this, but if Senator WARNER wishes to jump in, we will try to yield him some time. Let me say this one more time: Every Republican speaker who has come to the floor has talked about a gas tax. It in a way is so ironic, because when they had a chance to help us deal with gas prices, where were they? My friend, Senator ALEXANDER, says gas prices are going up 52 cents. He didn't tell you it is over 20 years, folks. He didn't tell you that, 2.5 cents a year, if he is right, and he is not right. That is the outer limit. The automobile fuel economy standard we passed will negate that, even if it is true. But where was he? Where were they?

We had three initiatives, we Democrats. They said nothing. Now, when we are on the brink of getting off foreign oil, getting off big oil, suddenly we can do nothing. It is sad, but that is the case.

What we are forgetting—and not one Republican has talked about this issue except for Senator WARNER, and I am happy to say Senator SNOWE is on her way to speak—the National Academy of Sciences concluded that climate change is real, attributed to human activities, and that global warming is unequivocal, and we need to do something about it.

The human health impacts, these come straight from the Bush administration people: Increase in the frequency and duration of heat waves and heat-related illness, increase in waterborne diseases, increased respiratory diseases. All they can talk about is 2 cents a year on gas prices, which isn't going to happen because we are going to get off foreign oil. Increased respiratory disease, lung disease, asthma, if we don't act. Children and the elderly are vulnerable. I don't hear any talk about that. All we hear about is 2 cents a year on gas, which we are not going to see either. The polar bears, we know they are in deep trouble. They are God's creatures, God's creatures. We have a responsibility to protect the 40 percent of the species that could be extinct.

Let me close my part by saying this. Evangelicals, the Conference of Catholic Bishops, the National Council of Churches, the Religious Action Center of Reform Judaism, the Jewish Council for Public Affairs, the Interfaith Power and Light Campaign—these dedicated religious leaders have joined hands with us. Why? Because they feel this is a moral issue. We believe jobs will be created. Businesses will be created. Technologies will come to the fore and will solve the global warming problem.

I yield the remainder of my time to Senator LIEBERMAN, if he wishes to share it.

Mr. LIEBERMAN. Is there time remaining?

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. LIEBERMAN. I yield to Senator WARNER.

Mr. WARNER. Mr. President, before my distinguished colleague from Tennessee leaves the floor, I listened to his proposal, just taking out the power industry and use that. But the revenues you gain by your bill, wouldn't they be subject to the same accusation? Is it a tax? I think it is a false accusation, but I think your plan is basically a part of our plan. If they call our plan a tax, yours is a tax; am I correct?

Mr. ALEXANDER. If I may answer the Senator briefly, the answer is, correct, to the Senator.

Mr. WARNER. That is all I need to know.

Mr. ALEXANDER. Except that the rest of my answer to the Senator from Virginia is, any increase in revenue that came into the Government as a result of the cap-and-trade system on powerplants would then go straight back to the working people who pay their electric bills instead of coming into the unwieldy contraption this bill sets up which creates what I call a slush fund.

Mr. WARNER. Mr. President, I reply to my good friend, your plan is just as subject to the calls in here that it is a tax as is ours. But you send it back to the taxpayers. What we do is to give it to research and technology to try and improve the efficiency of the spectrum of organizations. We will have a proper pie chart tomorrow, showing how we take the money we collect and send it to research and development to improve our ability to develop solar and wind and all types of things. That is the difference. You are, in a sense, a tax collection agency. You collect it and give it back to the people. We collect it the same way, but we then put it into where technology will benefit the people.

Mrs. BOXER. Will the Senator yield for a question on his time?

The PRESIDING OFFICER. The rebuttal time on this matter for this period has expired.

Mrs. BOXER. I was asking if the Senator could use some of his own time.

Mr. WARNER. I yield to the manager part of my time for the purpose of a colloquy. The colloquy will add strength to this whole debate.

Mrs. BOXER. It is the colloquy that I believe is important because my friend is so right. We approach the future with hope. We are not going to pull the covers over our heads. This is America. We need to lead, and we need to lead in technology. We know venture capitalists have told us they are waiting for this bill. They are going to invest more in new technologies than they ever did in biotech and high tech. I wish to ask my friend this question: It is true that we do have a very large tax cut in this bill; is that not so?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. Is it not so that we have a large, almost a trillion dollars of consumer relief that goes through the utilities to help our consumers; is that not correct?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. And lastly, is it not true that we have a deficit reduction trust fund of about a trillion dollars as well?

Mr. WARNER. Mr. President, the chairman is correct.

Mrs. BOXER. I wish to make that point because I resent the Senator from Tennessee saying our bill is a slush fund.

Mr. ALEXANDER. Mr. President, I resent being resented and ask unanimous consent for a couple minutes to get into this colloquy, if I may.

Mr. WARNER. I have no objection, but where is the time coming from? I would hope you could find it.

Mrs. BOXER. He is asking unanimous consent.

Mr. INHOFE. He is asking for additional time.

Mrs. BOXER. That is fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am trying to get to a result here. Ever since I have been a Senator, I have proposed a cap-and-trade system on powerplants to deal with climate change. All I am saying is it would be better to keep it simple, to take the money collected and send it straight back home rather than bringing it up here and putting it in a slush fund. If "slush fund" is offensive to the Senator from California, I am sorry, but that is what large funds tend to be here. It is mandatory spending that is earmarked for the next 42 years.

So removing that slush fund would be an improvement on their bill. Take that out. Send the money back to the people. Return it to the individuals who paid it. That is all I am suggesting. No one ought to be offended by that. If we need to invest dollars in solar research, for example, I sponsored the amendment for the solar energy tax credit that is in the law now. Let's do that separately and with a clear appropriation, rather than a 42-year mandatory spending program that is drawn from $800 billion.

I thank the Chair and Senators for their courtesy.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I may take 2 minutes off my time to say to my good friend, when you get up and say it is going there for the next 42 years or whatever statement you made, you are incorrect. In our managers' amendment, the substitute, whatever comes up tomorrow—and that will be the order of business—we explicitly give the President of the United States the power at any time to come in and alter where those funds go. Of course, it requires the concurrence of the Congress, so the Congress has a voice.

There is nothing in our bill that acts in perpetuity. If at any time the President determines there is a crisis in the economy or that the technology, as required by the power sector to do the sequestration, is not there, the President pulls back on the throttle.

So I would hope colleagues, when they get up to discuss this bill, recognize that flexibility has been put in it to take care of all of these situations. I hope we do not have anybody saying again: And for 42 years this will stay in fixed cement, in place. It is not true. Flexibility is at every turn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. INHOFE. Mr. President, can I make a parliamentary inquiry?

Is the time that was used by the Senator from Virginia going to be taken from his time?

Mrs. BOXER. Yes.

Mr. INHOFE. The reason I ask is because we have a lot of people who have lined up afterwards who do not want to wait much longer.

The PRESIDING OFFICER. On the parliamentary inquiry from the Senator from Oklahoma, the time will be charged against the Senator from Virginia.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield myself some time from the 20 minutes I have allotted on the list.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, let me explain why. I know you are going to take it from your time, but the problem is, we have two speakers on this side who are pressed for time, and you are actually scheduled for after these two speakers. So if you could wait until your time, it would be——

Mr. LIEBERMAN. Mr. President, as Mr. ALEXANDER, the Senator from Tennessee, did, I ask unanimous consent for 2 minutes from my time to respond to something the Senator from Tennessee said.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, two points. One is on the discussion of an increase in the cost of gasoline. There was a lot of citing from Senator ALEXANDER and others about the projection of a 53-cent increase per gallon of gasoline. Again, it is over 22 years, made by EPA, 2008 to 2030. That is about a 2-cent-plus, at the outside, per year increase in a gallon of gasoline.

I tell you, look at what it has done this year. Just this year, in 8 months: January 7, $3.11; May 26, $3.93—an 82-cent increase since the beginning of this year—compared to about a 2-cent a year, outside, increase projected to do something, which is to help us achieve the purpose of this bill, which is to reduce carbon pollution that causes global warming. That is the point.

The second point, and we are going to come back to this, Senator ALEXANDER—and we agree—sees there is a problem. He wants to deal with it in a mandatory way and agrees on cap and trade. But he only wants to do it for the powerplant sector. We think if you do that, and eliminate the oil and fuel sector, eliminate the industrial sector, you are simply not going to get the reductions in carbon pollution we need to reduce global warming, and you are going to diminish the marketplace.

A lot of the companies that want to come in are going to be deprived of the kind of broad marketplace we believe will work best to stimulate innovation and to reduce the carbon pollution that causes global warming.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to claim the 30 minutes that was previously reserved for Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Thank you, Mr. President.

I rise in support of the legislation that is pending and the substitute that will be offered by the chair of the committee, Senator BOXER, to the Lieberman-Warner Climate Security Act, which is obviously a historic measure that is a benchmark for America in confronting the pressing and pervasive threat of global climate change.

This is not a Democratic issue; it is not a Republican issue. It is not a conservative or liberal issue. This is a human issue. It is a planetary issue. It is a moral issue. It is a matter and a question of stewardship, of responsibility not only to ourselves and the world in which we live but, most critically, to a future we will never inhabit but will largely determine based on decisions we make now.

In that light, I express my profound gratitude to the chair of the committee, Senator BOXER, without whom, obviously, this simply would not have been possible. I thank her for her longstanding advocacy and leadership, bridging the partisan divide which I think is what this legislation that is pending before the Senate does—the substitute that will be offered by her tomorrow—because I think it is critical we begin this process in developing the United States' leadership with respect to one of the most pressing and transformational issues not only facing this country but the world community.

I also express my profound gratitude to Senator LIEBERMAN and Senator WARNER for their outstanding and longtime leadership as well, and for their advocacy in developing those solutions to stem global climate change. It is certainly one of the most consequential issues of this century. I thank them for their vision and courage—and Senator BOXER—for doing all they could to bring this legislation to this point in the Senate to have the first ever debate on a monumental issue that will reverberate for generations.

I have heard much here in the debate. Hopefully, I will be able to offer some of the counterpoints later on in the debate. I want to lay out my own views with respect to this issue because I think it is so critical for the future of this country. I do not think we can afford the option of inaction any longer. I think this is the time in which we have to engage in global leadership and to lead the way on this critical issue, and not to forfeit what is essential, for the United States to position itself on one of the major environmental issues of all time.

I thank the Senator from Virginia, for whom leadership has been the hallmark of his 29 years of service in the Senate. That ennobling quality is now on display yet again today on this vital and timely issue before this body.

We have arrived at this day, as this issue of global warming should no longer be open to serious skepticism. This past week, the U.S. Government released a report that concluded that climate change is affecting the Nation's ecosystems, causing significant changes, such as increasing incidences of severe storms in some areas, and water scarcities from the lack of rain and snowpack in others, along with insect outbreaks and forest fires.

Looking to the future, in the words of the U.S. Department of Agriculture report, "Even under the most optimistic carbon dioxide emission scenarios, important changes in sea level, regional and super-regional temperatures, and precipitation patterns will have profound effects."

The bottom line is, this debate is no longer a question of science. It is now a question of our political will to provide solutions to these problems. I believe the substitute bill we will be debating later on this week, with an approach that mirrors closely what Senator KERRY and I called for in the Global Warming Reduction Act that we introduced in the last two Congresses, offers a measure that anyone who has analyzed the science and is honestly committed to addressing global warming can support.

It establishes a Federal program to reduce U.S. greenhouse gas emissions as much as 66 percent by 2050, through a mandatory cap-and-trade program that provides companies with both the flexibility and certainty necessary for their continued viability and growth, while allowing the United States to lead the world in reducing damaging CO_2 emissions for the generations to follow. It presents us with a watershed opportunity that our obligation to the future dictates we must seize now.

I have not come lightly or lately to this debate, having cosponsored the Lieberman and McCain Climate Stewardship Act in the 108th and 109th Congresses, as well as the Global Warming Prevention Act as far back as 1988, when I was a Member of the House of Representatives. So I am left to wonder exactly how far down the road we would be now if we had acted then. That was 20 years ago, when one of the first pieces of climate change legislation was introduced in the House of Representatives and Senate, and here we are, in 2008, and yet we have not engaged this issue in a proactive way as a nation.

Indeed, it has been my concern regarding global climate change that led me to accept an invitation in 2004 to be the cochair of the International Climate Change Taskforce, established by three respected "think tanks"—the Institute for Public Policy Research in the United Kingdom, the Center for American Progress in the United States, and the Australian Institute.

In working with my cochair, the Right Honorable Stephen Byers of the United Kingdom, our goal was to develop recommendations to blaze a trail for engaging all countries to forge an international consensus for action on climate change, including the United States, China, and India, which are not bound by the Kyoto Protocol, as we all know.

Subsequently, our task force published a series of recommendations in January 2005, "Meeting the Climate Challenge." Right at the top of our list, based on scientific consensus, was the necessity of preventing global temperatures from rising more than 3.6 degrees Fahrenheit, or 2 degrees Celsius, over the course of this century. Beyond that 2-degree Celsius increase, the planet would arrive at a tipping point—a potential abrupt climate change that would have catastrophic effects on our ecosystems and our society. Already, we have witnessed the early warning signals, with the loss of Arctic Sea ice, for instance, that appears to be accelerating faster than scientific models only recently predicted.

So what will it require to ensure we remain below the 2-degree Celsius tipping point? Well, currently, there exists a concentration of 380 parts per million of carbon dioxide in the world's atmosphere. An increase of 2 degrees Celsius correlates with a carbon dioxide concentration at 450 parts per million. Therefore, ensuring we do not exceed this concentration level is absolutely essential.

An additional recommendation in our report calls for the G8 and other major economies, including from the developing world, to form a G8+ Climate Group, to involve major CO_2-emitting countries in the climate change debate to ultimately develop a blueprint for moving forward in the carbon dioxide reduction program.

As a result, the G8+5 Ministerial Level Group was established with the five major developing countries of China, India, Mexico, Brazil, and South Africa. President Bush has expanded upon this idea as the basis for his current Major Economies Meeting. The current G8 president, the Japanese Prime Minister, is employing the same guidance at this summer's G8 Summit.

The point is, we have established we cannot risk an increase of more than a 2-degree Celsius increase in global temperatures. We further know that CO_2 emissions contribute to global warming. There is no doubt this is an international problem requiring an international solution that must include action on behalf of the world's highest CO_2 emitters if the effort is to be effective.

Indeed, our task force specifically recommended that all developed countries introduce national mandatory cap-and-trade systems for carbon emissions, and construct these systems so they may be integrated into a single global market. And that, of course, is the linchpin of the bill before us: a mandatory domestic carbon cap-and-trade system for the United States that would achieve an actual 71 percent emissions reduction by 2050 for the 87 percent of the Nation's emitters that are capped under the bill, with a 66 percent reduction of total U.S. emissions by 2050.

Now, I fully understand this bill represents a major new initiative for the United States. Therefore, I want to underscore that this is not, as some have asserted, a proposed solution to a problem that does not actually exist. We are not being compelled by guesswork or by unsubstantiated theory or by popular perception. We are being led by the facts.

This past year, the scientists on the United Nations Intergovernmental Panel on Climate Change—who shared in the 2008 Nobel Peace Prize—recently completed the IPCC's Fourth Assessment Report, which was 6 years in the making, and drew on the work of more than 2,500 scientists, 800 contributing authors, and 450 lead authors. As the ranking member of the Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, which oversees the National Oceanic and Atmospheric Administration, I wish to congratulate the 120 NOAA scientists—NOAA scientists, I add—who were part of Working Group I, the Physical Science Basis of the International Panel on Climate Change, who shared in the Nobel Peace Prize. You can see all the names listed on this poster I have right here: 120 of our own scientists who reached the same conclusions.

I ask unanimous consent that the names of these exceptional Federal scientists be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOAA 2007 PEACE PRIZE LIST

Dan Albritton, J.K. Angell, John Antonov, Phillip A. Arkin, Raymond A. Assel, John Austin, A. Barnston, J. Bates, T. Bates, Tim Boyer, A. Broccoli, H. Brooks, Kirk Bryan, Earle N. Buckley, James L. Buizer, J.H. Butler, Muthuvel Chelliah, Thomas J. Conway, W. Cooke, M. Crowne.

J.S. Daniel, Margaret Davidson, Thomas L. Delworth, H.F. Diaz, Keith Dixon, Ed Dlugokencky, B. Douglas, David Easterling, James W. Elkins, William P. Elliott, R.E. Eskridge, J. Everett, David W. Fahey, James Fahn, Lisa Farrow, Richard Feely, Fred Fehsenfeld, Josh Foster, Melissa Free, Dian J. Gallen (Seidel), K. Gallo, Hernan Garcia.

Byron Gleason, S.M. Griffies, Pavel Groissman, A. Gruber, Richard Gudgel, G. Gutman, Y. Hayashi, J. Hayes, J. Haywood, Isaac Held, Masao Kanamitsu, Sally Kane, Thomas Karl, George Kiladis, Richard W. Knight, Thoms Knutson, Chris Landsea, John Lanzante, E. LaRoe, Ngar-Cheung Lau.

R. Lawford, Jay Lawrimore, Ruby Leung, David Levinson, Sydney Levitus, Clement Lewsey, C. Liu, Robert E. Livezey, S. Manabe, Martin Manning, Ken Masarie, Michael McPhaden, James H. McVey, J. Meehan, Richard Methot, Richard B. Mieremet, John B. Miller, Robert Molinari, Stephen A. Montzka, David Mountain.

D. Murphy, Claudia Nierenberg, J. Norris, Paul C. Novelli, George Ohring, J. Overpeck, T. Owen, Tsung-Hung Peng, Thomas Peterson, Stephen R. Piotrowicz, Roger Pulwarty, R. Quayle, Frank H. Quinn, Patricia Quinn, Venkatachalam Ramaswamy, George Reid, R.W. Reynolds, Sergei Rodionov, C.F. Ropelewski, Anthony Rosati.

Karen Rosenlof, R. Ross, Christopher Sabine, Russ Schnell, M.D. Schwartzkopf, Dan Schwarzkopf, Kenneth Sherman, Caitlin Simpson, Susuaon Solomon, D.J. Stensrud, William Stern, Macol Stewart, R. Stewart, Ronald J. Stouffer, Tonna-Marie Surgeon, Pieter P. Tans, Juli M. Trtanj, Russell Vose, Rik Wanninkhof, Richard T. Wetherald, Stan Wilson, M. Winton, Scott D. Woodruff, David Wuertz, Bruce L. Wyman, P. Xie, T. Yamada.

Ms. SNOWE. The IPCC's key findings were agreed to unanimously by more than 130 governments, including those of the United States, China, India, and the European Union, and now are forming the basis for international policy. For the first time since its first assessment in 1990—and I repeat, 1990—the IPCC concluded that there is at least a 90-percent chance that manmade activities, through the burning of fossil fuels, are the major cause of global warming.

Now, if we were told in any sphere that we had at least a 90-percent chance of diverting a disaster through changes we ourselves could make, would we not take action? Is the IPCC finding not a compelling reason to assume reasonable steps when climate change is occurring, even beyond the projections that were outlined just decades ago?

So here on these charts we have some illustrations of just what the science is referring to: Arctic sea ice from NASA's images taken in 1979, 2005, and again in 2007 displaying the increase in the melting of the polar ice in September when the sea ice is usually at a minimum each year. So you can see the differences. In 1979, when we can see the sea ice, we can see the masses of the sea ice, and then, of course, you look progressively and see what has happened in 2005 and 2007 and you see the demonstrative difference and discrepancies of what is happening with the melting process just since 1979.

When you look at the amount of sea ice noted in September, it looked like this massive amount in 1979; and here we are progressively to 2007: Obviously, we have a serious problem that the global community needs to recognize and we need to address. That is why we cannot forfeit our leadership in this process. It is quite obvious that more of the sea ice has melted than ever before. When you look at the 2007 picture, it obviously indicates how alarmingly the sea ice has diminished, even opening the Northwest Passage. This is some of what the U.S. Department of the Interior looked at when listing the polar bear as threatened under the Endangered Species Act, as its habitat is literally melting away.

The May 29 U.S. Climate Change Science Program called "The Scientific Assessment of the Effects of Global Change in the United States" stated that the 2007 Arctic sea ices were 23 percent below the previous all-time minimum observed in 2005. I will repeat that because that is significant. By our own report that was issued just last week saying that Arctic sea ices were 23 percent below the previous all-time minimum observed in 2005, in just 2 years we see a decline of more than 23 percent. Some models suggest that the Arctic Ocean is likely to be free of summer ice as soon as 2040.

Closer to home, the report stated that the energy sector will be subject to the effects of climate change through direct impacts from increased intensity of extreme weather events. Increasingly, global temperatures, rising sea levels, and changing weather patterns will pose significant challenges to the Nation's roads, airports, railways, transit systems, and ports. What we are talking about is our energy and transportation network that is vital not only to the entire U.S. economy but to our quality of life.

The new facts just keep on coming. Just last month a study was published in the Journal of Science called "Expanding Oxygen Minimum Zones in the Tropical Ocean," warning that marine zones where fish and other sea life can suffocate from lack of oxygen are spreading across the world's tropical oceans. Scientists warn that if global temperatures keep rising, there could be dramatic consequences for marine life and for humans and communities that depend on the sea for a living.

So let's move beyond the question of should we act, as many of our own States have chosen to do. Maine, California, Hawaii, Minnesota, New Jersey, Oregon, and Washington have all had mandatory climate laws on the books that mandate limits on greenhouse gas emissions. At least 23 States have joined one of the three regional partnerships that will require greenhouse gas and just carbon dioxide emission reductions.

Set to take effect in 2009, the Northeast Regional Greenhouse Gas Initiative, known as RGGI, is a partnership of 10 Northeast and Mid-Atlantic States, including my own State of Maine, that creates a cap-and-trade system to limit carbon dioxide emissions from powerplants. Yet while the States have moved out on the vanguard as their citizens have demanded, Congress has delayed, hiding behind the red herring of arguments of scientific uncertainty rather than considering the truth that peer-reviewed science has revealed.

The legislation before us has been crafted to respect the courageous initiative of these States while recognizing that a patchwork of State-to-State regulation is a serious impediment for U.S. businesses and industry. It does not preempt existing State policy or State authority to limit or to avoid greenhouse gas emissions but, rather, authorizes transition funds to assist the Northeast Regional Greenhouse Gas Initiative partners, for instance, in meshing with the new Federal program if they so choose.

We have worked to make additional improvements to the bill that was passed out of the Senate Environment Committee to garner the breadth of support necessary to get this bill passed. But I think it is illustrative of the States' leadership that 23 States have already been willing to take action, to be progressive, to understand the dimensions of this problem, and that they are willing to accept the challenges and also the costs of being able to move forward independently and separately because the Federal Government has failed to take action; that the Congress has failed to take action for so long that 23 States across this country have been prepared to do it.

So this legislation recognizes that. That is why it is important to give the certainty of a Federal standard so that businesses can operate knowing what regulations will be in play. In fact, businesses have joined together with environmental organizations to reach an agreement, understanding that it is in the national interest to work in concert and to understand as they prepare to make the investments for 40 and 50 years beyond. That is the point of having a national standard. That the States have been prepared to assume that leadership irrespective of the failure of the Congress to address it certainly illustrates their willingness and their courage to move forward on this critical issue.

For those who have expressed concerns about the impact to the Federal budget, this new substitute is now deficit neutral, according to a June 2 CBO report. I ask unanimous consent to have this CBO report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

(June 2, 2008)

Lieberman-Warner Climate Security Act of 2008.—A substitute amendment for S. 3036 transmitted to CBO on June 2, 2008

Background: S. 3036 would set an annual limit or cap on the volume of certain greenhouse gases (GHGs) emitted from electricity-generating facilities and from other activities involving industrial production and transportation. Under this legislation, the Environmental Protection Agency (EPA) would establish three separate regulatory initiatives known as cap-and-trade programs—one covering most types of GHGs, one covering hydrofluorocarbons (HFCs), and a third program to cover the carbon emissions embodied in imported goods.

EPA would establish a quantity of allowances for each of calendar years 2012 through 2050 and would auction some of those allowances. The proceeds would be used to finance various initiatives, such as developing renewable technologies, assisting in the education and training of workers, and providing energy assistance for low-income households. EPA would distribute the remaining allowances at no charge, to states and other recipients, which could then sell, retire, or use them, or give them away. Over the 40 years that the proposed cap-and-trade programs would be in effect, the number of allowances and emissions of the relevant gases would be reduced each year.

Funds from the auction of allowances are considered to be federal revenues and the spending of the auction proceeds to be federal outlays. In addition, because the government would be essential to the existence of the allowances and responsible for the readily realizable monetary value of them through its enforcement of the cap on emissions, and because the market for non-HFC allowances would be relatively liquid, CBO considers the distribution of those allowances at no charge to be functionally equivalent to distributing cash.

Finally, because the receipts from selling or giving allowances away would effectively be an indirect business charge that reduces the federal tax base for income and payroll taxes, in most cases, CBO adjusted a portion of the gross gain to the federal government from auctioning and giving away allowances to account for reductions in other federal revenues; we assume that tax offset totals 25 percent—an approximate marginal tax rate on overall economic activity.

CBO's cost estimate for S. 2191 (the Lieberman-Warner Climate Security Act of 2007), as ordered reported by the Senate Committee on Environment and Public Works on December 5, 2007, includes a detailed discussion of how the budgetary treatment of the cap-and-trade program, including a discussion of how tax offsets are applied to the revenues generated by allowances auctioned and given away. It also describes the methodology that CBO uses for analyzing this type of legislation. That estimate was provided to the Congress on April 10, 2008.

Estimated cost of the amendment: CBO estimates that enacting the amendment would increase revenues by about $902 billion over the 2009–2018 period, net of income and payroll tax offsets. That estimate excludes revenues from the sale of international reserve allowances for imported goods because CBO has not had sufficient time to analyze the impact of such allowances and to assess either the number or value of those allowances that would be auctioned. Over the next 10 years, we estimate that direct spending would total about $836 billion. That figure also excludes any spending of proceeds from the auction of international reserve allowances for imported goods because the spending of any such receipts would be subject to future appropriation acts. The additional revenues from enacting this legislation would exceed the new direct spending by an estimated $66 billion, thus decreasing future deficits (or increasing surpluses) by that amount over the next 10 years (see table below).

CBO has not completed its estimate of spending that would be subject to future appropriation action. Therefore, this estimate does not address such spending. In years after 2018, net revenues attributable to the legislation would exceed annual direct spending through 2050.

Intergovernmental and Private-sector Mandates: The amendment would impose private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), with costs that substantially exceed the annual threshold established in UMRA for private-sector mandates ($136 million in 2008, adjusted annually for inflation). The most costly mandates would require certain private-sector entities to participate in the cap-and-trade programs for greenhouse gas emissions created by the bill.

CBO estimates that the cost of complying with those mandates would total tens of billions of dollars annually.

ESTIMATED IMPACT ON REVENUES AND DIRECT SPENDING OF A SUBSTITUTE AMENDMENT TO S: 3036, TRANSMITTED TO CBO ON JUNE 2, 2008

	By fiscal year, in billions of dollars—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009–2013	2009–2018
CHANGES IN REVENUES [a]												
Proceeds from Auctioning Allowances:												
Allocated for Government Activities	0.7	0.7	0.8	17.8	18.2	19.3	20.3	21.3	22.3	26.0	38.1	147.3
Allocated for Spending Subject to Appropriation	0.5	0.5	0.6	11.0	11.7	12.3	13.9	15.1	16.1	18.1	24.3	99.9
Free Allocation of Allowances	0	0	19.6	83.1	84.4	83.6	88.4	93.9	98.8	102.3	187.1	654.1
Other Revenues	0	*	*	*	*	*	*	0.1	0.1	0.1	0.1	0.3
Total Estimated Revenues	1.2	1.1	21.0	111.8	114.3	115.2	122.6	130.4	137.3	146.5	249.6	901.6
CHANGES IN DIRECT SPENDING												
Spending from Auction Proceeds:												
Estimated Budget Authority	0.9	1.0	1.0	23.7	24.3	25.8	27.0	28.4	29.7	34.6	50.8	196.4
Estimated Outlays	0	0.2	0.5	5.6	11.3	16.4	21.3	24.8	26.7	28.5	17.5	135.2
Spending from Freely Allocated Emission Allowances:												
Estimated Budget Authority	0	0	19.6	88.5	90.2	89.7	94.8	100.9	106.2	110.1	198.3	700.0
Estimated Outlays	0	0	19.6	88.5	90.2	89.7	94.8	100.9	106.2	110.1	198.3	700.0
TVA and Other Spending:												
Estimated Budget Authority	0	*	*	*	*	*	0.1	0.1	0.3	0.5	*	1.0
Estimated Outlays	0	*	*	*	*	*	0.1	0.1	0.3	0.5	*	1.0
Total Changes:												
Estimated Budget Authority	0.9	1.0	20.7	112.2	114.4	115.5	122.0	129.3	136.1	145.2	249.1	897.3
Estimated Outlays	0.1	0.2	20.1	94.1	101.4	106.1	116.2	125.7	133.1	139.1	215.8	836.1
NET CHANGE IN THE BUDGET DEFICIT OR SURPLUS FROM CHANGES IN REVENUES AND DIRECT SPENDING												
Impact on Deficit/Surplus [b]	1.2	1.1	0.9	17.8	12.9	9.2	6.3	4.7	4.2	7.4	33.8	65.5

Notes: * = less than $50 million; TVA = Tennessee Valley Authority.

Components may not sum to totals because of rounding.

The bill would affect spending subject to appropriation, but CBO has not yet completed its estimate of such spending.

[a] Revenue estimate does not include proceeds from the sale of international reserve allowances for imported goods.

[b] Positive numbers indicate decreases in deficits (or increases in surpluses); negative numbers indicate increases in deficits (or decreases in surpluses).

The amendment also contains several intergovernmental mandates as defined in UMRA. CBO estimates that, during the first five years following enactment, states would realize a net benefit as a result of this bill's enactment (resulting from the allowances they would receive). Therefore, the annual threshold for intergovernmental mandate costs established in UMRA ($68 million in 2008, adjusted annually for inflation) would not be exceeded.

Previous CBO estimates: On April 10, 2008, CBO transmitted a cost estimate for a substitute amendment to S. 2191, the Lieberman-Warner Climate Security Act of 2007, as ordered reported by the Senate Committee on Environment and Public Works on December 5, 2007. That substitute amendment to S. 2191 was introduced as S. 3036, the Lieberman-Warner Climate Security Act of 2008, on May 20, 2008. CBO has estimated the budgetary impact of those versions of this legislation as follows:

S. 2191, as ordered reported by the Senate Environment and Public Works Committee on December 5, 2007, would increase deficits (or decrease surpluses) by $15 billion over the 2008–2017 period; and

An amendment to S. 2191 that was introduced as S. 3036 on May 20, 2008, would reduce deficits (or increase surpluses) by $78 billion over the 2008–2017 period.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Neil Hood. Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Ms. SNOWE. At the same time, the bill also allows us to respond to the complex issues of curbing greenhouse gas emissions while squarely confronting the argument that reducing carbon dioxide emissions will damage our economy. To the contrary, funds generated for the Federal Government from this auction of carbon emission allowances that are established under this legislation can be held, purchased, or sold in the program's first 18 years so that it can generate $1 trillion for clean technology, in worker training and retraining programs.

Moreover, the bill provides funding to help industry meet the new emissions targets not just in the short term but all the way through 2050. So it has a long-term view and also accepts the long-term responsibilities and obligations that accompany this legislation. It also encourages low and zero carbon technologies that would change as the technologies are developed and come on line by placing a cost on greenhouse gas emissions. But it also offers the private sector the certainty they require with respect to the laws they must comply with well into the future before they invest in low and zero carbon technologies. That is important so that businesses not only understand the standards that will be established for the next 40 to 50 years; it also is logical for them in terms of making their decisions, their financial investments, and understanding what the long term will prescribe.

In addition, this bill provides a range of funding incentives from manufacturers of high efficiency consumer products, manufacturers with zero and low carbon generation technology, advanced coal technology, fuel from cellulosic biofuels, electric vehicles, hybrid or plug-in electric cars, fuel-cell-powered cars, and advanced diesel—all areas of potential future economic growth that should put America well on its way toward developing the alternative technologies that are so essential to making us independent of fossil fuels.

The substitute legislation to the Climate Security Act also adds $800 billion through 2050 for a tax relief package to help consumers with energy costs that will be developed by the Senate Finance Committee. It also will provide $250 billion in funding through 2050 from auction revenues for States to assist them in protecting against possible future effects of climate change such as storm surges and rising sea levels in coastal States. In addition, $566 billion will be provided through 2050 for States that take action to reduce greenhouse gas emissions and that the funding can be used for specific State purposes such as the LIHEAP program and energy efficiency programs as well.

I am also pleased that the Climate Security Act has included language from a bill that Senator KLOBUCHAR and I introduced establishing a robust tracking system to inventory greenhouse gas emissions from significant sources across this country. This was a critical first step that the European Union did not have in place when instituting their emissions training system, and as a result of this lack of accurate data, they gave away too many allowances to industry that could be traded, and the carbon market bottomed out.

The substitute further includes strong market oversight provisions from legislation that Senator FEINSTEIN and I introduced to ensure price transparency and prevent market manipulation and other abusive practices when carbon emission allowances are sold in the carbon market created by this legislation.

This bill is not perfect, but in fact it does go hand in hand with robust economic growth. The science of the matter tells us that business as usual certainly is not an option. Adhering to the status quo will continue current U.S. job losses to other countries that must be brought under the same umbrella for greenhouse gas reductions as we are attempting to do with this legislation through international mechanisms and partnerships. There should be no reason for good U.S. jobs to move overseas and be lost to those countries with no checks on their lax environmental laws.

The only other alternative which some of my colleagues and economists have called for is a carbon tax. Yet those in favor of a carbon tax and not a free market cap-and-trade system cannot guarantee that a tax will achieve the necessary environmental protection. If a tax is set too low, companies will simply pay the tax without reducing emissions. If a tax is set too high, unnecessary costs will be imposed upon businesses and consumers, especially on low-income Americans. A flexible but mandatory cap and trade allows market forces to find the lowest cost solutions for the desired level of environmental protection.

Additionally, according to the Government's own Energy Information Agency, under this legislation the U.S. gross domestic product will continue to grow. In 2003, the EIA finds that the GDP would be just 3 percent lower than under a "business as usual" scenario.

At the same time, the largest proportion of revenues—hundreds of billions of dollars that this legislation will generate through the transaction of carbon credits—will be designated to develop and deploy technologies to transform existing energy sectors and to create entirely new green industries such as solar, wind, renewable industries, cellulosic biofuels, hybrid, plug-in cars, as I mentioned previously, as well as high-paying jobs and to wean us off carbon dioxide-polluting fossil fuels.

As we look to the future, we must also be reminded that reducing our carbon emissions means reducing our use of oil. When we spend more than $500 billion purchasing imported oil, helping to finance the radical ambitions of radical leaders, do we really want to say we are unable to summon the innovative can-do spirit on which this country was built to break our dependence on fossil fuel and foreign oil? This legislation is a monumental step forward in severing that bond and advancing our energy security and our national security, and we must not wait a moment longer.

Mr. President, I would prefer that the Substitute bill contain measures to update the means by which the U.S. prioritizes its scientific research . . . reports this research to stakeholders and Congress to assist in decisionmaking . . . and transmits this information to planners who must establish mitigation and adaptation plans at local, state, and regional levels. The Global Change Research Improvement Act I have introduced with Senator KERRY that has already passed out of the Commerce Committee addresses this issue and should be considered in the context of this bill.

Moreover, Senator KERRY and I have an amendment requiring the National Academy of Sciences to advise Congress to act if future scientific research demonstrates that changes must be considered to meet percentage emissions reductions goals.

Ultimately, however, there should be no misunderstanding—thissubstitute bill represents the defining opportunity of this 110th Congress for reversing the unmitigated damage that climate change continues to cause, and to assist every State in its ability to adapt. And if the UnitedStates is to meet its commitments made under the Bali Roadmap to reach an international agreement among all countries for greenhouse gas emissions reductions for common but differentiated obligations by December of 2009, we should also say "yes" to the amendment Senator BIDEN will offer to set us on the right course for this process. This week and next, over 2,000 U.N. delegates from around the world are meeting in Bonn, Germany, to take the next steps forward for the Bali Roadmap—and what we do right here and right now is enormously critical in their planning for moving forward.

Let us not allow this opportunity to slip out of our grasp—the world is watching and waiting to see what the world's richest country—and its biggest emitter—has the fortitude to do.

Mr. President, I yield the floor.

Mr. INHOFE. Mr. President, I am going to just take a second on the rebuttal time, and then I am going to go ahead and yield to the Senator from New Hampshire. But my distinguished colleague, the junior Senator from California, several times talked about tax relief. I think it is time that we take this out, look at it, and put this issue to sleep.

At a press conference on June 2, the distinguished Senator said:

> Today is the day to say yes to clean energy, yes to green jobs, yes to science, yes to energy independence, yes to tax relief.

Later on in the same news conference:

> We also have in this bill a very large piece, almost $1 trillion of tax relief so that when we do see some energy increases in energy costs in the early years, electricity, for example, we can offset that.

In other words, send that back to those people as tax relief.

This bill has one of the largest tax cuts we have seen around this place in a long time. What does the bill say about this? It says the tax relief in the bill is a nonbinding sense of the Senate that says some funds "should be" used to protect consumers from the coming "increases in energy and other costs." Here is the quote:

> It is the sense of the Senate that funds deposited in the Climate Change Consumer Assistance Fund under section 583 should be used to fund a tax initiative to protect consumers, especially consumers in greatest need, from increases in energy and other costs.

Now, I only say here that this does not direct any money to be paid. It doesn't authorize any money to be paid. Besides, if it did, it would have to go to the Finance Committee. So there is no tax relief in the bill.

I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. PRYOR). Is the Senator from New Hampshire taking the time of the Senator from Tennessee?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from Oklahoma for his courtesy in finding a spot for me to speak.

This is obviously a bill of immense proportions and implications for us as a nation, for our economy, for consumers, for our place in the world, and for how we deal with the passing on of the quality of life that we have to our children so they can live in an environment that will sustain them and be sure that we do not overly pollute our world or atmosphere.

I think the Senator from California needs to be congratulated for moving the initiative forward. It is my opinion that this is a debate that needs to be pursued aggressively. I respect all the different parties' views on this. There has been an excellent discussion of how to proceed in this area.

In the past, I have strongly supported initiatives that are similar to this effort, in the sense that they tried to reduce the amount of pollutants we put into our atmosphere through a variety of different means. The Lieberman-McCain bill and the Carper-Alexander bill, both of which I have supported, had attempted to do this also.

This bill, however, is much more comprehensive, much more extensive, and the implications are far greater to our economy and to our quality of life in the United States.

It is safe to say that were this bill to become law in its present form, it would impact our future as much as anything that we could do—after addressing the issue of defeating global terrorism as they attempt to try to destroy our culture—and making sure we are fiscally solvent as a result of the cost of programs we already have on the books, such as entitlements. So it is a tremendous issue and deserves serious and thoughtful consideration, which it is getting so far in this debate.

I respect both sides of the argument. I find myself, on this issue, in a variety of different camps because I am attracted to parts of the bill, and I find parts of the bill to be very difficult. I am not going to get into all the different elements. I am concerned about the effect on our competitiveness internationally. I am concerned that if we put limitations on our economy in place, economies such as India and China, which will not be subject to these limitations, will simply pursue courses that will end up polluting at a rate that overwhelms whatever we save and that, as a practical matter, we may significantly undermine our competitiveness.

I am concerned about how this cap-and-trade issue is going to work. I am concerned that NO_X and carbon are not addressed. I am concerned that we are looking at an issue of how the science is not up to speed with the requirements being put on the industries that must reduce their pollution, or NO_X itself. There is a legitimate question of whether we are putting the cart before the horse relative to the science of the capacity to deliver these savings. For example, in the area of savings and the reduction of pollutants, I believe strongly that we need to pursue a much more aggressive policy in the area of nuclear. But the question of whether we can bring on line the nuclear generating capacity necessary to meet the requirements of this bill is very much an issue and very much in doubt, simply because of our permitting procedure in this country, coupled with the fact that the industrial complex in this country doesn't have the capacity to produce the nuclear plants in the timeframe necessary in order to comply with what would be the reduction necessary in this bill. Those are some of my concerns.

Again, I come back to the fact that I think the concept of cap and trade, as proposed in the bill, is a path we need to seriously consider going down. However, on a parallel path, I have a very severe concern, serious concern, and that is that this bill, under its present structure, is going to generate value of approximately $6.7 trillion over its life. Over the next 10 years, it is estimated that the sale of these allowances will approximately be a billion dollars. Most of this will come into the Federal Treasury—not all of it—and then under this bill it gets spent, for the most part. There is $800 million set aside, theoretically, but it is done by a sense of the Senate, as was noted. The vast majority of the money gets spent by creating new programmatic activity and expanding the size of the Federal Government.

Now, this $6.7 trillion is costs that will be passed on to the American consumer in the form of increased electrical bills. I think the American consumer is willing to pay a higher price for electricity if they feel they are significantly and positively impacting the reduction of the emission of greenhouse gases that are affecting our climate. I am willing to vote for putting that type of cost into place. But what I am not willing to vote for is taking that money and using it to radically expand the size of the Federal Government.

If you look at the proposals in the bill, it essentially becomes the most massive exercise at earmarking we have ever seen. It dwarfs the farm bill, which is hard to do, when it comes to earmarks. As a very practical matter, that is not fair to working Americans. Working Americans, under this bill, are going to be hit with a new consumption tax. That is what this bill does. It creates a massive new consumption tax, called allowances, which get sold, but the price of paying for those allowances will go back into the rate base and will raise the cost of electricity and will be a consumption tax.

Americans, working at their jobs and trying to make ends meet, trying to take care of their families, are going to see their energy bills go up because they will get hit with this new consumption tax. I believe very fervently that if we are going to go down this road of creating this massive new consumption tax, the purpose of which is to promote the reduction of greenhouse gases, which will reduce our negative impact on the global climate, we need, at the same time, to reduce for working Americans the burden of their taxation in other places. This should be a one-for-one trade, very simply. If we are going to say to working Americans that we are going to increase your consumption tax by $6.7 trillion, or if you take out the money that is under here and represented as a sense-of-the-Senate tax reduction, it will be around $4-plus trillion—if you are going to have that type of major tax impact and essentially shift the economy to a national consumption tax—and many States have those consumption taxes, but there is no national one. If you are to shift to a national consumption tax, then you need to take those dollars and reduce the burden on working Americans, one for one, so you mitigate the impact on their quality of life, on their ability to be productive citizens, and on their ability to pursue a lifestyle they can afford.

There are a variety of ways to do this. You can reduce income taxes. You can take the consumption tax, which is going to flow into the Treasury, and move it to the reduction of income tax rates or you can take the consumption tax, which is going to fall under the Federal Treasury through these allowances, and you can use it to reduce the FICA tax, the Social Security tax, which is an across-the-board tax that all Americans pay or you can take the consumption tax, which is going to be generated by this bill, and you can use it under some sort of rebate proposal such as that which has been proposed by the Senator from Tennessee, where people making less than $150,000 would get a rebate reflecting the amount of money coming into the Treasury under the allowances.

Have I used 10 minutes?

The PRESIDING OFFICER. Yes.

Mr. GREGG. Mr. President, I ask unanimous consent for another 5 minutes.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Then, Mr. President, I ask unanimous consent for 2 more minutes.

Mr. WARNER. Mr. President, I will yield my good friend a minute or two off my time. Several Senators, including myself, are waiting to talk. I yield him 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. GREGG. I thank the Senator.

Mr. President, what we should not do with this major new consumption tax is use it to expand the size of the Federal Government, to put in place a series of initiatives that are essentially being used for the purpose of building constituencies that will support this bill. That is the way legislation passes here, but it is wrong—wrong when we did it in agriculture and especially wrong when we do it in the energy production area.

American consumers should not be hit with this tax and have no tax cut or rebate coming to them on the other side of the ledger to try to mitigate the impact of this consumption tax.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I know there is rebuttal time now. I intend only to speak for a short period of time.

Mr. WARNER. Mr. President, I was going to answer the Senator's questions.

Mrs. BOXER. I will yield 3 minutes of the rebuttal time to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was interested in the comments the Senator made. What the Senator has described—tomorrow, I will have a better pie chart for colleagues to look at. The money that comes in through the bill is to be distributed primarily to companies, entities developing new technology as to how to solve the very question the Senator raises; namely, will technology be available for the sequestration? So it is not as if it is going to be distributed similar to leaflets and dropped all over. This money is going for the purpose of trying to improve America's sources of energy.

Mr. GREGG. According to the earmark list I have, $191 billion goes to worker training, $171 billion goes to mass transit projects, $237 billion goes to natural resource and wildlife adaptation, $288 billion goes to Federal programs of natural resources, $342 billion goes to international climate change, $300 billion goes to agriculture and forestry, and $368 billion goes to reforestation. Under these numbers, only $136 billion out of the trillions of dollars goes to energy efficiency block grants, and that is for local governments.

Mr. WARNER. I say to my good friend, give me until tomorrow. He reads off correctly some of the allocations, but each of them has some benefit to the problem of the CO_2 and global climate change; each one is carefully thought through. So tomorrow I will be able to give this to you in greater detail, once we get before us the actual amendment or the bill that we are going to hopefully continue to debate with the amendment process.

The second question the Senator asked about was the nuclear program. There is nothing in any of the bills that have been put into the record thus far, but I have the amendment here to initiate a very significant program to address what the distinguished Senator said is the need for nuclear power to begin to expand, using the current base, which, as he well knows, and I know, has been reduced in the last 12 to 14 years to where it is hardly in existence, either manufacturing or educational. But I have that handled.

Lastly, I hope the Senator will spend a little time on a provision I have in this bill by which the President of the United States is given authority to at any time correct inequities or problems he thinks are incorrect.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WARNER. Have I not 17 minutes also?

The PRESIDING OFFICER. The Senator from California has reserved 2 minutes of her rebuttal time.

Mr. WARNER. I can finish my 17 minutes and yield it back for the benefit of other colleagues because I have had my fair share talking about this bill.

Mrs. BOXER. Mr. President, before my friend leaves the floor, I thank him for a meeting in his office where he gave me this great idea. As a result of that meeting, I say to Senator GREGG, we took another look at the bill. Half of the bill is going back to consumers. Actually, a third of that—there are three pies: $800 billion goes into a tax cut. Senator INHOFE said it is not specific. We did it as far as we could. We know it is a fund for tax cuts. There is $900 billion for a deficit reduction trust fund, and $900 billion goes into a fund so that utilities can help our consumers. I thank him for that contribution.

When my friend came before the committee, I was so hopeful he would join with us because Senator GREGG made a beautiful statement. He said:

> States alone can't solve the problem. I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources.

He talked about mandatory limits on greenhouse gases. I honestly thought this bill we worked on would be something my friend could support.

I will say, to talk about a consumption tax, you can make up anything and call it what you will. There is no consumption tax in this bill. This bill is modeled on the acid rain bill. The acid rain bill works the same way—cap and trade. No one ever called that a consumption tax.

Mr. WARNER. Mr. President, if I may return to my allocation of 17 minutes.

The PRESIDING OFFICER. The Senator from Virginia has 15 minutes.

Mr. WARNER. I also say to my friend from New Hampshire, I call to his attention section 434, in which Congress has oversight on the use of these funds. Congress can change them.

Mr. GREGG. That is what I worry about.

Mr. WARNER. Mr. President, I recognize he has a point there.

This situation, where I devised a provision to give the President the authority, in my view—in earlier days, I was in aviation. Unfortunately, I never fully succeeded to become an aviator. We used to have a stick in the old days, before all this other stuff, when we had tandem seats—believe it or not, I flew in those old planes—you pull the stick forward, pull it back, roll it. The President has the stick, and he can change this if this bill is wrong. But we have to get this train out of the station and start it rolling down the rails.

Fifty States are trying to devise their own framework of laws now. That has to be a nightmare to industry and particularly the power companies that have to serve a multiple of States.

We simply have to show the world this country can lead, and no one is a stronger leader than the Senator from New Hampshire in this body. He understands that.

Mr. GREGG. Mr. President, if the Senator will yield for a brief intercession.

Mr. WARNER. Go ahead.

Mr. GREGG. I agree. In fact, the Senator from California clearly states my position, which is I support initiatives in this area. I support mandatory initiatives in this area. What I am concerned about is that these allowances—which really are a consumption tax, in my opinion—will essentially be used to greatly expand the Government. If we were to take that section out of the bill and just basically take those dollars and give them back to the taxpayers without having this huge section which essentially creates huge new initiatives in all sorts of different areas, I think you would have a very workable bill.

Mr. WARNER. I say to my good friend, where do we get the money to perfect sequestration? That troubles me the most. I do not think science has proven that we can actually capture the CO_2, cost effectively transfer it, and put it safely into some type of repository, an old gas well.

Mr. GREGG. If the Senator will yield further, Mr. President.

Mr. WARNER. Yes.

Mr. GREGG. If we are going to limit dollars spent to technology advancement, I guess I could be receptive to that, some percentage. But the vast majority of the dollars—that is not going to take that many dollars compared to the money we are dealing with here, $6.7 trillion. If you want to take some percentage of that and use it for expansion of technology purely on the technology side, that may make sense. This bill goes way beyond that. It has all sorts of initiatives in here which are only at the margin of the issue of technology, in my opinion. Where the dollars really should go is to reduce the tax burden for the people who are going to have the higher energy prices.

Mr. WARNER. Mr. President, I simply say to my good friend, we have a difference of opinion.

I will conclude my remarks. I congratulate the managers of this bill, the distinguished Senator from California and the distinguished Senator from Oklahoma. I have been here a few years. I know about managing bills. I have had that privilege many times. But it has been done fairly, equitably, and in a civil way on a highly controversial subject. May it remain for the balance of the time that this institution, I hope, votes for this bill and comes up with some solution to the problem. We simply cannot do nothing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my 5-minute rebuttal time I would normally use be added to my statement after the conclusion of the remarks of the Senator from Idaho since he has time allocated now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the managers of the bill, the chairman of the Environment and Public Works Committee for the debate that has gone on.

The chairman was opining a few moments ago that the debate today had been focused on gas and high gas prices and that somehow her bill was going to push gas prices even higher. That may happen. I don't know that. What I do know today is that the American consumer is fed up with $4 gas, and anything we do that would even risk pushing gas prices higher ought to make the American consumer mighty unhappy.

So I say to the chairman tonight, I am not going to talk gas prices, I am going to talk something different because I was convinced, based on my time on the Environment and Public Works Committee and having crafted a bill that got hearings, got a markup, and was ready to come to the floor when the chairman's staff took it, turned it inside out, and brought it back to the floor in an unheard document, I was convinced then gas prices were going to go up, and I think my colleagues this afternoon who have spoken openly in opposition to this bill have strongly made the case that the American consumer is going to pay mightily for this bill that is before us if, in fact, it becomes law.

So I am a bit puzzled when I hear the title of "Climate Security Act." I am confident that this might protect the environment, but what does it do for people? What does it do for the consumer who is going to be put through a financial wringer, not only with their home heating bill but continually at the gas pump, if the chairman of the Environment and Public Works Committee, Senator BOXER, has her way?

Why don't we call this bill the China-India Economic Stimulus Act of 2008, because clearly those countries that are rapidly becoming the largest emitters of greenhouse gas are going to be allowed to run free in the world economy while we put the clamps on our economy. That is a reality we all know and to which the American consumer has already reacted. Fewer jobs in our country, more jobs in China—does that make economic sense at a time when our economy is struggling? We are just going to stick another hole in our economy and send those jobs to India or China? Or maybe we could call this the U.S. Recessions Act of 2008.

I have said it, I believe it, I have been in this Congress 28 years, and I have never seen a piece of legislation to equal this one. It is the largest single redistribution of wealth in our country ever tried by the human mind through the public policy process. To me, that is frightening—frightening for my grandchildren and their future, frightening for the Idaho economy, frightening for the U.S. economy. And what are we going to do about it? We are going to stand here and say: But it saves the world. I am not going to argue that the world isn't worth saving because I want to spend a few more years in it, but I want to make darn sure the world in which I live and my children live is a world that is at least as good as the one we have today from the standpoint of the environment and from the standpoint of the economy and the economic opportunities that come from that economy for my children and my grandchildren.

Is this micromanagement as I describe it? We just heard the Senator from New Hampshire begin to worry about $100 billion here, $100 billion there, and $100 billion over here, and the Senator from Virginia says: Well, we have to have some money. Yes, we do, but we are talking trillions of dollars. That is $6.7 trillion. And last I calculated it, that is a lot of money and it is going to be taken from the pockets of the American consumer, passed through Government, and handed out in a variety of ways yet to be determined by the bureaucracy.

OK, that is all I am going to say about the economy of this bill.

When we were marking up another bill that never made it to the floor, I wanted to talk about substantive efforts, such as sequestration and revitalizing the American landscape in a way where we truly could take carbon out of the atmosphere and put it into plants and put it in roots and put it in tree stumps and tree stems in a way that was true, vital, positive environmental sequestration of carbon. I was told: No, you couldn't do that. Oh, no, no. The chairman of the Environment and Public Works Committee said: No, you can't do that; we won't allow that kind of amendment. We are not going to have forestry in this bill. You bring your amendments to the floor, Senator CRAIG. And that was the way the bill was crafted.

All of a sudden, we get to the floor, and guess what is in the bill: a 10-percent carbon credit for companies that invest in foreign forests—not U.S. forests, not the Payette National Forest in Idaho or the San Bernardino National Forest in California where 60 percent of it is dead and dying. No, we can't do that. It has to go to the Brazilian rain forest.

I am not going to debate rain forest politics tonight, but I will tell you that if we are going to tax the American people to improve the forested landscape of America, then by darn we ought to invest it in our landscape and not in Brazil's landscape or China's landscape. But that is what this bill does.

With that in mind, let me talk about forestry and forestry sequestration and what happens when you have a young, vital, growing forest across America and its ability to pull carbon down out of the atmosphere and store it in tree trunks, not just for a year or two or three but hundreds of years. It is the single greatest form of sequestering carbon from the environment that man ever thought about because Mother Nature was well ahead of the game before we came along and began to mess up the environment. Yet this bill does nothing about it.

The reason I get a little excited about this idea is because of, in the year 2000, in Belgium, a climate change conference. It was the last year of the Clinton administration, and they were trying to give away our forest credits to the world to try to convince them we believed in Kyoto. I stayed up 24 hours straight to stop them from giving away our ability to use our forest to sequester carbon out of the atmosphere into foliage and trees. I won and they lost. Now the world has changed and we can measure the reality of forest sequestration and we are not allowed to do it in a comprehensive way? That is where we are in this debate.

Fast forward with me, if you will, to where we are in the health of America's forests today. We have over 180 million acres of dead and dying forest in our country. They are no longer pulling carbon out of the atmosphere and bringing it down, they are doing what a tree does when it dies—they are releasing it back into the atmosphere.

We have unprecedented rates of forest burn in America today that we haven't seen in 60 to 70 years. That is what is happening in American forests—last year, 9.2 million acres, 2 million of it right in my home State of Idaho. The beautiful, clear, blue skies of Idaho were full of smoke all summer. Why? Because of a forest management and policy that is now simply allowing that to happen and because of a forest whose health is in such a state of dying, decaying, bug-killed trees, our great forests are now beginning to release carbon into the atmosphere at a higher rate.

This year alone, you would say: Well, Senator, we are not in the forest fire season in the West. No, we are not. But since January 1 through May 30, we have already burned 1.49 million acres of forested lands across our Nation. We have seen them burning in Florida and other places. What are they doing? They are releasing carbon into the atmosphere.

The reason I bring this chart along tonight is because it tells the story of the tragedy of the American forest. See this line? This is a result of a history of our forests as they evolve and they grow and they live and they die. We went through a period in the late 1920s and early 1930s of climate change, where we weren't hustling around trying to change the world but Mother Nature was changing, and we had a dust bowl era and we began to learn about El Nino and La Nina and Pacific decibel oscillation and all the changes going on in our environment that created a tragedy in our forests as they grew dry. And we began to see phenomenal fire burns in the late 1800s through the early 1900s, up until about 1920, when our Forest Service decided to change policy and go after fires. Now, remember, fires are burning, releasing carbon into the atmosphere at a tonnage rate unprecedented, at least in man's history.

Why did it plummet and why did forests become a sequesterer of carbon again instead of a releaser of carbon? Because we established a policy called 10 a.m. That is right, 10 a.m. in the morning. The U.S. Forest Service said that a fire that started the day before, we are going to have it out by 10 a.m. the next morning. And so we put phenomenal resources into putting out fires.

After World War II, when all the young men came home who had been jumping out of airplanes in Europe, they became smoke jumpers and dropped down on small fires and put them out. And the era of the smoke jumper in the U.S. Forest Service was born.

And what happened? It is right here on the chart. Forest fires plummeted, down to a period in 1945 on—1950s, 1960s—in which we simply weren't burning. We were putting out fires. And our forests became a net sequesterer of carbon.

Mr. REID. Mr. President, could I ask my friend to allow me to take the floor for a unanimous consent request.

Mr. CRAIG. I would be happy to yield to the leader.

Mr. REID. I apologize because you were really getting wound up.

Mr. CRAIG. I will not lose my momentum. I will keep it right here, Mr. Leader.

Mr. REID. We have been trying to get this done, and I have just spoken to the Republican leader. I have spoken to Chairman JUDD GREGG and Chairman KENT CONRAD, so we are ready to do a unanimous consent request regarding the budget.

UNANIMOUS CONSENT REQUEST—S. CON. RES. 70

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the conference report to accompany S. Con. Res. 70 be modified to provide that the Senate may utilize the available debate time, notwithstanding the absence of the official papers on the conference report filed in the House on May 20, 2008, and printed in the CONGRESSIONAL RECORD beginning on page 9997, and the Senate being in possession of the Senate official copy of the conference report; and that the Senate proceed to utilize the debate time on Wednesday, June 4—that is tomorrow—at 11:30 a.m., following a period of morning business, and upon the use of the time specified in the previous order, the Senate proceed to vote on adoption of the conference report at 11:45 a.m.; provided further that if the Senate fails to receive a message that the House has adopted the conference report by Tuesday, June 17, the Senate adoption of the conference report be vitiated; further, that if the vote is vitiated, then the previous order modified by this request remain in effect.

Further, Mr. President, I will say that we will firmly adhere to the 11:30 a.m. tomorrow morning, and 11:45 a.m., no matter what happens in morning business or extensions of time.

I ask unanimous consent that this be approved. As I have said, I have just spoken to the majority leader and Mr. Schiappa, and this has all been cleared.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I said the majority leader, but I meant the Republican leader, although I do talk to myself on occasion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, while the Senate majority leader is still on the floor, I want to talk about a fire that happened in his State just a few years ago because I was directly involved with that Senator in recognizing the dead and dying conditions of the Tahoe Basin in both Nevada and California. He came to the committee—the committee that I chaired at the time—and said: We have to fix this problem; a lot of people live in that area. And we did. We sent money out to the U.S. Forest Service to get in and change the character of that dead and dying forest. But the courts and the environmental groups would not allow it to happen. Lawsuit after lawsuit stopped it. And a year ago, the Tahoe Basin burned—3,100 acres, 250 homes, and what is more important, or as important, 140,000 tons of carbon released into the atmosphere.

Do you know the second largest releaser of carbon into the atmosphere, after coal-fired utilities? Forest fires. The second largest releaser of carbon into the atmosphere. Yet this bill does nothing about it except give money to Brazil to save the rain forest because it is a popular environmental issue. That is what this bill is about, the politics of the environment, not the reality of the circumstance in which we all live, in which the Senator from California nearly saw the entire San Bernardino forest wiped out and a Governor of her State who had to declare a state of emergency and go in and try to stop it from burning.

So if you are going to create a new world, a greener world, a cleaner world, one that has less carbon in it, you have to have a forest policy—a forest policy—that begins to revitalize our forests, to thin them, to clean them, to change the kind of ecosystem in them that doesn't tolerate 180 million acres of dead and dying trees that will release hundreds of millions of tons of carbon into the environment.

So what do we do? Six tons of CO_2 is released every time an acre burns. Six tons. Up to 100 tons of CO_2 can be released per acre, depending on the number of trees within that acreage—300, 400, 500. So that is a reality. Last year, in the 9.2 to 9.4 million acres that burned, we released the carbon equivalent emissions of 12 million passenger automobiles running for 1 year, or the entire passenger automobile fleet of the State of California, or somewhere close to that. Yet this bill doesn't address forestry? It doesn't address forest health? It doesn't address the kinds of things that we ought to be doing in an active management system to revitalize our forests? No, it doesn't. It is not environmentally popular to do. Environmentalists have spent the last 20 years shutting down our forests.

So tomorrow I will bring a comprehensive amendment to the floor to attempt to add to this bill, to get us back into the business of forest management, healthy forests, revitalizing our forests, and, hopefully, over time changing the ecosystem of our forests in a way that we don't burn 10 million acres a year and release hundreds of thousands of tons of carbon into the atmosphere. And this can be done at very little cost. You don't have to have a cap-and-trade scheme that pours trillions of dollars into it.

That is what we will talk about tomorrow. Gas is today. Let's talk about trees tomorrow, one of the greatest storers of carbon, one of the greatest sequesterers of carbon in the world today.

I yield the floor.

Mrs. BOXER. Mr. President, I will just take a couple of minutes of rebuttal time. Of course, one of the purposes of our bill, in fighting global warming, is to save our environment. That is the whole point of the bill, and part of our precious environment certainly includes our forests. We actually do have a forest title in the bill. So I am looking forward to seeing my friend's amendment. I hope it works well with our bill.

We know, as the climate warms, our trees are now open to all kinds of pests that didn't really thrive in a cooler climate. If you look, for example, in Alaska—and, of course, we have this in California too—the bark beetle is thriving now because of warmer temperatures. So I certainly look forward to working with my friend on forests.

I am looking at the Presiding Officer sitting there now, and he and I are working on saving the rain forest. And I say to Senator CRAIG, he is absolutely right about the forests being a carbon sink, and that is why Senator PRYOR and others are working very hard to save the rain forest. This is all part of what we do in this bill. So it is a little shocking for me to hear a colleague stand and say this bill doesn't do anything about forests, when the main purpose of this bill is to preserve and protect God's planet, and that includes our beautiful forests.

The Senator is right. I have been to those fires as they were raging and I have talked to those people and we have to do everything we can to be smart about protecting our lands.

I also want to address Senator CRAIG's point about India and China. He jokingly, I guess, said you should call it—I think he said the China-India——

Mr. CRAIG. Economic Stimulus Act.

Mrs. BOXER.—Economic stimulus blah blah. Ridiculous. Because the bottom line is, when anyone stands up and says India and China, it is because they do not want to do anything about global warming. They are code words. These are turned into code words, and what I want to say is, how far have we fallen as a nation when we sit back and wait for India and China to lead us on an issue as important as this? This is our turn.

I mean, we are going to hear in a minute from Senator SANDERS, who is going to come at this and say this bill doesn't do nearly enough. Unfortunately, Senator SANDERS, we have people here who think this bill does way too much, and they are fighting us every step of the way, which is very difficult for those of us who believe this is our challenge, this is our time, these are our grandchildren we have to protect, and this is our planet we have to protect.

So I want you to listen for a few key words in this debate. We will hear them more—India, China. When somebody says that, say: Senator, are you suggesting that America not lead and we turn over our leadership to those countries? That is wrong. America doesn't cower in the corner waiting for other nations to take on the great issues of the day. It is ridiculous. That is why our States, our Governors, our mayors, our conference of mayors support this bill. They are moving while the National Government is stuck in neutral.

Finally, we are moving. We are moving forward. We don't know how far we will get, but we are going to take this bill as far as we can. So keep your ear out for the words "India" and "China," and "gas price increases," which really is ironic since my friends on the other side of the aisle have done nothing but vote against us when we tried to push back against those super high prices—a 250-percent increase since George Bush came into office, and all he could do was go beg for oil from the Saudi prince. It is a pretty sad state of affairs.

So now I am done with my rebuttal, and I know Senator SANDERS has been waiting and I look forward to his remarks.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, in the rebuttal scheme, is there an effort to make comments back? No?

All right. I thank the chairman. And let's add one more word—"forestry sequestration." That is another new buzzword added tonight.

Mrs. BOXER. Well, since my colleague said that, we have $1 billion in the bill for forestry every year, so we will show it to the Senator.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, before I begin my remarks on this global warming legislation, I did want to say one word about gas prices, which are impacting my State of Vermont very heavily because workers in Vermont have to travel long distances to work, and the weather gets very cold and we spend a lot of money on home heating oil.

What I say to my Republican friends is I am glad to hear they are concerned about these soaring oil and gas prices. In the coming days we are going to give them an opportunity to stand up to the big oil companies who are enjoying record-breaking profits as they rip off the American people. We are going to give our Republican colleagues the opportunity to stand up to the speculators who many experts believe are driving up the price of oil by 25 to 50 percent. And we are going to give them the opportunity to join with us to stand up to those people who are causing oil prices to be so high and are causing so many problems all over this country as a result. We look forward to working with them on that issue.

As a member of the Environment and Public Works Committee and of the Energy and Natural Resources Committee, I want to say a few words in congratulating Senator BOXER, Senator LIEBERMAN, and Senator WARNER, and all of those who worked so hard to bring this historic legislation to the floor. This is a very important start in addressing one of the great crises facing our planet. But in my view, and I think in the view of many people in the scientific community, if we are going to respond in a serious way to what the best evidence out there is telling us, this bill must be strengthened in a number of ways.

In the short time I have now, I wish to focus on four simple points. No. 1, what are the most knowledgable scientists in the world telling us about global warming and what will happen if we do not act boldly? No. 2, how can we reverse global warming through an aggressive path of energy efficiency and renewable energy? No. 3, how can transforming our energy system create millions of good-paying jobs here in the United States? And, No. 4, I want to mention some of the amendments I will be offering to strengthen the bill.

Let me begin by mentioning that the International Panel on Climate Change, the IPCC, is made up of more than 2,500 scientific expert reviewers, some 800 contributing authors, and in excess of 450 lead authors representing 130 countries. Collectively, this group, the entire team, was jointly awarded the Nobel Peace Prize last December. Let me very briefly summarize the findings of the IPCC, and let me state very clearly that this, their work, constitutes the overwhelming position of the scientific community. That is why they received the Nobel Peace Prize. This is what they said.

Warming of the climate system is unequivocal. With 90 percent certainty, most of the warming in the past 50 years is due to human activity. Carbon dioxide levels in the atmosphere are higher than they have been in over the last 650,000 years. Eleven of the twelve years between 1995 and 2006 rank among the 12 warmest years since we have been keeping records—meaning since 1850. Without a major change, by 2100, temperatures will likely increase between 3 and 7 degrees Fahrenheit. Further, with 90 percent certainty scientists expect that hot extremes, heat waves, and heavy precipitation events will continue to become more frequent, and the higher the temperatures become, the worse the effects of global warming will become. That is what the scientific community is telling us. There is not a lot of debate within the scientific community on these issues.

But what does unchecked global warming actually mean for ordinary people, who are not Nobel Prize-winning scientists? It means there will be a significant increase in human misery and death for our children, our grandchildren, and future generations as we see a significant increase in drought, in flooding, in severe weather disturbances, in wars and political unrest as nations fight for limited resources. There will be an increase in all kinds of disease. There will be an increase in malnutrition and starvation because of the loss of arable cropland and water. Those are some of the realities that will be seen in coming generations.

Let me be even more specific about what the future will bring if we do not reduce global warming in a significant way. Many of our friends say: Oh, there are problems here, look at all the problems. Yes, there are problems, but think about the problems that will take place if we do not act. In this sense we have to not be selfish because we are talking about our kids, our grandchildren, and the future of this planet. This is what we will be seeing in the not too distant future.

In the western United States, there will be a major crisis in terms of finding drinking water. There are great discussions taking place right now in California. While we have already seen major problems in terms of forest fires in recent years—and my colleague from Idaho was on the floor talking about forest fires—he "ain't seen nothing yet," if this planet continues to warm.

Furthermore, we will see heat waves, which will become more frequent, which will cause terrible health impacts, especially for the elderly.

In Africa, by 2020, fresh water sources for between 75 and 250 million people will be stressed. In Asia, fresh water availability will be decreased, potentially adversely affecting more than 1 billion people by the year 2050.

In Latin America, by mid-century, tropical forests will be replaced by savanna, causing a significant loss of biodiversity and water availability.

Finally, in the polar regions, the loss of ice in glaciers and ice sheets and changes in snow conditions will negatively affect wildlife and arctic communities. From this, sea level could rise up to 23 feet, with the complete melting of the Greenland ice sheet, which would take many centuries but would ultimately occur due to manmade emissions.

When people say: My goodness, resolving global warming is a problem—yes. But compared to what?

Let us also be very clear that the horrific problems we are talking about for the future have already begun today. This is not saying, gee, it is all going to happen tomorrow. It is happening today, right now. Yesterday, one example of a million, the New York Times reported that large parts of Spain are turning into deserts and conflicts over water are increasing, in part because of global warming. A long-term drought in Australia, which many believe is related to global warming, has significantly reduced their food production, which some experts believe is one of the reasons international food prices are rising. That is today, not 10 years from now.

The evidence is overwhelming. We are looking at one of the great crises facing our planet, as great as we have ever faced. If we do not act effectively, the results will be catastrophic. When people say it will be difficult to address the issues of global warming, they are right. It is not going to be easy. But it will be 100 times more difficult to address the disasters that will come if we do not act now. All over the world people of all political persuasions, of all religious persuasions, understand that simple reality. If you do not act now, it is not going away, it is only going to get worse.

What the leading scientists are telling us is that not only is the situation dire, it is worse than they had predicted only a few years ago. I am a member of the Committee on Environment and Public Works. That is what these people do. They come and say: Yes, we told you the situation was bad. We were wrong. It is worse than we had told you only a few years ago.

What the scientific community is now telling us, and why this particular bill is lacking, is that the United States must reduce its global warming emissions by at least 80 percent by 2050, and some say we should do more than that. Further, through its leadership—we are the most powerful Nation on Earth—through its political strength, its advanced technology, we must do everything we can to work with the international community so that as a planet we go forward together in substantially reducing greenhouse gas emissions. The world is crying out for America's leadership. We must give it.

If we do all of these things, there is still a chance that we may not be successful in keeping the worst from happening. Those are the problems our planet is facing. What should we do to address them? What do we do? Frankly, I happen to believe that not only is the global warming crisis solvable, I happen to believe it is not quite as complicated as many others believe. The truth is that as a result of a lot of excellent scientific and technological work done here in the United States and all over the world, we know what has to be done. We know what has to be done. It is not a mystery.

Frankly, if you compare for a moment the challenge that we face with global warming today compared to the challenge the Congress of 1941 faced when we were attacked at Pearl Harbor, our job is much less difficult than their job was. They had to create armies to fight all over the world. They had to rebuild the civilian economy into a war economy. And they did all of that in a few years—and won, both in Europe and in Asia. That was a problem.

This, frankly, in my view, is less of a problem. What do we have to do? In English? No. 1, we must move aggressively toward energy efficiency in every area of our lives, and the technology is here for us to do it. My own State of Vermont has been aggressive with regard to energy efficiency and the results are very promising. As a result of strong energy efficiency efforts, my State is using 5.3 percent less energy than it would have without those programs. These efforts have made Vermont the first State in the country to experience negative load growth while the population is increasing. Said another way, the State has actually reduced the amount of electricity it uses while still adding more users and experiencing economic growth. And Vermont has barely scratched the surface in terms of energy efficiency. I have no doubt, for example, that Vermont and the rest of the country can do much better in years to come, especially as new technology such as LED light bulbs are introduced into the economy. These bulbs will consume one-tenth of the electricity of an incandescent bulb. So the potential in terms of energy efficiency is extraordinary.

But the issue is not only with electricity. The issue is also with transportation. Given the dismal situation in terms of efficiency in transportation today, we can't help but make enormous improvements in years to come. Automobiles, including hybrids and hybrid plug-ins, will get at least 50 miles per gallon and it should be commonplace within a few years. Forget about the cars that are getting 15 miles per gallon, we will get 50, 75 miles per gallon and even more. Electric cars will be on the market that will have a range of 200 to 300 miles. You go to work, you go on your trip, you come back, plug it in, and you are off and running the next day.

Today, rural America is sorely lacking in public transportation. In Vermont and all over America, workers have no choice but to drive to work because we don't have the kind of bus system we have to have. Build that bus system. You are going to save an enormous amount of energy.

In terms of our antiquated rail system, think of the potential we have there. Today we are far behind, both in passenger travel and in cargo travel. We are way behind Europe and Japan, other parts of the world. We can and must build a modern transportation system, a rail system. When we do that, we save unbelievable quantities of energy. In other words, what the scientific community has told us over and over again is that the cheapest energy is the energy we don't use. As a Nation we are going to make some progress in this area, but we have a long way to go.

As we contemplate a strategy to reverse global warming, breaking our dependance on foreign oil and stimulating the economy, there is some very good news out there if we are smart enough to hear it, if we are prepared to take on powerful special interests, and if we are prepared to develop the political will to go forward.

Despite the fact that the Federal Government has been very slow in moving in terms of sustainable energy, major breakthroughs are already taking place in our country and around the world in terms of such renewable energies as wind, solar, geothermal, and biomass. If we are smart and prepared to invest in a reasonably short period of time, we can move our country not only away from foreign oil but away from fossil fuel in general, the burning of which is the major cause of global warming. We now have the potential to produce an enormous amount of energy in a cost-effective way through sustainable approaches which not only do not emit greenhouse gases but produce virtually no pollution at all, clean up our environment, as well as cut back on greenhouse gas emissions.

Let me give you a few examples of what I am talking about.

Wind is the fastest growing source of energy in the world and the United States, but we have barely begun to tap its potential. Today, we are producing less than 1 percent of our electricity from wind, but even the Bush administration acknowledges that we can get as much as 20 percent of our electricity from this valuable renewable resource. We should be supporting wind energy not only through the creation of large wind farms in the appropriate areas but through the production of small, inexpensive wind turbines which can be used in homes and farms throughout rural America.

In terms of solar power, the potential is almost unlimited. Right now, as we speak, concentrating solar powerplants are being built and planned in the United States and throughout the world. These plants can produce as much electricity as a small nuclear powerplant. Let me repeat that. Plants are being constructed today which emit virtually no greenhouse gas emissions, which are cost effective, and which can produce almost as much electricity as a nuclear powerplant.

It is estimated that this one solar technology which is beginning to explode in the southwest part of our country—in Nevada, southern California, New Mexico—this one technology can provide as much as 25 percent of our Nation's electricity and maybe even more. It is there. It is happening now. The Federal Government, of course, has been very slow to respond or to help. It is happening even without our help.

To offer another example, building just 80 gigawatts of concentrating solar power capacity—a target that is achievable by 2030—would produce enough electricity to power approximately 25 million homes, while helping to reduce greenhouse gas emissions. This is there now. This is what we can be doing.

Furthermore, the cost of concentrating solar powerplants has already begun to decline as production increases. In fact, concentrating solar power costs are projected to drop to 8 to 10 cents per kilowatt hour when capacity exceeds 3,000 megawatts, according to a 2008 Sandia National Laboratory presentation.

There it is. It is happening. People are talking about all kinds of things, solar concentrating powerplants are taking place right now, increasingly cost effective, and no greenhouse gas emissions.

One of the country's largest utilities, Pacific Gas and Electric, is working with Solel Solar Systems to build and operate a 553-megawatt concentrated solar powerplant in the Mojave Desert which would provide electricity for 400,000 homes. We can build dozens of those plants in the United States of America.

Furthermore, in terms of solar technology, we are not only talking about solar powerplants, we are also talking about photovoltaic. And more and more Americans, in their homes, in their buildings, in public buildings, in businesses, are installing solar photovoltaics, the price of which should also come down significantly as production increases. Photovoltaics on the roofs of only 10 percent of the existing buildings in the United States could meet 70 percent of peak electric demand. Worldwide installations of solar PVs have increased by nearly 50 percent last year. This is an exploding technology in the United States and all over the world. We have to do everything we can to increase and help out and make sure that technology continues to grow.

The bottom line here is, as we move forward in all of these areas, we are going to create millions of good-paying jobs, transforming our energy system away from foreign oil and fossil fuels into energy efficiency and sustainable energy. The potential is extraordinary. This is a great country. We have faced challenges in the past. We can and must accept this challenge now.

The PRESIDING OFFICER. The Senator's time has expired.

The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me comment that these things do not come without a cost. I am putting up some things that will happen in the State of Vermont. But I would also say this: It is so tempting to debate when he talks about the science here because the science is not settled.

But I stated—and I do not think the Senator from Vermont was on the floor when I opened the discussion yesterday, I guess it was—that for the purpose of this bill, so that there will not be Members coming down who do not want to talk about the bill and instead want to talk about the science, I said as far as the bill is concerned, let's assume the science is there so we do not have to put that on the table and use up the time. So that is what we have been doing. I hope we will be able to continue to do that. However, tomorrow, after the locked-in vote on the budget, I believe we are going to be going, hopefully, to some of these amendments which I think are very significant.

Now, I had by unanimous consent asked to have, I think, locked in 30 minutes. I do not need that much time. I would like to repeat a couple of things.

I understand Senator ENZI is coming back to the floor. One of the things I think he stated earlier when he was speaking was something that somehow people have forgotten; that is, there can be no debate over whether jobs are going to be lost. Jobs have to be lost because we are talking about putting a cap on oil and gas, putting a cap on our energy supply. We are talking about doing what we can to reduce coal. There is no nuclear provision in this bill. So we are going to have a cutback in the ability to run this great machine we call America.

So what happens to manufacturing jobs in the State of Ohio and other States? They go south. Most of them will go probably to China, some down to Mexico. But already we have seen a huge migration of jobs, manufacturing jobs, and the estimate on this bill is that would be increased by 9.5 percent. We have the studies that show we would lose manufacturing jobs by another 9.5 percent over and above all of the manufacturing jobs that are gone.

Now, if you do not agree with these studies, use a little logic. If there is no energy to run these manufacturing jobs, they have to go where the energy is. It has been 30 years since we have had a new coal-fired generating plant in the United States. China is cranking one out every 3 days—every 3 days. And I know it is a mess over there. It is a polluted mess. We spent a lot of time talking about CO_2. But I would state to the chairman of the committee that in China, it is SO_2, CO_2, it is mercury, it is everything else, because they do not really have the restrictions.

So the point Senator ENZI was making was that when these jobs go over there—let's say this bill passes, which it will not, but if it did pass, that it would have the effect of increasing CO_2 in that respect. And it is very simple because it would go, as Senator ENZI said, to these countries where they have no controls. So that is very significant.

The third point I wish to make, because it has been made several times by my very close friend, the junior Senator from California, the chairman of the committee, that somehow the increase in gas has something to do with the Bush administration, when I would only remind you that during the period of time we have had the acceleration of the price of gas at the pump, it has been through the Congress, congressional acts. In fact, if anyone doubts that, they can go to our Web site. The chairman and I, as chairman and ranking member, have a Web site called EPW, Environment and Public Works, epw.senate.gov. When you go in, you will see I have documented the votes of every time we try to increase our capacity of energy, and it goes down on straight party-line votes. I am talking about increasing the exploration in ANWR, offshore, in all of the other areas, addressing the tar sands, trying to do something in expanding into the shale in western Colorado, the Western United States, trying to do something about tax incentives for marginal well production. You know I know about that because we are the largest State for marginal production in the country. That is wells of 15 barrels or fewer a day. So if we had all of the marginal wells producing today that we plugged in the last 10 years, it would amount to more than we are currently importing from Saudi Arabia.

So I have to get on record here to make sure everyone understands. And the documentation is there. Every time we have tried to either get nuclear or tried to do something about clean coal technology or something about oil and gas, to expand our supply of energy in America, it goes down right along party lines. That is the problem we have.

Now, I do have another area I wanted to talk about and maybe try to put it in a different context than it has been in the past, because the bill with all of these ramifications, with the 45 new bureaucracies, with all of the money, with the $6.7 trillion of additional money that is going to come into the system—that has to come from taxpayers, from consumers of energy. That is where it is going to come from.

When this all comes up, it is a shell game. It reminds me of the magician who takes a small object and he puts it under a shell, all under the watchful eyes of the public. Then he starts mixing them up in the shells. The problem is that the magician does such a good job of shuffling the shells around, no one can agree where the prize is, and sometimes the magician simply removes the prize in a slight-of-hand and all of the shells are empty. Well, this bill, the Lieberman-Warner bill, is much like a shell game. They promise everything to everyone.

There is one group—I do not think I will mention their name now—one of the big ag groups in this country has came out, and they were convinced they were going to get all of the credits and they would be able to control these credits and they were going to make all of this money. Now they realize that is not true, so they have taken their support away from this.

But the bill that promises everything to everyone showed the public a pile of money under one shell, and then they lead people to believe everyone is going to get that. The trouble is, there are more losers with the Lieberman-Warner bill than winners. What makes it worse is we are the ones choosing the losers and winners. We try very hard to make everyone think they will be better off under this redistribution of wealth, but, like most schemes, it does not work.

The first major shell game trick is the claim by the sponsors that the bill would generate $6.7 trillion of new revenue. The problem, of course, is that revenue comes from consumers and people in higher energy costs. It is a tax on everyone in this country who uses energy. It is a tax on energy, of course, either consumer products such as food, manufactured goods, or higher prices on anything made of concrete, steel, or chemicals. Now, you can bet that whenever the Government tells you they are going to redistribute money, the money they are distributing is coming from the U.S. taxpayers one way or another.

The next shell game trick is the promise of tax relief. We have heard this. We talk about tax relief. I hope everyone was listening when I read very carefully from the bill that there is no tax relief. They are merely talking about this, what they should do with all of this money after it has been redistributed back to people. But it doesn't say they will do it. It does not authorize it. It does not direct it. In fact, if it did happen, it still has to go to the Finance Committee, and they would have to make those decisions. But they are saying—the sponsors of the bill are promising Americans $800 billion in tax relief over the next 40 years. Now, the trouble is they are taking in $6.7 trillion. If they do redistribute the $800 billion, that is not a very good deal; that is $1 back for every $8 put in. Only in Washington, DC, does that sound like a good return on investment.

Now, how much tax relief will $800 billion provide? Let's break it down. Over 40 years, that is $20 billion a year. While that seems like a lot of money—and it is—this year's tax rebate cost the Government $150 billion. This means that for the U.S. taxpayer to play the Lieberman-Warner shell game, they have to fork over $8 for the chance of getting back $1.

The bill's sponsors also play the same shell game with different industries. They promise them that a small amount of money is hidden under one shell and hope they don't notice how much they will have to pay overall. They promise the auto industry less than $2 billion a year for research and development, when the industry already spends $75 billion a year. They promise $34 billion to help transition oil refineries over the life of the bill, when in the first year alone, 2012, they will have to purchase over $65 billion worth of credits based upon conservative estimates. This is actually written into the bill where you have the credits allocated by industry for the industrial base. Then they say: This is the amount that you get credit, but this is what you are going to have to eventually come up with. That is the difference, that is what they are going to have to pay. In the case of the auto industry, it will be $65 billion worth of credits. They offer fossil fuel-fired powerplants an average of $7 billion a year in assistance, ignoring the fact that in the first year alone they will have to purchase over $20 billion in allocation credits.

Even worse, the sponsors play the same shell game with workers' jobs. They promise a whole host of new so-called green jobs in exchange for good paying manufacturing jobs. The problem is, the good jobs created under Lieberman-Warner are in developing countries such as China, India, and Mexico. The American worker is left with an empty shell.

Dr. Kenneth Green, with the American Enterprise Institute, stated in testimony before our committee, when I asked him if global warming initiatives create new green jobs:

> The short answer, I would say, is that they might do so, but only at the expense of other jobs that would otherwise have been produced by the free market. Further, I would suggest that the end result would be significantly less jobs on net, less overall economic growth on the net, and most likely, the loss of existing capital as a by-product.

That was in our committee. That was a testimonial from someone who is very knowledgeable. Even the so-called green jobs will be going overseas. Just last month the California-based SunPower Corporation, the second largest solar cell manufacturer in the world, announced it is building its new manufacturing plants in Malaysia. I am sure one of my colleagues might say the financial incentives in the bill for solar power will keep more of these jobs here in the future, but we already subsidize them by $24 dollars per megawatt hour compared to 44 cents for coal and 25 cents for natural gas. How many more subsidies do they think they need to keep the green jobs here?

Another victim of the shell game is the American farmer. They are promised funds for carbon offsets. Yet they aren't told of the increased prices they will be paying for everything from electricity to propane to natural gas to diesel fuel, fertilizer, chemicals, tires, batteries, belts, bearings, farm machinery, spare parts, and everything else they use. That is the reason you have all the farmers groups opposing this, saying: We can't be dealt one more bad hand.

I know my farmers in Oklahoma are having a problem, in addition to a lot of the overregulation they are suffering through. We have something that is probably not very prevalent in the State of California. It is called the burying beetle. It is about that big. That stops farmers from being able to cultivate their fields, and it is a serious problem. Now they look at this and say: Wait a minute. It is going to be even worse in the future.

Farmers have serious problems. In addition, this empty shell promise will come with increased regulations and inspections by the EPA as they set up, monitor, and then annually verify farmers' activities. My farmers always use the phrase, they don't want more bureaucrats crawling all over their farms. It is almost as if the sponsors are playing a shell game in hopes of distracting farmers with new regulatory programs and higher costs.

This is kind of funny. I happened to be chairman at the time, back when the Republicans were the majority, of the Environment and Public Works Committee, when there was an effort to make propane a hazardous material. I remember seeing a bunch of people wearing red coats walking in the back. They were young people. I didn't know who they were. I said: We can document that this will cost the average farmer in my State $700 a year more than they are paying now in excessive regulatory costs. We defeated that. When we defeated it, all these young kids stood and applauded. I didn't know it, but it was the ag youth committee of the State of Oklahoma. There must have been 40 of them there, bright young kids. Of course, every shell game someone comes out ahead. In this case, the magician is the Federal bureaucracy.

The bill creates a host of new Federal programs, boards and funds, all of which will require new regulations, staff and resources. To give you an idea, when people talk about the amount of money, this net amount of money is out there. We talk about the $6.7 trillion. We talk about a period of time that will extend 38 or 40 years out right now and some 45 bureaucracies. I want you to look and see. This is what we would be creating. People who vote for this bill are voting for all these bureaucracies: A Federal greenhouse gas registry, efficient buildings program, a super efficient equipment and appliances development program, a clean medium and heavy duty hybrid fleets program, research on the effect of climate change on drinking water utilities program, the Rocky Mountain center of the study of coal utilization, the Sun grant center for research on compliance with the Clean Air Act, the outreach initiative on revenue enhancement for agricultural producers, the agriculture and forestry emissions distribution program, the carbon market oversight and regulation working group. These are all going to be staffed with people. It is all going to be paid for by the results of this bill, if it should pass, which I am quite sure it will not. The carbon market efficiency board, the climate change technology board, the climate change worker training and assistance fund, the efficiency and renewable energy worker training program, the climate change worker assistance program, the multiagency steering committee, the national climate change advisory committee, the office of climate change adjustment assistance. I have to read these out so people know this monster we are talking about. The workforce training and safety program, the climate change consumer assistance fund, the transportation sector emission reduction fund, energy efficiency and conservation block grant program, tribal climate change assistance fund, State wildlife adoption fund.

People say: What are you going to do? Let's assume that all this stuff is supposed to go back to taxpayers which we have calculated to be something less than—at the very most it would be $2.5 trillion, that that would leave $4.2 trillion. This is where it is going, for all these bureaucracies: The early action program, the efficient manufacturing program, the low and zero carbon electricity technology fund, the carbon capture and sequestration technology fund, the liabilities for closed geological storage sites task force, the climate change transportation technology fund, the cellulosic biofuel program. This is kind of interesting because right now my State is a leader in the cellulosic biofuel programs. It is Oklahoma State University and the Noble Foundation. I would like to see this happen.

I stood on the floor of the Senate—I think this is one of the rare things we agreed with, I say to my good friend, the Senator from California. All these ethanol mandates that we went through, initially all the environmentalists were for these mandates. Now people realize that with the mandates and with the increase in the mandates in the energy bill of 2007 that we passed in December, now it has doubled or tripled the mandates that were already there. What is happening? They produce a dirtier fuel that is less efficient. It is not good for the engine. It takes the life of the engine down. But worst for me in my State of Oklahoma, it is competing with feedstocks. Our feedstocks in Oklahoma have tripled since all this stuff started because they are using this. The cellulosic biofuel program was a result of that because that is something that is not going to be used to compete with.

On with the list: The Bureau of Land Management emergency firefighting program, the Forest Service emergency firefighting program, the Federal wildlife adaptation program, the national wildlife adaptation program, the science advisory board, the climate change and natural resources science center, the international climate change commission, the international reserve allowance program. These are all bureaucracies, you guys. I hope somebody is watching. The capacity building program, the clean development technology deployment fund, the international clean development technology board, the international climate change adaptation and national security program, the interagency climate change task force, and finally, the Climate Security Act administrative fund.

Here we are with all 45 new bureaucracies, programs that are created. I guess we know who the winner is in the Lieberman-Warner shell game: The Federal Government, at the expense of families, workers, and taxpayers who are going to pay for all this fund we will be having.

I don't recall, in the years I have been here, seeing more interest from more different areas in a piece of legislation. I would like to share some of the things that I thought were of interest. A lot of these are from, I think it was the senior Senator from Ohio, who was talking about one of the medias I will be quoting. I will get to it. I am not sure which one it is.

The Associated Press:

> With gasoline at $4 a gallon and home heating and cooling costs soaring, it is getting harder to sell a bill that would transform the country's energy industries and, as critics will argue, cause energy prices to rise even more.

That was from "Economic Cost Drives Senate Climate Debate."

The Wall Street Journal:

> This is easily the largest income redistribution scheme since the income tax.

The New York Post:

> The only thing it will cool is the U.S. economy. In effect, the bill would impose an average of more than $80 billion in new energy taxes every year.

Robert Samuelson in the Washington Post:

> Let's call it by its proper name: cap-and-tax.

George Will, a little more intellectual on this one:

> Speaking of endless troubles, cap-and-trade comes cloaked in reassuring rhetoric about the government merely creating a market, but government actually would create a scarcity so that government could sell what it had made scarce.

Charles Krauthammer, this is one that was a few days ago. There is another one in this morning. I would invite anyone out there who wants a lot of details on how bad this legislation is, I had an op-ed piece in this morning's Wall Street Journal. I covered all these things in much more detail with documentation, and you can only do it in print. So I did it.

Charles Krauthammer:

> There's no greater social power than the power to ration. Other than rationing food, there is no greater instrument of social control than rationing energy, the currency of

just about everything one does and uses in an advanced society.

Human Events:

> It will significantly increase the price Americans pay for gasoline and electricity. Cap and trade is an economy-killer.

The Hill:

> A bill that the senate will debate after Memorial Day could add about 50 cents more to the price of a gallon of gasoline, according to a study.

There are several studies in this area. It is far greater than that. I think the EPA actually had the study that said that it would be 53 cents a gallon increase.

The Wall Street Journal:

> Boxer climate tax bill would impose the most extensive government reorganization of the American economy since the 1930s.

Investor's Business Daily:

> The bill essentially limits how much gasoline and other fossil fuels Americans can use, as Klaus puts it . . .

Talking about one of my real heroes, he is the President of the Czech Republic. He said:

> . . . in the name of the planet. A study by Charles Rivers Associates puts the cost (in terms of reduced household spending per year) of Senate bill 2191—

which is the present source on this—

> to $1,300 per household by 2015, rising to $1,500 to $2,500 by 2050.
>
> Electricity prices could jump by 36 percent to 65 percent by 2015 and 80 percent to 125 percent by 2050.

By the way, we have another chart which I do not have with me which I will be showing tomorrow that has the breakdown by CRA, showing what each State has. It happens that the highest States in terms of the problems are the States of Oklahoma and Texas. The average cost for the average household in my State of Oklahoma and the State of Texas is $3,300 a year. So it is far greater than average, so naturally I am a little more concerned than some of the others are.

The Las Vegas Review Journal:

> Consumers are already struggling with gasoline approaching $5 a gallon and other utility costs that have been moving steadily higher for the past few years. New mandates placed on producers in the name of "global warming" will only make matters worse.

The Plain Dealer—this is the one that is in Cleveland, OH, so I am sure the Chair knows a little bit about this newspaper. This is the one that was characterized by the senior Senator from Ohio as normally being moderate to liberal as opposed to being conservative. It says:

> The bill, as conceived, will just bore new holes into an already battered economy.

That was an editorial by the Plain Dealer of Cleveland, OH, called: "Carbon Cap-And-Trade Bill Is Going Nowhere, For Good Reason."

Mr. President, it is my understanding I have 30 minutes. How much time do I have remaining?

The PRESIDING OFFICER. The Chair understood the Senator to have 25 minutes.

Mr. INHOFE. Yes, but I also had the 5 minutes in addition to rebut after the speech, which I acknowledged and asked for when I first started talking. Twenty-five plus 5 equals 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Pittsburgh Tribune-Review:

> If there indeed is a second Great Depression to come, this will be the government measure that guarantees it arrives with a devastating gut punch.

San Francisco Chronicle. We have to have this one because generally they are on the other side of these issues.

> The Senate debate on the climate bill probably will focus on its impact on energy prices and the economy, which in the short run could be considered significant.

Anyway, we have many, many more. So I guess to finalize what I have said, you have to repeat some of these things. First, we do have the problem of gas prices. You could argue it is not going to increase the price of gas. Every study we have, except one that presumes we are going to triple the number of nuclear plants, agrees with that.

In fact, the Energy Information Agency estimates that gas prices would increase from 41 cents somewhere to a dollar. When they talk about only 2 cents a year, that is on a study the EIA did that assumes that currently we have 104 nuclear plants and that would be increased by 260. Nuclear; we are going to have some amendments. There will be several amendments on that.

Let's remember now the other two major things that are worth repeating. You lose your jobs. The jobs are not going to be here. You are not going to have the energy. This bill puts caps on all the energy we produce today. They talk about the future. Yes, as the Senator from Vermont said, I want to have the renewables. I want to have solar energy that will work. I want to have wind energy. All of these we want to have. We need them all.

But what are we going to do today? That technology is not here. Today the technology on oil and gas is here. The technology is here on clean coal. We actually have, right now, 32 applications pending on new nuclear plants, a nuclear renaissance. That is what we need in this country.

Lastly, the tax and spend: $6.7 trillion, all going to be paid for by all these people out there. Maybe they may get back $1 out of every $8 they pay, but I doubt it. Because, as I said earlier, if you look and see clearly what it is that is in the bill, it says we should return some of this money to them, but it does not demand it. It does not authorize it. The Finance Committee would end up having to do it.

Now, with that, I will yield the floor for the response.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in my rebuttal, I say to my good friend from Oklahoma that I truly believe one of the reasons his party is in trouble right now and his party is losing all these elections right now is because they do not have any answers to the problems that are facing us.

Whether it is high gas prices—and my friend can say Congress was responsible. Come on. I remember when George Bush ran with DICK CHENEY, and they said: We are two oil men, and we are going to make sure—we are going to use the power of the Presidency and the Vice Presidency to bring down gas prices. What happened? We will show you the chart again: a 250-percent increase since George Bush came into power. You could try to blame that on the Congress.

That just does not wash because we Democrats have offered many ways to go after big oil. We have offered resolutions saying we should be free of foreign oil. Republicans, for the most part, do not vote for it. Democrats do. So that is a red herring.

To blame it on the Congress is kind of laughable, when George Bush was complaining about the price of oil when he got into office—I remember that; it is not that much ancient history—and has been really unable to do anything about it. And just as we are on the brink of passing a very important bill to get us off foreign oil, get us off big oil, and all those programs my friend read from—and I will talk about them more tomorrow. Those are not bureaucracies. Those are actually investments we are going to make so we make sure we get off of oil so we make sure in the future our prices go down. That is what the Boxer-Lieberman-Warner bill will do.

So to sum up, what you are hearing—and I have listened all day to every speech. I am very pleased Senator DOLE is here to speak in favor of the Boxer-Lieberman-Warner bill. I welcome her to this debate. We have had some great bipartisanship on our side today. We have heard from Senator SNOWE. We have heard from Senator WARNER. We are going to hear from Senator DOLE. And, of course, we heard from Senator LIEBERMAN, an Independent. So we have tripartisan support for our bill.

But on the other side, it is the same old, same old, same old—attack, attack, attack. They say we have a tax increase when we have a huge tax cut. They ignore the fact that half of the bill's revenues go to the people—deficit reduction trust fund, tax cut, and consumer relief. They ignore the fact that what we do with the rest of the funds is invest them in our country, in our people. That is why many unions are supporting us, because they understand the jobs are going to be created, just as they are being created in California.

Right now we have a horrible problem in California with our housing industry, our construction industry.

Those jobs are going, thank goodness, to the 450 new solar energy companies that are located there.

I know my friend who is sitting in the chair is grappling with all these issues. He is concerned about manufacturing. That is why some of the programs my friend from Oklahoma talked about are going straight into the economies of the coal States, to make sure we can find the answer.

Now, there is another Dayton Daily News editorial:

> Cap-and-trade has two factors going for it—

I think this is good. Since you heard a negative editorial, here is a positive editorial.

> Cap-and-trade has two factors going for it that one needn't be an expert to understand. One, it is a new, inventive approach, as opposed to government incentives. . . .
>
> Second, the bipartisan appeal of cap-and-trade is itself a case for adopting the idea. A way to actually get something done. . . .

So I think in Ohio we have a mixed review. I wanted to put that into the RECORD. I also want to say to my friend, he is reading editorial after editorial. I will go with him toe to toe. I am going to read some editorials.

San Jose Mercury News:

> The challenge of climate change is to avert disaster for future generations. At least major legislation is now on the table.

The Denver Post:

> In a time of global economic competition, future prosperity belongs to the quick. We urge the Senate to support enlightened efforts to deal with the world's changing physical and economic environment by passing the Climate Security Act.

The Tallahassee Democrat:

> Florida should support Climate Security Act.

The Orlando Sentinel:

> Take [a] step forward. Climate-change bill being wrongly targeted as bad for economy.

The Orlando Sentinel is very strong.

The Miami Herald:

> U.S. Must Act Quickly to Slow Global Warming.

The Des Moines Register:

> Congress Should Pass Climate Change Bill.

The Boston Globe:

> Getting Warmer on Emissions.

Grand Rapids Press:

> Seize the Chance to Address Global Warming.
>
> . . . the direction laid out in the bill represents the best path for addressing climate change in the United States.

St. Louis Dispatch:

> Serious for a Change.
>
> The Climate Security Act is a good first step. . . .

And it goes on and on.

The Star Ledger:

> Speed a Plan to Fight Global Warming.

It just goes on.

Newsday, the New York Times.

The Oregonian:

> The legislation, called America's Climate Security Act, would be the nation's first meaningful step. . . .

The Register Guard:

> Time to Act. . . .

And this is to Senator SMITH.

Harrisburg Patriot News:

> ACT NOW. . . .

Salt Lake Tribune:

> . . . .Cost of doing nothing is too great.

The Milwaukee Journal Sentinel:

> The consequences are too dire. . . .

That is just a sample.

Mr. President, I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S NEWSPAPERS SUPPORT ACTION ON THE BOXER/LIEBERMAN/WARNER CLIMATE SECURITY ACT

San Jose Mercury News: Global Warming: Let's Set the Table for post-Bush Era

"The challenge of climate change is to avert disaster for future generations. At least major legislation is now on the table."

San Jose Mercury News (California),
June 2, 2008.

The Denver Post: Save the Earth—and the economy

"In a time of global economic competition, future prosperity belongs to the quick. We urge the Senate to support enlightened efforts to deal with the world's changing physical and economic environment bypassing the Climate Security Act. It will provide a good framework for the next president."

The Denver Post (Colorado),
May 30, 2008.

Tallahassee Democrat: Our Opinion: Florida should support Climate Security Act

"Still, it's time for the United States to make a strong statement on global warming, and it's time for Florida's business and political leaders to show the way on the issue again."

Tallahassee Democrat (Florida),
June 1, 2008.

Orlando Sentinel: Take step forward. Our position: Climate-change bill being wrongly targeted as bad for economy

". . . the U.S. Senate will vote to end America's dangerous isolation on the issue of climate change by embracing a cap and trade, carbon emissions-limiting system honored by nations that long ago conceded the reality of global warming."

Orlando Sentinel (Florida),
May 31, 2008.

Miami Herald: U.S. Must Act Quickly to Slow Global Warming

"The leading bill is sponsored by Sens. Joseph Lieberman, I–Conn., and John W. Warner, R–Va. It sets a goal of stopping emissions growth by 2012 and is set to be debated in June. While President Bush might veto such a bill, all three leading presidential candidates support the approach. So the prospect of a cap-and-trade proposal passing is good, even if it has to wait a year."

"Not to act quickly to protect the planet would be far more expensive."

Miami Herald (Florida),
April 22, 2008.

Des Moines Register: Congress Should Pass Climate Change Bill

"In the cost-benefit analysis of climate change, doing nothing could carry a devastating potential cost in everything from higher food prices to real estate lost to rising sea levels. Acting now, however, means taking steps toward a cleaner environment, exploring new energy sources, less reliance on fossil fuels and at the very least a chance to preserve the Earth as we know it for future generations."

Des Moines Register (Iowa),
June 1, 2008.

Boston Globe: Getting Warmer on Emissions

"With gasoline costing $4 a gallon and even the Bush administration admitting that global warming is endangering polar bears, the time is right for Congress to enact reductions in the use of fossil fuels that are a principal cause of global warming."

". . . the costs of both (gasoline and utility prices) have skyrocketed, and the country is no closer to making a substantial shift away from fossil fuels. Passage of this bill with a filibuster proof majority would start that historic change."

Boston Globe (Massachusetts),
June 2, 2008.

Grand Rapids Press: Seize the Chance to Address Global Warming

". . . the direction laid out in the bill represents the best path for addressing climate change in the United States."

Grand Rapids Press (Michigan),
June 1, 2008.

St. Louis Dispatch: Serious for a Change

"The Climate Security Act is a good first step toward reducing greenhouse gas emissions. A cap-and-trade system for carbon dioxide emissions would nudge American energy policy toward a more sustainable future."

"Waiting only will increase the impact and cost of global climate change. The Senate should approve the bill quickly."

St. Louis Dispatch (Missouri),
June 1, 2008.

Concord Monitor: Alaskan Changes Show that Congress Must Act

"Significant steps to limit global warming and its often devastating effects shouldn't wait for a new administration to take power. The Lieberman-Warner bill would show the rest of the world that the United States is finally making a serious commitment to combating climate change. It deserves the support of New Hampshire's congressional delegation."

Concord Monitor (New Hampshire),
March 19, 2008.

The Star Ledger: Speed a Plan to Fight Global Warming

"Senators must not fritter away the opportunity to end eight years of Bush administration obstructionism and jump-start America's fight against climate change."

Star Ledger (New Jersey),
June 2, 2008.

Newsday: Time for Cap and Trade

"The longer we wait to take serious action, the more painful will be the steps we'll have to take when we finally start."

Newsday (New York),
June 2, 2008.

New York Times: The Senate's Chance on Warming

"Mr. Bush can no longer plausibly deny the science. What he continues to resist is the need for a full-throated response. The Senate can usher in a new era of American leadership when it convenes next week."

New York Times,
May 28, 2008.

The Oregonian: Finally, a path for America to battle climate change

"The legislation, called America's Climate Security Act, would be the nation's first meaningful step toward halting and reversing the buildup of atmospheric gases that are altering the Earth's climate in devastating ways. Congress, after years of empty rhetoric on the subject, should pass this legislation and quickly put the United States on the right path to reducing the pollution that's causing this crisis."

The Oregonian (Oregon),
June 1, 2008.

The Register Guard: Time to Act Senator Smith

"The Lieberman-Warner bill has impressive bipartisan support, reflecting a growing conviction in Congress and the American public that action is imperative."

"The scientific case for action is beyond compelling."

"It's the sort of leadership that Oregonians—and all Americans—need and deserve to meet the formidable challenges of climate change."

The Register-Guard (Oregon),
June 1, 2008.

Pocono Record: Don't follow, lead on energy and climate

"The United States can help safeguard its environment and be out in front in the energy field. The Senate must lead the way to an environmentally responsible, economically sound energy future by passing the Climate Security Act."

Pocono Record (Pennsylvania),
June 1, 2008.

Harrisburg Patriot News: ACT NOW/Don't let uncertainty rule out steps to meet climate challenge

". . . to do nothing until the facts are inescapable to even the most avowed critic would be reckless. Donald Brown, associate professor of Environmental Ethics, Science and the Law at Penn State, has written that 'the nature of the risk from climate change is enormous and using scientific uncertainty as an excuse for doing nothing is ethically intolerable.

So we need to act.'"

Harrisburg Patriot News
(Pennsylvania),
May 25, 2008.

Salt Lake Tribune: Climate Security Act Cost of doing nothing is too great

"Clearly, we cannot sit idly by as disasters worsen and economic costs balloon. The Lieberman/Warner act is a reasonable first step."

Salt Lake Tribune (Utah),
May 31, 2008.

Milwaukee Journal Sentinel: Editorial: The consequences are too dire to remain a bystander

"The science that all three reports looked to doesn't offer much in the way of good news—which is why it's essential for the Senate to provide some by taking the first step this week on the Climate Security Act."

Milwaukee Journal Sentinel
(Wisconsin),
May 31, 2008.

Mrs. BOXER. So my friends, the debate will go on. I think I am going to use the rest of my time to read the closing script for the day, but tomorrow, we go on. My friend, Senator INHOFE, is a terrific debater. Tomorrow, we are going to take that list he put up there behind himself and show how what he read off is not new bureaucracies but new investments. When he talked about adaptation and firefighting, of course we need to be sure we have the ability to do that. So we are going to show tomorrow how that chart is misleading. We are going to show tomorrow how the statistics that came from the National Association of Manufacturers are wrong.

Mr. President, I ask unanimous consent to have printed in the RECORD proof that they are wrong. We will talk about them tomorrow.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ACCF/NAM MODELING ANALYSIS IS FLAWED:

At a May 20 hearing before the Energy and Natural Resources Committee, Deputy Administrator Howard Gruenspecht of the Energy Information Agency said that ACCF/NAM wrongly attributed costs due to rising world oil prices as impacts of the Climate Security Act, rather than considering those costs as part of the economic baseline for the study.

In addition, ACCF/NAM is based on implausible "constraints"—it basically assumes that new technologies and fuels will not be developed between now and 2030.

Congressional Research Service says NAM "assumes substantial constraints on technology availability, and higher costs than those embedded in EIA's NEMS model."

Mrs. BOXER. Mr. President, now I am going to go to the script so it is a little less complicated.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I assume that would happen after Senator DOLE finishes her remarks; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. INHOFE. Yes. Mr. President, it is my understanding we have agreed to give Senator ENZI some time.

Mrs. BOXER. OK.

Mr. INHOFE. First, we will have the Senator from North Carolina. Then I will have 5 minutes of rebuttal.

Mrs. BOXER. Then I ask unanimous consent that when Senator ENZI completes his remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MALAYSIA

Mr. KERRY. Mr. President, I would like to share with my colleagues an important development in Asia with implications for regional security.

Malaysia, a moderate country of 27 million people with an Islamic majority, has long been a major high-tech manufacturing center, producing components of goods that are in personal computers and household items throughout our country, as well as throughout the world. It is encouraging to see economic reforms now complemented by political ones.

In response to a call for change voiced by the people in the March 8 Malaysian elections, in which opposition candidates made gains in Parliament, Malaysian Prime Minister Abdullah Badawi has proposed a series of significant reforms to promote a more independent and effective judiciary and to increase anticorruption efforts across Malaysia.

In the area of judicial reform, Prime Minister Badawi has proposed a new Judicial Appointments Commission to identify, recommend and evaluate candidates for the judiciary based on clearly defined criteria. He has also offered a proposal to improve the quality of judges by reviewing the compensation and terms of service for judges to attract and retain the most qualified judges.

Recognizing the major public concern about corruption in Malaysia, Mr. Badawi has taken steps to make Malaysia's Anti-Corruption Agency, ACA, become a fully supported and independent commission with an independent corruption prevention advisory board. He has also undertaken action intended to triple the number of anticorruption officers, and to establish a parliamentary committee on corruption prevention that would review annual reports by the ACA.

Mr. Badawi's reform proposals also include greater support and protections for freedom of the press, including issuing one-time—rather than annual—licenses for media organizations and approving a permit for the party of main opposition leader Anwar Ibrahim's People's Justice Party to publish its own newspaper.

Malaysia's pursuit of democracy and its struggle against Islamic extremism are critical for establishing lasting peace, prosperity, and security both for the Malaysian people and for the entire Southeast Asian region. The future direction of countries such as Malaysia is of significant importance to the United States as we work with others to fight extremists.

The relationship between these types of reforms and security in Malaysia and the surrounding region is the subject of a recent op-ed in the Providence

Journal by Stuart Eizenstat, who served as Undersecretary of State and Deputy Treasury Secretary in the Clinton administration. This editorial, which I am submitting for the RECORD, also notes Mr. Badawi's initiative to have Muslim states which are members of the Organization of Petroleum Exporting Countries, OPEC, commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world. Attention to that kind of investment in basic social needs in the Islamic world is an essential element of combating extremism. Human security requires protection not only of law and freedom, but of economic security, and I commend Mr. Eizenstat's article for its recognition of how these issues intersect in the current reform efforts being undertaken in Malaysia.

I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, May 29, 2008]

MALAYSIAN DEMOCRACY'S ROLE IN TERROR FIGHT

(By Stuart E. Eizenstat)

There is a titanic conflict within the Muslim world pitting modernity against reactionary radicalism.

Muslim leaders who promote modernization and integration with the world economy will only succeed if their policies will lead to a better way of life for their people.

The next U.S. president must determine how best to support the reformers, which will require new approaches, a combination of both hard and soft U.S. power, and most importantly, strong, reliable allies.

That's why it is so important for the U.S. to pay attention to the transformation now occurring in Malaysia, a Muslim nation of some 27 million people whose prime minister, Abdullah Badawi, has responded to electoral calls for change by introducing sweeping reforms designed to maintain a democratic open society for the long term.

On March 8, Malaysian voters sent a strong message to the government by giving opposition parties solid gains in parliament—even as Badawi's party continued to hold more than 60 percent of the seats.

Instead of heeding the calls of his adversaries to resign, Prime Minister Badawi embraced the call of voters who demanded reform. The results: Badawi's avalanche of proposals has begun positioning him as the 68-year-old "comeback kid" of Malaysia politics.

The reforms have addressed three central foundations for freedom too often not seen in developing nations—and especially those in the Islamic world.

First, Badawi has moved to strengthen the independence of Malaysia's judiciary, by creating a process to create merit-based lists of judicial candidates, similar to the kinds of vetting systems used in the U.S. to rate potential new federal judges.

Second, Badawi is building on strategies adopted in Hong Kong and Singapore to create independent bodies to combat corruption.

Finally, Badawi is opening up historically strict licensing processes to promote freedom of the press, making it possible for the newly empowered political opposition to publish its own newspaper.

These new reforms would fundamentally change the way business—and politics—are carried out in a nation whose political leadership had historically emphasized economic development rather than political freedom. By making the country's institutions more transparent and independent, the Badawi government is promoting a system that is also more likely to be resilient in turbulent economic times.

The stability of this majority Muslim nation through political and economic change has significant implications for the U.S., for whom Malaysia is the 10th largest trading partner.

Malaysia is an important producer for the U.S. of components for high-tech business and consumer goods, like computers and cell phones. It also has provided a steady example of a Muslim government that has been serious about combating terrorism at home. And it has burnished Badawi's reputation as a leader of Islamic moderates against the life-support systems that sustain the dark forces of Al Qaeda, Hamas, Hezbollah and the terror network that stretches from Northern Africa across the Middle East into Southeast Asia.

Other Muslim leaders, including those of some of the opposition parties in Malaysia, have a different vision, one that would reverse Badawi's goal of converting Malaysia into a multi-cultural Islamic-oriented state that is helping to modernize Islam in ways that are compatible with the globalizing challenges of the 21st Century.

For example, Malaysia's Parti Islam se Malaysia (PAS) has called for the imposition of a criminal code of Islamic law, or Shariah, including such cruel punishments as amputation and death by stoning, reversing hard-won women's rights and an end to race-oriented affirmative-action programs aimed at helping improve the lives of Malaysia's minorities.

Malaysia and Badawi have sought to lead by example in the region. During his recently concluded chairmanship of the Organization of the Islamic Conference—an international organization of 57 Muslim states from the Middle East to Indonesia—he led efforts to address the twin challenges of poverty and illiteracy that fuel the spread of Islamic extremism in the Muslim world.

Badawi has challenged his fellow Muslim states, including those which are members of the Organization of Petroleum Exporting Countries (OPEC), to commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world.

His persistence in helping to establish a new economic agenda for the Muslim world represents a critical initiative in the long-term struggle to transform impoverished Muslim states into nations that find their place in a progressive, globalizing world.

In the end, whether Badawi's dexterity will keep him in power to serve a full term is yet to be determined, but what he has set in motion deserves the support of the United States, since his reforms will place Malaysia firmly on the path to modernizing its Islamic society.

Stuart E. Eizenstat was chief domestic-policy adviser to President Jimmy Carter, and held several senior positions in the Clinton administration.

CHALLENGES FACING WYOMING'S FARMERS AND RANCHERS

Mr. BARRASSO. Mr. President, I believe our Nation's farmers and ranchers—free of government interference and redtape—are the best stewards of the land.

Unfortunately in Washington, there are people who don't understand Wyoming. We do not need the Federal Government to regulate mud puddles and wetlands. We know how to manage our lands. We do not take kindly to the "Washington knows best" philosophy. We are westerners. We have been living out here for a long time without the helpful hand of the Federal Government.

A recent editorial printed in the Wyoming Livestock Roundup on April 5 really hit home. I recommend to my colleagues the editorial by Jim Magagna as reflecting the feelings of Wyoming farmers and ranchers. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SOCIETY WE LIVE IN

I am admittedly old-fashioned. I still relish the 60's when resource conflicts were most often resolved by just getting out and kicking a little dirt. I had my share of "cussin' and discussin'" with BLM, USFS and WG&F personnel. I respected their professional expertise and they respected my practical experience. Most often this combination produced a result that was a little uncomfortable for both of us, but right for the resource. Neither of us was particularly concerned that our decisions would be challenged by anyone else.

Fast-forward to the 21st century: Resource managers are no longer respected for their professional judgment, which they can exercise only at peril of the agency being sued. The demands placed upon them to create paper trails leave little time for kicking the dirt. The U.S. Fish and Wildlife Service (FWS), has been added to the list of federal agencies known to strike fear into the hearts of ranchers. Resource decisions are driven primarily by often uninformed public opinion and agency efforts to avoid litigation. Many of the threats which once plagued only public land ranchers have migrated to private lands, infringing on our property rights. Many of today's decisions are simply not "right for the resource".

These 21st century resource management challenges have also forced ranchers and the organizations that represent them into the litigation arena to an unprecedented extent. Certain environmental organizations have perfected the litigation process as a tool to make government dysfunctional. Their formula is simple: Challenge every unfavorable decision on simple procedural grounds, utilizing the National Environmental Policy Act (NEPA) or the Endangered Species Act (ESA), as a tool. Make massive, costly and time-consuming demands on the agencies for documents under the Freedom of Information Act (FOIA), thereby preventing agency personnel from performing normal duties. Identify "friendly" courts that will assure a favorable decision on the weakest of evidence. Assure that the environmental organization's legal fees are paid by the taxpayer and that the FOIA fees are waived "in the public interest". This is the shameful but successful strategy of Western Watersheds Project, Center for Biological Diversity, Forest Guardians and a host of similarly aligned conspirators.

Meanwhile, back at the ranch, individual families are forced to scrape together thousands of dollars of their own funds to defend property rights and federal grazing permits. Financial and human resources that would otherwise be directed toward resource management and improvements are diverted to legal fees and endless meeting participation, thereby strengthening the claims of the environmental plaintiffs that the resource is not being properly managed. The rancher is placed in a vicious circle from which there is no ready escape.

Agricultural organizations at the state, national and local levels have stepped up to the plate in recent years in order to address these threats in a collective manner and relieve some of the burden placed on individual ranchers. In Wyoming, state government has been a partner in this effort, in particular regarding endangered species.

In 1999 the Wyoming Stock Growers Association (WSGA), for the first time in its then over 125 year history, deemed it necessary to establish a permanent Litigation Fund to support challenges by the radical environmental community. Since that time the generosity of our members and supporters has allowed us to participate in or financially support over ten (10) defenses of the property rights and interests of the ranching community. In addition to these direct expenditures, an increasing portion of staff time is dedicated to reviewing litigation and determining the appropriate level of involvement for the organization.

Currently, WSGA is involved as an intervenor in litigation seeking the listing of the sage grouse and in challenges to the state's elk feedgrounds. We have filed a motion to intervene in recent litigation seeking to force listing of the mountain plover. WSGA, joined by WWGA, has recently moved to file an amicus brief in litigation challenging the delisting of the grizzly bear. We were in the process of filing in the black-tailed prairie dog litigation when a settlement was reached. In addition, WSGA is a leader in an effort by the National Public Lands Council challenging the overturning of the revised BLM grazing regulations. The announcement last week by WildEarth Guardians of a lawsuit challenging the Secretary of Interior for failure to act on listing petitions for 681 species will undoubtedly present new "opportunities" for our involvement.

The ESA and NEPA are laws whose original intent remains valid. However, they have been co-opted by environmental litigants as procedural hurdles to serve their ultimate goal of land use control. Congress has demonstrated its inability to act in restoring integrity to these laws. There will continue to be a handful of federal judges who are willing to aid and abet in their abuse.

WSGA and others will continue to defend the property rights and grazing permits of ranchers in environmental litigation. This alone will not be enough. The time has arrived when we must develop a multi-faceted strategy to end this abuse of our rights and our legal system. We have begun the proactive step of building public support for our stewardship and forming alliances with other groups who support our role in resource management. Future steps should include an expose of the motives and tactics of select radical environmental groups and direct legal challenges to certain of their practices. This strategy will demand even greater short-term sacrifices by ranchers and a strong coordinated commitment by those who represent them. Success will assure a sustainable resource and a more secure future for our industry.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, before the last recess, the Senate confirmed Judge G. Steven Agee of Virginia to the United States Court of Appeals for the Fourth Circuit. His confirmation lowered the remaining vacancies on that circuit to less than there were at the end of the Clinton administration, when a Republican-controlled Senate had refused to consider any nominees to the Fourth Circuit during the last 2 years of the Clinton Presidency. The Republican Senate majority used the Clinton years to more than double circuit court vacancies around the country. By contrast, we have already reduced circuit court vacancies by almost two-thirds, in the process reducing them to zero or only a single vacancy in nearly every circuit. We have already reduced vacancies among the 13 Federal circuit courts throughout the country from 32—which is what it was when I became chairman of the Judiciary Committee in the summer of 2001—to 11, the lowest number of vacancies in more than a decade.

When Republican Senators are ready to allow us to consider and confirm the President's nominations to fill the last two remaining vacancies on the Sixth Circuit, yet another circuit will be without any vacancies. We will reduce the total number of circuit court vacancies to single digits for the first time in decades. Lost in all the agitating from the other side of the aisle is the fact that we have succeeded in reducing circuit court vacancies to historically low levels.

In addition, this work period we have the opportunity to complete Senate consideration of five additional nominees for lifetime appointment to Federal courts, which are pending on the Senate's Executive Calendar. The Judiciary Committee has favorably reported the nominations of Mark Davis of Virginia to fill a vacancy in the Eastern District of Virginia, David Kays of Missouri to fill a vacancy in the Western District of Missouri, Stephen Limbaugh of Missouri to fill a vacancy in the Eastern District of Missouri, William Lawrence of Indiana to fill a vacancy in the Southern District of Indiana and Murray Snow of Arizona to fill a vacancy there. In addition, when the Judiciary Committee considers the nominations of Judge Helene White and Ray Kethledge to the Sixth Circuit, we will also consider the nomination of Stephen Murphy to the Eastern District of Michigan. Thus, with cooperation from across the aisle, the Senate should be in position to have confirmed four circuit court judges and 11 district court judges before the Fourth of July recess, for a total of 15 additional Federal judges.

By comparison, during the 1996 session when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, not a single judge was confirmed before the Fourth of July recess—not even one. That was the same session in which they failed to confirm a single circuit court nominee.

Another stark comparison is that on June 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 66 judicial vacancies. Twenty were circuit court vacancies, and 46 were district court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. This year, by comparison there are just 47 total vacancies with only 11 circuit vacancies and 36 district court vacancies. If we can continue to make progress this month, the current vacancies could be reduced to fewer than 40, with only 9 circuit court vacancies and 30 district court vacancies.

The history is clear. When Republicans were busy pocket filibustering Clinton nominees, Federal judicial vacancies grew to more than 100, and circuit vacancies to more than 30.

When I became chairman for the first time in the summer of 2001, we quickly—and dramatically—lowered vacancies. The 100 nominations we confirmed in only 17 months, while working with a most uncooperative White House, reduced vacancies by 45 percent.

After the 4 intervening years of a Republican Senate majority, vacancies remained about level.

It is the Democratic Senate majority that has again worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50. With respect to Federal circuit court vacancies, we have reversed course from the days during which the Republican Senate majority more than doubled circuit vacancies. Circuit vacancies have been reduced by almost two-thirds and have not been this low since 1996, when the Republican tactics of slowing judicial confirmations began in earnest.

Consider for a moment the numbers: After another productive month, just 9 of the 178 authorized circuit court judgeships will remain vacant—just 9—a vacancy rate down from 18 percent to just 5 percent. With 168 active appellate judges and 104 senior status judges serving on the Federal Courts of Appeals, there are 272 circuit court judges. I expect that is the most in our history.

I regret to report that when I tried to expedite consideration of President Bush's two Sixth Circuit nominations last month, I encountered only criticism from the Republican side of the aisle, as did one of the nominees. Senator BROWNBACK publicly apologized for his actions at the hearing, and I commended him for doing so.

We have now received the updated ABA rating for President Bush's nomination of Judge Helene White to the

Sixth Circuit. She received a well qualified rating. That did not come as any surprise. She has served ably on the Michigan state appellate courts and acquired additional experience in the decade since when she was nominated by President Clinton and the Republican Senate majority refused to consider her nomination. The White and Kethledge nominations to the Sixth Circuit break a logjam after 7 long years.

In light of Republican criticism of my efforts to expedite consideration of President Bush's Sixth Circuit nominations, I have said that the nominations would be scheduled for committee consideration after we received updated ratings from the ABA. Now we have and I plan to include them on the agenda for the committee's business meeting on June 12. I trust that all Senators will be prepared to consider and vote on the nominations at that time. That should provide the Senate with the opportunity to consider them before the July 4 recess.

The President has not nominated anyone to 16 current judicial vacancies. He has refused since 2004 to work with the California Senators on a successor to Judge Trott on the Ninth Circuit. The district court vacancies without nominees span from those that arose in Mississippi and Michigan in 2006, to several from 2007 in Pennsylvania, Michigan, Indiana and the District of Columbia, to others that arose earlier this year in Kansas, Virginia, Washington, and several in Colorado and Pennsylvania.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies.

The alternative is to risk becoming embroiled in contentious debates for months. The most recent controversial Bush judicial nomination took 5½ months of debate after a hearing before Senate action was possible. I am sure there are some who prefer partisan fights designed to energize a political base during an election year, but I do not. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent, and able to provide justice to all Americans, without fear or favor.

In fact, our work has led to a reduction in vacancies in nearly every circuit, reducing vacancies on almost every circuit to only one or none. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

My approach has been consistent throughout my chairmanships during the Bush Presidency. The results have been positive. Last year, the Judiciary Committee favorably reported 40 judicial nominations to the Senate and all 40 were confirmed. That was more than had been confirmed in any of the three preceding years when a Republican chairman and Republican Senate majority managed the process.

Still, some partisans seem determined to provoke an election year fight over nominations. The press accounts are filled with threats of Republican reprisals. The May 14 issue of Roll Call boasted the following headline: "GOP Itching for Fight Over Judges; Reid's Pledge to Move Three Before Recess Fails to Appease Minority." Then in a recent article in The Washington Times, we read that the Republican fixation on judges is part of an effort to bolster Senator MCCAIN's standing among conservatives. There seem to be no steps we could take to satisfy Senate Republicans on nominations because they are using it as a partisan issue to rev up their partisan political base.

Among the reasons that Republican complaints about the Fourth Circuit ring hollow is that the emergency vacancy on the Fourth Circuit from North Carolina exists only because the Republican Senate majority refused to consider any of President Clinton's nominees to fill that vacancy. All four nominees from North Carolina to the Fourth Circuit were blocked from consideration by the Republican Senate majority. That also prevented President Clinton from integrating the Fourth Circuit through appointment of Judge Beaty or Judge Wynn.

Of course, during the Clinton administration, Republican Senators argued that the Fourth Circuit vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country. That was the period when Fourth Circuit vacancies rose to five. One of those vacancies—to a seat in North Carolina—still exists because the President insisted on nominating and renominating Terrence Boyle over the course of 6 years to fill that vacancy. That highly controversial nomination persisted for years despite the strong opposition of law enforcement officers from across the country, civil rights groups, and those knowledgeable and respectful of judicial ethics opposed the nomination.

The Fourth Circuit now has fewer vacancies than it did when Republicans claimed no more judges were needed, and fewer vacancies than at the end of the Clinton administration. I have already said that once the paperwork on President Bush's nomination of Judge Glen Conrad to the Fourth Circuit is completed, if there is sufficient time, I hope to move to that nomination.

This is not the first time we have heard false complaints about our progress on nominations. One of the Republicans' favorite talking points is to use a mythical "statistical average" of selected years to argue that the Senate must confirm 15 circuit judges in this Congress. They only achieve this inflated so-called "historical average" by taking advantage of the high confirmation numbers of Democratic-led Senates confirming the nominees of President Reagan and the first President Bush. They ignore their own record of doubling vacancies during the Clinton administration, including during the 1996 session when the Republican-led Senate refused to confirm a single circuit court nominee.

They do not like to recall that during the 1996 session, when a Republican majority controlled the Senate during a Presidential election year, they refused to confirm any circuit court judges at all—not one. Their practice of pocket filibustering President Clinton's judicial nominees led Chief Justice Rehnquist to criticize them publicly. Chief Justice Rehnquist was hardly a Democratic partisan. Quite the contrary. Even he was appalled by the actions of the Republican Senate majority. In his 1996 Year-End Report on the Federal Judiciary, he wrote:

> Because the number of judges confirmed in 1996 was low in comparison to the number confirmed in preceding years, the vacancy rate is beginning to climb. When the 104th Congress adjourned in 1996, 17 new judges had been appointed and 28 nominations had not been acted upon. Fortunately, a dependable corps of senior judges contributes significantly to easing the impact of unfilled judgeships. It is hoped that the Administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

When that shot across the bow did not lead the Republican Senate majority to reverse course, Chief Justice Rehnquist spoke up, again, in his 1997 Year-End Report on the Federal Judiciary. It was a salvo from a Republican Chief Justice critical of the Republican Senate leadership:

> Currently, 82 of the 846 Article III judicial offices in the federal Judiciary—almost one out of every ten—are vacant. Twenty-six of the vacancies have been in existence for 18 months or longer and on that basis constitute what are called "judicial emergencies." In the Court of Appeals for the

> Ninth Circuit, the percentage of vacancies is particularly troubling, with over one-third of its seats empty.
>
> Judicial vacancies can contribute to a backlog of cases, undue delays in civil cases, and stopgap measures to shift judicial personnel where they are most needed. Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary. Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.

It was only after the scorching criticism by a Republican Chief Justice that the Republican Senate majority modified its approach in order to allow some of the nominations that had been held back for years to finally proceed. Having built up scores of vacancies, some were allowed to be filled while the Republican Senate majority carefully kept vacant circuit court positions to be filled by President Clinton's successor. It is in that context that Republican claims of magnanimity must be seen for what it was. It is in that context that the 8 circuit confirmations in 2000 must be evaluated while the Republican Senate majority returned 17 circuit nominations to President Clinton at the end of that session without action.

By contrast, the Democratic Senate majority has worked steadily and steadfastly to lower vacancies and make progress, and we have. When Senate Republicans allow the Senate to confirm President Bush's Sixth circuit nominees, we will have achieved the average number of circuit confirmations the Republican Senate majority achieved in presidential election years and lowered circuit vacancies to an historically low level.

Further, the Republican effort to create an issue over judicial confirmations is sorely misplaced. Americans are now facing an economic recession, massive job losses of 232,000 in the first 3 months of this year, increasing burdens from the soaring price of gas, and a home mortgage foreclosure and credit crisis.

Last month, the Commerce Department reported the worst plunge in new homes sales in two decades. The press reported that new home sales fell 8.5 percent to the slowest sales pace since October 1991, and the median price of a home sold in March dropped 13.3 percent compared to the previous year. That was the biggest year-over-year price decline in four decades. You would have to go back to July 1970 to find a larger decline. Sales of existing homes also fell in March, as did employment and orders for big ticket manufactured goods, both of which fell for the third month in a row.

Unfortunately, this bad economic news for hard-working Americans is nothing new under the Bush administration. During the Bush administration, unemployment is up more than 20 percent; the price of gas has more than doubled and is now at a record high national average of over $3.94; trillions of dollars in budget surplus have been turned into trillions of dollars of debt, with an annual budget deficit of hundreds of millions of dollars. According to a recent poll, 81 percent of Americans today believe that our country is headed in the wrong direction. It costs more than $1 billion a day—$1 billion a day—just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq. That's $365 billion this year that would be better spent on priorities like health care for all Americans, better schools, fighting crime, and treating diseases at home and abroad.

In contrast, one of the few numbers actually going down as the President winds down his tenure is that of judicial vacancies. Senate Democrats have worked hard to make progress on judicial nominations, lowering circuit court vacancies by almost two-thirds from the level to which the Republican Senate majority had build them. Any effort to turn attention from the real issues facing Americans to win political points with judicial nominations is neither prudent, nor productive.

RECOGNIZING L. ROBERT KIMBALL

Mr. SPECTER. Mr. President, I have sought recognition to recognize an outstanding Pennsylvania citizen, L. Robert Kimball.

In 1953, L. Robert Kimball opened the doors of a surveying and civil engineering consulting company in Ebensburg, PA. Under Mr. Kimball's leadership over the past 55 years, L. Robert Kimball & Associates has grown from a 2-person outfit to a 600-person firm which now oversees nearly 1,200 projects a year in 14 offices across the United States.

L. Robert Kimball's leadership has not gone unnoticed. Among his many commendations are the Outstanding Engineering Alumnus Award and the Distinguished Alumnus Award from the Pennsylvania State University, the Western Pennsylvania Family Business of the Year Award from the University of Pittsburgh's Katz Graduate School of Business, and the Small Business Person of the Year Award from the Small Business Association.

I will conclude by commending the four guiding principles that Mr. Kimball instills in each his staff: have a goal, be persistent, know when to change direction, and enjoy your work.

ADDITIONAL STATEMENTS

SYDNEY POLLACK: IN MEMORIAM

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a very special man, Sydney Pollack of Los Angeles County, who died May 26, 2008. He was 73 years old.

Sydney Pollack was a master filmmaker and will be fondly remembered for his over four decades of work in Hollywood as a director, producer, and actor.

Sydney Irwin Pollack was born to Rebecca and David Pollack on July 1, 1934, in Lafayette, IN. He was raised in South Bend and moved to New York City in 1952 to study at the Neighborhood Playhouse. While there, Sydney so impressed head acting teacher Sanford Meisner, that Mr. Meisner quickly made Sydney his assistant. Sydney went on to teach at the Neighborhood Playhouse from 1954–1959, guiding the talents of actors such as Robert Duvall, Rip Torn, Brenda Vaccaro, and Claire Griswold, whom he married in 1958.

At the urging of Director John Frankenheimer, Sydney left New York City in 1961 for Hollywood where he began work as a director of television shows. In 1965, Sydney made his movie-directing debut in the suicide help-line drama, "The Slender Thread" with Sidney Poitier and Anne Bancroft. In 1969, Sydney received his first Best Director nomination for an Academy Award for the film "They Shoot Horses Don't They?"

As an actor, Sydney's key roles include Woody Allen's "Husbands and Wives," 1992, Robert Altman's "The Player," 1992, and Stanley Kubrick's "Eyes Wide Shut," 1999. Sydney's most notable acting and directing role was in his 1982 comedy film "Tootsie" in which he played George Fields, agent to the main character played by Dustin Hoffman. His production company, Mirage, produced this film as well as many others, most recently "Michael Clayton" in which Sydney gave yet another memorable performance.

Perhaps Sydney Pollack's biggest directing triumph came in 1985 with "Out of Africa." This landmark film received seven Academy Awards—Best Picture, Director, Adapted Screenplay, Cinematography, Original Score, Art Direction, Sound—and three Golden Globe Awards—Best Picture, Supporting Actor, Original Score. "Out of Africa" was also an example of one of the great collaborations of all time between actor and director. Sydney Pollack and Robert Redford made seven classic films together that include "This Property Is Condemned," "Jeremiah Johnson," "The Electric Horseman," "3 Days of the Condor," "The Way We Were," and "Havana."

Those who knew Sydney Pollack recognize him as a courageous, innovative and brilliant man. He took pride in tackling social issues through films which raise interesting and challenging questions. His work as an ambassador of cinema will be remembered gratefully by all those whose lives he touched. He touched mine, and he will be deeply missed.

Sydney is survived by his wife Claire Griswold, and their two daughters, Rachel Pollack Sorman and Rebecca Pollack Parker.•

THE 40TH ANNIVERSARY OF ST. AMBROSE HOUSING AID CENTER

• Mr. CARDIN. Mr. President, today I congratulate the St. Ambrose Housing Aid Center on its 40th anniversary. Since 1968, it has grown from its original mission to confront the "blockbusting" practices harming Baltimore's neighborhoods to providing a myriad of services to more than 100,000 Baltimoreans as our oldest nonprofit housing provider.

St. Ambrose Housing Aid Center was founded in 1968 by the dynamic and tenacious Father Vincent Patrick Quayle, known to all as Vinny. The center is dedicated to creating and preserving affordable housing in Baltimore. Its many successes are due to the charismatic and effective leadership of Vinny Quayle and the tireless efforts of a dedicated staff.

In the 1970s, St. Ambrose initiated a rental program and converted several vacant Catholic school buildings into affordable apartments. This effort led to neighborhood revitalization in many Baltimore communities. Today, St. Ambrose owns and manages 350 single and multifamily affordable housing units serving very low-income households, households with special needs, and the elderly.

When Baltimore experienced a gentrification movement in the 1980s, many low income families, especially those renting their homes, feared they would be displaced. St. Ambrose led the way in helping tenants convert to homeownership and was instrumental in convincing Baltimore City to establish a "Tenant's Right of First Refusal" bill.

Two other programs were established that have become core services at St. Ambrose. The Homesharing Program, the only one in Maryland, matches householders with room to share with homeseekers who need affordable housing and are willing to provide help with household tasks or financial support. The Legal Services Program helps homeowners and tenants combat home improvement fraud and predatory lending practices.

St. Ambrose partnered with the U.S. Department of Housing and Urban Development, HUD, and bought, renovated and sold Federal Housing Administration, FHA, properties to first-time homebuyers. Through its Homeownership Counseling Program, St. Ambrose serves more than 700 prospective homebuyers every year, with 100 of them purchasing a home within 6 months of completing housing counseling.

As the numbers of subprime mortgages and foreclosures have increased, St. Ambrose has stepped forward to help homeowners save their homes. Expert housing counselors provide assistance to homeowners in a number of ways and staff attorneys are available to provide legal review and action.

I am most proud to extend my warmest congratulations and best wishes to St. Ambrose Housing Aid Center on its 40th anniversary and ask my colleagues to do the same.•

REMEMBERING LIEUTENANT GENERAL WILLIAM ODOM

• Mr. FEINGOLD. Mr. President, today I would like to commemorate the life of a great soldier, strategic thinker and American, LTG William Odom. I was deeply saddened to learn of his recent sudden death.

General Odom served our country with honor and distinction throughout his life. During his time serving as a military adviser in the White House, Director of the National Security Agency, and West Point and Yale professor, General Odom demonstrated an uncanny talent for assessing and advancing U.S. interests in a complex and challenging world.

Over the years, the U.S. Congress has benefited greatly from General Odom's clear vision of U.S. interests in the Middle East. General Odom was a strong critic of the Iraq war even before it began. It is unfortunate that more Members of this body did not heed his insightful and prescient warnings of the perils of invading Iraq. His steadfast commitment to ending the war and restoring a balanced and focused national security strategy has been an inspiration. So, too, was his strong opposition to the President's illegal warrantless wiretapping program.

Our thoughts are with his wife, son, and family during this difficult time. I hope that they can take some comfort knowing that he will be deeply missed by a grateful Nation.•

REMEMBERING BILL CLARK

• Mr. PRYOR. Mr. President, today I honor the life of a great Arkansan, William E. "Bill" Clark, who passed on May 15, 2007. Bill was respected as a great philanthropist, sportsman, business leader and citizen of Arkansas. He was seen as an unparalleled advocate for the needs and welfare of his State and its citizens. He dedicated his life to serving his community and supporting individual lives in the public and private sector.

Bill graduated from Little Rock Central High School in 1961 and the University of Arkansas at Fayetteville in 1965 with a bachelor's degree in electrical engineering. Thereafter, he joined his brothers at C&C Electric Construction Company in Little Rock, working there until 1981 when he acquired Bragg's Electric Construction Company. In 1987, Bill partnered with Dillard's Incorporated and founded CDI Contractors, which grew to be one of the largest construction firms in the South. High-profile projects completed by CDI under Bill's leadership include the Clinton Presidential Library in Little Rock, the headquarters for Heifer International in Little Rock and Immanuel Baptist Church in West Little Rock, of which Bill was a devout attendee for over 27 years. Bill's impact on the business community of Arkansas is evident by the numerous business and professional awards he received, including Arkansas Business Executive of the Year, Rotary Club of Little Rock's Business and Professional Leader of the Year Award, Paul Harris Fellow as given by Fifty for the Future, election to the Arkansas Construction Hall of Fame, and admission to the University of Arkansas Engineering Hall of Fame and the Arkansas Academy of Electrical Engineering.

Respected and admired throughout Arkansas for over three decades, Bill took on countless worthwhile projects with optimism and enthusiasm; he was an inspiration to many. The positions he held relating to public service are evidence of his commitment to his community. His awards reflect his professional successes as well as his avid public service. These awards included the Arkansas Arts Center's Winthrop Rockefeller Memorial Award, the Boys and Girls Club of America National Service to the Youth Award, the Edwin N. Hanlon Memorial Award for Contribution to the Arts, and the Arkansas Children's Award from the Arkansas Sheriff's Youth Ranches.

Bill was a past president of the board for the University of Arkansas board of trustees, the Arkansas Arts Center, the Little Rock Regional Chamber of Commerce and the Country Club of Little Rock. Bill served as a board member of the Little Rock Boys and Girls Club, the Arkansas Arts Center Foundation, Baptist Health, the UAMS Foundation, Ouachita Baptist University Business Advisory Council, and the Episcopal Collegiate School Foundation.

During his lifetime, Bill was an enthusiastic outdoorsman. He loved hunting, fishing, and golf, while remaining committed to conservation endeavors. A final gesture honoring Bill and benefiting his community is the establishment of the William E. "Bill" Clark Presidential Park Wetlands, a 13-acre tract located on the banks of the Arkansas River running adjacent to the Clinton Presidential Library. This natural wetland area provides an educational exhibit that can be enjoyed by State, national, and international visitors for generations to come. As contractor for the Clinton Presidential Library, Bill believed in the library's mission to strive for educational advances within Arkansas, including the history of the United States, the institutional roles of the Presidency and the American political system as applied to President William J. Clinton.

It is hard for people to experience Arkansas without noticing the remarkable accomplishments of Bill Clark. It is not hard to imagine just what makes Bill Clark so special to his family, his friends, and to Arkansas. He was a person of great faith, a loving husband and father, a doting grandfather, and a humorous, compassionate friend to all he met. Bill never approached a situation with a negative attitude; rather, he saw everything as an opportunity to benefit his community. Bill will be well remembered for his generosity and commitment to improving his community.●

TRIBUTE TO KATHRYN TUCKER WINDHAM

● Mr. SESSIONS. Mr. President, today I ask that my colleagues join me in celebrating the 90th birthday of one of America's and Alabama's most talented and acclaimed residents, Ms. Kathryn Tucker Windham. Ms. Windham is a beloved storyteller, author, playwright, photographer, television and radio personality and, most importantly, a woman of faith, integrity, grace and high ideals.

This smalltown girl has written larger than life tales including "Thirteen Alabama Ghosts and Jeffery", along with many other historically based ghost-stories that involve smalltown urban legends in Alabama, Georgia, Tennessee, and Mississippi. She has also written works like "Twice Blessed", "GRITS" and "Alabama, One Big Front Porch", which reveal the rich joys of Alabama living.

She grew up in Thomasville, AL, not too far from my rural home and not too far from another notable Alabama writer—Harper Lee. Her capacity for storytelling and writing started early, as a news reporter. But she did not stop there allowing her natural talent and inclinations to lead her to a higher plane of national renown. It is always inspirational to see a real person, an individual American, follow their own calling and achieve success.

Ms. Windham represents the highest values of our State and region. This is so because she was raised right, studied hard, thought deeply, and was committed to a life that enriches others. A graduate of my alma mater, Huntingdon College, she followed its admonition, "Enter to grow in wisdom; go forth to apply wisdom in service."

I have known her and her son Ben for many years. I am so in awe of her. Not just for her noteworthy achievements, but because of the content of her character. She is an entertaining storyteller for sure, but she is a truth teller also. Her works reflect with truth the nature of the human condition. In them, she displays a love for all persons that reflects well on her rich heritage of religious faith.

She, from a lifetime of experience and insight, has been a leader in racial reconciliation in her home area. Persons of her integrity and stature can make a positive difference and she has. She supports good causes, knows in remarkable detail the history of the smallest communities in our State, and knows the importance of simply remembering. She loves children, capturing them with tall tales while stressing education and personal character.

Her wonderful southern accent is well remembered on NPR's "All Things Considered" and her commentaries are still heard on Alabama Public Radio.

I applaud her on her many achievements, and I am thankful to have such a beacon of literary excellence shining from Alabama. She is highly recognized for her achievements by the whole State and around the world and was one of the 13 artists chosen to represent the State by the Alabama State Council for the Arts at Alabama in France and Monaco in 2000. She was also honored in 2003 with the establishment of the Kathryn Tucker Windham Museum at Alabama Southern College.

Fellow Alabama author Harper Lee, author of "To Kill a Mockingbird", which is set in Monroeville not far from Thomasville, nominated Ms. Windham to the Alabama Academy of Honor in 2003. Some of her other accolades include: Alabama Humanities Award in 2000, the Governor's Award for the Arts, the National Storytelling Association's Circle of Excellence Award and Lifetime Achievement Award, the University of Alabama's Society of Fine Arts' Alabama Award, the Selma Rotary Club's Citizen of the Year, and she was inducted into the University of Alabama College of Communications Hall of Fame.

In true poetic form, I think, Ms. Windham sums up her insights in her book "Alabama, One Big Front Porch":

> Alabama, they say, is like one big front porch where folks gather on summer nights to tell tales and to talk family. The stories they tell are all alike in their Southern blend of exaggeration, humor, pathos, folklore and romanticism. Family history is woven into the stories. And pride. And humor. Always humor.

I know I speak for all Alabamians and all Americans when I express my gratitude for your eloquence, your literary achievements, and your humanity, and say, "Happy Birthday Kathryn Tucker Windham!"

In closing, I would like to leave the Senate with a few of her words that truly embody the spirit of her work and life:

> I think we need to be put back in touch with our childhood . . . to be reminded of what's important, like memories about people we loved, or things that happened to us that affected our lives, things we can laugh about and shed a few tears about . . . I think storytelling is a way of saying "I love you. I love you enough to tell you something that means a great deal to me."●

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD WINNERS

● Mr. SUNUNU. Mr. President, today I congratulate the 2008 recipients of the New Hampshire Excellence in Education Awards. These prestigious awards, commonly called the "ED"ies, are presented each year to individuals and schools who demonstrate the highest level of excellence in education.

The "ED"ies were instituted as a way to honor the best of the best among New Hampshire's educators. For 15 years, annual award winners have been drawn from a rich source of talented and successful teachers, administrators, schools, and school boards. This year's recipients are no exception.

Those individuals selected have been compared against a criteria set by others in their discipline through their sponsoring organization. Schools are chosen by experienced educators and community leaders in New Hampshire based on guidelines established by the New Hampshire Excellence in Education Board of Directors. I am proud to recognize the individuals and schools who will receive this honor on June 7, 2008, and look forward to personally presenting this year's award for Secondary School of Excellence to Londonderry High School, as well as the Presidential Awards for Math and Science to Kimberly Knighton of Profile School and Louis Broad of Timberlane High School, respectively.

As a graduate of Salem High School, I am especially pleased that this year's New Hampshire Teacher of the Year, Benjamin Adams, has taught in Salem for 12 years. As I serve in the United States Senate, I am grateful for the excellent education I received in our New Hampshire public schools, and congratulate all of this year's award winners.

I ask that the list of the 2008 New Hampshire Excellence in Education Award winners be printed in the RECORD.

The material follows.

2008 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS RECIPIENTS

Dr. Maurissa Abecassis; Benjamin Adams; Ina Ahern; Susan Antico; Dawn Bechtold; Alexander J. Blastos; Louis Broad; James K. Crane; Heather R. Cummings; Blanche Garant; Tobi Gray Chassie; Dorothy Grazier; Cynthia Grisa; Jacquelyn Hall; Percy Hill; Mark Humphreys; Kevin Irwin; Maria Knee; Kimberley Knighton; Dan LaFleur; William Marston; Curt Martin; Jan Martin; John Miles; Carl J. Nelson; Christina Nelson; Jill Pinard; Virginia Pinard; Dennis Pymm; Michael Reardon; Christine Reinart; David Seiler; Elise Smith; Bill Tirone; Carolann Wais; Bradley Wolff; and Ellen Zimmerman, RN, M.Ed.

Chichester School Board, Cooperative Middle School, Londonderry High School, Adeline C. Marston Elementary School, Pittsfield Elementary School, Simonds Elementary School.●

TRIBUTE TO GENERAL BURWELL BAXTER BELL

• Mr. WARNER. Mr. President, I wish to recognize the professional dedication, vision, and military service of GEN B.B. Bell, who is retiring from the U.S. Army after 39 years of dedicated service. It is a privilege for me to recognize the many outstanding achievements General Bell has provided the Army and our great Nation. General Bell was commissioned as a distinguished military graduate and second lieutenant in 1969 upon graduation from the University of Tennessee at Chattanooga. Following commissioning, General Bell specialized in armor and served with distinction as he rose through the ranks. His orders took him to posts throughout the United States, Germany, and the Middle East.

General Bell assumed command of the United Nations Command, Republic of Korea/United States Combined Forces command, and United States Forces Korea on February 3, 2006.

During his time in command, North Korea made provocative missile launches and numerous demilitarized zone and airspace incursions. Despite these threats, General Bell maintained military readiness even as he reduced the U.S. footprint in Korea by moving soldiers, civilians, and family members south, thus transforming the commands in Korea.

In addition, General Bell has been a principal participant in the fast-paced bilateral military and political discussions, where he has earned the reputation as a well-respected ambassador for the United States. He also developed and maintained close ties with the military and civilian leadership of the Republic of Korea in partnership with the U.S. Ambassador to Korea. He has helped fuse a lasting bond between the two countries.

General Bell is a soldier's soldier. Throughout his career, he has made the wellbeing of soldiers, families, and civilians a priority. He expects those serving below him to do the same.

During service in Desert Shield and Desert Storm as the United States Central Command executive officer, he worked to ensure that each soldier was properly prepared, trained, and equipped for the mission and that every family was cared for by a Family Readiness Group.

Throughout his illustrious career in the Army, General Bell has been nothing less than exceptional. He is a great credit to the Army and this country. I wish him and his wife Katie well in their new endeavors.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5658. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5658. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6359. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sorghum Promotion, Research, and Consumer Information" ((RIN0581–AC70)(Docket No. AMS–LS–07–0056)) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6360. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements" (Docket No. AMS–FV–07–0054) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6361. A communication from the Administrator, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes" (Docket No. AMS–LRRS–08–0015) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6362. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Potato Grade Standards" (Docket No. AMS–2006–0136) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6363. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership" (Docket No. AMS–FV–08–0001) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6364. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Decreased Assessment Rate" (Docket No. AMS–FV–07–0155) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6365. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2008–2009 Marketing Year" (Docket No. AMS–FV–07–0135) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6366. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Increased Assessment Rate" (Docket No. AMS–FV–07–0151) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6367. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California, Change in Reporting Requirements" (Docket No. FV07–983–2 FR) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6368. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Change in Reporting Requirements" (Docket No. AMS–FV–07–0095) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6369. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida" (Docket No. FV07–905–610) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6370. A communication from the Administrator, Dairy Programs, Department of

Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian and Southeast Marketing Areas; Correction" (Docket No. DA-07-03 A) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6371. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading; Correction" (Docket No. AMS-PY-08-0030) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6372. A communication from the Administrator, Dairy Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Dairy Promotion and Research Program, Section 610 Review" (Docket No. DA-06-04) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6373. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of the Department's decision to convert to contract the intermediate level ship maintenance support functions; to the Committee on Armed Services.

EC-6374. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to each task order contract that was extended in fiscal year 2007 to a period of more than ten years; to the Committee on Armed Services.

EC-6375. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (5) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6376. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary stores at Idar-Oberstein and Dexheim, Germany; to the Committee on Armed Services.

EC-6377. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC-6378. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals it wants to be included as part of the National Defense Authorization Bill for fiscal year 2009, including one relative to the extension of payment bonuses; to the Committee on Armed Services.

EC-6379. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals it wants to be included as part of the National Defense Authorization Bill for fiscal year 2009, including one relative to the deposit fund for minor beneficiaries; to the Committee on Armed Services.

EC-6380. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "User Fees" (RIN0790-AH93) received on May 29, 2008; to the Committee on Armed Services.

EC-6381. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-6382. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to the sale of four Boeing 777-300ER aircraft to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-6383. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to the export of one Boeing 747-400F cargo aircraft and four installed Rolls Royce engines to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC-6384. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Foreign Trade Regulations: Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information" (RIN0607-AA38) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6385. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Decrease the Incidental Catch of Weakfish in the Exclusive Economic Zone in Non-Directed Fisheries" (RIN0648-AV44) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6386. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule, Correction; Correction to Implementation of Amendment 80 and Amendment 85 to Bering Sea and Aleutian Islands Management Area Fishery Management Plan" (RIN0648-AU68) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6387. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XH84) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6388. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XH78) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6389. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Establish 2008 Groundfish Fishery Specifications for Pacific Whiting" (RIN0648-AW63) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6390. A communication from the Associate Administrator for Aeronautics, Aeronautics Research Mission Directorate, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Development Work for Industry in NASA Wind Tunnels" (RIN2700-AC81) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6391. A communication from the Secretary of Transportation, transmitting a draft bill intended to authorize certain maritime programs; to the Committee on Commerce, Science, and Transportation.

EC-6392. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report on excess harvesting capacity in U.S. fisheries; to the Committee on Commerce, Science, and Transportation.

EC-6393. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and sellers of uranium and uranium enrichment services purchased by owners of U.S. civilian nuclear power reactors during calendar year 2007; to the Committee on Energy and Natural Resources.

EC-6394. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "To rename Martin Luther King, Junior, National Historic Site in the State of Georgia as 'Martin Luther King, Junior, National Historical Park' "; to the Committee on Energy and Natural Resources.

EC-6395. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008"; to the Committee on Energy and Natural Resources.

EC-6396. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "George Washington Memorial Parkway Boundary Revision Act"; to the Committee on Energy and Natural Resources.

EC-6397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill intended to adjust the wilderness boundary at Lava Beds National Monument; to the Committee on Energy and Natural Resources.

EC-6398. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill intended to authorize the Secretary to administer the Juan Bautista de Anza National Historic Trail; to the Committee on Energy and Natural Resources.

EC-6399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "Abraham Lincoln Birthplace National Historical Park Act of 2008"; to the Committee on Energy and Natural Resources.

EC-6400. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "Cape Cod National Seashore Advisory Commission Reauthorization Act"; to the Committee on Energy and Natural Resources.

EC-6401. A communication from the Assistant Secretary for Fish and Wildlife and

Parks, Department of the Interior, transmitting a draft bill entitled, "To modify the boundary of Voyageurs National Park in the State of Minnesota"; to the Committee on Energy and Natural Resources.

EC-6402. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan"; to the Committee on Energy and Natural Resources.

EC-6403. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill entitled, "National Park System Uniform Penalty Amendment Act"; to the Committee on Energy and Natural Resources.

EC-6404. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (RIN1902-AD57) received on May 21, 2008; to the Committee on Energy and Natural Resources.

EC-6405. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Oxepanone, homopolymer; Tolerance Exemption" (FRL No. 8362-8) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6406. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Interstate Transport of Pollution" (FRL No. 8573-3) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6407. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Maintenance Plan Update for Dakota County Lead Area" (FRL No. 8572-6) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6408. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules" (FRL No. 8573-2) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6409. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures" (FRL No. 8573-7) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6410. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures" (FRL No. 8573-7) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6411. A communication from the Chief of the Branch of Listing of Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear" (RIN1018-AV79) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6412. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision" (RIN0610-AA63) received on May 29, 2008; to the Committee on Environment and Public Works.

EC-6413. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the Administration's position on budgeting for the Federal navigation improvement project at Akutan Harbor, Alaska, and the Final Feasibility Report on the Harbor; to the Committee on Environment and Public Works.

EC-6414. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the Administration's position on budgeting for the Lock and Dam 3 Mississippi River Navigation Safety and Embankments Navigation Improvement Project; to the Committee on Environment and Public Works.

EC-6415. A communication from the Chief of the Division of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Authorizations Under the Bald and Golden Eagle Protection Act for Take of Eagles: Grandfathering Existing Take Authorizations for Bald and Golden Eagles Under the Endangered Species Act" (RIN1018-AV11) received on May 21, 2008; to the Committee on Environment and Public Works.

EC-6416. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences during fiscal year 2007; to the Committee on Environment and Public Works.

EC-6417. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: State and Local Location Tax Incentives" (Docket No. LMSB-04-0408-023) received on May 29, 2008; to the Committee on Finance.

EC-6418. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Property Used to Acquire Parent Stock in Certain Triangular Reorganizations Involving Foreign Corporations" ((RIN1545-BG97)(TD 9400)) received on May 29, 2008; to the Committee on Finance.

EC-6419. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Hospice Care Conditions of Participation" (RIN0938-AH27) received on May 29, 2008; to the Committee on Finance.

EC-6420. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the use and effectiveness of Medicaid Integrity Program funds; to the Committee on Finance.

EC-6421. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Parent-to-Child deeming from Stepparents" (RIN0960-AF96) received on May 29, 2008; to the Committee on Finance.

EC-6422. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Inflation Adjustments for Health Savings Accounts" (Rev. Proc. 2008-29) received on May 21, 2008; to the Committee on Finance.

EC-6423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 7874 for Determining the Ownership Percentage in the Case of Expanded Affiliated Groups" ((RIN1545-BE93)(TD 9399)) received on May 21, 2008; to the Committee on Finance.

EC-6424. A communication from the Commissioner, Social Security Administration, transmitting a draft bill intended to make amendments to the Old-Age, Survivors, and Disability Insurance program; to the Committee on Finance.

EC-6425. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Provider Reimbursement Determinations and Appeals" (RIN0938-AL54) received on May 21, 2008; to the Committee on Finance.

EC-6426. A communication from the Program Manager, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Long-Term Care Partnership Program: Reporting Requirements for Insurers" (RIN0991-AB44) received on May 21, 2008; to the Committee on Finance.

EC-6427. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Moratorium on the Establishment of New Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities and Increases in Beds in Existing Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities; and 3-Year Delay in the Application of Certain Payment Adjustments" (RIN0938-AP33) received on May 21, 2008; to the Committee on Finance.

EC-6428. A communication from the Director-General of the Food and Agriculture Organization of the United Nations, transmitting an invitation to a conference on the challenges of climate change and bioenergy; to the Committee on Foreign Relations.

EC-6429. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom and Greece for the manufacture of the Lightweight 30mm TP projectile and the LW 30mm cartridge case; to the Committee on Foreign Relations.

EC-6430. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles relative to the Proton launch of commercial and foreign non-commercial satellites from Kazakhstan; to the Committee on Foreign Relations.

EC–6431. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Japan for the co-development of the Galaxy Express space launch vehicle upgrade program; to the Committee on Foreign Relations.

EC–6432. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Japan in support of the manufacture of the M167A1 Vulcan Air Defense System; to the Committee on Foreign Relations.

EC–6433. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to the Ministry of Defense of Georgia relative to the 20M–134G complete 7.62 mini-gun systems; to the Committee on Foreign Relations.

EC–6434. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a license for the export of defense articles to Russia, Ukraine, and Norway relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean using a modified oil platform; to the Committee on Foreign Relations.

EC–6435. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the export of defense services to the United Kingdom for the manufacture and assembly of component parts into completed SINCGARDS Advanced Tactical Communication Systems; to the Committee on Foreign Relations.

EC–6436. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the effectiveness of programs assisted under the Lead Contamination Control Act of 1988 for fiscal year 2005 to fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–6437. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (73 FR 28037) received on May 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to the Food and Drug Administration's adherence to conditions established in the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor, and Pensions.

EC–6439. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the six-month period that ended March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6440. A communication from the Chairperson, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting proposed amendments to the Javits-Wagner-O'Day Act; to the Committee on Homeland Security and Governmental Affairs.

EC–6441. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Nonforeign Area Cost-of-Living Allowance Rates; Puerto Rico and Hawaii County, HI" (RIN3206–AL28) received on May 29, 2008; to the Committee. on Homeland Security and Governmental Affairs.

EC–6442. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Compensatory Time Off for Travel; Prevailing (Wage) Employees" (RIN3206–AL52) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6443. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Controller, received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6444. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Accounting for the Costs of Employee Stock Ownership Plans Sponsored by Government Contractors" (Docket No. 3110–01) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6445. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, to March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6446. A communication from the Acting Chief Acquisition Officer and Senior Procurement Executive, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–25" (FAC 2005–25) received on May 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6447. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6448. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6449. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Auditor's Examination of Contract Cost and Administration for the Integrated Tax System"; to the Committee on Homeland Security and Governmental Affairs.

EC–6450. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, statements describing the organization's financial condition as of December 31, 2007; to the Committee on the Judiciary.

EC–6451. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of U.S. Attorney, District of South Carolina, received on May 21, 2008; to the Committee on the Judiciary.

EC–6452. A communication from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Genealogy Program" (RIN1615–AB19) received on May 21, 2008; to the Committee on the Judiciary.

EC–6453. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on May 29, 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3076. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA (for himself, Mr. COBURN, Mr. CARPER, and Mr. MCCAIN)):

S. 3077. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself and Mrs. CLINTON):

S. 3078. A bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. CARDIN, Mr. SANDERS, Mr. FEINGOLD, and Mr. BROWN):

S.J. Res. 37. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 581. A resolution designating June 6, 2008, as "National Huntington's Disease Awareness Day"; considered and agreed to.

By Mr. KERRY (for himself and Mrs. BOXER):

S. Con. Res. 86. A concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 582

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 937

At the request of Mr. KERRY, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2682

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2760

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2818

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2990

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. RES. 551

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Delaware (Mr. CARPER), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. DORGAN), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 572

At the request of Mrs. DOLE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 572, a resolution calling upon the Court of Appeal for the Second Appellate District of California to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. OBAMA (for himself, Mr. COBURN, Mr. CARPER, and Mr. MCCAIN)):

S. 3077. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. I am proud today to introduce the Strengthening Transparency and Accountability in Federal Spending Act of 2008. This important legislation will improve Government transparency and give the American people greater tools to track and monitor nearly $2 trillion of Government spending on contracts, grants, and other forms of assistance.

Throughout my time in public service, I have consistently fought to increase the openness and accessibility of Government and to encourage greater participation by people of all interests and backgrounds in public debates. One of the most important public debates is how Washington spends the people's money. Unfortunately, it has been far too difficult for ordinary citizens to see where, how, and why money is spent.

Congress took a big step toward improving transparency two years ago when it passed the Federal Funding Accountability and Transparency Act that I introduced with Senator COBURN. That bill, which created the public website USASpending.gov, makes information about nearly all Federal grants, contracts, loans and other financial assistance available to the public in a regularly updated, user-friendly, and searchable format. The website includes the names of entities receiving Federal awards, the amounts of the awards, information on the awards including transaction types, funding agencies, location, and other information. Soon the website will also include information about subcontracts and subgrants.

Our work is not done however. The early success of USASpending.gov has demonstrated that additional public information should be made available. Whether you believe Government ought to spend more or spend less or just spend differently, we all should be able to agree that Government spending should be transparent and that public information ought to be accessible to the public. We should also be able to agree that the quality of Government financial data must be improved and made more reliable.

Today I am pleased to be joined by Senators COBURN, CARPER, and MCCAIN on a bill to build upon USASpending.gov and further advance Government transparency. In addition to a few technical corrections, the bill we are introducing today will require the website to include additional public information, including a copy of each Federal contract in both PDF and searchable text format. The improved website will also include details about competitive bidding, the range of technically acceptable bids or proposals, the profit incentives offered for each contract, and the complete amount of money awarded, including any options to expand or extend under a contract.

With this legislation, the website will also show if a Federal grant or contract is the result of an earmark as well as provide an assessment of the quality of work performed. Ordinary citizens will be able to use the website to find information about Federal audit disputes and resolutions, terminations of Federal awards, contractor and grantee tax compliance, suspensions and debarments, and administrative agreements involving Federal award recipients. The website can also be used to find information about any civil, criminal, or administrative actions taken against Federal award recipients, including for violations related to the workplace, environmental protection, fraud, securities, and consumer protections.

Under the enhanced website, information about government lease agreements and assignments will be available in the same manner that information is reported for contracts and grants. Information about parent company ownership will also be available.

In addition to improving the transparency and accessibility of public data, our bill will also improve the quality and usability of data that is made available. For one thing the data on USASpending.gov will be accessible through an application programming interface. The bill also requires the use of unique award identifiers that prevent the release of personally identifiable information. Finally, the bill creates a simple method for the public to report errors and track the performance of agencies in confirming or correcting errors while also requiring regular audits of data quality.

People from every State in this great Nation sent us to Congress to defend their rights and stand up for their interests. To do that we have to tear down the barriers that separate citizens from the democratic process and to shine a brighter light on the inner workings of Washington.

This bill helps to shine that light. It is simple common sense and good governance that has been endorsed by a diverse range of grassroots organizations and Government watchdog groups, including the American Association of Law Libraries, Americans for Democratic Action, Americans for Tax Reform, the Center for American Progress, the Center for Democracy & Technology, Citizens for Responsibility and Ethics in Washington, the Environmental Working Group, the Federation of American Scientists, the Government Accountability Project, the National Taxpayer Union, OMB Watch, OpenTheGovernment.org, POGO, Public Citizen, Sciencecorps, the Sunlight Foundation, Taxpayers for Common Sense Action, U.S. Action, and U.S. PIRG among others.

This bill continues the bipartisan progress we have made opening up Washington to greater scrutiny and oversight. I am grateful for continued grassroots leadership on these issues and I appreciate the hard work of my Senate colleagues. Together I know we can change the way business is done in this town and make our Government more accountable to the people who sent us here to work for them. I urge support for this important legislation.

By Ms. COLLINS (for herself and Mrs. CLINTON):

S. 3078. A bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce the National Innovation and Job Creation Act, a bill which aims to spur the adoption of new technologies and practices that can accelerate economic growth and build a secure foundation for good, high-paying jobs. I am pleased that Senator CLINTON joins me in offering this legislation.

We are all familiar with the fiscal challenges our Nation will face in the coming years. Over the next 2 decades, more than 75 million members of the Baby Boom generation will leave the workforce and enter retirement. The loss of their participation in the workforce, coupled with our Social Security obligations and rising healthcare costs, will put enormous strains on our economy. So too will competition from other countries, brought about by increased international trade and globalization. If we do not act to strengthen our competitiveness, our nation's ability to create good, high-paying jobs will be severely tested.

Indeed, there are already troubling signs that our economy's competitive edge has been dulled, and we are losing ground to other nations. In just the last 4 months, we've seen 340,000 jobs lost across the country. According to the Bureau of Labor Statistics, there are 1.6 million more workers unemployed today than in 2001, and 800,000 more workers unemployed than just one year ago. Our trade deficit is now 6.5 percent of GDP—the highest in history—while manufacturing continues its decades-long decline, accounting for only 12.1 percent of GDP in 2006. We now import more high-technology products than we sell to other nations, and even in agriculture, where America has long been the world leader, our trade surplus is dropping toward zero.

Even the service sector is not immune from the effects of international competition. With the increased telecommunications capacity provided by trans-oceanic fiber-optic networks, geographic proximity to the market is no longer necessary for services such as back-office operations, call-centers, and software development.

As the Brookings Institute pointed out in a series of recent white papers on the topic of Innovation, "the growth of international trade and the globalization of production make it increasingly important for the United States to innovate to maintain its standard of living." They explain that low-wage countries will always find it easier to compete with America for labor-intensive work that is difficult-to-automate, but that does not mean that we must surrender whole industries to China and India, nor does it mean that we must fear the inevitable loss of high value-added jobs that depend upon research and development, and advanced technology.

Rather, it means that we must build upon what has always given America its competitive edge—innovation. This means taking what has already been invented, and putting it to use. It is only by doing this that we can raise our productivity rate, and ultimately, continue to create the high-paying jobs that Americans need and deserve.

Last year, with the passage of the America COMPETES Act, we took an important step toward bolstering research and education that can serve as the foundation for future innovation. But we must go beyond this, to help enterprises understand innovative technologies and services that can make them more competitive, and to help them overcome the barriers they face in adopting these innovations.

That is what the bill Senator CLINTON and I are introducing today aims to do. The bill creates a National Innovation Council in the Executive Office of the President, to take the lead in coordinating existing Federal efforts on innovation, and to help support those efforts at the State and local level. Six Federal programs that share innovation-based missions would be relocated to the NIC. These are: The Manufacturing Extension Partnership Program (the "MEP"), the Technology Innovation Program, Partnerships for Innovation, the Industry-University Cooperative Research Center Program, the Engineering Research Center Program, and the Workforce Innovations in Regional Economic Development program, known as the "WIRED" program.

The operation and funding of these existing programs would be unaltered by my legislation, but the NIC would lead these programs to coordinate their activities where feasible.

The NIC would operate several grant programs to support efforts to spread innovation and create good jobs. Chief among these would be a grant program to support innovation-based economic development partnerships in every State. The NIC would also provide grants for the diffusion of technology in every state, operating through the existing MEP program.

The NIC would also oversee a new "Cluster Development" program which would operate alongside the six existing programs I have already mentioned. I want to focus for a moment on this aspect of my proposal since cluster development is so essential to our ability to keep and create good, high-paying jobs in the face of international competition.

"Clusters" are geographic areas where interrelated economic activity is taking place. Businesses that locate in a cluster build the foundation they all rely on to succeed, even as they compete with one another. Because of this, clusters are often at the heart of strong regional economies. Silicon Valley in California, Route 128 around Boston, and the Research Triangle Park in Raleigh-Durham, North Carolina, are famous examples of clusters in the high-tech sector. But cluster development is not just a phenomenon of the high-tech industry—successful clusters can and do arise in any sector of the economy. Think insurance in Connecticut, theme parks in Florida, movies in Hollywood, and boatbuilding in Maine. Each of these "clusters" is built around a skilled labor force that can command good wages, and is ready to compete with the best the world has to offer.

In Maine, cluster development has been championed by Karen Mills, the primary author of the Brookings Institute's white paper "Clusters and Competitiveness." From her work in helping Maine secure $15 million in WIRED funding to further develop the composite and boatbuilding clusters in a project that hopes to create 2,500 high-quality jobs over the next 5 to 7 years, to her current position as chair of Maine's Council on Competitiveness and the Economy, Karen's hard work and dedication on cluster development is unsurpassed.

The WIRED grant has enabled Maine to make great progress on cluster development, but more must be done nationally. As Karen explained in the Brookings white paper, our Nation's network of cluster initiatives is "thin and uneven," and consequently "many U.S. industry clusters are not as competitive as they could be, to the detriment of the nation's capacity to sustain well-paying jobs." Because of this, "too many workers are losing decent jobs, and too many regions are struggling economically."

The Cluster Development program we are proposing in this bill is modeled after the Department of Labor's WIRED program. It would identify geographic regions where cluster activity is taking place or can develop, and provide assistance to local and regional efforts to build on those clusters.

I look forward to working with my colleagues on this and other proposals to bolster innovation, strengthen our Nation's competitiveness, and most of all, help preserve the foundation for high-quality jobs in the face of the coming economic challenges.

Mrs. CLINTON. Mr. President, today I introduce the National Innovation Act of 2008, a bill that will strengthen America's leadership in technology and manufacturing innovation, while helping to keep and create more jobs here at home. I would like to recognize my colleague, Senator COLLINS, for her leadership on this bill, and I thank her and her staff for all their hard work.

Our Nation is at a crossroads. Every day we hear of more jobs being sent oveaseas and new technology centers growing halfway across the world. In this increasingly global economy, we need to have the tools and the knowledge to compete and succeed. There is no doubt that technology and innovation will be the foundation of the new economy. And America must be at the forefront of this new, innovation economy.

The National Innovation Act is a comprehensive plan to spur the growth of innovative technologies to increase America's productivity gains and economic growth. It builds on the longstanding bipartisan commitment to improve our Nation's competitiveness by strengthening our innovation infrastructure.

This new legislation creates a "National Innovation Council" to coordinate Federal innovation policy, and to help support efforts at the State and local level to accelerate the adoption of innovation technologies throughout the economy. It will include six existing Federal programs which share this important innovation-based mission.

The National Innovation Act also establishes a CLUSTER Information Center and a Cluster Grant Program. The CLIC will collect, develop, and disseminate analysis on industry clusters throughout all 50 States, provide technical assistance guides for regional cluster development, and develop initiatives and programs.

Since I took office, I have devoted time and energy into trying to help the economically distressed communities throughout New York State, particularly those in upstate New York that were once economically vibrant but now are facing a declining economy. This legislation will help revitalize communities in upstate New York and across the country who have been hit hard by manufacturing and job loss by establishing regional economic clusters. It will bring innovation to every corner of America. Communities can use cluster grants to build on the strengths of their particular regions by utilizing the skills and knowledge base of local businesses, economic developers, colleges and universities, scientists, nonprofits, and the public sector.

In order to secure the future of America's economy we must create new, good-paying jobs here at home. Investing in new technologies and industries will expand our workforce, ensuring America remains competitive in the global economy and putting us on a course toward growth and prosperity for future generations.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. CARDIN, Mr. SANDERS, Mr. FEINGOLD, and Mr. BROWN):

S.J. Res. 37. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unaccapetable harm to civilians; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from California, Senator FEINSTEIN, in sponsoring this joint resolution calling on the administration to sign the Convention on Cluster Munitions when it is open for signature in December.

This treaty is the product of a year of negotiations among many of our closest allies and other nations that came together to prohibit the use of cluster munitions that cause unacceptable harm to civilians.

I regret that the United States did not participate in the negotiations. The Pentagon continues to insist that cluster munitions are necessary, but the country with the world's most powerful military should not be on the sidelines while others are trying to protect the lives and limbs of civilians in war.

Any weapon, whether cluster munitions, landmines or even poison gas, has some military utility. But anyone who has seen the indiscriminate devastation cluster munitions cause over a wide area understands the unacceptable threat they pose for civilians. These are not the laser guided weapons that were shown destroying their targets during the invasion of Baghdad.

And there is the insidious problem of cluster munitions that do not explode as designed, and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child, or a farmer.

This resolution follows an amendment I sponsored which prohibits U.S. sales and exports of cluster munitions that do not meet strict criteria, which became law as part of the Consolidated Appropriations Act, 2008. These criteria are no different from what the Pentagon set for itself 7 years ago for new procurements of cluster munitions, applied also to those in existing U.S. stockpiles. Senator FEINSTEIN and I have also introduced legislation that would apply these same criteria to the use of cluster munitions. That legislation now has 20 cosponsors.

I want to express my appreciation to the Government of Norway for its leadership in initiating the process that led to the agreement on the treaty in Dublin, and to the Cluster Munitions Coalition, a group of some 200 nongovernmental organizations that worked diligently in support of the treaty.

I traveled to Dublin last week to meet with delegates to the negotiations, including the president of the Conference Daithi O'Ceallaigh. He did a masterful job of guiding the discussions to a successful conclusion.

There are some who have dismissed this effort as a "feel good" exercise, since it does not have the support of the United States and other major powers such as Russia, China, Pakistan, India and Israel. These are the same critics of the Ottawa treaty banning antipersonnel landmines, which the U.S. and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold and stockpiled, and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

The administration insists that the Convention on Certain Conventional Weapons, known as the CCW, is the right place to negotiate limits on cluster munitions because all countries are represented. I don't doubt their intentions, but it is what they said about landmines, and nothing happened because Russia and China were opposed. The same is likely for cluster munitions. It is a way to make it appear as if you are doing something, when you are not.

It is important to note that the U.S. today has the technological ability to produce cluster munitions that would not be prohibited by the treaty. What is lacking is the political will to expend the necessary resources. There is no other excuse for continuing to use cluster munitions that cause unacceptable harm to civilians.

Finally, I want to thank Senator FEINSTEIN who has shown a real passion for this issue and has sought every opportunity to protect civilians from these weapons.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 581—DESIGNATING JUNE 6, 2008, AS "NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY"

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 581

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically "at risk" individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 2008, as "National Huntington's Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

SENATE CONCURRENT RESOLUTION 86—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES, THROUGH THE INTERNATIONAL WHALING COMMISSION, SHOULD USE ALL APPROPRIATION MEASURES TO END COMMERCIAL WHALING IN ALL OF ITS FORMS AND SEEK TO STRENGTHEN MEASURES TO CONSERVE WHALE SPECIES

Mr. KERRY (for himself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas 78 countries have adopted the International Convention for the Regulation of Whaling, signed at Washington December 2, 1946 (TIAS 1849) (in this preamble referred to as the "Convention"), which established the International Whaling Commission (in this preamble referred to as the "Commission") to provide for the conservation of whale stocks;

Whereas the Commission has adopted a moratorium on commercial whaling in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry;

Whereas the United States was instrumental in the adoption of the moratorium and has led international efforts to address the threat posed by commercial whaling for more than 3 decades;

Whereas, despite the moratorium, 3 countries that are parties to the Convention continue to kill whales for financial gain, disregarding the protests of other parties;

Whereas those 3 countries have killed more than 25,000 whales since the moratorium entered into force, including more than 11,000 whales killed under the guise of scientific research;

Whereas whaling conducted for scientific purposes has been found to be unnecessary by the majority of the world's cetacean scientists because nonlethal research alternatives exist;

Whereas the parties to the Convention have adopted numerous resolutions opposing and calling for an end to so-called scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska;

Whereas commercial whaling in any form, including special permit whaling and any coastal or community-based whaling, undermines the conservation mandate of the Convention and impairs the Commission's ability to function effectively;

Whereas all coastal whaling is commercial, unless conducted under the aboriginal exemption to the moratorium on commercial whaling; and

Whereas the majority of the people of the United States oppose the killing of whales for commercial purposes and expect the United States to use all available means to end such killing: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States, through the International Whaling Commission, should—

(1) use all appropriate measures to end commercial whaling in any form, including so-called scientific whaling;

(2) oppose any initiative that would result in any new, Commission-sanctioned coastal or community-based whale hunting, even if the whale hunting is portrayed as noncommercial and including any commercial whaling by coastal communities that does not qualify as aboriginal subsistence whaling; and

(3) seek to strengthen conservation and management measures to facilitate the conservation of whale species.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4822. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table.

SA 4823. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4824. Mrs. BOXER (for Mr. AKAKA (for himself and Mr. BURR)) proposed an amendment to the bill S. 2162, to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

TEXT OF AMENDMENTS

SA 4822. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 162 after line 17 and insert the following:

Calendar year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2012	3
2013	3
2014	3
2015	3
2016	2.5
2017	2.5
2018	2.5
2019	2.5
2020	2.5
2021	3
2022	3
2023	3
2024	3
2025	3
2026	2
2027	2
2028	3
2029	3
2030	3
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3.

Strike the table that appears on page 193 before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	13

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2013	13
2014	13
2015	13
2016	12.75
2017	12.5
2018	12.25
2019	11.25
2020	10
2021	8.5
2022	7.25
2023	6.25
2024	6
2025	5.75
2026	3.75
2027	3.5
2028	3.25
2029	3
2030	2.75.

Beginning on page 196, strike line 18 and all that follows through page 201, line 17.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	15.25
2013	15.5
2014	15.5
2015	15.75
2016	16
2017	16.25
2018	15.75
2019	16.75
2020	16.75
2021	16.75
2022	16.75
2023	16.75
2024	16.75
2025	16.75
2026	16.75
2027	16.75
2028	16.75
2029	16.75
2030	17.75
2031	18
2032	18
2033	18
2034	19
2035	19
2036	19
2037	19
2038	19
2039	19
2040	19
2041	19
2042	19
2043	19
2044	19
2045	19
2046	19
2047	19
2048	19
2049	19
2050	19.

On page 204, between lines 2 and 3, insert the following:

SEC. 584. USE OF FUNDS.

(a) IN GENERAL.—Subject to section 585, of amounts deposited in the Climate Change Consumer Assistance Fund under section 583, the Administrator shall use—

(1) of the proceeds from the auction of the initial 14 percent of the percentage of emission allowances auctioned under section 582 for each calendar year—

(A) not less than 50 percent to provide assistance to low-income households under the program described in subsection (b); and

(B) not less than 50 percent to provide an earned income tax credit in accordance with subsection (c); and

(2) the remaining proceeds from auctions under section 582 to carry out other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act in accordance with subsection (d).

(b) PROGRAM FOR OFFSETTING IMPACTS ON LOWER-INCOME AMERICANS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means—

(i) the Administrator of the Environmental Protection Agency; or

(ii) the head of a Federal agency designated by the Administrator for the purposes of this subsection.

(B) ELDERLY OR DISABLED MEMBER.—The term "elderly or disabled member" has the meaning given the term in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(C) GROSS INCOME.—The term "gross income" means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014).

(D) HOUSEHOLD.—The term "household" means—

(i) an individual who lives alone; or

(ii) a group of individuals who live together.

(E) POVERTY LINE.—The term "poverty line" has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

(F) PROGRAM.—The term "Program" means the Climate Change Rebate Program established under paragraph (2).

(G) STATE.—The term "State" means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands; and

(vii) the United States Virgin Islands.

(H) STATE AGENCY.—

(i) IN GENERAL.—The term "State agency" means an agency of State government that has responsibility for the administration of 1 or more federally aided public assistance programs within the State.

(ii) INCLUSIONS.—The term "State agency" includes—

(I) a local office of a State agency described in clause (i); and

(II) in a case in which federally aided public assistance programs of a State are operated on a decentralized basis, a counterpart local agency that administers 1 or more of those programs.

(2) CLIMATE CHANGE REBATE PROGRAM.—The Administrator shall establish and carry out a program, to be known as the "Climate Change Rebate Program", under which, at the request of a State agency, eligible low-income households within the State shall be provided an opportunity to receive compensation, through the issuance of a monthly rebate, for use in paying certain increased energy-related costs resulting from the regulation of greenhouse gas emissions under this Act.

(3) ELIGIBILITY.—The Administrator shall limit participation in the Program to—

(A) households that the applicable State agency determines meet the gross income test and the asset test standards described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014); and

(B) households that do not meet those standards, but that include 1 or more individuals, who meet the standards described in section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114).

(C) LIMITATION.—The Administrator shall establish additional eligibility criteria to ensure that—

(i) only United States citizens, United States nationals, and lawfully residing immigrants are eligible to receive a rebate under the Program; and

(ii) each household does not receive more than 1 rebate per month under the Program.

(4) MONTHLY REBATE AMOUNT.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The rebate available under the Program for each month of a calendar year shall be established by the Energy Information Administration, in consultation with other appropriate Federal agencies, by not later than October 1 of the preceding calendar year.

(ii) LIMITATION.—The aggregate amount of rebates distributed in any given year shall not exceed the amount described in subsection (a)(1).

(iii) SHORTAGE.—If the amount described in subsection (a)(4) is inadequate to provide monthly rebates to all eligible households, the Administrator shall devise an equitable proration to ensure that all eligible households receive the same portion of the full rebate the eligible households would have been eligible to receive if adequate funds had been provided

(B) METHOD OF CALCULATION.—With respect to the calculation of a monthly rebate under this paragraph—

(i) the maximum monthly rebate provided to a household during any calendar year shall be equal to $1/12$ of the projected average annual increase in the costs of goods and services for that calendar year that results from the regulation of greenhouse gas emissions under this Act, taking into consideration—

(I) the size of the household; and

(II) direct and indirect energy costs for consumers in the lowest-income quintile that is affected by the regulation of greenhouse gas emissions, net of the effect of any projected increase in Federal benefits resulting from higher cost-of-living adjustments based on higher energy-related costs;

(ii) each quintile referred to in clause (i)(II) shall—

(I) be based on income adjusted to account for household size; and

(II) represent an equal number of individuals; and

(iii) the amount shall be adjusted by household size, except that the same maximum rebate shall be—

(I) provided to households of 5 or more individuals; and

(II) based on the average cost increases for households of 5 or more individuals.

(C) GREATER THAN 130 PERCENT OF POVERTY LINE.—A household with a gross income that is greater than 130 percent of the poverty line shall not be eligible for a monthly rebate under this subsection.

(5) DELIVERY MECHANISM.—An eligible household shall receive a rebate through an electronic benefit transfer or direct deposit into a bank account designated by the eligible household.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The State agency of each participating State shall assume responsibility for—

(i) the certification of households applying for monthly rebates under this subsection; and

(ii) the issuance, control, and accountability of those rebates.

(B) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—Subject to such standards as shall be established by the Administrator, the Administrator shall reimburse each State agency for a portion, as described in clauses (ii) and (iii), of the administrative costs involved in the operation by the State agency of the Program.

(ii) INITIAL 3 YEARS.—During the first 3 fiscal years of operation of the Program, the Administrator shall reimburse each State agency for—

(I) 75 percent of the administrative costs of delivering monthly rebates under this subsection; and

(II) 75 percent of any automated data processing improvements or electronic benefit transfer contract amendments that are necessary to provide the monthly rebates.

(iii) SUBSEQUENT YEARS.—During the fourth and subsequent years of operation of the Program, the Administrator shall reimburse each State agency for 50 percent of all administrative costs of delivering the monthly rebates under this subsection.

(C) TREATMENT.—

(i) NOT INCOME OR RESOURCES.—The value of a rebate provided under the Program shall not be considered to be income or a resource for any purpose under any Federal, State, or local law, including laws relating to an income tax, public assistance programs (such as health care, cash aid, child care, nutrition programs, and housing assistance).

(ii) ACTION BY STATE AND LOCAL GOVERNMENTS.—No State or local government a resident of which receives a rebate under the Program shall decrease any assistance that would otherwise be provided to the resident because of receipt of the rebate.

(c) SENSE OF CONGRESS REGARDING EARNED INCOME TAX CREDIT.—It is the sense of Congress that—

(1) the proceeds from the auction of not less than 7 percent of the total quantity of emission allowances auctioned for each calendar year should be used to enhance the earned income tax credit under section 32 of the Internal Revenue Code of 1986 to assist lower-income workers to afford the energy-related costs associated with the regulation of greenhouse gas emissions; and

(2) the Administrator should structure the Climate Change Rebate Program under subsection (b) in a manner than ensures that the program phases out for eligible households that receive an enhanced earned income tax credit as described in this section.

(d) SENSE OF CONGRESS REGARDING ADDITIONAL TAX POLICIES.—It is the sense of Congress that any additional amounts in the Climate Change Consumer Assistance Fund should be used to fund other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act.

On page 204, line 3, strike "584" and insert "585".

On page 204, strike lines 8 through 14.

On page 205, line 4, strike "9.5" and insert "5.5".

On page 205, line 17, strike "9.75" and insert "5.75".

On page 206, line 6, strike "10" and insert "6".

Beginning on page 207, strike line 22 and all that follows through page 213, line 8.

On page 213, line 9, strike "(d)" and insert "(c)".

Beginning on page 214, strike line 1 and all that follows through 215, line 9, and insert the following:

(i) to fund cost-effective energy efficiency and demand response programs for all fuels and energy types or in customer-located renewable energy supply in the residential, commercial, and industrial sectors under the oversight of the regulatory agencies of local distribution companies, with significant funding for low-income programs that, in combination with other provisions of this Act, shall be designed to prevent energy bill increases for low-income customers associated with this Act;

(ii) if a local distribution company does not administer energy efficiency programs under the supervision of a regulatory agency, for provision by the local distribution company to the appropriate State energy officer, regulatory agency, or third-party selected by the regulatory agency for use in accordance with this section; and

(iii) during the 5-year period beginning on the date of enactment of this Act, if infrastructure and vendors are not available to cost-effectively implement expanded programs, to provide limited rebates for customers, especially low-income customers, if appropriate.

(B) STATEMENT OF ENCOURAGEMENT.—In carrying out programs under subparagraph (A), local distribution entities are encouraged to give first priority to lowest-income customers.

On page 216, strike lines 8 through 14, and insert the following:

(C)(i) how, and to what extent, the local distribution company used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation; and

(ii) the benefits of the programs described in clause (i) with respect to energy and capacity savings and energy generation, using a consistent format and methodology to be developed by the Administrator.

Beginning on page 216, strike line 19 and all that follows through page 217, line 4.

Strike the table that appears on page 280 after line 12 and insert the following:

Calendar year	Percentage for allocation to Early Action Program
2012	3
2013	3
2014	3
2015	2
2016	1.5
2017	1.5
2018	0.5
2019	0.5
2020	0.5
2021	0
2022	0
2023	0
2024	0
2025	0.

SA 4823 Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INSTITUTES FOR OCEAN AND COASTAL ADAPTATION.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish 4 regional institutes, to be known as "Institutes for Ocean and Coastal Adaptation", at institutions of higher education in the United States for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas, including the Great Lakes.

(b) LOCATION.—The Administrator shall designate the location of 1 of the regional institutes established under subsection (a) at an institution of higher education in each of the following regions:

(1) The Northeast Region, which shall include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

(2) The Southeast and Gulf Coast Region, which shall include Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Texas, Virginia, and the Virgin Islands.

(3) The Western/Pacific Region, which shall include Alaska, American Samoa, California, Guam, Hawaii, the Northern Mariana Islands, Oregon, and Washington.

(4) The Great Lakes Region, which shall include Illinois, Indiana, Michigan, Minnesota, and Ohio, and Wisconsin.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator shall award grants to 4 institutions of higher education to carry out the purposes of this section.

(2) APPLICATION.—An institution of higher education seeking to operate an institute under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may reasonably require.

(d) SCHEDULE.—The Administrator shall—

(1) accept applications for grants under this section beginning not later than 9 months after the date of the enactment of this Act; and

(2) award all of the grants authorized under this section not later than 90 days after the first day on which applications are accepted.

(e) OBJECTIVES.—The Institutes for Ocean and Coastal Adaptation shall be centers of excellence that—

(1) document and predict coastal and ocean effects of climate change; and

(2) serve as a principal national and international resource for providing technical expertise on adaptation strategies for ocean and coastal areas to respond to climate change.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 4824. Mrs. BOXER (for Mr. AKAKA (for himself and Mr. BURR)) proposed an amendment to the bill S. 2162, to

improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Mental Health and Other Care Improvements Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—HEALTH CARE MATTERS

Sec. 101. Veterans beneficiary travel program.
Sec. 102. Mandatory reimbursement of veterans receiving emergency treatment in non-Department of Veterans Affairs facilities until transfer to Department facilities.
Sec. 103. Epilepsy centers of excellence.
Sec. 104. Establishment of qualifications for peer specialist appointees.

TITLE II—PAIN CARE

Sec. 201. Comprehensive policy on pain management.

TITLE III—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Sec. 301. Findings on substance use disorders and mental health.
Sec. 302. Expansion of substance use disorder treatment services provided by Department of Veterans Affairs.
Sec. 303. Care for veterans with mental health and substance use disorders.
Sec. 304. National centers of excellence on post-traumatic stress disorder and substance use disorders.
Sec. 305. Report on residential mental health care facilities of the Veterans Health Administration.
Sec. 306. Tribute to Justin Bailey.

TITLE IV—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

Sec. 401. Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities.

TITLE V—MENTAL HEALTH RESEARCH

Sec. 501. Research program on comorbid post-traumatic stress disorder and substance use disorders.
Sec. 502. Extension of authorization for Special Committee on Post-Traumatic Stress Disorder.

TITLE VI—ASSISTANCE FOR FAMILIES OF VETERANS

Sec. 601. Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans.
Sec. 602. Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers.

TITLE VII—HOMELESS VETERANS MATTERS

Sec. 701. Repeal of authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income.
Sec. 702. Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions.
Sec. 703. Availability of grant funds to service centers for personnel.
Sec. 704. Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans.
Sec. 705. Financial assistance for supportive services for very low-income veteran families in permanent housing.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH CARE MATTERS

SEC. 101. VETERANS BENEFICIARY TRAVEL PROGRAM.

(a) REPEAL OF REQUIREMENT TO ADJUST AMOUNTS DEDUCTED FROM PAYMENTS OR ALLOWANCES FOR BENEFICIARY TRAVEL.—

(1) IN GENERAL.—Section 111(c) is amended—

(A) by striking paragraph (5); and

(B) in paragraph (2), by striking ", except as provided in paragraph (5) of this subsection,".

(2) REINSTATEMENT OF AMOUNT OF DEDUCTION SPECIFIED BY STATUTE.—Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111(c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act, the amount deducted under paragraph (1) of such section 111(c) on or after such date shall be the amount specified in such paragraph.

(b) DETERMINATION OF MILEAGE REIMBURSEMENT RATE.—Section 111(g) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Subject to paragraph (3), in determining the amount of allowances or reimbursement to be paid under this section, the Secretary shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.";

(2) by striking paragraphs (3) and (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) Subject to the availability of appropriations, the Secretary may modify the amount of allowances or reimbursement to be paid under this section using a mileage reimbursement rate in excess of that prescribed under paragraph (1).".

(c) REPORT.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing an estimate of the additional costs incurred by the Department of Veterans Affairs because of this section, including—

(1) any costs resulting from increased utilization of healthcare services by veterans eligible for travel allowances or reimbursements under section 111 of title 38, United States Code; and

(2) the additional costs that would be incurred by the Department should the Secretary exercise the authority described in subsection (g)(3) of such section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SEC. 102. MANDATORY REIMBURSEMENT OF VETERANS RECEIVING EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES UNTIL TRANSFER TO DEPARTMENT FACILITIES.

(a) CERTAIN VETERANS WITHOUT SERVICE-CONNECTED DISABILITY.—Section 1725 is amended—

(1) in subsection (a)(1), by striking "may reimburse" and inserting "shall reimburse"; and

(2) in subsection (f)(1), by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) until—

"(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility and such facility is capable of accepting such transfer; or

"(ii) such time as a Department facility or other Federal facility accepts such transfer if—

"(I) at the time the veteran could have been transferred safely to a Department facility or other Federal facility, no Department facility or other Federal facility agreed to accept such transfer; and

"(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or other Federal facility.".

(b) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITY.—Section 1728 is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) The Secretary shall, under such regulations as the Secretary prescribes, reimburse veterans eligible for hospital care or medical services under this chapter for the customary and usual charges of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

"(1) An adjudicated service-connected disability.

"(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

"(3) Any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability.

"(4) Any illness, injury, or dental condition of a veteran who—

"(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

"(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.";

(2) in subsection (b), by striking "care or services" both places it appears and inserting "emergency treatment"; and

(3) by adding at the end the following new subsection:

"(c) In this section, the term 'emergency treatment' has the meaning given such term in section 1725(f)(1) of this title.".

SEC. 103. EPILEPSY CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7330A. Epilepsy centers of excellence

"(a) ESTABLISHMENT OF CENTERS.—(1) Not later than 120 days after the date of the enactment of this section, the Secretary shall, upon the recommendation of the Under Secretary for Health, designate not less than six Department health-care facilities as the locations for epilepsy centers of excellence.

"(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate epilepsy centers of excellence at the locations designated pursuant to paragraph (1).

"(b) DESIGNATION OF FACILITIES.—(1) The Secretary may not designate a Department health-care facility as a location for an epilepsy center of excellence under subsection (a)(1) unless the peer review panel established under subsection (c) has determined under that subsection that the proposal submitted by such facility seeking designation as a location for an epilepsy center of excellence is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) In choosing from among the facilities meeting the requirements of paragraph (1), the Secretary shall also consider appropriate geographic distribution when designating the epilepsy centers of excellence under subsection (a)(1).

"(c) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of epilepsy centers of excellence under this section.

"(2)(A) The membership of the peer review panel shall consist of experts on epilepsy, including post-traumatic epilepsy.

"(B) Members of the peer review panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The peer review panel shall review each proposal submitted to the panel by the Under Secretary for Health and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The peer review panel shall not be subject to the Federal Advisory Committee Act.

"(d) EPILEPSY CENTER OF EXCELLENCE DEFINED.—In this section, the term 'epilepsy center of excellence' means a Department health-care facility that has (or in the foreseeable future can develop) the necessary capacity to function as a center of excellence in research, education, and clinical care activities in the diagnosis and treatment of epilepsy and has (or may reasonably be anticipated to develop) each of the following:

"(1) An affiliation with an accredited medical school that provides education and training in neurology, including an arrangement with such school under which medical residents receive education and training in the diagnosis and treatment of epilepsy (including neurosurgery).

"(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(3) An advisory committee composed of veterans and appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(4) The capability to conduct effectively evaluations of the activities of such center.

"(5) The capability to coordinate (as part of an integrated national system) education, clinical care, and research activities within all facilities with such centers.

"(6) The capability to develop jointly a national consortium of providers with interest in treating epilepsy at Department health-care facilities lacking such centers in order to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health-care system of the Department. Such consortium should include a designated epilepsy referral clinic in each Veterans Integrated Service Network.

"(7) The capability to assist in the expansion of the Department's use of information systems and databases to improve the quality and delivery of care for veterans enrolled within the Department's health care system.

"(8) The capability to assist in the expansion of the Department telehealth program to develop, transmit, monitor, and review neurological diagnostic tests.

"(9) The ability to perform epilepsy research, education, and clinical care activities in collaboration with Department medical facilities that have centers for research, education, and clinical care activities on complex multi-trauma associated with combat injuries established under section 7327 of this title.

"(e) NATIONAL COORDINATOR FOR EPILEPSY PROGRAMS.—(1) To assist the Secretary and the Under Secretary for Health in carrying out this section, the Secretary shall designate an individual in the Veterans Health Administration to act as a national coordinator for epilepsy programs of the Veterans Health Administration.

"(2) The duties of the national coordinator for epilepsy programs shall include the following:

"(A) To supervise the operation of the centers established pursuant to this section.

"(B) To coordinate and support the national consortium of providers with interest in treating epilepsy at Department health-care facilities lacking such centers in order to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health-care system of the Department.

"(C) To conduct regular evaluations of the epilepsy centers of excellence to ensure compliance with the requirements of this section.

"(3) In carrying out duties under this subsection, the national coordinator for epilepsy programs shall report to the official of the Veterans Health Administration responsible for neurology.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $6,000,000 for each of fiscal years 2009 through 2013 for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

"(2) There are authorized to be appropriated for each fiscal year after fiscal year 2013 such sums as may be necessary for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

"(3) The Secretary shall ensure that funds for such centers are designated for the first three years of operation as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

"(4) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(5) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, there are authorized to be appropriated such sums as may be necessary to fund the national coordinator established by subsection (e).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Epilepsy centers of excellence.".

SEC. 104. ESTABLISHMENT OF QUALIFICATIONS FOR PEER SPECIALIST APPOINTEES.

(a) IN GENERAL.—Section 7402(b) is amended—

(1) by redesignating the paragraph (11) relating to other health-care positions as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph (13):

"(13) PEER SPECIALIST.—To be eligible to be appointed to a peer specialist position, a person must—

"(A) be a veteran who has recovered or is recovering from a mental health condition; and

"(B) be certified by—

"(i) a not-for-profit entity engaged in peer specialist training as having met such criteria as the Secretary shall establish for a peer specialist position; or

"(ii) a State as having satisfied relevant State requirements for a peer specialist position.".

(b) PEER SPECIALIST TRAINING.—Section 7402 is amended by adding at the end the following new subsection:

"(g) The Secretary may enter into contracts with not-for-profit entities to provide—

"(1) peer specialist training to veterans; and

"(2) certification for veterans under subsection (b)(13)(B)(i).".

TITLE II—PAIN CARE

SEC. 201. COMPREHENSIVE POLICY ON PAIN MANAGEMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2008, the Secretary of Veterans Affairs shall develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The Department-wide management of acute and chronic pain experienced by veterans.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments to be used throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department, system-wide, when medically necessary.

(5) Department programs of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare.

(6) Department programs of pain care education and training for health care personnel of the Department.

(7) Department programs of patient education for veterans suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) CONSULTATION.—The Secretary shall develop the policy required by subsection (a), and revise such policy under subsection (c), in consultation with veterans service organizations and other organizations with expertise in the assessment, diagnosis, treatment, and management of pain.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion and initial implementation of the policy required by subsection (a) and on October 1 of every fiscal year thereafter through fiscal year 2018, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the policy developed and implemented under subsection (a) and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of such policy in improving pain care for veterans system-wide.

(C) An assessment of the adequacy of Department pain management services based on a survey of patients managed in Department clinics.

(D) A assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by veterans.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the patient pain care education programs of the Department.

(f) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

TITLE III—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

SEC. 301. FINDINGS ON SUBSTANCE USE DISORDERS AND MENTAL HEALTH.

Congress makes the following findings:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre-1996 levels.

SEC. 302. EXPANSION OF SUBSTANCE USE DISORDER TREATMENT SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure the provision of such services and treatment to each veteran enrolled in the health care system of the Department of Veterans Affairs who is in need of services and treatments for a substance use disorder as follows:

(1) Short term motivational counseling services.

(2) Intensive outpatient or residential care services.

(3) Relapse prevention services.

(4) Ongoing aftercare and outpatient counseling services.

(5) Opiate substitution therapy services.

(6) Pharmacological treatments aimed at reducing craving for drugs and alcohol.

(7) Detoxification and stabilization services.

(8) Such other services as the Secretary considers appropriate.

(b) PROVISION OF SERVICES.—The services and treatments described in subsection (a) may be provided to a veteran described in such subsection—

(1) at Department of Veterans Affairs medical centers or clinics;

(2) by referral to other facilities of the Department that are accessible to such veteran; or

(3) by contract or fee-for-service payments with community-based organizations for the provision of such services and treatments.

(c) ALTERNATIVES IN CASE OF SERVICES DENIED DUE TO CLINICAL NECESSITY.—If the Secretary denies the provision to a veteran of services or treatment for a substance use disorder due to clinical necessity, the Secretary shall provide the veteran such other services or treatments as are medically appropriate.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth, for each medical facility of the Department, the availability of the following:

(1) Medically supervised withdrawal management.

(2) Programs for treatment of alcohol and other substance use disorders that are—

(A) integrated with primary health care services; or

(B) available as specialty substance use disorder services.

(3) Specialty programs for the treatment of post-traumatic stress disorder.

(4) Programs to treat veterans who are diagnosed with both a substance use disorder and a mental health disorder.

SEC. 303. CARE FOR VETERANS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—If the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, the Secretary shall ensure that treatment for such disorders is provided concurrently—

(1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders;

(2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or

(3) by a team of clinicians with appropriate expertise.

(b) TEAM OF CLINICIANS WITH APPROPRIATE EXPERTISE DEFINED.—In this section, the term "team of clinicians with appropriate expertise" means a team consisting of the following:

(1) Clinicians and health professionals with expertise in treatment of substance use disorders and mental health disorders who act in coordination and collaboration with each other.

(2) Such other professionals as the Secretary considers appropriate for the provision of treatment to veterans for substance use and mental health disorders.

SEC. 304. NATIONAL CENTERS OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Subchapter II of chapter 73, as amended by sections 210 and 303 of this Act, is further amended by adding at the end the following new section:

"§ 7330C. National centers of excellence on post-traumatic stress disorder and substance use disorders

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish not less than six national centers of excellence on post-traumatic stress disorder and substance use disorders.

"(2) The purpose of the centers established under this section is to serve as Department facilities that provide comprehensive inpatient or residential treatment and recovery services for veterans diagnosed with both post-traumatic stress disorder and a substance use disorder.

"(b) LOCATION.—Each center established in accordance with subsection (a) shall be located at a medical center of the Department that—

"(1) provides specialized care for veterans with post-traumatic stress disorder and a substance use disorder; and

"(2) is geographically situated in an area with a high number of veterans that have been diagnosed with both post-traumatic stress disorder and substance use disorder.

"(c) PROCESS OF REFERRAL AND TRANSITION TO STEP DOWN DIAGNOSIS REHABILITATION TREATMENT PROGRAMS.—The Secretary shall establish a process to refer and aid the transition of veterans from the national centers of excellence on post-traumatic stress disorder and substance use disorders established pursuant to subsection (a) to programs that provide step down rehabilitation treatment for individuals with post-traumatic stress disorder and substance use disorders.

"(d) COLLABORATION WITH THE NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER.—The centers established under this section shall collaborate in the research of the National Center for Post-Traumatic Stress Disorder.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330C. National centers of excellence on post-traumatic stress disorder and substance use disorders.".

SEC. 305. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEWS.—The Secretary of Veterans Affairs shall, acting through the Office of Mental Health Services of the Department of Veterans Affairs—

(1) not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and

(2) not later than two years after the date of the completion of the review required by paragraph (1), conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the review under paragraph (1) was completed.

(b) REPORT.—Not later than 90 days after the completion of the review required by subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review. The report shall include the following:

(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(3) The ratio of staff members at each residential mental health care facility to patients at such facility.

(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(5) A description of the protocols at each residential mental health care facility for handling missed appointments.

(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.

SEC. 306. TRIBUTE TO JUSTIN BAILEY.

This title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

TITLE IV—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

SEC. 401. PILOT PROGRAM ON PEER OUTREACH AND SUPPORT FOR VETERANS AND USE OF COMMUNITY MENTAL HEALTH CENTERS AND INDIAN HEALTH SERVICE FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of providing to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and, in particular, veterans who served in such operations as a member of the National Guard or Reserve, the following:

(1) Peer outreach services.

(2) Peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness.

(3) Readjustment counseling services described in section 1712A of title 38, United States Code.

(4) Other mental health services.

(b) PROVISION OF CERTAIN SERVICES.—In providing services described in paragraphs (3) and (4) of subsection (a) under the pilot program to veterans who reside in rural areas and do not have adequate access through the Department of Veterans Affairs to the services described in such paragraphs, the Secretary shall, acting through the Office of Mental Health Services and the Office of Rural Health, provide such services as follows:

(1) Through community mental health centers or other entities under contracts or other agreements for the provision of such services that are entered into for purposes of the pilot program.

(2) Through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for purposes of the pilot program.

(c) DURATION.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out within areas selected by the Secretary for the purpose of the pilot program in at least two Veterans Integrated Service Networks (VISN).

(2) RURAL GEOGRAPHIC LOCATIONS.—The locations selected shall be in rural geographic locations that, as determined by the Secretary, lack access to comprehensive mental health services through the Department of Veterans Affairs.

(3) QUALIFIED PROVIDERS.—In selecting locations for the pilot program, the Secretary shall select locations in which an adequate number of licensed mental health care providers with credentials equivalent to those of Department mental health care providers are available in Indian Health Service facilities, community mental health centers, and other entities are available for participation in the pilot program.

(e) PARTICIPATION IN PROGRAM.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall—

(1) provide the services described in paragraphs (3) and (4) of subsection (a) to eligible veterans, including, to the extent practicable, telehealth services that link the center or facility with Department of Veterans Affairs clinicians;

(2) use the clinical practice guidelines of the Veterans Health Administration or the Department of Defense in the provision of such services; and

(3) meet such other requirements as the Secretary shall require.

(f) COMPLIANCE WITH DEPARTMENT PROTOCOLS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall comply with—

(1) applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services as part of the pilot program; and

(2) access and quality standards of the Department relevant to the provision of services as part of the pilot program.

(g) PROVISION OF CLINICAL INFORMATION.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall, in a timely fashion, provide the Secretary with such clinical information on each veteran for whom such health center or facility provides mental health services under the pilot program as the Secretary shall require.

(h) TRAINING.—

(1) TRAINING OF VETERANS.—As part of the pilot program, the Secretary shall carry out a program of training for veterans described in subsection (a) to provide the services described in paragraphs (1) and (2) of such subsection.

(2) TRAINING OF CLINICIANS.—

(A) IN GENERAL.—The Secretary shall conduct a training program for clinicians of community mental health centers, Indian Health Service facilities, or other entities participating in the pilot program under subsection (b) to ensure that such clinicians can provide the services described in paragraphs (3) and (4) of subsection (a) in a manner that accounts for factors that are unique to the experiences of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences).

(B) PARTICIPATION IN TRAINING.—Personnel of each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall participate in the training program conducted pursuant to subparagraph (A).

(i) ANNUAL REPORTS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall submit to the Secretary on an annual basis a report containing, with respect to the provision of services under subsection (b) and for the last full calendar year ending before the submission of such report—

(1) the number of—

(A) veterans served; and

(B) courses of treatment provided; and

(2) demographic information for such services, diagnoses, and courses of treatment.

(j) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall, through Department of Veterans Affairs Mental Health Services investigators and in collaboration with relevant program offices of the Department, design and implement a strategy for evaluating the pilot program.

(2) ELEMENTS.—The strategy implemented under paragraph (1) shall assess the impact that contracting with community mental health centers, the Indian Health Service, and other entities participating in the pilot program under subsection (b) has on the following:

(A) Access to mental health care by veterans in need of such care.

(B) The use of telehealth services by veterans for mental health care needs.

(C) The quality of mental health care and substance use disorder treatment services provided to veterans in need of such care and services.

(D) The coordination of mental health care and other medical services provided to veterans.

(k) DEFINITIONS.—In this section:

(1) The term "community mental health center" has the meaning given such term in section 410.2 of title 42, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) The term "eligible veteran" means a veteran in need of mental health services who—

(A) is enrolled in the Department of Veterans Affairs health care system; and

(B) has received a referral from a health professional of the Veterans Health Administration to a community mental health center, a facility of the Indian Health Service, or other entity for purposes of the pilot program.

(3) The term "Indian Health Service" means the organization established by section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE V—MENTAL HEALTH RESEARCH

SEC. 501. RESEARCH PROGRAM ON COMORBID POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder.

(b) DISCHARGE THROUGH NATIONAL CENTER FOR POSTTRAUMATIC STRESS DISORDER.—The research program required by subsection (a) shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall—

(1) develop protocols and goals with respect to research under the program; and

(2) coordinate research, data collection, and data dissemination under the program.

(c) RESEARCH.—The program of research required by subsection (a) shall address the following:

(1) Comorbid post-traumatic stress disorder and substance use disorder.

(2) The systematic integration of treatment for post-traumatic stress disorder with treatment for substance use disorder.

(3) The development of protocols to evaluate care of veterans with comorbid post-traumatic stress disorder and substance use disorder and to facilitate cumulative clinical progress of such veterans over time.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2011, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall be made available to the National Center on Posttraumatic Stress Disorder for the purpose specified in that paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Any amount made available to the National Center on Posttraumatic Stress Disorder for a fiscal year under paragraph (2) is in addition to any other amounts made available to the National Center on Posttraumatic Stress Disorder for such year under any other provision of law.

SEC. 502. EXTENSION OF AUTHORIZATION FOR SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking "through 2008" and inserting "through 2012".

TITLE VI—ASSISTANCE FOR FAMILIES OF VETERANS

SEC. 601. CLARIFICATION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF VETERANS.

(a) IN GENERAL.—Chapter 17 is amended—

(1) in section 1701(5)(B)—

(A) by inserting "marriage and family counseling," after "professional counseling,"; and

(B) by striking "as may be essential to" and inserting "as the Secretary considers appropriate for"; and

(2) in subsections (a) and (b) of section 1782, by inserting "marriage and family counseling," after "professional counseling,".

(b) LOCATION.—Paragraph (5) of section 1701 of title 38, United States Code, shall not be construed to prevent the Secretary of Veterans Affairs from providing services described in subparagraph (B) of such paragraph to individuals described in such subparagraph in centers under section 1712A of such title (commonly referred to as "Vet Centers"), Department of Veterans Affairs medical centers, community-based outpatient clinics, or in such other facilities of the Department of Veterans Affairs as the Secretary considers necessary.

SEC. 602. PILOT PROGRAM ON PROVISION OF READJUSTMENT AND TRANSITION ASSISTANCE TO VETERANS AND THEIR FAMILIES IN COOPERATION WITH VET CENTERS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out, through a non-Department of Veterans Affairs entity, a pilot program to assess the feasability and advisability of providing readjustment and transition assistance described in subsection (b) to veterans and their families in cooperation with centers under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers").

(b) READJUSTMENT AND TRANSITION ASSISTANCE.—Readjustment and transition assistance described in this subsection is assistance as follows:

(1) Readjustment and transition assistance that is preemptive, proactive, and principle-centered.

(2) Assistance and training for veterans and their families in coping with the challenges associated with making the transition from military to civilian life.

(c) NON-DEPARTMENT OF VETERANS AFFAIRS ENTITY.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program through any for-profit or non-profit organization selected by the Secretary for purposes of the pilot program that has demonstrated expertise and experience in the provision of assistance and training described in subsection (b).

(2) CONTRACT OR AGREEMENT.—The Secretary shall carry out the pilot program through a non-Department entity described in paragraph (1) pursuant to a contract or other agreement entered into by the Secretary and the entity for purposes of the pilot program.

(d) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act, and may be carried out for additional one-year periods thereafter.

(e) LOCATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, shall provide assistance under the pilot program in cooperation with 10 centers described in subsection (a) designated by the Secretary for purposes of the pilot program.

(2) DESIGNATIONS.—In designating centers described in subsection (a) for purposes of the pilot program, the Secretary shall designate centers so as to provide a balanced geographical representation of such centers throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and other territories and possessions of the United States.

(f) PARTICIPATION OF CENTERS.—A center described in subsection (a) that is designated under subsection (e) for participation in the pilot program shall participate in the pilot program by promoting awareness of the assistance and training available to veterans and their families through—

(1) the facilities and other resources of such center;

(2) the non-Department of Veterans Affairs entity selected pursuant to subsection (c); and

(3) other appropriate mechanisms.

(g) ADDITIONAL SUPPORT.—In carrying out the pilot program, the Secretary of Veterans Affairs may enter into contracts or other agreements, in addition to the contract or agreement described in subsection (c), with such other non-Department of Veterans Affairs entities meeting the requirements of subsection (c) as the Secretary considers appropriate for purposes of the pilot program.

(h) REPORT ON PILOT PROGRAM.—

(1) REPORT REQUIRED.—Not later than six months after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities under the pilot program as of the date of such report, including the number of veterans and families provided assistance under the pilot program and the scope and nature of the assistance so provided.

(B) A current assessment of the effectiveness of the pilot program.

(C) Any recommendations that the Secretary considers appropriate for the extension or expansion of the pilot program.

(3) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this subsection, the term "congressional veterans affairs committees" means—

(A) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(B) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2009 through 2011 $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE VII—HOMELESS VETERANS MATTERS

SEC. 701. REPEAL OF AUTHORITY FOR ADJUSTMENTS TO PER DIEM PAYMENTS TO HOMELESS VETERANS SERVICE CENTERS FOR RECEIPT OF OTHER SOURCES OF INCOME.

Section 2012(a)(2) is amended—

(1) by striking subparagraphs (B) and (D);

(2) in subparagraph (A)—

(A) by striking "The rate" and inserting "Except as provided in subparagraph (B), the rate";

(B) by striking "adjusted by the Secretary under subparagraph (B)"; and

(C) by designating the second sentence as subparagraph (B) and indenting the margin of such subparagraph, as so designated, two ems from the left margin; and

(3) in subparagraph (C), by striking "to make the adjustment under subparagraph (B)".

SEC. 702. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 is amended by striking "a demonstration program for the purpose of determining the costs and benefits of providing" and inserting "a program of".

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking "DEMONSTRATION" in the subsection heading;

(2) by striking "demonstration"; and

(3) by striking "in at least six locations" and inserting "in at least 12 locations".

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking "shall cease" and all that follows and inserting "shall cease on September 30, 2012.".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c)(1) of such section is amended by striking "demonstration".

(2) The heading of such section is amended to read as follows:

"§2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions".

(3) Section 2022(f)(2)(C) of such title is amended by striking "demonstration".

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 is amended by striking the item relating to section 2023 and inserting the following:

"2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.".

SEC. 703. AVAILABILITY OF GRANT FUNDS TO SERVICE CENTERS FOR PERSONNEL.

Section 2011 is amended by adding at the end the following new subsection:

"(i) AVAILABILITY OF GRANT FUNDS FOR SERVICE CENTER PERSONNEL.—A grant under this section for a service center for homeless veterans may be used to provide funding for staff as necessary in order for the center to meet the service availability requirements of subsection (g)(1).".

SEC. 704. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 is amended to read as follows:

"(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.".

SEC. 705. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) PURPOSE.—The purpose of this section is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter V of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

"§2044. Financial assistance for supportive services for very low-income veteran families in permanent housing

"(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—(1) The Secretary shall provide financial assistance to eligible entities approved under this section to provide and coordinate the provision of supportive services described in subsection (b) for very low-income veteran families occupying permanent housing.

"(2) Financial assistance under this section shall consist of grants for each such family for which an approved eligible entity is providing or coordinating the provision of supportive services.

"(3)(A) The Secretary shall provide such grants to each eligible entity that is providing or coordinating the provision of supportive services.

"(B) The Secretary is authorized to establish intervals of payment for the administration of such grants and establish a maximum amount to be awarded, in accordance with the services being provided and their duration.

"(4) In providing financial assistance under paragraph (1), the Secretary shall give preference to entities providing or coordinating the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

"(5) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

"(6) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify that family that such services are being paid for, in whole or in part, by the Department.

"(7) The Secretary may require entities receiving financial assistance under this section to submit a report to the Secretary that describes the projects carried out with such financial assistance.

"(b) SUPPORTIVE SERVICES.—The supportive services referred to in subsection (a) are the following:

"(1) Services provided by an eligible entity or a subcontractor of an eligible entity that address the needs of very low-income veteran families occupying permanent housing, including—

"(A) outreach services;

"(B) case management services;

"(C) assistance in obtaining any benefits from the Department which the veteran may be eligible to receive, including, but not limited to, vocational and rehabilitation counseling, employment and training service, educational assistance, and health care services; and

"(D) assistance in obtaining and coordinating the provision of other public benefits provided in federal, State, or local agencies, or any organization defined in subsection (f), including—

"(i) health care services (including obtaining health insurance);

"(ii) daily living services;

"(iii) personal financial planning;

"(iv) transportation services;

"(v) income support services;

"(vi) fiduciary and representative payee services;

"(vii) legal services to assist the veteran family with issues that interfere with the family's ability to obtain or retain housing or supportive services;

"(viii) child care;

"(ix) housing counseling; and

"(x) other services necessary for maintaining independent living.

"(2) Services described in paragraph (1) that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing.

"(3) Services described in paragraph (1) for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days after such families exit permanent housing or until such families commence receipt of other housing services adequate to meet their current needs, but only to the extent that services under this paragraph are designed to support such families in their choice to transition into housing that is responsive to their individual needs and preferences.

"(c) APPLICATION FOR FINANCIAL ASSISTANCE.—(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary to carry out this section.

"(2) Each application submitted by an eligible entity under paragraph (1) shall contain—

"(A) a description of the supportive services proposed to be provided by the eligible entity and the identified needs for those services;

"(B) a description of the types of very low-income veteran families proposed to be provided such services;

"(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

"(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

"(E) a description of the managerial capacity of the eligible entity—

"(i) to coordinate the provision of supportive services with the provision of permanent housing by the eligible entity or by other organizations;

"(ii) to assess continuously the needs of very low-income veteran families for supportive services;

"(iii) to coordinate the provision of supportive services with the services of the Department;

"(iv) to tailor supportive services to the needs of very low-income veteran families; and

"(v) to seek continuously new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

"(3) The Secretary shall establish criteria for the selection of eligible entities to be provided financial assistance under this section.

"(d) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide training and technical assistance to participating eligible entities regarding the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing, through the Technical Assistance grants program in section 2064 of this title.

"(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

"(e) FUNDING.—(1) From amounts appropriated to the Department for Medical Services, there shall be available to carry out subsection (a), (b), and (c) amounts as follows:

"(A) $15,000,000 for fiscal year 2009.

"(B) $20,000,000 for fiscal year 2010.

"(C) $25,000,000 for fiscal year 2011.

"(2) Not more than $750,000 may be available under paragraph (1) in any fiscal year to provide technical assistance under subsection (d).

"(3) There is authorized to be appropriated $1,000,000 for each of the fiscal year 2008 through 2010 to carry out the provisions of subsection (d).

"(f) DEFINITIONS.—In this section:

"(1) The term 'consumer cooperative' has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

"(2) The term 'eligible entity' means—

"(A) a private nonprofit organization; or

"(B) a consumer cooperative.

"(3) The term 'homeless' has the meaning given that term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

"(4) The term 'permanent housing' means community-based housing without a designated length of stay.

"(5) The term 'private nonprofit organization' means any of the following:

"(A) Any incorporated private institution or foundation—

"(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

"(iii) which is approved by the Secretary as to financial responsibility.

"(B) A for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

"(C) A corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

"(D) A tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

"(6)(A) Subject to subparagraphs (B) and (C), the term 'very low-income veteran family' means a veteran family whose income does not exceed 50 percent of the median income for an area specified by the Secretary for purposes of this section, as determined by the Secretary in accordance with this paragraph.

"(B) The Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size.

"(C) The Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

"(7) The term 'veteran family' includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by inserting after the item relating to section 2043 the following new item:

"2044. Financial assistance for supportive services for very low-income veteran families in permanent housing.".

(c) STUDY OF EFFECTIVENESS OF PERMANENT HOUSING PROGRAM.—

(1) IN GENERAL.—For fiscal years 2009 and 2010, the Secretary shall conduct a study of the effectiveness of the permanent housing program under section 2044 of title 38, United States Code, as added by subsection (b), in meeting the needs of very low-income veteran families, as that term is defined in that section.

(2) COMPARISON.—In the study required by paragraph (1), the Secretary shall compare the results of the program referred to in that subsection with other programs of the Department of Veterans Affairs dedicated to the delivery of housing and services to veterans.

(3) CRITERIA.—In making the comparison required in paragraph (2), the Secretary shall examine the following:

(A) The satisfaction of veterans targeted by the programs described in paragraph (2).

(B) The health status of such veterans.

(C) The housing provided such veterans under such programs.

(D) The degree to which such veterans are encouraged to productive activity by such programs.

(4) REPORT.—Not later than March 31, 2011, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study required by paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 3, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 3, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Kellen McAnulty, an intern in my office, be granted floor privileges for the remainder of this work period.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Sara Sanders of my staff be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent that Mr. Duncan Hill of my staff be allowed floor privileges for the remainder of this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I ask unanimous consent that Sophie Trads from my staff be granted floor privileges for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent, on behalf of Senator CARDIN, that Michael Morgan, a fellow from his office, be granted the privilege of the floor for the duration of the debate on S. 3036.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STAR PRINT—S. 2307

Mrs. BOXER. Mr. President, I ask unanimous consent that S. 2307, the Global Change Research Improvement Act of 2007, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT OF 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 632, S. 2162.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2162) to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment, as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Mental Health Improvements Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Sec. 101. Findings on substance use disorders and mental health.
Sec. 102. Expansion of substance use disorder treatment services provided by Department of Veterans Affairs.
Sec. 103. Care for veterans with mental health and substance use disorders.
Sec. 104. National centers of excellence on post-traumatic stress disorder and substance use disorders.
Sec. 105. Report on residential mental health care facilities of the Veterans Health Administration.
Sec. 106. Tribute to Justin Bailey.

TITLE II—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

Sec. 201. Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities.

TITLE III—RESEARCH

Sec. 301. Research program on comorbid post-traumatic stress disorder and substance use disorders.
Sec. 302. Extension of authorization for Special Committee on Post-Traumatic Stress Disorder.

TITLE IV—ASSISTANCE FOR FAMILIES OF VETERANS

Sec. 401. Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans.
Sec. 402. Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

SEC. 101. FINDINGS ON SUBSTANCE USE DISORDERS AND MENTAL HEALTH.

Congress makes the following findings:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre-1996 levels.

SEC. 102. EXPANSION OF SUBSTANCE USE DISORDER TREATMENT SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure the provision of such services and treatment to each veteran enrolled in the health care system of the Department of Veterans Affairs who is in need of services and treatments for a substance use disorder as follows:

(1) Short term motivational counseling services.

(2) Intensive outpatient or residential care services.

(3) Relapse prevention services.

(4) Ongoing aftercare and outpatient counseling services.

(5) Opiate substitution therapy services.

(6) Pharmacological treatments aimed at reducing craving for drugs and alcohol.

(7) Detoxification and stabilization services.

(8) Such other services as the Secretary considers appropriate.

(b) PROVISION OF SERVICES.—The services and treatments described in subsection (a) may be provided to a veteran described in such subsection—

(1) at Department of Veterans Affairs medical centers or clinics;

(2) by referral to other facilities of the Department that are accessible to such veteran; or

(3) by contract or fee-form service payments with community-based organizations for the provision of such services and treatments.

(c) ALTERNATIVES IN CASE OF SERVICES DENIED DUE TO CLINICAL NECESSITY.—If the Secretary denies the provision to a veteran of services or treatment for a substance use disorder due to clinical necessity, the Secretary shall provide the veteran such other services or treatments as are medically appropriate.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth, for each medical facility of the Department, the availability of the following:

(1) Medically supervised withdrawal management.

(2) Programs for treatment of alcohol and other substance use disorders that are—

(A) integrated with primary health care services; or

(B) available as specialty substance use disorder services.

(3) Specialty programs for the treatment of post-traumatic stress disorder.

(4) Programs to treat veterans who are diagnosed with both a substance use disorder and a mental health disorder.

SEC. 103. CARE FOR VETERANS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—If the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, the Secretary shall ensure that treatment for such disorders is provided concurrently—

(1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders;

(2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or

(3) by a team of clinicians with appropriate expertise.

(b) TEAM OF CLINICIANS WITH APPROPRIATE EXPERTISE DEFINED.—In this section, the term "team of clinicians with appropriate expertise" means a team consisting of the following:

(1) Clinicians and health professionals with expertise in treatment of substance use disorders and mental health disorders who act in coordination and collaboration with each other.

(2) Such other professionals as the Secretary considers appropriate for the provision of treatment to veterans for substance use and mental health disorders.

SEC. 104. NATIONAL CENTERS OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7330A. National centers of excellence on post-traumatic stress disorder and substance use disorders

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish not less than six national centers of excellence on post-traumatic stress disorder and substance use disorders.

"(2) The purpose of the centers established under this section is to serve as Department facilities that provide comprehensive inpatient or residential treatment and recovery services for veterans diagnosed with both post-traumatic stress disorder and a substance use disorder.

"(b) LOCATION.—Each center established in accordance with subsection (a) shall be located at a medical center of the Department that—

"(1) provides specialized care for veterans with post-traumatic stress disorder and a substance use disorder; and

"(2) is geographically situated in an area with a high number of veterans that have been diagnosed with both post-traumatic stress disorder and substance use disorder.

"(c) PROCESS OF REFERRAL AND TRANSITION TO STEP DOWN DIAGNOSIS REHABILITATION TREATMENT PROGRAMS.—The Secretary shall establish a process to refer and aid the transition of veterans from the national centers of excellence on post-traumatic stress disorder and substance use disorders established pursuant to subsection (a) to programs that provide step down rehabilitation treatment for individuals with post-traumatic stress disorder and substance use disorders.

“(d) COLLABORATION WITH THE NATIONAL CENTER FOR POST-TRAUMATIC STRESS DISORDER.—The centers established under this section shall collaborate in the research of the National Center for Post-Traumatic Stress Disorder.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330 the following new item:

“7330A. National centers of excellence on post-traumatic stress disorder and substance use disorders.”.

SEC. 105. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEWS.—The Secretary of Veterans Affairs shall, acting through the Office of Mental Health Services of the Department of Veterans Affairs—

(1) not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and

(2) not later than two years after the date of the completion of the review required by paragraph (1), conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the review under paragraph (1) was completed.

(b) REPORT.—Not later than 90 days after the completion of the review required by subsection (a)(1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review. The report shall include the following:

(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(3) The ratio of staff members at each residential mental health care facility to patients at such facility.

(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(5) A description of the protocols at each residential mental health care facility for handling missed appointments.

(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.

SEC. 106. TRIBUTE TO JUSTIN BAILEY.

This title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

TITLE II—MENTAL HEALTH ACCESSIBILITY ENHANCEMENTS

SEC. 201. PILOT PROGRAM ON PEER OUTREACH AND SUPPORT FOR VETERANS AND USE OF COMMUNITY MENTAL HEALTH CENTERS AND INDIAN HEALTH SERVICE FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of providing to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and, in particular, veterans who served in such operations as a member of the National Guard or Reserve, the following:

(1) Peer outreach services.

(2) Peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness.

(3) Readjustment counseling services described in section 1712A of title 38, United States Code.

(4) Other mental health services.

(b) PROVISION OF CERTAIN SERVICES.—In providing services described in paragraphs (3) and (4) of subsection (a) under the pilot program to veterans who reside in rural areas and do not have adequate access through the Department of Veterans Affairs to the services described in such paragraphs, the Secretary shall, acting through the Office of Mental Health Services and the Office of Rural Health, provide such services as follows:

(1) Through community mental health centers or other entities under contracts or other agreements for the provision of such services that are entered into for purposes of the pilot program.

(2) Through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for purposes of the pilot program.

(c) DURATION.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out within areas selected by the Secretary for the purpose of the pilot program in at least two Veterans Integrated Service Networks (VISN).

(2) RURAL GEOGRAPHIC LOCATIONS.—The locations selected shall be in rural geographic locations that, as determined by the Secretary, lack access to comprehensive mental health services through the Department of Veterans Affairs.

(3) QUALIFIED PROVIDERS.—In selecting locations for the pilot program, the Secretary shall select locations in which an adequate number of licensed mental health care providers with credentials equivalent to those of Department mental health care providers are available in Indian Health Service facilities, community mental health centers, and other entities are available for participation in the pilot program.

(e) PARTICIPATION IN PROGRAM.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall—

(1) provide the services described in paragraphs (3) and (4) of subsection (a) to eligible veterans, including, to the extent practicable, telehealth services that link the center or facility with Department of Veterans Affairs clinicians;

(2) use the clinical practice guidelines of the Veterans Health Administration or the Department of Defense in the provision of such services; and

(3) meet such other requirements as the Secretary shall require.

(f) COMPLIANCE WITH DEPARTMENT PROTOCOLS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall comply with—

(1) applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services as part of the pilot program; and

(2) access and quality standards of the Department relevant to the provision of services as part of the pilot program.

(g) PROVISION OF CLINICAL INFORMATION.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall, in a timely fashion, provide the Secretary with such clinical information on each veteran for whom such health center or facility provides mental health services under the pilot program as the Secretary shall require.

(h) TRAINING.—

(1) TRAINING OF VETERANS.—As part of the pilot program, the Secretary shall carry out a program of training for veterans described in subsection (a) to provide the services described in paragraphs (1) and (2) of such subsection.

(2) TRAINING OF CLINICIANS.—

(A) IN GENERAL.—The Secretary shall conduct a training program for clinicians of community mental health centers, Indian Health Service facilities, or other entities participating in the pilot program under subsection (b) to ensure that such clinicians can provide the services described in paragraphs (3) and (4) of subsection (a) in a manner that accounts for factors that are unique to the experiences of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences).

(B) PARTICIPATION IN TRAINING.—Personnel of each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall participate in the training program conducted pursuant to subparagraph (A).

(i) ANNUAL REPORTS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall submit to the Secretary on an annual basis a report containing, with respect to the provision of services under subsection (b) and for the last full calendar year ending before the submission of such report—

(1) the number of—

(A) veterans served; and

(B) courses of treatment provided; and

(2) demographic information for such services, diagnoses, and courses of treatment.

(j) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall, through Department of Veterans Affairs Mental Health Services investigators and in collaboration with relevant program offices of the Department, design and implement a strategy for evaluating the pilot program.

(2) ELEMENTS.—The strategy implemented under paragraph (1) shall assess the impact that contracting with community mental health centers, the Indian Health Service, and other entities participating in the pilot program under subsection (b) has on the following:

(A) Access to mental health care by veterans in need of such care.

(B) The use of telehealth services by veterans for mental health care needs.

(C) The quality of mental health care and substance use disorder treatment services provided to veterans in need of such care and services.

(D) The coordination of mental health care and other medical services provided to veterans.

(k) DEFINITIONS.—In this section:

(1) The term “community mental health center” has the meaning given such term in section 410.2 of title 42, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) The term “eligible veteran” means a veteran in need of mental health services who—

(A) is enrolled in the Department of Veterans Affairs health care system; and

(B) has received a referral from a health professional of the Veterans Health Administration to a community mental health center, a facility of the Indian Health Service, or other entity for purposes of the pilot program.

(3) The term “Indian Health Service” means the organization established by section 601(a) of

the Indian Health Care Improvement Act (25 U.S.C. 1661(a)).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE III—RESEARCH

SEC. 301. RESEARCH PROGRAM ON COMORBID POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder.

(b) DISCHARGE THROUGH NATIONAL CENTER FOR POSTTRAUMATIC STRESS DISORDER.—The research program required by subsection (a) shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall—

(1) develop protocols and goals with respect to research under the program; and

(2) coordinate research, data collection, and data dissemination under the program.

(c) RESEARCH.—The program of research required by subsection (a) shall address the following:

(1) Comorbid post-traumatic stress disorder and substance use disorder.

(2) The systematic integration of treatment for post-traumatic stress disorder with treatment for substance use disorder.

(3) The development of protocols to evaluate care of veterans with comorbid post-traumatic stress disorder and substance use disorder and to facilitate cumulative clinical progress of such veterans over time.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2011, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall be made available to the National Center on Posttraumatic Stress Disorder for the purpose specified in that paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Any amount made available to the National Center on Posttraumatic Stress Disorder for a fiscal year under paragraph (2) is in addition to any other amounts made available to the National Center on Posttraumatic Stress Disorder for such year under any other provision of law.

SEC. 302. EXTENSION OF AUTHORIZATION FOR SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking "through 2008" and inserting "through 2012".

TITLE IV—ASSISTANCE FOR FAMILIES OF VETERANS

SEC. 401. CLARIFICATION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF VETERANS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended—

(1) in section 1701(5)(B)—

(A) by inserting "marriage and family counseling," after "professional counseling,"; and

(B) by striking "as may be essential to" and inserting "as the Secretary considers appropriate for"; and

(2) in subsections (a) and (b) of section 1782, by inserting "marriage and family counseling," after "professional counseling,".

(b) LOCATION.—Paragraph (5) of section 1701 of title 38, United States Code, shall not be construed to prevent the Secretary of Veterans Affairs from providing services described in subparagraph (B) of such paragraph to individuals described in such subparagraph in centers under section 1712A of such title (commonly referred to as "Vet Centers"), Department of Veterans Affairs medical centers, community-based outpatient clinics, or in such other facilities of the Department of Veterans Affairs as the Secretary considers necessary.

SEC. 402. PILOT PROGRAM ON PROVISION OF READJUSTMENT AND TRANSITION ASSISTANCE TO VETERANS AND THEIR FAMILIES IN COOPERATION WITH VET CENTERS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out, through a non-Department of Veterans Affairs entity, a pilot program to assess the feasability and advisability of providing readjustment and transition assistance described in subsection (b) to veterans and their families in cooperation with centers under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers").

(b) READJUSTMENT AND TRANSITION ASSISTANCE.—Readjustment and transition assistance described in this subsection is assistance as follows:

(1) Readjustment and transition assistance that is preemptive, proactive, and principle-centered.

(2) Assistance and training for veterans and their families in coping with the challenges associated with making the transition from military to civilian life.

(c) NON-DEPARTMENT OF VETERANS AFFAIRS ENTITY.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program through any for-profit or non-profit organization selected by the Secretary for purposes of the pilot program that has demonstrated expertise and experience in the provision of assistance and training described in subsection (b).

(2) CONTRACT OR AGREEMENT.—The Secretary shall carry out the pilot program through a non-Department entity described in paragraph (1) pursuant to a contract or other agreement entered into by the Secretary and the entity for purposes of the pilot program.

(d) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act, and may be carried out for additional one-year periods thereafter.

(e) LOCATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide assistance under the pilot program in cooperation with 10 centers described in subsection (a) designated by the Secretary for purposes of the pilot program.

(2) DESIGNATIONS.—In designating centers described in subsection (a) for purposes of the pilot program, the Secretary shall designate centers so as to provide a balanced geographical representation of such centers throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and other territories and possessions of the United States.

(f) PARTICIPATION OF CENTERS.—A center described in subsection (a) that is designated under subsection (e) for participation in the pilot program shall participate in the pilot program by promoting awareness of the assistance and training available to veterans and their families through—

(1) the facilities and other resources of such center;

(2) the non-Department of Veterans Affairs entity selected pursuant to subsection (c); and

(3) other appropriate mechanisms.

(g) ADDITIONAL SUPPORT.—In carrying out the pilot program, the Secretary of Veterans Affairs may enter into contracts or other agreements, in addition to the contract or agreement described in subsection (c), with such other non-Department of Veterans Affairs entities meeting the requirements of subsection (c) as the Secretary considers appropriate for purposes of the pilot program.

(h) REPORT ON PILOT PROGRAM.—

(1) REPORT REQUIRED.—Not later than six months after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities under the pilot program as of the date of such report, including the number of veterans and families provided assistance under the pilot program and the scope and nature of the assistance so provided.

(B) A current assessment of the effectiveness of the pilot program.

(C) Any recommendations that the Secretary considers appropriate for the extension or expansion of the pilot program.

(3) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this subsection, the term "congressional veterans affairs committees" means—

(A) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(B) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2008 through 2010 $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall remain available until expended.

Mr. AKAKA. Mr. President, I am pleased to express my strong support for S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008, as amended. This bill includes provisions on mental health care; suicide prevention, care for substance use disorders, prevention of homelessness, pain and epilepsy care, and other health care matters. This comprehensive legislation addresses many critical issues facing our Nation's veterans.

Returning home from battle does not necessarily bring an end to conflict. Servicemembers return home, but the war often follows them in their hearts and minds. Their invisible wounds are complicated and wide-ranging, and we must provide all possible assistance. I am working with VA Secretary James Peake to ensure that VA is forthright about the numbers of suicides and attempted suicides among veterans. Solid and reliable information is critical to our understanding of the issues. Prevention of suicide is a vitally important mission.

A growing number of veterans are in need of mental health care. VA's Special Committee on Post-Traumatic Stress Disorder advised in its 2006 formal report that virtually all returning servicemembers face readjustment issues. An assessment of mental health problems among returning soldiers, recently published in the Journal of the American Medical Association in November, 2007, found that 42.4 percent of National Guard and reservists screened by the Department of Defense required mental health treatment.

Additionally, a March 2007 study published in the Archives of Internal Medicine reported that more than one-third of war veterans who have served in either Iraq or Afghanistan suffer from various mental ailments, including post-traumatic stress disorder, anxiety, depression, substance use disorder and other problems. A RAND study released in April 2008, emphasized the high risks of PTSD and depression, especially among servicemembers sent on multiple deployments, and among National Guard and reservists.

Further, the RAND study found that the stigma associated with mental health care continues to prevent servicemembers and veterans from accessing care. VA and the Department of Defense must redouble their efforts to ensure that receiving mental health care does not harm one's career. No individual is immune to the risk of mental health problems, and all must have the opportunity to receive care.

On April 25, 2007, the Committee on Veterans' Affairs held a hearing on veterans' mental health concerns, and on VA's response. We heard heart-wrenching testimony from the witnesses.

The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues, and by their family members. Earlier versions of the provisions included in this bill were also discussed at a legislative hearing on October 24, 2007.

This bill represents a bi-partisan approach, and is cosponsored by Senators BURR, ROCKEFELLER, MIKULSKI, BINGAMAN, ENSIGN, SMITH, COLLINS, CLINTON, DOLE, and SESSIONS. It is a tribute to Justin Bailey, a veteran of Operation Iraqi Freedom, who died in a VA domiciliary facility while receiving care for PTSD and a substance use disorder. This was a tragedy that will live on with Justin's parents, who have so courageously advocated for improvements to VA mental health care.

Provisions included in this legislative package stem from bills which have all been reported favorably by the Senate Committee on Veterans' Affairs, including: S. 1233 as reported on August 29, 2007; and S. 2004, S. 2142, S. 2160, and S. 2162, as ordered reported on November 14, 2007.

I will briefly outline other provisions in S. 2162, as amended.

As I mentioned, the legislation would make sweeping changes to VA mental health treatment and research. Most notably, it would ensure a minimum level of substance use disorder care for veterans in need. It would also require VA to improve treatment of veterans with multiple disorders, such as PTSD and substance use disorder. To ascertain if VA's residential mental health facilities are appropriately staffed, this bill would mandate a review of such facilities. It would also create a vital research program on PTSD and Substance Use Disorders, in cooperation with, and building on the work of, the National Center for PTSD.

Veterans with physical and mental wounds often turn to drugs and alcohol to ease their pain. Experts believe that stress is the primary cause of drug abuse, and of relapse to drug abuse. Research by Sinha, Fuse, Aubin and O'Malley in Psychopharmacology, 2000, and by Brewer et al. in Addiction, 1998, has found that patients with psychological trauma, including PTSD, are often susceptible to alcohol and drug abuse. Similarly, according to the National Institute on Drug Abuse, patients subjected to chronic stress, as experienced by those with PTSD, are prone to drug use. VA has long dealt with substance abuse issues, but there is much more than can be done. This legislation would provide a number of solutions to enhance substance use disorder treatment.

The inclusion of families in mental health treatment is vital. To this end, the bill would fully authorize VA to provide mental health services to families of veterans and would set up a program to help veterans and families transition to civilian life.

Beneficiary travel reimbursements are essential to improving access to VA health care for veterans in rural areas. This legislation would increase the beneficiary travel mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile, and permanently set the deductible to the 2007 amount of $3 each way.

It is important that veterans who rely on VA for their health care have access to emergency care. This bill would make corrections to the procedure used by VA to reimburse community hospitals for emergency care provided to eligible veterans so as to ensure that both veterans and community hospitals are not inappropriately burdened by emergency care costs.

Too often, veterans suffer from lack of care merely because they are unaware of the services available to them. This legislation would enhance outreach and accessibility by creating a pilot program on the use of peers to help reach out to veterans. It would also encourage improved accessibility for mental health care in rural areas.

The legislation also addresses homelessness, which is far too prevalent in the veteran population. The bill would create targeted programs to provide assistance for low-income veteran families. It would also allow homeless service providers to receive VA funds without offsetting other sources of income and require that facilities which furnish services to homeless veterans are able to meet the needs of women veterans.

The committee heard testimony that epilepsy is often associated with traumatic brain injury, the injury that many are calling the signature wound of the current conflicts. This suggests a strong need to improve VA's effectiveness in dealing with epilepsy. The pending legislation would establish six VA epilepsy centers of excellence, which will focus on research, education, and clinical care activities in the diagnosis and treatment of epilepsy. These centers would restore VA to the position of leadership it once held in epilepsy research and treatment.

The medical community has made impressive advances in pain care and management, but VA has lagged behind in implementing a standardized policy for dealing with pain. The bill includes a provision that would establish a pain care program at all inpatient facilities, to prevent long-term chronic pain disability. It also provides for education for VA's health care workers on pain assessment and treatment, and would require VA to expand research on pain care.

I urge all of my colleagues to support S. 2162, as amended. It has the potential to bring relief and support to tens of thousands of veterans and their families across the country.

Mrs. BOXER. Mr. President, I ask unanimous consent that the committee substitute amendment be withdrawn, the Akaka-Burr substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4824) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2162), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR CERTAIN FEDERAL EMPLOYEE BENEFITS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2967 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2967) to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2967) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED BENEFITS FOR CERTAIN SENATE RESTAURANTS EMPLOYEES.

(a) DEFINITIONS.—In this section:

(1) CONTRACTOR.—The term "contractor" means the private business concern that enters into a food services contract with the Architect of the Capitol.

(2) COVERED INDIVIDUAL.—The term "covered individual" means any individual who—

(A) is a Senate Restaurants employee who is an employee of the Architect of the Capitol on the date of enactment of this Act, including—

(i) a permanent, full-time or part-time employee;

(ii) a temporary, full-time or part-time employee; and

(iii) an employee in a position described under the second or third provisos under the subheading "SENATE OFFICE BUILDINGS" under the heading "CAPITOL BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048);

(B) becomes an employee of the contractor under a food services contract on the transfer date; and

(C) with respect to benefits under subsection (c)(2) or (3), files an election before the transfer date with the Office of Human Resources of the Architect of the Capitol to have 1 or more benefits continued in accordance with this section.

(3) FOOD SERVICES CONTRACT.—The term "food services contract" means a contract under which food services operations of the Senate Restaurants are transferred to, and performed by, a private business concern.

(4) TRANSFER DATE.—The term "transfer date" means the date on which a contractor begins the performance of food services operations under a food services contract.

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—

(A) RETIREMENT COVERAGE.—Not later than the day before the transfer date, an individual described under subsection (a)(2)(A) and (B) may file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage under the retirement system under which that individual is covered on that day.

(B) LIFE AND HEALTH INSURANCE COVERAGE.—If the individual files an election under subparagraph (A) to continue retirement coverage, the individual may also file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage of any other benefit under subsection (c)(2) or (3) for which that individual is covered on that day. Any election under this subparagraph shall be filed not later than the day before the transfer date.

(2) NOTIFICATION TO THE OFFICE OF PERSONNEL MANAGEMENT.—The Office of Human Resources of the Architect of the Capitol shall provide timely notification to the Office of Personnel Management of any election filed under paragraph (1).

(c) CONTINUITY OF BENEFITS.—

(1) PAY.—The rate of basic pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service may not be reduced to a rate less than the rate of basic pay paid to that individual as an employee of the Architect of the Capitol on the day before the transfer date, except for cause.

(2) RETIREMENT AND LIFE INSURANCE BENEFITS.—

(A) IN GENERAL.—For purposes of chapters 83, 84, and 87 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) the rate of basic pay of the covered individual during the period described under clause (i) shall be deemed to be the rate of basic pay of that individual as an employee of the Architect of the Capitol on the date on which the Architect of the Capitol enters into the food services contract.

(B) TREATMENT AS CIVIL SERVICE RETIREMENT OFFSET EMPLOYEES.—In the case of a covered individual who on the day before the transfer date is subject to subchapter III of chapter 83 of title 5, United States Code, but whose employment with the Architect of the Capitol is not employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986—

(i) the employment described under subparagraph (A)(i) shall, for purposes of subchapter III of chapter 83 of title 5, United States Code, be deemed to be—

(I) employment of an individual described under section 8402(b)(2) of title 5, United States Code; and

(II) Federal service as defined under section 8349(c) of title 5, United States Code; and

(ii) the basic pay described under subparagraph (A)(ii) for employment described under subparagraph (A)(i) shall be deemed to be Federal wages as defined under section 8334(k)(2)(C)(i) of title 5, United States Code.

(3) HEALTH INSURANCE BENEFITS.—For purposes of chapters 89, 89A, and 89B of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(4) LEAVE.—

(A) CREDIT OF LEAVE.—Subject to section 6304 of title 5, United States Code, annual and sick leave balances of any covered individual shall be credited to the leave accounts of that individual as an employee of the contractor, or any successor contractor. A food services contract may include provisions similar to regulations prescribed under section 6308 of title 5, United States Code, to implement this subparagraph.

(B) ACCRUAL RATE.—During any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, that individual shall continue to accrue annual and sick leave at rates not less than the rates applicable to that individual on the day before the transfer date.

(C) TECHNICAL AND CONFORMING AMENDMENT.—The second and third provisos under the subheading "SENATE OFFICE BUILDINGS" under the heading "CAPITOL BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" in the Legislative Branch Appropriations Act, 1972 (2 U.S.C. 2048) are repealed.

(5) TRANSIT SUBSIDY.—For purposes of any benefit under section 7905 of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(6) EMPLOYEE PAY; GOVERNMENT CONTRIBUTIONS; TRANSIT SUBSIDY PAYMENTS; AND OTHER BENEFITS.—

(A) PAYMENT BY CONTRACTOR.—A contractor, or any successor to the contractor, shall pay—

(i) the pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service;

(ii) Government contributions for the benefits of a covered individual under paragraph (2) or (3);

(iii) any transit subsidy for a covered individual under paragraph (5); and

(iv) any payment for any other benefit for a covered individual in accordance with a food services contract.

(B) REIMBURSEMENTS AND PAYMENTS BY ARCHITECT OF THE CAPITOL.—From appropriations made available to the Architect of the Capitol under the heading "SENATE OFFICE BUILDINGS" under the heading "ARCHITECT OF THE CAPITOL", the Architect of the Capitol shall—

(i) reimburse a contractor, or any successor contractor, for that portion of any payment under subparagraph (A) which the Architect of the Capitol agreed to pay under a food services contract; and

(ii) pay a contractor, or any successor contractor, for any administrative fee (or portion of an administrative fee) which the Architect of the Capitol agreed to pay under a food services contract.

(7) REGULATIONS.—

(A) OFFICE OF PERSONNEL MANAGEMENT.—

(i) IN GENERAL.—After consultation with the Architect of the Capitol, the Director of the Office of Personnel Management shall prescribe regulations to provide for the continuity of benefits under paragraphs (2) and (3).

(ii) CONTENTS.—Regulations under this subparagraph shall—

(I) include regulations relating to employee deductions and employee and employer contributions and deposits in the Civil Service Retirement and Disability Fund, the Employees' Life Insurance Fund, and the Employees Health Benefits Fund; and

(II) provide for the Architect of the Capitol to perform employer administrative functions necessary to ensure administration of continued coverage of benefits under paragraphs (2) and (3), including receipt and transmission of the deductions, contributions, and deposits described under subclause (I), the collection and transmission of such information as necessary, and the performance of other administrative functions as may be required.

(B) THRIFT SAVINGS PLAN BENEFITS.—After consultation with the Architect of the Capitol, the Executive Director appointed by the Federal Retirement Thrift Investment Board under section 8474(a) of title 5, United States Code, shall prescribe regulations to provide for the continuity of benefits under paragraph (2) of this subsection relating to subchapter III of chapter 84 of that title. Regulations under this subparagraph shall include regulations relating to employee deductions and employee and employer contributions and deposits in the Thrift Savings Fund.

(d) COVERED INDIVIDUALS NOT ENTITLED TO SEVERANCE PAY.—

(1) IN GENERAL.—Except as provided under paragraph (2), a covered individual shall not be entitled to severance pay under section 5595 of title 5, United States Code, by reason of—

(A) separation from service with the Architect of the Capitol and becoming an employee of a contractor under a food services contract; or

(B) termination of employment with a contractor, or successor to a contractor.

(2) SEPARATION DURING 90-DAY PERIOD.—

(A) IN GENERAL.—

(i) COVERED INDIVIDUALS.—Except as provided under clause (ii), a covered individual shall be entitled to severance pay under section 5595 of title 5, United States Code, if during the 90-day period following the transfer date the employment of that individual with a contractor is terminated as provided under a food services contract.

(ii) EXCEPTION.—Clause (i) shall not apply to a covered individual who is terminated for cause.

(B) TREATMENT.—For purposes of section 5595 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under subparagraph (A) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under subparagraph (A) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(e) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of this Act, the Architect of the Capitol shall submit a plan under section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) to the applicable committees as provided under that section.

(2) PLAN.—

(A) IN GENERAL.—Notwithstanding section 210(e) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q(e)), the plan submitted under this subsection shall—

(i) offer a voluntary separation incentive payment to any employee described under subsection (a)(2)(A) of this section in accordance with section 210 of that Act; and

(ii) offer such a payment to any such employee who becomes a covered individual, if that individual accepts the offer during the 90-day period following the transfer date.

(B) TREATMENT OF COVERED INDIVIDUALS.—For purposes of the plan under this subsection—

(i) any period of continuous service performed by a covered individual as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(f) EARLY RETIREMENT TREATMENT FOR CERTAIN SEPARATED EMPLOYEES.—

(1) IN GENERAL.—This subsection applies to—

(A) an employee of the Senate Restaurants of the Office of the Architect of the Capitol who—

(i) voluntarily separates from service on or after the date of enactment of this Act, but prior to the day before the transfer date; and

(ii) on such date of separation—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age; and

(B) except as provided under paragraph (2), a covered individual—

(i) whose employment with a contractor is terminated as provided under a food services contract during the 90-day period following the transfer date; and

(ii) on the date of such termination—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age.

(2) EXCEPTION.—Paragraph (1)(B) shall not apply to a covered individual who is terminated for cause.

(3) TREATMENT.—

(A) ANNUITY.—Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(B) SEPARATION DURING 90-DAY PERIOD.—For purposes of chapter 83 or 84 of title 5, United States Code—

(i) any period of continuous service performed by a covered individual described under paragraphs (1)(B) and (2) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under paragraphs (1)(B) and (2) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

(g) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 101(5) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(5)) is amended by striking ", the Botanic Garden, or the Senate Restaurant" and inserting "or the Botanic Garden".

(2) DISABILITIES.—Section 210(a)(7) of the Congressional Accountability Act of 1995 (2 U.S.C. 1331(a)(7)) is amended by striking "the Senate Restaurants and the Botanic Garden" and inserting "the Botanic Garden".

(3) CONTINUING APPLICATION TO CERTAIN ACTS AND OMISSIONS.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) a covered individual shall be treated as an employee of the Architect of the Capitol with respect to any act or omission which occurred before the transfer date.

(h) DEPOSIT OF COMMISSIONS.—

(1) SENATE RESTAURANTS FOOD SERVICES CONTRACT.—Any commissions paid by a contractor under a food services contract shall be deposited in the miscellaneous items account within the contingent fund of the Senate.

(2) USE OF FUNDS.—Any funds deposited under paragraph (1) shall be available for expenditure in the same manner as funds appropriated into that account.

(i) EFFECTIVE DATE.—This Act shall take effect on the date of enactment of this Act and apply to the remainder of the fiscal year in which enacted and each fiscal year thereafter.

REGARDING STATEMENTS MADE BY THE GOVERNMENT OF THE RUSSIAN FEDERATION THAT UNDERMINE THE REPUBLIC OF GEORGIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 741, S. Res. 550.

The PRESIDING OFFICER. The clerk, will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 550) expressing the sense of the Senate regarding provocative and dangerous statements made by the government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued with good faith the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas President of Georgia Mikheil Saakashvili has offered a clear plan for resolving the conflict in Abkhazia and securing legitimate interests of the Abkhaz and South Ossetian people within a unified Georgia;

Whereas, for several years, the Government of Russia has engaged in an ongoing process of usurping the sovereignty of Georgia in Abkhazia and South Ossetia by awarding subsidies, the right to vote in elections in Russia, and Russian passports to people living in those regions;

Whereas the announcement of the Government of the Russian Federation that it will establish "official ties" with the breakaway regions of Abkhazia and South Ossetia and further involve itself in aspects of their government appears to be a thinly veiled attempt at annexation;

Whereas the statements and counter-productive behavior of the Government of the Russian Federation in these regions has undermined the peace and security of those regions, the Republic of Georgia, and the region as a whole; and

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and is inconsistent with the commitments to international peacekeeping made by the Government of the Russian Federation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent decisions made by the Government of the Russian Federation to establish "official ties" with the breakaway regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of Georgia and violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow this policy, which gives the appearance of being motivated by an appetite for annexation;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region;

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts; and

(5) commends the Government of Georgia for acting with restraint in the face of serious provocation.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 309 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 309) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 309) was agreed to.

DESIGNATING JUNE 6, 2008, AS "NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY"

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 581, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 581) designating June 6, 2008 as "National Huntington's Disease Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 581) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 581

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically "at risk" individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 2008, as "National Huntington's Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

ORDERS FOR WEDNESDAY, JUNE 4, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, June 4; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes, and the Republicans controlling the second 30 minutes; and that, at 11:30 a.m., the Senate consider the budget resolution conference report as under the previous order. I further ask unanimous consent that the time during any adjournment or morning business count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. BOXER. Mr. President, under a previous order, the Senate will proceed to a vote on adoption of the budget conference report at approximately 11:45 a.m. tomorrow morning. Following the vote on adoption of the budget conference report, I expect the Senate to begin consideration of the climate security legislation.

ORDER FOR ADJOURNMENT

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators DOLE, INHOFE, and ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The senior Senator from North Carolina is recognized.

CLIMATE SECURITY ACT

Mrs. DOLE. Mr. President, nearly a year ago, I began working on the Climate Security Act with two Senators, both of whom I also serve with on the Armed Services Committee. As members of that committee, we have worked together to write and pass defense authorization bills to strengthen our national security and support our military. Senators JOE LIEBERMAN and JOHN WARNER have moved the issue of climate security forward in the American dialogue, and I join them in that effort.

I understand this bill is viewed by most as an environmental bill—which it is—but it is also essential to our national security. Just a few weeks ago, Secretary of Defense Robert Gates talked about the threats our Nation faces. He said, "Rather than one, single entity—the Soviet Union—and one, single animating ideology—communism—we are instead facing challenges from multiple sources: a new, more malignant form of terrorism inspired by jihadist extremism, ethnic strife, disease, poverty, climate change, failed and failing states, resurgent powers, and so on." Of the threats Secretary Gates articulated, we know the predicted negative ramifications of climate change could initiate a chain-reaction of events such as severe drought or floods that diminish food supply and displace millions of people.

Additionally, last year 11 retired three-star and four-star admirals and generals issued a report, National Security and the Threat of Climate Change. They had four primary findings: (1) Projected climate change poses a serious threat to America's national security; (2) Climate change acts as a threat multiplier for instability in some of the most volatile regions of the world; (3) Projected climate change will add to tensions even in stable regions of the world; and (4) Climate change, national security and energy dependence are a related set of global challenges. At the release of this report, retired General and former Army Chief of Staff Gordon Sullivan said, "People are saying they want to be perfectly convinced about climate science projections, but speaking as a soldier, we never have 100 percent certainty. If you wait until you have 100 percent certainty, something bad is going to happen on the battlefield."

Adding to this concern, a joint report issued by the Center for Strategic and International Studies and Center for a New American Security, has made clear that we are now in the age of consequences regarding the foreign policy and national security implications of global climate change. The consequences range from expected to catastrophic, and a key finding is that the United States must come to terms with climate change. According to the report, we can expect strengthened geopolitical influence by fuel exporting countries, and a correlating weakened strategic and economic influence by importers of all fuels. We can expect many more consequences, but in short, the intersection of climate change and the security of nations will become a defining reality in the years ahead. We cannot ignore the costs of inaction and we cannot leave these massive security concerns to the next generation.

This is not a perfect bill, and a perfect bill likely does not exist. However, the fundamental approach of this bill—providing a market driven system—is the right way to address climate change.

I am disappointed that this bill fails to consider the need for more nuclear energy in the United States. Patrick Moore, co-founder of Greenpeace made the need for nuclear energy clear when he wrote, ". . . my views have changed, and the rest of the environmental movement needs to update its views, too, because nuclear energy may just be the energy source that can save our planet from another possible disaster: catastrophic climate change." In order to meet all of the projected models for reducing our greenhouse gas emissions, we need a nuclear renaissance in this country, and this bill must be the vehicle by which we advance that renaissance. Nuclear energy, after decades of dormancy, must be given an opportunity to be an affordable and reliable energy choice for consumers. Wind and solar will play a role in our low-carbon energy needs, but as of now they are not reliable, and cannot provide the base load electricity generation that is needed, and that which nuclear energy, can provide. Nuclear is safe, reliable, low-cost energy and those who oppose it will find themselves in the precarious position of being unable to seriously confront climate change.

We have a solution to low-cost electricity generation in nuclear energy, and we also have a solution to high fuel costs—the answer is more domestic exploration here at home. Americans are clearly aware that our dependence on foreign oil is far too dangerous and much too costly. A significant amount of our oil comes from the Middle East, Russia and Venezuela—three parts of the world that do not have U.S. interests in mind in their oil production. As former Director of Central Intelligence James Woolsey noted, "we're paying for both sides in the war on terror." At approximately $130 per barrel of oil, we are enriching, by billions of dollars, the likes of Iran's Ahmadinejad, Russia's Putin, and Venezuela's Chavez. They are flush with oil cash and are leveraging their influence against ours with Beijing and New Delhi in a geopolitical chess match.

We must shift away from our dependence on foreign oil, and this bill, probably more than any other the Congress has ever considered, provides the resources and framework to do just that. Under this bill, the Natural Resources Defense Council estimates oil imports to drop to 35 percent of total U.S. oil supply by 2030, compared to the approximately 60 percent of foreign oil imports we rely on today. In fact, by 2025 oil imports are expected to drop to around 6 million barrels per day, the lowest point since 1986. That is a savings of more than 8 million barrels a day—more oil than the United States currently imports from OPEC. We achieve these reductions through an overall reduction in demand, and increased domestic oil production due to increased use of Enhanced Oil Recovery—a process by which we sequester carbon from power plants to derive more oil from the ground. What all this means for families is that under this bill, the average household will pay 13 to 17 percent less for transportation fuels in 2020 than they did in 2007. This is a savings of up to $530 a year at the pump for Americans.

The long-term outlook is positive for weaning ourselves off of foreign oil, but there is a major flaw in this bill in that it does not address our near-term energy needs for more domestic oil and natural gas exploration and production. Increased oil and natural gas access here at home is essential to lowering the high fuel costs consumers are feeling today and for keeping them low in the early years of this bill. Lower fuel costs will get our economy back on track and increase our energy security. Unfortunately, efforts to allow that access to our American resources have been blocked for years by our friends across the aisle. The high cost of fuel is unsustainable, and we must take action to increase our domestic energy supply—this means we must explore and produce here at home. At a time when Americans are experiencing record high oil prices, we must begin exploration in areas such as the Gulf of Mexico and in remote areas of Alaska where the local population supports it. There is no silver bullet, but there are commonsense solutions that we must move forward, in the wake of $4 per gallon gasoline.

It is time to put more dollars back in the hands of Americans instead of foreign dictators. Our energy independence will drive our economic success. In keeping our economy the envy of the world, it is important to note that not addressing climate change is a costly course of action. The Stern Review, the leading analysis of the economic aspects of climate change conducted by Sir Nicholas Stern, former chief economist at the World Bank, estimates that the monetary cost of inaction is equivalent to losing at least 5 percent, or $2.4 trillion, of global gross domestic product each year.

Indeed, delaying action comes at a cost! Paul Volcker, former Federal Reserve Chairman under President Ronald Reagan stated, "If we don't take action on climate change, you can be sure that our economies will go down the drain in the next 30 years."

The National Academy of Sciences stated this year that global warming threatens roads, rail lines, ports, and airports. America's global competitiveness is also at stake on this issue.

We used to be the leader in wind, solar, nuclear, and other low-carbon energy. Acting on climate change first puts the United States in a position to develop and own new technologies and all the jobs that come with them. We have never ceded ground on American competitiveness to China, India, and other developing countries, nor should we on this issue. We do not address climate change without the entire world playing a role, but we also do not address it by waiting for others to act. And we can take action in a way that continues to grow our economy.

With the right policy that spurs investment and innovation, we can deploy new technologies that will cut our emissions and not change our lifestyles. We have an opportunity to seize these new technologies, or we can wait and cede ground to others.

The status quo just will not work, not this time and not on this issue. The current path is untenable. It leaves the future of our economy in the hands of volatile and unfriendly nations from which we import oil. It allows the quiet growth of the predicted negative ramifications of climate change that national security experts have cautioned us about. And it leaves us less competitive in new and green technologies.

Cap and trade, first adopted for acid rain under the 1990 Clean Air Act amendments, is an American environmental and economic success story. There is no doubt that this is a much greater challenge and one that affects every sector of the economy. We have the ability to repeat that success. Our constituents do not send us to Washington to sit back and do the easy things. Rather, they send us here to have the courage to tackle the challenges.

This may be one of the hardest things we do, but as American leaders, we have a responsibility to lead. We have a responsibility to find commonsense solutions to the hard problems and not be afraid of carrying out those solutions.

A clean environment and economic and national security should not be Republican or Democratic issues. These are American issues. We have the opportunity to lead and to change the entire landscape of this dialog.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I get to change the dialog completely. I ask unanimous consent to share joy as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIRTH OF MEGAN RILEY McGRADY

Mr. ENZI. Mr. President, I get to announce to my Senate family that I am a grampa again. Incidentally, that is spelled with an "m" and no "d," grampa, the greatest title anyone can have. It is an indescribable thrill. It is incredible love. You cannot comprehend all of what I am saying unless you have a grandchild.

I have two other grandchildren, but this time Diana's and my youngest child, the baby of the family, had a baby. Emily and her husband Mike, Mike McGrady, met at the University of Wyoming. Mike broke family Florida University Gator tradition to come to Wyoming, but it was part of God's plan. Emily and Mike fell in love and got married. Emily worked for the university while Mike went to law school. When he graduated, he got a job clerking for Federal Circuit Court Judge Terry O'Brien.

Last year they bought a house. This year, they called to ask what we were planning to do for Memorial Day and suggested we might want to be near them for the birth of our grandchild. We were near. Our daughter Emily and her daughter Megan had extremely fortunate timing for Diana and me. Diana and I were in Wyoming for the workweek. Some call it a recess. I prefer to call it, more accurately, a workweek.

The baby started coming almost on schedule. We went to the hospital when Emily went into labor. The family took turns walking the halls with Emily while she could. After 13 hours of labor, mother and baby were getting so tired the doctor suggested—strongly suggested—a Cesarean section to take the baby. When nothing is progressing, there is no other decision. Surgery is always a scary decision.

But at 8:33 on May 29, we had a granddaughter, Megan Riley McGrady. She weighed 6 pounds, 14 ounces, and was 20 inches long with delicate hands and long, thin fingers. I cannot begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

I had the pleasure of holding that baby and watching her breathe and move with 100 different facial expressions—with the tongue in, the tongue out, yawns, eyes closed and eyes wide, and listened to all the little sounds she made. I watched her hands close to tight fists and then open as if to stretch. Of course, I had to let my wife Diana hold her a little, too, and Megan's mom and dad, Emily and Mike, wanted a turn, too, and Mike's parents, Tom and Mary McGrady, came all the way from Florida and, of course, they wanted turns, too.

It was a grand time for our family. I have some instant replay memories of that little face and those moving hands and the blanket and cap to hold in the body heat or the little pink bow on a pink band circling her tiny head. They are all locked in my mind, and I am constantly doing little instant replay memories for myself and thanking God for the opportunities that he has given me from finding Diana to learning about prayer with our first child, the daughter who was born premature, who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, this one who had the baby, to helping me through open heart surgery so I might have this chance to hold another generation in my hands.

I think of the Prayer of Jabez in Chronicles where he says: Lord, please continue to bless me, indeed. And I add my thanks for this and all the blessings noticed and, unfortunately, often unnoticed.

So now I am a grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a handstitched wall hanging that says: "Any man can be a father, but it takes someone special to be a dad."

That is a challenge for grampas to live up to, too. Please note the name is not "grandpa." That is a great title, but it is a little too elevated. As I said before, my name, grampa, is spelled with an "m" and no "d." That is what I called my Grampa Bradley who took me on some wonderful adventures and taught me a lot of important lessons.

Now it is my turn to live up to that valued name. He liked to be called grampa, and I am now delighted to have the opportunity to earn that name. I wish I could adequately share the joy with you that is in my heart.

After Megan was born, I went to the Republican Convention. When I spoke, I mentioned my mom's admonition that I need to pass on to my grandchildren; that is, to do what is right, to do your best, to treat others as they want to be treated. I use that guideline every day and expect everyone on my staff to measure legislation and casework by it too.

Now I have an additional measure for myself. I don't ever want my grandkids to say: My grampa could have fixed that, but he didn't. I do know that most of what I do fix they will never know about. That is how America is supposed to work. America is a lot of people doing their job, doing it because it needs to be done, not because someone will give them acclaim.

Some would say that you, my granddaughter, Megan Riley McGrady, have been born at a scary time, a time of fear, fear of almost everybody, fear of war, fear of people from other countries, fear for our neighborhoods, worry about energy supplies and energy prices and the effect on food prices.

As an Enzi, we have faith that doing the right thing, doing our best, and treating others as they want to be treated will solve most problems which will overcome fear.

In my job, I get to hear lots of disparaging comments about our country and our Government, but you, granddaughter, were very lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none that I would trade for the United States. In my job, I often have to remind people that I never hear about anybody trying to get out of our country, but I do hear of millions who would love to live here.

As you get older, precious baby, if things don't change, you will hear people who think Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you, you and your family, you and others who will know how to do the right thing and will value the way our country was founded and has grown.

Megan, granddaughter, welcome to this world of promise and hope and faith and love. Your whole family is excited to have you in our lives.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer congratulates and shares in the joy of the senior Senator from Wyoming.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 tomorrow morning, Wednesday, June 4.

Thereupon, the Senate, at 8:54 p.m., adjourned until Wednesday, June 4, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014. (REAPPOINTMENT)

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014. (REAPPOINTMENT)

BRUCE M. RAMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE WARREN BELL.

ELIZABETH SEMBLER, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014, VICE CLAUDIA PUIG, TERM EXPIRED.

LORETTA CHERYL SUTLIFF, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE FRANK HENRY CRUZ, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES CULBERTSON, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

ALAN W. EASTHAM, JR., OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KENNETH L. PEEL, OF MARYLAND, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE MARK SULLIVAN, RESIGNED.

DEPARTMENT OF JUSTICE

DENNIS MICHAEL KLEIN, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE JOHN SCHICKEL, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. PATRICIA D. HOROHO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. TIMOTHY K. ADAMS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

ANDREW P. ARMACOST

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

HANS C. BRUNTMYER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DWIGHT PEAKE
KRISTIN K. SAENZ

To be major

BRENT D. MARTIN
TREVOR S. PETROU

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CHRISTINE CORNISH
ALANE D. DURAND
WILLIAM R. MOORE
DAVID G. WATSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL J. MCCORMACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGG P. LOMBARDO
CHARLES J. NEWBURY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL L. GARD
DANA C. REED
WILLIAM A. WILDHACK III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARK S. BELLIS
LOUIS A. BODNAR
STEPHEN M. COOK
DAVID S. COX
MARK J. FUNG
RONALD D. GRUZESKY
JOSEPH M. HINSON III
DAVID F. MARASCO
MICHAEL R. MERINO
ROGER A. MOTZKO
FREDERICK A. MUCKE
JAMES A. MUIR
MICHAEL J. PINSONEAULT
CRAIG A. SCHARTON
ALAN W. TODD
DALE K. UYEDA
ALAN N. WATT
DAVID K. WILL
STEVEN R. WOLFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK H. BOYLES
BARRY L. BROWN
REID W. CHAMBERS
LEE A. GAUL
MARK S. GHIRARDI
JULIE A. HAMMOND
GREGORY K. HORNSBY
JEFFREY T. JOHNSON
LOU A. LANIER
JAMES B. LATHAM
STEPHAN K. OLIVER
CHARLES I. RINK
JAMES R. SILLS
ALLISON M. WELDON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ESTHER E. BURLINGAME
GEORGE H. FUTCH, JR.
GREGORY E. GOMER
MICHAEL W. HARTFORD
VICTOR M. HUERTAS
IVES C. MAZUR
MICHAEL J. MEDINA
KIMBERLY K. PELLACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH D. LAPOLLA
STEPHEN W. PAULETTE
BRYAN W. SHIELDS
CAROLYN B. WAGONER
JOSEPH R. WILLIE II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRUCE BENNETT
WILLIAM H. BRAGDON, JR.
STEWART A. BRAZIN
JOE P. CALDWELL
JOSEPH F. CHESKY
EDWARD R. GILLETT
DALE W. GREENWOOD
DANIEL E. KAHLER
CHRISTOPHER M. KUSHNER
MICHAEL D. LANE
GARY P. LESSMANN
THOMAS J. MANSKI
JONATHAN E. MATSON
MICHAEL D. MCBETH
MICHAEL F. MCGRATH
MARIA H. MELBOURNE
MATTHEW E. NORMAN
THOMAS J. PATTON
SCOTT K. RINEER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL K. BEAN
BARRY R. BLANKFIELD
BRADLEY J. CORDTS
DANA T. DYSON
FRANKLIN J. FOIL
HANS P. GRAFF
BETH A. HARRIS
BRUNO W. KATZ
SHERI L. LEWIS
GREGORY P. NOONE
LESLIE E. REARDANZ III
MICHAEL B. SHAW
DAVID J. SMITH
JOHN T. WOOLDRIDGE
TED Y. YAMADA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GLORIA M. BAISEY
JANIE C. R. BRIER
SCOT K. CANFIELD
REBECCA A. CRICHTON
DEBRA T. CROWELL
ANDREA A. DEMELLOSTEVERS
FLEURETTE S. ETIENNE
LINDA D. GEISAKA
JUDY L. HANSEN
DONNA M. HORN
MARY J. ISAACSON
ROSALIE G. KORSON
MARY A. KROETCH
LORI J. LAVELLEJARDIN
NANCY A. E. MACE
KIMBERLY M. G. MATTHEWS
EDWARDO T. MUNOZ
SHARON C. NEWTON
MARY E. NORGAARD
SUSAN S. PAPE
KATHLEEN F. PUTNAM
ELIZABETH A. REISER
RUTH E. RIDDLES
DEBRA S. SCHEEL
JAMES R. SEXTON
NANCY A. SUSICK
LISA A. TABENKEN
JOHN F. TERMINI
ELAINE K. WALKER
PATRICIA L. WEST

EXTENSIONS OF REMARKS

HONORING KEVIN BOREN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kevin Boren of Grain Valley, Missouri. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1228, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many Scout activities. Over the many years Kevin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Boren for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HAPPY BIRTHDAY MRS. MONICA (RUHL) KINNEL

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to inform our colleagues of a milestone event that occurred yesterday for a very special lady in the Grande Ronde Valley of Oregon. Mrs. Monica (Ruhl) Kinnel turned 100 years old yesterday and celebrated over the weekend in Island City, Oregon with many generations of her family and a legion of friends and admirers. Monica is an amazing lady who has led a remarkable and exciting life, and The Observer newspaper in La Grande, Oregon recently chronicled her adventures to date and I'd like to share with you some highlights from it.

In July 1892 a land purchase was made on the outskirts of Alicel in modern day Union County that became the seminal grounds for a ranching/farming family that has spanned five generations in the Grande Ronde Valley. Monica's grandparents, Henry and Anna Ruhl, purchased 338 acres near Alicel for $10,000 and assumed a $2,500 debt on the land. Their son Harry continued operation of the Alicel ranch and married Maude Gaskill whose parents owned a farm less than two miles away.

Maude designed a ranch home that her father-in-law Henry built on his land. Built with brick from the La Grande brickyard and mortar made from sand from the Grande Ronde River, the home was completed in 1906. Two years later on June 2, 1908, Monica was born. Monica lives with her daughter and son-in-law, Sharon and Bob Beck, in the house she was born in 100 years ago.

Harry and Maude were fun-loving and curious and involved Monica in life's happenings. Monica remembers an outing to Boise with her father when he bought a toaster. Monica asked him what he was going to do with it since they didn't have electricity. Harry replied, "We'll be ready."

Monica was married to Bob Kinnel in 1930. They took over the family ranch, raising Hereford cattle and farming. They added more farm land adjacent to the Ruhl ranch and the whole became the Kinnel Ranch where they raised their family and lived until Bob's untimely demise at the age of 43 in 1955. Monica and Bob made a real team and raised three lovely daughters, Suzanne (who passed away in 1999), Joanne and Sharon. Sharon recounts that her parents had "a love affair so powerful and so joyful that the two of them seemed to know something that no one else knew."

Willis Ketchum, who now owns a neighboring farm, and the girls who were then in their early 20s, rallied around Monica and pitched in to save the ranch. In the fall of 1956 Monica hired on a scrapping, ranch-raised young man from Telocaset named Bob Beck. In just over a year he married Sharon and together they have added their own chapter to the family saga.

Monica traveled the world with daughter Joanne and the United States with other family and friends. Monica's legacy of love and laughter has been imparted to her grandchildren and great grandchildren as well. Anecdotes abound, like the time she brought grandson Rob a male tarantula from California. He built a terrarium and the next year she took Rob to the same desert to release him. Another is when grandson Brad and some contractor working on the house witnessed Monica—then in her 80s—leave the house with a fishing pole and satchel "to go catch breakfast" and came back within 30 minutes with a 22-inch rainbow trout.

Monica has always taught her family to live in the now, don't put things off til later as there may not be a later. Given the choice of describing her life as a hard-working, tenacious and productive ant or a carefree, live-for-the-moment grasshopper, Monica chose the grasshopper without hesitation. Her philosophy is "live and let live." Fortunately for Monica and her family, she continues to live an exhilarating journey.

Madam Speaker, on behalf of the United States Congress, I wish Monica Kinnel a very happy 100th birthday!

CARIBBEAN AMERICAN HERITAGE MONTH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. RUSH. Madam Speaker, I rise today to praise the contributions of the Caribbean-American community to this Nation's history and development. Since before the 1770's when Jean Baptist Pointe DuSable moved to what is now my hometown of Chicago this community has played a vital and positive role in the development of this country.

With over 4.6 million Caribbean-Americans in this country the contributions of this community should not be overlooked. This Caribbean-American community has brought to us such notables as Alexander Hamilton, Sydney Poitier, W.E.B. Dubois, Malcolm X, and former Secretary of State Colin Powell.

Madam Speaker, without the contributions of these individuals the United States would not be the country we see today. Without Hamilton, would we have been the Constitutional Republic that allows us to be here today? Without Dubois when might we have realized that "The cost of liberty is less than the price of repression." Without Malcolm X would our youth understand that "The future belongs to those who prepare for it today."

Madam Speaker, in preparing for that future I believe it is fundamental that we remember our roots. I thank the Caribbean-American community for their contributions to society and look forward to what is yet to come.

HONORING MR. PETER QUINN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. SESTAK. Madam Speaker, I rise today to recognize a remarkable man and his equally remarkable family. Mr. Peter Quinn of Wallingford, PA is a man of many talents—each of enormous value to our community. He is deeply spiritual, with extraordinary compassion for those in our society who struggle with a wide range of personal challenges. A graduate of Villanova University and a peerless teacher and guidance counselor at Bishop McDevitt High School in Philadelphia, Pete Quinn possesses a unique capacity to positively influence young people. That quality was never clearer than when he left Bishop McDevitt to become a founder and prime mover behind "The Bridge" at Fox Chase. This creative residential substance abuse treatment program is a safe harbor for teenagers from Pennsylvania, New Jersey and Delaware and a model behavioral health service program. While at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Bridge, Pete worked tirelessly to see that young men with substance abuse problems received innovative treatment and, most importantly, that they had a role model for life in the person of Pete Quinn.

Following that signal achievement, Pete became a valuable member of the Philadelphia business community while serving as the Government Relations Director and Community Outreach Coordinator for one of the world's largest pharmaceutical firms. For nearly a decade he promoted responsible corporate programs to help the community he loves so dearly. In June 2008, Pete Quinn will complete his fourth impressive career when he retires as founding executive director of the Greater Valley Forge Transportation Management Association (TMA). In that capacity Pete contributed directly to the economic vitality of the 7th Congressional District by advancing hundreds of transit improvements, including the 422 River Crossings Projects, I–76/I–476 TSM project and many more.

Without doubt, however, Pete's greatest accomplishment is his loving and devoted family. His wife Maryanne, the love of his life and best friend, has been one of the area's finest Latin teachers for nearly two decades at the Haverford School. Their daughter Maryanne, her mother's namesake, scholarly equal and successful business leader, is married to Mr. Bryan Hancock with 2 beautiful children, Will and Hugh. Pete Quinn Jr, husband to Kristen and father of Warner and Anderson, reflects the best of his father. A graduate of the US Naval Academy and F–18 Hornet pilot, he's currently serving our nation as we fight wars on two fronts.

Madam Speaker I ask that we pause and salute Pete and Maryanne Quinn, their exceptional children and grandchildren for representing the epitome of a life well lived in loving service to one another, their community and our great nation.

IN RECOGNITION OF THE JOINT VETERANS COMMISSION OF CUYAHOGA COUNTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Joint Veterans Commission of Cuyahoga County as they commemorate Flag Day 2008, Naturalization Day and the two hundred and thirty-third anniversary of the U.S. Army at the Rock and Roll Hall of Fame and Museum.

I stand today in recognition of the individuals and organizations who make up The Joint Veterans Commission of Cuyahoga County: Army and Navy Union, Catholic War Veterans, Jewish War Veterans, Korean War Veterans Association, Marine Corps League, Military Order of the Purple Heart, Navy Seabee Veterans of America, Paralyzed Veterans of America, Polish Legion of American Veterans, Reserve Officers Association, Southwest Asia Veterans, Ukrainian American Veterans, United Spanish War Veterans, Vietnam Veterans of America, Waves National, and the 82nd Airborne Division Association. Their collective and individual efforts ensure a memorable celebration of this year's Flag Day, Naturalization Day and the 233rd Birthday of the U.S. Army.

Madam Speaker and colleagues, please join me in honor of The Joint Veterans Commission of Cuyahoga County as they commemorate Flag Day 2008, Naturalization Day, and the 233rd Birthday of the U.S. Army, and in recognition of the individual and collective commitment of the members and organizations to the Greater Cleveland Area.

CLYDE HAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Clyde Han, of Cameron, Missouri. On May 31, 2008, after 25 years of service, Clyde retired from the Cameron, Missouri Fire Department.

Mr. Han has established a distinctive and well respected career serving and protecting the public. Clyde is a Certified Instructor for the University of Missouri Fire Service, and was the University of Missouri Fire & Rescue Training Coordinator for Northwest Missouri for several years. Mr. Han is a certified Fire Investigator for the State of Missouri. Clyde was also an instructor for the Cameron Fire Department, as well as the Fire Inspector for the City of Cameron, Missouri. Mr. Han ended his career with the Cameron Fire Department as Captain.

Madam Speaker, I proudly ask you to join me in recognizing Clyde Han, whose dedication and service to the citizens he helped protect has been truly outstanding. I commend Clyde on an exceptional career, and I am honored to serve him in the United States Congress.

TRIBUTE TO TENNESSEE'S 4TH CONGRESSIONAL DISTRICT FIREFIGHTERS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, over 250 years ago, Benjamin Franklin created the Union Fire Company, the first volunteer fire fighting company in America. Today, volunteers make up over 70% of United States firefighters, with 820,000 Americans dedicating their free time to protecting their neighbors, homes and communities from fire and other calamities.

More than 21,000 of the roughly 30,000 fire departments in the country are entirely comprised of volunteer service members ready and willing to respond to over a million fires every year. Our volunteer fire fighters spend their time and resources to train, prepare and equip themselves so they are ready to face whatever challenge might threaten our homes or safety. Moreover, firefighters are summoned to address a wide variety of emergencies in our country every year, from emergency medical care to natural disasters, water rescue to threats from hazardous materials and more.

The volunteer firefighters of today are working hard to carry on a tradition of commitment to each other that outlasts America itself. As long as fires threaten the well-being of our neighbors and loved ones, the volunteer firefighters of America will continue to answer the call in our defense. For all they do, they deserve our thanks and respect. I rise with my colleagues today to applaud their service and that of paid full-time and part-time firefighters to our country and their noble regard for the protection of us all.

RECOGNIZING THE FIRST BAPTIST CHURCH OF GRAND BLANC

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the First Baptist Church of Grand Blanc as they celebrate the 175th anniversary of the Church's founding. A celebration was held on June 1st in Grand Blanc, Michigan to mark this momentous occasion.

The First Baptist Church of Grand Blanc was founded in 1833 when 26 settlers came together to establish a place of worship. Their guiding beliefs were a dedication to God, religious liberty, belief in the literal translation of the Bible, separation of Church and state, and the autonomy of the local Church.

The 26 individuals were Daniel Williams, Alfred Brainerd, John Tupper, Alden Tupper, Newall Tupper, Harrison Tupper, Alexander Tupper, Phile Miner, John Fritz, Robert Winchell, Philander Williams, Betsy Tupper, Hannah Tupper, Isabelle Tupper, Asenath Brainerd, Sarah Brainerd, Alice Miner, Susanna Fritz, Electa Williams, Sophrona Straw, Almira Phelps, Lovina Gilbert, Sarah Perry, Lovina Williams, Jason Austin, and Eunice Austin. The first meetings were held in a barn and the First Baptist Church of Grand Blanc became the first Protestant Church between Pontiac and the Straits of Mackinaw.

Over the years the congregation has grown. The Church was officially dedicated in 1851 and over the years the congregation has expanded the building and facilities to suit the growing needs of the faithful. In addition to the classrooms and dining hall, a new fellowship hall and a 400-seat sanctuary have been added. The Church was named a State of Michigan Historic Site in 1974 and a National Historic Site in 1983.

Under the current leadership of interim pastor, Reverend Darrell Foltz, the congregation continues to work under the principles of vision, faith and courage to meet the challenges of our world. The congregation meets these challenges every day armed with their spiritual guidance and love of God.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the First Baptist Church of Grand Blanc for celebrating their 175th anniversary. The bell that was installed in 1837 continues to ring today calling the faithful to worship. May it continue to ring for another 175 years.

A TRIBUTE TO M. MAGDALENA CARRILLO MEJIA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of Dr. M. Magdalena Carrillo Mejia's years of service as the superintendent of the Sacramento City Unified School District. Dr. Mejia leaves a lasting legacy in Sacramento and she will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's leaders in education.

After earning her bachelor's and master's degree in Multicultural Education from the California State University, San Diego, Dr. Mejia has been a tireless advocate for education. She began her career in the Sweetwater Union High School District serving as a classroom teacher at Sweetwater High School and later at Mar Vista High School. Dr. Mejia's dedication to improving California's educational system led to her 1999 appointment as superintendent in the Montebello Unified School District. In 2000, Dr. Mejia received a Doctorate of Philosophy in Educational Policy and Administration from the University of Southern California and was appointed superintendent of the Sacramento City Unified School District in 2003.

During her time as superintendent of the Sacramento City Unified School District, Dr. Mejia has developed and implemented a strategic plan entitled "Success for Every Student by Name." This plan gives special attention to four essential areas for improving education: closing the achievement gap, ensuring a successful transition from middle school to high school, integrating physical, social and emotional supports with academics, and improving parent and community engagement. In addition, Dr. Mejia has led other innovative initiatives in Sacramento. This includes seeing that the Sacramento City School District became the first district in California to earn an international certification for standardizing procedures and practices at the central office. She undertook a rigorous district review with the guidance of the Annenberg Institute for School Reform, a process in which only ten districts in the Nation have engaged in. In 2007, Dr. Mejia was instrumental in the creation of a middle school task force to undertake reforms at that level. This has led to increased support for teachers and students alike.

Dr. Mejia has received many honors and professional recognition for her work in improving K–12 education. She was named the Association of California School Administrators Superintendent of the Year in 2006 and most recently she was one of the two California superintendents chosen by State Superintendent Jack O'Connell to represent California at the National Academy of Superintendents conference in Ohio. In addition Dr. Mejia has been awarded the first annual Administrator of the Year award from the California Association for Bilingual Education, named the Milken National Educator of the Year, and State Senator Martha Escutia's Woman of the Year for the 30th State Senate District.

Madam Speaker, I am honored to pay tribute to Dr. M. Magdalena Carrillo Mejia's distinguished commitment to education here in Sacramento and throughout California. Dr. Mejia's outstanding leadership and dedication to the Sacramento City Unified School District has increased the performance of our schools and most importantly our students. We all are thankful for her efforts. As Dr. Mejia's husband Carlos, their two children, her colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in her future endeavors.

TRIBUTE TO DR. CHARLES JOSEPH ZERZAN, JR.

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. WALDEN of Oregon. Madam Speaker. I rise today to note the passing of a true American hero and fellow Oregonian, Dr. Charles Joseph Zerzan, Jr. Dr. Zerzan passed from this world on May 23, 2008 in the presence of his beloved wife and children. This man devoted his life to service of his family, the community and our Nation, and it is a singular sign of America's special blessing that individuals such as he have lived, enriching us all in the great enterprise of our Nation. I know this entire body will rise with me and give a solemn note of thanks to Dr. Zerzan, and our condolences to his family.

Charles Zerzan was born on December 1, 1921 in Portland, Oregon and attended primary and secondary school in the Portland and Salem areas. At the age of sixteen his parents lied about his age so that he could enlist in the Oregon National Guard; three years later America entered World War II and Dr. Zerzan found himself a 2nd Lieutenant in an Airborne division commanding men several years older than he in the harsh jungle and mountain terrain of the China-Burma-India theatre. At the end of the war, by which time he had earned the rank of Captain, he returned home to Oregon to attend Willamette University and earned a Bachelor of Arts degree. He then proceeded to medical school at the University of Marquette, where he earned the degree of Medical Doctor with a specialty in internal medicine. Following medical school Dr. Zerzan re-enlisted in the U.S. Army and served in many prestigious posts. Among these were two tours in Washington at Walter Reed Army Hospital; Chief of Medicine at Rodriguez Army Hospital; and he served as U.S. Army Medical Advisor to the Jordan Arab Army. Dr. Zerzan had the privilege of serving as personal physician to President Dwight D. Eisenhower, His Majesty King Hussein bin Talal of Jordan, members of the U.S. Supreme Court and numerous United States Senators and Congressmen. During the Cuban Missile crisis Dr. Zerzan was part of the invasion force planning to go ashore in Cuba, in the event of a conflict which thankfully never came to pass.

Dr. Zerzan was highly decorated for his service to the United States. Among the military honors he received are the Legion of Merit, the Army Commendation Medal with two oak leaf clusters, the World War II Victory Medal, the Pacific Theater Medal with two battle stars, the National Defense ribbon and the American Defense ribbon. These honors, which are awarded among other reasons for "exceptionally meritorious conduct in the performance of outstanding services and achievements," are but a small symbol of the patriotism and devotion of Dr. Zerzan to our country. As is true for so many of our veterans the true worth of his service cannot be measured.

Upon retirement from the Army in 1968 Dr. Zerzan returned to Oregon, where he served as Director of Continuing Medical Education at the Medical School of the University of Oregon-Portland (now known as Oregon Health Sciences University), and later as partner in the NW Permanente Clinic, Sunnyside Kaiser.

Despite his many professional achievements Dr. Zerzan viewed his greatest accomplishment to be his family. It was while attending college at Willamette University that Dr. Zerzan met the great love of his life, Ms. Joan Margaret Kathan of Rogue River, Oregon. As Mrs. Zerzan described it, the first time they kissed her "shoes flew off," and she knew it was true love. They married on February 7, 1948 and during their 60 years of marriage proceeded to have 12 children. These children, who live in Oregon and throughout the United States, in turn gave Dr. Zerzan 30 grandchildren and three great-grandchildren.

The passing of Dr. Zerzan is a sad day for Oregon and all of America. But at the same time, it is a source of celebration for the accomplishment of his life's work. Dr. Zerzan was a man of courage, honor and great faith. As recorded in the Gospel of St. Matthew: "Store up for yourselves treasures in heaven, where moth and rust do not destroy, and where thieves do not break in and steal. For where your treasure is, there your heart will be also." Dr. Zerzan's treasure was in his devotion to his family, his country and his work. He has now passed on to receive his reward, and to enjoy the treasure he stored up during his time on earth. Thank you, Madam Speaker, for joining with me and our colleagues today to celebrate Dr. Zerzan's life and reward.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes; however, I would like the RECORD to reflect my intentions had I been present to vote.

Had I been present for rollcall No. 366, I would have voted "aye."

Had I been present for rollcall No. 365, I would have voted "nay."

Had I been present for rollcall No. 364, I would have voted "nay."

Had I been present for rollcall No. 363, I would have voted "aye."

Had I been present for rollcall No. 362, I would have voted "aye."

Had I been present for rollcall No. 361, I would have voted "aye."

Had I been present for rollcall No. 360, I would have voted "aye."

Had I been present for rollcall No. 359, I would have voted "aye."

Had I been present for rollcall No. 358, I would have voted "nay."

Had I been present for rollcall No. 357, I would have voted "aye."

Had I been present for rollcall No. 356, I would have voted "nay."

Had I been present for rollcall No. 355, I would have voted "nay."

Had I been present for rollcall No. 354, I would have voted "aye"

Had I been present for rollcall No. 353, I would have voted "aye."

Had I been present for rollcall No. 352, I would have voted "aye."

Had I been present for rollcall No. 351, I would have voted "aye."

Had I been present for rollcall No. 350, I would have voted "aye."

Had I been present for rollcall No. 349, I would have voted "nay."

Had I been present for rollcall No. 348, I would have voted "aye."

Had I been present for rollcall No. 347, I would have voted "aye."

Had I been present for rollcall No. 346, I would have voted "aye."

Had I been present for rollcall No. 345, I would have voted "aye."

Had I been present for rollcall No. 344, I would have voted "aye."

Had I been present for rollcall No. 343, I would have voted "nay."

Had I been present for rollcall No. 342, I would have voted "aye."

Had I been present for rollcall No. 341, I would have voted "aye."

Had I been present for rollcall No. 340, I would have voted "aye."

Had I been present for rollcall No. 339, I would have voted "aye."

Had I been present for rollcall No. 338, I would have voted "aye."

Had I been present for rollcall No. 337, I would have voted "aye."

Had I been present for rollcall No. 336, I would have voted "aye."

Had I been present for rollcall No. 335, I would have voted "nay."

Had I been present for rollcall No. 334, I would have voted "aye."

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Had I been present for rollcall No. 330, I would have voted "aye."

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Had I been present for rollcall No. 321, I would have voted "nay."

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Had I been present for rollcall No. 316, I would have voted "aye."

Had I been present for rollcall No. 315, I would have voted "aye."

Had I been present for rollcall No. 313, I would have voted "aye."

Had I been present for rollcall No. 312, I would have voted "aye."

Had I been present for rollcall No. 308, I would have voted "aye."

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Had I been present for rollcall No. 306, I would have voted "aye."

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Had I been present for rollcall No. 283, I would have voted "aye."

Had I been present for rollcall No. 277, I would have voted "aye."

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Had I been present for rollcall No. 251, I would have voted "aye."

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Had I been present for rollcall No. 242, I would have voted "aye."

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Had I been present for rollcall No. 216, I would have voted "nay."

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Had I been present for rollcall No. 202, I would have voted "aye."

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Had I been present for rollcall No. 182, I would have voted “nay.”

Had I been present for rollcall No. 181, I would have voted “aye.”

Had I been present for rollcall No. 180, I would have voted “aye.”

Had I been present for rollcall No. 179, I would have voted “aye.”

Had I been present for rollcall No. 177, I would have voted “aye.”

Had I been present for rollcall No. 176, I would have voted “aye.”

Had I been present for rollcall No. 175, I would have voted “aye.”

Had I been present for rollcall No. 174, I would have voted “aye.”

Had I been present for rollcall No. 173, I would have voted “aye.”

Had I been present for rollcall No. 172, I would have voted “nay.”

Had I been present for rollcall No. 171, I would have voted “aye.”

Had I been present for rollcall No. 169, I would have voted “nay.”

Had I been present for rollcall No. 168, I would have voted “nay.”

Had I been present for rollcall No. 167, I would have voted “aye.”

Had I been present for rollcall No. 166, I would have voted “aye.”

Had I been present for rollcall No. 165, I would have voted “aye.”

Had I been present for rollcall No. 164, I would have voted “aye.”

Had I been present for rollcall No. 163, I would have voted “aye.”

Had I been present for rollcall No. 162, I would have voted “aye.”

Had I been present for rollcall No. 161, I would have voted “aye.”

HONORING RSVP OF MONTGOMERY COUNTY'S 35 YEARS OF FACILITATING VOLUNTARISM

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. SESTAK. Madam Speaker, on behalf of all the citizens of the 7th Congressional District of Pennsylvania, it gives me great pleasure to recognize the Retired & Senior Volunteer Program (RSVP) of Montgomery on its 35th Anniversary.

RSVP of Montgomery County, established in 1973, promotes voluntarism among persons 55 years of age and older, and provides opportunities for them to pursue their interests and use their abilities to help meet critical human needs in Montgomery County. This double mission is beneficial to all concerned. Major findings from more than 30 rigorous and longitudinal studies have found that seniors who volunteer have greater longevity, higher functionality, lower rates of depression, and less incidence of heart disease. With the large number of baby boomers (27 percent of the population) now reaching senior adulthood, RSVP's mission is becoming increasingly relevant to society as a whole. While volunteers are bettering their own lives, they are contributing invaluable service to the community at large. Last year RSVP of Montgomery County's 1,300 volunteers contributed more than 100,000 hours to 300 nonprofit agencies and 11 special programs that RSVP has developed to assist vulnerable sectors of society.

In the area of arts and culture, 112 volunteers contributed 7,725 hours assisting 30 museums, libraries, historical sites, nature preserves, cultural organizations, and performance groups. In the area of health, 253 volunteers contributed 30,000 hours working in 48 hospitals, hospices, rehab centers, adult day care centers, nursing homes, the American Red Cross, March of Dimes, Easter Seal Society, Wellness Center, and organizations dedicated to specific diseases. In the area of Human Services, 691 volunteers contributed 36,000 hours working in 78 various human service agencies throughout the county including the Women's Center, Manna on Main Street, Meals on Wheels programs, hotlines, shelters, soup kitchens, and more.

Within the 11 RSVP programs, 45 trained volunteers contributed 3,018 hours of service tutoring over 300 American and foreign-born adults in GED, ESL and basic literacy programs; 61 trained volunteers contributed 2,153 hours working with 200 young elementary school children, helping them improve their reading skills and confidence; 17 trained volunteer counselors contributed 1,908 hours assisting more than 1,000 seniors with health insurance concerns; 77 volunteers contributed 2,634 hours assisting frail/homebound elders with nonmedical tasks of daily living; 15 volunteers contributed 851 hours reading to Head Start children on a regular basis; 30 volunteers at Gwynedd Estates contributed more than 500 hours wrapping new gift books for Head Start children; 9 volunteers contributed 213 hours visiting special needs children in their homes on a weekly basis, providing the children with companionship and skill reinforcement while affording their families needed respite time and emotional support; 77 mentors contributed 6,967 hours meeting on a one-on-one, long-term basis with 82 elementary, middle, and high school students whose potential is compromised by difficult life circumstances; 27 volunteers contributed 481 hours enhancing emergency preparedness awareness in Montgomery County; 84 volunteers contributed 6,738 hours as tutors, aides, docents, and presenters to children in schools and agencies serving youth; 88 volunteer speakers and trained clowns contributed 2,064 hours making topical presentations and providing entertainment to community organizations, clubs, and nursing homes; and 44 retired executives, professionals, managers, and technicians contributed 2,973 hours helping nonprofit agencies build their capacity and enhance their service delivery.

Just two examples of RSVP volunteers in action are:

Ron, a retired businessman, has been a mentor to two brothers—Josh who is 10 and Nathan who is 12—through the Prétogé program. Originally, Ron was matched with Josh, but he said it broke his heart to leave Nathan behind when they went on excursions because the brothers are like “two peas in a pod”. The boys' mother is seriously ill with Scleroderma and disabled. There is no family in the area except for an absentee father. The boys take care of their mother by cooking, cleaning, feeding her when necessary and remaining quiet so that she can rest. Both boys are motivated to do well and are well-behaved, but needed someone to build their confidence and take them on outings. Ron has taken them to the Camden Aquarium, the National Constitution Center, Fireman's Hall, the Auto Show, ball games, movies, and amusement parks. Ron is married but never had children. On Father's Day last June the boys called him to wish him an honorary Fathers Day. At Prétogé's 10th anniversary event in November, Ron brought the boys and their mother. At that event, the mother asked to stand and thank Ron and Prétogé for all they have done for her children.

Volunteer, Jan, goes once a week to Conshohocken Head Start where she spends two hours reading to the children. She also tries to cultivate their observational skills through various activities such as putting an item in a bag and asking the children to feel it and guess what it is; or putting items on a tray, having the children look at them, and then covering them with a towel and asking the children to remember what they saw.

I applaud this great organization and their volunteers for all the work they have done and look forward to RSVP of Montgomery County's next 35 years of helping seniors help others.

IN RECOGNITION OF THE 90TH ANNIVERSARY OF REPUBLIC DAY OF AZERBAIJAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 90th anniversary of Republic Day, celebrated by the people of Azerbaijan and in recognition of the Republic's rich and diverse history.

Every year on May 28, the Azerbaijani people celebrate the establishment of the Democratic Republic of Azerbaijan. It was on this day in 1918, that Azerbaijan was first declared as an independent Democratic Republic, the first of its kind in the Middle East. Azerbaijan connects the Eastern and Western worlds; located on the western coast of the Caspian

Sea, in the center of what was the historical Silk Road. The country is home to more than 70 diverse ethnic groups and its history can be traced back to over a million years ago to the Azykh cave. I join the Azerbaijani people in celebrating their rich cultural heritage and history on this year's Republic Day celebration.

Madam Speaker and colleagues, please join me in honor of the Azerbaijani people and in recognition of the country's rich culture and history.

HONORING MATHEW MILLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mathew Miller of Grain Valley, Missouri. Mathew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1310, and earning the most prestigious award of Eagle Scout.

Mathew has been very active with his troop, participating in many Scout activities. Over the many years Mathew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Mathew Miller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ADMIRAL FRANK KELSO II RECEIVES DISTINGUISHED GRADUATE HONOR AT NAVAL ACADEMY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, watching over the air and sea while providing exemplary support for our land based services, the United States Navy has a service record that history has looked favorably upon from the Revolutionary War through the Battle of Midway to their present day services around the globe.

One alumni of this cherished brotherhood, Admiral Frank Kelso II, a man who dedicated his life to service of his country, was recently bestowed with the 2008 Distinguished Graduate Award during the U.S. Naval Academy Alumni Association's annual ceremonies in Annapolis, Maryland.

With a Naval career as long as it is distinguished, Admiral Kelso, born in Lincoln County, Tennessee, steadily rose through the ranks following his graduation from the Naval Academy in 1956.

Serving various tours on *Balao, Skipjack, Permit,* and *LaFayette* class submarines and attending the Navy's Submarine School, Admiral Kelso was promoted to Commanding Officer of the Naval Nuclear Power School, USS *Finback* and USS *Bluefish.*

In subsequent tours, the Admiral served as Executive Assistant to the Commander in Chief, U.S. Atlantic Command and the U.S. Atlantic Fleet and Supreme Allied Commander, Atlantic. He was then assigned to reestablish and command Submarine Squadron Seven.

In 1980 he was selected as Rear Admiral, where his Pentagon assignments included Director, Strategic Submarine Division, Office of the Chief of Naval Operations, and Director, Office of Program Appraisal, Office of the Secretary of the Navy.

By 1985 Admiral Kelso was commanding the Sixth Fleet in the Mediterranean Sea and NATO Naval Striking Force and Support Forces Southern Europe. During this time the Admiral led successful operations against Libya.

Earning his fourth star, Kelso was promoted to Admiral in 1986, shortly before assuming the duties of Commander, U.S. Atlantic Fleet. Admiral Kelso later became NATO's Supreme Allied Commander Atlantic and Commander in Chief, U.S. Atlantic Command.

Admiral Kelso's naval career reached its high point when he was named the 24th Chief of Naval Operations in 1990, making him the first Tennessean to hold that position. He served as CNO for nearly four years.

Beyond serving in a high ranking military position in the U.S. government and the numerous medals he has earned, Admiral Kelso has remained humble and grounded—saying his greatest accomplishments are his children and grandchildren. As a father of three and grandfather to five, I can say family is the driving force in life and is to be cherished as described by the Admiral.

We are proud to have Admiral and Mrs. Kelso as native residents of the 4th District and wish them the best.

HONORING QUINN CHAPEL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Quinn Chapel African Methodist Episcopal Church on celebrating 133 years of worship and outreach in Flint, Michigan. On Friday, May 30th the congregation of Quinn Chapel recognized this milestone at a special anniversary program.

Quinn Chapel AME Church has a long tradition in Flint. This tradition began in the home of Mrs. Nancy West, where in 1875 she first opened her doors for prayer services. Quinn Chapel reached out to the community, becoming a positive influence on families looking for opportunity in the early days of Michigan.

As Flint grew, so did Quinn Chapel. In 1877 the congregation moved from Mrs. West's home and into a new location on Seventh Street. A decision was made in 1912 to build a new sanctuary and the brick structure was dedicated in 1922. The music program gained national recognition and the Senior Choir took first place in a national music contest during the 1940s.

When the City of Flint decided to build the municipal center in 1955, Quinn Chapel had to relocate again. The first Church service was held in the new structure on Lippincott Boulevard on December 25, 1960. Bishop Joseph Gomez formally dedicated this sanctuary in 1961.

Designated a Historical Site by the State of Michigan, Quinn Chapel AME Church has fulfilled their African Methodist Episcopal motto, "God Our Father, Christ Our Redeemer, Man Our Brother." Under the leadership of their Pastor, Reverend Stanley U. Sims, the congregation continues to provide the residents of Flint with a place to worship in a faith filled community.

Madam Speaker, I ask the House of Representatives to join me in applauding this community for their dedication to Christian life. For 133 years Quinn Chapel African Methodist Episcopal Church has led services for its members and provided a foundation for the spiritual lives of many in Flint. I pray they will continue their blessed work for many, many years to come.

IN HONOR OF BARBARA McCARTY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. MATSUI. Madam Speaker, it is with sadness that I rise in honor of Barbara McCarty, who passed away late last month in Hawaii.

Barbara's life was an American success story. She immigrated to the United States from England, became an American citizen, graduated from Sacramento State University and later earned a law degree. Through all of this, she raised 4 remarkable children as a single mother.

For the better part of the last 3 decades Barbara practiced law in Sacramento, primarily focusing on workers compensation cases. In 1992, she and a colleague staked out on their own and started a law practice. In addition to being a fine lawyer and wonderful mother, Barbara was a vibrant community leader. She was always active with women's causes and was engaged in many civic endeavors, even after she retired in Hawaii.

Barbara is survived by her children: Laura LaMarre; Kevin McCarty; Christopher McCarty; Trevor Nielsen; and her sister, Anne Gash. She also leaves behind 7 grandchildren and countless friends in Sacramento and Hawaii.

Madam Speaker, I ask that my colleagues join me today in paying honor to Barbara McCarty for her exemplary service to those of us in Sacramento and across the Nation. Her life and legacy—as a mother and advocate—will be an inspiration to us all. I ask that we take a moment and extend our utmost respect and condolences to her family.

IN REMEMBRANCE OF ANNE STARR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Anne Starr, and in recognition of her dedication to her family, her country and her community.

Mrs. Starr was born in California, Pennsylvania and moved to the Cleveland area in the early 1920s. Both she and her husband, William, were active in the veterans community in the greater Cleveland area. By setting an example of leadership and civic participation, they taught their children the importance of community involvement. Her son, Gary Starr, learned that lesson well, and has served as mayor of Middleburg Heights since 1981. It was through Mrs. Starr's orchestrations that Gary got an early taste for politics. A lifelong "Roosevelt Democrat," Mrs. Starr arranged for her son Gary to get credentials at the Republican National Convention in Miami in 1968 when Gary was 17 years old and visiting extended family in Florida. Through that experience, Gary met all the national news anchors of the day and formed a lifelong interest in politics himself. Later, Anne was active in all of Mayor Gary Starr's election campaigns.

Mrs. Starr belonged to the Lions Club and to the Women's Auxiliary of American Legion Post 703 in Parma and Middleburg Heights. She was a founding member of the Middleburg Heights Veterans Memorial, which stands in front of the Middleburg Heights community center. In 2004, I, along with the Cuyahoga County Commissioners, U.S. Senator GEORGE VOINOVICH, Ohio State Senators Dan Brady and Doug White, and Ohio Representative Timothy DeGeeter, recognized Mrs. Starr for her outstanding service and leadership in founding the Memorial. She sold many of the bricks that comprise the Memorial, with each brick displaying the name of a local veteran. Mrs. Starr was also recognized by the Middleburg Heights Chamber of Commerce during the city's annual Salute to the City Celebration for her significant contributions to the community of Middleburg Heights.

Madam Speaker and colleagues, please join me in celebrating the life of Anne Starr, who committed her life to serving her family, her country and her community. May her life serve as an example to us all.

HONORING DEREK SCHIRMER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derek Schirmer of Gladstone, Missouri. Derek is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop, participating in many Scout activities. Over the many years Derek has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derek Schirmer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING STACY PRATER FOR SELFLESS ACT

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it was nearly 100 years ago that the so-called "Central Powers" of Europe opposed the free world in what would become the first of two World Wars. In the midst of our fight against Germany and her Allies at the beginning of the 20th century, one of Fentress County, Tennessee's most famous sons earned a Medal of Honor, and his place in history.

Sergeant Alvin C. York exemplifies perhaps the most common understanding of what a hero embodies: an individual who answered the call of duty and risked themselves for the betterment of others. However, it is the lesser known heroes that I rise today to commend.

Stacy Prater of Pikeville, Tennessee, probably did not have thoughts of heroism in mind as he traveled home from work a few weeks ago. But, when he noticed that the car in front of him was on fire, Stacy stepped in to help the driver and her three children get to safety. With the driver and two children safely out of the vehicle, Stacy rushed into the fire to rescue a third child from a safety seat completely surrounded by flames. Using only a pair of scissors, Stacy released and pulled the child safely out of the vehicle. Through Stacy's efforts, all three children and their mother survived the unexpected incident.

History will probably not remember Stacy, or countless others like him, as it remembers Alvin York. Stacy acted this month not for the glory of heroism, but for what it means to the survivors of that fire. I am proud today to commend Stacy's selfless service, and to commemorate a hometown hero who deserves our continued thanks and appreciation.

HONORING SAINT LUKE CHRISTIAN METHODIST EPISCOPAL CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Saint Luke Christian Methodist Episcopal Church as the congregation celebrates the 75th anniversary of the Church's founding. A celebration was held in Saginaw, Michigan on May 31st in honor of this momentous occasion.

Saint Luke Christian Methodist Episcopal Church was founded in 1933 by King Wicker, Otha Wicker, Mildred Wicker, Alton Wicker, Margaret Wicker, Jerry Wicker, Odessa Fields, Bobbie Lou Anthony, Irene Blunt, Robert Taylor, and Reverend S.J. Scott. Shortly thereafter Reverend S.J. Elliott became the first appointed pastor and was active in developing and organizing the Saint Luke congregation. Under Reverend Elliott's pastoral guidance Saint Luke built its first Church where members could gather and worship.

In 1955 the congregation was expanding and they began to look for a new home. The prayers and hard work of the membership were successful and they purchased the Church and parsonage on Tuscola Street in June 1958. Through the hard work and generosity of the congregation, the mortgage was paid in full and burned in a joyous celebration on October 19, 1969. Over the years the congregation has added a new organ, a communion rail, a grand piano, a furnace, air conditioning and the Church and parsonage underwent extensive renovation.

While the physical structure of Saint Luke has changed, the congregation of Saint Luke Christian Methodist Episcopal Church has not wavered from its purpose—faith and devotion to God. Under the leadership of Reverend James C. Hendricks, Saint Luke has embraced the motto, "From Good to Great—Generation of Excellence." Through the guidance of Reverend Hendricks, the members are inspired to meet the daily challenges of life with vision and courage.

Madam Speaker, I ask the House of Representatives to join me in applauding the clergy, staff and congregation of Saint Luke Christian Methodist Episcopal Church. For 75 years they have brought praise and honor to Our Lord, Jesus Christ, and may He continue to bless them for many, many years to come.

IN HONOR OF KEN LIVINGSTONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ken Livingstone, former Mayor of London, and in recognition of his outstanding leadership, vision and advocacy on behalf of the many diverse communities that make up London's social fabric.

Ken Livingstone carries with him a rich history of public service and advocacy in England. Mayor Livingstone was born in Lambeth, London, England, in 1945. He began his political career in 1973 when he became a Labour member of the Greater London Council (GLC). While serving as leader of the GLC from 1981 to 1986, Mr. Livingstone fought against discrimination, and in 1985, sat beside Jesse Jackson at an Anti-Apartheid rally. In 1987, following his career as leader of the GLC, Mr. Livingstone served as the Labour Member of Parliament for Brent East for 14 years.

In 2000, Mr. Livingstone was elected as the Mayor of London, the first person to hold this office and he would serve in that position until May 2008. As the first Mayor of London, a truly international city that attracts people from all over the world, he continued his legacy of challenging all forms of discrimination and of fostering multiculturalism. He enthusiastically celebrated London's multiculturalism by hosting several city wide events, such as a Hanukkah ceremony at City Hall. He also honored the contributions of England's Irish community by hosting a Saint Patrick's Day festival and celebrated the end of Ramadan with London's Muslim community by hosting the "Eid in Traflagar" event.

During the June 2005 London bombings, he demonstrated his leadership by initiating several campaigns dedicated to fostering intercultural understanding and united London's unique and diverse social fabric. Mr. Livingstone is also the author of two books, If Voting Changed Anything They'd Abolish It and Livingstone's Labour.

Madam Speaker and colleagues, please join me in honor of former Mayor Livingstone as a champion of human and civil rights and in recognition of his leadership and advocacy on behalf of London's diverse communities.

HONORING PARKER CHRISTIAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Parker Christian of Gladstone, Missouri. Parker is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1354, and earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop, participating in many Scout activities. Over the many years Parker has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Parker Christian for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 353 I was unavoidably detained and missed rollcall vote No. 353. Had I been present, I would have voted "yea."

CONGRATULATING ARCADIA UNIVERSITY ON THE OCCASION OF THE 60TH ANNIVERSARY OF ITS STUDY ABROAD PROGRAM

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to congratulate Arcadia University on the occasion of the 60th anniversary of its successful Study Abroad Program.

In the summer of 1948, Jack Wallace, a newly hired economics instructor, and his wife, Betty Jean set sail from New York with 17 Beaver College (now Arcadia University) students, hoping to study the economic effects of World War II and the post-war rebuilding efforts in Europe. They arrived in Southampton and purchased used Royal Air Force surplus bicycles. After traveling around England, they crossed the Channel and continued biking through Belgium and France, ending their eight-week sojourn in Paris. Such faculty-led summer study voyages to Europe continued for several years.

In the 1960s, the university began offering access to its study abroad programs during the regular semester at City of London College to students from other colleges. "Full credit for work done in England was readily accepted by Beaver College for each participant," notes the University history, "and an institution was born-the Beaver College Center for Education Abroad." Accredited accounting for course credits remains a cornerstone of Arcadia's Center for Education Abroad today, along with a worldwide network of professional employees, including in-country staff in host countries that support students while they are abroad.

This year, Jerry Greiner, Arcadia's President, will commemorate that landmark trip's 60th Anniversary in July 2008. In addition, the University will introduce a new curriculum that emphasizes multi-cultural experience and reflection. In addition to the hundreds of Arcadia students who study abroad each year, the Center now serves 3,000 students a year from more than 300 colleges and universities. And what began at City of London College is now a menu of more than 100 programs around the world, expanding recently to Africa, to China and soon to India.

I commend Arcadia University for providing opportunities for young leaders to learn about the world and connect with students in other countries and I congratulate the University on reaching the 60th anniversary of its nationally acclaimed international program.

TRIBUTE TO STAFF SERGEANT PRINCEY GEORGE PINDER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to honor an American soldier who served 1 year in Iraq at Camps Ramadi and Fallujah while on a mission to look for roadside bombs. Army SSG Princey George Pinder's unit was hit four times, and miraculously they all survived the impact.

Born in Nassau, Bahamas, SSG Pinder is the fifth child born to Viola Pinder and Frank Greene. He graduated from A.F. Adderley High School and went on to be enlisted in the Royal Bahamas Police force in 1983, where he received an honorable discharge in 1994. He continued his higher education and received an associate degree from Miami Dade College, bachelor's degree in Christian education and is currently pursuing a bachelor's degree in criminal justice from Florida International University. He holds various leadership training certificates from the U.S. Army as a combat engineer.

For over 18 years SSG Pinder has served as the co-founder and senior pastor of Baruch Christian Fellowship Ministries, Inc. in Miami-Dade County. He has also served as vice-president director of a juvenile delinquency and ex-offender mentorship program named Destiny Image Review Network for 14 years, as well as co-founder of Baruch Leadership Training Academy.

SSG Pinder enlisted in the Army in January 1997, and was deployed to Iraq in March 2003. His second deployment took place in May 2007. SSG Pinder currently serves as a reservist army staff sergeant in Camps Ramadi and Fallujah, Iraq with the 841st Charlie Company from Perrine, Florida. Upon return he will continue his employment as a motor compliance officer with the Florida Department of Transportation.

Madam Speaker, SSG Princey George Pinder represents the best our Nation has to offer. He volunteered to serve our Nation in uniform and to protect our freedom and liberty. For this, his family, friends and loved ones know that this Congress will always remember his bravery and commitment in battle.

TRIBUTE TO SUMMIT FIRE VICTIMS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. HONDA. Madam Speaker, I rise today to express my condolences to those affected by the Summit Fire in the Santa Cruz Mountains on the Santa Clara/Santa Cruz County line, which thankfully has not claimed lives, but destroyed 36 residences and 18 outbuildings. Over 3,000 personnel from across the State were summoned to fight the fire which burned more than 4000 acres. My heart goes out to the 12 firefighters who were injured during the response and their families. I want to commend Governor Schwarzenegger, the California Office of Emergency Services, Cal Fire, the Santa Clara and Santa Cruz County Sheriff's Departments, the Air National Guard, the National Oceanic and Atmosphere Administration and the countless first responders for their swift response to the fire. I especially want to thank Cal Fire Division Chief Joe Waterman and Tom Maruyama, Deputy Director of Response and Recovery for Office of

Emergency Services for briefing me on the fire containment plan and the State's response and recovery efforts. The seamless communication between ground and air crews from various local agencies and departments further exemplifies California as a model State for disaster response and interoperability.

I and my esteemed colleague Rep. ANNA ESHOO are closely monitoring the recovery effort and remain in close contact with State authorities. We are hopeful that the rebuilding process can begin and that the residents of the affected areas will be able to resume their normal activities.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. CARTER. Madam Speaker, on rollcall No. 355, on agreeing to the Akin amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "no"; on rollcall No. 356, on agreeing to the Franks, AZ, amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "aye"; on rollcall No. 357, on agreeing to the Tierney amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 358, on agreeing to the Pearce amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "aye"; on rollcall No. 359, on agreeing to the Lee amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 360, on agreeing to the Braley amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 361, on agreeing to the Price, NC, amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 362, on agreeing to the Holt amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 363, on agreeing to the McGovern amendment to H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "no"; on rollcall No. 364, on the motion to recommit with instructions H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "aye"; on rollcall No. 365, on passage of H.R. 5658, the Department of Defense Authorization Act, 2009, had I been present, I would have voted "aye"; and on rollcall No. 366, on the motion to suspend the rules and agree to H. Res. 986, Recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, had I been present, I would have voted "aye."

IN RECOGNITION OF CUYAHOGA COUNTY COMMUNITY COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Cuyahoga County Community College, Ohio's oldest community college, as the college hosts this year's Memorial Day Celebration along with the Memorial Day Association of Greater Cleveland.

Cuyahoga County Community College (Tri-C) opened in 1963 and now serves more than fifty-five thousand credit and non-credit students each year. Tri-C provides students with a first-rate education environment with professors who are committed to their success at their three traditional campuses. Tri-C also offers students the option to earn their associate degree, participate in certificate programs and complete two years of a baccalaureate degree at two Corporate College locations, over fifty off-campus sites, and through various distance learning options.

Cuyahoga County Community College is one of the premier sites for many of the major cultural, community and sporting events that more than five-hundred thousand Greater Cleveland Area residents attend throughout the year. The college hosts one of the nation's largest educational Jazz festivals, Tri-C JazzFest Cleveland. This year the college hosts the annual Memorial Day Celebration, State Senator Robert F. Spada as the guest speaker, who has been representing Ohio since 1999.

Madam Speaker and colleagues, please join me in recognizing Cuyahoga County Community College as they host this years Memorial Day Celebration and for the college's contributions to the Greater Cleveland Area.

HONORING KYLE ROWLAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Rowland of Buckner, Missouri. Kyle is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1082, and earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Rowland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MR. SIDNEY LAPIDUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Sidney Lapidus and to congratulate him on receiving the Emma Lazarus Statue of Liberty Award. Mr. Lapidus's deep commitment to the American Jewish Historical Society has ensured that its collection is preserved and expanded for generations to come.

A graduate of Princeton University and Columbia University Law School, Sidney began his career as an attorney with the Securities and Exchange Commission in New York. A retired partner at Warburg Pincus LLC, one of the country's leading private equity firms, Sidney also serves on the boards of directors of Lennar Corporation, one of the Nation's largest homebuilders; Knoll Inc., a leading manufacturer of office furniture; and the Neiman Marcus Group, a leading upscale retailer.

Sidney contributes to and advocates on behalf of a number of charitable causes, several of which concern American history and Jewish affairs. He served as president of the American Jewish Historical Society from 2003 to 2007 and is now its chairman. He is a member of the advisory councils for Princeton University's History and Judaic Studies Departments. He is also a vice chairman of the American Antiquarian Society and is a trustee of the New York Historical Society. In other areas, he is chair of the United Neighborhood Houses of New York and a member of the executive committee of New York University School of Medicine.

Mr. Lapidus has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife, Ruth, live in Harrison, New York. They have three married children—Gail, Janet and Roy—and six grandchildren—Sara, Eric, Kate, Henry, Jessica, and Zack. An avid skier, Sidney also collects British and American books about politics and economics from the 17th and 18th centuries.

Madam Speaker, I am proud to recognize my good friend Mr. Sidney Lapidus for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

TRIBUTE TO THE SILICON VALLEY LEADERSHIP GROUP ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. ESHOO. Madam Speaker, it is a privilege to celebrate the 30th anniversary of the Silicon Valley Leadership Group, SVLG, and its contributions to Silicon Valley and the State of California with you.

On July 18, 1977, the exceptional innovator and pioneer, David Packard, gathered thirty of his CEO peers with a simple yet provocative idea. To build an organization that would create a proactive voice for Silicon Valley businesses to ensure the economic health and a high quality of life in Silicon Valley. The organization would be an advocate for affordable housing, comprehensive regional transportation, reliable energy, a quality K–12 and higher education system, a prepared workforce, a sustainable environment, and business and tax policies that would keep California and Silicon Valley competitive.

The idea led to the founding of the Silicon Valley Manufacturing Group, now know as the Silicon Valley Leadership Group, in 1978 with 33 founding members. The first Chair of the Board was Bob Wilson of Memorex and the first Working Chair was Bob Kirkwood of Hewlett Packard. David Packard accepted a seat on the Board and the position of Board Vice Chair. The first president was Bill June and Peter Giles was then hired as CEO. Over the course of the last thirty year's David Packard's vision became a reality and there are many examples of success to highlight, including but not limited to the following:

In 1981, SVLG published its first housing study, emphasizing the need for a jobs-housing balance, and urges public officials to rezone land from industrial and commercial to residential. The report also called for more compact development to help lower housing costs and make better use of the Valley's limited land resources, and to place housing more closely to jobs. Several cities agreed, and thousands of acres are re-zoned for residential development.

In 1982, the Board of Directors helped lead the effort to establish Santa Clara County's first carpool, or "high occupancy vehicle" lane on the San Tomas Expressway. Measure A becomes a statewide model of efficiency, with all three projects completed on time and on budget during the measure's 10-year life. Following the lead of Santa Clara County, 19 counties representing nearly 85 percent of all Californians have since passed similar measures. These measures now fund $1 of every $2 invested in the state's transportation system.

1988—Model Toxic Gas Ordinance—The ordinance was aimed at any gas user, private and public sector, to respond to increased concern about the potential release of toxic gases.

1989—Board Endorses Gas Tax Increase—The Board of Directors voted to support Proposition 111—a nine-cent increase in the state gas tax to fund transportation improvements.

1990—Chlorofluorocarbon Reduction—The Board of Directors voted to play a leadership role in reducing CFC's. Silicon Valley high-tech firms became the national leaders in reducing this form of pollution.

1990—Open Space Initiative—Founder David Packard agrees to serve as Honorary Chair of the county's first Open Space Initiative. The measure receives a strong 64 percent support at the polls, but fails under the two-thirds vote requirement. However, it set the stage for the successful measure 4 years later.

1993—Housing Action Coalition Formed—The purpose of the coalition was to advocate for homes that are "well built, relatively affordable, and appropriately located" so that Valley cities could service them. With a mission to "advocate, educate, and legislate," the coalition has had a tremendous impact. Today, the coalition consists of more than 200 organizations and individuals.

1993—Board Endorses County's "Technology Bond" Proposal—In partnership with the county member companies purchased approximately $12 million in "technology bonds" to help the county improve and install technology systems throughout its departments.

1995—Vehicle Buy-Back Coalition Scraps Old Polluting Cars—This innovative demonstration project raises nearly half a million dollars to purchase and permanently retire more than 400 "gross polluters," with a reduction in pollution of more than 400 tons. The demonstration project was so successful that it becomes a model for the Air District's own Buy-Back program.

1997—Eco Pass Partnership Initiated—SVLG is principal business voice in encouraging employers to consider the "Eco Pass" Program. The Eco Pass is a transit pass that employers can purchase for their Silicon Valley employees, allowing them the use of buses, express buses, and light rail for the entire year. The first year demonstration program produced a doubling of transit use by employees at participating companies. SVLG also launched the Bay Area Clean Air Partnership—Partnership to engage employers and employees in voluntary programs to reduce pollution on hot, smoggy "Spare the Air" days. In its first year of operation, thousands of vehicle trips were avoided and the region did not violate a single day of the federal Clean Air Standards.

1998—Housing Trust Fund Business Plan Approved—The Board endorses the business plan officially launching the County's first Housing Trust Fund. With a goal of raising up to $20 million over the next 24 months, the funds will leverage approximately $200 million worth of housing, with funds equally divided into three categories. They include first-time homebuyers assistance, affordable rental housing, and homeless shelter and assistance. These funds will assist nearly 5,000 Silicon Valley families.

1999—San Jose Teacher Housing Initiative—SVMG partnered with San Jose to launch San Jose's Teacher Housing Initiative, a proposal to assist San Jose teachers to become homebuyers, as well as enhancing recruitment and retention of educators in the community. SVLG also began the Summer Fellowships for Teachers—SVMG partnered with the Industry Institute for Science and Math Education (IISME) on a Summer Fellowship for Teachers program. By partnering with SVMG, the number of teacher fellowships was increased 40 percent from the highest numbers achieved in IISME's 17-year history.

1999—Creating Quality Neighborhoods—SVMG completed a 21-month study to identify every vacant (and underutilized) parcel of land that is zoned commercial, industrial, or residential. The effort will now shift to working with cities to consider the report's findings to ensure there are enough homes for Silicon Valley workers. By following the report's recommendations, the Valley could meet 99 percent of home demand during the next 10 years, rather than the current 50 percent projected if current land use patterns are followed.

2000—Statewide Transportation Plan—More than $1 billion is directed to improvements that benefit the Valley, even though Santa Clara County accounts for only 5 percent of the state population.

2002—Hetch Hetchy Legislation Passes—SVMG, in coordination with BAWUA, successfully advocated for three critical pieces of state legislation to ensure the Hetch Hetchy water system would be updated to withstand earthquakes. This vital system serves the water needs of 2.4 million Bay Area residents and employers.

2005—The Leadership Group's first Annual CEO Washington, D.C. Advocacy Trip, led by Solectron CEO Mike Cannon with 25 executive colleagues, met with 70 key members of Congress in the nation's Capitol. A new "Middle School Math Initiative" was reviewed by the Working Council with strong recommendation of the Education Committee. Also, the Leadership Group organized the first "Applied Materials Silicon Valley Turkey Trot," with 1,900 participants; 240 volunteers and more than $132,000 raised for three local non-profits.

2006—The Board approved a 12-point "Clean and Green" Alternative Energy Action Plan to curb greenhouse gas emissions and impact climate change in the region.

2007—SolarTech Begins—Recognizing the growing importance of alternative energy the Leadership Group developed SolarTech. The purpose is to identify, prioritize, and resolve the technical and adoption barriers to solar technology by addressing issues of performance, standards, and workforce readiness.

Today, under the exceptional leadership of Carl Guardino, SVLG has more than 200 member companies and its members contribute more than $1 trillion to the global economy, an amount equal to the gross national product of Italy. Members of the SVLG employ more than 250,000 people in the Valley who constitute one-fourth of the entire private sector workforce in the region. They generate more than $1 trillion worth of business which is approximately eight times as large as California's entire state budget, and represents a significant contribution to the state and the national government treasuries, along with hefty property taxes for local governments.

Madam Speaker, I ask our colleagues to join us in honoring the Silicon Valley Leadership Group as it celebrates its 30 year anniversary marking its extraordinary contributions to the economic health and quality of life to the residents and businesses of Silicon Valley. We salute Carl Guardino, President and CEO, his staff and every member of the Silicon Valley Leadership Group.

HONORING DEAN REX R. PERSCHBACHER OF DAVIS, CALIFORNIA ON HIS RETIREMENT AS DEAN OF THE UC DAVIS SCHOOL OF LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to recognize Dean Rex R. Perschbacher on the occasion of his retirement as the Dean of the UC Davis School of Law. Dean Perschbacher served as Dean and in the Dean's office longer than anyone in the history of the UC Davis School of Law. He served for 10 years as Dean from 1998 to 2008. Before becoming Dean, he served for five years as associate dean for academic affairs in the School.

Dean Perschbacher is best known for strengthening the 40-year-old UC Davis School of Law's reputation as one of the nation's best public law schools. Students are recruited nationwide, and the School is frequently honored for the diversity of its faculty and student body. Under his leadership, the Law School recruited 26 ladder-rank faculty members, expanded the clinical program, started a master's program in international commercial law, and established an outreach program for underserved college students—many of whom have gone on to law school.

He worked with campus, university, and state officials to secure campus and state funding for the first significant expansion to the School's facilities since the completion of the Law School 40 years ago. He built a strong foundation of alumni philanthropy and volunteerism upon which the next generation of leadership at UC Davis School of Law can expand and is credited with increasing private giving over tenfold. During his tenure, the School added five endowed chairs and professorships, bringing the total number of seats to six. He also raised more than $3 million in private donations for the building expansion and renovation project.

Dean Perschbacher taught at UC Davis since 1981 with an emphasis on the areas of Civil Procedure, Professional Responsibility, and Clinical teaching. He received the Law School's Distinguished Teaching Award in 1992 and a Special Citation Affirmative Action and Diversity Achievement Award in 2001. He has published articles in the areas of civil procedure, professional responsibility and lawyers' negotiations. He is co-author of United States Legal System: An Introduction (1st and 2d eds.); Cases and Materials on Civil Procedure (1–5th eds.); California Civil Procedure; California Legal Ethics (1–6th eds.), and Problems in Legal Ethics (3–8th eds.).

The Dean has also been involved in law school accreditation activities having served for six years on the American Bar Association's Accreditation Committee; and on two separate standing committees of the Association of American Law Schools, AALS, and two section executive committees. Currently, he is Chair of the AALS Section of the Dean. From 1990–1996, he served on the Board of Directors of the Legal Services of Northern California and two related boards. He has also served on the Governing Committee on Continuing Education of the Bar from 2000–2003.

Dean Perschbacher received his J.D. degree from UC Berkeley School of Law (Boalt Hall), where he was Articles Editor of the California Law Review and elected to Order of the Coif. After graduation, he served as law clerk to The Honorable Alfonso J. Zirpoli of the United States District Court for the Northern District of California. Later he entered private practice with Heller, Ehrman, White & McAuliffe in San Francisco. He has taught at UC Berkeley (Boalt Hall), the University of Texas, Santa Clara University, and the University of San Diego law schools.

Madam Speaker and colleagues, now is the appropriate time for us to acknowledge Dean Perschbacher for his years of work and service to UC Davis and the broader legal community. Please join me in thanking him and wishing him the very best as he enters retirement.

IN HONOR OF THE MEMORIAL DAY ASSOCIATION OF GREATER CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Memorial Day Association of Greater Cleveland as they remember and honor our Nation's veterans on this year's Memorial Day.

The Memorial Day Association of Greater Cleveland consists of veterans and their organizations, joining together every year to commemorate the lives of their fellow veterans who lost their lives in service to our country. These organizations invite all members of the Greater Cleveland Area community to join in their remembrance during their annual traditional Memorial Day event.

I stand in honor and recognition of all the veterans and organizations for their contributions to the community: American Ex-Prisoners of War, American Gold Star Mothers, American Legion, Amvets with Auxiliary, Army and Navy Union with Auxiliary, Catholic War Veterans, Daughters of "98", Daughters of Union Veterans, Disabled American Veterans, Greater Cleveland Veterans Council, Greater Cleveland Veterans Memorial Inc., Jewish War Veterans with Auxiliary, Joint Veterans' Commission of Cuyahoga County, Korean War Veterans, Military Order of the Purple Heart, Marine Corps League, Navy Seabee Veterans of America, Paralyzed Veterans of America, Polish Army Veterans Association of America, Polish Legion of American Veterans with Auxiliary, Reserve Officers Association, St. Theodosius War Veterans, Service Star Legion Veterans, Sons of the American Revolution, Sons of Spanish American War Veterans, Southwest Asia Veterans, Ukrainian American Veterans, Ukrainian Veterans Association, United Spanish War Veterans, Veterans of Foreign Military Wars with Auxiliary, Veterans of World War One and Auxiliary, Vietnam Veterans of America, Waves National, and 82nd Airborne Division Association.

Madam Speaker and colleagues, please join me in honor of the Memorial Day Association of Greater Cleveland as they commemorate Memorial Day and in recognition of these organizations' contributions to the Greater Cleveland Area.

HONORING DR. JOHN BERNARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. STARK. Madam Speaker, I rise today to honor Dr. John Bernard on his retirement on June 30, 2008 from the Newark Unified School District. Dr. Bernard has served as Superintendent of Schools for the school district since July 2003.

A native of the Bay Area, Dr. Bernard is a product of the Oakland Public Schools, as are his three grown children. He and his wife have been married for 39 years and have five grandchildren.

Dr. Bernard has held a number of positions of leadership in various school districts throughout the state of California. He served for 4 years as Superintendent of Schools for the Novato Unified School district and for 4 years as Superintendent of Schools for the Bakersfield City School District. He also served as Director of K–12 Instruction, and later as Assistant Superintendent, in the Mt. Diablo Unified School district in Contra Costa County. Dr. Bernard began his career as an educator in the San Francisco Unified School District, where he spent 20 years as a classroom teacher, resource teacher, assistant principal, personnel administrator and principal.

Dr. Bernard earned his bachelor's and master's degrees from San Francisco State University in psychology and education administration, respectively. He earned his doctorate in multicultural education from the University of San Francisco. He continues to teach graduate courses at local universities and is often invited to speak, throughout the state, the nation and abroad, at conferences on instructional leadership, multicultural education, and education technology issues.

As Dr. Bernard retires, he leaves a legacy of outstanding experience and service to our children and the field of education. His commitment to education is noteworthy and I join the community in thanking him for his exemplary contributions.

HONORING JOSHUA DELONG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua DeLong of Blue Springs, Missouri. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1216, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua DeLong for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO JEFFREY McCRACKEN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of Jeff McCracken's nearly 20 years of service as Director of Public Affairs for the Bureau of Reclamation's Mid-Pacific Region. Mr. McCracken leaves a lasting legacy in Sacramento and his leadership and expertise will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

After earning his bachelor's degree from California State University Fresno, Mr. McCracken spent more then 20 years in the broadcasting industry as a reporter, anchor and broadcast news consultant in numerous television markets across the county. He began his career with the Bureau of Reclamation in 1989 when he was appointed Director of Public Affairs and has spent nearly the last two decades communicating the complex water needs of the Mid-Pacific Region to the public. As Director of Public Affairs he is responsible not only for the Mid-Pacific Region's public affairs, but he also manages their outreach, education projects and internal employee information activities. His dedication to the Bureau of Reclamation is demonstrated through his work with the local community, the media, Members of Congress, Federal and State agency representatives, stakeholders and foreign dignitaries and has enabled the Bureau to build and maintain credibility in the water community.

During his tenure, the Mid-Pacific Region has successfully handled a prolonged drought in California, Nevada and Oregon, a toxic spill in the Sacramento River and the organization of the Bay-Delta Accord. In addition, the Bureau coordinated an extensive public involvement program to implement the 1992 Central Valley Project Improvement Act and provided essential leadership during the historic floods of 1997, the closure of Folsom Dam Road in 2003, the Prospect Island levee breach, repair, and resulting fish crisis in 2007, and the Truckee Canal breach and repair in 2008.

In 2005, Mr. McCracken was awarded a citation for superior service by Commissioner John Keys for his leadership during the Klamath Basis water and fish mortality crisis, the prolonged regional drought and the Folsom Dam spillway gate break. His guidance and accomplishments in media relations, public involvement and employee communications for the Bureau of Reclamation during these times made him truly deserving of this award. Mr. McCracken was again recognized in April of this year by Secretary of the Interior, Dirk Kempthorne with a citation for meritorious service. For nearly two decades he has fostered respectful working relationships between the Region and representatives of the Federal, State and local governments, Indian Tribal governments, the media and the public. This citation justly recognized his commendable service and dedication to the Mid-Pacific Region and the Bureau of Reclamation as a whole.

Madam Speaker, I am honored to pay tribute to Jeff McCracken's distinguished commitment to Sacramento and our water needs. Mr. McCracken's outstanding leadership and dedication to the Bureau of Reclamation, established credibility for the Bureau and has ensured better water resource management for Sacramento and the entire Mid-Pacific Region. We all are thankful for his efforts. As Mr. McCracken's wife Susan, colleagues, family and friends gather to honor his service, I ask all my colleagues to join me in wishing her continued good fortune in his future endeavors.

CONGRATULATING ROCKY MOUNT HIGH SCHOOL ON WINNING THE 3–A HIGH SCHOOL BASEBALL STATE CHAMPIONSHIP

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. BUTTERFIELD. Madam Speaker, please join me in congratulating an outstanding group of high school student athletes from the first district of North Carolina.

It is with great pride that I recognize the Rocky Mount High School's boys varsity baseball team for capturing the 2008 North Carolina High School Athletic Association's 3–A State baseball championship series. This is the Gryphons' first state title in 28 years, and this means a great deal to a community that loves its baseball.

Rocky Mount High School boasts a rich athletic tradition, which includes five state titles in boy's baseball. Coach Pat Smith's team lived up to its preseason No. 1 ranking by winning the championship after an 8–6 victory over East Rowan last Saturday. Outfielder Brian Goodwin, who scored three runs in the final game, was named the series' most valuable player.

Rocky Mount finished the season at 27–6, which bettered the school record for wins by three. That record was previously held by the 1980 Rocky Mount squad, which was the last Gryphon team to win the championship.

I ask my colleagues to please rise and join with me in applauding a truly great season by an exceptional team—the Rocky Mount High School Gryphons. We congratulate the team and the city of Rocky Mount, and we wish them continued success.

HONORING MATTHEW GUPTILL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Guptill of Kansas City, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Guptill for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING CORYDON'S BICENTENNIAL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. HILL. Madam Speaker, 2008 marks the 200th anniversary of the town of Corydon, in Harrison County, Indiana. Just 19 miles west of Louisville, Kentucky, and with a population of approximately 2,700, the town's welcoming citizens and good nature are what help define the term "Hoosier Hospitality". Corydon is a most extraordinary community and one that forms an integral part of the rich history of my home state and our Nation.

The Town's ceremonial observance of this anniversary will be held on Saturday, June 7, and I look forward to celebrating Corydon's Bicentennial with its residents. This Saturday's event, however, is just one event of a year-long celebration that includes a Bicentennial Ball, an old fashion ice cream social, a bicentennial parade, the dedication of a time capsule and other competitions and displays.

Corydon has a rich history dating back to the American Revolution when the region was still inhabited by Native Americans. It was in this fertile wilderness that in the early 1800's the family of Edward Smith located. General William Henry Harrison, Governor of the Northwest Territory, frequently traveled between the east and the Territorial capital in Vincennes and often stopped at the Smith property during his travels. While visiting, he discovered a good site for a town where two creeks, the Big Indian Creek and Little Indian Creek, joined to become one. Taking the name of a shepherd from a favorite song known as The Pastoral Elegy, he chose the name "Corydon".

Harvey Heth, a government surveyor, officially founded the town by platting it in 1808. The town was connected by road to Doup's Ferry 15 miles to the south in Mauckport in

1809, giving it good access to the Ohio River, the dominant transportation route of the time. The land for the town was originally purchased by Governor Harrison and he lived in the town for a period of time before moving to Ohio, and was eventually elected President of the United States.

In 1811 construction on the first state capitol was begun by Harrison County with intention of the building serving as the courthouse. The structure was completed in 1813 using limestone quarried near the town, and that same year became the second capital of the Indiana Territory when it was moved there from Vincennes.

In 1817, other structures, such as the Governor's Headquarters and First State Office Building, were built. The home of Colonel Thomas Posey was also built during this time. Posey would serve as Treasurer of Harrison County, a State legislator and Adjutant General of Indiana. His father, Thomas Posey, served Indiana as Territorial governor from 1813 until the creation of the state in 1816.

The state's first constitution was written in June of 1816 in Corydon. The 43 delegates in charge of writing the state's constitution met inside the original Harrison County Courthouse, but due to cramped conditions inside the log structure and the summer heat, the delegates would often seek refuge outside under a giant elm tree along Big Indian Creek. Now known as the Constitution Elm, it died in 1925 but its trunk is still preserved at its original location.

After statehood, Corydon served as the first State capital of Indiana from 1816 until 1825, when the capital moved to Indianapolis. During that time Corydon was the center of politics in the state and residents included Jonathan Jennings, the first Governor of Indiana; Dennis Pennington, first Speaker of the House; Ratliff Boon the second Governor; and William Hendricks, Indiana's first Congressman, third Governor and a U.S. Senator. The Old Capitol Building is now a State historic site and the entire downtown area was designated a National Historic District in 1973.

In 1860 the first annual county fair was held in Corydon and has continued each year as the longest continuously running fair in the state. Using natural terrain, the fairgrounds were built in the southwest corner of the town where it is bordered on the south and west by a large ridge to serve as a grandstand until the first grandstands were built around 1910.

Corydon was the site of the only Civil War battle fought in Indiana. On July 9, 1863, a Confederate contingent led by Brigadier General John Hunt Morgan, aided by the citizens of Brandenburg, Kentucky, crossed the Ohio River into Indiana during what became known as "Morgan's Raid." More than 2,500 mounted cavalry men with two pieces of artillery engaged about 400 hastily prepared home guard units at the Battle of Corydon, resulting in a Confederate victory and the town surrendering to Morgan. The town was subsequently sacked, the treasury robbed of $690, and inmates of the jail released. Morgan demanded amounts of money ranging from $600 to $700 from each mill and shop owner to spare their businesses being burned. Town myth says that one such miller overpaid two hundred dollars which Morgan promptly returned to him.

Corydon was home to the late Indiana Governor, and my personal friend, Frank O'Bannon, who served Indiana as Governor from 1997 until his death in 2003. Known as a tenacious consensus-builder who quietly pressed others to do the right thing for the people of Indiana, his greatest legacy may be his work on behalf of children. He championed initiatives to provide health care to nearly half a million children who did not have insurance and created Building Bright Beginnings to emphasize the importance of emotional and brain development of children from birth to 4 years of age.

Along with Dr. Suellen Reed, the Superintendent of Public Instruction, and a team of education professionals on the Education Roundtable, O'Bannon tackled the most intractable problems facing public schools and developed some of the toughest academic standards and accountability system in the country, ensuring that Hoosier children learned more and improving Hoosier schools. As a result of this leadership, Indiana was one of the first states to meet new Federal standards, while at the same time Gov. O'Bannon continued to champion the implementation of full-day kindergarten statewide.

Prior to his service as Governor, Frank O'Bannon also served the state as a State senator from 1970 until 1988 when elected Lieutenant Governor on ajoint ticket with Evan Bayh. His father, Robert O'Bannon, also served as a state senator prior to Frank and as part of the ceremony on June 7, 2008 the family will be honored with the dedication of a statue in the late Governor's honor.

Because of its historic nature, Corydon is a well-known regional tourist destination. The community hosts weekly events from early spring until late fall, usually centered around the historic town square. Some of the better-attended events include the annual Halloween parade, summer band concerts, an annual reenactment of the Battle of Corydon, and a long string of country and bluegrass performances.

Few locations in our Nation have such a remarkable and storied past, and it is an honor and privilege to represent this community in Congress. I want to congratulate Corydon on its Bicentennial, and look forward to seeing how this unique and wonderful town thrives for decades to come.

IN HONOR OF DR. GEORGE BLUMENTAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. FARR. Madam Speaker, I rise today on behalf of myself and Representatives ANNA ESHOO and MIKE HONDA to honor Dr. George Blumenthal, a distinguished professor of astronomy and astrophysics, on the occasion of his inauguration as Chancellor at University of California, Santa Cruz.

Chancellor Blumenthal has been a scholar and academic leader both at UC Santa Cruz and within the University of California system. He served as chair of the UC Academic Senate for 2004–05. He was the faculty representative to the UC Regents from 2003–2005 and chaired the UC Santa Cruz division of Academic Senate from 2001–2003. His research investigates the origin of structure in the universe and the role dark matter plays in the formation and evolution of this structure.

Chancellor Blumenthal is known for his efforts to increase access to the university and for his commitment to diversity. When he was named Chancellor by the Board of Regents in September, 2007, UC President Robert Dynes stated "we are choosing a person who has contributed significantly to UCSC's richly deserved reputation for producing world-class research and student-focused instruction. George Bumenthal's thoughtful, collegial and constructive leadership will solidify UCSCls stature as one of the premier research universities in the Nation.

Madam Speaker, my colleagues and I are proud to share the representation of the University of California Santa Cruz campus and its several regional facilities in our districts. Together, these facilities make up one of our Nation's higher education jewels. I know that we speak for the whole house in congratulating Chancellor Blumenthal on his inauguration and wishing him much success as he leads this stellar institution to even greater research, education and public service to benefit the region, the State and the Nation.

HONORING RETIRED JUSTICE WILLIAM WAIBLE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a truly respected and dedicated public servant. Recently retired Justice William Waible has spent over 25 years serving as a town justice for the Town of Clarence. Justice Waible is a man of exemplary character who has given the people of Western New York gracious service not only in the courtroom, but in the community, as well.

A graduate of the University of Rochester and Albany Law School, Justice Waible has been a town justice since 1982. He practiced law for over 40 years and has served as a Professor at Erie Community College for 21 years.

Justice Waible has worked as a criminal and civil lawyer, an arbitrator for the American Arbitration Association, an Administration Hearing Officer for the Erie County Health Department, and as counsel to the Erie County Legislature.

In the community, Justice Waible has been a member of many community organizations including the Clarence Lions Club, the Clarence Historical Society, the Clarence Concert Association, the Millard Fillmore Suburban Hospital Liaison Committee, the Board of Directors of the Community Action Organization, the Friends of the Clarence Library, and the Council of Advisors at Villa Maria College.

In addition to his involvement in various community organizations, Justice Waible has also coached children's soccer, softball and baseball.

Justice Waible is, without a doubt, an asset to Western New York. The kind of commitment Justice Waible has made to his community is something rarely seen, and should be applauded.

Madam Speaker, in recognition of Justice William Waible's remarkable contributions to the community, I ask this Honorable Body to join me in honoring him, in grateful appreciation for his extraordinary service to the people of Western New York.

HONORING JAMES FLUKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Fluker of Kansas City, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many Scout activities. Over the many years James has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Fluker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ROBERT "BOB" SUGARMAN

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bucks County resident Robert "Bob" Sugarman for his lifetime of extraordinary accomplishments.

Among his many accolades, Mr. Sugarman is an internationally recognized environmental litigator for his practice, Sugarman & Marks, LLP. Mr. Sugarman has protected countless local, State, and national natural resources, including the Great Lakes, the Hudson and Delaware Rivers, and many irreplaceable local treasures.

In addition to his environmental litigation accomplishments, Mr. Sugarman has also worked tirelessly to protect numerous historic sites throughout Bucks County and the city of Philadelphia. Thanks to his incredible efforts, future generations will be able to experience, appreciate and enjoy the charm, history and beauty of southeastern Pennsylvania.

Besides serving the local and State communities through his involvement with various organizations, Mr. Sugarman was also appointed by President Jimmy Carter to represent America as the United States Commissioner for the International Joint Commission for United States and Canada. In this post he helped found Great Lakes United, an international and interstate effort to protect the precious Great Lakes.

Madam Speaker, Mr. Sugarman is an extraordinary citizen who has helped protect the invaluable natural resources and history of the United States. His efforts have preserved these resources for the future, and he has truly affected the international, national, and local communities in wonderful ways. I am honored to recognize my close friend and mentor, Bob Sugarman, for his many accomplishments.

HONORING THE LIFE AND WORK OF HARRY J. MOORE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor my friend and political compatriot Harry J. Moore, who passed away May 26 at the age of 79. Harry was an educator and political leader in Marin County, California—the kind of leader whose focus and commitment earned him both affection and respect.

Often known as "Mr. Novato," Harry is particularly identified with the town he lived in for over 40 years. He and his wife Callita raised their family there, and Harry worked as a school administrator, coach, and civic leader, including a stint as mayor.

Born in San Francisco in 1929, Harry earned a master's degree from San Jose State University and served in the Army in Korea. He and Callita Temme were married in 1955, moving to Marin County in 1960 when he took a position coaching and teaching at Marin Catholic High School. His career soon took him to Novato where he eventually became a dean, vice principal, and then principal at several Novato schools including Pleasant Valley Elementary, San Ramon Elementary, San Marin High, Novato High, and Hill Middle School. At Hill, Harry spearheaded the construction of a gymnasium.

Harry's political career, stemming from his dedication to education, began with his election to the Marin Community College district board in the 1970s where he promoted the development of the Indian Valley Campus. He served an additional term from 2003 to 2007, when he lost a re-election bid.

In the early 1980s, concerned about environmental and quality standards in Novato, Harry was an active member of the Planning Commission. In 1985, he was elected to the Novato City Council where his leadership as mayor was crucial in resolving long-standing development issues at the former Hamilton Air Force Base. He left the Council in 1994 after winning election to the Marin County Board of Supervisors. There, his expertise on environmental issues (he was a founder of Sustainable North Bay) helped spur the growth of parks and open space.

Despite all these titles and accomplishments, Harry was probably most proud of the title "Coach." He coached football at several schools during the 1960s and 1970s, earning a league championship for Novato High School in 1965.

In addition to his wife, Harry is survived by his four children Lillian, Jeffrey, Charles, and Kate.

Madam Speaker, Harry Moore's accomplishments were a direct result of his focus on kids and on his community. When he saw something that could be done to make the community a better place, he did not hesitate to put himself on the line to make it happen. He was an inspiration, and I will miss his leadership very much. I am proud to honor his legacy here today.

PAYING TRIBUTE TO DR. C. OWEN ROUNDY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Dr. C. Owen Roundy by entering his name in the Congressional Record, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor Dr. C. Owen Roundy for his accomplishments within the Clark County School District, and congratulate him on having an elementary school named in his honor.

Dr. Roundy was born in 1939 in Kanab, Utah. He received his Bachelor of Science in Elementary Education from Utah State University in 1962; his Master of Education from the University of Utah, Salt Lake City, Utah, in 1963; and his Doctoral degree from the University of Nevada, Las Vegas in 1977.

In 1963, Dr. Roundy began his tenure with the Clark County School District where he served as a teacher, counselor, and assistant principal. He served as a principal for 15 years at several schools including Will Beckley, Vail Pittman, and R. Guild Gray Elementary Schools. He also served as Director of Schools, Elementary Education Division; Assistant Superintendent, Elementary Division; Area Superintendent, Elementary Education Division; and as Executive Director, Human Resources Division before his retirement in 1999. In 1995, Dr. Roundy was an inductee to the Educational Hall of Fame—Excellence in Education by the Clark County Board of School Trustees.

Dr. Roundy served on Governor Bob Miller's statewide "Nevada 2000" committee to identify educational goals for the State of Nevada. He served as an adjunct professor for many years at Nova Southeastern University, Las Vegas campus, and the University of Nevada, Las Vegas. Outside the field of education, Dr. Roundy has served many years in a variety of capacities within the Church of Jesus Christ of Latter-Day Saints and was active on various committees and boards for the Boy Scouts of America. He has been a member of The Desert Chorale, a professional symphonic choir, for over 20 years.

Madam Speaker, I am proud to honor Dr. C. Owen Roundy for his accomplishments within the Clark County School District. I congratulate him on receiving the honor of having an elementary school named in his honor, and wish him the best of luck in the future.

SUPPORTING THE CENTENNIAL CELEBRATION OF LYNDON B. JOHNSON

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. REYES. Madam Speaker, I rise today to commemorate the centennial birthday of President Lyndon B. Johnson, a proud Texan with a Texas-sized personality. President Johnson provided the nation with strong leadership following the assassination of President John F. Kennedy, and his enduring legacy includes such seminal programs as Medicare and Medicaid, and the groundbreaking Civil Rights Act and Voting Rights Act.

One area where President Johnson's leadership continues to be felt today is the issue of education. Under his tenure the Bilingual Education Act of 1968 was signed into law. This measure directed instruction in English as well as multi-cultural awareness in the wake of the Civil Rights movement. The Act gave school districts the opportunity to provide bilingual education programs without violating segregation laws. As someone who grew up only speaking Spanish and had to attend a school that only taught in English, I personally know the significance of these actions for students in El Paso and the border region.

I will always remember meeting President Lyndon B. Johnson in the spring of 1965 while I was attending the University of Texas at Austin, and I rise today to honor the impact that he had on our country, and on El Paso. I urge my colleagues to join me in support of this resolution.

IN CELEBRATION OF THE HERITAGE HIGH SCHOOL LADY 'CANES, AAA STATE CHAMPIONS

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise with great pride to call attention to a group of young women who have distinguished themselves, their school, their community, and the Commonwealth of Virginia.

The Heritage High School Girls Varsity basketball team beat Forest Park High School of Woodbridge, VA 50–29 to win the VHSL Group AAA girls state basketball championship game on March 14, 2008. The Lady Canes (30–2) became only the 10th Group AAA team in Virginia state history with 30 wins. This is a remarkable feat and I believe they deserve formal recognition for their accomplishment.

I would like to extend my enthusiastic congratulations to the Heritage High School players and their families, Coach Gardner and the rest of his coaching staff, Heritage High alumni, and the entire Heritage High community for their remarkable accomplishment and wish them a wonderful celebration this Thursday night.

HONORING THE WARWICK FIRE COMPANY ON THEIR 50TH ANNIVERSARY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Warwick Fire Company Station 66 on their 50th Anniversary. This all volunteer fire company has provided outstanding service to the residents of Warwick Township in Bucks County, Pennsylvania and they deserve our praise and appreciation.

The Warwick Fire Company was formed in 1958 by Mr. George P. Forte, together with his brothers-in-law, Mr. John Turco. and Mr. Watson E. Wright. Mr. Forte was elected the first president with Mr. Albert Jamison, Jr. as Fire Chief. On June 12, 1958 a certificate of incorporation was granted and the Warwick Township Fire Company No. 1 commenced operations.

As the son of a former Philadelphia police officer, I know how committed those who put their lives on the line for our safety truly are. Volunteer fire companies across America, just like the Warwick Fire Company, work hard every day to keep our cities and towns safe. The Warwick Fire Company's commitment to our community is undeniable. As their representative, I am proud to be just as committed to providing them and other fire companies with the tools and resources they need to do their jobs. After all, true homeland security means supporting those who keep our families safe.

Madam Speaker, the Warwick Fire Company and the other volunteer fire companies throughout our country need—and deserve—our continued support. On behalf of my family and the families of the 8th District of Pennsylvania, I want to thank the Warwick Fire Company for their tireless and life-saving efforts.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. WOOLSEY. Madam Speaker, on May 22, 2008, I was unavoidably detained and was not able to record my vote for rollcall No. 355.

Had I been present I would have voted: rollcall No. 355—"no"—Akin of Missouri amendment; for rollcall No. 357, I inadvertently voted "no", when I intended to vote "yes"; and rollcall No. 357—"yes"—Tierney of Massachusetts amendment.

PAYING TRIBUTE TO CAPTAIN JASON WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Captain Jason Williams by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Captain Jason Williams, for his continued service with the United States Army and his accomplishments while completing two tours in Iraq.

The son of Mr. and Mrs. J.C. Williams, Captain Jason Williams is the youngest of four children and was born and raised in Las Vegas, Nevada. In 1995, he graduated from Western High School, and enrolled at Prairie View A–M University. After his sophomore year of college, Captain Williams enrolled in the ROTC Program upon completion of basic training at Fort Knox, Kentucky. As a Second Lieutenant, he earned his Bachelors of Science in Biology/Pre-medicine with a minor in Chemistry and Military Science. While in college, Jason was awarded with the Outstanding College Brother of the Year by the Alpha Phi Alpha Fraternity, Inc. He has also been honored with the Retired Officer Association Award and the Reserve Officer Award.

Captain Williams has served various assignments throughout his military career while serving overseas in the Republic of Korea, Friedberg Germany, and his two tours in Iraq. He received a Purple Heart during his most recent deployment in Iraq. He has also received the Bronze Star Medal, the Army Commendation Medal, the Southwest ASIA Service Medal, the Army Service Ribbon, the Global War of Terrorism Expeditionary Medal, and the Global War of Terrorism Service Medal. Captain Williams is married to his wife Jessica, and they have one son, Joshua.

Madam Speaker, I am proud to honor Captain Jason Williams for his accomplishments within the armed services. His leadership and the awards he has received as a result of his actions are truly commendable. I commend Captain Jason Williams for his service to our community, and wish him the best in his future endeavors.

HONORING THE SERVICE OF COMMANDER CLAYTON DIAMOND OF THE UNITED STATES COAST GUARD

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. LOBIONDO. Madam Speaker, I rise today to recognize Commander Clayton Diamond for his service to the United States House of Representatives and for his twenty four years of service to our country in the United States Coast Guard. CDR Diamond was assigned as Legislative Counsel in the

Office of Coast Guard Congressional and Governmental Affairs in May 2006. As Legislative Counsel, he worked directly with the Coast Guard's congressional authorizing committees and was responsible for coordinating the service's advocacy efforts, resulting in enactment of the Coast Guard Authorization Act and other Coast Guard legislative priorities. In my roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues, my staff and I have often relied on CDR Diamond's knowledge and understanding of domestic and international legal matters, as well as operational missions, and roles and responsibilities of the United States Coast Guard.

CDR Diamond enlisted in the Coast Guard in 1984 to attend the Naval Academy Preparatory School in Newport, RI, from which he graduated in 1985. He received his commission from the United States Coast Guard Academy in 1989, where he earned his Bachelor of Science Degree in Management. He also earned his Master of Science Degree in Management from Rennsaelar Polytechnic Institute in 1995, and his Juris Doctor Degree from Case Western Reserve University School of Law in 2000. He served as a 2006–2007 Seminar XXI Fellow for the prestigious Massachusetts Institute of Technology's Center for International Studies.

CDR Diamond's afloat assignments include Commanding Officer, USCGC BAINBRIDGE ISLAND, homeported in Sandy Hook, NJ, and tours as a deck watch officer aboard the High Endurance Cutters SHERMAN and GALLATIN, homeported in Alameda, CA and Governor's Island, NY, respectively. During these afloat tours of duty, CDR Diamond conducted operations in the Atlantic and Pacific Oceans, and the Bering and Caribbean Seas. As Commanding Officer of BAINBRIDGE ISLAND, CDR Diamond was On-Scene Commander during the early hours of the 1996 crash of Trans World Airlines Flight 800. His other operational assignment included serving as Deputy Incident Commander (for Operations) for the Coast Guard Atlantic Area Incident Management Assist Team. During these operational assignments, Commander Diamond participated in the seizure of over $300 million in illegal drugs, the interdiction of hundreds of illegal migrants in the Caribbean, the execution of numerous heavy weather search and rescue cases, and the boarding of numerous foreign fishing vessels in Alaska.

His previous assignments ashore include Coast Guard Liaison Officer to the U.S. State Department (where he served on the U.S. Delegation to the United Nation's International Maritime Organization, and negotiated key security and environmental protection instruments), Principal Assistant District Legal Officer for the Ninth Coast Guard District, Aide to the Superintendent of the Coast Guard Academy and instructor in the Academy's Professional Studies Department.

CDR Diamond is admitted to practice law by the Ohio Bar and, in 2002, was the first Coast Guard lawyer selected to support the Department of Defense's military commissions, where he assisted in preparing prosecution cases for some of the most significant terror suspects in U.S. custody. He has also served as an adjunct faculty member at the Defense Institute for International Legal Studies since 2000 and has conducted numerous maritime safety, security, and law enforcement executive seminars to senior foreign government and military officials throughout Asia, Africa, and Europe. CDR Diamond was appointed and served as a Special Assistant United States Attorney for the Nor-them District of Ohio (2002–2004). In 2002, CDR Diamond was chosen by the American Bar Association as the "Outstanding Young Military Lawyer". In addition to being formally recognized by the Department of Defense's General Counsel for his work on military commissions, he has also earned several State Department "Superior Honor Awards" for his work on the interagency teams that developed the President's National Strategy for Maritime Security (NSMS) and the Secretary of State's International Outreach Strategy for the NSMS, as well as for diplomatic efforts relating to international maritime security. The National Oceanic and Atmospheric Administration also awarded him the "General Counsel's Award" for his work on international environmental protection agreements. His personal military awards include two Meritorious Service Medals, two Coast Guard Commendation Medals, the Joint Service Achievement Medal, and the Coast Guard Achievement Medal.

This week, CDR Diamond will leave his post and retire after 24 years of honorable service to the Coast Guard and the Nation. It has been my pleasure to work with CDR Diamond, and on behalf of all who have also been fortunate to work with him, he will certainly be missed. We wish CDR Diamond, his wife Sharon, and his two children, Katelyn and Alexander, the best in all of their future endeavors.

CONGRATULATIONS TO EAST TEXAS AREA HEALTH EDUCATION CENTER (AHEC)

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PAUL. Madam Speaker, I am pleased to congratulate the East Texas Area Health Education Center (AHEC) on its receipt of the National AHEC Organization (NAO)'s 2008 Eugene S. Mayer Program of Excellence Award. The Eugene Mayer Award is one of the NAO's most precious awards since, in order to even be considered for the award, an AHEC program must demonstrate excellence in all areas of operation.

East Texas AHEC is certainly deserving of this prestigious award. Founded in 1991, East Texas AHEC is headquartered at the University of Texas Medical Branch (UTMB), which provides it access to some of the top medical talent in the Nation. East Texas AHEC operates nine other community health centers across the Gulf Coast. These centers offer a wide variety of health care services to over 14.9 million low-income Texans in 111 counties. Many low-income Texas would have a much more difficult time obtaining quality health care if it were not for the efforts of East Texas AHEC.

It is not just Texans who have benefited from the East Texas AHEC. By assuming a leadership role in advocacy for AHEC's nationwide, as well as providing an example to AHEC across the country of how they could expand their services to help met the health care needs of more low-income Americans, East Texas AHEC has benefited the entire American health care system.

Madam Speaker, I have always been impressed with how dedication with shown by the staff of East Texas AHEC to their mission of developing a quality health care workforce and addressing the unmet health needs of the people of Texas. I am therefore pleased once again extend my congratulations to my friends at East Texas AHEC for their well-deserved receipt of the 2008 Eugene S. Mayer award.

CONGRATULATING CONGREGATION ADATH JESHURUN ON ITS 150TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to recognize and congratulate Congregation Adath Jeshurun in Elkins Park, PA on the celebration of its 150th anniversary. In 1858, three years before the Civil War, this proud congregation was established in the heart of Philadelphia. The congregation occupied many homes before settling down at the current Elkins Park location.

Adath Jeshurun or "The Congregation of the Upright" first conducted services in German and Hebrew. In the years following its establishment, a choir and organ were added to create a more beautiful and spiritually moving experience for participants. Adath Jeshurun's involvement in the founding of the United Synagogue of America in the early 1900's under the guidance of their Spiritual Leader, Rabbi Max D. Klein, continues to be a crowning achievement for the congregation.

Through the guidance of its exemplary leaders and devotion of its committed members, Adath Jeshurun has continued to offer many award-winning educational, spiritual and social opportunities ranging from religious education for members of all ages to youth music programs. The congregation is also dedicated to community service within their place of worship, their neighborhood, and their greater community.

Madam Speaker, once again I would like to honor and acknowledge Congregation Adath Jeshurun for its remarkable congregational passage as a Jewish community in America through the past century and a half. I was so pleased to share in the opening event celebrating this "incredible journey." I ask that my colleagues join me in celebrating this milestone and wishing "AJ" another 150 years of joy—from strength to strength!

PAYING TRIBUTE TO SUSAN SEGAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Susan Segal by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Susan Segal for her service as an educator in the Nevada education system for over twenty five years.

Susan has served the Las Vegas community since she began serving the Clark County School District in 1983 when she aided non-native English speaking students. Her dedication to educating Nevada's youth continued with teaching jobs at both Western High School and Chaparral High School. Susan then transitioned into administrative positions, working as the dean of students at Basic High School in 1994 and later as assistant principal at Desert Pines High School. In 2002, Susan was appointed principal of Basic High School.

Susan has become a commanding figure at Basic High School, where she can often be seen taking a direct interest in students' welfare and seeking advice and opinions from fellow staff members. Since her installment as principal, she has implemented the Upward Bound Program, accompanied the Spanish Club to Mexico and the "We the People" students to Carson City. She initiated regular meetings with the Advisory Council for the Law, Justice, and Public Service Institute. She has also acquired the proper funding to open the Dr. Joel and Carol Bower School-Based Health Center on the Basic High School campus. Susan's devotion to the Clark County School District has expanded her students' high school experiences as well as Nevada's educational system as a whole.

Madam Speaker, I am proud to honor Susan Segal. Her dedication to enriching lives through education has touched countless Nevadans. I applaud her efforts and wish her the best in her future endeavors.

FREEDOM FOR ERICK JESUS VALDES ALVAREZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Erick Jesus Valdes Alvarez, a political prisoner in totalitarian Cuba.

At a time when the totalitarian regime is trying to gain acceptance from the international community by enacting smoke and mirror "reforms", we see that the repressive machine is still working hard to make every Cuban on the island suffer for having a mind of their own. Such a case is Mr. Valdes Alvarez. In November of 2007, Mr. Valdes Alvarez was categorized as a "pre-criminal social danger" for being a member of the Youth Movement for Democracy, a group that calls for the autonomy of the universities so that they become true places of thought and learning separated from the ideology and influence from the propagandist, totalitarian dictatorship.

At that time Mr. Valdes Alvarez was sentenced to 3 years of forced labor, which is the totalitarian regime's idea of "correctional work" for those who associate themselves with groups that express free thinking. Although he escaped imprisonment, the "probation" imposed on him did not last half a year. On April 25 of this year his "probation" was revoked and he was arrested by agents of the tyranny. Mr. Valdes Alvarez, a young man of only 25 years of age, now sits in one of the prisons of Castro's gulag without being charged for any crime.

What exactly did Mr. Valdes Alvarez do to cause his designation as "dangerous" and his cruel incarceration? This is impossible to fully know in the totalitarian circus of present day Cuba, but perhaps the regime was afraid of the courage and patriotism demonstrated by Mr. Valdes Alvarez.

Mr. Valdes Alvarez represents the best of the Cuban people; a people that, through brutalized and oppressed for almost half a century, have never ceased to fight for their dignity and their freedom.

Madam Speaker, it is unconscionable that students like Mr. Valdes Alvarez are locked in dungeons for simply expressing a desire for freedom and an education free of indoctrination. My colleagues, we must demand the immediate and unconditional release of Erick Jesus Valdes Alvarez before his imprisonment turns into a death sentence, and of all the political prisoners in totalitarian Cuba.

IN RECOGNITION OF THE OUTSTANDING WORK BY SHEMEKA GREAVES, A TSO AT CHICAGO O'HARE INTERNATIONAL AIRPORT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, Today, I would like to recognize the outstanding work of Ms. Shemeka Greaves, a Transportation Security Officer at the Chicago O'Hare International Airport. On May 7, 2008, Ms. Greaves positively identified an 8-year old girl who had been declared "missing" the previous week and was traveling from Chicago to Atlanta. After seeing the girl's photo in a newspaper article, Ms. Greaves recalled screening the girl along with a female passenger on the morning a few days earlier. A subsequent review of checkpoint surveillance tapes showed the missing girl going through security with a female companion. Ms. Greaves' awareness and vigilance at security checkpoint was crucial in an effort to confirm the identity of the missing girl and facilitated law enforcement officials to successfully complete their investigation and reunite her with her father.

The National Center for Missing and Exploited Children confirms that in our country alone, more than 2,700 children are being reported missing every day. In the last few years, Congress has passed several legislative landmarks, including the Adam Walsh Child Protection and Safety Act of 2006, which addresses this issue and has fortified government efforts and mechanisms in place to reunite missing children with their families and loved ones. In addition to these government-wide efforts, law enforcement officials across all agencies remain vigilant, cautious and responsive to special alerts for missing children. Ms. Greaves, our frontline security officer at Chicago Airport, contributed to this effort, and is a great example of the caliber of employees across the Transportation Security Administration (TSA) that contribute, every day, to making our skies more secure.

TSA is responsible for securing 450 U.S. airports and employs approximately 50,000 Transportation Security Officers (TSOs) who have the very important mission of keeping the travelling public safe from terrorist threats. In the course of executing this critical homeland security mission, Transportation Officers carefully screen and inspect people, baggage, cargo and the airport. Ms. Greaves' alert, timely action serves as a great example of how TSOs, our Nation's aviation security "eyes and ears," can partner effectively with law enforcement to address criminal activities.

Madam Speaker, I ask that you and my colleagues join me today and congratulate Ms. Shemeka Greaves for her outstanding performance as a front-line homeland security officer. She, like many other TSOs in the field, has shown strong character and a commitment to protecting the flying public that goes above and beyond what is expected. As a result, Ms. Greaves helped ensure that a missing little girl child was returned to her home.

TRIBUTE TO JERI MILSTEAD, PhD ON THE OCCASION OF HER RETIREMENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. KAPTUR. Madam Speaker, I rise to recognize the remarkable career of Jeri Milstead, PhD in my district. Dr. Milstead is retiring in June 2008 after decades of illustrious nursing and public service.

Dr. Milstead serves as Dean of the College of Nursing at the University of Toledo. Throughout her tenure, first at the Medical College of Ohio and since following the merger with the University of Toledo, Dean Milstead has led the College of Nursing with an integrity and quality which is rare. Her talent in nursing is matched by her gift as a teacher and mentor, her passion for policy, and her skill as a leader.

Dr. Milstead holds a PhD in political science with majors in health policy and comparative politics from the University of Georgia. She received both her Master of Science and Bachelor of Science in Nursing from Ohio State University, graduating cum laude. She holds a nursing diploma from Mt. Carmel Hospital School of Nursing. One of only 1500 out of nearly three million nurses, Dr. Milstead is a Fellow of the American Academy of Nursing. She is board certified as a Nurse Executive Advanced. Dr. Milstead is also a founding member of the Nightingale Policy Institute, a virtual gathering of U.S. policy nurses. She serves as Chair of the Board of Commissioners of the Commission on Nurse Certification. She is a member of the Health Policy Council of the Ohio Nursing Association and the American Academy of Nursing's Expert Panel on Global Health. Appointed to the Toledo Lucas County Port Authority, Dr. Milstead has traveled to China, Cuba, and Jordan and evaluated programs in these countries.

Jeri Milstead has received many awards and accolades throughout her career. She was awarded the American Nursing Association's first Search for Excellence Award. She has been honored by Ohio's General Assembly for her leadership and service. She was awarded a Duquesne University Creative Teaching Award for her pioneering design and implementation of the first online course taught in the first online nursing PhD program offered in the world. Her own institution recognized her efforts by awarding her its Career Achievement Award.

Internationally respected as an expert in public policy and the politics of health care, Dr. Milstead is well-published in this arena and nursing. In addition to several books and journal publications, she was Editor-in-Chief of The International Nurse for eleven years until its recent cessation.

Jeri Milstead has been a guiding light in nursing and health care worldwide. Her caring work has been inspirational, and her counsel invaluable. tier retirement leaves shoes nearly impossible to fill, yet her imprimatur is everywhere: in her profession, the university, our nation and world. She will most certainly be missed. As she begins this new journey in her life we wish for Jeri time spent doing what she most enjoys with those for whom she most cares. Godspeed.

RECOGNIZING WESTCARE HEALTH SYSTEM FOR THEIR DEDICATION AND SERVICE TO WESTERN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. SHULER. Madam Speaker, I rise today to express my gratitude to all of the employees of WestCare Health System.

When an unexpected event occurred at a neighboring hospital in Western North Carolina, the physicians and staff of WestCare Health System, which includes Harris Regional Hospital, recognized the urgency of the situation and took action to address a regional health care crisis. They made the necessary adjustments to serve both those in need of health care, and the professionals responsible for providing vital services, such as surgery and emergency care.

The services and credentialing staff of WestCare worked long hours to assist displaced physicians in obtaining the proper clearance needed to treat patients and perform surgeries at Harris Regional Hospital. Despite the increased patient volume, every member of the staff stepped in to do their part to help, ensuring that Harris Regional Hospital remained a clean, safe place to receive medical treatment.

The flexibility that this staff showed through this time is truly something to be appreciated and admired. The increased workloads were a challenge to both the professional and personal lives of the WestCare staff. Projects were put on hold, sleep was lost, and family time dwindled. For this, on behalf of the patients that were able to obtain care at this facility, who may have otherwise had to do without, I would like to say thank you for the sacrifices that you made in order to make sure they had the care that they needed.

I would like to commend and thank all of the staff of WestCare for ensuring that every patient that walked through their doors would receive the high quality health care that they deserved from staff and were treated in a friendly and efficient manner.

The region has noticed WestCare Health System's efforts. Community leaders have recognized the staff's response and dedication. Patients have expressed their appreciation through letters to WestCare's CEO Mark Leonard. This brand of endurance and care for our neighbors when they are in need is not only a characteristic of the WestCare staff, but rather of the people of Western North Carolina.

I am proud to represent an area where I know that we can count on those around us to help us in times of trouble. To the staff at WestCare, I cannot thank you enough for your hard work and dedication to serving those around you in a time of need.

IN MEMORY OF KEITH AND JAYNIE PAULSON, VINCE WHITELEY, AND JENNIFER DRAKE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. THOMPSON of California. Madam Speaker, I rise to honor the all too short lives of Keith and Jaynie Paulson, Vince Whiteley, and Jennifer Drake, residents of my district, who died tragically in a small plane crash on May 23, 2008.

The epitome of the all-American family, Keith and Jaynie Paulson moved to the village of Albion on the Mendocino coast in northern California in 1976 and immediately became an integral and respected part of the community. A former high school science teacher from the Bay Area, Keith originally planned to develop hydroponic greenhouses.

Once he purchased a tractor, he was hired to do jobs for neighbors and then through word of mouth he found a niche digging trenches and installing underground utilities. In 1977, Paulson Excavating was born with Keith at the helm and Jaynie the chief financial officer. By 1981, the company had grown to the point of bidding on jobs in and outside of Mendocino County installing telecommunications components and doing projects for public agencies including cities, counties, special districts and the State. Their workforce grew from a core of 15 to as many as 75 employees.

Known and respected by their peers for exemplary business practices, the Paulsons were also beloved by colleagues and neighbors on the Mendocino coast, where their roots were deep. They raised two children, Amy and Brian, and were involved in their school, sports and other extra curricular activities. Bryan continues the work of Paulson Excavating. Amy is mother to the 3 Paulson grandchildren: Lincoln, Jackson, and Anna.

Jaynie served on the Mendocino Unified School District Board from 1991 until 2004. Keith also served for a short time on the school board and was the coach of the Mendocino High School golf team. He was a member of the Albion-Little River Volunteer Fire Department for 7 years and held various officer positions. A meticulous and expert pilot for 25 years, Keith was appointed as pilot representative to the Little River Airport Advisory Committee in 2007 by the County of Mendocino.

The tragedy, which took their lives, also claimed Amy's husband, Vince Whiteley, a graphic artist from Windsor and Bryan's longtime girlfriend, Jennifer Drake from Albion. The Mendocino coast community is left with a hole in the hearts of so many. Accolades and tributes to this sterling couple and their children's mates help the grieving as we try to make sense of their loss.

Madam Chair and colleagues, please join me in conveying our deepest sympathy to the children, loved ones, and the community, during this sorrowful time as we recognize and honor the lives and contributions of Keith and Jaynie Paulson and Vince Whiteley and Jennifer Drake.

HONORING RICHARD R. NIEMANN OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Richard R. Niemann on the occasion of his retirement from the Napa Valley Unified School District after 39 years of teaching. Richard will be truly missed by his friends, colleagues and most of all, his students.

Mr. Niemann received his B.A. in History and Business Administration from Fresno State University and went on to graduate studies in International Relations at the University of the Americas in Mexico City in 1969. His love for learning led him to get his teaching credential from Fresno State University in Standard Secondary-History, Economics, Political Science, and Business. In 1976, Mr. Niemann received a Life Administrative Credential in Education and his M.A. in History from Sonoma State University in 1981.

Mr. Niemann has devoted his life to the education of others and has greatly influenced many of the students and faculty members he has worked with. He is not only a phenomenal educator, but a sterling role model for the community. Among many other achievements and activities, Mr. Niemann was co-chair of the NVUSD Educational Plan Committee for the new American Canyon High School from 2005–2006. He also coordinated National History Day for Napa County Schools, with more than 2,000 students participating annually from 2000–2004. Mr. Niemann has reached out to get others involved, serving as a delegation leader for the "People to People" Student Ambassador Program. The program attracted participants from Russia, Latvia, Lithuania, New Zealand, and Australia. He has been a mentor teacher, track coach, and has always made himself available after hours to work with parent volunteers.

Mr. Niemann strives to not just teach history, but to experience it. He has traveled to 49 countries on six continents. He has consulted with educators and observed schools in Mexico, Fiji, Russia, Germany, Japan, Central America, South Africa, India, Kenya, Thailand, Costa Rica, and Nicaragua.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Richard R. Niemann for his many years of service to the Napa Valley, and to thank him for his contributions to the community. I join his wife, Marsha, his children, and our colleagues in wishing him the best as he enters this new phase of his life.

PAYING TRIBUTE TO COLONEL MICHAEL L. BARTLEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Colonel Michael L. Bartley by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Colonel Bartley for his distinguished service to the United States Air Force and his exemplary record as Commander of the 99th Base Wing at Nellis Air Force Base, Nevada.

Colonel Bartley has had a long and illustrious career as an airman. Having graduated from the United States Air Force Academy in June 1983, Colonel Bartley distinguished himself in his early duty assignments as an A/OA–10 and F–16 instructor pilot. He also performed duties as a weapons officer, flight evaluator, flight commander, assistant operations officer, deployment commander, and served as a member of the 354 TFW Gunsmoke team in 1987.

During Operation Desert Storm, Colonel Bartley flew over 40 combat missions over Iraq in the OA–10 and flew 65 combat missions over Northern Iraq in the F–16C during Operation Provide Comfort and over Southern Iraq during Operation Southern Watch as the Operations Officer of the 523rd Fighter Squadron. Following his tenure in the Middle East, Colonel Bartley served as Vice Commander of the 35th Fighter Wing at Misawa Air Base, Japan and was subsequently assigned to serve as the Commander of the 99th Air Base Wing at Nellis.

Over the course of his career as an airman, Colonel Bartley has been highly decorated. Colonel Bartley has been awarded the Legion of Merit, the Distinguished Flying Cross with Valor, the Meritorious Service Medal with 4 oak leaf clusters, the Air Medal with 6 oak leaf clusters, the Air Force Commendation Medal, the Air Force Organizational Excellence Award and numerous other accolades and awards.

Madam Speaker, I am honored to be able to recognize Colonel Michael L. Bartley. His dedication to defending freedom and his exemplary record of service illustrate that Colonel Bartley is a true American patriot. I thank him for his service, applaud him on all his successes and wish him the best in his future endeavors.

THE 52ND REUNION OF THE U.S. AIR FORCE'S 4080TH STRATEGIC RECONNAISSANCE WING

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mrs. BACHMANN. Madam Speaker, recently in Del Rio, Texas, the veterans of the U.S. Air Force's 4080th Strategic Reconnaissance Wing held their 52nd and final reunion.

I am proud to say that many of Minnesota's finest have served in this distinguished outfit, including the man who shared with me their incredible achievements, Minnesota native Jim Wemple, Airmen 2nd Class, who joined the unit the year it was formed, 1956.

The 4080th is one of the most distinguished units in the great history of the American armed services. In fact, it holds the distinct honor of being the highest decorated unit in the Air Force during peace time. The unit has received a Presidential citation, and its members have been awarded the highest honors afforded by the military, including the Silver Star and the Medal of Honor.

With skill and courage, the 4080th flew critical recon missions time and again, including many daring missions during the Cold War. Their efforts and sacrifices averted conflicts, saved lives and secured peace.

The brave patriots who served in this unit have played a pivotal role in many of the defining events of the 20th Century. With courage and dignity, they put their lives on the line to defend our flag and our freedoms and these men truly deserve our undying gratitude.

And so it is my honor to recognize and pay tribute to the all the men of the 4080th Recon Wing. We must always hold the American serviceman in our hearts, for, as General MacArthur said, they hold America's destiny in their hands.

HONORING ALWARD AND HENRY MEEKER POST 2833 AND LADIES AUXILIARY, VETERANS OF FOREIGN WARS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Alward and Henry Meeker Post 2833 and the Ladies Auxiliary, Veterans of Foreign Wars, Kenvil, Township of Roxbury, County of Morris, New Jersey, as we commemorate the Post's 75th Anniversary.

VFW Post 2833 was formed during the winter months of 1932 and 1933 in a road stand which is now the office of the Kingtown Mountain Motel. Twenty-one other charter members were recruited by Frank Van Houten, a Spanish American War veteran, after his move from Paterson, New Jersey to Netcong. Mr. Van Houten was previously a member of the Alexander Hamilton VFW Post 139, Paterson. Netcong had already formed a post a year earlier, but Mr. Van Houten and his recruits from the Netcong/Succasunna area sought to establish their own Post.

The Post was named in remembrance of two brothers, Private Alward Wilson Meeker and Private Henry Fordham Meeker Jr., who both died during World War I. The brothers were sons of Henry F. and Charlotte H. Meeker, who operated a general store on Main Street in Kenvil. On Flag Day, June 14, 1933, the A & H Meeker VFW Post officially was chartered with Frank Van Houten as its first Commander. The Ladies Auxiliary was chartered on October 13, 1933. Ruth Hart was its first President.

On January 12, 1935, Post charter member John Kasweck and Auxiliary charter member Margaret Kasweck deeded land for the new Post home. The members signed for a bank loan to cover the cost of building materials and held fundraisers and dances to pay off the debt. The loan was repaid by the early 1940s, so by the end of World War II, returning veterans had an established post to join.

In the late 1960's a merger took place between Alward & Henry Meeker 2833 and Roxbury Memorial Post 10135, including the Ladies Auxiliaries. The Post retained its name.

During 1988 additions were completed for the Post building, and land was purchased for a parking lot. The flag pole was moved to its present position at the Post building. Sidewalks and wheelchair access were also added, but funds fell short, and loans were once again given by members. In the 1990's the Post and Auxiliary joined forces, sponsoring spaghetti dinners to meet the obligation of these loans.

Today, the Post celebrates its 75th anniversary. The members take pride in all the service they have provided to our veterans and the community of Roxbury Township over many years.

Madam Speaker, I am privileged to honor the Alward and Henry Meeker Post 2833 and the Ladies Auxiliary, Veterans of Foreign Wars. I urge you and my colleagues to join me in congratulating the members of this valuable, dedicated organization for their seventy-five years of service!

IN HONOR OF THE STUDENT GRADUATES OF SADDLE RIVER'S YOUTH LEADERSHIP PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GARRETT of New Jersey, Madam Speaker, today, the Saddle River Police Department will hold its Youth Leadership Program graduation ceremony with the students of the Wandell School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Timothy McWilliams, Superintendant Dr. David Goldblatt, teachers, Mike Nussear and Glen Stokes.

The Saddle River Youth Leadership Program allows children to defeat the negative cultural influences that they are challenged with daily by opening the lines of communication between law enforcement and youth and empowering them with confidence and courage to say no to drugs.

I am proud of the young boys and girls who participated in this program at the Wendell School, and I would like to recognize them all for taking this step toward positive citizenship:

Jeffrey Conocenti, Scotty Derosier, William Fullerton, Sydney Hayday, Samantha Holder, Ellie Hughes, Ankit Kakar, Baasil Khalil, Jeffrey Korb, Nathan Levin, Kyler McVay, Courtney Micallef, Joshua Moll, Rachel Pasternak, Bailey Pennell, Dylan Pierz, Anne Pless, Glennis Walter, Francis Ahearn, Victoria Amimiroumand, Alejandro Asef-Sargent, Nicholas Biondi, Connor Bovino, Kristyn Del Campo-Banrevy, Shannon Duggan, Alex Formento, Ashley Holder, William Hughes, Woody Kim, Skyler King, Tyler Levin, Julia Massimi, Michelle Ritota, Russell Simmons, Jennifer Vincent.

PAYING TRIBUTE TO CAPTAIN LARRY BOUNTY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Captain Larry Bounty by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Captain Larry Bounty for his life and accomplishments, and applaud him for 30 successful years with the Boulder City Fire Department.

Larry began his fire service career as a volunteer Fire Fighter with the Boulder City Fire Department in 1975 while working for the Los Angeles Department of Water and Power at Hoover Dam. He was then hired as a full time career Firefighter in 1978 and would spend the next 30 years with the Boulder City Fire Department. During Larry's career, he has held many different positions and assignments. He was a Firefighter/EMT, an Engineer, and for the last 18 years he was a Fire Captain of A Platoon.

He was one of the department's first arson investigators and eventually, the department's only fully post certified investigator. He was also instrumental in improving the city's emergency dispatch procedures, which resulted in faster response times and saved lives. When the Boulder City Fire Department decided to upgrade its Emergency Medical System, Larry became heavily involved in the project. He helped lay the groundwork for the transition from an intermediate based program with little invasive skills, to a full-blown Advanced Life Support paramedic program which has been hugely successful throughout the community.

In the 30 years he has spent in the fire service, Larry has been honored several times for his service and valor to our community. He has been honored with both the Valley of Heroes Medal and with the Medal of Valor.

Madam Speaker, I am proud to honor Captain Larry Bounty for his distinguished accomplishments during his 30 years at the Boulder City Fire Department. His dedication to his career and the community is a true testament to his character. I wish him the best of luck in his future endeavors.

IN RECOGNITION OF LEE FOSTER

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Ms. SPEIER. Madam Speaker, I rise this evening to praise and thank the dynamic, effervescent and talented Lee Foster for her service to the community and congratulate her on winning Hillbarn Theater's highest honor, the Bravo! Award.

Madam Speaker, there are few areas of this country with a finer performing arts tradition than the San Francisco Bay Area. With top-notch professional theaters, operas, symphonies and dance companies, not to mention first-rate venues for live music and comedy, Northern Californians have a phenomenal choice for live entertainment. In this competitive, excellence-driven market, it is remarkable that a community organization like Foster City's Hillbarn Theater can not only survive, but thrive.

Much of the credit for this is attributable to Lee Foster. Just ten years ago, Hillbarn was in dire straits. Faced with a debt in the hundreds of thousands of dollars, a dwindling audience and a roof the fire chief said wouldn't support his crew in the event of a fire, this proud institution, that entertained my family and thousands of others for more than a generation, was about to close its doors.

When Lee took the helm as Executive Director, she set four goals: Hire a top notch Artistic Director, create new and strengthen existing relationships with local communities, build a sound financial foundation and most urgently, repair the roof.

With the help of volunteers and a committed Board of Directors, Lee accomplished her goals. And in the process, Madam Speaker, she made the 12th Congressional District of California even more inviting than it was when she started.

On top of her remarkable management and fundraising skills, Lee is also a many-faceted and inspiring performer. I have been fortunate to be in her audience for numerous productions and Lee has never been short of amazing.

Lee's hard and selfless work has led to hundreds of opportunities for local actors, singers, dancers, set constructors, lighting and sound techs, and all the other volunteers who make community theater possible. Without Lee Foster, my blessed, beautiful and entertaining district would be a little less beautiful and entertaining.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 3, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,916 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,916 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 3, 2008, 12,916 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

RECOGNIZING IMPORTANT CONTRIBUTIONS OF NATIVE AMERICANS TO ARMED SERVICES

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. INSLEE. Madam Speaker, today, I became a cosponsor of the Code Talkers Recognition Act of 2007 (H.R. 4544), a bill that recognizes the service of members of Native American Tribes in our Armed Services as Code Talkers in World War I and World War II. Code talking was made famous by the members of the Navajo Tribe who served in the Pacific in World War II, and we have rightfully recognized this service by the granting of such medals to these veterans in 2000. However, members of 17 Native American Tribes also used their languages as unbreakable, top secret codes, on the Western front in World War I and on all fronts in World War II.

Time is running out to recognize these heroes. Ruth Frazier McMillian resides in my home State of Washington. She is the daughter of Tobias Frazier, a Choctaw Code Talker who risked his life to serve in the 36th Division of the American Expeditionary Forces, who helped the Americans win several key battles in the Mousse-Argonne campaign. I am told that this was the first time that a Native American language was used in an overseas battle for Americans. Mr. Frazier was wounded in battle and received a Purple Heart. It is my hope that Congress considers H.R. 4544, to honor the service of Tobias Frasier, his family and the many others who deserve the honor of a gold medal.

HONORING TREVOR PARRISH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trevor Parrish of Blue Springs, Missouri. Trevor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1138, and earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many Scout activities. Over the many years Trevor has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trevor Parrish for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

You are all-powerful, Lord, and worthy of highest praise. Your power is great, and there is no limit to Your wisdom.

We, as Your people, as a Nation, are truly a tiny part of Your vast creation. Yet, we wish to praise You.

It is You Who move and act in any of us and take delight in our offering You praise. For You are to be found within us.

When we desire to create equal justice for all people, it is You Who plant the desire in us.

It is You Who plot out the ways we position ourselves for the future and lead Your people to insight and consensus.

When we long for peace in such a deep way that we are willing to lay down armaments and take our place at the table of negotiations, then we know it is You Who make us instruments of secure peace and begin the ending of hate and violence.

Lord, You have made us. You made us for Yourself so our hearts are restless now and we will not rest until we rest in You forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

ENERGY AND GAS PRICES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to urge my colleagues to join us in bringing down the price of gasoline and securing our energy supply.

Last December we enacted legislation that began to redirect our Nation's energy policy so it is clean, secure, and invests in our workforce.

In May we passed the Gas Price Relief for Consumers Act of 2008, legislation which gives the U.S. authorities the ability to prosecute those who engage in anti-competitive behavior, like the cartels such as OPEC.

Just last month we also passed the Renewable Energy and Job Creation Act of 2008, which will provide needed investments and security to renewable energy and energy efficiency industries.

With the passage of all these bills and others, we are reducing our dependence on oil to bring down the record gas prices, secure our Nation's energy supply, and create hundreds of thousands of green collar jobs.

I urge my colleagues to help our businesses and consumers and struggling families to support all of these efforts.

AMERICANS DEMAND ACTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the American people are fed up with rising energy prices. They are fed up that the leadership here in Washington does not seem to have the will to step forward and make tough decisions so that we can begin to ease the pain at the pump.

I am proud to be working with many of my colleagues in the House of Representatives to try to bring real relief to the American people. In particular, I am proud to be supporting legislation such as the American Energy Independence and Price Reduction Act that would open up a small part of ANWR for energy production and exploration today and use funds obtained through the sale of land leases to invest in alternative energy sources for tomorrow.

These plans would adhere to the strictest environmental requirements in our Nation's history. This type of comprehensive approach is direct. It is timely. It is vital to building a stronger strategic energy portfolio.

The American people demand and deserve action.

In conclusion, God bless our troops, and we will never forget September the 11th.

HONORING THE LIFE OF JACK MILDREN

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Madam Speaker, I rise today to honor the life of a remarkable Oklahoman.

Jack Mildren passed away on Thursday, May 22, following a 2-year battle with cancer.

Jack was born in 1949 and later was a Texas high school football star who chose to attend college in Oklahoma.

Known as the "Godfather of the Wishbone," Jack led the University of Oklahoma football team in an appearance in the 1971 "Game of the Century," along with being the MVP of a Sugar Bowl win. He's most widely recognized for laying the foundation for the success of the Sooner football program for years after his graduation. Jack left OU an Academic All-American and went on to play professional football for three seasons.

Jack was not only a football star but also a civic leader and an outstanding public servant. He was elected as Oklahoma's 22nd Lieutenant Governor. Most recently, he served as a banker as well as a beloved Oklahoma sports radio host.

Jack Mildren will not only be remembered by his wife, Janis; and children, Leigh, Lauren, and Drew; but by all Oklahomans for his contributions to the history of our State.

We will miss you, Jack.

CLEAN COAL-DERIVED FUELS FOR ENERGY SECURITY ACT

(Mrs. CAPITO asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today because gas prices at the pump are just a symptom of our growing addiction to foreign oil and inaction by this House leadership.

For our wallets and for our national security, we need to become more energy independent. Congress should start now to develop more of our domestic energy supply. And one of those more affordable and abundant supplies of energy we have now is coal. With over 250 years of reserves, the United States has the world's largest coal reserves.

Last night I introduced H.R. 6170, the Clean Coal-Derived Fuels for Energy Security Act, to reduce our reliance on foreign oil. My bill is clear: It will establish and mandate 6 billion gallons of clean coal-to-liquid fuel by the year 2022. Coal can be converted through proven, existing modern technology into clean, synthetic oil and be economically viable, resulting in lower prices at the gas pump.

We need to be serious about becoming more energy independent. West Virginians deserve a comprehensive long-term solution that provides real stability and actually leads to the creation of new energy. Coal-to-liquid fuel will create an investment in rural communities, good-paying jobs for Americans, and cheaper energy for Americans.

SUPPORT H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of H.R. 3021, a bill that will help our local schools build the high-quality classrooms that our students deserve.

This responsible legislation, which we will consider today, provides for needed investments in public school facilities, investments that will result in improved student performance.

Our Nation's public school facilities are in disrepair. This is a disgrace, and it impedes our students' ability to learn. Local education agencies want to make a difference, but they need our help.

With our younger students, we know that maintenance issues draw them away from focusing on what they need to focus on in the classroom, when they see chipping paint, water dripping from ceilings, poor heating and cooling. We need to change that. And older students cannot be prepared for the 21st Century if they don't have a 21st Century classroom.

These examples are not just anecdotal. There is firm evidence that suggests that we must invest in our school facilities in order to improve students' performance. By failing to do so, we are sending our youth a message that we don't care about them.

So I hope that my colleagues will vote with the best interests of our students and vote on this legislation in the affirmative today.

AMERICAN ENERGY INDEPENDENCE

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Madam Speaker, it's high time Congress acts on high gas prices. The American people are crying out for help and assistance; yet this Democrat Congress is doing nothing when it comes to energy independence for Americans.

Finding a comprehensive long-term solution is what the American people want so that we can be energy independent, or at least more energy independent than we are today.

Conserving is a sign of personal virtue, but we cannot conserve our way to American energy independence. The Democrat plan is only conservation and it's only tax increases.

On our side of the aisle, we are trying to reach out to the Democrats and say that we must have energy exploration here domestically.

When it comes to energy, America needs to rely on its own ingenuity and innovation, not the Saudi royal family.

LEADERSHIP DEMANDS ACTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, Americans are demanding action as they're being battered by sky-high gas prices.

The relentless unwillingness to act by this majority has left my constituents fuming and looking for action, not more of the same rhetoric and politics.

We sit at the precipice of four dollar gasoline. How much higher do these costs have to go before the majority will act? Five dollars? Six dollars? Ten dollars? Is the Democrat majority so out of touch with the American people?

On this side of the aisle, we have produced an action plan to increase access to new sources of energy, increase American production, encourage alternative fuels, and incentivize conservation. We are ready to act.

Madam Speaker, gas prices have increased 70 percent since you took control of Congress, and it's your duty to act. I call on you to allow the responsible Republican energy plan to come to this floor.

Madam Speaker, idleness is not leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HELP OUR FAMILIES

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, I learned yesterday from reports that the State of South Carolina has the lowest gas in the Nation. It was reported that the average gas price in South Carolina is $3.79, and most other States have an average of about 20 cents higher or right at $4.

A lot of people would think that's good news. In fact, some would give me the opportunity to congratulate South Carolina. But I'm not going to use this platform to deliver good news because it's not good news.

It's not good news to the South Carolina citizens or citizens anywhere in this country. What would be good news is to see that the "commonsense" energy plan that was promised by the majority party is brought to the floor.

I am tired of my families putting their hard-earned paychecks into their tanks every week, Madam Speaker. The American citizens need good news, and we need to bring energy legislation to the floor now to help our hard-working families.

COAL TO LIQUID AS AN ALTERNATIVE ENERGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, according to the Energy Information Agency, the United States currently imports 60 percent of its oil, and that number is expected to rise to 75 percent in the coming decades. As a country, we need to reduce our dependency on foreign fuel sources and start implementing alternative energy sources that can be found here in the United States.

Imported fuels such as crude oil and natural gas are costing this country millions of dollars a year, accounting for about one-third of the U.S. trade deficit. At $45 a barrel, liquid coal fuel is a desirable alternative to the $120 or more barrel of oil. Not only does this innovative fuel cost less, but also coal is one of the most abundant resources in our country.

As Congress continues to explore the use of alternative energy sources, we need to look closely at the enormous benefits of coal-to-liquid technology.

PENCE DEMANDS ACTION ON HIGH GAS PRICES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The national average cost of gasoline at the pump today is $3.98 a gallon. When I was home over the Memorial Day break, one Hoosier after another stopped and asked me the same question. They said, MIKE, what is it going to take? What is it going to take for Congress to take action to give the American people more access to American oil?

The reality is today that the Democrat majority thinks that we can tax our way to lower gasoline prices. A few weeks ago, they actually passed legislation suggesting we could actually sue our way to lower gasoline prices. But the American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil.

We must take action now to allow additional drilling in environmentally responsible ways on American soil off American shores so the American people can increase global supply, reduce the price of oil, and bring real relief to families and businesses and farmers at the pump.

ENVIRONMENTALISTS HAVE GONE BATTY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, out on the arid, dusty high plains of west Texas, where the land was once the home of thousands of oil derricks, the landscape is now dotted with windmills—the new turbine clean energy. Texas is the wind energy capital of North America, supplying power to over 1 million homes.

But now the environmental fear lobby wants to stop these turbines because they may pose a threat to bats and birds. They are the same radicals who have successfully prevented America from drilling for more crude oil at home, like in west Texas. These are the same batty people who have demanded we go to wind energy in the first place.

Now they are worried about the bats and the birds that fly at night may be running into the windmills. Of course, there is no evidence to support this bat mania claim. Anyway, we all learned in third grade bats have a radar-like ability to navigate at night in caves and open terrain. The National Academy of Sciences stated: Birds have more to fear from high buildings, power lines, and cats than they do from the blades of windmills.

We cannot allow the rich elites of the environmental fear lobby to destroy America's energy production. Otherwise, we will all end up going back living in the dark caves, with the bats.

And that's just the way it is.

WHY ISN'T AMERICA DOING MORE?

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Madam Speaker, back home in Texas I visited with families whose cost is so high that one woman in Bridge City told me she doesn't even go to Wednesday night church. She can't afford to drive to it. Just on Sunday. I talked to small businesses that now work, painters and plumbers and others, who now basically work for free because gas prices have eaten up all their profits. I visited this last week with our law enforcement agencies, who are no longer able to be proactive in the community. They are just responding to calls because they burned through much of their fuel budget for the year already.

In each case, every one of them asked me, Why isn't America doing more? Why isn't America taking more responsibility for our own energy needs? We import two-thirds of all we use. We are capable of doing more. In each case, they said, Look, take a message back to Congress. No more gimmicks. No more gimmicks. We need more American-made energy here in the United States to get our fuel prices down, to be less dependent on Middle East fuel, to have some say over the prices that our families and small businesses pay.

COMPREHENSIVE ENERGY STRATEGY

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, as oil prices continue to climb, increasing American energy production is critical to meeting this challenge. Yesterday, the Department of Energy announced a $715,000 grant to my alma mater, the University of Louisiana at Lafayette, to develop more effective ways to drill for oil. Students and professors will work together, along with industry, to achieve higher energy yields from each drilling hole. Better exploration and drilling procedures and techniques are just two parts of a comprehensive energy strategy that we need to have because a magic bullet will not solve our energy challenges. It will not lower the price at the pump alone. We need a comprehensive strategy.

People of southwest Louisiana and around the country want to increase responsible energy production, they want to see increased refining capacity, they want to unleash American entrepreneurship and ingenuity to solve our energy problems, and they don't want any further delays because gas at the pump, as you can see, is just short of $4 a gallon.

We have to stop the delay and have a comprehensive energy solution. I challenge the Democratic leadership to work with us and stop the delay. Let's get a solution to our energy problems.

RESULTS OF NOT DEVELOPING AMERICAN ENERGY

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. As America is becoming painfully aware, there has been a result of us not developing American energy. We have reports of police cars sitting idle because of the cost of gasoline; various assembly lines and automobile manufacturers closed down because of the fact that there's no demand for the type of vehicles that are being produced. We have a situation where parents have a hard time just putting enough gasoline in the tank to get the kids to school. And we have the AAA saying that the increase in motorists without gas has increased 15 percent.

Since Speaker PELOSI took office, gasoline prices have skyrocketed 71 percent. Now, I am an engineer. The good news is there's a solution to this. It's called American energy. We need to stop looking at the American energy as something that is an environmental hazard and rather look at it as an asset that we can develop.

The Democrats, year after year after year, 85 percent of the time, are voting against increasing supplies of American energy. We have to develop our own energy.

AMERICAN-MADE OIL AND GAS: A HISTORY OF SUPPORT AND OPPOSITION

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. As you see, the theme this morning is to talk about gasoline prices, and as we look at the various solutions that are available to our country, it's interesting to note how votes happen in this House. It's rare that a particular position is supported or opposed 100 percent by either party. But let me walk you through a couple of solutions that have been voted on in this House over the last 14 years.

Drilling in ANWR; 91 percent of Republicans supported it, 86 percent of Democrats opposed it. Coal-to-liquids; 97 percent of Republicans supported it, 78 percent of Democrats opposed it. Oil shale exploration; 90 percent Republican support, 86 percent Democrat opposition. Drilling on the Outer Continental Shelf, 81 percent of Republicans support it, 83 percent of Democrats oppose it. Increased refinery capacity; Republicans support that by 97 percent, Democrats oppose it by 96 percent.

Madam Speaker, I ask my colleagues on the other side of the aisle to begin to look rationally at the solutions that will help address America's need for energy, gasoline and electricity as we move forward.

A POLICY OF "NO" IS NOT WORKING

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, it's not working. The policy of "no" to producing America's resources is not working for the American people. Today, America will write a check for $1 billion to buy enough energy to run our economy for one day. Let me repeat that. Today, America will write a check for $1 billion to run our economy for one day. That means for the year, it takes $365 billion to export to other countries that have said "yes" to developing their resources.

Think about what we could do with $1 billion if we invested that in developing American resources; the jobs that it would create, the fact it would make America more independent and less dependent on those other countries.

The policy of "no" is not working. We need to say "yes" to producing more of America's resources; "yes" to drilling in areas where we have found abundant resources; "yes" to using a 250-year supply of coal; "yes" to building new nuclear power plants; "yes" to developing America's resources, reinvesting in America.

Madam Speaker, I ask you to bring legislation to the floor that will help America build a stronger energy independence.

DRILL NOW IN ANWR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. I just returned from the Middle East. I went with a bipartisan group to Saudi Arabia, to the United Arab Emirates and to Kazakhstan and talked to the folks who have oil about what we can do internationally to bring the price down, bring the supply up, do whatever it takes to give middle class Americans some relief at the gas pump. It was interesting the response that I got.

Number one, I can tell you without question the Middle East is happy with the current gas prices. We all know that they are enjoying the wealth which we are transferring over there. But the thing that they said to us, How dare you come to Saudi Arabia, how dare you come to the United Arab Emirates, how dare you come to Kazakhstan and ask us to reduce our prices when you won't even drill for oil yourself. You won't even build refineries. Yet you want us to do something. You can do it for yourself.

Think about this, ladies and gentlemen. ANWR, the Arctic National Wildlife Reserve, is the size of South Carolina. The proposed drilling area is 2,000 acres. That is smaller than the average airport. Yet, for some reason, we are afraid to drill there. That is absurd. We need to drill now.

WE NEED AMERICAN ENERGY PRODUCTION

(Mr. McCOTTER asked and was given permission to address the House for 1 minute.)

Mr. McCOTTER. Over the recess, I had the opportunity to meet with a manufacturing community in my district; talk to managers, talk to owners, talk to employees. The one thing they all agree on is the cost of American energy is adding to their fixed costs at the very time international pressure is forcing them to reduce the cost of their product. In short, they're facing the nightmare scenario of energy prices forcing them to lay off workers in the manufacturing sector or to, unfortunately, terminate their employment altogether.

What we need in the United States is American energy production, conservation, and free market innovation if we are to protect these jobs and help these workers. It is very cold comfort for the people of Michigan and the manufacturing workers of the United States to hear that some day a green collar job will come and take away your blue collar job. When you're putting them out of work today, the prospects for tomorrow look much more bleak than they do to some academic or to some politician who is engaging in rhetoric that somehow the government will innovate us out of this effort.

We need American production to help protect manufacturing jobs and help provide prosperity for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 311) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 311

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 311.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Concurrent Resolution 311 authorizes the use of the Capitol Grounds for the annual Soap Box Derby. As all Members are aware, this is an annual event held here on Capitol Hill. Activities planned for this event will be coordinated with the Office of the Architect of the Capitol and, like all events on Capitol Hill grounds, will be free and open to the public.

The 2008 Greater Washington Soap Box Derby will take place on Constitution Avenue between Delaware Avenue and Third Streets, Northwest, on June 22.

□ 1030

The Greater Washington Soap Box Derby has been held on the U.S. Capitol Grounds since 1991 and has attracted over 60 youth participants in each of those years.

In 2007, for the first time in the 66 year history of the D.C. Soap Box Derby, a local participant won the Masters title in the national competition in Akron, Ohio. The All-American Derby Youth Program is administered by the International Soap Box Derby, Incorporated, an Akron-based nonprofit corporation. This is a family-oriented event and is supported by hundreds of parents and volunteers.

I urge support for the resolution.

I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 311, sponsored by the majority leader, Representative HOYER, authorizes the use of the Capitol Grounds for the 67th Annual Washington Soap Box Derby on June 22, just a couple of weeks away, this year. For many years, Majority Leader HOYER and Congress have supported this fun event, which allows children to show off their hard work and their creativity as they compete for trophies and the opportunity to race others in competition.

Boys and girls between the ages of 8 and 17 will race down Capitol Hill in homemade cars, hopefully without injury. Winners in each of the three divisions go on to compete in the National Soap Box Derby in Akron, Ohio. Last year, the Soap Box Derby marked a historic event when racer Kacie Rader won both the District's race and the national title in her division.

I support this resolution, and I encourage my colleagues to do the same.

The authorization of the use of the Capitol Grounds is part of the managerial work that we do here in Congress. But the issues the American people want addressed are being ignored. While Americans struggle, particularly in my district, to put fuel in their cars, we authorize the use of the Capitol Grounds. Gas prices are soaring above $4 in many parts of the country and this Congress must act. We must work to find a way to ease the burden of increasing fuel costs.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I am just real pleased, Madam Speaker, to be able to stand up and speak in favor of this, because this is a great example of conserving fuel for America. These cars don't run on gasoline or diesel. These kids are just going to let gravity take its course. I guess this trucker from Houston that I met with this last week who told me that he took a load from Houston to San Diego and got paid $1,800 and his fuel costs were $1,700, he probably wishes it was all downhill from Houston to San Diego so he wouldn't have to pay the kind of fuel costs that are being imposed upon the American public.

The American public is asking this House to address this issue. I don't think anybody who went home and talked to their constituents this last week could not have found out that people are frightened at the cost of fuel. Single parents are concerned that they can't get their children to school. They are concerned they are not able to get to do shopping. They are having to choose between food or fuel in families across our country. It is time to use American energy intelligently.

As we look at this great race, which I support, I am excited for these young people and I think it is really Americana at its best. But using America's resources wisely is also Americana at its best, and our citizens expect us to find and use the fuel that is available for them to bring these prices down.

I encourage my colleagues on the other side of the aisle to join us on this side of the aisle in trying to find new sources of fuel from all over this Nation, from Alaska to the Gulf of Mexico to offshore. It is important to America. It is important to our families.

I thank you for allowing me to express my opinion.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, today I rise as a proud sponsor of House Concurrent Resolution 311, legislation which will allow the Greater Washington Soap Box Derby Association to hold the 67th Annual Greater Washington Soap Box Derby on the grounds of the United States Capitol on June 22nd.

Soap Box Derby racing in our Nation's Capital has a long and rich tradition. In 1938, Norman Rocca beat out 223 other racers to win the Inaugural Greater Washington Soap Box Derby, which was held on New Hampshire Avenue. Over the years, thousands of the region's young people have participated in this great race.

Although the location has moved from the original site on New Hampshire Avenue to Capitol Hill, with stops on Massachusetts Avenue, Pennsylvania Avenue and Eastern Avenue along the way, the essence of the race has remained the same; homemade, gravity-powered cars, the spirit of competition, and the pure joy of racing. Community groups, police departments, fire departments and other sponsors sponsor children each year, children who may not otherwise be able to participate.

The Soap Box Derby is not simply a race, Madam Speaker; it is an enriching way to reach out to our youth and teach them the importance of community, responsibility, hard work and innovation.

The Soap Box Derby consists of dozens of drivers, both boys and girls, ranging in age from 8 to 17. These racers are divided into three divisions; stock, super stock and masters. The local winners of each division will automatically qualify to compete with racers from around the world in the 71st All-American Soap Box Derby in Akron, Ohio, on July 26th.

Madam Speaker, this event has been called "the greatest amateur racing event in the world." It is an excellent opportunity for contestants from the District of Columbia, Maryland and Virginia to learn basic building skills while gaining a real sense of accomplishment.

Further, I hope that this year's winner from the Greater Washington area will have the same success as one of last year's participants, Ms. Kacie Rader. Kacie's win in Washington was only the beginning. Not only is Kacie a constituent and a neighbor, she also is the 2007 All-American Soap Box Derby Masters Division champion.

I strongly encourage my colleagues to join with me and the other original cosponsors, Representatives FRANK WOLF, JIM MORAN, ELEANOR HOLMES NORTON and CHRIS VAN HOLLEN, in supporting this resolution.

Mr. KUHL of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman from New York for yielding.

I think it is wonderful that we are talking about the Soap Box Derby. It is a good thing that it doesn't require any energy or any gasoline, because the gas prices in this country are higher than I think anybody would have expected in our lifetimes. It is about $4 a gallon now, and people are asking me in my district, what are we going to do about this? What can we do about it?

Well, we should have done something about this a long time ago. The principal reason we are seeing these high gas prices is because we are far too dependent on foreign sources of energy. Why is that? Well, I know that as this one Member from Ohio can tell you, I voted 11 times in the last 14 years to open ANWR in Alaska for exploration and drilling. We think we have somewhere between 10 and 16 billion barrels of oil there. Unfortunately, we have handcuffed ourselves and put that off limits.

We also have the Outer Continental Shelf, where we have upwards of 86 billion barrels of oil and huge amounts of natural gas. If we had access to that natural gas, we wouldn't see the high heating prices for heating one's home in the wintertime.

But this is essentially the policy that this new majority here in Congress has put into effect. In reality, over the last decade, decade-and-a-half, even though they were in the minority in the time, they were able to block it over in the other body, in the Senate. So we had the votes here in the House to do it, but they didn't have the votes over there.

When you put huge amounts of energy like that off limits, it means we have to get that oil somewhere, so that means, unfortunately, we have to import it from OPEC nations, for example, who literally just keep the spigot turned down so that there isn't enough supply out there. Then when you have economies in India and China expanding and growing, it is a supply and demand issue. So the price goes up and continues to go up, because we are far too dependent on buying that oil from somewhere else. About two-thirds of our oil we buy elsewhere.

I know when the new Speaker of the House, Ms. PELOSI, took over here, a few months before the election she made the statement that the gas prices were outrageous. They made a big campaign issue about that. At that time they were $2.30 a gallon. She said that was outrageous, and they had a plan to do something about that. Well, the plan that we have seen from this new majority here in the House of Representatives has resulted in it going from $2.30 a gallon to about $4.00 a gallon in less than 2 years.

So the problem is this new majority that talks about an energy policy, and they actually passed an energy bill recently, it was a no-energy bill, because it didn't open up ANWR, it didn't open up the Outer Continental Shelf. It did nothing about making it possible for us to build oil refineries in this county.

We haven't built an oil refinery since 1976, over 30 years, making it virtually impossible to build an oil refinery. Therefore, even if we had enough crude in this country, we couldn't refine it quickly enough to be able to put it in our cars.

They have also been instrumental in pushing for these boutique fuels, where different States have different blends so the supply is very difficult to get around. That has driven the price up.

Also the liberals here in the House of Representatives over the years, and in this country, for that matter, their policy has been no new nuclear power plants. Now, France has 80 percent of their electricity produced by nuclear power plants. About 20 years ago, the liberals in this country were able to effectively shut down new nuclear power plants being built in this country. We have over 100 of them right now, but that means we haven't built any newer ones. China and India and other countries around the world are building them and relying more and more upon nuclear, but not the United States.

Many of us said what we are seeing now was where we were heading if we didn't change these policies. Unfortunately, this new majority here in the House of Representatives has gone just in the opposite direction from where they need to go. They have restricted us. They continue to restrict us from getting access to new energy which we have under our control in this country. They keep saying, let's just buy it from someplace else. Let's buy it from the OPEC countries. They will be nice to us. Well, they are not being nice to us. It is in their economic interests to continue to have this price continue to go up.

It is an absolute shame. It is a disgrace. It is unconscionable that this Congress consistently votes to make it harder and harder to be energy self-sufficient. That is where we need to go, not being more and more dependent upon foreign sources of energy. If we don't change it, the prices that we see right now, which are extremely high and are hurting an awful lot of people, will continue to go up.

Diesel is another problem. If you talk to any truckers right now, the price now is driving a lot of these people out of business. I was visiting with a fellow who is a farmer in my district last Friday who also has a side business. He had a truck. He pointed out it was behind one of his barns. He said, "I just park it now." It costs $1,500 to fill up his tanks in that truck now. He just can't afford to do it.

☐ 1045

And that is affecting every American, because everything that we buy, whether it is furniture, whether it is food goods, almost anything that we purchase in this country is transported at some point or another over truck. That means those prices are going to continue to go up again. So I challenge this majority to change their policies, to take a good look at what they have been doing and the direction that we are heading and reverse that and allow us to become less dependent on foreign sources of energy. Let's bring these gas prices down before it cripples this country and cripples our economy.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentlewoman from Texas has 15½ minutes. The gentleman from New York has 10 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, at this time I yield 4 minutes to the gentleman from California, Representative DOOLITTLE.

Mr. DOOLITTLE. Madam Speaker, I have watched over the years on energy what has been happening in this country. Now we are in a big mess, with gasoline prices over $4 a gallon. This didn't just happen by accident; the Democrats have been working to make this happen for the 18 years that I have been a Member of this House. Very interesting.

You know, ANWR exploration, House Republicans, 91 percent of us supported drilling in ANWR. Actually, both houses of Congress in 1995, I believe it was, passed legislation directing drilling in ANWR, and President Bill Clinton vetoed the bill. The Democrats opposed this bill. If we had passed that legislation, if President Clinton had signed it into law, we wouldn't be paying $4 a gallon. And while 91 percent of House Republicans supported drilling in ANWR, 86 percent of House Democrats and President Clinton opposed it.

Converting coal to liquid, 97 percent of House Republicans voted to do that. Do you know that Wyoming is considered the Saudi Arabia of coal in the world? It is one of our greatest natural resources. 97 percent of Republicans voted for that policy to allow the conversion so that it could be used; 78 percent of House Democrats opposed it. It never became law.

Oil shale. We have got lots of oil locked up in shale in the Intermountain West; 90 percent of House Republicans supported oil shale exploration, 86 percent of House Democrats opposed it.

Is there a pattern that you are beginning to see here, Madam Speaker? The fact of the matter is, Republicans have supported every feasible possibility for new forms of energy and it seems like the Democrats, most of them, have opposed it.

I am a Californian. We ought to be drilling right now off the coast of California and Florida and every other place in this country where there are large oil reserves, and there are very large oil reserves in those two cases. Eighty-one percent of House Republicans voted to do that; 83 percent of House Democrats opposed taking that action.

Increasing refinery capacity. We have heard that we haven't built a new refinery in this country for some 35 years. Ninety-seven percent of House

Republicans voted to expand the amounts of refineries; 96 percent of House Democrats opposed it.

Madam Speaker, we didn't get here by accident. Democrats have been talking about energy and opposing effective new ways of developing energy. Republicans' talk has been consistent with our actions.

Now, not all Republicans voted the way I would have liked and not all Democrats voted against our position. But the fact of the matter is, you see these statistics, they have been in the 90th percentile, the high 80s; in one case it was 78 Democrats opposed, 78 percent for the coal to liquid. But everything else I have cited, they have been 83 percent or higher opposed to these policies.

It is no accident gas is $4 a gallon. The policies we vote on do make a difference. Listen and look at the record. The Republicans for years have been trying to get more energy for this country. The Democrats have opposed it. We are reaping a bitter harvest of $4 a gallon plus.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 5 minutes to the Congresswoman from California (Ms. WATSON).

Ms. WATSON. Madam Speaker, please let me set the record straight on congressional action on gas prices.

We now have a law, it is the farm bill, the historic investment in affordable biofuels, and beefed-up oversight on market manipulation. The President's veto was overridden on May 21 of this year. We also have the Renewable Energy and Job Act. It was passed on May 21 and there is a threat of a veto, but it was passed. Then, the Gas Price Relief for Consumers Act, holding OPEC and oil companies accountable for price fixing, and it passed on May 20, it is also under a veto threat.

Now we have a law, Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act. It was passed on May 13 and it had a pretty hefty vote to take it out of this House, it is now law. Let's set the record straight.

We also repealed subsidies to profit-rich big oil companies, and invest in renewable energy. It also is under veto threat. It passed here at the beginning of the year, February 27. We also have a law, Energy Independence Law with Market Manipulation Ban & New Vehicle Mileage Standards. It is now law. It passed the House last year on December 18, 2007.

We have another bill that is under a veto threat, a crackdown on gas price gouging. It passed the House on another pretty hefty vote that was bipartisan; it passed on May 23. And, Hold OPEC Accountable for Oil Price Fixing, it passed on May 22 on a vote of 345–72, and it is under veto threat.

Now, Madam Speaker, you are going to hear that the Democrats aren't doing anything, but let me give you the exact votes on all of these bills.

The Republican leader, JOHN BOEHNER, voted "no" on OPEC price fixing, oil fixing. He voted "no" on price gouging. He voted "no" on renewable energy. He voted "no" on energy security.

ROY BLUNT voted "no" on OPEC price fixing, "no" on price gouging, and "no" on renewable energy.

ADAM PUTNAM voted "no" on price gouging and renewable energy.

THADDEUS MCCOTTER voted "no" on renewable energy and "no" on energy security.

And it goes on and on and on.

So to set the record straight, we are putting out sound bills to address the oil, shall I say, surge in price, because in my city of Los Angeles I was astounded when I got home to see that Diesel 2 sells in Los Angeles on the average for $4.99.9. I am sure when I get back to Los Angeles in a week it will be $5. The average price of gas in Los Angeles, in my district, and really throughout California, is $4.12 a gallon.

Madam Speaker, we are proposing good and sound legislation to address the needs for energy and renewable energy sources in the United States of America so our constituencies can get back and forth to work and enjoy a better life, and so we need the help of the other party because this should not be an issue that is partisan. It is an issue for America.

Mr. KUHL of New York. Madam Speaker, in closing, I would ask my colleagues to support this bill. It is a very meritorious bill. And while the legislative action of this Congress idles relative to energy legislation, certainly the kids of America should be able to carry on tradition. I support and applaud Leader HOYER for bringing this resolution to the floor.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I do have one additional request for time. I yield 3 minutes to Congresswoman KAPTUR from Ohio.

Ms. KAPTUR. I thank the gentlelady for yielding to me, and will place quite a bit of information in the RECORD on what Democrats are trying to do here in order to put America on an energy independent path. But it is pretty difficult when you have a Bush administration that vetoes everything that we try to do, or threatens it, and you have the kind of speeches that are occurring down here today.

We have got an oil man as the President of this country. His right-hand fellow over there from Wyoming, Mr. CHENEY, ran Halliburton, an oil servicing company. So you pretty well know what you have got sitting over there in the White House.

Since they became President and Vice President, this country is importing 1 billion more barrels of oil every year, 1 billion barrels more under the Bush administration. This is not a recipe for energy independence in our country.

This week it was embarrassing to see Secretary Paulson over in Abu Dhabi asking them to, gee, you know, still believe in the dollar, and all of the investors over there made rich by these oil petro dollars, largely U.S. dollars, watching our Secretary give that set of remarks. Similarly, President Bush a couple of weeks ago went to Saudi Arabia and sort of drilled around in the Middle East to see if he could find any additional sources of supply, begging the oil barons.

You know, it wouldn't take that much for him to direct his limousine right up here to Congress, not the Middle East. We have got some rooms over here on this side; we could sit around and talk about what can we agree on in terms of energy independence, what can we agree on here in order to do together what we cannot do alone. Make America energy independent.

As the gentlelady from California said, the President even vetoed the farm bill where we put in a major new title dealing with biofuels. Rural America wants to help lift this country to energy independence.

We are trying to get additions to the Strategic Petroleum Reserve suspended for the moment in order to give some price relief to the American people. Gee, it would be great if President Bush would kind of help us out on that.

He hasn't supported any of our renewable energy bills down here on the floor. In fact, if you look at the energy bill that he produced up there, that big report in his first term, he doesn't even deal with renewables. When you have got an oil perspective at the head of the machine, the car doesn't go in the right direction.

And so it seems to me, look at the record. Look at what he has done and not done on these—The Renewable Energy and Job Creation Act, no support there. Trying to get OPEC and the big oil companies to have some accountability, he doesn't support us on that. Rather than the President taking trips over to the Middle East, he ought to just come right up Pennsylvania Avenue here to the Congress. Meet with the chairs of our committees who really do care about this, Mr. DINGELL, Mr. MARKEY, Speaker PELOSI. We have got a lot of people here willing to talk. But the President is sending the Secretary of the Treasury over to Abu Dhabi and he himself over to Saudi Arabia. What does that tell the American people? A billion more barrels a year imported every year since he became President.

We don't have a partner to deal with over there at the other end of Pennsylvania Avenue. And that is why the American people are changing the people being elected here. They know America needs change. They want real leadership. They know they are not getting it.

So I say to my colleagues on the other side of the aisle, it is time to deal. Get the President. Let's talk about something serious for the sake of the Republic.

Here's a list:

DEMOCRATIC-LED CONGRESS TAKING ACTION TO BRING DOWN THE COST OF GAS

PASSED THIS MONTH

Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—Congress has enacted legislation to suspend the fill of the Strategic Petroleum Reserve through the end of the year, as long as the price of crude oil remains above $75 per barrel. This is a critical first step for hardworking families, businesses and the economy, which in the past has brought gas prices down. The President, who was previously opposed, suspended shipments and signed the bill because of overwhelming bipartisan support in Congress.

Renewable Energy and Job Creation Act—This legislation will extend and expand tax incentives for renewable energy, retain and create hundreds of thousands of green jobs, spur American innovation and business investment, and cut taxes for millions of Americans. These provisions are critical to creating and preserving hundreds of thousands of good-paying green collar American jobs. A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries alone through the end of 2009.

The OPEC and Big Oil companies accountability bill—This bill will combat record gas prices by authorizing lawsuits against oil cartel members for oil price fixing, and creating an Antitrust Task Force to crack down on oil companies engaged in anticompetitive behavior or market manipulation. President Bush has threatened to veto this bill.

RECENT ACTION

Energy Independence and Security Act in 2007—Historic energy legislation with provisions to combat oil market manipulation, increase fuel efficiency to 35 miles per gallon in 2020—the first congressional increase in more than three decades, and promote the use of more affordable American biofuels. Signed into law on December 19, 2007, Under new requirements in the Energy Independence Law and pressure from Congress the FTC announced on May 1, 2008 it would investigate allegations of market manipulation that may have led to last year's record price spikes in gasoline prices.

Reduces our dependence on foreign oil—cutting our consumption of oil by 2.9 million gallons per year in 2030—more than what we currently import from all Persian Gulf countries combined.

Lowers energy costs for consumers with oil prices projected to decline from more than $100 per barrel to $57 per barrel in 2016 (in 2006 dollars) in part due to the new energy law.

The new fuel standard for cars and trucks will save American families $700 to $1,000 per year at the pump.

Reduces global warming emissions by 2030 by up to 24 percent of what the U.S. needs to do to help save the planet.

Building, appliance, and lighting efficiency standards will save consumers $400 billion through 2030.

Renewable Energy and Energy Conservation Tax Act—This legislation would end unnecessary subsidies to Big Oil companies, invest in clean, renewable energy and energy efficiency, and help reduce global warming. The bill includes provisions that will generate hundreds of thousands of green jobs including an estimated 70,000 solar energy jobs, more than 20,000 biodiesel jobs, and protect an additional 75,000 wind industry jobs. President Bush has threatened to veto this bill.

Energy Price Gouging Prevention Act—This bill will provide immediate relief to consumers by giving the Federal Trade Commission (FTC) the authority to investigate and punish those who artificially inflate the price of energy. It will ensure the federal government has the tools it needs to adequately respond to energy emergencies and prohibit price gouging—with a priority on refineries and big oil companies. President Bush has threatened to veto this bill.

No Oil Producing and Exporting Cartels (NOPEC) Act—Legislation to enable the Department of Justice to take legal action against foreign nations for participating in oil cartels that drive up oil prices globally and in the United States. President Bush has threatened to veto this bill.

Energy Market Manipulation Prevention—The new Farm Bill increases Commodity Futures Trading Commission oversight authority to detect and prevent manipulation of energy prices. President Bush has vetoed this bill.

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Ms. EDDIE BERNICE JOHNSON of Texas. I would like to close, Madam Speaker, by simply saying that this resolution was a resolution to allow the International Soap Box Derby, an organization that's a nonprofit based in Akron, Ohio, to use the Capitol Grounds, and I fully support that.

I want to call attention to one thing. In January of 2001, the month that this current President took office, gas was $1.47 a gallon. Today, the national average is $3.81, and I just want that for the record, with all the other comments that have been made on this particular bill for the Soap Box Derby.

I urge the passage of the permission to allow the Soap Box Derby to use our Capitol Grounds.

Mr. OBERSTAR. Madam Speaker, I support House Concurrent Resolution 311, to authorize the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

I especially want to acknowledge the dedication of Mr. HOYER, the resolution's annual sponsor, who faithfully introduces this resolution to authorize use of the Capitol Grounds for such a worthwhile event.

This annual event encourages all boys and girls, ages 9 through 16, to construct and operate their own soap box vehicles. The event is supported by hundreds of volunteers, and parents.

It is an excellent opportunity for parents to have direct involvement in their children's activities. The derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

I urge my colleagues to join me in agreeing to House Concurrent Resolution 311.

Mrs. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 311.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR A CELEBRATION OF THE 100TH ANNIVERSARY OF ALPHA KAPPA ALPHA SORORITY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 335) authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 335

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR 100TH ANNIVERSARY CELEBRATION OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED.

(a) IN GENERAL.—Alpha Kappa Alpha Sorority, Incorporated (in this resolution referred to as the "sponsor"), shall be permitted to sponsor a public event (in this resolution referred to as the "event") on the Capitol Grounds to celebrate the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

(b) DATE OF EVENT.—The event shall be held on July 17, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include any extraneous materials on H. Con. Res. 335.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I might consume.

House Concurrent Resolution 335, introduced by my friend and sorority sister, Ms. DIANE WATSON from California, is a bill to authorize the use of the Capitol Grounds for the 100th anniversary of the Alpha Kappa Alpha Sorority, and this anniversary event is scheduled for July 17, 2008. The event coordinators will work with the office of the Architect of the Capitol and the Capitol Police Board regarding staging the event with all events on the Capitol Grounds, and will be free and open to the public.

This sorority was founded on the campus of Howard University 100 years ago. Ms. DIANE WATSON is a 50-year member. I'm a 35-year life member. And it was founded by nine visionary young women at the time, Ethel Hedgeman Lyle, Anna Easter Brown, Beulah Burke, Lillie Burke, Marjorie Hill, Margaret Flagg Holmes, Lavinia Norman, Lucy Slowe and Marie Woolfolk Taylor. The Alpha Kappa Alpha Sorority is the oldest Greek-letter organization established for African American college-trained women.

The formation of the sorority during this moment in American history is significant because it helped jump-start a movement of educated African American women who were resolute and determined to eliminate barriers for African Americans at a time when opportunities were limited for minorities.

These courageous young women, one generation removed from slavery, were the forebears of an entity that has progressively evolved into an organization of 200,000 plus members and 975 chapters in both the U.S. and abroad.

Today, membership in this organization represents a diverse constituency of women, from educators to heads of state, politicians, lawyers, medical professionals, media personalities, decision-makers of major corporations.

Built upon the principle of service, scholarship and sisterhood, Alpha Kappa Alpha Sorority extensively works to improve social and economic conditions through community partnerships and programs. These cornerstone values of the sorority will be on full display in the coming weeks as members, young and old, from across the globe come to our Nation's capital to honor the organization's 100th anniversary.

More than 20,000 members of the sorority will converge upon Washington, DC from July 11 until July 18. Members will participate in a variety of empowerment forums, lectures, workshops, community service activities centered on these principles throughout the length of the convention.

During this week-long celebration, members will reflect on 100 years of achievement, enjoy the unbreakable bonds of sisterhood, and look to the future as the organization prepares for the challenges of the next 100 years.

As a proud member of Alpha Kappa Alpha Sorority, I extend my congratulations and very best wishes to all of my sorors as they gather here in our Nation's Capital, birthplace of our sorority, to pay tribute to 100 years of service, scholarship and sisterhood.

Madam Speaker, I encourage all of my colleagues to support this resolution authorizing the use of Capitol Grounds for the celebration of the 100th anniversary of the Alpha Kappa Alpha Sorority, Incorporated.

I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I might consume.

This resolution authorizes the use of the Capitol Grounds for the 100th anniversary celebration of Alpha Kappa Alpha Sorority. AKA, Alpha Kappa Alpha, was founded in 1908 on the campus of Howard University, right here in Washington, DC. The sorority performs various community service projects and encourages its members to contribute to the community, while pursuing academic excellence.

The centennial program on the Capitol Grounds will be just one part of the year-long celebration. The event will be free and open to the public.

Alpha Kappa Alpha will assume liability for accidents and will be responsible for event costs in accordance with the policies of the Architect of the Capitol and the Capitol Police.

While we debate this concurrent resolution, which is strictly a managerial responsibility of this Congress, people across the country are worrying about how they will afford their next trip to the gas station, and not about this particular celebration.

Since the Democrats took over Congress, the price of gasoline has increased more than a $1.50 a gallon. It's unfortunate, but Democrats seem to ignore the law of supply and demand.

What you've heard here previously on the resolution before the House dealt with opening up the supply that's immediately available in this country, American energy supply. The current majority has done nothing to increase energy supplies, and then wonder why gas prices continue to soar. It is simply unbelievable that the Democrat majority refuses to debate the skyrocketing costs of fuel.

Madam Speaker, while I do support this resolution and request my colleagues to be likewise supportive, I would reserve the balance of my time at this time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 5 minutes to Representative DIANE WATSON of California.

Ms. WATSON. I want to thank the gentlewoman from Texas.

I rise in strong support of H. Con. Res. 335 which authorizes the use of the Capitol Grounds on Thursday, July 17, for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

In January of this year, the sorority began its year-long celebration of its 100-year anniversary. Founded in 1908 on the campus of Howard University in Washington, DC, Alpha Kappa Alpha Sorority, Incorporated is the first Greek-letter organization founded by African American college women.

Alpha Kappa Alpha is a sisterhood of women who have consciously chosen to improve the socioeconomic conditions in their city, in their State, in the Nation and in the world. Its history tells a story of changing patterns of human relations in America in the 20th Century. The small group who organized the sorority was just 1 generation removed from slavery.

Through the years, the sorority directed its efforts towards improving the quality of life for all mankind, while living our sorority's motto, "by culture and by merit."

I am so proud to count myself and EDDIE BERNICE JOHNSON as members and proud members of Alpha Kappa Alpha Sorority. Throughout the years, I have witnessed firsthand how the power, vision and commitment of our founders and members have inspired Alpha Kappa Alpha to endure and prosper through 10 decades.

I encourage my colleagues to support H. Con. Res. 335, which will ensure that a vital component of the 100th anniversary celebration will take place on these distinguished grounds of the United States Capitol.

I want you to know, our membership is very tuned in to the issues that we face domestically and we face internationally. And they would want to see all of us be able to benefit from the legislation that is passing both Chambers and going to the Governor to reduce the prices of oil, to address our infrastructure, to provide the right to health care for every American, to be sure that Americans can receive and realize the American dream to home ownership.

I am so proud to stand here in support of H. Con. Res. 335, to allow our membership to come in and get into this progressive atmosphere and to celebrate their 100th year of existence.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Con. Res. 335, authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated. I am pleased to support this resolution and recognize the contributions that the Alpha Kappa Alpha Sorority has made to strengthening networks that cut across racial, geographical, political, and social barriers. This event is a fitting tribute to the organization and I congratulate the sorority on its 100th anniversary.

The commitment of Alpha Kappa Alpha members to public service is long and legendary. The sorority has evolved over its 100–year history from a college-based organization in support of young women in their intellectual and cultural development to an organization that dedicates itself to a variety of humanitarian programs.

These programs include the Mississippi Health Project, the Educational Advancement Foundation, and the IVY AKAdemy. The IVY AKAdemy program promotes early learning and mastery of basic reading skills, enhances the school experience of children and young people through hundreds of local programs around the country and in South Africa. For members of AKA, community service and sisterhood are life-long commitments. Many members of Alpha Kappa Alpha stay active in the organization for more than 50 years.

It is fitting that the Alpha Kappa Alpha Sorority celebrates its 100th anniversary here on Capitol Hill.

I urge my colleagues to join me in agreeing to H. Con. Res. 335.

Mr. CARSON of Indiana. Madam Speaker, I rise today in strong support of H. Con. Res. 335, a bill to authorize the use of the Capitol Grounds for the 100th anniversary celebration of Alpha Kappa Alpha Sorority, Incorporated.

Alpha Kappa Alpha Sorority was founded on January 15th, 1908 by nine visionary women at Howard University. As America's first Greek-letter sorority founded by and for African American women to improve life for all African Americans, Alpha Kappa Alpha is truly celebrating a long tradition of commitment to sisterhood and service.

Driven by these noble ideals, Alpha Kappa Alpha has evolved into one of the world's leading service organizations with 975 chapters and approximately 200,000 members worldwide. One of those members, in particular, is near and dear to my heart. Mariama Carson, my lovely wife shares in the unique bond that is found among the sisters of Alpha Kappa Alpha Sorority. I truly believe her dedication to service was fostered through her membership in Alpha Kappa Alpha, and has helped her development as an accomplished and successful teacher in Indianapolis. She, like many of her fellow sorors, chose Alpha Kappa Alpha as a means of self-growth through volunteer service.

Madam Speaker, AKA's have touched the stars of our universe through members like Dr. Mae Jemison and have brought conscience to this body through members like Congresswoman SHELIA JACKSON-LEE and Ms. Erika Barrera, Communications Director for Congressman BRUCE BRALEY. But their stories are not isolated cases.

Throughout its 100 years of history, Alpha Kappa Alpha is full of women who have emerged as leaders in their professions and communities. Through distinguished members like Liberian President Ellen Johnson-Sirleaf; actress Phylicia Rashad; and the 102-year-old Mrs. Hazel Hainsworth Young, one of the Sorority's most senior members, Alpha Kappa Alpha has and will continue to be an organization of focused and compassionate women committed to changing the world.

Madam Speaker, I am proud and honored to support this resolution; because I believe this sorority has and will continue to be an amazing organization that helps to better communities around the world. I hope all my colleagues will join me in granting Alpha Kappa Alpha the use of the Capitol Grounds and supporting their 100 year anniversary.

Mr. KUHL of New York. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I urge support of this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JAMES M. & THOMAS W.L. ASHLEY CUSTOMS BUILDING AND UNITED STATES COURTHOUSE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3712) to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, shall be known and designated as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3712 as amended is a bill to designate the Federal building located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

The late Congressman and Governor James M. Ashley and former Congressman Thomas W.L. Ashley served their Ohio constituents for over 30 years as Members of Congress and Governor. The Ashley family has served with distinction in public service for a span of almost 100 years in the state of Ohio.

James Monroe Ashley served five terms as a Republican Congressman from Ohio. Governor Ashley's best known Congressional achievement was as the primary sponsor of the resolution which is recognized as the antecedent of the thirteenth amendment which abolished slavery within the United States and its territories.

While in Congress, James Ashley also became the chair of the House Committee on Territories, leading the congressional effort to organize Nevada, Idaho, Arizona, Wyoming, and Montana.

As chair of the House Committee on Territories, he wrote the enabling act for Nebraska, Colorado, and Nevada on which he conditioned that a separate vote be held by these potential member States that would prevent them from establishing slavery without the consent and approval of Congress.

With this measure, Ashley, an avowed abolitionist, signaled that no new slave States would be admitted to the Union. After serving in Congress, James M. Ashley was appointed Governor of Montana in 1869 by President Ulysses S. Grant.

Thomas William Ludlow Ashley was the great-grandson of former Governor and Congressman James M. Ashley. Congressman Thomas Ashley served in the United States Army during the Second World War. He went on to graduate first from Yale University in 1948 and from the Ohio State University Law School in 1951.

Congressman Ashley later held several positions as a private lawyer and a member of the media. In 1954 Congressman Ashley was elected as a Democrat to Congress and went on to serve a total of 13 terms in Congress.

While in Congress, Congressman Ashley served as chairman of the Select Committee on Energy and the Committee on Merchant Marine and Fisheries.

Congressman Ashley also served as the assistant majority whip for the Democratic Party. Congressman Ashley's most prominent legislative success was PL 89–117 which directed the Federal Government to assist in the provision of housing for low and moderate income families.

This law was the precursor to the creation of the Department of Housing and Urban Development which was created later in that same Congress. After leaving Congress in 1981, Ashley went on to found a legal and consulting firm in Washington, DC. Congressman Thomas W.L. Ashley currently resides in the Washington, DC area.

James Monroe Ashley and Thomas William Ludlow Ashley will be remembered as distinguished public servants to the great State of Ohio.

The Ashley family served as leaders in both the Democratic and Republican Party in Ohio and each served their party well.

They will be respected as great Americans whose dedication to public service was passed down through the generations. As such, it is very appropriate that the United States Courthouse in Toledo, Ohio, be designated as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

I recognize the gentlelady from Ohio (Ms. KAPTUR) for as much time as she may consume.

Ms. KAPTUR. I rise today and ask my colleagues to join me in support of H.R. 3712, which seeks to name the Federal Courthouse Building located in Toledo Ohio, the James M. Ashley and Thomas W. Ludlow Ashley Customs Building and United States Courthouse.

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This deserved recognition of two well-known lawmakers from the Ashley family, whose roots run deep in America and our community, pays tribute to the lives of late Congressman and Governor James M. Ashley who served here in the 19th century, as well as his great-grandson, former Congressman Thomas W. Ludlow Ashley, who served here during the 20th century.

These visionary Americans who lived in three different centuries advanced America's promise and the cause of social justice as they made immeasurable public service contributions to both define and direct the course of our Nation, one in the abolitionist fight to eliminate slavery in our Nation, and the other to bind up America's wounds in the civil rights era to help our Nation gain its idealistic foothold again.

Congressman James Ashley, who served in our U.S. House of Representatives from December 1859 to March 1869, was an active abolitionist credited with introducing the first bill for the 13th Amendment to our constitution to abolish the practice of slavery. He also drafted a bill to abolish slavery in Washington, DC. These extraordinarily brave actions in his era are illustrative of Ashley's courageous leadership. They reflect the Ashley family's place in history on the scales of justice and equality for all people.

During his tenure in Congress, James Ashley served as chairman of the Committee on Territories, and he was later appointed Governor of Montana. Congressman Thomas Ludlow Ashley, great-grandson of James Ashley from Lucas County, Toledo, Ohio, served a quarter century, 13 terms, from January 1955 to January 1981. During his tenure, he served as the chairman of the Select Committee on Energy where he was chosen by then-Speaker Thomas Tip O'Neill to prepare comprehensive legislative proposals across congressional committees to regain America's energy independence.

During that era of the 1970s, that landmark legislation, the Energy Conservation Act of 1976, and subsequent Carter administration energy independence proposals became America's first step on an arduous journey into a new energy age.

He also served as chairman of the Committee on Merchant Marines and Fisheries and as assistant majority whip for the Democrats in the House.

Lud was an outstanding leader in both community development and energy policy. As Chair of the Housing and Community Development Subcommittee for the Banking Committee, he, like his great-grandfather before him, championed social justice. He wrote and gained passage of the Demonstration City Act and the Housing and Community Development Act of 1974 and 1977 to rebuild America's cities and communities in the wake of the civil rights era.

Indeed, the very establishment of the Department of Housing and Urban Development during the Lyndon Johnson administration was made possible by Lud's effective and dogged congressional leadership. Housing for the less fortunate and more sustainable communities across our country were made possible through his unyielding and creative efforts. A banker's banker, he also gained passage of the Bank Merger Act of 1966, the Export Development Administration Act of 1969, the Export Expansion and Finance Act of 1971.

A World War II hero, Congressman Ashley also served in the U.S. Army prior to his service in the U.S. House. Subsequent to his career in Congress, Congressman Ashley founded a consulting firm in Washington, DC, and now resides in Traverse City, Michigan.

I would ask my colleagues to please join me in supporting this bill in honor of two centuries of a family's service to America by the Ashley family and their two outstanding sons whose commitment to America is historic. Ohio is proud to claim these two favorite sons, men of principle, as people who changed America for the better.

I thank my dear colleague from Texas, Congresswoman JOHNSON for yielding to me. I thank Congressman KUHL, and I thank the leadership here for allowing us from the proud Buckeye State of Ohio to place the Ashley family's name on our revered Federal courthouse in perpetuity.

Mr. KUHL of New York. I yield myself such time as I might consume.

I rise in support of the resolution offered by the gentlewoman from Ohio, Representative KAPTUR.

H.R. 3712 designates the Federal building and United States courthouse located in Toledo, Ohio as the "James M. Ashley and Thomas W. L. Ashley Customs Building and United States Courthouse."

James Mitchell Ashley was an Ohio congressman who served five terms in the United States Congress where he served for 8 years as the chairman on the Committee of Territories. Representative Ashley had a prominent role in the passage of the 13th amendment, which abolished slavery. Following his service in Congress, James Ashley served as the Governor of the Territory of Montana, as you have previously heard, and helped to construct the Toledo, Ann Arbor and Northern Railroad.

His great grandson, Thomas William Ludlow Ashley, also served as a congressman from Ohio from 1955 to 1981, some 26 years. Representative Thomas Ashley served 13 terms in Congress, and was chairman of the Select Committee on Energy in the 95th Congress. Prior to his service, he served in the Pacific theater during World War II as a corporal in the United States Army.

This bill is a fitting tribute to their service and to their country. I support this measure, and urge my colleagues to do the same.

While this legislation will name a courthouse in Ohio, it is not on the issue or not on the minds of people across the country as they travel to work. They are more worried about the cost of filling up their gas tanks than they are the managerial actions of Congress' naming a building after some very honorable people. The American people are really feeling the pain at the pump, and this Congress has ignored their calls for help. It seems that, every night, the news media proclaims that the gas prices have hit another record high. As Congress idles and as prices soar, the problem is being ignored. This is something that Congress must act on immediately.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I would encourage my colleagues to support this resolution as it is a fine, honorable, memorable tribute to a wonderful family from Ohio.

Mr. OBERSTAR. Madam Speaker, I strongly support H.R. 3712, a bill to designate the U.S. courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse." This bill was introduced by the gentlewoman from Ohio, Ms. KAPTUR, to honor two members of the Ashley family, James M. Ashley and Thomas W.L. Ashley.

The Ashley family has a distinguished record in public service dating back to the mid 1800s. Various members of this family have served in the U.S. House of Representatives since 1858.

James Monroe Ashley, 1824–1896, served five terms as a Representative from Ohio. During the American Civil War, Congressman Ashley was the first Representative to call for an amendment to the United States Constitution to outlaw slavery. The amendment he sponsored served as the antecedent to the thirteenth amendment of the Constitution, which abolished slavery.

Thomas William Ludlow Ashley is the great-grandson of former Governor and Congressman, James M. Ashley. In 1954, Thomas William Ludlow Ashley was elected to Congress served a total of 13 terms in Congress. While in Congress, Representative "Lud" Ashley served as chairman of the Select Committee on Energy and the Committee on Merchant Marine and Fisheries. In 1977, Speaker Thomas P. "Tip" O'Neill established a Select Committee on Energy and appointed Congressman Ashley to chair the Committee, which compiled energy legislation based on bills reported by several House committees in response to President Jimmy Carter's legislative proposal.

This bill is a fitting tribute to two distinguished public servants.

I urge my colleagues to join me in supporting the bill.

Mr. KUHL of New York. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move that we support this resolution for a very deserving family.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 3712, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the 'James M. Ashley and Thomas W.L. Ashley United States Courthouse'.".

A motion to reconsider was laid on the table.

THOMAS JEFFERSON CENSUS BUREAU HEADQUARTERS BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Thomas Jefferson, as Secretary of State in 1790, supervised the first modern census in world history;

(2) the 1790 census was the first national census in the United States and the first periodic census in the modern nation-state era;

(3) Jefferson urged President Washington to veto the first apportionment bill presented by Congress on the grounds that it was unconstitutional; and Jefferson's own apportionment formula was adopted and used until 1840;

(4) Jefferson's mastery of numbers and statistical analysis helped alert the Nation to the importance of accuracy in the numbers used to describe the society and pointed to methods that later improved census taking;

(5) Jefferson offered population corrections to the European diplomatic community to more accurately convey the fast-growing United States population, which had been undercounted in previous census taking;

(6) Jefferson believed in the importance of territorial expansion and insisted on equal representation for the territories that were to join the Union as States;

(7) Jefferson supervised the first census in world history that gave to the people more than it took from them, being designed less to extract taxes or raise a militia than to apportion political power to the people of the United States according to their numbers; and

(8) Jefferson's role in establishing a republic based on principles of representation underscores the historical significance of the United States census and the way the Government views and governs itself today.

SEC. 2. DESIGNATION.

The Federal building located at 4600 Silver Hill Road in Suitland, Maryland, shall be known and designated as the "Thomas Jefferson Census Bureau Headquarters Building".

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 2 shall be deemed to be a reference to the "Thomas Jefferson Census Bureau Headquarters Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 5599.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, H.R. 5599 is a bill to designate the Federal building in Suitland, Maryland, as the Thomas Jefferson Census Bureau Headquarters Building. The bill has bipartisan support.

Although Thomas Jefferson is best remembered as the third President of the United States, as the author of the Declaration of Independence, he also is considered by some to be the first director of the U.S. census.

In 1790, while Secretary of State, Jefferson conducted the first national census. Although the practice of performing a census has been in practice for thousands of years, the U.S. census in considered to be the first modern periodic census. Several European countries followed suit shortly after in the early 19th century.

Today, the results of the census are used to determine the size of congressional districts, the allocation of seats allotted to each State in the U.S. House of Representatives, as a factor in the allocation of Federal resources, and perhaps most importantly as a research tool to track economic and population trends in the United States.

It is most fitting and proper that we support this designation and honor one of Jefferson's numerous contributions to our Nation's history. I support H.R. 5599.

I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 5599 names the new Census Bureau headquarters building in Suitland, Maryland, as the Thomas Jefferson Census Bureau Headquarters Building.

As the first Secretary of State, Thomas Jefferson was a strong advocate of a national census, and he supervised the first census in 1790. Early population estimates misjudged the number of Americans in many areas, unfortunately, and it resulted in underrepresentation in many areas of this country in the first Congress. Under Jefferson's leadership, however, the census developed into a more useful and accurate process.

Thomas Jefferson's advocacy for a complete and accurate census land laid the foundation for the Census Bureau we have today. He believed that an accurate census was essential to ensure that the government represented its people effectively. So it is fitting that the new census building bear his name, and I support the bill and urge its adoption and applaud my colleague, Representative MALONEY, on bringing it before the House for its adoption today.

But while we debate these matters, the issue persists, and that is the high cost of gasoline. And this Congress continues to ignore the rising cost of gasoline. American workers are struggling to fill up their tanks, and this Congress has done nothing to ease that burden. The Democratic majority has failed to provide the real leadership in addressing the high cost of fuel which requires an increased supply, American supply.

Thank you, Madam Speaker, for an opportunity to speak on this.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank my colleague for yielding and for her leadership in this Congress, and I rise in strong support of my bill H.R. 5599, a bill to designate the Census Bureau headquarters Federal building for Founding Father Thomas Jefferson.

The Census Bureau has just been relocated to a modern state-of-the-art building in Suitland, Maryland. I want to thank Chairman OBERSTAR and Congresswoman HOLMES NORTON for their help in moving this bill forward.

I introduced this legislation along with colleagues that have been strong supporters of an accurate census—HOLMES NORTON, HOYER, DAVIS, TURNER, RUPPERSBERGER, HONDA, GONZALEZ, WYNN, COHEN, and CANNON—to honor Thomas Jefferson's contributions to the modern census and the Founding Fathers' vision of a truly representative government in which every American counts.

Jefferson's role in establishing a republic based on the principle of fair representation emphasizes the historical significance of the American census and the way our government views and governs itself today. Jefferson's significant contributions to the early American census include his alerting the Nation to the importance of accuracy in census taking and his recognition of the need to fully represent newly acquired territories in the census.

Historically, census taking was a negative thing. It was used for raising taxes for the militia. Thomas Jefferson, as Secretary of State, oversaw the first census in history, which was positive, which gave the people more than it took away by empowering those counted with a voice in their government.

As we have heard in recent weeks, the 2010 census has some very serious challenges. Although much work remains to be done to ensure its successful implementation, naming this building for Thomas Jefferson underscores this Congress' commitment to getting it right and making sure that every citizen is counted.

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A fair and accurate census, putting political power in the hands of the people, is a uniquely American invention. Let us honor our Founding Fathers' legacy by celebrating Thomas Jefferson, the father of the modern census.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5599, a bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

The United States census is a count of the Nation's population, conducted every 10 years. The results are used for various purposes, including allocation of congressional seats and impacting Government program funding for States and localities. The U.S. Census Bureau is responsible for conducting the census and serves "as the leading source of quality data about the Nation's people and economy," according to its mission.

The census is our Nation's longest continuous scientific project. In 1790, while Secretary of State, Thomas Jefferson conducted the first official count of the Nation's population. Census Day was August 2, 1790. The national census has several colonial predecessors with eight of the original 13 colonies having conducted their own census.

President Jefferson not only was one of our Founding Fathers and the third President of the United States, but he was also an early demographer.

Therefore, it is fitting and proper that we designate this Federal building as the "Thomas Jefferson Census Bureau Headquarters Building".

I urge my colleagues to join me in supporting H.R. 5599.

Mr. KUHL of New York. Madam Speaker, I yield back the balance of my time and encourage my colleagues to vote in support of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I move the passage of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5599.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HEALTH CENTERS RENEWAL ACT OF 2008

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Renewal Act of 2008".

SEC. 2. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM.

Section 330(r)(1) of the Public Health Service Act (42 U.S.C. 254b(r)(1)) is amended to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

"(A) for fiscal year 2008, $2,213,020,000;

"(B) for fiscal year 2009, $2,451,394,400;

"(C) for fiscal year 2010, $2,757,818,700;

"(D) for fiscal year 2011, $3,116,335,131; and

"(E) for fiscal year 2012, $3,537,040,374.".

SEC. 3. RECOGNITION OF HIGH POVERTY AREAS.

(a) IN GENERAL.—Section 330(c) of the Public Health Service Act (42 U.S.C. 254b(c)) is amended by adding at the end the following new paragraph:

"(3) RECOGNITION OF HIGH POVERTY AREAS.—

"(A) IN GENERAL.—In making grants under this subsection, the Secretary may recognize the unique needs of high poverty areas.

"(B) HIGH POVERTY AREA DEFINED.—For purposes of subparagraph (A), the term 'high poverty area' means a catchment area which is established in a manner that is consistent with the factors in subsection (k)(3)(J), and the poverty rate of which is greater than the national average poverty rate as determined by the Bureau of the Census.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants made on or after January 1, 2009.

SEC. 4. LIABILITY PROTECTIONS FOR HEALTH CENTER VOLUNTEER PRACTITIONERS.

(a) IN GENERAL.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended—

(1) in subsection (g)(1)(A)—

(A) in the first sentence, by striking "or employee" and inserting "employee, or (subject to subsection (k)(4)) volunteer practitioner"; and

(B) in the second sentence, by inserting "and subsection (k)(4)" after "subject to paragraph (5)"; and

(2) in each of subsections (g), (i), (j), (k), (l), and (m)—

(A) by striking the term "employee, or contractor" each place such term appears and inserting "employee, volunteer practitioner, or contractor";

(B) by striking the term "employee, and contractor" each place such term appears and inserting "employee, volunteer practitioner, and contractor";

(C) by striking the term "employee, or any contractor" each place such term appears and inserting "employee, volunteer practitioner, or contractor"; and

(D) by striking the term "employees, or contractors" each place such term appears and inserting "employees, volunteer practitioners, or contractors".

(b) APPLICABILITY; DEFINITION.—Section 224(k) of the Public Health Service Act (42 U.S.C. 233(k)) is amended by adding at the end the following paragraph:

"(4)(A) Subsections (g) through (m) apply with respect to volunteer practitioners beginning with the first fiscal year for which an appropriations Act provides that amounts in the fund under paragraph (2) are available with respect to such practitioners.

"(B) For purposes of subsections (g) through (m), the term 'volunteer practitioner' means a practitioner who, with respect to an entity described in subsection (g)(4), meets the following conditions:

"(i) In the State involved, the practitioner is a licensed physician, a licensed clinical psychologist, or other licensed or certified health care practitioner.

"(ii) At the request of such entity, the practitioner provides services to patients of the entity, at a site at which the entity operates or at a site designated by the entity. The weekly number of hours of services provided to the patients by the practitioner is not a factor with respect to meeting conditions under this subparagraph.

"(iii) The practitioner does not for the provision of such services receive any compensation from such patients, from the entity, or from third-party payors (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program).".

SEC. 5. LIABILITY PROTECTIONS FOR HEALTH CENTER PRACTITIONERS PROVIDING SERVICES IN EMERGENCY AREAS.

Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—

(1) in paragraph (1)(B)(ii), by striking "subparagraph (C)" and inserting "subparagraph (C) and paragraph (6)"; and

(2) by adding at the end the following paragraph:

"(6)(A) Subject to subparagraph (C), paragraph (1)(B)(ii) applies to health services provided to individuals who are not patients of the entity involved if, as determined under criteria issued by the Secretary, the following conditions are met:

"(i) The services are provided by a contractor, volunteer practitioner (as defined in subsection (k)(4)(B)), or employee of the entity who is a physician or other licensed or certified health care practitioner and who is otherwise deemed to be an employee for purposes of paragraph (1)(A) when providing services with respect to the entity.

"(ii) The services are provided in an emergency area (as defined in subparagraph (D)), with respect to a public health emergency or major disaster described in subparagraph (D), and during the period for which such emergency or disaster is determined or declared, respectively.

"(iii) The services of the contractor, volunteer practitioner, or employee (referred to in this paragraph as the 'out-of-area practitioner') are provided under an arrangement with—

"(I) an entity that is deemed to be an employee for purposes of paragraph (1)(A) and that serves the emergency area involved (referred to in this paragraph as an 'emergency-area entity'); or

"(II) a Federal agency that has responsibilities regarding the provision of health services in such area during the emergency.

"(iv) The purposes of the arrangement are—

"(I) to coordinate, to the extent practicable, the provision of health services in the emergency area by the out-of-area practitioner with the provision of services by the emergency-area entity, or by the Federal agency, as the case may be;

"(II) to identify a location in the emergency area to which such practitioner should report for purposes of providing health services, and to identify an individual or individuals in the area to whom the practitioner should report for such purposes; and

"(III) to verify the identity of the practitioner and that the practitioner is licensed or certified by one or more of the States.

"(v) With respect to the licensure or certification of health care practitioners, the provision of services by the out-of-area practitioner in the emergency area is not a violation of the law of the State in which the area is located.

"(B) In issuing criteria under subparagraph (A), the Secretary shall take into account the need to rapidly enter into arrangements under such subparagraph in order to provide health services in emergency areas promptly after the emergency begins.

"(C) Subparagraph (A) applies with respect to an act or omission of an out-of-area practitioner only to the extent that the practitioner is not immune from liability for such act or omission under the Volunteer Protection Act of 1997.

"(D) For purposes of this paragraph, the term 'emergency area' means a geographic area for which—

"(i) the Secretary has made a determination under section 319 that a public health emergency exists; or

"(ii) a presidential declaration of major disaster has been issued under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

SEC. 6. DEMONSTRATION PROJECT FOR INTEGRATED HEALTH SYSTEMS TO EXPAND ACCESS TO PRIMARY AND PREVENTIVE SERVICES FOR THE MEDICALLY UNDERSERVED.

Part D of title III of the Public Health Service Act (42 U.S.C. 259b et seq.) is amended by adding at the end the following new subpart:

"Subpart XI—Demonstration Project for Integrated Health Systems to Expand Access to Primary and Preventive Services for the Medically Underserved

"SEC. 340H. DEMONSTRATION PROJECT FOR INTEGRATED HEALTH SYSTEMS TO EXPAND ACCESS TO PRIMARY AND PREVENTIVE CARE FOR THE MEDICALLY UNDERSERVED.

"(a) ESTABLISHMENT OF DEMONSTRATION.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a demonstration project (hereafter in this section referred to as the 'demonstration') under which up to 30 qualifying integrated health systems receive grants for the costs of their operations to expand access to primary and preventive services for the medically underserved.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing grants to be made or used for the costs of specialty care or hospital care furnished by an integrated health system.

"(b) APPLICATION.—Any integrated health system desiring to participate in the demonstration shall submit an application in such manner, at such time, and containing such information as the Secretary may require.

"(c) CRITERIA FOR SELECTION.—In selecting integrated health systems to participate in the demonstration (hereafter in this section referred to as 'participating integrated health systems'), the Secretary shall ensure representation of integrated health systems that are located in a variety of States (including the District of Columbia and the territories and possessions of the United States) and locations within States, including rural areas, inner-city areas, and frontier areas.

"(d) DURATION.—Subject to the availability of appropriations, the demonstration shall be conducted (and operating grants be made to each participating integrated health system) for a period of 3 years.

"(e) REPORTS.—

"(1) IN GENERAL.—The Secretary shall submit to the appropriate committees of the Congress interim and final reports with respect to the demonstration, with an interim report being submitted not later than 3 months after the demonstration has been in operation for 24 months and a final report being submitted not later than 3 months after the close of the demonstration.

"(2) CONTENT.—Such reports shall evaluate the effectiveness of the demonstration in providing greater access to primary and preventive care for medically underserved populations, and how the coordinated approach offered by integrated health systems contributes to improved patient outcomes.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2009, 2010, and 2011 to carry out this section.

"(2) CONSTRUCTION.—Nothing in this section shall be construed as requiring or authorizing a reduction in the amounts appropriated for grants to health centers under section 330 for the fiscal years referred to in paragraph (1).

"(g) DEFINITIONS.—For purposes of this section:

"(1) FRONTIER AREA.—The term 'frontier area' has the meaning given to such term in regulations promulgated pursuant to section 330I(r).

"(2) INTEGRATED HEALTH SYSTEM.—The term 'integrated health system' means a health system that—

"(A) has a demonstrated capacity and commitment to provide a full range of primary care, specialty care, and hospital care in both inpatient and outpatient settings; and

"(B) is organized to provide such care in a coordinated fashion.

"(3) QUALIFYING INTEGRATED HEALTH SYSTEM.—

"(A) IN GENERAL.—The term 'qualifying integrated health system' means a public or private nonprofit entity that is an integrated health system that meets the requirements of subparagraph (B) and serves a medically underserved population (either through the staff and supporting resources of the integrated health system or through contracts or cooperative arrangements) by providing—

"(i) required primary and preventive health and related services (as defined in paragraph (4)); and

"(ii) as may be appropriate for a population served by a particular integrated health system, integrative health services (as defined in paragraph (5)) that are necessary for the adequate support of the required primary and preventive health and related services and that improve care coordination.

"(B) OTHER REQUIREMENTS.—The requirements of this subparagraph are that the integrated health system—

"(i) will make the required primary and preventive health and related services of the integrated health system available and accessible in the service area of the integrated health system promptly, as appropriate, and in a manner which assures continuity;

"(ii) will demonstrate financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(iii) provides or will provide services to individuals who are eligible for medical assistance under title XIX of the Social Security Act or for assistance under title XXI of such Act;

"(iv) has prepared a schedule of fees or payments for the provision of its services consistent with locally prevailing rates or charges and designed to cover its reasonable costs of operation and has prepared a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay;

"(v) will assure that no patient will be denied health care services due to an individual's inability to pay for such services;

"(vi) will assure that any fees or payments required by the system for such services will be reduced or waived to enable the system to fulfill the assurance described in clause (v);

"(vii) provides assurances that any grant funds will be expended to supplement, and not supplant, the expenditures of the integrated health system for primary and preventive health services for the medically underserved; and

"(viii) submits to the Secretary such reports as the Secretary may require to determine compliance with this subparagraph.

"(C) TREATMENT OF CERTAIN ENTITIES.—The term 'qualifying integrated health system' may include a nurse-managed health clinic if such clinic meets the requirements of subparagraphs (A) and (B) (except those requirements that have been waived under paragraph (4)(B)).

"(4) REQUIRED PRIMARY AND PREVENTIVE HEALTH AND RELATED SERVICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'required primary and preventive health and related services' means basic health services consisting of—

"(i) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians where appropriate, physician assistants, nurse practitioners, and nurse midwives;

"(ii) diagnostic laboratory services and radiologic services;

"(iii) preventive health services, including prenatal and perinatal care; appropriate cancer screening; well-child services; immunizations against vaccine-preventable diseases; screenings for elevated blood lead levels, communicable diseases, and cholesterol; pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care; and voluntary family planning services;

"(iv) emergency medical services; and

"(v) pharmaceutical services, behavioral, mental health, and substance abuse services, preventive dental services, and recuperative care, as may be appropriate.

"(B) EXCEPTION.—In the case of an integrated health system serving a targeted population, the Secretary shall, upon a showing of good cause, waive the requirement that the integrated health system provide each required primary and preventive health and related service under this paragraph if the Secretary determines one or more such services are inappropriate or unnecessary for such population.

"(5) INTEGRATIVE HEALTH SERVICES.—The term 'integrative health services' means services that are not included as required primary and preventive health and related services and are associated with achieving the greater integration of a health care delivery system to improve patient care coordination so that the system either directly provides or ensures the provision of a broad range of culturally competent services. Integrative health services include but are not limited to the following:

"(A) Outreach activities.

"(B) Case management and patient navigation services.

"(C) Chronic care management.

"(D) Transportation to health care facilities.

"(E) Development of provider networks and other innovative models to engage local physicians and other providers to serve the medically underserved within a community.

"(F) Recruitment, training, and compensation of necessary personnel.

"(G) Acquisition of technology for the purpose of coordinating care.

"(H) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

"(I) Determination of eligibility for Federal, State, and local programs that provide, or financially support the provision of, medical, social, housing, educational, or other related services.

"(J) Development of prevention and disease management tools and processes.

"(K) Translation services.

"(L) Development and implementation of evaluation measures and processes to assess patient outcomes.

"(M) Integration of primary care and mental health services.

"(N) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

"(6) SPECIALTY CARE.—The term 'specialty care' means care that is provided through a referral and by a physician or nonphysician practitioner, such as surgical consultative services, radiology services requiring the immediate presence of a physician, audiology, optometric services, cardiology services, magnetic resonance imagery (MRI) services, computerized axial tomography (CAT) scans, nuclear medicine studies, and ambulatory surgical services.

"(7) NURSE-MANAGED HEALTH CLINIC.—The term 'nurse-managed health clinic' means a nurse-practice arrangement, managed by advanced practice nurses, that provides care for underserved and vulnerable populations and is associated with a school, college, or department of nursing or an independent nonprofit health or social services agency.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act of 2008.

The health centers program was first enacted 40 years ago. Today, health centers are located in 6,000 sites in all 50 States serving as the medical home and family physician to 17 million people nationally.

Over the years, the health centers program has gained tremendous support from Democrats, Republicans, the Congress and the President. We don't all agree on much, but there is no doubt that the health centers program has been a great success.

The overwhelming support for the health centers program may be attributed to the impact health centers have made on the health and well-being of our country's most vulnerable populations.

Federally qualified health centers are local, nonprofit or public entity, community-owned health care provider serving low-income and medically underserved areas as designated by the Federal Government.

Health centers provide comprehensive primary and preventive health care, with services available to all community residents where they are located, regardless of the patients' ability to pay.

Community health centers have helped fill the medical void for low-income communities and uninsured individuals.

The, health centers program's focus on primary and preventive care has garnered savings for our health care system because the health centers provide the uninsured and underserved with access to care they would usually receive at hospital emergency rooms.

By providing access to affordable primary care, health centers have also reduced the need for in-patient and specialty care in hospitals, because medical problems in health center patients are treated earlier, before they require in-patient hospital care.

Studies suggest that health centers save Medicaid approximately 30 percent in annual spending for health centers due to reduced specialty care referrals; fewer hospital admissions, and emergency room visits.

Forty percent of health center patients are uninsured, and 35 percent depend on Medicaid, making health centers a critical feature of our country's safety net and, for many individuals, their only source for health care services.

Unfortunately, the number of uninsured in our country is 47 million and has been steadily rising, and in turn, the need for health centers are increasing.

Our district in Texas and many other communities nationwide are desperately in need of more health centers. Houston has approximately 1 million uninsured but only 10 federally qualified health centers.

As the fourth largest city in the United States, Houston lags far behind the number of health centers located in our area when compared to Chicago, with over 80 community health centers and the third largest city in the country.

Houston is not alone in this need for more health centers. Studies show that 56 million Americans lack access to primary care or a health care home.

The Health Centers Renewal Act will reauthorize the health centers program, which would address the growing need for community health centers in not only my area but throughout the United States.

This legislation would authorize the increased funding necessary for our community to build on the success of the health centers program and develop additional health centers to meet our tremendous need for affordable and quality health care.

This bill would allow health centers to serve approximately 23 million patients in the next 5 years.

I want to thank my colleague, Mr. PICKERING, who is the original cosponsor, along with the Energy and Commerce Committee and my subcommittee for their full support of this legislation.

I believe the bill is truly an investment in the future of health centers for the medically underserved communities throughout our country.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act. I have been a long time supporter of the community health centers program because health centers provide quality health care services to people and communities which might not otherwise have access to such care.

Last Congress, I sponsored a 5-year health centers reauthorization measure which passed the House by large margins. But unfortunately, we were unable to finalize the legislation and see it signed into law.

I would like to thank Mr. GREEN for his leadership on the legislation this year and for the willingness of our subcommittee chairman, Mr. PALLONE, and our full committee chairman, Mr. DINGELL, who worked in a bipartisan way to improve this reauthorization measure.

We made important reforms to the program to encourage the participation of volunteer physicians at health centers. It is my understanding that many physicians would be more willing to volunteer their time at a health center if they knew they would have liability protection from frivolous lawsuits. This bill provides that assurance through the Federal Tort Claims Act.

Through our work in the committee, we also addressed a situation which developed following Hurricanes Katrina and Rita where some health center employees were not able to carry their liability protection out of their home facility to go work on the gulf coast. We made a common-sense change to address this situation to ensure that health centers can meet their staffing needs during times of emergency. This amendment mirrored the legislation introduced by the late Representative Paul Gilmore, and I am glad that we can honor him by including this in this measure.

Community health centers are an important component of our health care safety net. While many communities across the country enjoy the benefits of having a health center, there are still many areas which could benefit from continued expansion of the program.

I would urge my colleagues to support this measure and give medically underserved communities across this country greater access to health care providers at a local community health center.

Madam Speaker, I would reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, we will reserve the balance of our time.

Mr. DEAL of Georgia. Madam Speaker, I'm pleased to yield to one of the members of our Health Subcommittee of Energy and Commerce and a gentleman whose language has been incorporated into this bill, Mr. TIM MURPHY, for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I thank Ranking Member DEAL and I thank Mr. GREEN for this very, very important bill, this Health Centers Renewal Act to provide some very, very important coverage for some of our most needy citizens.

You know, when people oftentimes will comment upon how many people in America don't have health care, who recognize that actually many of them are covered by programs such as Medicaid, they may or may not know it, or SCHIP or some choose not to have health insurance. But there are also those millions of Americans who simply are not low-income enough for Medicaid. They don't have children, so they're not covered by SCHIP. And they're not old enough for Medicare. Where do they go?

Well, community health centers provide the very health care that they need, give them health care home, give them peace of mind. It is a place where, for a low fee, they can have ongoing health care, know that they have a doctor who knows them, and dentist and psychologist and other ones who provide the vital care for them, and it keeps costs down. Keeps costs down tremendously.

I believe some 30 percent of people who go to community health centers do not have health care insurance, and of those who do attend, it maintains even lower costs for Medicaid patients. So it is savings at all levels.

But unfortunately, there are huge vacancies with community health centers. Those vacancies have to do with normal family physicians or psychiatrists or OB/GYNs, and that has led to backups. That has led to delays in appointments. And the question is, is there a way we can resolve that?

Well, here's something we discovered that was odd, and this bill corrects that. Strangely enough, if physicians want to volunteer at a free clinic, they can do so, and they're covered by the Federal Tort Claims Act. On the other hand, if they are paid medical staff at a free clinic, they're not covered under the Federal Tort Claims Act.

Reverse that for a community health center. If they're paid staff at a community health center, they're covered under the Federal Tort Claims Act, but if they want to volunteer, they are not.

I introduced a bill, H.R. 1626, the Family Healthcare Accessibility Act, a couple of years ago to correct that, and I am pleased that Mr. GREEN has put this into this bill. That basically provides that physicians and other health professionals, nurse practitioners who want to volunteer are covered.

What does this mean? That means lower costs for clinics, and that means that physicians, for example, who may want to give some of their time each week or each month, a clinic will be there with welcome arms. It has not been something that's been allowed before, but it does provide lower health care costs. It is a way for physicians and other primary practitioners to be able to give back to the community. It is a way to lower health care costs.

In this Nation, where there are 760 primary care physician openings, 290 nurse practitioners openings and 310 dentist openings just a couple of years ago—and those numbers may have climbed—this provides a way that we can fulfill those needs at basically no cost.

I thank the chairman, I thank Ranking Member DEAL and everybody else who has been part of this bill in making this a working bill to help bring health care costs down, help bring health care to America's needy citizens and help bring a health care home for so many Americans.

Mr. GENE GREEN of Texas. Madam Speaker, we will continue to reserve. We have no other speakers.

Mr. DEAL of Georgia. I would yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the committee who has also worked on this legislation.

Mr. TERRY. Thank you, and I, too, rise in support of our community health centers and the reauthorization.

We have two in my district in Omaha. We have the One World Health Center. It used to be known as the Chicano Awareness Center, but now it has kind of created a new name and new marketing in the sense that it really helps all of our community, and then in the north Omaha community we have the Charles Drew Center.

I frequent these facilities, meeting with their physicians who work there and their directors, and every time I have been impressed with the high quality of the health care that they provide for our communities. They are first-rate. Both of them are in brand new buildings that can rival any physicians' offices anywhere else in the metropolitan Omaha community.

And I think these health centers really are key in our try to provide universal health care or at least access for everybody so those that have minimal insurance or no insurance can show up at our community health centers and receive first-class medical care. And that is one of the major reasons why I stand in support.

Now, just quickly here, I feel compelled from listening to some of the testimony from a previous bill, we had a speaker that stood up and talked about how it was the White House or George Bush's fault that we have to import more oil during his administration.

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And of course that does appear to be our energy policy. But keep in mind that this House has voted, in the 10 years I've been here, at least I think eight or nine times to open up either offshore or Alaska oil, which has been shut down on every attempt. We've been able to pass it a handful of times; it has either been vetoed or blocked within the Senate.

So if you aren't allowed to use American supply of energy, of course the only alternative is to import more. I'm personally embarrassed that our administration is going to the Middle East and begging for them to increase production. What that shows, to me, is they're giving up on the fact that we should be using more of our own American resources. And we can do that. We should open up offshore. We should open Alaska. We should open up the oil shale in Colorado.

Now, what the public should know is, just in the last 6 months, back in November-December, this House voted to take the oil shale in Colorado and Wyoming off limits to oil companies to be able to extract oil from there. We made it so you cannot extract that oil.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEAL of Georgia. I yield the gentleman 1 additional minute.

Mr. TERRY. Just 2 weeks ago, this House voted to ban the military from using synthetic aviation fuel made from coal, also known as coal-to-liquid. So here's another alternative energy source that we could use to provide aviation fuel not only to the military, but to the civilian side, that would be stable, reliable, no cost fluctuations like you see because of the oil markets. But yet this House voted 2 weeks ago to say no to using that source for fuel. So of course if we're going to limit every source of energy in this country, you have no other place to go.

Last week, I rolled out a plan at home that showed if we allowed all of our resources to be used from the conservation from new vehicles and tax credits to help consumers purchase them, we open up offshore oil shale in Alaska, as well as the alternative, we can become energy independent.

Mr. GENE GREEN of Texas. Madam Speaker, as much as I would like to debate energy prices, hopefully we can deal with renewal of qualified health centers.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 3 minutes to the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Madam Speaker, I rise today in strong support of the Health Centers Renewal Act.

As important as this bill is to local communities, I believe the first thing we should be dealing with is gas prices and the devastating effect it's having on American families. Unfortunately, the majority refuses to deal with this issue.

Our Nation has over 1,000 community health centers which provide high-quality, affordable primary health care to more than 16 million Americans in over 6,000 communities nationwide.

I come from Fort Worth, Texas and was mayor there before I came to Congress. When I was mayor, we didn't have a community health center in Fort Worth. And I quickly realized the need for one because of the huge concentration of people we had who weren't able to access health care except for emergency centers.

When I came to Congress, I sat on the committee that funds health centers and worked to get a community health center in Fort Worth. We now have the Albert Galvan Health Clinic in Fort Worth, which serves a terrific need.

Parents who take their children to the center have developed a relationship with a primary care physician who can track families and their needs. They're also receiving good preventative care, which is taking away the need to visit an emergency room.

In Texas, community health centers are helping ease the burden tremendously on hospitals and local providers across the State, with 10 percent of low-income, uninsured Texans now relying on community health centers for their primary care. Texas health centers are caring for over 700,000 patients.

Nationally they're having a strong impact as well. A 2006 study by the National Association of Community Health Centers shows the number of patients treated by health centers increased by 46 percent between 1999 and 2004.

Overall, it's estimated community health centers care for over 17 million underserved people in rural and urban areas across the country. However, there is still a great need for more community health centers. Too many families have to drive long distances to reach a health center, and with gas prices at an all-time high, many families can't afford the drive to the doctor.

Thirty-six million people—one in eight Americans—don't have a doctor or regular source of care. If these 36 million Americans did have a regular source of care at a community health center, billions of dollars in health care costs could be saved from reduced ER visits.

There is evidence that people who get most of their primary care from a health center have 41 percent lower overall health care costs than the others who don't, saving Federal dollars of $10 to $17 billion in 2007 alone.

Health care centers are considered one of the most effective government programs in the country and have a solid record of keeping communities healthy and disease free.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Mr. DEAL of Georgia. I would yield the gentlelady 1 additional minute.

Ms. GRANGER. Because community health care centers provide families and the community with a health care safety net they can rely on and also ease the burden of our entire system, they're becoming increasingly important to meeting a national demand. Health care should be affordable, accessible and convenient so that individuals and families can access care when they're sick and get the care they need.

I urge my colleagues to support H.R. 1343.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 2 minutes to my colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Madam Speaker, I'm a medical doctor. As a physician, I have been a medical director in a National Health Service Corps community health clinic. I have given away hundreds of thousands of dollars of my services to the poor over my 30-some-odd years' career of practicing medicine in rural southwest Georgia, as well as in northeast Georgia where I currently live.

Health care costs are issues that particularly poor people have a tremendous difficulty dealing with. And it certainly is a very important issue. We've got to solve the crisis we have in health care financing today. We don't have a health care quality problem, we have a health care financing problem. And a lot of this is due to an overregulation on the health care system, on doctors, hospitals, pharmaceutical companies, and other entities.

But an issue that actually affects poor people more than health care today is the tremendous cost of energy. Right now today, we're drilling for ice on the ground in Mars, and we can't even drill for oil in America. It's got to stop. We've got to bring down the cost of gasoline. And we can do that. We can do that by drilling offshore. We can do that by tapping into the oil sources we have throughout the west and in Alaska. And it's absolutely critical.

The cost of gasoline is hurting everyone. It's driving up the cost of groceries in the supermarket. It's driving up the cost of all goods and services, including health care. So if we're going to lower the cost of the health care, if we're going to lower the cost of food in the grocery store, we've got to lower the cost of gasoline by drilling now and streamlining the permitting process to get refineries so that they're producing more gasoline and we can bring the cost down. So I encourage my colleagues to push for drilling for oil now.

Mr. DEAL of Georgia. Madam Speaker, I believe the majority is ready to close, and I will close at this point if he has no other speakers.

I believe that the importance of community health centers has certainly been underscored in a bipartisan fashion by the discussion we've had here on this floor. I would remind us all that this is an initiative that President Bush inaugurated several years ago when his goal was to expand the number of community health centers across this country, ultimately so that every county in this country would be served from one of these facilities. Certainly all of us recognize it is one of the better ways that we have available to us to be able to provide needed health care to communities that are underserved at the current time.

Once again, in closing, I would commend Mr. GREEN for his willingness to work in a bipartisan fashion on this reauthorization legislation. I believe that the amendments that were added to it before its reaching the floor today have considerably improved this bill. In particular, it now will allow physicians who are either retired or who want to volunteer a portion of their time to assist in one of these community health centers the ability to do so with some degree of limited liability protection. I think that will increase the number of physicians who are available in these facilities, and by doing that, it will increase the quality of care to those who are receiving services in community health centers.

With that, I would encourage passage of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I rise to close. We have no other speakers.

First, to comment on my colleague from Georgia. Coming from Houston, Texas, I have some pipeline companies that would love to have that contract from Mars to Houston to bring oil if we discover it drilling through that ice there.

I appreciate, as a physician, your devotion to community-based health clinics, because that's what this bill is about, it's about reauthorizing. In fact, as we stand here today, Madam Speaker, we're actually expanding one in our district. Like I said earlier, we only have 10 in the Houston area, and our next largest city close to us has 80. So we have a job to do in Houston, in Texas—and my colleague from Fort Worth mentioned it—to expand community-based health centers. This bill will allow us to do that because it will go to the underserved community, areas in the country that really don't even have access to a community-based health center now and will have with this legislation, also with the additional authorization funds.

Of course we have to go back and ask the Appropriations Committee every year for additional funding that we authorize. But that's something that we do. This is very bipartisan support for community-based health centers. That's why I would hope that we would have almost unanimous support for this legislation.

Mr. DAVIS of Illinois. Madam Speaker, I enthusiastically rise today in support of H.R. 1343, The Health Centers Renewal Act of 2007. For over 40 years, community health centers have provided cost-effective, high-quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations. Community Health Centers nationwide provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

As a former president of the National Community Heath Centers organization, I am honored to advocate for the expansion of this tremendously vital segment of our comprehensive healthcare system. By incorporating both H.R. 5544—The Patients and Public Health Partnership Act of 2008 and H.R. 870, which amends the Public Health Service Act to provide liability protections for practitioners of health centers who provide health services in emergency areas into this legislation; H.R. 1343 is now expanded to increase both insured coverage and access to critical resources for these invaluable medical professionals. This legislation empowers community health practitioners to serve on a larger scale and make an even greater positive impact particularly at a time when our health care delivery systems across the board are overburdened. I ask my colleagues to join me in support of H.R. 1343.

Mr. MCHUGH. Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act of 2007. I am proud to be a cosponsor of this legislation, which would reauthorize the community health centers program through fiscal year 2012.

Community health centers are an integral component of our Nation's health care infrastructure. Nationwide, more than 1,500 such centers provide high-quality, cost-effective primary health care to anyone seeking care. In New York State, health centers provide services to 1.1 million people who receive care at over 425 sites.

Of note, community health center fees are based on income and family size and services are provided regardless of insurance status or ability to pay. Forty-three percent of New York State health center patients are Medicaid beneficiaries and 28 percent are uninsured. Moreover, over 86 percent of New York State health center patients have incomes at or below 200 percent of the Federal poverty level, which in 2008 is $42,400 for a family of four.

Access to health care is truly one of the most difficult challenges for Americans living in rural areas like northern and central New York. Community health centers have been a tremendous help in our efforts to improve access to health care. I am thankful that my constituents in New York State's 23rd Congressional District are served by four community health centers: Hudson Headwaters Health Network; Northern Oswego County Health Services; The Smith House; and the United Cerebral Palsy Association of the North Country.

I deepy appreciate the dedication and hard work of the staff at those health centers. Indeed, I am hesitant to imagine a scenario in which my constituents did not have the benefit of their excellent services. I also appreciate the efforts of the gentleman from Texas, Mr. GREEN, and the gentleman from Mississippi, Mr. PICKERING, to develop this measure and bring it to the House floor today; I look forward to its enactment.

Mr. GENE GREEN of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5669) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poison Center Support, Enhancement, and Awareness Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Poison centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4 million calls were managed by poison centers providing ready and direct access for all people of the United States, including many underserved populations in the United States,

with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3 million and 5 million poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1.2 million days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine, of the National Academies recommended that the "Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.".

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison centers $7 of health care costs are saved. In 2005, direct Federal health care program savings totaled in excess of $525 million as the result of poison center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison centers are realized annually by Federal health care programs (estimated to be more than $1 billion), yet Federal funding support (as demonstrated by the annual authorization of $30.1 million in Public Law 108–194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

SEC. 3. REAUTHORIZATION OF POISON CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d–71) is amended to read as follows:

"SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

"(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 2000 through 2009 to carry out this section; and $1,000,000 for each of the fiscal years 2010 through 2014 for the maintenance of the nationwide toll-free phone number under subsection (a).".

SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CENTER UTILIZATION.

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d–72) is amended to read as follows:

"SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CENTER UTILIZATION.

"(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

"(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with a nationally recognized organization in the field of poison control for the development and implementation of a nationwide poison prevention and poison center awareness campaign, which may include the development and distribution of poison prevention and poison center awareness materials; television, radio, Internet, and newspaper public service announcements; and other means of public and professional awareness and education.

"(c) EVALUATION.—The Secretary shall—

"(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

"(2) prepare and submit to the appropriate congressional committees an evaluation of the nationwide media campaign on an annual basis.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $600,000 for each of the fiscal years 2000 through 2005, such sums as may be necessary for each of the fiscal years 2006 through 2009, and $1,500,000 for each of the fiscal years 2010 through 2014.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

SEC. 5. REAUTHORIZATION OF THE POISON CENTER GRANT PROGRAM.

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d–73) is amended to read as follows:

"SEC. 1273. MAINTENANCE OF THE POISON CENTER GRANT PROGRAM.

"(a) AUTHORIZATION OF GRANT PROGRAM.—The Secretary shall award grants to poison centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

"(b) ADDITIONAL USES OF GRANT FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant under such subsection may also use such grant for the following purposes:

"(1) To establish and evaluate best practices in the United States for poison prevention, poison center outreach, and emergency and preparedness programs.

"(2) To research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures.

"(3) To improve national toxic exposure surveillance by enhancing cooperative activities between poison centers in the United States and the Centers for Disease Control and Prevention.

"(4) To develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data.

"(5) To develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4).

"(6) To support and expand the toxicologic expertise within poison centers.

"(7) To improve the capacity of poison centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

"(c) CERTIFICATION.—Except as provided under subsection (d), the Secretary may make a grant to a poison center under subsection (a) only if—

"(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

"(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

"(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

"(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

"(3) LIMITATION.—In no instance may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

"(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

"(f) MAINTENANCE OF EFFORT.—A poison center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for each of the fiscal years 2000 through 2004, $25,000,000;

"(2) for each of the fiscal years 2005 through 2009, $27,500,000; and

"(3) for each of the fiscal years 2010 through 2014, $35,000,000, of which $1,500,000 shall be used to award grants for the purpose described in subsection (b)(4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5669, the Poison Control Center Enhancement and Awareness Act, a bill that would provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people in the United States.

Unfortunately, poisoning is a significant problem, and according to Centers for Disease Control and Prevention ranks second only to motor vehicle crashes as a cause of unintentional injury or death. The economic cost of unintentional poisoning is considerable, as poisonings led to $26 billion in medical expenses.

The bill before us today would reauthorize a poison center national toll free number, a national media campaign to promote the use of poison centers, and a grant program to provide assistance for poison prevention to ensure that unintentional poisonings do not lead to unintentional injuries or death.

I acknowledge my colleague, Congressman EDOLPHUS TOWNS, and urge my colleagues on both sides of the aisle to join me in support of this laudable legislation.

Mr. Speaker, I reserve the balance of my time.

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Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the Speaker and Mr. GREEN and the committee for bringing this forward in such a timely manner.

This is an important act. This bill reflects a bipartisan effort, strengthened by the leadership of Mr. TOWNS, who provides the necessary funding for the poison control centers to continue their lifesaving work. I must say that in writing this bill, I enjoyed working with Mr. TOWNS and his staff and appreciate all of their help and cooperation.

The poison control center located in Omaha is the designated poison control center for Nebraska, Wyoming, and, amazingly, American Samoa and the Federated States of Micronesia. It is one of the oldest poison control centers in the United States, established in 1957. It's one of fifty-two poison control centers in the United States certified as a regional poison control center by the American Association of Poison Control Centers and operates 24 hours a day, 7 days a week with full information and treatment capabilities. The majority of funding is provided by the Nebraska Med Center, Creighton University Medical Center, and the University of Nebraska.

In 2007, 61 poison control centers located throughout the United States played a critical role in saving lives by responding to 4 million calls. Poison control centers are staffed by medical professionals 24 hours a day, 7 days a week. These professionals are trained with the knowledge needed to assess poison risk, advise treatment and/or triage patients, recommend a treatment, or refer them to appropriate medical facilities.

Poisoning is the second leading form of unintentional death in the United States, and an estimated 60 percent of those exposures are experienced by children under the age of 6. Calls received by poison control centers addressed chemical, biological, and nuclear exposure, as well as adverse reactions to pesticides, cleaning products, and other hazardous products.

This bill provides the funding needed to authorize the poison center national toll-free number, national media campaign, and the State grant program to provide assistance for poison prevention. This legislation not only saves lives but saves millions of dollars a year in preventable medical expenses. A report by the Institute of Medicine concludes that the Nation's poison control centers yielded $7 in savings for every $1 invested. In 2005 alone, poison control centers saved Federal health programs an estimated $525 million.

I encourage my colleagues to examine this bill and join us in support of this bill and the lifesaving work of poison control centers across the country.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume to close.

As I mentioned in my first statement, my opening statement, this is a bipartisan effort. Once again, I want to thank Mr. TOWNS.

I have the floor statement of our ranking member, JOE BARTON, who is also in support of this bill, and I will read in significant part his statement.

He states: "As our primary defense against injury and death from poisoning, poison control centers are a vital part of our health care system in the United States. Few people realize poisoning is the second most common form of unintentional death in the United States. In 2005 there were over 26,000 deaths in the United States caused by the ingestion of poisons that resulted from approximately 5 million incidents of poison exposure. And without question, the number of deaths and debilitating injuries resulting from poisoning would be significantly higher if it weren't for the strong network of poison centers we already have, and with the passage of the legislation before us today, I am confident that we can make a great program even better."

And thanks to all of the efforts from the members of the Energy and Commerce Committee in making this a great bipartisan bill.

Mr. Speaker, with that I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague, who is also a member of the Energy and Commerce Committee, not only on this bill but on other health care bills that we're dealing with on a bipartisan basis.

This reauthorization of the poison center national toll-free number and the media campaign has been a proven success. And since all politics is local, and since you mentioned the University of Nebraska, I have to mention the University of Texas Medical Branch that serves as our poison control publicity and facility, and it's very successful. We just need to expand it because we still are having deaths from poisoning, and we need to make sure that toll-free number is utilized and that information is out there for our community.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in strong support of H.R. 5669. The Poison control centers provide vital healthcare services to Americans of all incomes and keep costs from emergency procedures under control. Through their cost-saving programs, these centers benefit the general public, the government, health care providers, public health entities, and insurers.

In my district, Jay Schauben supervises a poison control center at Shans-Jacksonville hospital that treats a population of approximately six million. The Florida legislature created this center in 1989 to address overwhelming needs in the areas of exposure treatment and education, and Dr. Schauben's team has risen to the challenge and helped a countless number of my constituents. I would also like to thank Senator David Karnes, whose tireless support has been a great help in attaining funding for these important centers. Finally, I would like to thank Dr. Gerold Schiebler of the University of Florida. Dr. Schiebler has been active for decades in the campaign for affordable healthcare and widespread access to poison control services.

With our economy in recession, now is certainly no time to further limit access to the quality healthcare services, or to tie the hands of advocates like Dr. Schauben, Senator Karnes, and Dr. Schiebler. So, it is critically important that poison control centers are reauthorized, and that these centers receive full funding through Fiscal Year 2014.

A wide variety of Americans benefit from the services poison control centers provide every day. The general public benefits by receiving cost-free poisoning prevention guidelines, emergency medical advice, and follow-up calls about treatment. These services prevent trips to emergency rooms and keep already outrageous healthcare costs from rising even further.

I represent one of the poorest districts in the State of Florida, and I have seen first hand the challenges my constituents face in finding affordable healthcare. A study group consisting of medical and poison control experts has found that every dollar spent on poison centers saves seven dollars in healthcare costs.

Also, poison control centers provide educational programs aimed at prevention. These programs help educate many uninsured Americans about means of poison prevention, and keep healthcare costs in the U.S. down by avoiding emergency room procedures.

In addition to saving low- and middle-income Americans healthcare dollars, poison control centers provide 24-hour emergency and informational services via a Toll-Free National Hotline. This hotline is a vital source of information for many of my constituents, and Americans across the country, who could not otherwise receive medical advice or attention. This hotline also provides essential follow-up calls regarding continuing care of poison exposures.

Without a national hotline, many individuals with known or suspected toxic exposures would seek significantly more costly and less accessible healthcare alternatives, such as an emergency room visit.

Simply, the benefits of these centers are widespread, but are especially helpful to those whose incomes prohibit access to private health care services. Failure to reauthorize these important centers would represent a tremendous disservice to Americans in all Congressional districts.

I urge my colleagues to support H.R. 5669.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 5669, the "Poison Center Support, Enhancement, and Awareness Act of 2008." I would like to thank my friend from New York, Mr. TOWNS, and, my friend from Nebraska, Mr. TERRY, for introducing this important legislation, and I want to thank Chairman DINGELL and Subcommittee Chairman PALLONE for working in a bipartisan manner as we moved this bill through the Energy and Commerce Committee.

As our primary defense against injury and death from poisoning, poison centers are a vital part of our healthcare system in the United States. Few people realize that poisoning is the second most common form of unintentional death in the United States. In 2005, there were over 26,000 deaths in the United States caused by the ingestion of poisons that resulted from approximately 5 million incidents of poison exposure. And without question, the number of deaths and debilitating injuries resulting from poisoning would be significantly higher if it weren't for the strong network of poison centers we already have, and with passage of the legislation before us today, I am confident that we can make a great program even better.

Again, I thank my colleagues for their efforts on this bipartisan bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008, and I thank the bill's sponsor, Congressman TOWNS, for his leadership on this issue. I also want to thank Chairman PALLONE and Chairman DINGELL for working to bring this bill before us today.

The poison control centers program has proven to be a very successful program for communities across the country, by providing a national toll-free number for poison emergencies, a national media campaign to promote the use of poison centers, and a poison prevention grant program.

In my district alone, the Illinois Poison Center handled 7,021 cases last year. Statewide, 51 percent of the calls the Illinois Poison Center handled involved children under the age of 5. I just can't imagine what families would do without this tremendous resource, Surely, this legislation which will reauthorize this program through 2014 and increase its total authorization to $37.5 million annually will be money well spent.

Not only do poison centers save lives, they save time and resources by cost avoidance for patients who are cared for in their homes as opposed to visiting a hospital and by reducing lengths of stay for patients who are cared for by a poison control center prior to arriving at a hospital.

Again, I thank the bill's sponsor and our Chairmen for their work on this legislation, and I urge my colleagues to give H.R. 5669 their support.

Mr. GENE GREEN of Texas. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 5669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GENE GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008".

SEC. 2. SOUND RECORDING PRESERVATION PROGRAMS.

(a) NATIONAL RECORDING PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 133 of the National Recording Preservation Act of 2000 (2 U.S.C. 1743) is amended by striking "for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act" and inserting "for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) CRITERIA FOR REMOVAL OF MEMBERS.—Section 122(d)(2) of such Act (2 U.S.C. 1722(d)(2)) is amended to read as follows:

"(2) REMOVAL OF MEMBERS.—The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the member is determined by the Librarian to have substantially failed to fulfill the member's responsibilities as a member of the Board.".

(b) NATIONAL RECORDING PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 152411(a) of title 36, United States Code, is amended by striking "for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter" and inserting "for the first fiscal year beginning on or after the date of the enactment of this chapter and each succeeding fiscal year through fiscal year 2016".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) PERMITTING BOARD MEMBERS TO SERVE MORE THAN 2 TERMS.—Section 152403(b)(4) of such title is amended by striking the second sentence.

(3) PERMITTING BOARD TO DETERMINE LOCATION OF PRINCIPAL OFFICE.—

(A) IN GENERAL.—Section 152406 of such title is amended by striking "District of Columbia." and inserting "District of Columbia or another place as determined by the Board of Directors.".

(B) CONFORMING AMENDMENT.—Section 152405(b) of such title is amended by striking

"District of Columbia," and inserting "jurisdiction in which the principal office of the corporation is located,".

(4) CLARIFICATION OF LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Section 152411(b) of such title is amended to read as follows:

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

SEC. 3. FILM PRESERVATION PROGRAMS.

(a) NATIONAL FILM PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 112 of the National Film Preservation Act of 1996 (2 U.S.C. 179v) is amended by inserting after "the Librarian" the following: "for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016".

(B) CONFORMING AMENDMENT.—Section 113 of such Act (2 U.S.C. 179w) is amended by striking the first sentence.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in the enactment of the National Film Preservation Act of 1996.

(2) EXPANDING AUTHORIZED USES OF SEAL.—Section 103(b) of such Act (2 U.S.C. 179m(b)) is amended by adding at the end the following: "The Librarian may authorize the use of the seal by the Library or by others for other limited purposes in order to promote in the National Film Registry when exhibiting, showing, or otherwise disseminating films in the Registry.".

(3) UPDATING NAMES OF ORGANIZATIONS REPRESENTED ON BOARD.—Section 104(a)(1) of such Act (2 U.S.C. 179n(a)(1)) is amended—

(A) in subparagraph (E), by striking "Cinema" and inserting "Cinema and Media";

(B) in subparagraph (G), by striking "Department of Film and Television" and inserting "Department of Film, Television, and Digital Media";

(C) in subparagraph (H), by striking "Film and Television" and inserting "Cinema Studies"; and

(D) by amending subparagraph (L) to read as follows:

"(L) Screen Actors Guild.".

(b) NATIONAL FILM PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—Section 151711(a) of title 36, United States Code, is amended to read as follows: by inserting after the first sentence the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—

"(A) $530,000 for each of the fiscal years 2005 through 2009;

"(B) $750,000 for each of the fiscal years 2010 through 2011; and

"(C) $1,000,000 for each of the fiscal years 2012 through 2016.

"(2) MATCHING.—The amounts authorized to be appropriated under this subsection are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.".

(2) REPATRIATION OF FILMS FROM FOREIGN ARCHIVES AS PURPOSE OF FOUNDATION.—Section 151702(1) of such title is amended by striking "United States;" and inserting "United States and the repatriation of American films from foreign archives;".

(3) EXTENSION OF DEADLINE FOR FILLING VACANCIES IN MEMBERSHIP OF BOARD OF DIRECTORS.—Section 151703(b)(5) of such title is amended by striking "60 days" and inserting "120 days".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

This bill reauthorizes the Sound Recording and Film Preservation Programs of the Library of Congress through the year 2016.

The National Film Preservation Board was created in 1988 to address the rapid deterioration of important films. The Film Preservation Board is responsible for identifying and preserving films they deem are "culturally, historically, or aesthetically significant." Along with the National Film Preservation Foundation, the Film Preservation Board ensures that all generations from all over the world will be able to view these remarkable films and experience their power and importance firsthand.

The National Recording Preservation Board was created by the National Recording Preservation Act of 2000. There are currently 225 entries in the National Recording Registry, and that number may only continue to grow. From music to historical speeches, the Recording Preservation Board makes certain that future generations can experience these historically important and powerful sounds that helped shape decades.

It is necessary that we reauthorize the Recording and Film Boards to allow them to continue their vital mission. We will see to it that those who come after us will be able to listen to and witness those sounds and sights that are essential to our national heritage.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 4, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY: This is to advise you that, as a result of your working with us to make appropriate revisions to provisions in H.R. 5893, the Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 5893 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, June 4, 2008.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 5893, a bill to reauthorize the sound recording and film preservation programs of the Library of Congress.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will place a copy of your letter and this response in the Congressional Record during consideration of H.R. 5893. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

ROBERT A. BRADY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5893, which will reauthorize the Library of Congress's Sound Record and Film Preservation Program. It is an important bill, which will preserve the images and sounds of our Nation's history and make those pieces of the past more accessible to future generations.

The importance of this effort was illustrated just this weekend when Universal Studios in California had a mammoth fire in which some priceless films were lost, and all films, if they were recorded and in the Library of Congress, would not face this problem.

The National Film Preservation Board was formed in 1993 following a study that revealed that America's film heritage was at serious risk due to the degradation of acetate film stock at an alarming rate. Funding for preservation programs had fallen drastically since 1980, creating an urgent need for action. A national plan to protect our Nation's treasures on film was created in 1994 to address the growing need for preservation and to make films more available for education and public exhibition.

I must confess, Mr. Speaker, to some frustration that we have to come in and save the films that the film industry has not taken care of. Obviously they're making enough money when they pull down $300 million in one weekend for certain films. I would think they would have the wherewithal to preserve their own films. Nevertheless, since they have not, the Congress has had to step in to do it.

In 1999 Congress created the Sound Recording Preservation Program modeled on the successful National Film Preservation Program. This new program would protect historic pieces of audio recordings from deterioration. These audio recordings are extremely important and should be preserved as well. Through the creation of this program, the Sound Recording Preservation Board was instructed to produce a report on the current state of sound recording archiving, preservation and restoration activities, encompassing standards for digital preservation and for access to preserved recordings. The program also includes research on current laws governing sound preservation and how the Library and other institutions can make collections more available to researchers digitally.

This bill will continue the good work started by the Sound Recording and Film Preservation Program staff and their respective boards. Historians, scholars, and citizens will benefit from increased access to these important works, and the items themselves will be preserved for many more generations to come under these programs.

I fully support this bill and thank Chairman BRADY for his efforts to bring this matter to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank Chairman BRADY for yielding, and I also want to commend him for the introduction of this legislation.

Mr. Speaker, I have always been a great fan of libraries, and, obviously, I'm a great fan of the Library of Congress. And I believe that having as much information and material as we can possibly have is of great benefit not only to the preservation of our history and culture but also a benefit to those who are seeking information, those who want to be educated in many of the different and various ways that education takes place. So I rise in strong support of this legislation.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, so I will attempt to conclude here.

I just want to recognize the good work that the board has done, the importance of the preservation of both visual and audio recordings, as Mr. DAVIS has just said. And it may be that 100, 150 years from now, someone will resurrect Pavarotti, Dizzy Gillespie, Ella Fitzgerald, some of the great musicians of our time, and say look what we have lost in our culture, and we may see a rejuvenation of those.

So I strongly support this bill and urge its passage.

Mr. CONYERS. Mr. Speaker, we cannot allow our cultural, historical or visually significant treasures to disappear into the fog of time. That is why I fully support both reauthorizations contained within H.R. 5893.

Our written traditions have libraries which archive and preserve them. The program we reauthorize today provides a mechanism for similar archiving for sound and visual arts, encouraging their preservation and accessibility for ourselves and for future generations despite rapid changes in visual and sound recording media.

H.R. 5893 would reauthorize the sound recording and film preservation programs of the Library of Congress and make a few small changes to improve the efficiency and effectiveness of the programs such as by encouraging more active participation by board members.

I am particularly interested in the progress of the Library of Congress on its study and report on sound recordings. In speaking with members of the artist community, it has become clear to me that art forms such as jazz are not being archived, preserved, and restored to the extent necessary to prevent the disappearance of some of the older recordings. This reauthorization will enable the Library of Congress to continue the study and report on ways the National Recording Preservation Board can better ensure the continued availability of seminal pieces of historical jazz and other forms of music.

This country, indeed the world, recently lost a music great, a pioneer who helped lead rhythm and blues into rock and roll, an artist of the highest esteem, "Bo Diddley." Through the continuation of these important archive programs, we can help make sure that Bo Diddley and others will be long remembered for their special contributions to our culture. Though we may mourn the passing of the musician, we need never mourn the loss of the music.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, as always, I would like to thank the ranking member, my friend from Michigan, for his cooperation, and I urge an "aye" vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5893, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5972) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Administrative Technical Corrections Act of 2008".

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

"(a) CHIEF ADMINISTRATIVE OFFICER.—

"(1) ESTABLISHMENT.—There shall be within the Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

"(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the Capitol Police, after consultation with the Capitol Police Board.

"(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.".

(2) PERSONNEL OF OFFICE OF ADMINISTRATION.—Section 108(c)(1) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(c)(1)) is amended—

(A) by striking "The Chief Administrative Officer" and inserting "The Chief of the Capitol Police"; and

(B) by striking "but shall not" and all that follows and inserting a period.

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police"; and

(B) in subsection (b)(1), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police".

(4) REPEAL OF COMMITTEE APPROVAL FOR APPOINTMENTS, TERMINATIONS, AND PROMOTIONS.—Section 1018(e)(1)(B) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)(B)) is amended to read as follows:

"(B) SPECIAL RULES FOR CERTAIN ACTIONS.—

"(i) PRIOR NOTICE REQUIRED FOR APPOINTMENTS, TERMINATIONS, AND PROMOTIONS.—In carrying out the authority under this paragraph, the Chief of the Capitol Police may carry out any of the following actions only after providing notice to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate and receiving an acknowledgment from each such Committee that the Committee has received the notice:

"(I) The appointment or termination of any officer, member, or employee.

"(II) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class or the promotion of any civilian employee to any position.

"(ii) APPROVAL REQUIRED FOR ESTABLISHMENT OF NEW POSITIONS, RECLASSIFICATION OF POSITIONS, AND REORGANIZATION PLANS.—The establishment by the Chief of the Capitol Police of any new position for officers, members, or employees of the Capitol Police, the reclassification by the Chief of any position for officers, members, or employees of the Capitol Police, and any reorganization plan for the Capitol Police shall be subject to the approval of the Committees referred to in clause (i).".

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking "the Capitol Police Board," and inserting "the United States Capitol Police,".

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking "Capitol Police Board" each place it appears and inserting "United States Capitol Police"; and

(B) in subsection (a)(2), by striking "Capitol Police Board" and inserting "Chief of the United States Capitol Police".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—

(1) IN GENERAL.—Section 1018(a)(2) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(a)(2)) is amended to read as follows:

"(2) TRANSFER.—

"(A) IN GENERAL.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

"(B) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—In the case of the authority to waive a claim of the United States against a person arising out of an erroneous payment of any pay or allowances to an officer or employee of the Capitol Police—

"(i) the Chief of the Capitol Police shall exercise such authority in the same manner as the Secretary of the Senate under section 2 of the Act entitled 'An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch', approved July 25, 1974 (2 U.S.C. 130c);

"(ii) an application for a waiver of such a claim shall be investigated by the Chief Administrative Officer of the Capitol Police, who shall submit a written report of the investigation to the Chief; and

"(iii) an application for a waiver of such a claim in an amount aggregating more than $1,500 may also be investigated by the Comptroller General, who shall submit a written report of the investigation to the Chief.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that nothing in the amendment may be construed to affect the validity of any waiver granted prior to the date of the enactment of this Act with respect to a claim of the United States against a person arising out of an erroneous payment of any pay or allowances to an officer or employee of the United States Capitol Police.

(d) MODIFICATION OF AUTHORITY TO MAKE ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161) is amended—

(A) by striking "fiscal year 2008 and each succeeding fiscal year" and inserting "each of the fiscal years 2008 through 2012"; and

(B) by inserting after "the Senate," the following: "the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate,".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2008.

(e) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior notification to" and inserting the following: "prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and".

SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (hereafter in this subsection referred to as the "General Counsel").

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1)(B)(i) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)(B)(i)) (as amended by section 2(a)(4)), without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—The annual rate of pay for the General Counsel shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) CONFORMING AMENDMENT TO LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking "the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police" and inserting "the General Counsel to the Chief of Police and the United States Capitol Police".

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—(A) Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is hereby repealed.

(B) The last full paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an "exempt individual" is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108—7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

(c) AUTHORITY TO SUSPEND EMPLOYEES FOR APPROPRIATE REASONS.—

(1) IN GENERAL.—Section 1018(e)(1)(A) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)(A)) is amended by inserting "suspend with or without pay," after "hire,".

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—(A) Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is hereby repealed.

(B) The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345.), popularly known as the "Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876", which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to "House of Representatives Office Building" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes", approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking "other than officers and privates of the Capitol police" each place it appears and inserting "other than the United States Capitol Police".

(2) SENATE OFFICE BUILDINGS.—The item relating to "Senate Office Building" in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking "other than for officers and privates of the Capitol Police" each place it appears and inserting "other than for the United States Capitol Police".

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110—161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110—178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading "Capitol Police" in the Act of April 28, 1902 (ch. 594, 32 Stat. 124), and the provisions appearing in the first paragraph under the heading "Capitol Police" in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173, 57 Stat. 230), insofar as all of those provisions are related to the sentence "The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.", which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, div. H, title I, 117 Stat. 368) is repealed, and the sentence "The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.", which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking ", the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to present the United States Capitol Police Administrative Technical Corrections Act of 2008. As its title suggests, H.R. 5972 is not intended to make substantive policy changes for the Capitol Police. It corrects drafting errors, modernizes outdated terms, and repeals redundant and inconsistent provisions already on the books.

My favorite correction is a long overdue repeal of the 1868 law requiring Capitol Police officers to buy their uniforms. Congress decided years ago to provide their uniforms, but has never repealed the 1868 law. Chief Phillip Morse requested most of these corrections, the committee found others, and we included several excellent suggestions offered by the gentleman from Michigan (Mr. EHLERS). Again, it was a pleasure to work with him and his staff, as always.

The bill has the support of Chief Morse and our House Sergeant-at-Arms, Wilson Livingood, and I urge an "aye" vote.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise today in support of H.R. 5972. While I would have preferred that we would have addressed these items in regular order, I am pleased that the proposed technical corrections in this bill will create a stronger operational framework for the Capitol Police. As often happens when language is tied to an appropriations bill in a hasty fashion, several requirements in the original legislation governing Capitol Police operations proved problematic under greater scrutiny and further use. This bill will bring clarity to the administration of the U.S. Capitol Police and will eliminate those provisions which are in conflict with one another or are antiquated and therefore unnecessary.

I would also point out that this illustrates the importance of the appropriations subcommittees to work together with the authorizing committees, because virtually all the problems that have arisen in the past in this area resulted from a lack of cooperation between the authorizing and appropriating committees.

The changes specified in this bill will also establish a transparent and decisive governance framework and create a clear reporting structure within the U.S. Capitol Police. The clarified language provides the Chief of the Capitol Police with explicit authority to perform all hiring and termination actions, which will assist the U.S. Capitol Police's legal staff in executing its duties regarding personnel matters.

This bill also clarifies that the Capitol Police must notify this committee, as well as the Senate Rules and Administration Committee, of substantive administrative and operational actions, such as notices of personnel actions or deployment of personnel outside of the Capitol Police's jurisdiction. This language further strengthens this committee's function as an oversight body and allows us to address any such issues as they occur.

I thank Chairman BRADY for his work on this bill, which will, upon its passage, create a stronger law enforcement organization, and a safer, more secure Capitol complex.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I have no further speakers.

Mr. EHLERS. I have no further speakers. I will make some concluding comments.

First of all, Mr. Speaker, I want to thank my chairman, Mr. BRADY. He and I have worked very, very well together on a number of issues, and I believe that, if there were a competition, we would probably hold the prize among the committees of the House as to the best functioning committees who really try to get business done without a lot of partisanship. I commend my colleague for his great attitude on this.

One other comment I will make in regard to the Capitol Police. The one area we did not examine, which I think needs examination at some point, and I hope our committee will take it up at some point, the duties of the Capitol Police Board are not as clearly outlined as they might be. The composition, I believe, is lacking. We have a GAO report of a few years ago which pointed out some severe shortcomings in the operations and decision-making processes of the Capitol Police Board, and I think we would be well-served in this institution to re-examine that issue.

We have done so much in the past decade to modernize the police force; make them provide more ready responses to the trauma that we face today in this time of terrorism. I think we would be well-advised to look at the governing structure once again too, which to my knowledge, has not been examined for a long time.

With that, I will yield back the balance of my time.

Mr. BRADY of Pennsylvania. Again, I thank the gentleman from Michigan. He is right: it is a pleasure to work together. I look forward to working together with you in your interest on the Capitol Police Board. With that, I urge an "aye" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5972, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5940) to authorize activities for support of nanotechnology research and development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Nanotechnology Initiative Amendments Act of 2008".

SEC. 2. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

"(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2008, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

"(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

"(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

"(C) proposed research in areas of national importance in accordance with the requirements of section 5 of the National Nanotechnology Initiative Amendments Act of 2008;";

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

"(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);"; and

(B) by inserting at the end the following new subsection:

"(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.";

(3) by striking section 3(b) and inserting the following new subsection:

"(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

"(2) The annual report under section 2(d) shall include—

"(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

"(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

"(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.";

(4) by inserting at the end of section 3 the following new subsection:

"(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 3(b) of the National Nanotechnology Initiative Amendments Act of 2008. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

"(A) education in formal settings;

"(B) education in informal settings;

"(C) public outreach; and

"(D) ethical, legal, and other societal issues.

"(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.";

(5) in section 4(a)—

(A) by striking "or designate";

(B) by inserting "as a distinct entity" after "Advisory Panel"; and

(C) by inserting at the end "The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).";

(6) in section 4(b)—

(A) by striking "or designated" and "or designating"; and

(B) by adding at the end the following: "At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.";

(7) by amending section 5 to read as follows:

"SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

"(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

"(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

"(2) effectiveness of the Program's management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

"(3) Program's scientific and technological accomplishments and its success in transferring technology to the private sector; and

"(4) adequacy of the Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

"(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program's management and coordination processes and for changes to the Program's objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2009.

"(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

"(1) $500,000 for fiscal year 2009.

"(2) $500,000 for fiscal year 2010.

"(3) $500,000 for fiscal year 2011."; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

"(2) NANOTECHNOLOGY.—The term 'nanotechnology' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions."; and

(B) by adding at the end the following new paragraph:

"(7) NANOSCALE.—The term 'nanoscale' means one or more dimensions of between approximately 1 and 100 nanometers.".

SEC. 3. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as "Nanotechnology Education Partnerships".

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program—

(A) from amounts authorized under section 7002(b)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2009; and

(B) from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program—

(A) from amounts authorized under section 7002(b)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2009; and

(B) from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 4. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2003 through fiscal year 2007; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufactoring, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

"(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;''.

SEC. 5. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) IN GENERAL.—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) CHARACTERISTICS.—

(1) IN GENERAL.—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) PROCEDURES.—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnologg Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) REPORT.—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with

this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 6. NANOMANUFACTURING RESEARCH.

(a) RESEARCH AREAS.—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) GREEN NANOTECHNOLOGY.—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 5(b)(3) of this Act shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) REVIEW OF NANOMANUFACTORING RESEARCH AND RESEARCH FACILITIES.—

(1) PUBLIC MEETING.—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufactoring program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufactoring program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) ADVISORY PANEL REVIEW.—The Advisory Panel shall review the Nanomanufactoring program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufactoring program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 7. DEFINITIONS.

In this Act, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 5940, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5940 is a bipartisan bill which myself and Ranking Member HALL jointly introduced, along with 23 additional Democratic and Republican members of the Science and Technology Committee. The committee believes this legislation will strengthen our Nation's competitiveness in the rapidly advancing field of nanotechnology.

I want to particularly thank my colleague, the gentleman from Texas, for working with me to craft this legislation. I also want to thank Dr. BAIRD, the Chair, and Dr. EHLERS, the ranking member, respectively, of the Research and Science Education Subcommittee, who were both instrumental in development of this bill.

Finally, I want to thank all the members of the Science and Technology Committee on both sides of the aisle for their contributions to this bill and for helping to move it expeditiously and unanimously through the committee. Certainly, I want to thank Jim Wilson, working with the minority and majority staff, in putting together this excellent piece of legislation.

The term "revolutionary technology" has become a cliche, but nanotechnology truly is revolutionary. We stand at the threshold of an age in which materials and devices can be fashioned atom by atom to satisfy specific design requirements. Nanotechnology-based applications are arising that were not even imagined a decade ago.

The range of potential applications of nanotechnology is broad and will have enormous consequences for electronics, energy transformation, storage materials, and medicine and health, to name just a few. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The Science and Technology Committee recognized the promise of nanotechnology early on, holding our first hearing a decade ago to review Federal activities in the field. The committee was substantially instrumental in development and enactment in 2003 of the 21st Century Nanotechnology Research and Development Act, which authorized the multi-agency National Nanotechnology Initiative, or the NNI, as it's called.

The 2003 statute put in place formal interagency planning, budgeting, and coordinating mechanisms for the NNI. It now receives funding from 13 agencies and has a budget of $1.5 billion for fiscal year 2008. The NNI statute also provides for formal reviews of the content and management of programs by the National Academy of Sciences and by a designated advisory committee of nongovernmental experts. Their assessment of the NNI has been generally positive.

The NNI supports productive cooperative research efforts across a spectrum of disciplines and is establishing a network of national facilities for further support of nanotechnology research and development. H.R. 5940 is based on findings and recommendations from several hearings during the current Congress that examined various aspects of the NNI. It also reflects recommendations from the formal reviews of the NNI by the National Academy of Sciences and the NNI advisory panel. Finally, it incorporates many suggestions from various communities of interest that reviewed early versions of the bill.

H.R. 5940 does not substantially alter the NNI, but makes adjustments to some of the priorities of the programs and strengthens one of the core components, environmental and safety research.

Nanotechnology is advancing rapidly, and at least 600 products have entered commerce that contain nanoscale materials, including aerosols and cosmetics. It is important for the successful development of nanotechnology that potential downsides of nanotechnology be addressed from the beginning in a straight forward and open way.

We know too well that negative public perceptions about the safety of technology can have serious consequences for its acceptance and use. At present, the level of scientific understanding is sufficient to pin down what types of engineered nanomaterials may be dangerous, although early studies show some are potentially harmful.

One example is the recent finding that certain types of carbon nanotubes may mimic the effect of asbestos in causing cancer. More research is needed to determine what characteristics of nanoscale materials are most significant with regard to determining their effects on living organisms or on the environment.

Although the NNI from its beginning has included research to increase understanding of environmental and safety aspects of nanotechnology, it has not yet put in place a well-designed, adequately funded and an effectively executed research program in this area. The environmental and safety component of NNI must be improved by quickly developing a research plan and implementation strategy that specifies near-term and long-term goals, sets milestones and timeframes for meeting near-term goals, clarifies agencies' roles in implementing the plan, and allocates sufficient resources to accomplish those goals.

This is the first essential step for the development of nanotechnology to ensure that sound science guides the formation of regulatory rules and requirements. It will reduce the current uncertainty that inhibits commercial development of nanotechnology and will provide a sound basis for future rulemaking.

H.R. 5940 addresses risk reduction research by requiring that the NNI agencies develop a plan for the environmental and safety research component of the program, as well as a roadmap to implementing it. This plan must include explicit near-term and long-term goals, specify the funding required to reach these goals, and identify the role of each participating agency.

The bill also assigns responsibility to a senior official at the Office of Science and Technology Policy at the White House to oversee this planning and implementation process and to ensure the agencies allocate the resources necessary to carry it out.

Finally, the bill requires accountability by establishing a publicly accessible database containing information on the content and funding for each environmental health and safety research project supported by the NNI.

Another key component of H.R. 5940 I want to highlight involves provisions to help capture the economic benefits of nanotechnology.

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Too often, the U.S. has led in the basic research on the frontiers of science and technology, but has failed to capitalize on commercial development flowing from these new discoveries.

The NNI has so far invested approximately $7 billion over 7 years in basic research that is providing new tools for manipulation of matter at the nanoscale and is increasing our understanding of the behavior of engineered nanoscale materials and devices. Increased consideration should be given to ways to foster the transfer of new discoveries to commercial products and processes. To that end, H.R. 5940 includes provisions to encourage use of nanotechnology research facilities by companies for prototyping and proof of concept studies and it specifies steps for increasing the number of nanotechnology-related projects supported under the Small Business Innovation Research initiative and by the Technology Innovation Program, established under the COMPETES Act.

To increase the relevancy and value of NNI, the bill also authorizes large-scale, focused, multi-agency research and development initiatives in areas of national need. This approach will advance the development of promising research discoveries for demonstrating technical solutions in targeted areas, which will contribute to economic competitiveness and other social benefits. For example, such efforts could be organized around the development and replacement of silicone-based transistors, developing new nanotechnology-based devices for harvesting solar energy, and nanoscale sensors for detecting cancer.

Finally, I want to highlight some provisions of the bill that address another key issue, future STEM workforce needs. The Nation needs a full pipeline of talented engineers, scientists and technicians and a scientifically literate public able to exploit and understand this new science.

One provision of H.R. 5940 builds on the National Science Foundation's Math and Science Partnership Program to use nanotechnology education activities as a vehicle to raise the interest of secondary students in possible STEM careers. A key component of these new partnerships is involvement by the nanotechnology companies in offering hands-on learning opportunities at their facilities for students and teachers.

Another educational provision supports the development of undergraduate courses of study in nanotechnology fields. This will help prepare future technicians, scientists and engineers who will be needed to meet the demands of industry as nanotechnology commercialization continues to expand.

Mr. Speaker, nanotechnology will soon touch the lives of all Americans. It is already in our cell phones, cosmetics, paints and clothing. It will soon help to protect the lives of our police officers and military servicemen, and is showing promise in the treatment of cancer and promoting wound healing. There is no doubt that the potential of this technology is great. The bill before us today goes a long way toward ensuring that nanotechnology is developed in a safe and environmentally benign way, and that the Nation reaps the benefits of our research investment.

H.R. 5940 has the support of many business and professional associations, including the Semiconductor Industry Association, the NanoBusiness Alliance, the American Chemical Society, the American Physical Society, SEMI North America, the National Chemistry Council, the American Electronics Association, the Association of Science-Technology Centers, IEEE-USA, Materials Research Society, Semiconductor Research Corporation, the National Science Teachers Association, American Psychological Association, the American Institute for Medical and Biological Engineering, Texas Instruments, IBM and Applied Materials, among just a few.

These organizations, like my colleagues on the Science and Technology Committee, recognize that H.R. 5940 will enhance America's efforts in nanotechnology research and development and will help bring its many benefits to the public.

Mr. Speaker, I commend this bipartisan legislation to my colleagues and urge their support for its passage in this House.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) will control the time.

There was no objection.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008, and I yield myself such time as I may consume.

Mr. Speaker, I control time for what we call the opposition for the legislation here today, but I guess that is just a mere technicality, because I am pleased to join Chairman GORDON as well as an overwhelming majority of our committee members on both sides of the aisle as an original cosponsor of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008.

The initiative was first named in the 2001 budget request and made a priority by President Bush. We codified it in 2003, and I was pleased to cosponsor that measure as well then. Now we have taken an already good statute and improved it just a bit, and streamlined some administrative issues to ensure that areas such as nanomanufacturing, education and environmental health and safety are adequately recognized.

It is mind-boggling to realize that the piece of paper that I am reading from is 100,000 nanometers thick. 100,000 nanometers. The fact that our scientists and engineers can create and manipulate matter on that small of a scale to be used in electronics, biomedical, pharmaceutical, cosmetic, energy, catalytic, and materials applications is amazing and the kind of research and technology that makes the United States the leader in this innovation. It is important that we continue to make this area of research a national priority.

Certainly, just as an example, look at how nanotechnology has been used to create clean, secure and affordable energy. With gas prices averaging $4 a gallon, when was the last time we heard "affordable energy"?

Nanotechnology research is currently taking place to improve the performance or increase the efficiency of renewable energy systems, such as solar energy conversion, wind energy, biomass power for utility applications, hydrogen production and storage for transportation, including the development of fuel cell technology, and geothermal energy. Nanofilms for windows are being developed for home use to promote energy efficiency. Nanotechnology is being used to improve batteries and create solid state lighting and low powered displays. The list and potential at this time are absolutely endless.

So I encourage my colleagues to support this measure. This has been a bipartisan effort from the beginning, and while we have made some changes to the program, I believe that, by and large, we continue to give the NNI and all the Federal agencies involved with this the flexibility that they absolutely need to do their work without being overly prescriptive.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, first let me concur with the remarks of my ranking member, Mr. HALL. This has been a good, bipartisan, collaborative effort, and I thank him and his staff for all their work.

I yield 4 minutes to the vice chairman of the Science and Technology Committee, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, today I rise in support of H.R. 5940, legislation reauthorizing the National Nanotechnology Initiative known as the NNI. I want to congratulate Chairman GORDON and Ranking Member HALL for their hard work in crafting this legislation. I also want to acknowledge all the members of the Science and Technology Committee on both sides of the aisle for their contributions to this bill and for helping to move it expeditiously and unanimously through the committee.

Nanotechnology, or the science and technology of building devices from single atoms and molecules, soon will impact nearly every sector of our economy. In just 6 years, the global market for nanoscale materials and products is expected to reach $2.6 trillion and to be incorporated into 15 percent of global manufacturing output. I firmly believe that nanotech represents one of the most important, if not the most important, technological keys to improving our Nation's future economic growth and improving our way of life, from medical applications, to green nanoenergy, to nanoelectronics, which will be critical as we reach the limits of current materials.

The NNI has been effective in supporting productive, cooperative research efforts across a wide spectrum of disciplines. The initiative has established a network of state-of-the-art national facilities that are conducting groundbreaking work in nanoscale research and development. These centers have helped the U.S. maintain a strong presence in the development and expansion of nanotechnology, which has been vital to economic development and essential to the creation of innovative jobs, leading to a stronger and more competitive America. The committee stated in the bill's report language the need to expand the current centers that we have as necessary to meet future research needs.

I am proud that my home State of Illinois is one of the leaders in nanotechnology research. Illinois boasts two national labs. It is home to numerous cutting-edge businesses and some of the Nation's preeminent research universities, such as my alma mater, Northwestern University, and the University of Illinois, which are conducting groundbreaking work in this field.

To keep the U.S. ahead of other nations, who are now making substantial investments in nanotech, this reauthorization makes three significant adjustments, as mentioned by the chairman.

First, it strengthens the planning and implementation of research on the environmental, health and safety aspects of nanotech. Not only is public safety paramount in its own right, but public confidence in these new technologies is also necessary for the success of nanotech industries.

Second, this bill requires the NNI to place increased emphasis on technology transfer; that is, moving basic research results out of the lab and into commercial products, materials and devices. From my own experiences in Illinois with our national labs and research universities, I understand that technology transfer is not simple, but it is critical to ensuring that R&D investments serve the public.

Third, H.R. 5940 creates a new nanotechnology education program to attract secondary school students to science and technology studies to help prepare the nanotech workforce of the future. As a former teacher, I understand the importance of education in promoting not only the success of individual Americans, but also promoting the success of American innovation such as nanotechnology.

Mr. Speaker, as nanotechnology moves from a multibillion to a multitrillion-dollar industry, there is great promise in store, but it is critical that we do all we can to ensure that America leads the way in nanotech innovation. H.R. 5940 will keep the U.S. in a position to drive the development of nanotechnology and go a long way towards ensuring that America reaps the benefits of our research investment.

I urge my colleagues to support passage of H.R. 5940.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the previous Energy Subcommittee Chair.

Mrs. BIGGERT. I thank the ranking member, the gentleman from Texas, for yielding me the time.

Mr. Speaker, as an original cosponsor of H.R. 5940, I rise to express my continued support for the bill that we are considering here today.

Most Americans learn in grade school and high school that atoms are building blocks of nature. In the years since I was in school, incredible machines have allowed us to even see every one of these atoms. But now, thanks to the National Nanotechnology Initiative, or NNI, we have developed and continue to develop the tools, equipment and expertise to manipulate those atoms and build new materials and new machines, one molecule at a time.

First established in 2001 and later authorized in statute in 2003, the NNI has by all accounts succeeded at coordinating nanotechnology research and development across many Federal agencies to the benefit of our national competitiveness. According to a recent review of the program by the President's Council of Advisers on Science and Technology, PCAST, the United States has been and remains the recognized leader in nanotechnology R&D. But the Council rightly pointed out that the European Union and China are gaining ground on us. That is why I am pleased that we are building on the success of NNI by passing H.R. 5940 today.

Thanks to the NNI, the U.S. has an extensive network of nanoscale science research centers. Five of those centers are operated and maintained by the Department of Energy's Office of Science. One of those DOE centers, the Center for Nanoscale Materials, is located in my district at Argonne National Laboratory.

In its first year of operation, Argonne's Center for Nanoscale Materials hosted over 100 scientists and engineers engaged in nanotech research from across the country and around the world, giving them access to the most powerful x-ray device in the Western Hemisphere at the Advanced Photon Source at Argonne.

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As Americans face ever rising gasoline and energy prices, we are fortunate that Congress and the President had the foresight to invest in the DOE's nanoscience centers. Because of our Federal investment in years past, scientists and engineers are already hard at work manipulating atoms to create new, lighter, stronger materials for wind turbines, improved lubricants for gear boxes, and better wiring for generators, all of which will improve the efficiency of wind power. DOE scientists are also using nanotechnology to make more durable and efficient solar cells, catalysts for the direct conversion of light energy to hydrogen, new materials for lighter, more powerful, longer lasting batteries that will improve energy storage and bring the plug-in hybrid car to market more quickly. Thanks to nanotechnology, progress is being made on advanced energy technologies that will reduce our reliance on foreign oil and gas.

But to continue making progress, Congress must provide adequate funding for these critical facilities and research efforts. Unfortunately, because the fiscal year 2008 omnibus bill essentially flat funded the basic energy science program, the DOE had no choice but to reduce the run time of scientific user facilities like the advanced photon source by 20 percent. Without a doubt, this will impact the work at the Center for Nanoscale Materials which relies on the APS.

I remain hopeful that the fiscal year 2008 supplemental working its way through Congress now will include additional funding for these important facilities and research efforts of the DOE. With that in mind, Mr. Speaker, I urge my colleagues to support the National Nanotechnology Initiative Amendments Act.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to the chairman of the Subcommittee on Technology Innovation, Mr. WU, from Oregon State.

The SPEAKER pro tempore. The Chair will advise the gentleman from Tennessee that he has only 5 minutes remaining.

Mr. GORDON of Tennessee. Then I yield 4 minutes to the gentleman from Oregon.

Mr. WU. I thank the gentleman and the chairman for his leadership on this issue and for the bipartisan manner in which this bill has come to the floor, and rise in strong support of the National Nanotechnology Initiative Amendments Act of 2008. It is very, very fitting that we are continuing efforts to support nanotechnology research and development given the economic and societal benefits that we are just beginning to realize.

Federally funded research and development has long served an important purpose in our economy, spurring the creation of new services, new products, and, most importantly, new jobs. The new products and technologies that are often the byproducts of basic research enhance our daily lives in many, many ways. It is estimated that the fruits of nanotechnology research will have a multi-trillion dollar impact on our economy within the next several years.

The bill before us today provides the seed corn for an industry that will be a crucial part of our future economic success and competitiveness. My home State of Oregon is a leader in nanotechnology. The Oregon Nanoscience and Microtechnologies Institute, ONAMI, is a public-private partnership that supports academic research and technology transfer of nanoscience. Research supported by ONAMI has already yielded companies that are developing a low-cost method of removing heavy metals to purify water, new manufacturing technologies, and a system to allow patients with kidney disease to undergo dialysis at home. Continued support of nanotechnology research allow these and other breakthrough technologies to come to market.

I want to cite a couple specific key provisions, including provisions relating to green nanotechnologies and those that encourage the commercialization of nanotechnology research.

Several institutions in the State of Oregon have been leaders in green nanotechnology research. These funds will help these universities and others explore ways to create environmentally friendly or at least benign nanotechnology products. And this is very, very crucial to acceptance of nanotech.

In addition, there are provisions in this bill that encourage other Federal programs to support commercialization of nanotechnology research to help turn research insights into tangible useful results. Congress has already passed legislation to support programs that advance our innovation agenda, and it is fitting that nanotechnology would be funded by these programs. The relevant programs include the Technology Innovation Program, or TIP, which provides grants to companies and universities conducting high-risk, high reward research, and the Small Business Innovative Research and Small Business Technology Transfer programs, which provide funds to small high-tech firms conducting innovative research that is relevant to Federal agencies' missions and that may have significant commercialization potential.

Again, I want to commend Chairman GORDON and the ranking member for drafting a strong bipartisan bill, and urge my colleagues to support this legislation.

Mr. HALL of Texas. Mr. Speaker, I yield the gentleman from Georgia (Mr. GINGREY) 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise in strong support of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008.

Nanotechnology represents the future of science and information technology. These scientific methods have already been responsible for a number of products that are used every day in our country, like car parts, cosmetics, and first aid dressings.

The future of nanotechnology holds a world of possibilities for a number of fields including health care, which, Mr. Speaker, is incredibly important to me as a physician member of this House.

The National Nanotechnology Initiative is a multi-agency Federal program aimed at accelerating the discovery, the development, and deployment of nanometer scale science, engineering, and technology. Since its implementation in 2003, NNI represents the Federal Government's commitment to harnessing and developing the world's most cutting edge technology to help keep our country competitive in a technologically based global economy. H.R. 5940 is a bill that builds on the successful aspects of the NNI by making some improvements and modifications while keeping much of the initiative intact. This legislation acknowledges and addresses the need for enhanced research and education in the field of nanotechnology, and it is in line with President Bush's American Competitiveness Initiative.

Mr. Speaker, I am very pleased that this legislation moved through the Science and Technology Committee in a bipartisan manner so typical of our members. Unfortunately, that bipartisan spirit does not apply to the most important issue facing the American people today, and that is the price they are paying at the pump for gasoline.

Mr. Speaker, here we are 16 months after the vaunted promise of a commonsense plan to reduce energy prices by Speaker PELOSI, yet gas prices are now surpassing $4 a gallon with no end in sight. At this point, I am not holding my breath for this commonsense plan Speaker PELOSI promised over 2 years ago. I only know the result of the plan, an increase of $1.60 per gallon for regular gasoline. However, Mr. Speaker, I do hope that Democrats will begin working with Republicans much like they did on this bill, H.R. 5940, on our common sense plan for energy.

The Republican proposal, H.R. 3089, the No More Excuses Energy Act sponsored by my good friend Mr. THORNBERRY of Texas, will allow us to explore domestic sources of energy and will reduce the amount that we all pay at the pump. It is time for the Democrats to get serious about reducing gas prices. I call on them to join the efforts of House Republicans. Let's enact real solutions that will provide relief for our taxpayers.

Mr. Speaker, in conclusion, I am very supportive of H.R. 5940 and the possibility that nanotechnology has for the future of science. I urge all my colleagues to support its passage.

Mr. GORDON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 9½ minutes remaining.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come in support of this legislation, and have come to learn that this nanotechnology has great opportunities to help us in the whole energy debate. I think nanotechnology can help in the solar powered cells. I understand that nanotechnology might be able to help taking light energy and turning it into hydrogen, which is important. It can be very important in addressing the long-lasting battery issue debate which will move us to plug-in hybrids sometime in the future, which we all realize is an important aspect of what we need to do to get to energy independence. And, green nanoenergy, which is important in this whole climate debate.

I also hope that nanotechnology can address some of the other pressing scientific needs: The issue of maybe reprocessing nuclear spent fuel. Maybe taking the carbon dioxide and splitting the carbon from the oxygen and addressing the climate change so we can use fossil fuels in a process that is going to be helpful.

But we are still in the Buck Rogers era. We need to move in that direction. The question is, what are we going to do now? The question is, at this time, in this debate, what are we really going to do to immediately affect the high cost of energy on our constituents? I have been on this floor quite a bit, as we all know, debating this. I have heard my colleagues on the other side, and I am softening my rhetoric out of respect for my friends and I have actually changed some of my charts to address issues raised in the debate.

So what is the primary problem that we have today? The problem we have is the escalation of crude oil prices in this country, from $23 when this administration came into the office, to $58 when the new majority came into the House, to $123 today.

Now I am not trying to be partisan, I am just trying to be factual. That is what has happened to the barrel of crude oil prices and what has happened to the cost of gasoline. Well, it has gone up similarly in this response. So the question is, how do we address this problem if we believe in economics 101 and supply and demand?

One way we could do it is opening the Outer Continental Shelf to oil and gas exploration. We have legislatively put off-limits through the appropriation process a prohibition, in some areas not to even do research to see if there is any natural gas or oil there, but we have said "no" to all these areas in red, that we are telling our public we do not want to look for oil and gas on the Outer Continental Shelf deep sea floor exploration 50 miles off the coast. We are saying "no."

Our debate is pretty simple. At a time of high costs of a barrel of crude oil, $123.85 a barrel, how can we not? How can we not go and look for our own resources? What we want, what we are asking for is American-made energy, American-made energy to decrease our reliance on imported crude oil in places that are not stable, in the Middle East, in Venezuela, that are holding us captive. We know there are resources there.

Let me talk about another great opportunity that we have. In Illinois, the Illinois coal basin is basically the whole geography of the State of Illinois, and of course the chairman knows a lot and is very supportive of coal use in America. It also is Western Kentucky and the southwestern part of Indiana. We have as much coal in energy output as Saudi Arabia has oil just in the Illinois coal basin. So the question is, why aren't we using it to decrease our reliance on imported crude oil? Why aren't we using coal in turning it into liquid fuel? Look at the benefits we have of coal fields: American made energy. A coal field in America, American jobs mining that coal, American jobs to build the coal to liquid refinery.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman 3 additional minutes.

Mr. SHIMKUS. I thank the gentleman.

American jobs to build the pipeline. American jobs to operate our aviation industry. In fact, this plane here is a fighter plane, because the United States Air Force is the number one purchaser of aviation fuel in the world.

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For every dollar increase in a barrel of crude oil, you know what it costs our Air Force? $60 million. That's $60 million that doesn't go to training. That's $60 million that doesn't go to equipping. That's $60 million that doesn't help in meeting the budgetary demands.

Let me just finish on this point. Let's assume we access these and we have oil and gas. Or let's assume we're in ANWR and we're getting the oil and gas and we're getting the royalties. At today's prices, do you know how much money would come to the Federal Treasury at today's prices from ANWR? $192 billion. Do you think that would help the nanotechnology budget? I think it would help extremely. Move us from a decrease in our reliance on imported crude oil, American-made energy, new science and technology, green power; and that's kind of what this debate is all about.

Mr. WU. Will the gentleman yield?

Mr. SHIMKUS. I would be happy to yield to my friend from Oregon.

Mr. WU. Just as my friend from Illinois has modified his presentation in light of current reality, I will not, unless necessary, reprise the reason for the difference between a $60 barrel of oil and a $120 barrel of oil, which is the war in Iraq, rank speculation by people who can't take delivery of the oil, and low, cheap currency doctrine by this administration that has imported inflation and increased oil prices.

Mr. SHIMKUS. Reclaiming my time. But all those issues that you addressed, if we had American-made energy, if we weren't relying on imported crude oil, you know, why does the cheap dollar affect our price? Because we're buying crude oil overseas. If we were producing our own crude oil in our country, the dollar wouldn't matter.

The speculators, you know the speculators. What are they betting? I love this debate. They are betting that we're going to do nothing.

You want to go after the speculators? Bring on more supply. They're betting that this barrel is going to go up, not go down.

Mr. WU. If the gentleman would yield.

Mr. SHIMKUS. I would be happy to.

Mr. WU. Speculators do bet on that. Bubbles also occur in markets now. A witness to the Foreign Affairs Committee said we have 4 percent of the proven oil reserves. And yet the Republican response is, drill that 4 percent; it will solve our problems. We have 4 percent of the world's oil reserves. Drill the reserve and that will solve our problems. The numbers are the numbers.

Mr. SHIMKUS. Let me reclaim my time, and just go over, since 1994 and talk about this debate.

In ANWR, which Clinton vetoed in 1995, we would have that oil today. House Republicans support ANWR 91 percent of the time on votes. House Democrats 86 oppose. Clear difference.

Mr. HALL of Texas. Mr. Speaker, how much time do I have, if any?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 45 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Drilling permits are up by two times in the last 5 years. But the price of gas is up by two times in the last 5 years. More permits do not bring lower prices. 10,000 more permits than wells since 2004. 92 million acres of onshore and offshore land currently under lease, but 67 million acres, over 70 percent, has not been developed by the oil and gas companies. They have a lot to work with. They're not doing it. 80 percent of the oil and gas still in the OCS is where there is no moratorium.

Now, I don't know why the gentleman, during the nanotechnology debate, nanotechnology which needs to be advanced by this country so we at least don't lose one more promising future technology, is bringing up this issue, unless he's talking about little tiny drill bits that would have less environmental impact.

Mr. HALL of Texas. Mr. Speaker, I yield to Mr. SHIMKUS, the gentleman from Illinois, 1 minute.

Mr. SHIMKUS. I want to thank the chairman for the time. With a minute left, I may not be able to yield to you, David. I would be happy to most times.

This is the problem. $23 to $58 to $123. You only address that by bringing on more supply. We have oil and gas in the Outer Continental Shelf, and we need to be there.

I've got margin oil wells. I've got oil all over the State of Illinois. Do you know why we don't drill on every acre? Because you're not going to find oil on every acre.

Why are leases not put out? Because there may not be oil there. In fact, on the Outer Continental Shelf on the Atlantic coast we won't even inventory it. Last Congress we said no to inventory what we might have on the Eastern Seaboard.

All I want to do is bring down crude oil prices. The only way you do it is bringing on more supply. It's clear from the votes over the past 12 years, Republicans want to bring on more supply. Democrats, the vast majority of them, do not. All we're asking is that we have some that want to do that.

Mr. GORDON of Tennessee. I reserve my time if the gentleman from Texas has any time left that he wants to conclude.

The SPEAKER pro tempore. The gentleman from Texas has half a minute.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, once again I want to thank the majority and minority members of the Science and Technology Committee for working together on this collaborative good effort.

To my friend, my passionate friend from Illinois, let me say, just as he knows that you can't turn an oil tanker around on a dime, the fact of the matter is that we can't overturn the 4 or 8 years previous nearsighted policy on a dime either. But rather than point fingers and trying to be a partisan debate here, we can work together and make some changes.

This nanotechnology bill is one more effort in helping to provide American technology for domestic production of energies of all sorts, the energies of the future, the jobs that come with that.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 5940, the National Nanotechnology Initiative Amendments Act.

I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill. I am pleased that this bill includes numerous provisions that I originally proposed in my own legislation, the Nanotechnology Advancement and New Opportunities, NANO, Act, H.R. 3235.

Nanotechnology has the potential to create entirely new industries and radically transform the basis of competition in other fields, and I am proud of my work with former Science Committee Chairman Sherwood Boehlert on the Nanotechnology Research and Development Act of 2003 to foster research in this area.

But one of the things policymakers have heard from experts is that while the United States is a leader in nanotechnology research, our foreign competitors are focusing more resources and effort on the commercialization of those research results than we are.

Both H.R. 5940 and my own bill would focus America's nanotechnology research and development programs on areas of national need such as energy, health care, and the environment, and have provisions to help assist in the commercialization of nanotechnology.

In recent months, there has been much discussion about potential health and safety risks associated with nanotechnology. Uncertainty is one of the major obstacles to the commercialization of nanotechnology—uncertainty about what the risks might be and uncertainty about how the Federal Government might regulate nanotechnology in the future. Both my bill and H.R. 5940 require the development of a nanotechnology research plan that will ensure the development and responsible stewardship of nanotechnology.

Other important areas that are addressed by both H.R. 5940 and H.R. 3235 include: the development of curriculum tools to help improve nanotechnology education; the establishment of educational partnerships to help prepare students to pursue postsecondary education in nanotechnology; support for the development of environmentally beneficial nanotechnology; and the development of advanced tools for simulation and characterization to enable rapid prediction, characterization and monitoring for nanoscale manufacturing.

I am also pleased that H.R. 5940 will require that the NNI Advisory Panel must be a stand-alone advisory committee. This is a concept, I originally proposed in 2002 in the Nanoscience and Nanotechnology Advisory Board Act, H.R. 5669 in the 107th Congress.

I would like to thank the members of the Blue Ribbon Task Force on Nanotechnology, BRTFN, a panel of California nanotechnology experts with backgrounds in established industry, startup companies, consulting groups, nonprofits, academia, government, medical research, and venture capital that I convened with then-California State Controller Steve Westly during 2005, for the important recommendations included in its report, Thinking Big About Thinking Small, many of which are reflected in the bill we are considering today. I would also like to thank Scott Hubbard, who was the director of the NASA Ames Research Center at that time and who served as working chair of the BRTFN, and all of the staff at Ames whose hard work made the task force run so well and helped produce a great report. The report is available on my website at http://honda.house.gov/issues/links/brtfn_report_final.pdf.

Again, I congratulate the Science and Technology Committee and Chairman GORDON for their work on this bill and thank them for incorporating so many of the provisions from my bill into H.R. 5940, and I urge my colleagues to support this important legislation to reauthorize the Nation's nanotechnology research and development program.

Mr. GORDON of Tennessee. Mr. Speaker, I yield back the balance of my time, and suggest we pass this very good bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5940, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING SCIENCE EDUCATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 366) expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 366

Whereas the economic competitiveness of the Nation depends on strong science, mathematics, and technology capabilities throughout the workforce;

Whereas the need for improvement in education is acute in the areas of science, mathematics, and technology;

Whereas our national competitiveness strategy must include the goals of—

(1) ensuring that all young persons achieve a level of technological literacy adequate to prepare them for the demands of a scientific and technologically oriented society; and

(2) fulfilling the need for a deep pool of talented American leaders in science and technological research and development;

Whereas numerous research reports indicate the Nation is not achieving these goals;

Whereas the most recent United States National Assessment of Educational Progress reveals that a majority of those 17 years of age are poorly equipped for informed citizenship and productive performance in the workplace;

Whereas by 2016, 35.4 percent of our workforce will be comprised of minority workers, and 46.6 percent will be women; and

Whereas women and minorities continue to be underserved by and underrepresented in science and mathematics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) this Nation should dedicate its resources to the development of a broad pool of citizens who are functionally literate in science, mathematics, and technology;

(2) a national science education policy in the coming decade should address the crucial need areas of—

(A) substantially increasing science scholarships and providing adequate financial resources to permit students from underrepresented populations to study science, mathematics, and technology; and

(B) actively involving National Science Foundation involvement in curriculum development with strong emphasis on reinforcing science and mathematics concepts at each grade level; and

(3) this national challenge can be met through strong leadership from the White House Office of Science and Technology Policy; other Federal, State, and local governments; and with long-term commitments from the civic, business, and engineering communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Concurrent Resolution 366 now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 366, expressing the sense of Congress that increasing American capabilities in science, math and technology education should be a national priority. Our Nation's youth are key to our Nation's future prosperity.

And I have schools in my district that are ranking very high; 1, 2, 3 and 4. They've been 1 and 2 and now they're 2 and 4. That's called the Townview Gifted and Talented school, ranked second in the Nation; was considered the best public school last year in the nation. And the Science and Engineer Magnet was ranked fourth this year, and it was number 2 last year by Newsweek magazine.

Townview's School of Talented and Gifted was always ranked among the best high schools in America, and this year, by the U.S. News and World Report.

In support from the high tech industry such as Texas Instruments in Dallas, as well as other local generous investors which have been critical to setting up the schools for the students' success. Unfortunately, few schools demonstrate the educational excellence of Townview, not even any more in Dallas. Congress must incentivize investments at the local level to help improve the quality of public education.

The UTeach Program, which started in Texas and headquartered at the University of Texas in Austin, is a terrific education program that places engaged, highly trained teachers in the classroom. These educators, in turn, inspire their students. Young people are learning that math and science are fun. They're learning that these subjects are important, and that they can lead to fulfilling and profitable careers.

UTeach is funded partially by generous investments from the private sector which needs these people for future employment. So we consider it an investment for them.

UTeach has tracked the success of its educational model, and it is transforming the quality of math and science education in schools that it touches. Demonstrated methods of success must be supported and expanded, and this is critical for our Nation.

Tomorrow's high-tech jobs will require a skilled workforce. Today's students are not being adequately prepared for these jobs, and it is my fear that businesses will increasingly look toward China, Taiwan, Japan and India for their workforce needs. Those nations are investing a greater percentage of their gross national product on the education of scientists, mathematicians and engineers. They're producing a large workforce of bright, young, talented individuals who work for less money than our citizens will. American companies are already hiring them. And the only solution is to produce a better prepared work force. The root of that preparation is education. And it is too serious and too important not to give the utmost attention.

Mr. Speaker, I wish that every school could get the support and perform as well as Townview does. But my resolution expresses a sense of Congress that we must make education a much higher national priority.

A couple of years ago there was a publication by the National Academies of Science and Medicine and the National Science Foundation entitled the Rising Tide Before the Gathering Storm. Well, the gathering storm of international competition is already here, and so we must reform our public education policies, provide greater challenges to our students and give young people the tools and opportunities that they need to succeed. Our economy in this country depends on this; and we start with well-prepared teachers.

Mr. Speaker, I reserve the balance of my time.

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Mr. HALL of Texas. Mr. Speaker, I rise today in support of House Concurrent Resolution 366. This resolution expresses the sense of Congress that increasing American capabilities in science and mathematics and technology education should be a national priority, and I couldn't agree more. I gladly support the gentlelady from Texas's resolution.

The Science Committee recognized a few years ago that this Nation needed to make American capabilities in STEM education a priority. Our current chairman, Mr. GORDON, along with then-Chairman Sherry Boehlert requested the report that was to become the "Rising Above the Gathering Storm" report to which we have so often referred in this Congress. As a result of this report, the President came out with his American Competitive Initiative; and this Congress passed, and the President signed, the America COMPETES Act, which specifically addresses the concerns raised in this resolution.

In COMPETES, we're dedicating resources to create a broad pool of citizens who are literate in STEM subjects and we are increasing science scholarships and providing financial resources to attract underrepresented populations to STEM fields. Likewise, NSF is funding tremendous STEM education curriculum work in all grades, and OSTP and other Federal agencies, like the Department of Education, are providing strong leadership as appropriate at the Federal level.

A few weeks ago, I held a hearing in Texarkana, Texas at the Martha and Josh Morriss Mathematics and Engineering Elementary School, a 100 percent locally funded public school that focuses on inspiring our young children to excel in math and science at an early age and hopefully keep them interested all the way through college. This school is a prime example of the kind of leadership and commitment necessary at the local level and included input from several groups, businesses, the academic community, and parents.

However, there is always room for improvement, and we should strive to do more. In fact, it's imperative that we do more if we're to remain the world leader in innovation and technology.

I urge my colleagues to support the resolution introduced by my good friend, Ms. JOHNSON.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise today in support of this resolution and commend my colleague, EDDIE BERNICE JOHNSON, for introducing it and the chairman of the Science Committee for bringing it forward.

This resolution expresses the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority. And I must say, I hope Members on the other side of this aisle will avoid distracting us with red herrings across the trail and debating other diverting matters such as drilling and digging in the United States and stick to this topic which is of critical importance.

Since first coming to Congress almost a decade ago, I stressed the need for a new major national effort to improve science, mathematics, and technology education. I'm a product of the science revolution in the United States that occurred following the launch of Sputnik in 1957. And today, as this resolution notes, we must recommit ourselves to creating a new generation of scientists, engineers, and mathematicians, and just as important, indeed more important, we need to build a general public that is literate and comfortable with science, math, technology.

I would ask at this point to include in the RECORD a copy of a recent op-ed essay entitled "Put a Little Science in Your Life" by Brian Greene, professor of physics at Columbia and author of The Elegant Universe. He discusses the importance of science in everyone's lives, not just scientists.

[From the New York Times, June 1, 2008]

PUT A LITTLE SCIENCE IN YOUR LIFE

(By Brian Greene)

A couple of years ago I received a letter from an American soldier in Iraq. The letter began by saying that, as we've all become painfully aware, serving on the front lines is physically exhausting and emotionally debilitating. But the reason for his writing was to tell me that in that hostile and lonely environment, a book I'd written had become a kind of lifeline. As the book is about science—one that traces physicists' search for nature's deepest laws—the soldier's letter might strike you as, well, odd.

But it's not. Rather, it speaks to the powerful role science can play in giving life context and meaning. At the same time, the soldier's letter emphasized something I've increasingly come to believe: our educational system fails to teach science in a way that allows students to integrate it into their lives.

Allow me a moment to explain.

When we consider the ubiquity of cellphones, iPods, personal computers and the Internet, it's easy to see how science (and the technology to which it leads) is woven into the fabric of our day-to-day activities. When we benefit from CT scanners, M.R.I. devices, pacemakers and arterial stents, we can immediately appreciate how science affects the quality of our lives. When we assess the state of the world, and identify looming challenges like climate change, global pandemics, security threats and diminishing resources, we don't hesitate in turning to science to gauge the problems and find solutions.

And when we look at the wealth of opportunities hovering on the horizon—stem cells, genomic sequencing, personalized medicine, longevity research, nanoscience, brain-machine interface, quantum computers, space technology—we realize how crucial it is to cultivate a general public that can engage with scientific issues; there's simply no other way that as a society we will be prepared to make informed decisions on a range of issues that will shape the future.

These are the standard—and enormously important—reasons many would give in explaining why science matters.

But here's the thing. The reason science really matters runs deeper still. Science is a way of life. Science is a perspective. Science is the process that takes us from confusion to understanding in a manner that's precise, predictive and reliable—a transformation, for those lucky enough to experience it, that is empowering and emotional. To be able to think through and grasp explanations—for everything from why the sky is blue to how life formed on earth—not because they are declared dogma but rather because they reveal patterns confirmed by experiment and observation, is one of the most precious of human experiences.

As a practicing scientist, I know this from my own work and study. But I also know that you don't have to be a scientist for science to be transformative, I've seen children's eyes light up as I've told them about black holes and the Big Bang. I've spoken with high school dropouts who've stumbled on popular science books about the human genome project, and then returned to school with newfound purpose. And in that letter from Iraq, the soldier told me how learning about relativity and quantum physics in the dusty and dangerous environs of greater Baghdad kept him going because it revealed a deeper reality of which we're all a part.

It's striking that science is still widely viewed as merely a subject one studies in the classroom or an isolated body of largely esoteric knowledge that sometimes shows up in the "real" world in the form of technological or medical advances. In reality, science is a language of hope and inspiration, providing discoveries that fire the imagination and instill a sense of connection to our lives and our world.

If science isn't your strong suit—and for many it's not—this side of science is something you may have rarely if ever experienced. I've spoken with so many people over the years whose encounters with science in school left them thinking of it as cold, distant and intimidating. They happily use the innovations that science makes possible, but feel that the science itself is just not relevant to their lives. What a shame.

Like a life without music, art or literature, a life without science is bereft of something that gives experience a rich and otherwise inaccessible dimension.

It's one thing to go outside on a crisp, clear night and marvel at a sky full of stars. It's another to marvel not only at the spectacle but to recognize that those stars are the result of exceedingly ordered conditions 13.7 billion years ago at the moment of the Big Bang. It's another still to understand how those stars act as nuclear furnaces that supply the universe with carbon, oxygen and nitrogen, the raw material of life as we know it.

And it's yet another level of experience to realize that those stars account for less than 4 percent of what's out there—the rest being of an unknown composition, so-called dark matter and energy, which researchers are now vigorously trying to divine.

As every parent knows, children begin life as uninhibited, unabashed explorers of the unknown. From the time we can walk and talk, we want to know what things are and how they work—we begin life as little scientists. But most of us quickly lose our intrinsic scientific passion. And it's a profound loss.

A great many studies have focused on this problem, identifying important opportunities for improving science education. Recommendations have ranged from increasing the level of training for science teachers to curriculum reforms.

But most of these studies (and their suggestions) avoid an overarching systemic issue: in teaching our students, we continually fail to activate rich opportunities for revealing the breathtaking vistas opened up by science, and instead focus on the need to gain competency with science's underlying technical details.

In fact, many students I've spoken to have little sense of the big questions those technical details collectively try to answer: Where did the universe come from? How did life originate? How does the brain give rise to consciousness? Like a music curriculum that requires its students to practice scales while rarely if ever inspiring them by playing the great masterpieces, this way of teaching science squanders the chance to make students sit up in their chairs and say, "Wow, that's science?"

In physics, just to give a sense of the raw material that's available to be leveraged, the most revolutionary of advances have happened in the last 100 years—special relativity, general relativity, quantum mechanics—a symphony of discoveries that changed our conception of reality. More recently, the last 10 years have witnessed an upheaval in our understanding of the universe's composition, yielding a wholly new prediction for what the cosmos will be like in the far future.

These are paradigm-shaking developments. But rare is the high school class, and rarer still is the middle school class, in which these breakthroughs are introduced. It's much the same story in classes for biology, chemistry and mathematics.

At the root of this pedagogical approach is a firm belief in the vertical nature of science: you must master A before moving on to B. When A happened a few hundred years ago, it's a long climb to the modern era. Certainly, when it comes to teaching the technicalities—solving this equation, balancing that reaction, grasping the discrete parts of the cell—the verticality of science is unassailable.

But science is so much more than its technical details. And with careful attention to presentation, cutting-edge insights and discoveries can be clearly and faithfully communicated to students independent of those details; in fact, those insights and discoveries are precisely the ones that can drive a young student to want to learn the details. We rob science education of life when we focus solely on results and seek to train students to solve problems and recite facts without a commensurate emphasis on transporting them out beyond the stars.

Science is the greatest of all adventure stories, one that's been unfolding for thousands of years as we have sought to understand ourselves and our surroundings. Science needs to be taught to the young and communicated to the mature in a manner that captures this drama. We must embark on a cultural shift that places science in its rightful place alongside music, art and literature as an indispensable part of what makes life worth living.

It's the birthright of every child, it's a necessity for every adult, to look out on the world, as the soldier in Iraq did, and see that the wonder of the cosmos transcends everything that divides us.

There is no denying that America is losing ground and global competitiveness to countries that are making the necessary investments in education and research and development. We owe our current economic strength, our current national security, our current quality of life, to the investments of past generations.

However, the Federal Government has failed to fund adequately research, development, and innovation. Investment in these areas ensures that American people will continue to benefit from opportunities of the rapidly growing global economy and its inherent foundations.

In August of 2007, this body passed into law, as my colleague from Texas pointed out, a comprehensive competitiveness package, the America COMPETES Act, which was based on disturbing findings of the National Academies' report, "Rising Above the Gathering Storm," that our Nation is severely underinvesting in engineering and the physical sciences.

Unfortunately, the fiscal year 2008 budget fell short of the required goal. Without taking a bold, different approach in this year's appropriation cycle, Congress will be delivering a blow to our future economic security and competitiveness.

I thank gentlelady for introducing this legislation. I hope we pay heed.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) 5 minutes.

Mr. SHIMKUS. I apologize to my friend from New Jersey because, if we are not talking about the number one issue in America on the floor of the House, then what are we here for? Science and technology is critical to decrease our reliance on imported crude oil. Science and technology will bring us to a new era where we don't have to rely on the energy supplies of the past. So I concur, and I support this resolution, and I'm glad people are debating it.

But you know what the people in America are debating. You know it. Everybody was home during the last 10 days. They're talking about this, and this is what we ought to be doing. You mentioned in your discussion that we don't have the funds. Well, if we went into ANWR, which is the size of the State of South Carolina and had a drilling path that formed the size of Dulles Airport or a football field and put a postage stamp on that, we've got the revenues. Just with the royalties from ANWR we could fund science and technology. In fact, we're going to have a resources bill on the floor that's going to address at least the pay-for, which was a method to address Mr. DEFAZIO's issue on leases.

Mr. HOLT. Will the gentleman yield?

Mr. SHIMKUS. Yes, I will.

So we're willing to talk about this, but golly, if we're not talking about energy and the price of gasoline at the pump, then what are we doing?

Mr. HOLT. Will the gentleman yield?

Mr. SHIMKUS. I would be happy to yield.

Mr. HOLT. Quite simply, the reason gasoline prices are so high today—of course there is international speculation—is there's demand from other countries; there's the falling value of the dollar. Principally, it is because, in past decades, we failed to wean ourselves from fossil fuels. We have failed to make the investment in research and development that would make that possible. You're talking about drilling in Alaska.

Mr. SHIMKUS. If the gentleman would yield.

Mr. HOLT. If I may continue.

Mr. SHIMKUS. Yes, you may. I'm just going to debate.

If we had the resources from the royalties on oil and gas exploration in the outer continental shelf or if we had the resources from the royalties from ANWR, we would have the money to be able to segue into a national debate on solar, on wind, on biotechnology, on the nanotechnology. There is a whole pot of money out there. A lot of people in America think that we have no fossil fuels, no energy resources left in this country. So this is the problem. I mean you kind of identified it, but when a barrel of crude oil is $23 in January 2001 and in January 2006 it goes up double and now it's up double again, that's the problem.

We have to have a long-term and a short-term strategy. Our debate is the science and technology. That's a long-term debate. But what do we do about easing the cost of the high food prices, which is in direct correlation to energy costs? We're talking about schools. What is the number one problem in schools today? Diesel prices for school buses has doubled. Energy costs for heating and cooling are doubling. That goes to the local taxpayer. So we ought to be talking about this.

Mr. HOLT. If the gentleman would yield.

Mr. SHIMKUS. I yield to my friend.

Mr. HOLT. It's the wrong argument. We are here to talk about the future that we will get from investment in research and development.

Mr. SHIMKUS. Reclaiming my time, we want to talk about the future, but what our constituents are talking about is the present. There has been more than $1.68 increase in gasoline prices. How can we even send our kids to the university if energy costs have doubled? We should have both debates, and we should not be afraid to talk about how to get out of this problem.

Mr. HOLT. If the gentleman will yield.

Mr. SHIMKUS. I would be happy to yield.

Mr. HOLT. We will not get out of this problem by doing more of the same that we have been doing.

Mr. SHIMKUS. Reclaiming my time, you all want to do no exploration, no gas, no coal, no nuclear, which brings costs up. We're saying let's bring on more supply. Let's mitigate the cost. Let's plan for the future. We are talking about now. We are not talking about 30, 40 years from now. We need to talk about that debate. Your committee is a great committee to talk about the future, but we have got $123 a barrel of crude oil today. No nanotechnology, no recognizing science and education is going to bring that cost down.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I yield 3 minutes to Mr. LIPINSKI from Illinois.

Mr. LIPINSKI. Mr. Speaker, I rise today in support of the resolution that we are right now talking about on the floor, and I want to commend my colleague from Texas for introducing this legislation. My constituents certainly understand that we need to both look at problems that are facing us right now, today, and also we need to plan for the future or else we wind up in situations like we're facing today.

As vice chairman of the House Science and Technology Committee, as well as a former college professor and engineer and husband of a credentialed actuary, I became aware of the need to invest in STEM education for young Americans. Providing high-quality jobs for hardworking Americans must be our top priority. In order to accomplish that, we must be proactive.

The necessary first step is an improved STEM education in schools because an educated workforce is the foundation for economic strength. For generations, science and engineering have been the base of America's economic growth. We were leaders in the industrial revolution, and we initiated the Internet age. Today, these fields continue to have great potential for growing our economy and employing more Americans.

Between 1983 and 2004, the percentage of the U.S. workforce in science and engineering occupations almost doubled. Ground-breaking discoveries in innovative technologies are continually creating new industries and opportunities. Nanotechnology, which we just discussed in the reauthorization of the NNI, is just one of the many exciting industries that are revolutionizing the international economy.

However, if we are not careful, America will be left behind in future technological revolutions. This fact was highlighted nationally when the National Academy of Sciences released its "Rising Above the Gathering Storm" report which emphasized the need for the government to improve science, technology, engineering, and math for STEM education. In the 110th Congress, we confronted this challenge head on by enacting the America COMPETES Act. But additional measures to improve our global standing are still needed.

The resolution before us today will assist the United States in dedicating its resources to the STEM field and in promoting science education policy by educating a broad pool of Americans in these critically important fields. These areas are vital to America's economic competitiveness, and this resolution will help to ensure a vital future for next generation of Americans.

Mr. Speaker, we have challenges ahead of us, but the American people have always succeeded in conquering their greatest challenges. With this resolution, we will get that and ensure that all American students receive the skills and knowledge required for success in the 21st century workforce.

I urge my colleagues to support this important resolution to plan for the future and plan for a brighter future for America. This resolution helps us to do that.

□ 1330

Mr. HALL of Texas. Mr. Speaker, I yield myself as much time as I may use, subject to the amount of time I have left. Could you tell me how much time I have?

The SPEAKER pro tempore. The gentleman has 12½ minutes.

Mr. HALL of Texas. I thank the Speaker.

The gentleman from New Jersey keeps talking about doing away with fossil fuels. You know, that's just almost laughable. You do away with fossil fuels today, a year from today, 2 years from today, 5 years from today, 10 years from today, turn these lights out, cut out your air conditioners, forget about driving up to anywhere to get gasoline or oil, forget about building the roads, heating and cooling, just shut her all down, forget about it, and forget about that 40 percent we get from a Nation that doesn't trust us, Saudi Arabia, that's all fossil fuels. We have no control over them.

Sure, we ought to have technology to address fossil fuels to make it cleaner, but we're whistling Dixie if we think we're going to do away and do without fossil fuels.

It's easy to condemn and not trust the oil and gas people, but without them, we wouldn't have the lights we're using right today. We wouldn't have the gasoline that's in our cars, the money that it takes to build asphalt roads, and I could go on down the list forever.

Where do you think 40 percent of that comes from? Saudi Arabia. Another 20 percent from other Arab Nations just like Saudi Arabia that don't trust us and we don't trust them. That's what it's all about. We can't do without fossil fuels. That's foolishness.

Mr. Speaker, I think it's high-time that we realize that we have to work together and seek technology to lessen the effect of carbons and be sensible about it, be reasonable about it, but we can't just shut this off and condemn those that are producing, the men and women in the oil industry that are producing the lights that we share today and cleaning the air that we have today.

We need to keep looking for technology to make it better and cleaner, but it's foolish to talk about doing away with it.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like the gentleman from Oregon (Mr. DEFAZIO) to have as much time as he may consume to speak on this issue.

Mr. DEFAZIO. I thank the gentlelady for her generous grant of time.

There might be some small grounds for agreement here. I did hear both the gentleman from Illinois and the gentleman from New Jersey, and particularly the gentleman from Illinois, in talking in support of the legislation that's actually before us, which does not pertain to gas and oil prices or supply in any way, saying we needed and he supported the idea of research, investment, and education, and moving toward new technologies.

The gentleman from New Jersey talked about a transition from a petroleum-based economy. I think there's some grounds, small grounds, for agreement there.

But I guess, and I think most American people would agree with that, they know we can't, you know, drill big and burn our way out of this problem. We've got to cut our dependence to OPEC and other foreign sources of oil, and we've got to mitigate the damage on our economy.

But then that's where the disagreement starts because mitigating the damage to consumers today means taking some tough votes in this House of Representatives. One tough one was May 20 of last year, rollcall 332. Now, that seemed a no-brainer to me, but it was really tough on the Republican side, and the gentleman from Illinois voted against it.

It was to have the Justice Department, United States Justice Department, investigate collusion by the OPEC Nations to unnecessarily constrain supply and drive up the price for American consumers. That was a tough vote for the gentleman from Illinois. He voted "no." He didn't think the Justice Department should investigate. I also have a bill saying the President should file a complaint against the OPEC countries in the WTO.

You know, the Bush administration, in fact, is now investigating collusion by OPEC. They still haven't filed a complaint in the WTO. So the Bush administration is taking a step that the gentleman from Illinois opposed, investigating collusion which is gouging consumers. We need a new energy future, but we don't need to allow our consumers to be price gouged on the way there.

Mr. WU raised another issue which the gentleman just brushed off, which is the whole issue that credible analysts say, because of the Enron loophole—remember, Ken Boy? He might be dead but his memory lives on, and about 50 cents a gallon for the American people. Ken Boy Lay of Enron, one of the President's best buddies, got a special loophole from this Republican Congress deregulating derivatives in energy trading so that they could speculate. Well, he's dead, Enron's bankrupt, but the speculation is rampant.

And experts tell us probably 50 cents on every gallon, 50 cents on every gallon today, you want to give immediate relief, reregulate the commodities market. You're not regulating the price of gas. You're just saying you can't have derivatives and you can't have Morgan Stanley holding more futures contracts and more fuel than ExxonMobil. Just reregulate the market. They can't self-deal. Just reregulate the market. Just bring some regular trading back to that market that existed before 2000. You could save tomorrow 50 cents a gallon.

Now, you can talk about ANWR, and he talked about it with great certainty. I've been sitting in on debates for 20 years over ANWR. One well was drilled. What was there we don't know. It was proprietary. There are estimates from a little bit to a lot of oil. But he knows exactly how much is there, interesting, and how much revenue it would bring, even more interesting, since right now oil from Alaska can and is being exported from the United States of America. I guess he's worried about the Chinese energy problem because that's most likely where any additional supply from Alaska would go until we develop more refinery capacity, which the industry refuses to do. And there are ways to drive them to make that investment, but the gentleman doesn't support that legislation either, which I've introduced.

So we're hearing a lot of bloviating and talk on that side of the aisle because Republicans are running scared because their coffers have been filled by this industry for years and they were put into power and Bush was put into the White House and DICK CHENEY was put into the Vice President's mansion by this industry. And this industry is kind of unpopular right now.

So they want to pretend they want to do something 10, 15, 20 years out. Let's even bring it a little closer in. The gentleman again talked about ANWR. Well, right just a little way away from ANWR, guess what, there's something Bill Clinton leased called the Naval Petroleum Reserve. We know there's oil under that. Bill Clinton leased it. Bill Clinton's been gone seven-and-a-half years. How time flies.

How many producing wells are there in the Naval Petroleum Reserve drilled by American companies who have leased that reserve? None, not one, not a single one.

So, if the need is to get more production going in Alaska, how about they drill the wells in the Naval Petroleum Reserve where we know there's oil as opposed to pretending there might be oil in ANWR, and we could drill way over there, and it's also a lot further from the existing pipeline and other shipping capabilities.

So there's a heck of a lot of stuff, as I said earlier in my 45-second response—I regret I didn't have time at that point to yield to the gentleman. He's not here now. I would have given him at least 30 seconds—to develop out there, but the industry isn't developing it. Ten thousand permits that haven't been actuated, and they start talking about Illinois.

These Federal leases aren't in Illinois. I'm not aware of any Federal leases in Illinois for oil exploration. These are off the coast where 80 percent of the supply is accessible through existing leases. The industry just hasn't seen fit to develop it. Why not? Because it's working really well for them right now. Record prices. They don't really care about supply. They sure as heck don't want more supply to bring down the price.

Plain and simple, they're extorting the American people. They're extorting through collusion with OPEC. They're extorting through speculation in the energy markets, and they're extorting by withholding their drilling from leases they already have while pretending they need more. Plain and simple, it's a scam.

And I'm really disappointed that the gentleman is going to oppose my bill later when he talks about all the revenue that could be realized, when right now royalty-free oil is flowing out of the gulf because of a bureaucratic error, and he doesn't want to fix that problem because he thinks the oil companies need the money more than my counties and schools, and we'll hear more about that later.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Utah (Mr. BISHOP) 3 minutes.

Mr. BISHOP of Utah. I appreciate the comments that have been made so far. I'm reminded by President Reagan, who once said there you go again, and some of those statements can apply here.

But one statement was they aren't accurate, but what we are talking about here in this part of the discussion deals with how real people are impacted in their daily lives.

We no longer are talking about energy consumption as an ethereal process or whether it meets different needs, kind of a policy concept. We're talking about how people, real people, bake their food, heat their homes, and how they keep their jobs.

For every dollar that there is an increase in oil prices and gasoline prices, it simply means that jobs are lost, that revenue does not flow here. Social Security programs are diminished, and the overall quality of life is diminished. We're talking about real people and how real people are impacted.

For every dollar a poor person or a middle-income person has to spend on increased energy consumption, that's a dollar they cannot spend on luxuries like tuna casserole. This is what we're talking about. If you're extremely rich, you can try and buy your way out of it like an old medieval duke buying indulgences from the Catholic church. But for middle-income people and poor people, we are talking about how they live their lives, and we're talking about a country that has more energy potential locked up than other Nations have in their entire countries.

That's the concept that is here, and yet we always come back to picky little reasons why we can't develop the source, renew that source or build on that particular source as well.

We can't develop in ANWR because even though the Carter administration set this particular piece of property aside for energy development because it offends somebody. We can't have windmills off the coast of Massachusetts; it doesn't look right. We can't drill off the coast of Florida because it might offend the tourists someway.

We all have picky little reasons on why we can't do it, and the net product is we harm our own people because we don't have a policy that provides a positive reinforced policy, a strong program that will encourage conservation but also encourage production of every source of resources that we have at our disposal.

It has to happen and it has to happen now because we're dealing with real people.

We're also dealing with the security of this country. Early on this floor, they talked about an element of section 526 that was passed in the energy bill which simply had the proposal of cutting out the needs of our military in their advancement for alternative synthetic fuels. That's one of the things we're looking at. Five years ago, it cost us $2 billion a year for petroleum for our military. Today, we're talking about $12 billion a year. We cannot do that any longer. Those are the issues we have to have.

We have to realize that what we're talking about is real people.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HALL of Texas. I yield the gentleman another 30 seconds.

Mr. BISHOP of Utah. Who we are hurting are real people, and those people who are in the middle income and those people who are on the edges of our society and those people on fixed incomes, which is about 45 million Americans, those are the ones who get hurt first.

And the more we talk about the philosophy, what should or should not be done, and the later we decide to take as our policy statement that we will become energy secure and energy independent and we will develop all the resources we have at our disposal to become energy independent, that's when we actually decide to try and help people.

I thank the Speaker for his indulgences.

Ms. EDDIE BERNICE JOHNSON of Texas. We reserve the balance.

Mr. HALL of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 7 minutes.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) 3 minutes.

Mr. MCHENRY. I rise today to agree with the resolution, but the real substance of the debate on the House floor today should be about gas prices. That is the substance of what we should be talking about as a people because I know my constituents are talking about it. They commute to work each day and pay and pay and pay high gas prices every day. And it is because this Congress hasn't acted.

Now, certainly the resolution calling for more math and science students, that's well and good, but what we should be talking about right now is how we're going to become energy independent as Americans, how we use American resources, whether it's natural gas, petroleum products, energy research, how are we going to invest in those things now.

This Congress, this Democrat leadership has failed to act, and I think that's irresponsible.

□ 1345

You know, one answer that they say is conservation. That's what some on the other side of the aisle say is the answer. And, you know, conservation is a sign of personal virtue, but we cannot conserve our way to energy independence, American energy independence.

So what do we do? Well, I believe we have to use our technology and our innovation here in the United States to become energy independent. We have vast resources, whether it's oil shale in the Rocky Mountain west, whether it's tar sands in our neighboring Canada, in order to harvest oil out of those areas. We must do it, though. The American people are paying close to $4 at the pumps, and that's unacceptable. And I think, beyond that, when it comes to energy, we need an American solution, an America that relies on its own ingenuity and innovation, not beholden to the Saudi royal family.

I call on this Congress to act, to streamline the regulation process so we can get new refineries online, to open up new areas of exploration. That's what we should be doing, not simply debating this resolution, but working on real, substantive issues the American people need and desire.

My constituents in western North Carolina demand action when it comes to lowering gas prices. And this Congress can do something about it, but we have to open up new areas of exploration, we have to increase refining capacity, and we have to invest in renewable energy sources that are clean, efficient, and American solutions that make us self-reliant.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentlewoman has 3 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I would like to yield 2½ minutes to Mr. DEFAZIO to respond to the last presenter.

Mr. DEFAZIO. There are 36.9 billion reasons why we aren't doing more to protect consumers today, why we haven't filed the complaints against OPEC, why the Republicans voted against investigating collusion by OPEC, why the Republicans created loopholes in energy trading so that Enron could get rich—well, they went bankrupt, actually, but others can speculate in the market, driving up gas 50 cents a gallon today. And they don't want to close that loophole because their rich buddies benefit from it, just like their rich buddies in the oil industry benefit from the lack of supply.

But I was shocked to hear the gentleman talk about needing to loosen up regulations in order to get more refinery capacity. A few years ago, George Bush offered to let any oil company that wanted to build a new refinery build it on a closed military base and waive all the environmental laws. How many takers did he get? Big goose egg, zero, none.

What did the head of Exxon Mobil say just 2 weeks ago? We're not interested in building refineries; we're doing just fine the way things are. They are restraining, and they have restrained over the last decade, refinery capacity in collusion to drive up the price. It's yet another excuse to drive up the price.

So they don't want to build refineries and give relief to the American consumers. They don't want us to take on the collusion of OPEC because they're making money off of it. They don't want us to stop the speculation in the commodities market because Big Oil and big Wall Street are making money off it.

And then they want to shift to this fatuous debate about ANWR. They know exactly how much oil is there, unlike anybody else in the world except the one company that drilled the one proprietary well 25 years ago, they're the only people who know if there is or isn't anything there. But we do know underneath the former National Petroleum Reserve, set aside by a much more far-sighted administration 70 years ago, there is a sea of oil underneath the National Petroleum Reserve. And Bill Clinton leased that to the oil industry because they were carping about the need for new places to go and drill for oil. Bill Clinton has been gone 7½ years. How many producing wells are there in the Naval Petroleum Reserve? Goose egg, zero, same as the number of new refineries, goose egg, zero, because they're making huge profits the way it is. Why should they give relief to the American consumers because relief means lower extortionate profits for them. They have no intention of giving relief to the American people. This is a red herring.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank the gentleman for yielding. And I appreciate the opportunity to respond to my colleague and his utter fabrication about the history.

Now, talk about rewriting history here; instead of complaining about the problem, we're offering solutions. And I'm proud that I'm part of the solution. And that solution is to hold the oil companies accountable. That's right, the gentleman is right about that. But I think we have to go a step further. We have to make sure that refineries can get online. The reason why they won't build new refineries is that regulation that this Congress supports, the trial lawyers as well, and the extreme environmental community that fund the left, and my colleagues on the left, they're all about shutting down new refinery capacity.

Beyond that, my colleague that just spoke is not for any exploration in this country whatsoever. And the American people know this, Mr. Speaker. The American people know that we need more supply of energy, and that will bring prices lower, not this rewriting of history that my colleague just issued.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 20 seconds to the gentleman to respond, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentlelady.

First off, it was the head of ExxonMobil, the most profitable industry in the history of the world, who said he has no intention of building a refinery. He didn't mention regulations or bureaucracy. He said they're doing just fine the way it is, why would they build another refinery? And other CEOs of oil companies have said the same thing.

It's not bureaucracy or regulation. They didn't take Bush up on his loophole to put it on closed military bases. So that's not the issue. Don't try that stuff.

Mr. HALL of Texas. Mr. Speaker, I yield myself the balance of the time.

The gentleman from Oregon is a very good speaker and knowledgeable. He's been here a long, long time. He said there are a thousand reasons why we're out of energy and why we're in the situation we're in. I will say maybe there's two less. You just take these two, though, out of that thousand, I don't know how many he has left. But when we talk about who's furnishing fossil fuels, and who's furnishing nuclear energy, who's furnishing clean coal, who's furnishing solar. And no one has objected to this or no one has said it's not so, 91 percent of the House Republicans have historically voted to increase the production of American-made oil and gas, while 86 percent of the House Democrats have historically voted against increasing the production of American-made oil and gas. I don't know where the other thousand are, but that's the major reason we're where we are today.

They don't want to drill here. They won't let us drill off the coast of Florida. They don't want to drill up in ANWR. Let me tell you something, we better be drilling on American soil or we're going to have to send our American boys to take some energy away from someone. And that would be an absolute crime when we have plenty right here at home. It's a shame we don't use our own.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to say that what we're really discussing is the House Concurrent Resolution 366, making science and math and technology education a priority. And I now would like to ask my colleagues to support and pass this resolution.

Mr. WOLF. Mr. Speaker, I rise in support of H. Con. Res. 366, expressing the sense of

Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority.

Two years ago, a National Academies panel led by Norm Augustine produced the "Rising Above the Gathering Storm" report, highlighting the critical state of our science, technology, engineering, and mathematics (STEM) workforce.

Although this Congress passed America COMPETES Act last year, much more remains to be done to ensure our Nation is prepared to compete in the global economy in the 21st century. And we simply will not be able to compete if we cannot produce a workforce that excels in STEM fields.

We have barely begun to turn the page in meeting our workforce and innovation demands. I am pleased that the resolution provides us the opportunity to raise awareness of this dire situation. Consider that:

We still graduate half the number of physicists that we did in 1956—before Sputnik spurred our last "great awakening" in science and engineering.

One-third to half of those we graduate with science and engineering degrees are foreign students; and most of them will return to their home countries rather than applying their skills in the U.S.

U.S. patents are down and our companies are spending more on tort legislation than on research and development.

Tests still show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

Half of the money we made available for grants for college students in STEM fields is going unused.

Our edge in aerospace research is in danger. Our historic prominence in automobiles and electronics manufacturing has long since eroded; we cannot afford to lose our aerospace leadership.

Above all else, I worry about our staggering $9 trillion debt and $54 trillion unfunded liability. This debt is being fueled by uncontrollable entitlement program growth—which has grown from one-third of the federal budget in 1960 to over two-thirds today.

This is critically important to our competitiveness because, without reforming entitlement programs such as Social Security, Medicare, Medicaid, and tax policy, we simply won't have the resources to prepare our workforce to compete or to make the necessary investments in research.

For the past year, Congressman JIM COOPER, a Democrat from Tennessee, and I have been working closely together on the Cooper-Wolf SAFE Commission Act. It has since garnered nearly 100 bipartisan cosponsors. Modeled after the base-closing process, the bill would create a bipartisan 16–member commission to review entitlement spending, tax policy, debt, and all other Federal spending.

The commission will look beyond the Beltway for solutions, holding at least 12 town meetings—one in each of the Nation's Federal Reserve districts—over the span of 12 months in order to hear directly from the American people. And just like the base-closing process, the SAFE Commission Act would require and up-or-down vote on the commission's proposal—ensuring that Congress finally considered a comprehensive solution to this great challenge.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution. It is yet another reminder that the next president and Congress must make both entitlement reform and American competitiveness top priorities.

Ms. EDDIE BERNICE JOHNSTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title.

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2162. An act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

RECOGNIZING OUTSTANDING WOMEN SCIENTISTS, TECHNOLOGISTS, ENGINEERS, AND MATHEMATICIANS ON MOTHER'S DAY, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1180) recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1180

Whereas women have been vitally important to the fields of science, technology, engineering, and mathematics and have transformed the world and enhanced and improved the quality of life around the globe;

Whereas the contributions of women are central to progress and to the development of knowledge in many areas, including chemistry, physics, biology, geology, engineering, mathematics, and astronomy, and these contributions boost economic growth, create new jobs, and improve our knowledge and standard of living;

Whereas there is a need to congratulate these women, educate the public about the important role of women in society, and recognize the contributions of women to the scientific, technological, engineering, and mathematical communities;

Whereas it is important to emphasize the extensive variety of careers available in the world of science, technology, engineering, and mathematics and to honor the tremendous women that have contributed and will contribute to the advancement of knowledge in these disciplines;

Whereas in order to ensure our Nation's global competitiveness, our schools must continue to cultivate female scientists, technologists, engineers, and mathematicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;

Whereas a disproportionately low number of female students are pursuing careers in science, technology, engineering, and mathematics, and it is crucial that we focus attention on increasing the participation of women; and

Whereas there is a need to encourage industry, government, and academia to reach and educate millions of children on the important contributions women have made to science, technology, engineering, and mathematics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important contributions of women to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved the Nation's competitiveness and standard of living;

(2) recognizes the need to increase the number of women participating in science, technology, engineering, and mathematics;

(3) supports the role of women in science, technology, engineering, and mathematics; and

(4) encourages the people of the United States to give appropriate recognition to women scientists, technologists, engineers, and mathematicians who have made important contributions to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Resolution 1180, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1180, recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world.

In its 2007 Beyond Bias and Barriers report, the National Academy stated that in order to maintain its scientific and engineering leadership and increasing economic and educational globalization the United States must aggressively pursue the innovative capacity of all of its people, men and women.

While women have made substantial progress in some fields, such as the life sciences, they continue to be significantly underrepresented in other STEM fields such as engineering and computer science. The attrition rate remains higher for women than for men at all steps along the STEM pipeline. In fact, studies have shown that girls as young as middle school age are being turned away from many STEM fields.

There is no evidence that the gender gap is caused by a lack of female talent or potential. In fact, the top three winners in the highly prestigious 2007 Siemens Competition in Math, Science and Technology and the first prize in the 2008 Intel Talent Search all went to young high school women.

We are failing our young girls and women, and neither our colleges and universities nor our industries can afford such a loss of precious human capital in science and engineering. We can't make it with just 50 percent of the Nation's brain power.

I applaud the gentleman from Washington for introducing this resolution. It is fitting to recognize the efforts and contributions of outstanding women scientists and engineers and mathematicians in the United States and around the world, and I ask my colleagues to support House Resolution 1180.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

According to the National Science Foundation, a recent study of fourth graders showed that 66 percent of the girls and 68 percent of boys reported that they liked science. But something else starts happening in the elementary school. NSF found that by the eighth grade, boys are twice as interested in STEM careers as girls are. The female attrition continues through high school, college, and even the workforce.

Women with STEM higher education degrees are twice as likely to leave a scientific or engineering job as men with comparable STEM degrees. Despite the fact that women earn half of the bachelors degrees in science and engineering, they continue to be significantly underrepresented at the faculty level in almost all the S&E fields, constituting 28 percent in 2003 of doctoral science and engineering faculty in 4-year colleges and universities and only 18 percent of full professors.

The Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development was established by Congress on October 14, 1988 through legislation developed and sponsored by Congresswoman Connie Morella, Republican from Maryland. The mandate of the Commission is to research and recommend ways to improve the recruitment, the retention, and the representation of women, underrepresented minorities, and persons with disabilities in science, engineering, and technology education and employment.

In addition to the Commission, the NSF Research on Gender in Science and Engineering program has worked since 1993 to broaden the participation of girls and women in science, technology, engineering and mathematics (STEM) education fields.

One of the things research has discovered is that the more positive images you present of women in these fields in school, the more likely girls will want to enter into these fields later on in life.

So the resolution before us today honors the contribution of women in the fields of science, technology, engineering and mathematics, both in the United States and around the world. It also allows us to thank women for the contribution that they have made to these fields, women such as Madelaine Barnothey, the first woman in Hungary to receive a Ph.D. specializing in physics; or Rosalind Franklin, who received her degree in chemistry in 1951 from Cambridge University and was instrumental in putting together a detailed description of DNA; or Sophia Germain, an outstanding mathematician who developed the modern theory of elasticity, without which modern construction would be absolutely impossible.

Women have been pioneers in the field of science, technology, engineering and mathematics for centuries.

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We owe it to girls growing up today to recognize these accomplishments, accomplishments such as those of Maria Telkes, who was a physicist and pioneer in solar energy and designed and built a solar house in the 1930s; or those of Admiral Grace Murray Hopper, who was buried at Arlington Cemetery in January, 1992, and was one of the very first software engineers who helped both the military, private sector, and academia develop the foundations of modern digital computing.

We just can't discuss important women in history without recognizing the outstanding contributions of Marie Curie, a physicist and chemist, who is one of the only people to ever receive two Nobel prizes in different fields and the only woman to have won two Nobel prizes. Her Nobel prizes were awarded for her work on radioactivity and the discovery of the elements of polonium and radium.

I urge my colleagues to join me in support of the resolution before us today.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank Mr. HALL for supporting this legislation and thank the gentleman who sponsored it. And I'm very pleased, Mr. Speaker, that he mentioned Ms. Connie Morella, whom I worked with from the time I arrived until she left on this very subject. And I hope that we are gaining more and more support to encourage our young women to stay involved in these STEM programs and recognize our achievers so that they can know that they are great examples.

I urge my colleagues to support this resolution.

Mr. REICHERT. Mr. Speaker, I am the proud sponsor of House Resolution 1180, which recognizes the important contributions of women to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved our Nation's competitiveness.

Congress must continue to educate the public about the important role of women in society and recognize the key accomplishments of women in scientific fields. Furthermore, we must encourage more young women to pursue careers in science and technology fields by adequately funding STEM education in our schools.

Much is being done in the Pacific Northwest to achieve these goals. Seattle's Pacific Science Center remains an educational force in our region and continues to inspire students' interest in science. Similarly, the Museum of Flight recognizes the success of female aviation pioneers and helps young women discover career possibilities in the world of aerospace.

I am pleased that the Science and Technology Committee quickly brought this measure to the floor in a bipartisan manner, and I urge all of my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1180, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world."

A motion to reconsider was laid on the table.

PUBLIC LAND COMMUNITIES TRANSITION ACT OF 2008

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3058) to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Land Communities Transition Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Transitional payments States and counties previously entitled to payments under Secure Rural Schools and Community Self-Determination Act of 2000.
Sec. 3. Special requirements regarding transition payments to certain States.
Sec. 4. Conservation of resources fees.
Sec. 5. Sense of Congress on distribution of secure rural schools transition payments to eligible counties.

SEC. 2. TRANSITIONAL PAYMENTS STATES AND COUNTIES PREVIOUSLY ENTITLED TO PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) TRANSITIONAL PAYMENTS.—Chapter 69 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 6906. Secure rural schools transition payments

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under subsection (c).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under subsection (f).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $520,000,000 for fiscal year 2008; and

"(B) for fiscal years 2009, 2010, and 2011, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under subsection (b)

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of '**forest service**' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(b) CALCULATION OF STATE PAYMENT AMOUNT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(c) CALCULATION OF COUNTY PAYMENT AMOUNT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"(d) PAYMENT AMOUNTS FOR ELIGIBLE STATES.—The Secretary of the Treasury shall pay to each eligible State an amount equal to the sum of the amounts elected under subsection (f) by each county within the eligible State for—

"(1) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(2) the share of the State payment of the eligible county.

"(e) PAYMENT AMOUNTS FOR ELIGIBLE COUNTIES.—The Secretary of the Treasury shall pay to each eligible county an amount equal to the amount elected under subsection (f) by the county for—

"(1) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(2) the county payment for the eligible county.

"(f) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and thereafter in accordance with paragraph (2)(A), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(g) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(1) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

"(2) for fiscal year 2008, any funds appropriated to carry out this section; and

"(3) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(h) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under this section shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(2) EXPENDITURE PURPOSES.—Subject to paragraph (3), payments received by a State under this section and distributed to counties in accordance with paragraph (1), and payments received directly by an eligible county under this section, shall be expended in the same manner in which 25-percent payments or 50-percent payments, as applicable, are required to be expended.

"(3) RESERVATION OF PORTION OF PAYMENTS.—Each eligible county receiving a payment under this section or a portion of a State's payment under this section shall reserve not less than 15 percent of the amount received for expenditure in accordance with titles II and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393).

"(i) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 31, United States Code, is amended by adding at the end the following new item:

"6908. Secure rural schools transition payments.".

(c) EXTENSION OF TITLES II AND III OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—

(1) EXTENSION.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended—

(A) in sections 203(a), 204(e)(3)(B)(vi), 207(a), 208, and 303 by striking "2007" and inserting "2011";

(B) in sections 208 and 303, by striking "2008" and inserting "2012".

(2) DEFINITION OF PARTICIPATING COUNTY.—The Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 201(1), by inserting before the period the following: "or that is required to reserve funds under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008"; and

(B) in section 301(1), by inserting before the period the following: "or that is required to reserve funds under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008".

(3) DEFINITION OF PROJECT FUNDS.—The Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 201(2), by inserting before the period the following: "or reserves under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008 for expenditure in accordance with this title"; and

(B) in section 301(2), by inserting before the period the following: "or reserves under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008 for expenditure in accordance with this title".

SEC. 3. SPECIAL REQUIREMENTS REGARDING TRANSITION PAYMENTS TO CERTAIN STATES.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AMOUNT.—The term "adjusted amount" means, with respect to a covered State—

(A) for fiscal year 2008—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), as in effect on September 29, 2006, for the eligible counties in the covered State that have elected under section 6908 of title 31, United States Code, as added by section 2 of this Act, to receive a share of the State payment for fiscal year 2008; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), as in effect on September 29, 2006, for the eligible counties in the State of Oregon that have elected under section 6908 of title 31, United States Code, as added by section 2 of this Act, to receive the county payment for fiscal year 2008;

(B) for fiscal year 2009, 90 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under such section 102(a)(2) for the eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2009; and

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2009;

(C) for fiscal year 2010, 81 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section such 102(a)(2) for the eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2010; and

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2010; and

(D) for fiscal year 2011, 73 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under such section 102(a)(2) for the eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2011; and

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2011.

(2) COVERED STATE.—The term "covered State" means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

(3) ELIGIBLE COUNTY.—The term "eligible county" has the meaning given that term in section 6908 of title 31, United States Code, as added by section 2 of this Act.

(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2011, in lieu of the payment amounts that otherwise would have been made under section 6908 of title 31, United States Code, as added by section 2 of this Act, the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

(c) DISTRIBUTION OF ADJUSTED AMOUNT.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in a covered State (other than California) for each of fiscal years 2008 through 2011 be in the same proportion that the payments were distributed to the eligible counties in that State in fiscal year 2006.

(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), as in effect on September 29, 2006, were distributed to the eligible counties for fiscal year 2006:

(1) Payments to the State of California under subsection (b).

(2) The shares of the eligible counties of the State payment for California under section 6908 of title 31, United States Code, as

added by section 2 of this Act, for fiscal year 2011.

(e) TREATMENT OF PAYMENTS.—Any payment made under subsection (b) shall be considered to be a payment made under section 6908 of title 31, United States Code, as added by section 2 of this Act, except that each eligible county receiving a payment under such subsection or a portion of such payment under subsection (c) or (d) shall reserve not less than 15 percent of the amount received for expenditure in accordance with titles II and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as required by subsection (h)(3) of such section 6908.

SEC. 4. CONSERVATION OF RESOURCES FEES.

(a) ESTABLISHMENT OF FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for nonproducing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at $3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(b) COVERED LEASE DEFINED.—In this section the term "covered lease" means a lease for oil or gas production in the Gulf of Mexico that is—

(1) in existence on the date of enactment of this Act;

(2) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(3) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) ROYALTY SUSPENSION PROVISIONS.—The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for Central and Western Gulf of Mexico tracts during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, or amend existing price thresholds, in the amount of $34.73 per barrel (2005 dollars) for oil and for natural gas of $4.34 per million Btu (2005 dollars).

SEC. 5. SENSE OF CONGRESS ON DISTRIBUTION OF SECURE RURAL SCHOOLS TRANSITION PAYMENTS TO ELIGIBLE COUNTIES.

It is the sense of Congress that amounts made available by a State to an eligible county under section 6908 of title 31, United States Code, as added by section 2 of this Act, or under section 3 of this Act to support public schools in that county should be in addition to, and not in lieu of, general funds of the State made available to support public schools in that county, and that the State should not adjust education funding allocations to reflect the receipt of amounts under such section 6908 or section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

This is incredibly important legislation, and I hope it doesn't devolve into the partisan debate that's been going on earlier today to point the fingers of blame on the current high cost of gasoline at the pump.

This is about another crisis the American people are experiencing, not as widespread as the cost of fuel, but the impact will be even heavier on more than 600 counties in 42 States and hundreds of school districts across America. This is the issue of whether or not we should continue to compensate these counties for the fact that they have very high ownership of Federal lands and Federal forests. Federal forest policy has changed, and their revenues have diminished dramatically, and many of them have no alternative, under their State constitution or other laws, to go out and replace those funds, particularly in the short term.

It's expensive. It would cost $1.9 billion over 4 years. But being sensitive to the fact that many of us on this side of the aisle feel that the policies of recent years have put the country on the verge of bankruptcy, we pay for it. In fact, with the value of what we have in here as a so-called offset in Washington speak, the way we pay for it, with fees on offshore oil leases that were inadvertently omitted by the Clinton administration, would raise $3.3 billion. That means we pay for rural schools and counties. That's 7,000 teachers. That's hundreds of deputy sheriffs, hundreds of corrections officers, many roadworkers, other critical public safety folks, public health, all across 42 States in America and 600 counties. We pay for that with this bill. In fact, we would help reduce the deficit, which is something we're handing off to our kids and we do need to deal with, by $1.4 billion.

Now, some will object to the offset, that the oil companies shouldn't be required to pay a fee even though they got this royalty relief without a cap inadvertently, by mistake, by a previous administration. I really hope that they don't take the debate down that path. That does not do the counties, the schools, the teachers, the police, the deputies, and the others justice.

Let's focus on the issue at hand. They have an alternative to fund this. I have been trying desperately for more than a year. It's been quite some time since this bill came out of committee, and Mr. WALDEN and I joined in a bipartisan way earlier this year in a letter on January 18 to the majority asking that this bill be brought up. And then Mr. WALDEN on May 1 came to the floor with Mr. BLUNT and asked that the bill be brought up. In fact, he sent out a press release saying it's been 44 legislative days and over 3 months, that it's a strongly bipartisan bill. I hope it stays bipartisan. To extend county payments has been ready for a vote on the House floor. I simply do not understand why the Democratic leadership has not scheduled a vote.

Well, the Democratic leadership has now scheduled a vote. And I hope that we can get back to the bipartisanness. I hope we can get back to the focus of this debate. Let's pass this bill and move it over to the Senate. If you don't like the way it's paid for, if you want to protect the royalty relief for the oil and gas industry, then vote "present," send the bill to the Senate, and see if they can come up with, as they claim, a better way to pay for it.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This is, to be honest, a very sad day on this bill today on the floor. As an educator, I simply understand the need for secure rural schools funding. As a westerner and someone who served for a long time in the State legislature, I understand what payment in lieu of taxes, or PILT, means to western counties.

Unfortunately, though, this bill that is before us today did not get here through regular order. This is not the same bill we discussed in committee nor is it the same bill that I and some others cosponsored. It appears almost as if political games are now being played in an effort to pass this particular bill, which breaks new ground. The precedent has always been, in dealing with secure rural schools and PILT, that we have dealt in a bipartisan manner in an effort to find legal and politically feasible solutions to pay for secure rural schools and payment in lieu of taxes. We have always addressed these two issues in a bipartisan manner, always, until now. H.R. 3058, this version of it, has broken that covenant.

When a version of this numbered bill was passed in the Resources Committee, two promises were made to the Republicans who cosponsored it, Mr.

WALDEN and me and others. The first promise was that PILT would not be decoupled from secure rural schools. I cannot stress enough the importance of PILT funding being coupled with secure rural schools, as was promised. Even the majority leader in the Senate has said this is the key to the success of this piece of legislation. And yet this promise was broken.

Second, the offset using the 1998/1999 lease moneys was supposed to be taken out by the time this came to the floor. This set of money, which has already been spent three times on three different bills, not the same pot of money, the exact same dollars which have been spent, is not going to be a solution to this. The gentleman from Oregon suggested last night that there might be constitutional concerns and we should not listen to those. I have some sympathy for that approach, but the fact of the matter is his speech last night was to the wrong audience. It should be to the lower courts, who have already ruled that this pot of money is not accessible to us.

In 2006 we passed the Deep Ocean Energy Resources Act. Using these fees for that was justifiable. Using it in this bill is not justifiable. Those fees for the Deep Ocean Energy Resources Act was to fund programs and projects related to conservation of OCS-related resources. It was to increase America's energy supply and encourage domestic energy development on the Outer Continental Shelf. Because we are no longer using that and have now taken them to a different level, it will be a breach of the oil and gas leases and designed to punish energy companies and discourage much-needed domestic oil and gas production. This bill sends now a message to every energy company in America that Congress will not respect lease contracts and will result in less oil, less gas production, which I certainly hope is not the objective of the Democratic Party.

We need to have a different way of paying for this bill that does not include an energy price-increasing bankrupt offset. We need a genuine offset that will pay for both PILT and secure rural schools without making America's energy more expensive, less available. And to be honest, if the court upholds their ruling that they already had, if the other courts do, there won't be any money for secure rural schools in this project anyway.

Now, I know there will be people who will tell us this is merely a bogus placeholder. We don't really mean to use this money as the bill progresses through, which simply shows that perhaps PAYGO is nothing more than an accounting game or scam as we're looking at it, and that all we need to do is give a blank check over to the Senate, pass it along, and they will fill in some reasonable way of funding this particular bill. We will abdicate our responsibility of coming up with legal, legitimate, responsible legislation because somewhere down the line, someone else will do it.

If the Senate, indeed, has a secret magical formula for funding this bill, why wasn't it in the farm bill? Why wasn't it in the extension of the Rural Schools Act? Why did the Senate not put it in a bill and send it over here? Or why did the sponsor not negotiate with the Senate to insert it in this bill so we could discuss it in the House?

The promise was before this bill to the floor there would be a legitimate source for an offset. It is not there. Instead, we seem to be playing a game of political gotcha, which is so sad because there was a compromise that could have funded this bill and done it in a legally effective way. It was presented by the National Education Association on behalf of schools. It was supported by the consortium of counties. It was supported by energy producers that would have fully funded PILT, fully funded the secure rural schools, expanded energy options. It would have given States control over sand and gravel for beach replenishment, over the viewshed, States control over their offshore renewable energies, would have funded energy and minerals higher education program, and be done with real money, not the funny money in this particular bill. It is language that is similar to a bipartisan bill passed in the 109th Congress which was supported by Mr. DEFAZIO and 39 other Democrats in a bipartisan way.

The question that we have to ask ourselves today is why are we confronted on suspension with a bill that has a phony PAYGO offset, money that we know is not there? Why are we presented with a suspension bill that has already been rejected by the Senate, that has already been rejected by the administration? Why instead did we not agree to go with the compromise approach, which would have had real offsets and provided real solutions to fully fund our schools, to fully fund PILT, and not to have to take it out of the hide of anyone who stops at a gas pump this weekend? Now, that's what we should have done, and we didn't do it. And that's why this is a very, very sad day on a bill that was not discussed in committee.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. DEFAZIO. It's not phony, it's just painful. Schools, teachers, cops, Big Oil. It's a tough choice for some people. Not for me. I'd be happy to stick with this, all the way through sending it to the President. But some on that side of the aisle, particularly in the Senate, don't want to do that. If the money has not been spent because the Republicans in the Senate have rejected it to pay for other valuable things, this is a valuable thing to pay for.

With that, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding and also thank you for your great work on this bill, Mr. DEFAZIO, and thank you especially for paying for the bill.

Mr. Speaker and Members, county governments don't receive property tax for lands owned and controlled by the Federal Government. However, they are obligated to provide services in those areas. The Secure Rural Schools and Community Self-Determination Act was created to compensate local governments for the tax exempt status of the public lands within their county. If we fail to reauthorize this important program, teachers will be laid off, kids will be short-changed on their education, and county roads will go unmaintained.

In my district, over 1.2 million acres are controlled by the Federal Government. The National Forest Service land in my district is twice the size of the State of Rhode Island, and every acre, every acre is exempt from property tax. In one of my counties, 40 percent of the roads are within the National Forest. So that county is responsible for maintaining the roads that run through the very property that is exempt from the taxes that pay for our roads.

It's unconscionable for the Federal Government to walk away from this obligation to rural local governments. Rural counties have no other options. We have made a commitment on this issue. Now let's live up to our word.

Mr. BISHOP of Utah. As we now talk about a bill that a commitment was made but does not exist anymore, I yield 1½ minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, counties and schools in my district need a lifeline. They don't need partisanship. They don't need a talking point. They need leadership, which will result in an actual law being passed to help them.

Secure rural schools has rested on hard work by grassroots supporters and bipartisan efforts in Congress. So why are we moving a bill that divides our coalition by removing PILT and tying secure rural schools to a controversial offset that we know will fail in the Senate?

This bill does nothing to help our counties and schools because it has no chance of becoming law. Yesterday, there was an effort to rescue this legislation with a compromise that would extend a lifeline to rural counties and every American through new domestic oil production and lower gas prices. That proposal was rejected because we were told the majority will not allow consideration of any bill that increases domestic oil supplies.

America and our counties and schools deserve better. I urge a "no" vote.

Mr. DEFAZIO. I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I rise in strong support of H.R. 3058, and I want to thank my good friend and colleague, Mr. DEFAZIO, for his hard work and tireless work on this issue.

Almost exactly 100 years ago, Congress passed a law creating a partnership with rural counties with a high percentage of Federal land, and Congress realized that because the Federal lands were off-limits to the counties for development and they would never contribute to the tax base, that these counties should be compensated for permanent loss of any tax revenues. The law allowed a percentage of the revenue produced from Federal land resources to be returned to the county. Counties were then able to use these funds for public safety, public schools, and public roads.

Over the years, because of changes in Federal forest policy, the revenue for Federal lands has decreased and Federal lands are still off limits for development, and this leads many counties in the American West with dramatic decreases in the tax base.

In 2000, we passed the Secure Rural Schools and Community Self-Determination Act in order to provide a stable base of funding to the affected counties. But that act has not been reauthorized and the Federal payments are scheduled to end June 30. This is a very, very serious issue in Oregon and across the American West, where counties have already, in preparation for this date, in preparation for future budgets, begun to issue pink slips. They have issued pink slips to police, firefighters, teachers, and other essential personnel. It is not an exaggeration to say that Oregonians may have their lives endangered because of these cuts, if they take place.

The bill that my good friend and colleague from Oregon (Mr. DEFAZIO) has submitted would provide an extension of payments through fiscal 2011 to counties that previously received these payments. And to maintain fiscal responsibility, the bill is fully paid for with offsets, and it reduces payments to counties by 15 percent each year, asking all to make sacrifices.

Mr. DEFAZIO. Can I inquire as to the time remaining, please.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Oregon has 12 minutes remaining. The gentleman from Utah has 12½ minutes remaining.

Mr. BISHOP of Utah. I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, this program needs to be reauthorized. I represent northeastern California, which is one of the top recipients of money under this Secure Rural Schools and Community Self-Determination Act, which expired a couple of years ago. Just to give you an example, Plumas County School District in my district receives roughly 20 percent of their annual operating budget from these funds. Without this money, the county is prepared to lay off 9 out of the 16 administrators; 47 teachers out of a total of 150; close all school libraries; possibly close some or all cafeterias; and cut transportation services. Another county adjoining Plumas that I represent is Sierra. They would need to lay off nearly 40 percent of their teachers and administrators.

Today's bill will not become law and therefore does nothing to support our rural counties. We cannot continue to go from year to year without this being resolved. In California, if you don't have the funding assured, layoff notices are sent off by March 15 of the year. For the second year in a row, those layoff notices have already gone out. We lose valuable teachers that do not come back once the funding has been restored.

This debate should be about schools and public infrastructure, not used as fodder to drive an anti-oil agenda. This process that we are using is deplorable. We were told that PILT would be included, but it was stripped out of the bill on its way to the floor. We were told there would be an acceptable offset, not one that has been rejected on three previous occasions by the U.S. Senate. But there is none.

We are also considering this bill under suspension of the bills, denying the minority a right to offer an alternative and preventing any Member from offering alternative offsets. A compromise has been offered and rejected.

For this reason, I would urge defeat of the bill.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. With that, I would yield 1½ minutes to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD. I rise in strong support of H.R. 3058, the Public Land Communities Transition Act, and I commend my dear friend, PETER DEFAZIO. I have rarely seen a Member of Congress work so diligently on behalf of his constituents. He also works on behalf of my constituents because in southwest Washington, we are one of the 10 most forested districts in the entire country. So much of the land in my district is under control of the Forest Service. Counties like Lewis, Skamania, and Cowlitz rely on Secure Rural Schools money to keep public safety working.

My friends, we have to work to pass this bill. It is urgent; as many speakers have said. It is a bit ironic, however, to criticize the bill and say the criticism is because this bill will not become law, and then vote against it. Things don't become law around here when people vote against them. Things become law when people vote for them.

Because of that, I would encourage my colleagues to vote for this bill. Without this bill, 600 counties across the country that are home to millions of Americans would be left behind. Without this program, millions of rural communities would face steep job losses, breakdowns in services and infrastructure, and deep cuts to school budgets. Without this funding, almost 7,000 teachers and other educational staff will be laid off across the country. They are facing termination as we speak.

Delay should not be an option. Passage should be our remedy. I urge passage of this fine bill.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the ranking member of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to H.R. 3058, the Public Land Communities Transition Act of 2008. Mr. Speaker, this bill had the opportunity to provide rural schools with the much-needed funding that allows them to keep their doors open and serve sparsely-populated areas. Unfortunately, the majority decided to offset this bill with provisions that will increase the cost of gas to the American public. Already paying $4 a gallon at the pumps, Americans should not be forced to bear further increases, especially those living in rural areas that, on average, already drive greater distances.

The fee increases on oil and gas leases would place further confines on domestic energy production at a time when we need to be expanding production and building our Nation's energy independence.

This provision was included in the farm bill that was brought to the House floor a year ago, and was one of several tax increasing provisions that drew criticism from House Members, as well as the Senate and the White House. It would be disingenuous to sing praises of this bill when the cost of providing support to rural schools would be borne by the very rural constituents we are trying to help.

There is a proposed compromise that was introduced in the 109th Congress and enjoyed broad bipartisan support. It would solve the problems created by the oil and gas lease provisions in H.R. 3058 by increasing domestic energy exploration and production, thereby helping to reduce the gas prices for the American consumer. At the same time, this alternative would provide the necessary funding for rural school districts. That alternative would be something I could stand behind but, unfortunately, that is not the bill we are considering today.

I urge my colleagues to vote "no." I urge them to vote against the policy that will raise gas prices for Americans when they have the opportunity to do it right and create increased domestic energy production and solve this problem for our rural schools.

Mr. DEFAZIO. At this point I would yield 1½ minutes to the gentlelady from Oregon (Ms. HOOLEY) whose district is impacted.

Ms. HOOLEY. I would like to thank my colleague, Mr. DEFAZIO, for all of the work that he has done on this bill. Look, I grew up in a family where if you made a promise, you kept that promise. A deal is a deal.

County payments available for 100 years are payment for the Federal Government owning 57 percent of the forested land in Oregon. If the Federal Government did not make these payments, these counties would have very little in the way of infrastructure funding.

This money will cut the following services if we don't have it, and it will impact our most vulnerable citizens: Loss of sheriffs; loss of DAs; loss of economic development services and juvenile services; loss of mental health services, public health, and in general, loss of veterans services and senior services. The loss of county payments means the loss of sheriffs. In just one county, Curry County alone, three sheriffs will have to patrol an area the same size as Connecticut, which has a police force of 2,000.

This bill is a 4-year extension of the Secure Rural Schools. This program will not continue unless we give this an appropriation. It needs to pass to provide that critical funding for our counties. I cannot over-emphasize the need for this legislation for Oregon and for the Nation to maintain its 100-year-old bargain with the National Forest States. I encourage my colleagues to support its passage today.

Mr. BISHOP of Utah. May I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from Utah has 8½ minutes remaining. The gentleman from Oregon has 9.

Mr. BISHOP of Utah. With that, I would yield 2 minutes to the ranking member of the Resources Committee, the gentleman from Alaska (Mr. YOUNG).

☐ 1430

Mr. YOUNG of Alaska. Mr. Speaker, when this bill came out of the committee, I thought we had an agreement where there would be an offset and a payment of the bill. Unfortunately, that did not occur, so consequently I will be voting against this legislation because it doesn't do what it says it is going to do. Very frankly, this is funny money, and the schools won't be, as we want them to be, funded, and that is unfortunate.

But I am also going to talk about a lot of the statements on the floor, and my good friend from Oregon has to understand that I do watch the debate. There were some statements made that I think were incorrect, in fact I know, not think, about ANWR and about PET4 and about independence.

There has been no oil shipped overseas from Alaska. It all goes to the West Coast, at one time through the Panama Canal, through a pipeline, for American consumption, all 17 billion barrels of oil. And if we were to open ANWR or the Chukchi Sea it would go to the United States. It wouldn't go overseas to China or Japan. We could make sure of that as we vote for it on this House floor, as we did when we had the Trans-Alaska Pipeline.

I think it is important that the American public recognize that we do have a supply problem. And anybody who denies that, I have heard these arguments for 25 years, well, we only do have one month or 6 months or whatever it is oil supply, so we shouldn't do it. If we have that 1 million barrels a day, Chavez would not have the ability to blackmail us, or if Nigeria had an upheaval, there wouldn't be the spike in oil prices.

A lot of people are pointing their fingers at all the problems, the big oil, the speculators, and I do think there is some merit in the speculators because they know we haven't acted on the supply side ever since the Trans-Alaska Pipeline. Not one time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. YOUNG of Alaska. Let's follow this train a little bit further. If we don't increase our supply, Mr. and Mrs. America, instead of $4 a gallon, it is going to be $10 a gallon by January 1.

We must act in this Congress, and if you do not, may the wrath come down on you and may you be punished for what you have not done. We must address this issue in this Congress. I urge my colleagues to consider the supply side. Consider it. And this legislation itself has its weak points, too.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the chairman of the Natural Resources Committee.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 3058, the Public Land Communities Transition Assistance Act. As the chairman of the Committee on Natural Resources, I do want to express my deep appreciation to the gentleman from Oregon, PETER DEFAZIO, for his strongly tenacious efforts and determined determination on behalf of this legislation. He has more than adequately explained the bill. My purpose is to stress the urgency of this body acting on the legislation.

This legislation, commonly referred to as the "county payments bill," was enacted in 2000 to provide stability in revenue sharing payments made to the States and counties containing Federal forest lands. This funding has been extremely important, critically so in many cases, in assisting schools and communities in rural counties across the country, including my home State of West Virginia. Yet the Congress has failed to reauthorize the program.

This Congress, with a Democratic majority, is attempting to pick up the pieces of a program that was looking at being eliminated square in the eye. Last year we managed to pass a 1-year extension of county payments, but that is due to expire at the end of this month. So I cannot stress enough the urgency of today's vote.

Critical funding for schools and county services across the country will evaporate if we do not act today. Indeed, the National Forest Counties and Schools Coalition estimates that about 7,000 teachers and other educational staff will be laid off as of June 30th when their contracts expire if this body does not act. That is something worth thinking about. Students in rural forest counties across this Nation will be deprived of almost 7,000 teachers and the other educational staff.

Now, some have taken issue with the pay-for, the offset being used for this bill, which is a conservation of resources fee on a class of Federal oil and gas leases in the Gulf of Mexico that are unduly enjoying royalty relief by virtue of not having price thresholds.

This is not a new proposal. This body has considered it before, and rightly so. My colleagues, to date the American people have been deprived of over $1 billion in Federal royalties as a result of this situation. That is over 1 billion with a "B" dollars, something worth thinking about.

We now learn that in the future if this situation is not corrected, the American people will be fleeced to the tune of $4 billion and to a high of $14 billion.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. DEFAZIO. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. That figure could go as high as $14 billion, depending on the price of oil and natural gas and the amount produced from these leases.

So it is very important that we recognize this bill does have funding sources and that is what we are trying to do here, at the same time generating funds to pay for teachers and the education of our school children.

Mr. BISHOP of Utah. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, one of the reasons this Congress has the lowest approval ratings in poll history is it keeps playing political games instead of solving real problems like energy prices or supporting our troops in Iraq.

Today we are doing the same, playing games with our rural schools, with our rural counties, with our rural firefighters and police forces. Unfortunately, this bill is deader than a doornail, only because some political genius decided, they would like to pit those of us who support rural schools against our energy companies. Well, guess what? Everyone loses, especially our rural communities who fought for this. This bill is a shame.

Mr. DEFAZIO. Mr. Speaker, the gentleman is correct. It's teachers or cops or Big Oil.

With that, I would yield 1½ minutes to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentleman for yielding.

I rise today in support of H.R. 3058, the Public Land Communities Transition Assistance Act, and I too thank the gentleman from Oregon, Mr. DEFAZIO, for his tireless efforts to reauthorize the Secure Rural Schools program. I also thank the House Committee on Natural Resources and the House leadership for their work on this legislation.

H.R. 3058 would reauthorize the secure rural schools program for 4 years. Annual payments to counties impacted by National Forest lands are an important part of many school districts' budgets, and failure to reauthorize the Secure Rural schools would force very difficult decisions in counties and school districts in over 40 States.

In the State of South Dakota, the Black Hills National Forest is a special place and a highly valued resource. Yet the national ownership of this land has clear impacts on finances of counties in western South Dakota. For example, under the Secure Rural Schools program, Custer County schools receive approximately $310,000 for the 2007–2008 school year. If this program isn't reauthorized, Custer schools would receive about $90,000. The loss of $210,000 would likely lead to eliminating numerous teaching positions and increasing class sizes to as many as 40 students per class.

Custer County isn't alone. If we fail to reauthorize the secure rural schools program, almost 7,000 teachers and other educational staff will be laid off across the country as of June 30, 2008, when their contracts expire. H.R. 3058 provides a new distribution formula and transition payments as counties adjust.

The SPEAKER pro tempore. The time of the gentlewoman from South Dakota has expired.

Mr. DEFAZIO. I yield the gentlewoman an additional 15 seconds.

Ms. HERSETH SANDLIN. On the offset, by my count, 48 of my Republican colleagues have in the past voted for legislation that included this offset. That was all in 2007, before oil went over $100 a barrel. So I would think that even those of us that do support expanded exploration and drilling for energy sources on public lands would agree that it should be equitable and Federal royalty payments should be paid when we are extracting oil resources from public lands.

I encourage my colleagues to support this fair, bipartisan bill.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I would inquire as to the time.

The SPEAKER pro tempore. The gentleman from Oregon has 4 minutes remaining. The gentleman from Utah has 5½ minutes remaining.

Mr. DEFAZIO. I suggest the gentleman use some of his time, because I only have one more speaker and then I will be closing.

Mr. BISHOP of Utah. Mr. Speaker, I will be happy to yield 5 minutes to the gentleman from Oregon (Mr. WALDEN) who has worked tirelessly on this issue in a bipartisan way in the past.

Mr. WALDEN of Oregon. Mr. Speaker, it is unfortunate that we have arrived here today like an out-of-control car skidding to a stop. Let's not forget why we are here. We are here because of a changed Federal timber policy that has bankrupted the people that live in my district and many of yours, and as a result we now have fires at costs that are unbelievable. They are historic. We are burning more acres of our Federal forests than at any time in our Nation's history, and we are paying more for it. Forty-seven percent of the Federal budget for the Forest Service now goes to put out fires.

Yet we have shut down the Federal forests from active management. That is why we are here today, because the revenues that used to flow to our communities to pay for basic services, to be the good partner that Teddy Roosevelt envisioned the great forest reserves more than 100 years ago, to be a partnership with the local community, that partnership, that bond, that pledge has been broken. People are put out of work. Services are lost.

The tragedy that brings us here today is another broken promise, and that is when this bill was considered by the House Natural Resources Committee there was a consistent and common pledge that this bill would be brought to the floor with a different offset.

I have a quote here from the spokesperson from the committee that makes that very clear. It says very clearly, it is definitely our intention for the money not to come from increased fees on oil and gas companies.

It is definitely not our intention for the money to come from increased fees on oil and gas companies. That is what the committee said. I just couldn't read it. It is too far in front of me. I apologize.

That clearly is not the case. It is clearly not the case. So we have before us a bill with a broken promise, first of all, and it didn't have to be that way.

Yes, I have come to this floor repeatedly and called for this bill to come to this floor for consideration. I don't know why it was held hostage for 130 or so days. But I came here calling for this bill to come to the floor with the clear understanding, the promise and pledge of that committee that it would come here with a different offset, one that was palatable. That promise and pledge was broken.

Meanwhile, I know the Speaker was out in Oregon a while back and said where we go from here is we ought to phase out that system. That doesn't sound like the Speaker is very supportive to me.

So what we have here today is an offset of questionable legality. And I say that not because I am a lawyer, I am not, but because of court cases that have occurred that said when it comes to levying a fee on conservation of resources on the Outer Continental Shelf, that leases that exist today prohibit the application of future laws and regulations except future regulations related to conservation of the resources of the Outer Continental Shelf.

What does that mean in real people talk? It means if you are going to levy the fee that you plan to levy, you have to spend it in a legal way, which is on conservation efforts on the Outer Continental Shelf, or else the courts will say you are not following the decisions we already gave you, Mobil v. U.S., among others. So this is of questionable legal status.

So, I asked my colleague from Oregon, we talked, we have worked really closely on this issue over the years in a bipartisan manner, and I said I think we are going to have a lot of problems on our side with this and I don't think it is legal. And indeed that is where we are today.

So we have exchanged letters. My colleague wrote me on May 30. Mr. DEFAZIO said if you have other suggestions for offsets that won't raise the ire of oil patch or mineral-dependent Members, I would welcome the input. So we talked on Monday and I said give me a day. This is rushed on the suspension of the rules. Give me a day to come up with an alternative, and we did.

We spent all day yesterday with the Congressional Budget Office, technical experts, legal experts, and we came up with a proposal that legally funds county payments, legally and fully funds PILT, legally and fully accesses energy resources on the Outer Continental Shelf. It is very similar to a proposal that my colleague from the

Fourth District voted for that was passed by this house less than 2 years ago that would generate revenue legally. By the way, for those 98–99 leases, we do levy a fee so that they do pay, but we do it in a constitutional legal way so it is applied for conservation, coastal line improvements.

☐ 1445

So we get at the 98–99 lease issue in a legal way under this proposal. The Coalition of County Roads and Schools, we presented this to them yesterday afternoon, they embraced it wholeheartedly. But it was rejected.

Under suspension of the rules, I am not allowed to offer it as an alternative. If this bill goes down today on a vote on the suspension calendar, it can be brought up. The placeholder that this represents is a seat on a bus going into a cliff. It is going off the cliff and into a chasm. Fortunately, there is a cable attached to that bus. If this goes down today, counties aren't lost. They can come back, bring it up under a rule and we can have a real and substantive debate about a way to fully fund it.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2008.

Hon. GREG WALDEN,
Longworth House Office Building,
Washington, DC.

DEAR GREG: As you know, I worked with the administration to come up with several other potential offsets to pay for a multi-year extension of the county payments program. Unfortunately, those offsets were strongly objected to on a bi-partisan basis. If you have other suggestions for offsets that won't raise the ire of oil patch or mineral-dependent members, I would welcome the input.

I look forward to talking to you this afternoon or on Monday.

Sincerely,

PETER A. DEFAZIO,
Member of Congress.

Mr. DEFAZIO. Just in response, the gentleman asked three times to bring this bill to the floor with these offsets, and the gentleman from Utah actually said in committee: I am specifically looking at offshore drilling fees, which is a concept of a new fee that is there. I am more than happy to go in that direction.

But today they're not.

I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership and tireless effort to help keep this alive.

I understand the frustration of my friend from Oregon that just spoke. He should be frustrated, because his Republican Party was in total control for 6 years with the Presidency, with both Houses of Congress, and there is a situation that he doesn't like. I understand it. I understand his frustration. If I were in his position, I would be, too. It was the Republican Congress that did not extend this program and allowed it to expire.

There is a simple choice before us today where we have an opportunity to deal with the needs of hundreds of thousands of rural Americans, not just in Oregon, but from 40 States around the country, or the interests of a few oil companies who are making money hand over fist, and they are making some money that they shouldn't because they are not paying what they should under the leases.

We have already dealt with this canard that somehow the answer is to give the oil industy access to more land to drill. Oil companies have been granted 42 million acres of which they are only using 12 million currently, so they have 30 million acres of area that they could potentially drill and they are not drilling now. Somehow we should come up with something more to give to them, allow them to have more money, ignores the issue here today.

I would suggest that we ought to respect the work of Mr. DEFAZIO in bringing this forward. Frankly, I was frustrated at the negative comment about Speaker PELOSI who said that, instead of pushing these people off a cliff, that she would work to cushion the blow, to help phase it down. She was trying to help instead of cutting them off. She has been helpful in moving this forward, and taking a shot at the Speaker is unfair and if you are trying to solve the problem, it is unwise.

It is the Republicans for 6 years that had the control, who didn't exercise it. This is a constructive alternative. I suggest that we recognize the need of these hundreds of thousands of Americans, not a few oil companies.

Mr. BISHOP of Utah. Mr. Speaker, I yield to myself the balance of our time.

I appreciate Chairman RAHALL from the committee coming down here earlier to speak on the bill. When this bill was under his control, he treated us with kindness and consideration.

In the tornado of words that we have heard here today, there is one thought that still comes through: We need a permanent solution. This bill is half a bill without a permanent solution and without an offset that is legitimate. The counties, the education community, and the energy companies presented a real solution that would really pay, not a phony placeholder, but real money that would pay for full tilt, full secure rural schools, a real solution to real problems. This bill is the wrong bill, the wrong process, at the wrong time, and should be defeated.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of our time.

This is a difficult choice. It is always difficult to choose between your constituents and your patrons. The patrons heavily to that side of that aisle have been Big Oil. This would hurt Big Oil. They would actually have to pay a fee for leases that were written improperly where they don't pay any royalties to the American taxpayers at a time of record prices. That hurts.

Yes, it is true. So far, a bare minority of Senators have rejected it, previously. Maybe they won't this time. Maybe with oil at $125 a barrel they will go along with it and say we can get some good out of this for a change. We can help kids get an education. We can keep teachers employed. We can provide money to police our counties and to keep people in jail who need to be there, and for other public services and public works. We can do those things. But we have got to have some guts. Every once in a while you have got to stand up.

We hear all this stuff, all we need is more leases. Their staff boycotted a meeting last week. They sprung a proposal last night, which is a Republican bill, not a single Democrat on it, and would open up offshore oil drilling, which is not acceptable to the Republican Governor of California, to the Republican Governor of Florida, and many others. It is a nonstarter. Come on, guys, let's get real. This is your choice. This is it.

There are 6,312 nonproducing leases on the OCS. This bill would make those companies begin to produce, or pay a fee for not producing. If you want to help provide more supply, which is what a lot of the debate has been about today, let's impose a fee on those 6,312 wells. And, in the meantime, let's get some good of that money for the American people. Help 7,000 teachers, help the kids in rural schools, help our deputy sheriffs, help our people who do corrections, help the people who have a backlog of road and bridge projects all across rural America. Help 42 States. Help 600 counties.

This is your only vote. This is your time. Sometimes you have to make tough choices. I urge an "aye" vote on this bill.

Mr. BARTON of Texas. Mr. Speaker, the bill before us today, H.R. 3058, represents a thinly veiled attempt to create a partisan fight over a nonpartisan issue. For several years now, Members from both sides of the aisle have struggled to find a way to pay for the reauthorization of the Secure Rural Schools program. We have found such a compromise in Congressman Walden's substitute to H.R. 3058. But that is not what we are voting on today.

The Walden compromise that has been approved by the stakeholder organizations contains reauthorization of both Payments in Lieu of Taxes and the Secure Rural Schools program which are so vital for people whose counties are majority owned by the Federal Government, and thus don't have the property tax base to support education. But that is not the bill we are voting on today.

The proposed Walden compromise addresses our growing energy crisis by expanding state control and protection of the outer continental shelf, and by producing new energy in the deep ocean. It provides funding for front-end engineering and design grants for coal-to-liquids, oil shale, tar sands, carbon sequestration, and enhanced oil recovery.

Congressman WALDEN'S compromise proposal contains provisions that have been previously debated on this floor, passed by this body, and approved by the administration. But that is not the bill we are voting on today.

The bill we are voting on today breaks contracts that were negotiated in good faith between the previous administration and American energy providers. The bill we are voting on today has prompted a veto threat, and will probably not even make it through the House today. If the majority wants to make this a partisan vote, so be it. That is their prerogative. But let me make one thing clear; the superintendents of Groveton, Crockett, Latexo, Grapeland, Lovelady, and Kennard Independent School Districts do not care about partisanship. The reality of what we are doing today is that these, and thousands of other school administrators, are going to have to cut jobs and programs as they see their revenues shrink drastically. All for the sake of making a political statement.

When Congress decided to take land out of the tax base of thousands of rural counties in order to create our National Forest System, we made a promise to help cover the cost of education. We have a chance to fulfill this promise by taking up the Walden compromise for Secure Rural Schools and PILT reauthorization. I urge my colleagues to vote no on the political stab before us today, and I urge majority to bring to the floor Congressman WALDEN'S proposal as soon as possible. Our rural communities depend on it.

Mr. RUSH. Mr. Speaker, I rise today in strong support for H.R. 3058, the Public Lands Communities Transition Act. This legislation will provide crucial funding to school districts located in Federal forest counties. Without these funds, these school districts will have to make large cuts to their educational services and programs.

It is imperative to address the fact that these counties have little to no local tax base to levy for their school districts. Therefore, any assistance from the Federal Government is essential.

Mr. Speaker, with the passage of this bill, we will ensure that the education of our children will not fall victim to devastating cuts in these areas. Adequate education should be provided to all of our children, regardless of where they live. I urge all of my colleagues to join me in supporting this bill with bipartisan support.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this legislation and I rise in its support.

The bill will reauthorize for four years the "Secure Rural Schools" program under which payments are made to certain counties in which national forest lands are located. Currently, the program is scheduled to expire at the end of this month.

This program is important for Colorado as well as other Western States. Last year, payments under the program to Colorado counties amounted to more than $6.4 million, helping to offset the costs of public schools, roads, and other needs of Colorado residents.

That amount may not be the same in the future, because the bill will revise the formula for distribution of payments so as to reflect the historical allocation of payments, the concentration of public land in a county, and the current economic condition of a recipient county. But Colorado will still benefit from the program.

I do regret that as it comes before the House today the bill does not include provisions dealing with another program of importance to Colorado's counties—the payments in lieu of taxes, or PILT, program. Under PILT, counties in Colorado received more than 17 million dollars last year—but would have received more if the full authorized amount had been appropriated.

As introduced, and as approved by the Natural Resources Committee, the bill would have provided for automatic payments under PILT at 80 percent of the authorized level in 2008, 90 percent in 2009, and 100 percent in 2010 and 2011. That would have meant that payments would not depend on annual appropriations.

I have worked for years to make full PILT payments automatic, so that our counties would be assured that they would receive the full amounts authorized—and I will continue to do so.

Mr. Speaker, some of our colleagues have indicated they will oppose this bill because of the inclusion of provisions to reform the "royalty relief" afforded to some companies engaged in development of energy resources in the Gulf of Mexico.

I think those provisions are sound, and deserve support, just as they did when the House approved them last year. They would ensure that the companies pay their fair share of royalties on flawed leases granted in 1998 and 1999. Specifically, companies not currently paying any royalties due to these flawed leases would have to pay new "Conservation of Resource Fees," in order to be eligible for new Federal leases for drilling.

In 1998 and 1999, the Interior Department issued oil and gas leases for drilling offshore in the Gulf of Mexico that mistakenly failed to include "price thresholds," which trigger a requirement for companies to pay royalties to the Federal Government when the price of oil and gas exceeds a certain level. As a result, the companies that got these leases are exempt from paying any royalties at all—and, according to a preliminary estimate by the Government Accountability Office, that could mean that the taxpayers will be shortchanged to the tune of some $15 billion over the duration of the leases. This bill, like legislation approved in the House last year, corrects that mistake. I urge the bill's approval.

Mr. DEFAZIO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 3058, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1234 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1234

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3021 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1234.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, H. Res. 1234 provides for consideration of H.R. 3021, the 21st Century Green High-Performing Public Facilities Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order eight amendments which are printed in the Rules Committee report. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud to rise today in strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act. This legislation is important and groundbreaking because it simultaneously addresses important issues confronting our Nation in the 21st century, improving our education system, modernizing our buildings and infrastructures to be environmentally sustainable, and creating jobs to grow our economy.

Mr. Speaker, our Nation's school districts are struggling to make essential improvements during these lean economic times. According to recent estimates, America's schools are hundreds of billions of dollars short of the funding needed to ensure that every student attends a high quality facility. Too many parents across this country are forced to drop off their children at schools that are falling apart, schools with leaking roofs and faulty electrical systems, schools with outdated technology which compromises their ability to achieve and succeed.

Our bill provides $33.2 billion over 5 years for schools across the country for projects to modernize, renovate, and repair their facilities. This funding is crucial to improve our schools so that the students have a healthy and safe environment in which to learn and develop the knowledge and the skills necessary to compete in today's workforce.

H.R. 3021 also addresses disparities in school facilities funding. It directs the Secretary of Education to distribute funds to school districts according to the same need-based formula used under title I of the Elementary and Secondary Education Act which provides funding for low income school districts. Funding provided in this bill can be used for energy efficiency and technology improvements, asbestos removal and lead abatement, and for ensuring that schools are prepared for emergencies. The funding is provided with few restrictions, which will allow individual schools to satisfy their individual needs.

Renovating schools so that they are environmentally sustainable will provide numerous health and educational benefits for students. Increasing air quality and lighting will enhance our students' ability to focus and learn, while reducing student sick days and improving the health of students with asthma and other respiratory problems.

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Green schools also cost about 2 percent less than conventional schools, while providing financial benefits that are 20 times as large, utilizing 33 percent less energy and 32 percent less water than traditional schools.

Enabling students to attend environmentally sustainable schools not only insures a healthy learning environment. It will also naturally facilitate environmental literacy in our youth. This will help our children grow into stewards of our environment and natural resources that we must treasure and preserve for future generations.

Unfortunately, many schools in my district and across the Nation are also forced to address difficult security challenges. For example, Brunswick High School in my district is the largest single-level high school building in Ohio, stretching a quarter of a mile from end to end with 60 entrances. As you can imagine, this presents a formidable security challenge for teachers and administrators.

For these reasons, Congresswoman MCCARTHY and I have worked to include a provision in the manager's amendment for this legislation that will allow schools to improve building infrastructure to accommodate security measures and security doors.

This bill authorizes $100 million a year through 2013 specifically for public schools in the gulf coast that are still working to rebuild from the devastation that Hurricanes Katrina and Rita wrought three years ago.

Families in the gulf coast are still fighting to recover and to put their lives back together. Mr. Speaker, we must continue to devote extra resources so that those schools and those communities can rebuild.

School modernization is the central purpose of 3021. Equally important and necessary is the essential economic stimulus that this bill will provide by creating more than 100,000 new jobs for American workers who design and build schools, from roofing contractors, construction workers and electricians, to architects and engineers. It's estimated that this bill will result in the creation of nearly 4,000 jobs in my home State of Ohio in 2009 alone.

Mr. Speaker, in these challenging economic times, important and innovative legislation such as this bill will go a long way to creating new opportunities for America's workforce. Passing this bill will enable school districts to upgrade their facilities and lead our Nation's students towards a brighter and healthier future while addressing the job crisis we face today.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentlewoman from Ohio (Ms. SUTTON) for the time, and I yield myself such time as I may consume.

Today, the House is set to consider H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. This bill will direct the Secretary of Education to make grants and loans to local educational agencies for the construction, modernization or repair of public educational facilities. It also would require the funds to be used only for projects that meet certain green standards such as Leadership in Energy and Environmental Design, Energy Star, or an equivalent State or local standard.

Tomorrow, we are scheduled to consider H.R. 5540, to reauthorize the Chesapeake Bay Gateways and Water Trails Network.

I spent last week, Mr. Speaker, meeting and speaking with constituents in my district about the issues that matter to them, and no one mentioned anything closely related to these two bills. Both of these bills may be important in their own right, but I believe there are other issues that are much more pressing, issues we should be debating.

When Americans are paying $4 a gallon for gasoline, we should be working on legislation to lower the cost of gasoline, increasing domestic energy exploration, reducing our reliance on unstable foreign energy.

France produces over 80 percent of its electricity from nuclear power, and there's a strong environmental movement in France. And yet the United States hasn't built a nuclear power plant in 30 years.

When our military forces are running out of personnel, operation and maintenance funds, we should be working to bring bipartisan legislation to the President's desk that he can quickly sign and fund the troops.

When the intelligence community is stripped of one of their key tools in the fight against international terrorism because the majority let the Protect America Act expire, we should be working to give our intelligence officials the tools they need to stop terrorist attacks.

Instead, the majority has decided to work on a green schools bill and a water trails network reauthorization. These are not exactly the pressing issues facing Americans every day. These are not the issues our constituents want us working on today.

One of the central tenets of the Democrats' campaign in 2006, Mr. Speaker, was that they would run Congress in a more open and bipartisan manner. On December 6, 2006, the distinguished Speaker, Ms. PELOSI, reiterated her campaign promise. She said, "we promised the American people that we would have the most honest and open government, and we will."

However, that promise has yet to come to fruition as the majority has consistently blocked an open process through the Rules Committee. A prime example of how they've consistently stymied openness and bipartisanship is by the number of open rules that they've allowed in the 110th Congress. We're three-quarters of the way through the 110th Congress, and so far the majority has allowed only one open rule. One open rule, Mr. Speaker, in 18 months.

They had a chance to double to two the open rules last night, but by a party line vote they decided that they would once again use a restrictive rule process in making only four Republican amendments in order. They struck down 15 Republican amendments that had been introduced, including one from the ranking member of the Education and Labor Committee, Mr. MCKEON. So much for the open process they promised.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this point I yield 3 minutes to the distinguished gentleman from California, the chairman of the Committee on Education and Labor, Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank my colleague from Ohio (Ms. SUTTON) for agreeing to handle this rule on this piece of legislation, and for her strong support of this legislation to provide for green high-performing public schools and the facilities in which our children learn.

This legislation comes along at a time when the record is very clear that in far too many instances our Nation's school buildings are literally crumbling around the students that we send to them every day. They're in desperate need of renovation; they're in desperate need of remodeling; they're in desperate need of modernization, so that our students who attend those schools every day can have a safe learning environment.

Not only will this bill help improve student achievement by providing students and teachers with modern, clean, safe and healthy learning environment, but it will also give a boost to our economy and help make schools a part of the solution to the global warming crisis.

It is this kind of forward thinking and innovative policy that is needed to strengthen our Nation and help build a brighter future. By addressing a number of key challenges at once, this bill is a clear win for our children, for the workers and for our planet.

I would like to thank my colleagues who were instrumental in drafting this legislation and working on it many years. I want to thank Congressman BEN CHANDLER, the author of this bill, for the hard work and dedication of moving this legislation through the House.

I would also like to thank Congressman DALE KILDEE, the Chair of the Subcommittee on Early Childhood, Elementary and Secondary Education for his work on this bill. Mr. KILDEE has been a longtime champion of efforts to improve the physical conditions of our Nation's schools, and he deserves great credit for his leadership in this area.

I also want to thank Congressman DAVE LOEBSACK, who joined the fight the moment he stepped foot into the Congress. Like Mr. KILDEE, Mr. LOEBSACK is a former teacher, and he understands firsthand the difference that a top-notch facility, that a modern facility, that a safe facility, that a clean facility can mean to a child's education. That's the promise of this legislation.

And I would like to recognize the efforts of Congressmen RUSH HOLT, CHARLIE RANGEL, BOB ETHERIDGE and Congresswoman DARLENE HOOLEY, who is the head of the Green Schools Caucus.

As study after study has told us, we don't have a choice when it comes to rebuilding our schools. We simply won't be able to provide every child with the world-class education they need and deserve unless we're willing to help the States and school districts improve the conditions of these buildings and facilities. It's not a question of if we should modernize and repair our Nation's schools; it's a matter of when. It's simply a decision that we have to make and we can make it today.

Today we have that opportunity to begin this investment, an investment that will yield great results for our children, our economy and our future.

Finally, I want to thank all of the members of the Rules Committee for the consideration of this rule, for the reporting of this rule, and to Chairwoman SLAUGHTER for her diligence in making sure that this rule came to the floor.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank my friend from Florida for yielding me the time.

I rise today in opposition to this rule and the underlying bill.

Mr. Speaker, last night the Rules Committee voted along party lines to not allow the U.S. House of Representatives, this body, to even consider two amendments that I offered that would have helped school districts whose tax bases are significantly reduced by the presence of tax-exempt Federal lands.

This bill would drastically expand the Federal Government's role in school construction and maintenance, activities historically funded at the State and local level before. But they're doing this before the Federal Government meets its existing responsibilities to schools that are impacted by Federal land ownership.

Mr. Speaker, over 33 percent of my district in Central Washington is owned by the Federal Government; making 11 school districts eligible for Impact Aid programs. I know all too well the consequences of Federal land ownership and the impact it has on the ability of schools to make needed improvements.

In the Grand Coulee Dam area in my district, students attend classes in buildings that are more than half a century old and that are literally falling apart. While the local residents in those districts have agreed to pay one of the highest school levies to maintain current levels in the State of Washington, the school district remains unable to secure a bond to make improvements on physical facilities because the community is surrounded by Federal lands and, therefore, has a limited tax base.

The Federal Government has a responsibility to ensure that no child's education is shortchanged because of Federal land ownership. And, in my view, it's only fair that the Federal Government take care of federally impacted schools before launching a brand new spending program costing billions of dollars that's aimed at schools that aren't federally impacted.

I offered two amendments in the Rules Committee. The first would have required that our commitment to federally impacted schools be met through full funding in the Impact Aid program before funding is spent on new Federal spending in this bill.

My second amendment, which I offered along with my colleague, ROBIN HAYES of North Carolina, would have simply given preference, preference, to federally impacted schools as the new construction and maintenance funds were distributed.

Unfortunately, Democrat leadership blocked both of my amendments from being debated or voted on today on the House floor.

Mr. Speaker, if the Federal Government cannot meet its current responsibilities to federally impacted schools, then it certainly has no business creating a brand new $20 billion spending program for other schools. Rather than passing this massive expansion of the Federal Government's role in school construction, we should refocus our efforts on fulfilling existing obligations to schools and children impacted by Federal actions.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and against the underlying bill.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy in permitting me to speak on the bill, the work that is done by the Rules Committee in bringing this legislation before us. I am enthusiastically supportive of the rule and the underlying bill.

An opportunity to integrate sustainability into the neighborhood school, the building block of communities, is a double win. In the long run, this is going to save significant amounts of money at a time of skyrocketing energy prices. And the evidence is that at the green schools I've seen in my community, there's actually better performance. There's better performance on the part of the students, higher job satisfaction with the staff, and as I have seen in communities around the country where these principles are integrated into the school construction, it is a valuable learning experience for the children themselves.

I am particularly pleased in elements dealing with the transportation, allowing some of the facilities work to be done to help our children get to school safely on foot or cycling.

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In 1969, so long ago that I was still in school, over half of America's children were able to get to school on their own walking or biking. By 2001, that percentage had fallen to 15 percent, and I routinely do work in other parts of the country where that percentage is under 10 percent where children can safely get to school on their own.

This poses an inordinate problem in terms of the costs for transportation for school districts. We're all familiar in our own communities with schools that have a rush hour around the start of school, and then there's the rush hour to commuting. It complicates lives for families, it's a problem of congestion and pollution, and with energy prices projected to continue to remain high, it costs money.

But with the provisions of this legislation, we're going to have resources available that compliment our Safe Routes to School legislation in the last transportation reauthorization to be able to help, once again, children to be able to walk and bike safely to school.

At a time when we are looking at 10 million young people of school age who are overweight, and when the projection is that by 2010, 20 percent of the school-age population will be obese, this is an opportunity to help children, particularly when one of the failures of No Child Left Behind is that there isn't a provision for physical education in our schools.

This is a triple win. I strongly urge support.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman for yielding, and I do rise in opposition to the rule and the bill. I don't think in my entire time in Congress I have ever opposed anything that provides additional funding for education, but I think this bill has many underlying elements we have to pay some attention to.

I don't disagree with virtually anything I've heard from the other side of the aisle in terms of what this might do. There is, as Mr. MILLER indicated, a desperate need for rebonding and renovation. We do need good schools. I think it would help our children. I'm in full agreement with all of that.

I'm also in full agreement with the gentlewoman from Ohio who said there's hundreds of billions of dollars of these kinds of renovations which are needed out there in the referenda for many of those things which are going on.

The issue is what else is needed to be done in education and what can we afford to do at the public government level.

If you look carefully at this bill and analyze the bottom-line expenditures, it's $6.4 billion for the first year of fiscal year 2009. It sets some thereafter for the basic renovations. There's $100 million for each of 5 years for emergency help in those States which were so devastated by storms which perhaps could be done separately, and I would have no problems with them, Louisiana, Mississippi, et cetera.

The title III provision is the green provision which calls for a percentage of this money to be spent for green aspects of our schools, as we should be doing. This is something the Federal Government has not done heretofore. We have had certain responsibilities either assigned to us or done by statute in some way or another, and one of those is an amendment which I introduced saying that before we do this, we should fully fund the authorization of title I. It is very arguable that if we have good schools, our students will do better. I think it's even more arguable that if we have the necessary teachers and other personnel to make absolutely sure the kids are going to be well-educated, they will do even better than that.

In title I last year, we appropriated $13.9 billion, but we have authorized $25 billion for title I. IDEA is not a part of this bill in particular, but again, we're not up to the statutory mandate of that which is up to 40 percent of contribution by the Federal Government; and if we were to add the $6.4 billion to that, we would get very close to that number which would be $17.3 billion.

This is money that we should be spending, and we can't afford to for one reason or another. I've heard the old saw about spending on the war, or whatever it may be. But the bottom line is there's going to be so much spending on education and other resources this year, and my judgment is that we are really opening the door here. If we open this door at $6.4 billion without hundreds of billions of dollars that are needed, we're going to find that that's going to double almost overnight when they find out there is a Federal resource for it.

The pressure in this place to take that up to $10 billion, $15, $20 billion a year is going to be overwhelming, and all of a sudden, the education programs which we have a responsibility to be funding, which was so important to the basic instruction of kids, will fall by the wayside.

I would urge all of the Members oppose this rule.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to both this restrictive rule and the underlying bill brought forward today by the Democratic majority.

As a former chairman of the Marietta City School Board in my district, I strongly believe that there needs to be more of an emphasis on public school construction but at the State and local level. However, H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act, sends the wrong message of how the Federal Government should be involved in local education decisions.

With limited exception in the 1930s and 1940s, the Federal Government has rightly left the responsibility of public school construction up to the State and local governments. State and local governments know the construction needs in schools much better than bureaucrats in Washington. And the Federal Government has promoted the autonomy and flexibility of local control over education in this matter. However, this bill would negate much of this work and would only expand the size and scope of the Federal Government, as my good friend from Delaware, Mr. CASTLE, just pointed out.

Furthermore, Mr. Speaker, H.R. 3021 would cost $20 billion over 5 years for a brand new Federal program to compete for the already precious Federal assistance dollars for education. Currently these funds are focused on the curriculum needs of States through our title I grants to provide assistance to low-income and disadvantaged students, as well as funding for the Individuals With Disabilities Education Act, IDEA, for special education.

Mr. Speaker, I can remember when I was on the Education and Workforce Committee in the 108th Congress when we were in the majority. There was this outcry constantly from the Democrats about not funding fully to the 40 percent level of IDEA, and of course the trajectory of spending in the Bush administration under Republican majority was a geometric progression. We spent much more money than the Democrats have spent in the previous 10 or 12 years when they were in control.

But now we're going to take this money that should be spent on these programs like title I and IDEA and create a whole new program. It makes no sense. If enacted, it will create abundant squeeze, make it less likely the Federal Government will be able to fulfill financial commitments that have already been made for student achievement.

Mr. Speaker, we need to continue promoting local control over education decisions while providing Federal assistance for student achievements. The best and most immediate way that we can do that is by defeating the previous question and the rule for H.R. 3021. For these reasons, I ask that all of my colleagues oppose the rule and the underlying legislation.

Ms. SUTTON. Mr. Speaker, I am going to reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished lady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, as the author of an amendment that was not made in order under this rule, I rise in opposition to this rule. My amendment would have prohibited taxpayer funds authorized by this bill from being used to purchase mercury-laden compact fluorescent light bulbs, also known as the CFL.

Mr. Speaker, it is not my intention to take the choice away from public schools as to how to meet their lighting needs. In fact, I believe that Congress already makes, too often, decisions for our citizens. But it is Congress' single-minded dangerous pursuit of this environmental fad that has gotten us all to this point of silliness today.

Congress must ensure that mercury-laden light bulbs are safe before we encourage their use in our child's classrooms. There are very serious health concerns about these light bulbs that are filled with mercury. They pose problems to humans precisely because of their high mercury content, and we must be sure of their safety before we force them on our public school children through this ill-conceived law.

When mercury light bulbs break, let's remember, extensive cleanup is needed. That's what these regulations show us. This is very highly selective and very detailed clean-up regulations.

What does this mean for school children that could be exposed to light bulbs of the broken mercury latent light bulbs? On the EPA's own Web site are these eight pages of instructions about how to deal with a mercury spill, specifically including spills due to broken mercury light bulbs.

Let me run you through just some of the steps for cleaning up just one broken mercury light bulb.

Before the clean-up ever begins, people must leave the room for 15 minutes as the room airs out putting a halt to the learning that's taking place in the classroom. The school then is told to shut off their central air-conditioning system, or, in Minnesota's case, central heating system, and then they're told not to use a broom to sweep up the broken light bulb as they could come in contact with mercury at a later time.

This should give Congress pause to think about this next rule that says if clothing comes in contact with a broken light bulb and the mercury, it must be disposed of immediately. Imagine that. Children or teachers or the janitorial staff would have to remove their clothing immediately, and we're told that you are not allowed to wash your clothes. That's what the EPA rules say. You're not allowed to wash your clothes. That won't do the trick because mercury fragments in the clothing might contaminate the washing machine and also pollute sewage.

Let's get this straight. Congress is worried about harming sewage and yet we're rushing to place these mercury light bulbs in our classrooms next to our children. That step alone should be a warning to the dangers of mercury-laden light bulbs.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman 1 additional minute.

Mrs. BACHMANN. But the kicker of them all is the disposal process. Immediately a person must place all of the clean-up materials in an outdoor trash can or protected area for normal trash pickup. But make sure that you check with your local government.

In Minnesota, my home State, it does not allow for normal trash disposal for mercury. Instead, they require that broken and unbroken mercury bulbs be taken to a local recycling center.

There are so many rules that are contained on the EPA Web site that I don't have time to address them all, but while these clean-up guidelines are important and should be followed, the harm that just one broken light bulb can have on a child, senior citizen, or an animal is very real, which is why Congress should not embark on these fads.

I hope none of us will have to respond to the news story of a girl or a boy or a senior citizen or an animal who is poisoned by a broken mercury-ladened light bulb. That would be horrible.

I speak today to alert this body and the American people of this yet considerable loss of liberty.

Ms. SUTTON. Mr. Speaker, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished ranking member from California (Mr. MCKEON).

☐ 1530

Mr. McKEON. I thank the gentleman for yielding and I rise in opposition to this rule.

Schools around the Nation are facing an immediate funding shortfall, but it's not a lack of funds for green facilities maintenance. Mr. Speaker, like the rest of us, they're struggling with gasoline prices.

For local school systems, energy represents a significant share of their budget. They pay for the fuel to operate the buses that drive children to and from school. They pay to heat their schools in the winter and cool them in the summer. They pay for electricity to light their classrooms and power their computers. And with the national average for a gallon of regular gasoline reaching $3.98 today—now, that might have been at the start of debate. It could be $3.99 or $4 now the way it's going up. In California, it's much higher than this already—these energy costs are consuming an increasing share of overall school budgets.

For schools, rising energy costs don't stop with school buses and utilities. The cost of fuel makes almost everything more expensive, from books and supplies to the food that goes into school lunches. So, yes, our schools do have an immediate need, and we ought to be on the floor addressing that need today. We should be taking action on comprehensive energy legislation that will increase production, drive innovation, and promote conservation. Unfortunately, that's not what we're going to do today.

Instead, the House will consider a bill that fundamentally changes the Federal role in education. I'm talking about legislation that begins the process of Federalizing the building and maintenance of individual schools in communities across this Nation. Agree or disagree with what this bill is trying to accomplish, no one can deny that what's being proposed is a significant, perhaps even monumental, shift in education policy.

In keeping with the pattern established by the majority, it is no surprise then that this bill is being brought up with limited opportunity for debate and amendment, after being rushed through an abbreviated committee process.

Of the 20 amendments submitted by Republicans, just four were made in order. That's one in five.

Not surprisingly, members of the majority party fared a little better. Of the eight amendments they offered and did not withdraw, fully half of them were made in order. Several others were combined with amendments that were accepted or added to the manager's amendment, making sure that in the end virtually all of their concerns are going to be addressed.

We can do better than this. We should do better than this, but after a year-and-a-half under this iron-fisted majority, I know better than to expect better.

So much for the most open Congress in history. I urge a "no" vote on the rule.

Ms. SUTTON. I continue to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my good friend from Florida for his leadership on this issue and so many others.

Mr. Speaker, I came to the floor today. I wanted to talk about the amendments that I had offered to this bill that would have provided some accountability to the spending that's incorporated in this bill, but as we have heard, those amendments weren't made in order.

So, in addition to the majority not wanting to have accountability for the bill that we're talking about on school construction, the first time Federal moneys have been used for school construction, no accountability, what I thought I would do then is address the issue that we ought to be talking about today. That's the issue that we all heard about last week when we went home.

When I went home, what did I hear from my constituents? I didn't hear about school construction. I heard about gas prices. And I heard that people are tired, sick and tired, and fed up with inaction in Washington. They want solutions.

Mr. Speaker, there are three ways to address this issue. One is conservation, and we all can do more.

The second is to make certain that we put appropriate incentives in place for alternative fuels so that we can bridge to the next generation and American genius can be unleashed. This majority isn't doing anything about that.

But the way that we bridge to the next generation is to increase supply, and so I asked some folks on our side of the aisle to get the information that said what has the majority party, what have the Democrats, done in order to increase supply of American energy.

It won't surprise you, Mr. Speaker, to know that 91 percent of the folks on our side of the aisle, 91 percent, supported exploration in Alaska over the last 15 years; 86 percent on the other side opposed it to increase supply.

Coal-to-liquid technology, 97 percent on our side of the aisle supported increasing supply in coal-to-liquid technology; 78 percent on the other side opposed it.

How about oil shale exploration? Ninety percent on our side of the aisle support oil shale exploration increasing supply; 86 oppose it on the other side.

Deep sea exploration, Mr. Speaker, 81 percent on our side support it; 83 percent on the other side oppose it.

How about increasing refining capacity? There hasn't been a new refinery built in this Nation in over 30 years. Ninety-seven percent on this side of the aisle support it; 96 percent on the majority side oppose increasing refining capacity in vote after vote after vote.

Mr. Speaker, my constituents and I know Americans across this Nation are sick and tired, sick and tired of a majority that's keeping us dependent on Middle Eastern oil. So I call on this majority and I call on the Speaker to bring forward a positive bill that will increase conservation, increase incentives for alternative fuel, and make certain that we can use American resources, American energy for Americans.

Ms. SUTTON. Mr. Speaker, I want to remind my colleagues who may be listening to this debate that this rule and this bill are about repairing and improving our Nation's schools.

I also want to remind the people at home that, of course, those who are railing now about the effects of energy policy over the past 6 or so or 8 or 10 years were in charge, most of that time with a Republican President, and this is what we get.

So this Congress, of course, is a new majority, and we have taken bold steps to put incentives in place that will lead to historic change and will turn the corner to renewable sources of energy in this country being developed.

We have 30 million acres on which oil drilling can take place right now, and those are just sitting idle. Those on the other side of the aisle don't tell us the whole story when they're talking about these issues.

But I just want to repeat, I want to remind my colleagues who may be listening to this debate, that this rule and this bill is about the very important business of repairing and improving our Nation's schools.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first it's important to set the record straight. Ten years ago, this Congress passed drilling in the ANWR, and it faced a Presidential veto by then-President Clinton, and imagine if it hadn't faced a veto how much of a difference we would have been able to make.

Now we're seeing the consequences of that, as Mr. PRICE of Georgia pointed out. Effort after effort that we've engaged in to try to increase the production of energy, the supply of energy has been opposed by the other side of the aisle and I think nowhere more dramatically than when we were able to pass legislation to have production in Alaska, and it was vetoed by the last President, a Democratic President.

So these things have to be put on the record, Mr. Speaker, because now with $4 gas the record counts, and the record is of interest to all Americans, and it will be more and more of interest every day.

Mr. Speaker, back on April 24, 2006, just over 2 years ago, now-Speaker PELOSI issued the following statement: "With skyrocketing gas prices it is clear that the American people can no longer afford the Republican rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price than when President Bush first came into office."

Mr. Speaker, most Americans would be happy if they were paying $2.91 a gallon today. Yet here we are this week debating bills on green schools and watertrails network instead of working on legislation to reduce the price of gasoline and increase supply. Now, the price of gasoline is at $4 gallon now.

Reinforcing the fact that the majority has yet to confront that issue, just over a month ago the newspaper Investors Business Daily in an editorial said that this Congress "is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

[From Investor's Business Daily, Apr. 29, 2008]

CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction

> and ignorance in his wide-ranging press conference Tuesday.
>
> "Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."
>
> Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:
>
> Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.
>
> Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.
>
> Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.
>
> Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.
>
> These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.
>
> Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.
>
> The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today, I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act, which would give commuters a tax break on their commuting expenses and require the Speaker of the House to submit a plan to lower gas prices.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I am so pleased that our colleague Dr. PRICE pointed out on issue after issue, whether it's ANWR exploration or coal-to-liquid or oil shale exploration or refinery increased capacity or on the issue of nuclear power. There is a strong environmental movement in France, but over 80 percent of their electricity is generated from nuclear power. Yet we haven't built a nuclear power plant in this country in over 30 years.

It's time to face the issue of energy independence in this country.

Mr. Speaker, at this time, I would reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, it's interesting that my colleagues on the other side railed against this legislation in the name of energy.

It doesn't do a lot of good to pump more energy into these schools, more air conditioning into these schools, more heat into these schools when the schools are such inefficient users of energy. It makes no sense to pump more and more electricity into the schools, to use lighting that's outdated, outmoded, harmful to the learning of these children.

The purpose of this legislation is to take a major institution in our country, our elementary secondary education system, and have the Federal Government lend some support to local efforts that are struggling now, trying to accelerate their programs to cut their energy costs in the running of their schools.

That's what this bill allows us to do. It allows us to put in place as they renovate, as they repair, as they remodel these schools, trying to recover, as all businesses are all across the country, as homeowners are all across the country, to reduce their energy costs. It allows us to partner up with them and to provide some assistance in doing that.

It's rather interesting that all they can talk about on the other side is somehow that they didn't get to go to Alaska. If they'd gone to Alaska, it probably would have made a penny or 2 cents or 3 cents a difference in a gallon of gasoline today.

But the fact of the matter is why would you go to Alaska and put it into cars that are getting 12 and 13 miles a gallon? But you never went to the question of efficiencies. You never went to the question of better automobiles.

We did. The first time in 30 years, this Congress improved the mileage standard for automobiles. Just think if we had done it when George Bush said he wanted it done. Today, it would have been an entire different industry.

But no, you listened to the oil industry and you listened to the automobile industry. Well, listen to them today as the chairman of General Motors has to admit that they didn't see it coming, they didn't see it was going to happen. They laid off 20,000 workers. They shut down four plants making SUVs and trucks. Why are we listening to those people?

If we continue to listen to them, we'll be the only people in the world that are listening to them. They've made one bad business decision, one bad energy decision after another for the last two decades, and it cost them almost 450,000 jobs to the workers. It cost them market share, it cost them productivity, it cost them profit. Now what are they doing? They're trying to play catch-up.

Well, we don't think the school districts in this country should play catch-up like General Motors. We think the school districts in this country ought to have an opportunity to make these facilities more efficient in the use of the energy, more efficient in the conservation of energy so that they can come into the modern age and they can make the changes that all of the studies indicate to us not only will save them energy, not only will make the facilities safer, cleaner and better for the learning environment that these children need, it will also dramatically change the cost of running these school districts.

It's happening, but too many school districts in too many areas don't have sufficient funds. We think the Federal Government ought to put its shoulder to the wheel and help these school districts conserve their energy.

☐ 1545

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I'm glad to speak against this rule and against this bill in itself.

First off, this is not a Federal responsibility, this is a State and local responsibility. And to the extent that we spend Federal taxpayer dollars, this isn't the Federal Government doing this, there is no such thing as the Federal Government doing this; this is the Federal taxpayer doing this. So you've got taxpayers on one hand funding their local schools; you've got Federal taxpayers funding those same local schools. This is a wreck of bureaucratic nightmare. This should not happen.

We're not fully funding IDEA, we're not fully funding title I; this is just something new. So it's because it's new that we can get away with acting like this is something that's good, and it's not because we're not fully funding what we should be.

Electrical costs in our schools are very high, no doubt about it. And the truth of the matter is we can't conserve our way into lowering those electricity costs because electricity cost generation is going to continue to go up. And as this majority continues to restrict the growth in clean coal burning technology, as they continue to restrict the growth in nuclear power plants, they're going to continue to drive electricity costs higher and higher.

Now we all like wind, we all like solar, but the truth of the matter is growth in those alternatives cannot even keep up with the growth in the demand for electricity. As schools begin to quit going to field trips, as they begin to quit going to football games and quit going to things they're already telling us they're going to do because of gasoline costs and diesel costs being higher because of lack of supply, it's our responsibility to address the broader issue of energy and not school buildings, which is a local and State issue.

Mr. Speaker, I speak against this rule and against this bill.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CONAWAY. I would be happy to yield.

Mr. GEORGE MILLER of California. What would you prefer that they do, have the schools do nothing when they know that they have a waiver? Every business in America is investing in energy conservation.

Mr. CONAWAY. Reclaiming my time, what I would have them do is take the local responsibility of making these decisions on their own.

Mr. GEORGE MILLER of California. This doesn't take anything away from local responsibility.

Mr. CONAWAY. Reclaiming my time, what I would have them do is take the responsibility themselves to make these very good decisions to create energy-efficient facilities. But it's their job, not the Federal taxpayer's job.

Mr. LINCOLN DIAZ-BALART of Florida. Again, Mr. Speaker, we're asking for a "no" vote on the previous question to be able to address the energy issue. If we're ever going to address it, it's time to start doing so with $4 a gallon gasoline.

Members can take a stand against high fuel prices and insist that the energy issue be addressed seriously by voting "no" on the previous question. I encourage a "no" vote on the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, as we lead this country in the 21st century, we must work creatively to form policies that address the intertwining nature of the challenges we face.

I've heard that this isn't important legislation from the other side of the aisle, and that is concerning to me because safe and healthy schools are important. Environmentally sustainable schools are important. Creating 100,000 jobs in this country is important. Acting to instill environmental stewardship in students and our youth is important.

One out of five Americans attends school each day. A 2006 report concluded that, despite significant State and local expenditures on school construction and renovation from 1996 to 2004, there continues to be millions of students in substandard and overcrowded school conditions. This bill will set our 60 million school children on a path to a better education and a healthier future by providing a Federal investment to help renovate, prepare, and modernize thousands of public schools.

I urge a "yes" vote on the previous question and on the rule.

Ms. MATSUI. Mr. Speaker, we are tasked with finding solutions that are innovative and multifaceted, to secure a better future for America.

Part of that responsibility is ensuring that young Americans have access to safe, constructive environments to learn in.

H.R. 3021 will help give our children and grandchildren the sound, healthy classrooms they need and deserve. It is clear that our schools are aging and in need of repairs . . . repairs that must be made to allow students to focus on learning and reaching their full potential.

Not only will we be investing in future generations of Americans, we will provide thousands of much-needed, high-quality jobs.

With the bill before us today, we are taking steps that will help address so many of the challenges we face.

The improvements made to schools will encourage green building techniques and help reduce our greenhouse gas emissions. These standards will save school districts money on utilities for years to come.

In my district, the Natomas Unified School District, the state's only "Climate Action Leader," recently received the Clean Air "Government Award" for its dedication to air quality and energy-saving techniques. It is innovative approaches like this that H.R. 3021 will encourage across the country.

I cannot help but think of my grandchildren, Anna and Robby; they are approaching school age, and I want them to be in a healthy environment that will enable them to reach their full potential.

I ask my colleagues to support the Rule and final passage of H.R. 3021.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1234 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and motions to suspend the rules on H.R. 1343 and H.R. 5669.

The vote was taken by electronic device, and there were—yeas 221, nays 196, not voting 16, as follows:

[Roll No. 370]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Baca
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

☐ 1614

Mrs. SCHMIDT and Mr. PEARCE changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. POMEROY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 371]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey

Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Baca
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Gordon
Hunter
Jackson-Lee (TX)
Lewis (GA)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

☐ 1622

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 371, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask the House to observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). Without objection, 5-minute voting will continue.

There was no objection.

HEALTH CENTERS RENEWAL ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1343, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 24, not voting 16, as follows:

[Roll No. 372]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross

Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—24

Barrett (SC)
Bartlett (MD)
Broun (GA)
Burton (IN)
Campbell (CA)
Duncan
Flake
Franks (AZ)
Hensarling
Jordan
Lamborn
Marchant
McHenry
Miller (FL)
Miller, Gary
Paul
Pence
Radanovich
Rohrabacher
Royce
Sensenbrenner
Stearns
Tancredo
Weldon (FL)

NOT VOTING—16

Andrews
Baca
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

☐ 1634

Mr. BURTON of Indiana changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 372, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5669, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 5669.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 10, not voting 18, as follows:

[Roll No. 373]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
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Jackson (IL)
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Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
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Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
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King (IA)
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Larson (CT)
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LaTourette
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Lewis (CA)
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Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
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Matheson
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McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
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McKeon
McMorris Rodgers
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Meek (FL)
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Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
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Murphy, (CT)
Murphy, Patrick
Murphy, Tim
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Nadler
Napolitano
Neal (MA)
Neugebauer
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Pitts
Platts
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Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
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Rehberg
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Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
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Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
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Scott (GA)
Scott (VA)
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Sessions
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Tauscher
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Thompson (CA)
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Thornberry
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Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
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Walden (OR)
Walsh (NY)
Walz (MN)
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Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—10

Broun (GA)
Duncan
Flake
Kingston
Paul
Pence
Poe
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—18

Andrews
Baca
Campbell (CA)
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Meeks (NY)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

☐ 1644

Mr. POE changed his vote from "yea" to "nay."

Mr. PUTNAM changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FILNER. Mr. Speaker, on rollcall 373, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend and insert extraneous material on H.R. 3021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1234 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3021.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, with Ms. BORDALLO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 2 minutes.

I rise in very strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facility Act, legislation that would invest in modernizing public schools across the country.

This legislation is an example of how well-crafted public policy can address a number of key challenges all at the same time. This bill has something in it for improving the education of our children, improving our economy, and improving the environment.

First, this legislation will help improve student achievement by providing more children and teachers with a modern, safe, healthy, clean, place for learning. Second, this legislation will give a boost to our economy by injecting demand into a faltering U.S. construction industry. And, third, this legislation will make our schools part of the solution to the global warming crisis by encouraging more energy efficiency as well as the use of renewable energy resources.

Any one of these three reasons alone would be enough to support this bill; but when you put all three of them together, this is a clear win for our children, for our communities, for workers, and for our planet.

For children and teachers, unfortunately, the reality is that in too many of our communities the schools are literally crumbling. In 2000, The National Center of Education Statistics said it would take $127 billion to bring schools into good condition, including that 75 percent of the schools were in various stages of disrepair. The American Society of Civil Engineers gave U.S. schools a D for national infrastructure report card. Just last month, the 21st Century School Fund called for a $140 billion Federal investment in school facilities to bring all school districts up to the level of the highest income districts followed by ongoing annual Federal investment.

The fact of the matter is that those children who have the most difficult time receiving an education are receiving that education in some of the worst schools in this Nation. This is an effort for us simply to partner with local school districts on a formula basis so that they can then carry out their plans to renovate, to repair, to remodel existing schools so that they can save energy, they can provide better lighting and a better atmosphere for the schools to learn.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I stand in opposition to H.R. 3021, and I yield myself such time as I may consume.

The name of this bill is a mouthful but seems harmless enough, the 21st Century Green High-Performing Public School Facilities Act. It sounds like a program to ensure good schools, safe schools, environmentally friendly schools. It sounds pretty good to me. It is when we look a little closer that the real goal becomes clear. This is a bill that puts us on a path toward Federalizing the building and maintenance of our Nation's schools. It is about feeding bigger government and giving Washington more control over what happens in States and local communities. We are talking about an estimated $20 billion over the next 5 years handed out to States and schools so that we can exercise control over how they build their schools.

Maybe a school has a leaky roof. The Federal Government is happy to pay to get it fixed; but instead of spending $1,000 on a repair, we tell the school it has to spend $100,000 on a new roof that meets our hand-picked environmental standards. And Big Brother doesn't stop there. We also link this funding to the Depression-era Davis-Bacon Act, meaning that construction projects under this bill must pay so-called prevailing wages. The problem is, prevailing wage calculations are critically and fundamentally flawed. Sometimes they are higher than market rates and other times they are lower.

Take plumbers, for instance. I have a chart here that shows in a sampling of cities plumbers paid Davis-Bacon wages could be paid anywhere from 70 percent below the market rate to 77 percent above the market rate. Davis-Bacon requirements drive up the cost of Federal projects by 10, 15, 20 percent, and sometimes more. These are costs that get passed on to the taxpayers. Moreover, these requirements force private companies to do hundreds of millions of dollars of excess administrative work each year.

So already we are talking about a new $20 billion program to fund an inefficient construction mandate that allows bureaucrats here in Washington to tell our neighborhoods and small towns and big cities exactly how their school buildings should be built, from the materials they use to the contractors they hire.

Madam Chairman, I would like to know where that $20 billion is going to come from. When we were in the majority, we heard no end to the complaints from the other side of the aisle that we were underfunding No Child Left Behind and the Individuals With Disabilities Education Act. I am proud of our record of strong support for these programs, but it is true that they are not funded at their authorized level. It was true when Democrats were in the majority up until 1995, it was true when we were in the majority even though we doubled the payments there, and it is still true today with Democrats back at the helm. The reality is that neither party has funded these programs at their authorized maximum.

If we have $20 billion to spend on our schools, shouldn't we invest that in keeping the promises we have already made? We are looking at $6.4 billion authorized for this program next year alone. Do you know what that could do for title I or IDEA? We could increase special education funding by almost 60 percent in 1 year. We could bring title I funding to more than $20 billion.

I don't know whether we have the money to spend on this program; in fact, I think we probably don't. But if we have it, we have a duty to spend it on programs that help improve academic achievement for disadvantaged children.

I also think it is ironic that we are here today proposing a program to build more schools when districts around the country are struggling just to pay for the fuel it takes to transport children and operate, heat, and cool the schools we already have. Like the rest of the country, our schools are being squeezed by the high price of gasoline. Rising fuel prices are taking a real toll on our Nation's schools, just as on our Nation's families and individuals.

Beyond diesel fuel and heating oil, schools are faced with higher supply costs, fewer field trips, and costlier school lunches. First it was community colleges forced to move to a 4-day school week; now, even K–12 school systems are reducing the number of school days because of the pain at the pump. Unfortunately, that is a problem for which the Democrats are offering no answers.

Madam Chairman, this is a bad program created based on a flawed premise. Yes, there is a need for school construction and modernization. It is a need that is best handled at the State and local level where they can be responsive to each community's unique needs. The Federal role in education has been limited to target interventions that help provide a more level playing field for children who might otherwise be left behind. That is where our focus should remain.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds to say that it is interesting that again they talk about the increased energy costs for schools. And at the same time that we are considering legislation which is designed to lower those energy costs for schools, they are arguing against the passage of this legislation.

This is a modest effort by the Federal Government to help these schools get on with the refurbishing, the repair, and the renovation of these schools so that they will lower their energy costs, whether it is heating or air conditioning, so that they can then put that money back into the educational program.

Madam Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. CHANDLER), the author of this legislation who understands the importance of this contribution to the education of our children at the local level.

Mr. CHANDLER. Madam Chairman, I am very proud to be here today to introduce the 21st Century Green High-Performing Public School Facilities Act, authorizing almost $7 billion for our struggling schools.

I would like to express my sincere appreciation to our cosponsors on this bill, in particular Mr. KILDEE and Mr. LOEBSACK, but especially Chairman MILLER who has done an incredible job as chairman of the Education and Labor Committee and I very much appreciate what the gentleman from California has done on this bill.

Where children learn has a large impact on what they learn, and the evidence is undeniable. The U.S. Department of Education tells us that modern, functional school facilities are truly important for effective student learning. Consequently, it is unacceptable that some of our children spend their days in buildings with faulty wiring, leaking roofs, lead paint, and asbestos.

In 1995, the GAO found that schools were in desperate need of repairs totaling $112 billion. Over a decade later, the need is even greater. Each day we are competing on a global stage and not always winning that competition, and investing in the education of our children at home is the key to staying in the game. We are spending hundreds of billions of dollars in Iraq. Surely, surely we can invest less than $7 billion in the future of our children and the future of our country.

This bill is a home run. It will give much needed money to our schools struggling with huge budget deficits, while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas. Today, I urge you, Democrats and Republicans alike, make this important investment in our schools, in our children, and in our future.

Mr. McKEON. Madam Chairman, I am privileged now to yield to the gentleman from Delaware (Mr. CASTLE), the ranking member on the subcommittee over K–12 education, 3 minutes.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding. Let me try to put this in perspective.

We are talking about Federal dollars here. We have never at the Federal Government level funded school construction. Perhaps in emergency situations, but other than that, we have not.

☐ 1700

We do have certain responsibilities that we do need to fund, and one of those is clearly under the No Child Left Behind. The Elementary and Secondary Education Act is title I. The ranking member from California has already pointed this out.

But the bottom line is that when you look at the funding which we have here, which fundamentally is $6.4 billion in title I. There's another $100 million in title II of this legislation. But if you take that $6.4 billion and you add it to title I, you get very close to that amount of money that we have already authorized in our committee under the jurisdiction of all of us involved with this committee.

I think we clearly recognize the importance of title I. It brings in the teachers, it brings in the help. It brings in the people who are going to help our children in schools which are most in need of money. And we would get at least a lot closer to the $25 billion. Right now we only have $13.9 billion appropriated.

And then you look at IDEA. Everybody here, Republicans and Democrats alike have fought hard in recent years to increase IDEA to help our children with disabilities, the Individual Disabilities Education Act, and with that extra $6.4 billion, as this chart shows, IDEA could be funded at $7.3 billion, getting very close to the 40 percent requirement in the statute with respect to where we should be with helping those children with disabilities.

My concern is, where are we spending our Federal money?

My other concern is, and I hope my friends in the Blue Dogs are listening to all of this, but my other concern is we are opening a door here. We are opening a door which is very large, and we're opening it somewhat wide. You haven't even begun to see where we're going to go. The $6.4 billion for fiscal year 2009 is followed by whatever sums thereafter, that's going to go up dramatically very, very quickly, in my judgment. And when all of the local entities realize that perhaps they can come to the Federal Government and get money, maybe they'll try to whittle down the title III of this so they don't have to worry about the green aspect of it quite as much, and they're going to go for more money. That's going to be the key to it and you're going to see huge increases. I think the 6.4 is merely a beginning. And all this is going to, in my judgment, take away from whatever money is needed for education.

Yes, we can argue that the money could come from war or this or whatever it may be. It's not that simple. The bottom line is that people are going to look at education, and I'm afraid they're going to say, we're putting it in construction, therefore we can't put it in title I, we can't put it in IDEA, and I think that would be a mistake.

I believe that this bill is well-intended, and I agree with everything that's being said on the other side about the good it can do as far as schools are concerned. But I have a strong disagreement with where the Federal Government should be in this. I think it should be a local and State issue in terms of construction, and we need to fund those things that we have agreed to fund. We need to fund title I. We need to fund IDEA. We do not need to open up a whole new source of funding that we simply cannot afford at this time.

So I would encourage defeat of the legislation and, hopefully, we can make sure that we're funding programs we should be funding in education.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education, and an incredible advocate for the Federal role in school construction for many, many years, and a coauthor of this legislation.

Mr. KILDEE. Madam Chairman, I rise in strong support of this legislation.

I was pleased to join Mr. CHANDLER and Chairman MILLER in introducing H.R. 3021, and to work with my chairman and Representatives LOEBSACK, ANDREWS, HARE, HOLT and MCCARTHY to introduce the committee substitute. I especially acknowledge Mr. LOEBSACK's great depth of knowledge and the perseverance he has brought to this bill.

This legislation will bring critically needed resources to schools around the country to provide students, teachers, principals and others with safe, healthy, modern, energy efficient and environmentally friendly learning spaces, and will help our local, State and national economies by creating jobs for thousands of workers to build these improvements.

Some years ago, Madam Chairman, in my district, a Federal judge ordered a jail to be torn down because it was unfit for human habitation. Yet, many local educators told me that jail was in better shape than some of the schools where they work so hard every day on behalf of their students. By providing the resources to ensure that situation never happens again, this bill would send children the message that we truly value every one of them.

I urge my colleagues to support this legislation.

Mr. MCKEON. I yield now to the gentleman from Utah, a member of the committee, Mr. BISHOP, 3 minutes.

Mr. BISHOP of Utah. When this bill was originally introduced by the gentleman from Kentucky, it would have required the Department of Energy to conduct a study of needs nationwide and then provided grants to meet those needs.

This doesn't quite do it. There have been no studies. NCE did one about 8 years ago which talked on a regional basis but not anything more specific. Another study was done about 3 years ago, and instead of trying to identify construction needs, this bill tracks money based on title I spending, which simply asks the question, is there a connection between construction needs and the distribution formula in this particular bill? If not, and this bill escapes, we will be coming back repeatedly with ideas that we need to tweak this or that in the effort to create some kind of fairness for the future.

At the committee I raised the question, because my State has an equalization formula, not just for maintenance and operation which is programmed, but also for capital outlay. And I asked how this bill would impact my State and I was told we would find that out; get back with you. That still has yet to happen.

So let me try and tell you what this particular bill would do in my State as it relates to how we fund construction needs within a State. The State of Utah has two different categories, historically. First of all, we have continuing school building aid which basically went for areas that were overcrowded, where there was a surge of students creating crowded school conditions.

We also had a category that we funded which was continuing. I'm sorry. Let me switch that around. Continuing was for overcrowded. Critical school building aid was for those districts that happened to have all their buildings coming of age at the same time and needed an infusion of cash.

We then equalized the formula so that districts in the State of Utah were given State money, in addition to what they could raise locally, to meet these particular needs.

So I simply went through the formula that this bill would equate, and what would it do in the State of Utah. This is the bottom line. The districts that have continuing school building needs, overcrowded, would not get money from this formula. The districts that have critical school building needs, which simply means the age of their buildings are all coming together at the same time, would not get money from this formula.

Indeed, the districts that get money from this formula are the ones in the State of Utah that do not have the construction needs. And that's a simple problem with this bill.

If we had gone along with what Congressman CHANDLER had originally established and tried to establish a criteria of where this money would go, there would be some logic to it. There is no logic. We are simply throwing money at a target that is constantly on the move.

Satchel Paige used to talk to young pitchers and say, "Just throw strikes. Home plate don't move."

Well, in this particular bill, we can't throw strikes because not only is home plate moving, it doesn't even exist. And that is a key problem with what we are trying to accomplish in this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. BISHOP of Utah. I have one other issue as well. We have talked, both in committee, the Rules Committee and I'm going to bring it up here on the floor, of the issue of charter schools. The committee has stated as their policy they wish to have charter schools treated fairly in this particular bill.

If a charter school is, of itself, a local education agency, the language in this bill covers charter schools and they will be treated fairly. Unfortunately, if a charter school is part of a different local education agency it does not guarantee in the language of the bill that that charter school will be treated fairly.

We have examples, anecdotal I admit, but anecdotal from coast to coast in this Nation, of charter schools who were not treated fairly by local education agencies. And unless specific language is placed in this bill, it does not guarantee that will happen.

I appreciate the chairman of the committee adding new language in a manager's amendment that will try and make a study of this to see if they can report back. But the bottom line is simply this. Despite our statement that we want charter schools to be treated fairly, the language of our bill is a gaping loophole that does not meet that if the charter school is not part of the LEA, and I would hope, I would certainly hope that the chairman or the sponsors would guarantee that they would continue to work on this issue to make sure that this is given out in a fair and equitable manner because we want fairness and logic. It doesn't exist in the distribution formula in this particular bill.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), a member of our committee and a primary sponsor of this legislation.

Mr. LOEBSACK. Madam Chairman, I want to thank Chairman MILLER for his really great work on this legislation. I also want to thank Mr. CHANDLER for his commitment to this issue, and Mr. KILDEE, of course, for his longstanding work on this issue, and for his partnership in offering the substitute amendment to this bill during committee mark-up.

Mr. KILDEE's and my amendment combined important provisions from Mr. CHANDLER's legislation and provisions from my own legislation, the Public School Repair and Renovation Improvement Act and the Green School Improvement Act, and it also contained suggestions from many members, many other members of our committee who have prioritized green school construction over the years.

Schools across this country are deteriorating. Problems vary region by region, State by State and even district by district. I can see the problems in my own district in Iowa, especially in our rural schools. In Iowa, these schools serve close to 170,000 students.

This bill will help Iowa by directing over $35 million to the State. This Federal investment will help leverage additional local dollars and create over 560 new jobs.

This bill also focuses on the importance of "greening" schools. Research demonstrates that green school technology can lead to increased health, learning ability and productivity. This includes improved test scores, attendance, teacher retention and satisfaction.

This legislation is a much needed investment in the education and safety of our students. Today, when we pass this bill, Congress will tell our students they matter. Congress will tell the American people that our economy and good jobs and good wages matter. And Congress will tell all of us that maintaining a healthy environment for all matters.

Madam Chairman, I urge the bill's passage.

Mr. McKEON. Madam Chairman, may I inquire as to how much time is left.

The CHAIRMAN. Mr. MCKEON has 17 minutes. Mr. MILLER has 22 minutes.

Mr. McKEON. I am privileged to yield at this time to the gentlelady from Illinois, a member of the committee, Mrs. BIGGERT, 4 minutes.

Mrs. BIGGERT. Madam Chairman, I rise in reluctant opposition to H.R. 3021. I support giving schools some Federal assistance when it comes to school construction. In fact, I've sponsored legislation in the past that would provide interest-free and low-interest loans to States and localities to support school construction, renovation and repair.

I represent some of the fastest growing communities in the country, and I know how school districts are constantly struggling to meet the growing demand for space and resources.

I also support the greening of our schools. I'm a cosponsor of H.R. 6065, which will provide schools with small grants to make green and energy efficient improvements for their schools.

Much as I would like to join the supporters of H.R. 3021, let me remind them of the promises that we've already made to schools, but yet not met. In 1975, in passing the Individuals with Disabilities Education Act, or IDEA, Congress made a commitment to fund 40 percent of the cost of educating children with disabilities. Yet for fiscal year 2008, Congress appropriated only $11.3 billion for this purpose, a mere 17 percent of the funds originally promised.

☐ 1715

Is this an anomaly? Not at all. Congress has never delivered more than 18.5 percent of the money we promised for IDEA.

What I hear over and over again from teachers and school boards and administrators in my district is, When are you going to meet your commitments on IDEA and NCLB? How about meeting our commitments under No Child Left Behind? NCLB was authorized at $25 billion, but Congress has just provided less than $14 billion.

Despite these unmet commitments, Congress is positioned today to make another Federal commitment on school spending. The Congressional Budget Office estimates that H.R. 3021 would increase discretionary spending by $20.3 over a 5-year period. With this funding, we could meet our commitments to IDEA and increase funding for NCLB by $5 billion over the next 5 years. I realize this is a back-of-the-envelope calculation. But I think it gives Members a better idea of what we could be accomplishing with this money.

As a former school board president, I well know that school construction is the responsibility of State and local governments. I support fiscally responsible proposals to facilitate State and local government investments in school infrastructure, but I cannot support authorizing billions of dollars in new spending when we cannot fulfill our current commitments to schools and children.

When Congress has fully funded IDEA and NCLB, I will be very happy to revisit this issue with my colleagues on the other side of the aisle. But until then, I think the top Federal priorities should be meeting our commitments and improving student achievement.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of our committee and a sponsor of this legislation.

Mrs. McCARTHY of New York. Madam Chairman, I think there are obviously many of us that support H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. In listening to the debate, I can only talk about a number of the schools that are in my district. I'm certainly someone who supports school funding for IDEA, but if I have my children in the classrooms—or most of them are actually being taught in the hallways because they don't have the facilities to be able to do the teaching that they need to do. I know a number of my schools—if that was a business, you wouldn't be able to get anybody to work into that particular business.

What we're trying to do—and you have to look at things holistically. If we don't have good school facilities, how do we expect our teachers and certainly our students to learn, and what kind of message are we sending that we don't care enough about our children that we give them safe environments?

I can go into my schools in my district during the winter, and every window is wide open because the way the energy for the heating system is, it makes the classrooms too hot. The children can't concentrate. You go into one of my schools during the summertime when they're taking their final exams, and the classrooms are 110 degrees. How are our students supposed to be able to pass those tests and concentrate? None of us would work under those conditions. And yet we are asking our children to survive under those conditions.

We must look at how we're going to work to be able to educate our children for the global economy that we're looking forward to. But I believe very, very strongly we have to have a clean, safe environment. Go into our city schools. Come into my schools. Look at the amount of children that have asthma because the quality of the air is subnormal. A number of my schools in the last year had to be closed. So now we're putting our children in little trailers.

I don't understand this debate. This is something that many of our schools need, and as far as having Davis-Bacon, why should not we have prevailing wage for those that work in the community, pay the wages, and also have good construction done?

With that, I hope that we pass overwhelmingly this bill.

Mr. McKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee and subcommittee Chair.

Ms. WOOLSEY. Thank you, Chairman MILLER.

Madam Chairman, I'm pleased to rise in support of H.R. 3021, the 21st Century High-Performing Public School Facilities Act.

No child should be expected to learn in a crumbling school building. And this bill will give our Nation's schools the funds needed to repair and renovate their school building. That's very important because our children deserve the best opportunities in life, and that starts with a quality education in a safe building where students can focus on learning and teachers can focus on teaching.

This bill also encourages schools to make environmentally—green repairs. Schools in my district are making their facilities more environmentally friendly lately, and it's encouraging other schools to follow their lead because as our States face budget shortfalls and school districts deal with budget cuts, savings on energy costs will make a huge difference.

And it's a win-win. As a school shifts towards greening their school, students will learn about the process and the importance of preserving our environment. If you value our children, if you value our students, if you value their education and their educators, then show them; ensure their schools are the very best possible.

Support H.R. 3021.

Mr. McKEON. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to a member of the committee, the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I rise in strong support today of H.R. 3021.

School districts around the country are struggling to find the money to pay for the most basic school repairs, let alone funding to upgrade school facilities to meet the needs of 21st century learners.

While school construction funding has traditionally been a State and local responsibility, the magnitude of the challenge warrants an increased Federal role, a role that could help schools such as Lewistown High in my district repair a leaky roof and replace World War II-era equipment that students are using for machine shop.

Madam Chairman, the bill before us authorizes $6.4 billion to address unmet school construction needs. Additionally, the bill guarantees schools with the greatest need receive a minimum of $5,000 for school construction projects.

As a member of the Green Schools Caucus, I'm pleased that this bill encourages schools to make energy-efficient improvements. By dedicating the majority of funds to green projects, H.R. 3021 will save schools an average of $100,000 each year in energy costs alone—enough to hire two additional full-time teachers, purchase 5,000 new textbooks, or buy 500 new computers.

The deteriorating physical condition of public schools also presents an opportunity to stimulate our failing economy. A direct Federal investment in school construction will provide an immediate boost to our economy and create an estimated 100,000 jobs in the building trades hit hard in recent months.

Madam Chairman, H.R. 3021 comes as a much-needed response to crumbling school infrastructure, skyrocketing energy prices, and our declining economy. I strongly urge all of my colleagues to support this vital piece of legislation.

Mr. McKEON. I am privileged to yield at this time to the gentleman from California (Mr. DANIEL E. LUNGREN) 3 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I apologize. I'm not a member of the committee involved. I was not really that alert to what this bill is, but listening to some of the debate, it just caused me some pause to reflect on maybe we found the answer to the question I keep being asked at my town hall meetings which is, How do you folks back there allow the budget to get so large? How do you get such deficit spending? What is going on back there?

Well, let's see. I just heard Members on the other side of the aisle say this is a Federal responsibility. In fact, I just heard this argued as a jobs program. This will stimulate the economy. Well, if that's the case, let's multiply it by 10. If this is going to create that many more jobs, let's ten 100 times. We will take care of all of the unemployment in America.

The idea that somehow we have the responsibility on the Federal level to now fund the programs for construction and air-conditioning and heating and so forth in schools, what is left for local taxpayers to do? Oh, I'm sorry. Local taxpayers are also the Federal taxpayers and the State taxpayers. I forgot that because we forget that here.

I just heard the gentleman previously on the other side say his school districts are strapped. They can't pay for it. But magically, we can pay for it here because I guess when my constituents get up in the morning they say, Well, this morning I'm a local taxpayer but at noon I will be a State taxpayer, tonight I will be a Federal taxpayer. I can't afford to pay for it in the morning; I'm not sure I can pay for it yet, but magically I can pay for it tonight because—well, I don't know. I guess this money comes from nowhere.

I mean, does anybody understand we're talking about a new program that's never existed before? But now, now the very future of the Republic depends on this program.

I heard another Member on the other side of the aisle say students can't learn when they're sweating, I guess. Well, I confess. I went to Catholic school. We didn't have air-conditioning in Southern California when it was 103, and it was hot. I remember sweating through my shirts, and it was uncomfortable. But give me a break. You're telling me that there's a Federal responsibility to put air-conditioning in every building that school kids are going to?

I would just ask the American people is this what they think the Federal Government is supposed to be doing? We should go around and find every single wrong thing or something that is not perfectly right and then the Federal Government is going to take care of it? Now, if that is the case, we will never come close to fiscal responsibility, and we're going to do this on top of the fact that we have mandatory spending programs that, if you look at the payout, by the year 2042—and I know that's a long way away, but my grandkids will probably be concerned about it—as was stated not too long ago in testimony before one of our committees, if we continue spending the way it is, we will have no room for discretionary spending——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. As the head of OMB said at that time, including defense. That's the first time I ever heard of defense called discretionary.

But the point is there are certain responsibilities that are the Federal Government's. And I remember when we started the—I am old enough to remember that. I happened to be in Congress shortly after that when President Carter was elected and we established the Department of Education because we said the Federal Government ought to play a small role, small but important role in education.

Well, now if we're going to be responsible for construction for air-conditioning, for heating, for environmentally friendly construction, where does it end? I guess it ends at the taxpayers' pocketbook. But we just pretend that we're not taking from the pocketbook here because it is the Federal Government that doesn't cost anybody anything, but we are here to rescue everybody on the Federal level because they can't afford to pay for it at the local or State level.

Maybe that makes sense here in Washington, but I don't think it makes sense anywhere else. Maybe this is "Alice in Wonderland," but where I come from, people know that when you take a dollar out of their pocket, it's one less dollar they have.

The CHAIRMAN. The gentleman's time has again expired.

Mr. McKEON. Madam Chairman, I yield the gentleman an additional 2 minutes, and I want to ask him a question.

Mr. DANIEL E. LUNGREN of California. You have to understand I'm not on the committee. So I'm not an expert on that. I'm just a regular Member of Congress who heard the debate as I was walking by.

Mr. McKEON. Let's talk about the things we deal with when we're not here in Congress. You have children. I have children. We have grandchildren. And I try to think about our children and grandchildren sitting at the kitchen table, and they have a little different rules that they have to operate under.

□ 1730

You know, we have a Federal responsibility that we have taken upon ourselves, and we will fund 40 percent of IDEA. We're up to about 17 percent. We said that we'll fund title I. We're way short of where we should be on that.

If, say, you have a grandson or granddaughter, maybe they've bought a motorcycle and they have a commitment to pay $100 a month on a motorcycle. And maybe the daughter is going to school and has a commitment to pay a couple hundred dollars a month on that.

Family is sitting around and they say, you know, we're a little short, we don't have quite enough to pay the motorcycle bill this month, we don't have quite enough to pay the school bill this month, but why don't we go out and buy a motor home, because the family would benefit from that; it would be a good thing. We could have good quality time that we could spend together, and we don't have the money for that.

That's kind of what we're talking about here, isn't it?

Mr. DANIEL E. LUNGREN of California. Well, I would think so. I would think that it's certainly a greater priority to help that program, the Individuals with Disabilities Education Act, that we assume that as a responsibility, and I can argue back home that that is a shared Federal responsibility.

I don't think this bill rises to that level, and it seems to me if we use money for this and not for disabilities, aren't we shortchanging a program which really has a Federal responsibility for this? I know it sounds good because it's a new program.

I just noticed this. Maybe it's because I came back after 16 years. I find it's awfully easy to say billions and trillions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McKEON. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I found when I was gone for 16 years, I couldn't find billion and trillion so easy to say. But once we're here, it's awfully easy to say, and then it kind of masks the costs to the local taxpayer because the average person can't figure out what $1 trillion is or $1 billion because that's not within their area of experience.

But what it means, I would hope that folks back home would understand, if we were ever to talk to them about this, that this is coming out of their pocket. And if they believe they can't afford it back home, how can they afford it here, first?

Secondly, we have a commitment to programs like those for children with disabilities. Shouldn't we try and fund that to a higher level first before we start on this path to a new program?

Again, I'm not a member of the committee, and I know the gentleman has served on the committee. But that's a simple question.

Mr. McKEON. We would love to have you on the committee, and I think that you're asking the right questions.

Mr. DANIEL E. LUNGREN of California. I'm not sure the chairman of the committee shares that sentiment, but I appreciate that, and I thank the gentleman for the time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds.

It's wonderful to listen to this conversation among two people talking about fiscal responsibility back and forth to one another. When the Bush administration came into office, they were given a $5 trillion surplus. Now, 8 years later, it's a $9 trillion deficit. And in that time, they never found the way to fund title I. They never found the way to fund IDEA. And yet, somehow, they were fiscally responsible, and now they've run this economy and this country into a ditch, with $9 trillion of debt in 8 short years, and they inherited a $5 trillion surplus.

Madam Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Just to follow up on the chairman's remarks, it sounds like crocodile tears to hear people talking about underfunding IDEA and title I when last December we had a chance to override the President's veto of the education spending bill, which would have put a serious commitment by this Chamber towards those programs which, indeed, have been underfunded for far too long, but unfortunately, too many Members on the other side of the aisle upheld the President's veto and broke, again, the promises to local communities to pay for Federal mandates.

We have a national challenge facing this country, a national energy challenge, national education challenge, and that's what this national bill is focusing on.

In Connecticut, the Eastern Connecticut State University Institute for Sustainable Energy did an inventory of school buildings a couple of years ago. They found that 90 percent of the buildings were constructed before 1978, completely energy inefficient. If we could get to an Energy Star rating of 50, which is a very modest rating, we would save 40 percent, not 20 percent, but 40 percent energy costs, which is precious dollars for local communities that are distressed and don't have a property tax base to pay for that kind of investment.

This program is focused with a title I formula to needy school districts. We're not just taking dollars and throwing them up in the air across the United States of America. We are helping the communities that need the help and can't afford to invest in green technology.

We have districts in my part of Connecticut, Quaker Hill Elementary School, that are making that type of investment, but we need to help the districts that can't afford to do it.

That's why, with a title I-based formula, this legislation will accomplish that task. I urge the Chamber's full support.

Mr. McKEON. I notice the chairman has left, but I wanted to just correct the record a little bit.

I've been here 16 years. I know he's been here over 30 years. But when we won the majority in 1994, at that point IDEA was funded at about $2 billion. It was passed in 1976.

At the time, we made a commitment, those who were in the Congress at the time made a commitment, that the Federal level would be funded at 40 percent. At that time in 1976, $2 billion would have funded at 40 percent. The Democrats were in charge from 1976 to 1994. They got it from a few hundred million up to $2 billion in that time.

We won the majority in 1994, and we increased the funding from $2 billion up to over $10 billion in the following 12 years.

Now, to go back to talk about the surplus and the deficit. In 1994, we ran on the Contract With America, and we made a pledge to the American people that if we were given a chance, given the majority, we would balance the Federal budget in 7 years. Actually, we did it in 4 years. That's how we got that surplus.

But then in 2000, President Bush came in. There was a recession when he took office. We had 9/11 in 2001, which took us into a war footing, and you know, when you're at war, you spend more money, and that's how we've gotten the deficit.

But all of that aside, back to the basic premise of why we should be working to fully fund IDEA. What a problem that is to not provide fully funding for these children that need help with their special disabilities. We made a strong commitment. We took it from the 7 percent that they were funding it when they were in the majority, and they had been there for 18 years prior to that. We had 12 years. We got it up to over 17, 18 percent in that period of time.

So I don't think if you want to talk about commitment and who was putting the money where, we were doing it. All we're saying now is if they can find another $6 billion, why not put it to the children with disabilities rather than fund a brand new program that really is the State and local responsibility.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, we're all concerned with fiscal responsibility, but I can recall a tough political vote I took the first year of President George W. Bush. That was on about a $2 trillion tax cut, $2 trillion. That's $2,000 billion. This bill will cost $6.5 billion a year. That tax cut was $2 trillion.

There's various ways we have to be fiscally responsible, and I submit that tax cut, in my humble opinion—and I voted "no" on it and went back home and faced some wrath, not that much, though—I voted "no" on that because I also have a sense of fiscal responsibility.

Now you talk about IDEA. I think you will concede that no one's been a stronger advocate of full funding for IDEA than myself.

Mr. McKEON. Would the gentleman yield?

Mr. KILDEE. I would be glad to yield.

Mr. McKEON. I would be happy to yield that. You're a man of conviction and I think you are a strong supporter of IDEA, and we've worked together well on these things in the past.

I just think right now we have kind of a divergence where we're talking about a new program that could be used to fully fund IDEA, and we just have a difference then on that opinion.

Mr. KILDEE. On that, let me indicate I have a list of groups here who support both full funding of IDEA and support this bill. I will just read a few of them: the American Federation of Teachers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Parent-Teacher Association. So these are groups who support both full funding of IDEA and full funding of this.

With that, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee. I thank the gentleman from California for his kind words.

Mr. HOLT. Madam Chairman, I thank Mr. KILDEE.

And to my friend from California, I would say if we wanted to use this time for a discussion of both fiscal responsibility and which side of the aisle has done better with respect to individuals with disabilities and title I, boy, that's an argument that we would gladly take on.

But that's not the topic here. The topic here is the green schools program, and energy costs are the second highest operating expenditure for schools after personnel costs.

The two gentlemen from California were talking about how this is wasteful spending. I'll tell you what's wasteful. About a third of those $8 billion annually that schools spend on energy could be saved.

What this legislation does, it provides help for local schools and States to invest in energy-saving design and technology, which will provide not only better learning conditions but save billions of dollars.

So this actually is beneficial from a fiscal point of view, as well as an educational point of view.

Mr. McKEON. I yield myself 1 minute.

I just want to say that I don't think either of the two gentlemen from California used the term "wasteful" spending. We never meant for that. We never inferred that.

What we were talking about is it's a new program that is going to divert limited resources. The list that Mr. KILDEE read, all of those people that supported it, yeah, you know, a lot of people want to have more and more and more spending. The problem is, we do have limited resources. I could probably read you a list of people that say we should not have additional spending that's going to carry us more and more into deficit for new programs before we fund the programs that we've already committed to, and the gentleman said he would like to have the debate on that issue.

I had an amendment on that issue that was not given to me. I wasn't given the ability to discuss it on the floor because the Rules Committee, I guess, felt that it wasn't an important issue.

The CHAIRMAN. The gentleman's time has expired.

Mr. McKEON. I yield myself an additional minute.

I did have an amendment saying that we should first spend the money for the title I. That was where the Federal Government first got involved, helping underprivileged children, close the gap between the minorities and those that were doing better in their school, 14 percent gap. And we have spent billions of dollars, over $85 billion, to try to close that gap, and we haven't done it, and we're still short on that funding.

And then the disabilities, the students that we all feel need more help, why, if we can come up with another $6 billion, don't we put the money for these children that need the help the most?

I reserve the balance of my time.

□ 1745

Mr. KILDEE. Madam Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Michigan has 11 minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for your leadership and your commitment to our country's children.

I rise today in strong support of this bill. Not only does it provide for the modernization and repair of our schools, but it also employs green building standards and encourages States to adopt forward-thinking, energy-efficient strategies.

And I must thank Chairman MILLER for this bill, and the committee, but also for including in the manager's amendment language that I authored that requires local education agencies to report on the number and amount of contracts awarded to small minority and women-owned and veteran-owned businesses.

As a longtime advocate of green jobs that will be fundamental to America's future economic competitiveness, I believe everyone must have the opportunity to benefit from the green economy supported by this language.

Let me just say that I firmly believe the American people would rather invest in their school children. And in listening to this debate, it's mind boggling to hear the other side talk about resource allocation and priorities. I think the American people would rather send our children to decent schools rather than fund a war and an occupation in Iraq that did not have to be fought. Here we're talking about now another $180 something billion plus as another down payment of this occupation that the President wants. This could lead us up to, what, $3 trillion in terms of the occupation.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. KILDEE. I yield the gentlelady 30 additional seconds.

Ms. LEE. I just wanted to make this one point because I listened very closely to what the fiscal arguments were on this bill. And it's hard to believe that you continue to fund this occupation in Iraq, yet you talk about the fact that we don't have the resources to create schools worthy of our children.

So I think this is about priorities. And I hope that everyone on both sides will vote for this bill in a bipartisan fashion.

Thank you, Mr. Chairman. And thank you for yielding. I support this bill and hope we all vote for it.

Mr. KILDEE. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman. And I thank him and Chairman MILLER for incorporating parts of my "Green Schools" bill in this legislation.

I just wanted to make two more points, that under this bill States must develop a database of energy usage in public school facilities. I'm really pleased that this includes language that requires schools to report on their carbon footprints.

Also, we've included a provision to ensure that veteran-owned businesses receive the same contracting preferences as minority and women-owned businesses. As the war continues to swell the veteran population, it's our duty to help to ensure that returning soldiers have jobs to return to.

This is good legislation. I urge its passage. I thank the gentleman for putting together such good legislation.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act, which would authorize funding for modernization, renovation and repair projects in schools with poor building quality.

Students and teachers deserve a clean and safe environment to go to school. However, according to the Environmental Protection Agency, one-third of schools, which serve approximately 14 million students, are desperately in need of extensive repairs.

As a former high school teacher, I believe that it is crucial to ensure that the grants authorized under this legislation be available for schools in which existing building conditions are putting the health and safety of students and faculty at risk.

Many schools suffer from inadequate ventilation. When combined with toxic substances, such as mold, asbestos and lead, this lack of ventilation can cause significant health problems. Students and teachers in schools with indoor air quality problems suffer from a range of health problems from headaches, fatigue, dizziness, nausea, to respiratory illness. Even more troubling, when indoor air pollutants accumulate in inadequately ventilated schools, the air can become carcinogenic.

In Arizona's Tempe Union High School District, where I taught for almost 30 years, Corona del Sol High

School has an HVAC system in desperate need of replacement. According to the Arizona Republic, some within the Corona del Sol community have expressed illnesses ranging from allergies and asthma to tumors and cancers. The high school district is struggling to find funds to replace HVAC systems, and as a result the problems continue to persist.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KILDEE. I yield the gentleman 30 additional seconds.

Mr. MITCHELL. I would like to thank Chairman MILLER for working with me to ensure that the grants pursuant to this legislation can be used to help schools make critical repairs to protect the health and safety of students and teachers due to building conditions. Students and teachers should never have to compromise their health and safety to attend school, and this legislation will help prevent this from happening.

I urge my colleagues to support this important bill.

Mr. KILDEE. Madam Chairman, could I ask again how much time each side has remaining.

The CHAIRMAN. The gentleman from Michigan has 6½ minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today in support of the 21st Century Green High-Performing Public School Facilities Act.

I want to thank Chairman MILLER and the gentleman from Washington (Mr. BAIRD) for his efforts to modernize technical schools.

Madam Chairman, faced with record gas prices and a dangerous dependence on foreign oil, we must harness new technology to meet our energy needs. To do this, we must prepare students of today to power the green collar workforce of tomorrow.

I am honored to have worked with Chairman MILLER and Mr. BAIRD to ensure funding for this act goes toward modernizing career and technical schools, especially for the renewable energy industries. By giving technical schools a chance to modernize, we will help even more students become innovators, work together to end global warming, and bring green energy jobs to the American economy.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you, Mr. Chairman, for giving me this opportunity. I want to speak very briefly about this bill. This is a very, very important bill. It is critical to the future of education of our young people.

Let me start out by letting you know how important this is to my State of Georgia, and especially the metro Atlanta area. The metro Atlanta area is the third fastest growing child population in this country. Some 120,000 school children will enter area schools over the next 5 years. They need additional space. They're meeting in trailers. They're meeting in broken down buildings. They need help.

Now, Madam Chairman, I just came from a trip from Afghanistan and Iraq, and I'm very proud to say our soldiers are doing a wonderful job and all of our contractors are doing a wonderful job. They come to tell us, oh, we're doing great, we're building these many schools, we're building these many hospitals, which is wonderful, but then to come back here and to see us crawling and falling back instead of going forward to do the same thing for our own people. Not since 2001, 7 years ago, was the last time we even gave direct Federal aid to the States and the counties of our Nation to build schools, to help repair schools.

This bill is important because not only does it build schools, it builds them in a way that helps our environment, it builds them in a way that preserves our energy, cuts down on emissions that help global warming. It is an effective measure, Madam Chairman. It is a bill we must pass, and the time to do it is now.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act.

Madam Chairman, as the only former State schools chief serving in Congress, I have always worked to be a voice for children and their schools.

One of the biggest challenges we face in my home State of North Carolina—and really across this country—is a lack of adequate facilities for learning to take place. We simply must make a commitment to get our children out of trailers and into quality classrooms.

You just heard my colleague talk about what we're doing overseas in Iraq and Afghanistan building schools. If we can build them overseas, we certainly can build them here in the United States. This bill is an important first step toward improving our children's education.

We will need to follow the authorization of these grants with full funding in appropriations. And we need to ensure that local and State authorities can raise money in other ways, as would be provided by in the America's Better Classroom Act through interest-free bonds to build more schools. There really is no substitute for bricks and mortar when it comes to quality schools and meeting the educational goals of our community.

I applaud Chairman MILLER and Congressman CHANDLER for their leadership on this issue, and urge my colleagues to join me in support of H.R. 3021, to improve the quality of where our children go to school and help them to learn and to be able to compete in the 21st century.

The CHAIRMAN. Both sides now have 2½ minutes remaining.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, for our Nation's schools, the spike in energy prices means that it costs more to fuel the buses that carry children to and from school. It costs more to heat and cool their facilities. It costs more to buy books and supplies. It costs more to provide school lunches and snacks. The list goes on.

School budgets are being overwhelmed by rising energy costs, and they need relief. The majority refuses to unveil its commonsense plan to bring down skyrocketing gas prices. On January 4, 2007, when the Democrats took charge of this House, gas prices stood at $2.33 a gallon. Seventeen months later, gas costs 71 percent more, and yet their plan remains a secret.

We're turning a blind eye to the burden of high energy costs in our Nation's schools, and instead taking up a bill that usurps State and local rights and responsibilities, undermines efforts to fund programs for disadvantaged children, imposes complex and costly requirements, and offers little more than a Band-Aid for the very real need for school construction and modernization.

Madam Chairman, I strongly oppose this legislation. Just yesterday we received a Statement of Administration Policy indicating that if this legislation were presented to the President, his advisers would recommend that it be vetoed.

The Federal Government has a role to play in education. That role is to provide support and assistance to ensure that all children are provided a quality education. It's to support the academic achievement for disadvantaged children, children with disabilities, and other at-risk students who might otherwise be left behind.

We all want our communities to have safe, modern, environmentally friendly schools in which our children can live and thrive, but this bill is the wrong way to achieve that goal. States, local communities and the private sector are all actively engaged in the construction and maintenance of school facilities all around the country. At least $20 billion is being spent by the States each year to build new schools and modernize those already in use.

If we have $6.4 billion to invest in education next year, let's put it into programs that serve underprivileged and disadvantaged children. Programs are already there. Whether it's title I or IDEA or even Pell Grants to help low-income students attend college, there are existing programs that could use these resources to improve academic achievement and directly benefit those who need help most.

I strongly urge a "no" vote on this legislation.

Madam Chairman, I yield back the balance of my time.

Mr. KILDEE. May I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

□ 1800

Mr. KILDEE. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, in my congressional district, I have a wide range of schools. I have some schools that were built before I was born, and you can guess maybe how old those schools are. Some of them are in deplorable condition. Then I have some school districts which, thanks to the voters because they are a little better off, they bond and they have really up-to-date school buildings. I have been happy to have been at the ground breaking or the ribbon cutting for those buildings, and the people have certainly done well to bond themselves for that. But there are other school districts that are abjectly poor, their tax base is miserable, and the school buildings are miserable.

Children learn better in decent buildings. And human nature being what it is, good teachers to a great extent are more likely to stay in better buildings.

This bill was wisely based upon the title I formula so those schools that are really stricken in my district now would be able to apply for these grants and, under the title I formula, would be able to receive some Federal dollars to help them replace buildings which I say are worse off than a jail that was torn down in my district because a judge declared it unfit for human habitation.

This is a good bill. It will put dollars where they are most needed to help children learn better. We know they learn better in a better building. I urge support for this bill.

Mr. SPACE. Madam Chairman, the steel industry has a proud tradition in this country. For over 150 years, steel production has been an important symbol of American strength and a critical source of American jobs.

In recent decades, the American steel industry has faced an increasingly difficult landscape. Short-sighted free-trade agreements and illegal dumping policies set in place by foreign countries have placed American steel on an uneven playing field with foreign competitors. Facilities have been forced to close, at the expense of countless American jobs.

In no place is this change in the industry more apparent than in my home of Ohio. Both my father and my grandfather found gainful employment in steel mills that now lie vacant and unused. Without question, Appalachian Ohio has felt the burden of global shifts in the economy, and I worry about the future of the jobs that remain.

This amendment will ensure that American taxpayer dollars are used to support American industries and jobs. At a time when other countries like China are using questionable policies to develop an unfair advantage, there must be a mandate to use American steel with any federal funds. I am proud to lend my support to this amendment and the American steel industry.

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Act.

It is high time that we include public schools on the list of critical infrastructure that requires significant Federal investment and support.

I would like to commend Congressman BEN CHANDLER of Kentucky and Chairmen MILLER and KILDEE for their leadership on this vital legislation.

Our public schools educate roughly 90 percent of children in the United States.

We are counting on our public schools to prepare the leaders and workforce of tomorrow. Yet according to several estimates the need for school construction and renovation is in the hundreds of billions of dollars—as much as $322 billion according to analysis from the National Education Association.

Worse, the students in the areas where the need for school modernization is most acute are minority students who now represent 43 percent of the total student population. Improving school facilities is also about improving educational opportunities and equality.

I am especially pleased that the manager's substitute includes specific language regarding the renovation and improvement of science and engineering laboratories in our schools. 52 percent of school principals reported having no science laboratory facilities in a National Center for Education Statistics survey. Simply put, we can never succeed in our national imperative to improve our competitiveness in the STEM fields if our children do not have the opportunity to experience and practice science and engineering. I would like to thank Chairman MILLER and Chairman KILDEE for working with me and my colleague from Vermont, Congressman PETER WELCH to include the important provision in the bill before us today.

I urge all of my colleagues to vote "yes" on H.R. 3021.

Mr. CONYERS. Madam Chairman, I rise today in support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. The bill authorizes $6.4 billion for school construction projects for fiscal year 2009, and ensures that school districts will quickly receive funds for school modernization, renovation, and repairs. A majority of these funds must be used for projects that meet green building standards for energy efficiency and carbon footprint reduction.

This important bill will improve the health of our Nation on a variety of levels. As an economic stimulus, it will create jobs all across the Nation as local citizens join together to build and repair schools. The bill also improves the teaching and learning climate in America's schools by combating overcrowding, decreasing student and teacher sick days, and improving school air quality for our nation's 60 million school children. This legislation also improves energy efficiency by mandating the use of renewable resources in our schools. These same energy efficiencies will also play a positive role in combating global climate change by limiting the carbon emissions emitted by school buildings. Finally, the inclusion of Davis-Bacon protections ensures that workers will receive a fair and prevailing wage.

At a time when our economy is reeling, with unemployment and inflation on the rise, this bill will infuse our faltering job market with the resources it needs to flourish. This $6.4 billion investment in our Nation's infrastructure will create 100,000 new design and construction jobs—4,041 of which will be located in Michigan. Citizens working in other sectors will also see an improvement in their financial stability, as property values improve in communities with these new schools.

The bill will also dramatically improve the teaching and learning climate for America's school children. We all know that children can't learn if they're sick. The average American school was built half a century ago. As a result, too many of our children attend overcrowded schools housed in buildings with leaky roofs, faulty electrical systems, and outdated technology. This tremendous investment in physical facilities would help alleviate these problems by repairing and removing infrastructure rife will black mold and asbestos.

Some may decry the spending associated with this bill. I however, see it as a smart investment that will pay out cost-saving dividends in the very near future. Green schools created by this bill will cost, on average, 2% more than conventional schools but provide financial benefits that are 20 times as large. This is enough savings to hire two additional full-time teachers in most communities.

Although not obvious at first, the bill will also play a substantial role in our nation's multifaceted response to the threat posed by global climate change. When one thinks about the causes of global warming, images of exhaust spewing SUVs and coal plants billowing out black smoke spring to mind. In fact, 39 percent of all green house gas emissions come from buildings—including many of our country's school buildings. The energy efficiency improvements that will be built into our schools will have an immediate impact on this front. Each green and energy efficient school will lead to annual emission reductions of 585,000 pounds of carbon dioxide.

Finally, I am happy to see that the bill will include Davis-Bacon protections to all grants for school modernization, renovation, and repair projects. The inclusion of these protections exemplifies the tremendous differences between the two major parties on issues of worker's rights. I am continually reminded that during the aftermath of Hurricane Katrina, our President attempted to rescind Davis-Bacon protections at a time when local workers could least afford to have their living standards depressed. In contrast, with this bill, this Democratic Congress emphasizes its commitment to the belief that the government has a responsibility to provide workers with a living wage as they work to improve their communities.

I applaud Representative CHANDLER and the rest of the Leadership for this bill. As I noted two weeks ago in the CONGRESSIONAL RECORD, one of the hallmarks of this Congress has been its attempt to provide comprehensive solutions to complicated problems. I believe that this bill is a proud example of this trend. In a bill aimed at decreasing class sizes, the Congress has also chosen to attack climate change, promote worker's rights, and improve air quality.

I urge my colleagues to vote for this bill and send a clear message to the American people: This Congress is committed to smart solutions to the real problems that this country will face in the 21st Century.

Mr. VAN HOLLEN. Madam Chairman, I rise today as a member of the Green Schools Caucus to strongly support the 21st Century Green High-Performing Public School Facilities Act.

Our Nation needs new schools. The average American school is 50 years old and almost two-thirds need extensive repair. According the GAO, 14 million students attend schools considered below standard or dangerous. But in a time of state budget deficits, fewer dollars are going to school construction projects.

Today's bill will assist local school districts with the initial costs of construction and modernization and, by investing in energy efficient technology, will result in significant long term savings. Building green costs about 2 percent more than conventional construction, but can save 20 times that amount over the life of the school.

Moreover, green school construction yields substantial environmental benefits. Green schools use on average 33 percent less energy and produce less carbon dioxide, nitrogen oxide, sulfur dioxide, and coarse particulate matter emissions.

With its investment in infrastructure, this bill provides an important economic stimulus. School districts have many projects ready to go. When this bill is passed, we will see additional jobs in the construction industry, including suppliers, architects, contractors, and engineers.

Madam Chairman, this legislation is a good, long-term investment that will improve education, reduce our energy consumption, and create jobs in local communities. I urge my colleagues to join me and support this important bill.

Ms. FOXX. Madam Chairman, as a member of the Education and Labor Committee I would like to address an issue of concern with H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. Specifically, I bring to my colleagues' attention the fact that one of our Nation's most sustainable, renewable, and environmentally positive industries may be unfairly disadvantaged in the legislation that came before the House, June 4, 2008. The U.S. hardwood industry, which is prevalent in my own North Carolina district, but also extends 13,959 total facilities throughout the country, may not be adequately recognized by any of the requirements we are putting into law for our Nation's schools. It would be a travesty to have our prized native hardwoods effectively removed from new building projects only to be substituted with materials from foreign sources or less suitable alternative materials, often at higher costs.

The United States Government is required under Federal law to undertake a nationwide inventory of forest resources. The most recent inventory published in 2007 by the U.S. Forest Service and referred to as the "RPA Assessment," shows that hardwood growth has consistently exceeded harvest for the last 50 years. Between 1953 and 2007, the volume of U.S. hardwood growing stock has more than doubled. This solid growth in America's hardwood resource, coupled with the forest laws in the United States, provide strong evidence of good governance and efficient forest regulations.

Specifically, I would ask that any green building standard required by H.R. 3021 give adequate consideration to a number of criteria:

First, forest certification requirements included in green building standards still have very low participation amongst U.S. hardwood family forest owners. The vast majority of American hardwoods are grown in the eastern United States, where around 73 percent of hardwood forest land is privately owned by families whose ownership stretches back several generations. There are approximately 4 million private forest owners in the U.S. with an average parcel of land 50 acres in size which may be harvested only a few times in any generation of owners. When considering green building legislation, I would ask that the record reflect that we recognize the environmental credentials of American hardwoods in addition to any specific green building standards.

Second, a typical American hardwood mill buys timber from approximately 1,800 forest owners in a single year. Those set of forest owners can differ completely from year to year. The certification requirements that are referenced in H.R. 3021 do not adequately address the challenges hardwood manufacturers face when working with thousands of owners to in effect "prove" the origin of the wood. It is understandable that finding certified hardwood is difficult at best. Any green building legislation should not discriminate against this proven renewable and viable resource in the United States on the basis of certification challenges.

Lastly, any geographical limitations should be broad enough to allow U.S. products manufactured in one vicinity to be used in another part of the country. I am proud of the many Fifth District constituents who make products such as flooring and wood trim for projects throughout the world. Eastern or Midwestern manufacturers should not be prohibited from supplying their West Coast markets, nor vice versa, due to arbitrary geographical limitations put in place by green building requirements. Hardwoods are a natural product and cannot suddenly be produced in the proximity of the target market.

It is my understanding that efforts are underway to assure that hardwoods are given full consideration in green building standards. As we consider mandating these requirements I urge that full consideration be given to these needed adjustments and that no new school construction project be forced to ignore one of our vital, beautiful, environmentally beneficial, and native material such as hardwoods.

Mr. KILDEE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Green High-Performing Public School Facilities Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF SCHOOL FACILITIES

Sec. 101. Purpose.
Sec. 102. Allocation of funds.
Sec. 103. Allowable uses of funds.

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 201. Purpose.
Sec. 202. Allocation to States.
Sec. 203. Allowable uses of funds.

TITLE III—GENERAL PROVISIONS

Sec. 301. Impermissible uses of funds.
Sec. 302. Supplement, not supplant.
Sec. 303. Maintenance of effort.
Sec. 304. Special rule on contracting.
Sec. 305. Application of GEPA.
Sec. 306. Green Schools.
Sec. 307. Reporting.
Sec. 308. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Bureau-funded school" has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term "charter school" has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.

(3) The term "local educational agency"—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965, and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(4) The term "outlying area"—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(5) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term "LEED Green Building Rating System" means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term "Energy Star" means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(8) The term "CHPS Criteria" means the green building rating program developed by the Collaborative for High Performance Schools.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF SCHOOL FACILITIES

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATION.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 308(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(1) to provide assistance to the outlying areas; and

(2) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 308(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, including—

(A) providing technical assistance to local educational agencies;

(B) developing within 6 months of receiving its allocation under paragraph (1) a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(C) developing a school energy efficiency quality plan.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under paragraph (1), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than $5,000 in any fiscal year under this title.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to paragraphs (1) or (3).

(c) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

SEC. 103. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title may use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire and safety codes, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

(5) asbestos abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards though methods including interim controls, abatement, or a combination of each;

(7) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(8) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff; or

(C) make them more energy efficient; and

(9) required environmental remediation related to school modernization, renovation, or repair described in paragraphs (1) though (8).

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing or constructing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically in order to address such needs caused by damage resulting from Hurricane Katrina or Hurricane Rita.

SEC. 202. ALLOCATION TO STATES.

(a) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 308(b), the Secretary shall allocate to Louisiana, Mississippi, and Alabama an amount equal to the number of schools in each of those States that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita, relative to the number of schools in all of those States combined that were so closed.

(b) STATE ADMINISTRATION.—A State that receives funds under this title may reserve one-half of one percent of such funds for administrative purposes related to this title.

(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—States receiving funds under subsection (a) shall allocate such funds to local educational agencies within the State according to the criteria described in subsection (a).

(d) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the allocations described in subsection (a) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (c) within 30 days of receiving such funds from the Secretary.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title may use the grant for any of the activities described in section 103, except that an agency receiving a grant under this title also may use such grant for such activities for the construction of new public kindergarten, elementary, and secondary school facilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs; or

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, and repair of public kindergarten, elementary, and secondary educational facilities.

SEC. 303. MAINTENANCE OF EFFORT.

A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

SEC. 304. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, or repair through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 305. APPLICATION OF GEPA.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 306. GREEN SCHOOLS.

(a) IN GENERAL.—In a given fiscal year, a local educational agency shall use not less than the applicable percentage of funds received under this Act described in subsection (b) for public school modernization, renovation, or repairs that are—

(1) LEED Green Building Rating System-certified or consistent with any applicable provisions of the LEED Green Building Rating System;

(2) Energy Star-certified or consistent with any applicable provisions of Energy Star; or

(3) certified, designed, or verified under or meet any applicable provisions of an equivalent program to the LEED Green Building Rating System or Energy Star adopted by the State or another jurisdiction with authority over the local educational agency, such as the CHPS Criteria.

(b) APPLICABLE PERCENTAGES.—The applicable percentages described in subsection (a) are—

(1) in fiscal year 2009, 50 percent;

(2) in fiscal year 2010, 60 percent;

(3) in fiscal year 2011, 70 percent;

(4) in fiscal year 2012, 80 percent; and

(5) in fiscal year 2013, 90 percent.

(c) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and school districts

concerning the best practices in school modernization, renovation, and repair, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

SEC. 307. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency;

(2) the number of schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(3) the number of schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools; and

(4) for each project—

(A) the cost;

(B) the standard described in section 306(a) with which the use of the funds complied or if the use of funds did not comply with a standard described in section 306(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner; and

(C) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, improved climate for teaching and learning, etc.).

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, and repair funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—To carry out title I, there are authorized to be appropriated $6,400,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.

(b) TITLE II.—To carry out title II, there are authorized to be appropriated $100,000,000 for each of fiscal years 2009 through 2013.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–678. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KILDEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–678.

Mr. KILDEE. Madam Chairman, as the designee of the chairman of the committee, I offer a manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KILDEE:

Page 5, after line 5, insert the following:

(9) The term “public school facilities” includes charter schools.

(10) The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

Page 5, line 8, insert “**PUBLIC**” before “**SCHOOL**”.

Page 5, beginning on line 12, strike “kindergarten” and all that follows through “that are” and insert “school facilities, based on their need for such improvements, to be”.

Page 8, line 9, strike “may” and insert “shall”.

Page 8, line 11, insert “including extensive, intensive or semi-intensive green roofs,” after “roofs,”.

Page 8, line 14, before the semicolon insert “, including security doors.”

Page 8, strike lines 19 through 22, and insert the following:

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

Page 9, line 4, insert “or polychlorinated biphenyls” after “asbestos”.

Page 9, after line 9, insert the following:

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew.

Page 9, line 10, strike “(7)” and insert “(8)”.

Page 9, after line 12, insert the following:

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

Page 9, line 13, strike “(8)” and insert “(10)”.

Page 9, line 20, strike “(9)” and insert “(11)”.

Page 9, line 21, insert “public” before “school”.

Page 9, line 22, strike “(8).” and insert “(10).”.

Page 10, beginning on line 6, strike “kindergarten” and all that follows through “that are” and insert “school facilities, based on their need for such improvements, to be”.

Page 10, beginning on line 9, strike “in order” and all that follows through “Rita” on line 10.

Page 11, line 16, strike “may use the grant for any” and insert “shall use the grant for one or more”.

Page 11, line 19, strike “kindergarten, elementary, and secondary”.

Page 12, beginning on line 9, strike “and repair” and all that follows through “educational” and insert “repair, and construction of public school”.

Page 12, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 302A. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

Page 12, line 12, insert “(a) IN GENERAL.— ” before “A local”.

Page 12, after line 19, insert the following:

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

Page 12, line 23, strike “or repair” and insert “repair, or construction”.

Page 13, beginning on line 12, strike “or repairs” and insert “repairs, or construction”.

Page 13, line 13, insert “certified, verified, or consistent with any applicable provisions of” after “are”.

Page 13, strike lines 14 through 24 and insert the following:

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

Page 14, line 13, strike “and repair,” and insert “repair, and construction,”.

Page 14, line 21, before the semicolon insert “, including the number of charter schools”

Page 14, after line 21, insert the following:

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

Page 14, line 22, strike “(2)” and insert “(3)”.

Page 14, line 22, insert “public” before “schools”.

Page 15, line 3, strike “(3)” and insert “(4)”.

Page 15, line 3, insert “public” before “schools”.

Page 15, line 9, strike “(4)” and insert “(5)”.

Page 15, line 8, strike “and”.

Page 15, line 22, strike the period at the end and insert “; and”.

Page 15, after line 22, insert the following:

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

Page 16, beginning on line 13, strike "and repair" and insert "repair, and construction".

Page 16, after line 25, insert the following (and amend the table of contents accordingly):

SEC. 309. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

Page 17, strike the title amendment and insert the following:

Amend the title so as to read: "A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.".

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. I thank Chairwoman SLAUGHTER and the Rules Committee for their work and for making this amendment in order.

Madam Chairman, this bill would address three critical issues facing our country: closing the achievement gap, boosting the economy by creating thousands of construction jobs, and reducing school energy costs and protecting the environment. This bill provides long overdue investment in public school facilities around the country. And this amendment would improve the bill by ensuring that schools could use these funds for modernizations, renovations, and repairs including green roofs; abatement of polychlorinated biphenyls and mold and mildew; and various security measures.

Highlighting the need for improvements to science and engineering laboratories, libraries, career and technical education facilities, especially those related to energy efficiency and renewable energy, and to facilitate access to schools by different modes of transportation; strengthening language ensuring charter schools' eligibility for these funds, which was asked for from the other side; expanding local flexibility by adding "Green Globes" to the list of green rating systems; adding reporting requirements to ensure local accountability; and clarifying that no funds may be used to employ undocumented workers and requiring that school districts receiving these funds have a policy requiring a criminal background check on their employees.

I want to thank the many Members whose input is reflected in this amendment: Representatives ARCURI, BAIRD, CROWLEY, HASTINGS of Florida, HOOLEY, KLEIN of Florida, LEE, MATHESON, MCCARTHY, MITCHELL, PATRICK MURPHY, RICHARDSON, SUTTON, WELCH, and WU.

I encourage my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

I oppose this amendment, Madam Chairman, for the same reason I oppose the underlying bill.

This proposal radically shifts the Federal role in education. This new school construction program will compete for funding with other critical priorities like title I and IDEA. And no matter what the other side tries to tell you, every dollar spent under this legislation is a dollar that won't be spent improving academic achievement for disadvantaged children.

Here in Congress our job is to set priorities. Are we really saying that it's more important to fund bicycle racks, as this substitute would do, than it is to provide funds for schools to serve children with disabilities? I don't deny that schools can use bicycle racks, but I challenge anyone to explain why that's a priority for scarce Federal dollars when title I and IDEA continue to be funded below their authorized level.

I also think this entire debate is a distraction from the most immediate financial concern facing many school systems and every family in this Nation: That's the high price of gasoline. School districts are struggling just to fill the tanks on their school buses. They're scaling back field trips and activities. And some schools are even moving to a 4-day school week to save on energy costs. Just like the rest of the country, our schools need energy relief and they need it now.

But we're not here today to discuss how we can produce more American-made energy. We're not here to promote new clean and reliable sources of energy like advanced nuclear and next-generation coal. We're not even here to encourage greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and businesses more energy efficient. Instead, we are proposing a big government program to exert Federal control over how States and local communities build their schools. It's the classic Washington approach to problem solving: If we just kick in a little bit of money, we'll be able to wield our power and influence over the decisions that used to be made by individual citizens and local leaders. Surely Washington must know best when it comes to where our children learn.

Madam Chairman, I oppose this amendment, I oppose this legislation, and I oppose the fact that Congress has yet to do anything to address the skyrocketing cost of energy.

Madam Chairman, I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act.

I was proud to work with the chairman and Mr. BLUMENAUER to authorize the use of funds to improve building infrastructure to facilitate bike and pedestrian access. This could include bike storage facilities, safety lighting, lockers, safe travel routes on school grounds for bicyclists and pedestrians, and more.

Alternative modes of transportation and storage facilities for bicycles are recognized by the U.S. Green Building Council as criteria for obtaining certification as a green school and are critical to reducing emissions and the carbon footprint of our Nation's schools.

With skyrocketing gas prices, American families are feeling the pain at the pump. It's my hope that this amendment will help ease that burden by encouraging students, just as we did, to walk and bike to school rather than catch a ride with their parents or drive themselves. I would like to thank my friend Representative BLUMENAUER for working with me on this important provision and commend him for his tireless work on this issue.

Additionally, I would like to thank the distinguished chairman of the Education and Labor Committee, along with his staff, for their work to bring this legislation to the floor today.

Mr. MCKEON. Madam Chairman, I continue to reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Chairman, I want to thank Chairman MILLER for putting this important legislation together, and I applaud his resourcefulness for including my provision within this amendment that solidifies the eligibility for grants to be used in the construction of green roofs at public schools.

Throughout the past decade, green roofs have proven to be a cost-effective and an environmentally conscious way of lowering utility costs by insulating buildings from extreme temperatures and reducing the sewer system and wastewater treatment costs. In addition, green roofs diminish air pollution by using plants to collect airborne particles and produce oxygen through photosynthesis. Green roofs also decrease costs associated with roofing maintenance by lengthening the lifespan and durability of the roofs. And, also, more importantly, it gives young people an opportunity to see real learning experiences work.

I ask my colleagues to seriously evaluate this legislation and pass this amendment and pass H.R. 3021.

Mr. McKEON. Madam Chairman, I yield myself the balance of my time.

We have been kind of talking about supply and demand in energy. Today we are also talking supply and demand of money. There's unlimited demand for resources, but there is somewhat limited supply. And what we're talking about in this bill is that the demand is for the Federal Government to get involved in local school construction.

I served on a local school board, and I met with a lot of other people that served on local school boards, and I know what they're going to want to do. They are going to want to turn to the Federal Government and take all the money that's available, and then they will use that to build the schools, and then they'll find other ways to spend the money that they've been spending on schools for other things. That's how supply and demand works. You kind of take what's available and fill up the gap.

I was home last week, as most of us were, for the break, and I hadn't been home for a couple of weeks. I was shocked at what the gas prices were, and they went up about 20 cents during the week while I was home. And it's all based on supply and demand.

We have had several votes over the last 16 years that I have been here in Congress. We voted to explore for more oil in the ANWR. House Republicans, 91 percent supported increasing supply; House Democrats, 86 percent opposed increasing supply.

Coal to liquid is another thing that should increase the supply, which would then meet the demand and help lower gasoline prices. House Republicans voted 97 percent to support coal to liquid; House Democrats, 78 percent opposed that.

Oil shale exploration, which again would increase supply and meet the demand and lower prices. House Republicans, 90 percent supported it; House Democrats, 86 percent opposed.

This goes on and on and on. What we are saying on our side is we will support exploration, conservation, renewable, all sources of increasing supply to get energy independent. The other side says we can't do this, we can't do this, we can't do this; let's keep buying oil from Iraq and Iran and Saudi Arabia and Venezuela and not become independent.

□ 1815

I urge a "no" vote on this amendment.

Mr. KILDEE. The gentleman from California suggested that this bill would impose Federal control over local decisions. But, again, representatives of local parents, teachers, principals and superintendents are in strong support of this bill. The Counsel of Great City Schools says it gets these funds to schools with a minimum of red tape. Now they are the ones that are really on the front line. We have our level of expertise here in this Congress on education, but the groups I have mentioned are really on the front lines every day and they see the need out there, and they feel that this bill would distribute these funds for this purpose with a minimum of red tape. I believe that to be the case.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KILDEE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-678.

Mr. EHLERS. I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHLERS:

Page 11, line 25, strike "or".

Page 12, line 3, strike the period at the end and insert "; or".

Page 12, after line 3, insert the following new paragraph:

(3) purchasing carbon offsets.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. One part about this bill that is probably worthwhile is the effort to reduce energy use, and in particular to reduce the carbon footprint, as it has come to be called, although I have always joked that I prefer "carbon tire tracks" because we produce a lot more carbon dioxide with our cars than from other common sources. Nevertheless, this bill allows schools to use funds to reduce the carbon footprint of their schools.

As I perused this bill, I realized that it was entirely possible that the schools might decide to use the Federal funds to purchase carbon offsets or carbon credits. To me, that would make absolutely no sense whatsoever. Because schools are small, they do not emit huge amounts of carbon dioxide, and the money that they might want to use for that can much better be used to improve insulation in the schools, improve the insulation in the walls, improve the type of windows so that there's less energy escaping. There are many modifications that can be made that would reduce energy use, and by reducing energy use, you reduce the carbon footprint.

I would also maintain that it is much more effective to reduce the energy use, whether it's by better insulation or by sealing the windows, or putting in the appropriate type of glass. It's much more cost-effective in reducing the carbon footprint than it would be to buy carbon offsets. So it seems to me that we should make certain that no school would ever attempt to use Federal funds, if this bill passes, for the purpose of buying carbon credits.

This is not because I oppose carbon credits. I think this is something that in fact we will be facing shortly because the Senate is working on a bill on that issue, but I am simply for efficiency, not wasting money, making certain that the money that is in this bill, if this bill passes, will be used wisely and will be used to conserve energy, not to purchase carbon offsets.

With that in mind, I offer this bill to make certain that money is not improperly used and to make sure that we use the funds efficiently.

With that, I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I rise to claim time in opposition, although I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. We have looked at the amendment and we feel we can accept it on this side. I would urge a "yes" vote.

I yield back the balance of my time.

Mr. EHLERS. I just wish to state that I appreciate the gentleman from Michigan, the other gentleman from Michigan accepting this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McKEON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-678.

Mr. WELCH of Vermont. As the designee of Ms. SHEA-PORTER of New Hampshire, I call up an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WELCH of Vermont:

Page 9, after line 12, insert the following:

(8) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

Page 9, line 13, strike "(8)" and insert "(9)".

Page 9, line 20, strike "(9)" and insert "(10)".

Page 9, line 22, strike "(8)." and insert "(9).".

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. At this time I recognize the principal author of this amendment, Congresswoman CAROL SHEA-PORTER of New Hampshire.

Ms. SHEA-PORTER. I am proud to offer this amendment alongside my colleagues, Representatives WELCH, ARCURI, and HODES, and I thank them for their hard work on this amendment. I would also like to thank Chairman MILLER, Subcommittee Chairman KILDEE, and Representatives CHANDLER and LOEBSACK for their hard work on this legislation.

Madam Chairman, energy and heating costs are on the rise and communities across the country are feeling the pinch. Now more than ever, it's important to focus on sustainable forms of energy and heating production. Going green is not only the right thing to do for our environment and for national security reasons, but it's the financially responsible thing to do as well.

The Shea-Porter/Welch/Acuri/Hodes amendment builds on the positive steps taken in H.R. 3021 by specifying that the funds authorized by this act may be used to invest in sustainable solutions that meet the energy and heating needs of our Nation's school facilities. Sustainable solutions such as geothermal, solar, wind, and biomass technologies will help to mitigate the costs of the increasing traditional energy sources on our schools by reducing the schools' dependence on traditional sources. This amendment makes a simple change, but it is an important one, as it serves to provide school districts with greater flexibility in the use of these dollars.

Madam Chairman, 82 percent of the 475 public schools in my home State of New Hampshire were built prior to 1981, and 36 were built prior to 1951. Just think of all the advances that have been made in heating and energy efficiency technologies since then. The underlying legislation will certainly help modernize these schools, and with our amendment, H.R. 3021, will do even more by allowing school districts to make critical investments in sustainable heating and energy solutions.

Madam Chairman, the Shea-Porter/Welch/Arcuri/Hodes amendment is supported by the National Education Association, and it deserves the support of our colleagues as well. I urge a "yea" vote on this amendment and the underlying legislation. Let's invest in our school infrastructure in an environmentally and economically sound way.

Mr. MCKEON. Madam Chairman, I claim time in opposition to the amendment, although I don't expect to oppose its passage.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 15 minutes.

There was no objection.

Mr. MCKEON. I yield myself such time as I may consume.

This amendment allows funding under the massive new program to be used for renewable energy generation and heating systems in schools. Clearly, this amendment recognizes that schools are grappling with the high cost of energy, and they need help. I couldn't agree more. But we are acknowledging that schools, like the rest of the country, are being burdened by the skyrocketing costs of gasoline, diesel fuel, and other energy sources. I'd like to know why we are not having a real debate about energy solutions.

Giving schools a little bit of money for renewable energy generation and heating systems, while ignoring the problem of rising gasoline, diesel, and other energy costs, will not solve the problems our schools are facing. In the Northeast, for instance, we know that many schools rely on home heating oil during the winter months. Clearly, a one-size-fits-all approach isn't going to work.

What we need are comprehensive energy solutions. We need to expand production here at home, something my friends on the other side of the aisle have historically opposed 86 percent of the time. We need to encourage innovation and invest in new fuel alternatives, and we need to promote conservation. Only by embracing meaningful energy reforms will we finally be able to move toward energy independence and provide our schools, especially those impacted by the skyrocketing costs of heating oil, much needed relief. That is why I am so disappointed in this legislation. It's quite simply the wrong solution to the wrong problem.

If the question is how should the Federal Government help our schools, the answer is by funding programs that promote academic achievement for disadvantaged children. If the question is how should the Federal Government help schools burdened by high energy costs, the answer is by taking decisive action to increase energy production here at home, and red tape and regulations encourage next generation energy sources and promote conservation.

The bill achieves none of these goals. I won't oppose passage of this amendment, but I strongly oppose passage of this legislation.

I reserve the balance of my time.

Mr. WELCH of Vermont. I yield 4 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my colleague from Vermont for yielding. I would like to also thank the chairman, Chairman MILLER, and Subcommittee Chairman KILDEE for this wonderful piece of legislation.

Madam Chairman, I rise today in strong support of this amendment, which would allow schools to purchase and install renewable energy generation systems. Our amendment would allow schools to choose from a diverse selection of renewable energy sources. But I would like to specifically highlight two that pose significant potential: Geothermal and biomass wood pellet systems.

Just last week during the Memorial Day District Work Period, I had an opportunity to tour the Cayuga-Onondaga BOCES in Auburn, New York, and received a firsthand look at a geothermal heating and cooling system in action. The Cayuga-Onondaga BOCES completed installation last July of a closed-loop geothermal system. The system includes 200 wells around the campus, 330 feet deep, that tap into the earth's constant ground temperature at a level of 55 degrees. The system circulates that 55-degree air temperature year round throughout the buildings on the campus.

□ 1830

In the winter, the system relies on a boiler to slightly increase the air temperature on the campus to a comfortable level of 68 degrees, requiring substantially less energy than normal, and in the warm summer months, the system needs no additional energy whatsoever to cool the buildings on campus.

The New York State Energy Research Development Authority recently conducted a study that found the system to be a remarkable 43 percent more energy efficient than a building built to standard code. While it might be too soon to qualify the actual monthly cost savings, I think it is safe to say that a building 43 percent more energy efficient will realize significant cost savings in the future and allow a school district to spend resources where they are most needed, on better educating our students, hiring more teachers, and to fund underfunded programs like the IDEA.

The second component of this amendment I wish to highlight is wood pellet energy. Wood has the potential to meet our Nation's energy needs in a safe and environmentally responsible way. Studies show that commodities can save significant taxpayer funds by switching to wood energy for heating schools. For example, communities can save as much as 50 percent over natural gas, 80 percent over propane, 80 percent over electric heat and 50 percent over oil by switching to wood energy.

Especially in the upstate New York district that I represent, with its bountiful forest resources, wood energy such as biomass offers an array of economic environmental benefits compared to traditional fossil fuels. Both geothermal and wood energy systems can be fueled by renewable local resources. This keeps energy dollars circulating in the local and regional economy, instead of flowing to other nations. These systems also aid local budgets by providing lower and more stable fuel costs for our schools. Investments like this benefit the whole community by relieving pressure on local budgets and associated tax rates, leading to healthier communities. Unlike some other renewable energy systems, both geothermal and biomass systems can run continuously and provide a constant level of power throughout the day.

Beyond the amendment my colleagues and I are offering today, it is also worth noting the overall benefits of the underlying legislation. Everyone in this Chamber, Republican and Democrat, understands the importance of lowering energy prices.

The 21st Century Green High-Performing Public School Facilities Act represents a trifecta of sound public policy. It improves the education system for our children, it does so in an environmentally friendly way that decreases our dependence on finite fossil fuels, and it creates jobs for hardworking middle class families. I urge my colleagues to support this amendment and the underlying legislation.

Mr. WELCH of Vermont. Madam Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Chairman, I thank the gentleman for yielding.

I want to first thank my colleagues, Ms. SHEA-PORTER, Mr. WELCH and Mr. ARCURI, for their work on this important amendment. This amendment will help schools in my district in New Hampshire to power their classrooms with alternative energy sources, including wood pellets and wood biomass, sources that are plentiful throughout New Hampshire. For example, under this new program, the program would help invest more than half a million dollars for Concord, New Hampshire's school district, and almost $1.5 million for Nashua, New Hampshire's schools. These dollars will allow our schools to reinvest in cost-effective and clean alternative energy.

Schools throughout New Hampshire are already investing to a limited extent in renewable energy and saving money. For example, Merrimack Valley High School and Middle School recently switched to wood biomass to heat their school facilities. In just one winter, the school district saved $80,000 in heating costs, and that was before the recent steep rise in the price of a barrel of oil. From March to March, that is $1.50 a gallon for heating oil that the costs have gone up, so we can only imagine what they will save in the coming winter.

As you can see, the alternative energies we promote here will help save money for our Nation's school districts in power and heating costs. That means schools will have more dollars to invest in improving our children's education. It means our school districts can afford more teachers in the classroom, more computers for our students and smaller class sizes to give our kids more individual attention. It means that our wise investments in this bill will pay huge dividends.

Energy efficiency, conservation and renewable energy are the key to a secure energy future for the United States of America. We can't drill our way out of the energy crisis we face. Green is the new red, white and blue.

To create a 21st century energy policy, we must all collectively make changes in how we power our buildings in both the private and public sector. This amendment will help our schools become leaders in an energy plan for the 21st century and give our school districts more resources to invest in our children's education. I am proud to support this amendment. I urge its passage.

Mr. McKEON. Madam Chairman, I yield myself 1 minute.

As the gentleman that just spoke said, we cannot drill our way into energy independence. I agree, because over the past 12 years, every time we have had a vote to give us an opportunity to explore and find more oil to get us past the gap to where all these other things that they are talking about will work, 91 percent of House Republicans have historically supported the increase of production of American-made oil and gas, while 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

Ten years ago when we passed an energy bill that would let us drill in the ANWR which would reduce gas prices now 70 cents to $1.60 a gallon, and that would be in production now and we would be receiving that benefit, President Clinton vetoed that bill.

So, yes, we can't drill our way out of it. We have to sit here and buy oil from countries around the globe that want to see us destroyed, and I don't see how we possibly can continue to go on putting ourselves in that position. We need to find new energy, and we need to do it now.

Madam Chairman, as I said, I will not oppose this amendment. I oppose the underlying bill for many, many reasons.

I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Chairman, I yield myself such time as I may consume to just briefly close.

Madam Chairman, there are two issues that have been debated during the course of this proposed amendment. One is what is the proper way to try to provide new supplies of oil.

There is a debate here, as Mr. McKEON has outlined it, and it has been carried on in many other bills relating to energy, about the possibility of the United States drilling and capturing more oil and natural gas here in our own territorial boundaries. The premise, of course, is if we did that, we would be able significantly to address the problem, and it also has as a premise that the obstacles to drilling are what is causing us not to drill.

In fact, that simply is not true. There are tens of millions of acres of federally owned land that are leased to the oil and gas companies, and only 28 percent of acres on shore and only 20 percent of the acres offshore where there actually are leases left are producing oil and gas. So there is an enormous capacity already that is out there for oil and gas companies to do the drilling. Why they don't, I guess we would have to ask them. But it is hard to imagine that there is a disincentive for them to take these leases that they have, giving them the opportunity to drill, when we have got oil that hovers around $130 a barrel. So the suggestion that that is the problem I think is incorrect.

Secondly, the United States, and we have got to face this, we have 2 percent of the world's oil supply. That is it. Yet we consume 24 percent of the oil. So if we think that it is going to be a long-term approach to dealing with the increasing cost of oil when we are using 24 percent and we only have 2 percent of the known reserves, I think that is going to fall on its own weight.

The second issue really is putting aside that debate about what is the long-term, shall we be drilling or not, it begs the question of whether shouldn't we be doing everything that is within our capacity right now to give tools to local communities to save money on their energy costs and don't make the policy argument about whether we should or shouldn't be drilling be an impediment to taking the concrete step that this bill proposes to give our schools the tools they need to save money.

Let me just give you a couple of examples in Vermont. We have 32 schools that have transitioned to wood biomass. These are small schools, but they have saved over 1 million gallons of home heating oil. Home heating oil now in Vermont, the last bill I paid was $4.30 a gallon. That is over $4 million. That also, as my colleague Mr. ARCURI said, is a trifecta, because it reduced carbon emissions by 11,000 tons. It also provided jobs to local Vermonters who are providing the basic material that provided the energy to these schools.

So this is an extraordinary incentive for our local schools to try to save money. That is a burden that is immense on the property taxpayers, and this is a practical piece of legislation that allows our communities and our schools to take positive steps to reduce the bottom line.

I urge, along with my colleagues who have offered this amendment, led by Congresswoman CAROL SHEA-PORTER, a "yes" vote on this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELCH of Vermont. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-678.

Mr. DAVIS of Virginia. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DAVIS of Virginia:

Page 8, after line 6, insert the following:

(3) DISTRIBUTIONS BY LOCAL EDUCATIONAL AGENCIES.—A local educational agency receiving a grant under this title may give priority, in using the grant, to projects to be carried out in a public secondary school recognized as a Science and Technology High School or as a secondary school with a science and technology program.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 3021 that would allow local education priority consideration for science and technology schools once grant funds reach their State's local educational agencies.

I have traditionally opposed the concept of the Federal Government directly funding school construction and renovation. However, I believe the legislation today provides an excellent opportunity to advance what should be an increasingly prominent component of Federal education policy, active promotion and assistance for rigorous science, math and technology programs at the secondary level.

Science, math and technology schools throughout the country enable students to cultivate a spirit of discovery and innovation. More importantly, they give some of our best and our very brightest the ability to compete with similarly talented students from other countries around the world.

In my district, Thomas Jefferson High School for Science and Technology is a perfect example of the type of institution we should be promoting nationwide. TJ, as we call it, is part of the Fairfax County public school system, but draws applicants from across five counties and two cities in Northern Virginia, selecting 500 students from a pool of several thousand applicants. While TJ tops the list of U.S. News and World Report's list of America's best high schools, its building and infrastructure is deteriorating and in need of repair. It also needs access to increasingly advanced laboratory facilities to provide cutting edge programs and study.

I appreciate the concerns of my colleagues regarding an expanded Federal role in school construction. I want to note, however, that there can be a role for Congress to play.

☐ 1845

One of our congressional accomplishments was closing the Lorton Prison and putting some of that land into the public school system in Fairfax County in which South County High School was built, a public-private partnership.

As we debate added Federal participation in school construction maintenance, I am ready to set aside preexisting qualms to make sure that schools focused on science, math, and technology receive the focus they merit. Make no mistake, these individuals and skills that these students possess will be the foundation of our economy in the coming years. It is in our interest to give them the foundation they will need to excel in a world that is quickly catching up with us.

In closing, I want to thank Chairman MILLER and his staff for their willingness to work with me on this issue. I look forward to continuing this effort as this legislation moves forward, and I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I rise to claim the time in opposition, although I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. First of all, I want to thank the gentleman from Virginia (Mr. DAVIS) for his work on this bill and for all his work here in the Congress. He has been a distinguished Member of this Congress, one who loves this institution. And as he goes off in other pursuits, I certainly wish him well.

I look around this Congress, and you see on both sides of the aisle people for whom you have great respect, and he certainly has my respect. His interest in science and technology makes him the natural one to have the expertise in this and apply that to our K-12 schools.

I yield back the balance of my time.

Mr. DAVIS of Virginia. I just want to thank the gentleman for making this amendment in order. I appreciate his support as the legislation moves forward.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. VISCLOSKY

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-678.

Mr. VISCLOSKY. Madam Chairman, I rise as the designee for Mr. STUPAK to claim time in support of the amendment offered.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. VISCLOSKY:

Page 6, line 3, strike "308(a)" and insert "309(a)".

Page 10, line 14, strike "308(b)" and insert "309(b)".

Page 13, after line 2, insert the following (and redesignate provisions and conform the table of contents accordingly):

SEC. 305. SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this Act for a project for the modernization, renovation, or repair of public school facility unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply in any case in which the local educational agency finds that—

(1) their application would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Madam Chairman, I first of all would like to express my appreciation to Mr. STUPAK for all of his hard work on this initiative, but also would like to thank the chairman of the full committee as well as the ranking member for their work on this important bill, as well as the chairwoman of the Rules Committee for making this amendment in order.

The amendment would require all iron and steel purchased with funds authorized by this act to use only American-made steel. This stems from a Steel Caucus hearing that was held in April, where we learned that the government does not have an established process to monitor the safety of steel imports. We also learned that foreign imports from China, for example, do not adhere to international standards and guidelines when they manufacture steel.

If the school construction projects provided under this act are to be truly safe for our children, then we must ensure that the steel used is American. If we buy only American steel for our schools, we will know that it adheres to our safety and quality standards, and would encourage my colleagues to support the Stupak-Visclosky amendment to keep our schools safe and to vote for passage of the underlying measure.

Madam Chairman, I recognize the gentleman from Ohio (Mr. WILSON) for 1½ minutes.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of the Stupak-Visclosky amendment, calling for all iron and steel used under this act to be produced here in our United States.

Since 1892, my home State of Ohio has been a leading steel producer, and today remains among the top three steel producing States in our country.

In April, I had the opportunity to attend a hearing held by the Congressional Steel Caucus examining the dangers of standardized substandard Chinese steel. What I learned was that these products are not being inspected in China and the products are not being inspected at our ports when they enter our country. And again, today, the steel is not inspected as it is used to build some of our Nation's most critical infrastructure, like our children's schools.

In the last year we have seen China's iron and steel production increase by more than 50 percent. Today, Chinese steel is being used to make everything from our schools to our hospitals to our bridges, and I have serious concerns about whether or not this Chinese steel is strong enough to keep our families and our Nation safe.

This amendment will ensure that the steel used is from American companies that will follow the proper safety and quality standards in our products. Our children deserve safe schools. A strong and viable U.S. steel industry is critical to America's infrastructure and the national economic security and homeland security.

In conclusion, I urge my colleagues to join me and to support the Stupak-Visclosky amendment, and encourage my fellow Members to vote for final passage of this important bill.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise the claim the time on this side in favor of this amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise today in strong support of this amendment, which would require local education agencies to use American steel and iron for modernization, renovation, or repair projects, such as at a public school facility. As the past chairman of the Congressional Steel Caucus and as the current vice chairman of that body, I have been working for some time on a bipartisan basis to promote policies to provide for the use of American steel precisely in these sorts of settings.

Madam Chairman, you may recall one of my favorite books which was Robert Penn Warren's remarkable novel, All the King's Men, in which the anti-hero Willie Stark is thrust into prominence because he takes on the local political machine, the local political machine which is building a schoolhouse with cheap materials at risk to students. He raises this issue; he is ignored, but in the end he is vindicated because once the schoolhouse is built, because of cheap steel ultimately many children are hurt and killed in a terrible accident.

Today, we are contemplating a similar set of circumstances and the same risk. Just a few months ago, our Steel Caucus held a hearing to examine the dangers with imported Chinese steel products. What we discovered is that there are serious and legitimate concerns regarding the quality of these imports and whether they are adequately monitored. We currently have no mechanism for evaluating or for stopping steel that does not meet specifications at the border. And once it is inside our market, this steel is used on bridges, buildings, power plants, and even schools. In fact, in the fall of 2007, the California Department of General Services posted an alert on Chinese steel tubing fabricated for school construction projects that had been found to be defective.

Through independent tests and studies we know that there are frequently deficiencies in Chinese steel, yet we also know that American steel consistently has met the highest standards.

Madam Chairman, if the goal of the 21st Century Green High-Performing Public Schools Facilities Act is to provide a safe and healthy learning environment for children, we should be insisting that we are using steel of a clearly determined quality; and, we would be doing a disservice to the parents and to the children of our country by not ensuring that the school's infrastructure is built with steel of a guaranteed quality. The difference between steel that makes the grade and steel that doesn't meet required standards could very well be a matter of life and death.

The use of deficient or structurally inefficient steel for renovations or repair projects is a clear public safety hazard. Such a blunder could increase the overall cost of projects and increase construction time. If the school construction projects provided under this legislation are truly going to meet the high standards that we expect of any structure for our children, we must ensure that the steel used is from American companies that will follow the proper safety and quality standards in its products.

Madam Chairman, this is a commonsense amendment that mirrors legislation that I have introduced with the gentleman from Indiana (Mr. VISCLOSKY) earlier this year. I am delighted that the author has seen fit to offer it as part of this legislation. I would strongly urge all of my colleagues on both sides of the aisle to support this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Madam Chairman, it is my privilege to recognize Mr. STUPAK, the principal author of the amendment, for 1½ minutes. He is the leader on this issue.

Mr. STUPAK. I thank the gentleman. I thank him for his assistance and for pinch hitting for me tonight until I could get here.

Madam Chairman, the Stupak-Visclosky amendment would require that all steel and iron used under the 21st Century Green High-Performing Public Schools Facilities Act be produced in the United States. Cheap imported steel is a danger to our children and is compromising their safety.

In April, during the Congressional Steel Caucus hearing, U.S. Customs and Border Protection Assistant Commissioner David Baldwin testified that Customs and Border Protection does not conduct compliance tests to monitor the strength, durability, or hardness of the steel imported into the United States.

Until the Federal Government can make sure imported steel from China and other countries meet safety and quality standards, we should not let any of it be used in our schools, or in any other buildings, as a matter of fact.

We must make sure that the steel used in these projects meets the proper standards in the first place. The Stupak-Visclosky amendment would require educational agencies to use

American steel and iron for modernization, renovation, or repair projects at a public school facility.

The amendment also includes a provision that will ensure that schools can comply with these standards. If steel and iron produced in the U.S. will increase the cost of a project by more than 25 percent, and iron and steel from elsewhere is proven safe, then agencies can use steel and iron from other sources as long as it is safe.

To protect our children, we must ensure that the steel used in our schools is from American companies that meet proper safety and quality standards. I urge a "yes" vote on the Stupak-Visclosky amendment.

□ 1900

Mr. ENGLISH of Pennsylvania. Madam Chairman, at this time, if the gentleman has no other speakers, we would be delighted to yield back.

Mr. VISCLOSKY. I believe, Madam Chairman, I have 1 minute left. I would yield that to Mr. KUCINICH, the gentleman from Ohio.

Mr. KUCINICH. The Visclosky/Stupak amendment will boost our steel industry and protect American jobs by requiring that steel and iron used in school buildings funded by this act be made in the USA.

Concerns about substandard steel imports are well taken. At a recent hearing sponsored by the Congressional Steel Caucus, it was revealed that independent testing of imported Chinese steel found a 60 percent failure rate for steel rods used for such applications as securing bridges.

This amendment will ensure that the substandard steel will not be used to construct vital infrastructure or schools for those of us who are truly concerned about the safety of our children. China's going to have to go a way to be able to develop quality testing standards to assure that the products that are sent here are going to be up to the standards that we expect should be obtained for infrastructure and for schools.

This initiative maintains our commitment to securing a strong domestic steel industry, and I ask for the Members to support it.

Mr. CARSON of Indiana. Madam Chairman, I rise in strong support of the Stupak/Visclosky amendment.

Madam Chairman, in order to build state of the art schools, you need sound state of the art materials. This amendment ensures that our schools will be constructed with strong and durable resources by mandating that our schools be built with American steel.

I would like to thank Congressman STUPAK and Congressman VISCLOSKY for offering this worthwhile amendment. There is nothing more important than ensuring that our children have safe and productive environments in which to learn.

I encourage my colleagues to support the Stupak/Visclosky amendment and the underlining bill.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

The CHAIRMAN. The Chair understands that amendment No. 6 will not be offered at this time.

AMENDMENT NO. 7 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–678.

Mr. MATHESON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MATHESON:

Page 15, line 18, strike "and".

Page 15, after line 18, insert the following (and redesignate provisions accordingly):

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chairman, this amendment is an effort to refine the reporting of requirements in the legislation for schools that receive grants under this program relative to the flooring that is installed in these schools.

Schools and local educational agencies receiving grants under this bill would report if they install flooring, whether it was low or no volatile organic compounds flooring; whether it was made from sustainable materials, and report on the cost effective nature of that decision to install that type of flooring.

I just want to be clear though. This amendment is not a mandate. It doesn't require schools to install any particular type of flooring. It really is a purpose just to gather information to find out if or not this material has been used in the installation process.

One of the motivations behind this amendment is to ensure that we raise this issue about the opportunity for both children and teachers who are in schools, that they are put in the best learning and teaching environment possible. The reason for that is because materials such as flooring in some schools can contain potentially unhealthy levels of volatile organic compounds that can lead to unsafe indoor air quality for both students and teachers.

Again, I think this is a relatively straightforward amendment just to increase the reporting requirements to say what happened in terms of how the flooring was required. It does not require any particular type of flooring to be installed, but it helps us gather information and raise awareness about the benefits of using low or no volatile organic compound flooring.

I reserve the balance of my time.

Mr. McKEON. I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. I yield myself such time as I may consume, Madam Chairman.

The purpose of this amendment is to gather information about the types of floors that schools may be installing with funds provided under this massive new federally funded school construction program. Like the rest of the bill, it simply misses the point.

If our goal today is to address the problems facing our Nation's schools, we shouldn't be talking about floors or bicycle racks. We should be talking about how to bring down the price of gas.

High gas prices are hitting schools hard. They're driving up costs for nearly every aspect of a school's budget, from transportation to school lunches and from utilities to supplies.

What we should be debating is how to address the skyrocketing cost of energy. Instead, we're talking about creating a $20 billion program that allows bureaucrats in Washington to tell our communities how to build their schools.

The Federal Government has had a history of investing in our Nation's schools, but it's not the floors and the walls and the plumbing and the light bulbs where we focus our investment. Rather, it's the students themselves. Our role, the role of the Federal Government, is to support programs that help improve student academic achievement.

We know that disadvantaged children, children with disabilities, English language learners and our vulnerable populations have too often been left behind by our educational system. Our job is to ensure all children are given the opportunity to receive a high quality education. That means learning from a highly qualified teacher and being held to the same high academic standards.

I know how important safe and healthy schools are, and that's why States are spending some $20 billion each year on the building and modernization of schools facilities.

If we really want to meet the needs of our schools, we should be doing two things: We should be maintaining the Federal focus on student achievement, and we should be talking about how to bring down the cost of energy to help schools, families, businesses and our economy.

I reserve the balance of my time.

Mr. MATHESON. Just very briefly, Madam Chairman.

Last week, I had the opportunity to visit Daybreak Elementary School in West Jordan, Utah, the first LEED-certified school in our State. In that location this school used low VOC paint and carpet.

I think that there are a number of issues we need to be talking about in this Congress today. But I do think the notion of having a safe indoor environment for teachers and students has merit, and actually collecting data and reporting what type of materials are used in school construction makes sense.

I urge adoption of my amendment.

I yield back the balance of my time.

Mr. McKEON. I agree with the gentleman. I just don't think it should be the Federal Government's responsibility to go into the local communities and tell them what type and how to build their schools, who should build their schools and how much they should spend.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MATHESON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-678.

Mr. REICHERT. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REICHERT:

Page 9, line 18, strike "or".

Page 9, line 19, strike "and" and insert "or".

Page 9, after line 19, insert the following new subparagraph:

(D) reduce class size; and

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Madam Chairman, today we are considering legislation to improve the conditions of our elementary and secondary schools. Yet nothing in this bill addresses the issue of class size and the overcrowding that plagues our schools and hinders the learning environment of our children.

There are 50 million students in our public elementary and secondary schools, and enrollment is expected to continue to increase. By the year 2100, our public and private institutions, from pre-kindergarten, through college, will accommodate an estimated 94 million American children and young adults, an increase of over 40 million over the current school population.

Our schools are already severely overcrowded, with many forced to accept twice their capacity and open portable classrooms. According to a 2000 report from the National Center for Educational Statistics, 36 percent of schools had to use portable classrooms to accommodate growing student populations.

I've also heard reports that some schools are requiring and asking students to actually sit on desks and on teachers desks due to the overcrowding in classrooms. This is not an environment for learning for our children, and they deserve much better.

Since students in overcrowded classrooms lack quality one-on-one time with their teachers, their academic skills suffer. Research shows that smaller class sizes significantly increase the amount of learning that takes place, reducing disciplinary problems and improving teacher productivity.

Smaller classes also particularly benefit students from low-income or disadvantaged backgrounds. For example, lowering class sizes in Tennessee closed the achievement gap between black students and white students by 38 percent.

According to the U.S. Department of Education, "A growing body of research demonstrates that students attending small classes in early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist well after the students move on to larger classes in later grades."

One of the most well known conclusive studies on class size is Project STAR, the only large-scale controlled study of the effects of reduced class size that was conducted in 79 elementary schools in the State of Tennessee. According to the results from this study, 72 percent of students graduate on time in smaller class sizes, versus 66 percent from regular class sizes. Children in smaller class sizes complete more advanced math and English courses, and the drop-out rate is at least 4 percent lower in schools with smaller classes.

Our children deserve the individualized attention and instruction afforded by small class sizes. As we consider legislation today to usher our schools into the 21st Century, we should, at the very least, consider how new technologies and building designs can accommodate smaller class sizes, which is what my amendment would do.

My amendment is very simple. It provides that local education agencies may use a grant for modernization, renovation or repair of public school facilities to help reduce class sizes. Students and teachers deserve better than shared and portable classrooms. It's time we do something to help ensure our students receive the individualized attention they need, to help teachers in maintaining an orderly classroom.

In addition to building new modern schools with minimal environmental impact, we should build schools for the 21st Century equipped with technology and modern equipment that accommodates small class sizes that are safe for teaching and encourage learning.

Madam Chairman, this amendment is simple. It is straightforward, and has been endorsed by the National Education Association. I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I claim time in opposition, but I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. We've looked over the Reichert amendment and we accept the amendment.

I yield back the balance of my time.

Mr. REICHERT. I thank the gentleman for his support, and I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

□ 1915

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-678 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KILDEE of Michigan.

Amendment No. 2 by Mr. EHLERS of Michigan.

Amendment No. 3 by Mr. WELCH of Vermont.

Amendment No. 7 by Mr. MATHESON of Utah.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. KILDEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 151, not voting 27, as follows:

[Roll No. 374]

AYES—260

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Fortuño
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—151

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Aderholt
Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Cummings
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Kilpatrick
Larson (CT)
Lewis (GA)
McCrery
Moran (VA)
Norton
Pomeroy
Pryce (OH)
Rush
Shuler
Van Hollen

□ 1941

Messrs. DAVIS of Illinois, ENGLISH of Pennsylvania, LINCOLN DIAZ-BALART of Florida, MARIO DIAZ-BALART of Florida, SHIMKUS and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 374, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. EHLERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 17, not voting 24, as follows:

[Roll No. 375]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—17

Baldwin
Blumenauer
Clay
Emanuel
Gonzalez
Jackson (IL)
Johnson, E. B.
Kirk
Lipinski
Moore (WI)
Ros-Lehtinen
Schakowsky
Sherman
Speier
Stark
Weiner
Woolsey

NOT VOTING—24

Andrews
Boucher
Campbell (CA)
Carney
Chabot
Clarke
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Gutierrez
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCrery
Meeks (NY)
Moran (VA)
Norton
Pryce (OH)
Rangel
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain on this vote.

□ 1949

Ms. BALDWIN changed her vote from "aye" to "no."

Mr. BARROW changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 375, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 5, not voting 24, as follows:

[Roll No. 376]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Flake
Linder
Marchant
Paul
Young (AK)

NOT VOTING—24

Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCarthy (NY)
McCrery

Norton
Pryce (OH)
Rush
Shuler
Van Hollen
Velázquez
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

☐ 1957

Messrs. ROYCE and WELDON of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 376, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. MATHESON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 266, noes 153, not voting 19, as follows:

[Roll No. 377]

AYES—266

Abercrombie
Ackerman
Allen
Altmire
Areuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fortenberry
Fortuño
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—153

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHugh
McKeon
MoMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Boucher
Campbell (CA)
Carney
Chabot
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Hunter
Jackscn-Lee (TX)
Lewis (GA)
McCrery
Norton
Pryce (OH)
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes left in this vote.

☐ 2004

Mrs. CAPITO and Mr. CULBERSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 377, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMEROY) having assumed the chair, Ms. BORDALLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, pursuant to House Resolution 1234, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MCMORRIS RODGERS

Mrs. MCMORRIS RODGERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. McMORRIS RODGERS. I am, in its present form, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. McMorris Rodgers of Washington moves to recommit the bill H.R. 3021 to the Committee on Education and Labor with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Page 41, line 25, before the semicolon, insert the following: ", except that a local educational agency whose energy expenditures have increased by at least 50 percent since January 4, 2007, may pay maintenance costs for any of the activities described in section 103".

The SPEAKER pro tempore. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. McMORRIS RODGERS. Ladies and gentlemen of the House, schools, like everyone in America, are facing an immediate financial crunch, not because schools don't have enough funding for green maintenance, but, rather, they can't afford the rising cost of energy.

The high cost of energy is affecting schools in many ways. Some schools are moving to a 4-day school week to save fuel and energy costs. Busing service is being cut back because it's so costly to fuel school buses. Field trips, sporting events, and after-school activities are being limited. School lunches cost more. School supplies cost more.

Yet the bill before us does nothing to reduce the cost of gasoline, diesel, heating oil, electricity, or any other energy cost. That's because the Democrats refuse to unveil their "commonsense plan" for bringing down energy costs.

What the motion to recommit proposes is simple: We want to let schools use these funds where they are needed. For many schools they need help with their energy costs.

Currently, schools are prohibited from using funds under this bill for "maintenance." Instead, these taxpayer dollars are supposed to go exclusively for renovation and modernization.

The motion to recommit says that any school whose energy costs have risen by 50 percent since the 110th Congress gaveled into session, these funds can be used for school maintenance in addition to other initiatives.

At the start of this school year, the Reardan-Edwall School District, in Eastern Washington, was paying $2.88 per gallon for diesel. They are now paying almost double, $4.93 per gallon. So what are they doing? They are trying to decide between additional teachers, textbooks, and supplies or the diesel needed to get the kids to school.

School budgets are being squeezed and stretched like never before. Instead of reducing flexibility for schools to use this money as they see fit, this bill imposes a heavy-handed big government approach that limits local control.

Schools, like all of us, need energy relief. Americans are concerned about energy costs, and they want us to unleash American ingenuity. The vast majority, 70 percent now, say we should develop gas and oil in America.

In addition, the United States is rich in oil shale with deposits located in Colorado, Utah, New Mexico, and Wyoming. These reserves contain energy equivalent to 2 to 3 trillion barrels of oil. To put this into perspective, the world has used 1 trillion barrels of oil since the first well was successfully drilled in Pennsylvania in 1859.

Developing our energy resources is an important step in the long-term strategy of reducing our dependence on foreign oil. We can and we must start meeting America's energy needs with American resources.

Join me in giving schools energy relief. The motion to recommit will ensure this bill gives it to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, all day long we have had an interesting double argument here from my colleagues on the other side. All day long they have insisted that school districts are in trouble because of increased energy costs, because of the increased cost of electricity, natural gas, air conditioning, heating, fuel for the buses, and all the rest of it. And they have spent all day long arguing against a bill that's designed exactly to deal with the energy costs of those schools, by helping those districts to refurbish, to rebuild, to remodel, to reconstruct old facilities that do not use energy efficiently, that do not have state-of-the-art facilities for the conservation of energy, for the better use of energy.

We are giving out tax cuts and have for many years in a very sensible program to help businesses come into the modern age in energy. Businesses, homeowners, and others are reaping huge savings. But schools aren't.

So this bill simply says that the Federal Government will join in a partnership with local districts who have already set out their priorities to provide for energy efficiency, to provide for new technologies so that they can provide the best learning environment for the children in those school districts. And when they do that, what we're seeing across the country is those schools that are fortunate enough to have the money are dramatically reducing the amount of their budgets that go to energy and they can use that on curriculum or extracurricular activities or teacher pay or whatever else it is.

☐ 2015

But most schools can't afford to do that. And so what we are saying is we will simply partner up with those districts most in need and see if we can help them reduce their energy budgets over the years so they can put it into education. That is the bill that Mr. CHANDLER introduced. That is the bill that is designed and has been voted on on this floor today, because that is the need of the school districts. That is why the school districts, the State Superintendents of Schools, local school districts, are supporting this legislation, because it meets the need they have.

Now somehow after arguing all day long that this is too heavy of a hand, we now see an amendment that we've never see in committee, we didn't see on the floor, we didn't see in Rules Committee, that is suggesting somehow we just pay the ongoing maintenance cost of the districts. I don't know if that is what you wanted to sign up for. We thought we'd sign up to be a partner in district priorities to refurbish and rehab schools and improve the energy efficiency of those based upon the district policies. I didn't know we were going to sign up for a long-term grant for the maintenance of school districts.

I would like to yield now to the author of the bill, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman.

This motion to recommit has absolutely nothing to do with this bill, nothing at all to do with this bill. This bill is about school construction. This bill allows our children to compete in a global economy. It helps them to compete. It is about energy efficiency. But it's about energy efficiency in our schools. It's about "green" schools. It's a very, very good bill. Plus, in addition to that, it creates at least 100,000 jobs, and they are jobs that will not and cannot be exported, like so many of our jobs have seen happen.

This bill is supported by almost every education body in the country. It's supported by the National School Board Association, it's supported by the PTA, it's supported by the NEA, the Principals' Associations throughout this country, it's supported by the American Federation of Teachers, and the National School Administrators.

If the minority were really serious about this motion to recommit and about improving this bill, if they were serious about the cost of gasoline, if they were serious about doing something for the American people, and if they wanted to help the kids of this country, they wouldn't have made it a bill that would be reported back promptly. That is what they have done. They intend to kill the bill.

Please vote against the motion to recommit.

Mr. GEORGE MILLER of California. I thank my colleague.

All day long in this Chamber we have had amendment after amendment saying that if we weren't putting money into school construction to refurbish these schools in need, they would put it in IDEA, they would put it in title I, they would put it in after-school care, they would put it in monitoring. You know what? When they had the money and they were in control, they didn't put it anywhere.

They inherited a $5 trillion surplus, a $5 trillion surplus, and when they had the money, they didn't put it anywhere. Now we have a $9 trillion debt and they still can't fund education. That is why we have got to stop it. We should reject this motion to recommit. This is enough to kill the bill. What we need is in fact more money for our schools.

The SPEAKER pro tempore. The gentleman's time has expired.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true if this motion were to pass, that this House could put the bill back into the committee from which it came and it could be brought out the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MCMORRIS RODGERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote will be followed by a 5-minute vote on passage, if ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 230, not voting 16, as follows:

[Roll No. 378]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Andrews
Boucher
Campbell (CA)
Chabot
Doolittle
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2037

Mr. ISRAEL changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 378, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "no."

(By unanimous consent, Mr. BRALEY of Iowa was allowed to speak out of order.)

MOMENT OF SILENCE FOR VICTIMS OF IOWA TORNADOES

Mr. BRALEY of Iowa. Mr. Speaker, on Sunday, May 25, when many of us were enjoying the Memorial Day holiday, my district was hit with an F5 tornado that left a path of death and devastation in its wake. The cities of Parkersburg, New Hartford, Dunkerton, Hazleton and Lamont were the cities that were hit hardest. Eight people were killed, 350 people lost their homes, thousands more had their homes severely damaged, and 50 businesses were destroyed, including 21 in the small town of Parkersburg alone.

I would ask at this time for a moment of silence for those who lost their lives and to remember the sacrifice that is being made right now.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 164, not voting 19, as follows:

[Roll No. 379]

YEAS—250

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Boucher
Braley (IA)
Campbell (CA)
Chabot
Doolittle
Ellison
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
Marchant
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

☐ 2046

Mrs. MUSGRAVE changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 379, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3021, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING THE NATIONAL CHAMPIONS FROM LEWIS CLARK STATE COLLEGE IN LEWISTON, IDAHO

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Mr. Speaker, I rise today in honor of the national champions from Lewis Clark State College in Lewiston, Idaho.

Last week, the LCSC Warriors won the 52nd annual National Association of Intercollegiate Athletics championship World Series baseball game. It was LCSC's third straight win, and 16th since 1982, all under the leadership of Coach Ed Cheff. Lewis Clark State College can be proud of these men for an extraordinary win and the national recognition they are once again receiving. In fact, I was proud to recognize the fine athletes at LCSC by wearing their red, white, and blue uniform during the congressional baseball game last year.

Mr. Speaker, naturally I believe Idaho produces the best of everything. The best agriculture, the best companies, the best people, and, indeed, the best baseball players, originate in Idaho, and last week's win just proves the point. My congratulations to the Warriors, LCSC, and Lewiston, Idaho.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JOHN BURL HULSEY, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, I rise today to recognize an extraordinary American and a native of my congressional district, John Burl Hulsey, Sr., who was instrumental as a Navy pilot during World War II in the development of our Nation's first cruise missile.

While all of his friends are certainly aware of his service in the Navy, very few know that Lieutenant Commander Hulsey was one of the 48 Navy pilots hand-selected for this top secret mission. In fact, this project was so top secret that Lieutenant Commander Hulsey was prohibited from even discussing it with his wife, Mary Louise, until it was officially declassified in 1989.

During World War II, the United States Navy established two special squadrons which developed the Standoff Guided Missile Forces, an experimental program designed to direct unmanned drone aircraft loaded with explosives into enemy targets. Remote-controlled drones, pilotless planes with a video camera mounted on their noses, were loaded with 2,000 pound bombs and directed to their targets by a trailing aircraft located several miles from the site of impact. Using radar guidance and wireless video transmission, this technology was state-of-the-art, futuristic technology in the early 1940s. For the first time in history, naval aviators were able to accurately strike high-profile, heavily defended installations while remaining out of danger.

Also termed the American Kamikaze, this mission set forth a powerful blow to the enemy, using tactics never before seen in modern warfare, undoubtedly changing the scope and the outcome of World War II as well as various conflicts which have followed.

In 1938, Lieutenant Commander Hulsey enrolled at North Georgia College, then a 2-year institution, prior to transferring to the University of Georgia in Athens for completion of his studies. While at the University of Georgia, Lieutenant Commander Hulsey participated in the university's civilian pilot training program, where he began preparing for a career in aviation. Immediately prior to entering his senior year at the University of Georgia, Lieutenant Commander Hulsey decided to enlist in the Navy, and was ordered to report for service shortly thereafter.

In addition to being stationed for training at naval air stations in Chamblee, Georgia, Pensacola, Florida, and New Orleans, he and other members of what were called STAG I spent several years in Clinton, Oklahoma and Traverse City, Michigan, where they conducted extensive testing and development of the drone project prior to deployment to the Pacific theater.

Finally, in May 1944, Lieutenant Commander Hulsey and many of his fellow STAG I pilots departed for the Russell Islands in the Solomon Island Chain, about 25 miles from Guadalcanal, where the Navy prepared to carry out a critical series of attacks on enemy strongholds across the region. Anti-aircraft fire was heavy at times around his plane and the drones which he followed, but he was, fortunately, never struck.

On September 27, 1944, the very first TDR–1 assault drone attack in combat was successfully carried out, marking an historic moment in the development and implementation of cruise missiles in warfare.

Of the 47 total attacks carried out by STAG I during their brief mission in the Pacific, an unprecedented 22 targets resulted in direct hits, including island caves loaded with enemy ammunition and anti-aircraft installations in the Shortland Islands, Bougainville, and Rabaul. These attacks sustained a record 47 percent hit on intended targets, an incredible accomplishment in 1940's technology. The short mission ended as the war came to a close and U.S. forces began to extinguish their supplies of drones.

In a July of 1990 letter sent to members of STAG I and the Special Air Task Force, then Secretary of the Navy H. Lawrence Garrett commended the brave men and women for their service to our Nation, honoring, and I quote, "the vision, determination, and dedication with which they performed their secret duties during World War II, which laid the groundwork for today's modern cruise missile."

There is no question, Mr. Speaker, that the accomplishments of the men of STAG I laid the groundwork for the development of modern-day smart bombs, which has revolutionized American military strategy as well as that of our allies across the globe. Countless lives have been saved through this technology, and our ability to target enemy installations with precision has proven itself critical in defending our country from ever present threats.

Mr. Speaker, I am truly pleased to rise today in honor of Lieutenant Commander John Burl Hulsey, Sr. I would also like to thank him, his wife, Mary Louise, and members of his family who have joined me in the House gallery this evening to receive this special recognition. His service, while having occurred over 6 decades ago, continues to save the lives of those in the front lines of the war on terror. I thank Lieutenant Commander Hulsey, and will always share a deep respect for this hero's courage, valor, and dedication and service in the United States Navy. And I conclude by congratulating him on his 90th birthday.

HELPING THE IRAQIS HELP THEMSELVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, ours is a very generous Nation. As we have seen in the aftermath of Hurricane Katrina and the Southeast Asian tsunami, the depth and breadth of American giving is unsurpassed. Our dedication goes far beyond natural disasters, however.

In each of our communities we have seen families reaching out by sending care packages to our troops, or donating school supplies for Iraqi children, or giving to refugee relief organizations. With the support of the Congress, the U.S. government is beginning to follow the path of the American people. Instead of a foreign policy balanced on the tip of a gun, some U.S. programs are reaching out to the people on the ground.

☐ 2100

These are the types of programs which should be receiving robust support, not a misguided military agenda without an end game.

The United States Agency for International Development, known as USAID, has several excellent projects that are getting relief into the hands of Iraqi families. We should be helping to rebuild communities because, as the old saying goes, "You break it, you buy it." To be sure, our obligation goes well beyond military and security intervention.

One program deserving note is a USAID grant to get the Balad canning factory up and running again. The factory, one of Iraq's largest food processors, was built in 1974. It was built as a government-owned tomato paste factory. After privatization, the factory was producing 10 more products and employing 1,000 people, including 200 women.

According to USAID, with the instability that was brought on by the invasion of Iraq and the ensuing civil war, the factory's potential for food processing was shattered. Farmers were unable to work the fields, and the factory no longer had access to the agricultural supply required to operate. Not only were factory workers suddenly unemployed, tens of thousands of farmers found themselves similarly destitute.

A U.S. Government grant for $5 million will ensure that power, water, waste treatment and steam are restored to the plant. This is essential to get the factory back on-line.

When we look at what we are spending on the military occupation of Iraq, somewhere around $9 billion a week, $5 million looks like a drop in the bucket. In fact, $5 million for development assistance actually equals 21 minutes of military spending. As some of my colleagues like to say, this is a hand up, not a hand-out.

We are rebuilding the heart of communities through jobs, through growth and investment into the infrastructure, the results of which will be seen for generations to come.

We need to take a serious look, Mr. Speaker, at our presence in Iraq. Is it any wonder that there is frustration? We can spend billions of dollars perpetuating an occupation, but we can't truly commit to humanitarian assistance, to reconciliation and a diplomatic surge?

It's simple, if we listen to the American people and to the Iraqi families. Let's end this occupation of Iraq and bring our troops and military contractors home. It is time to rebuild, not reignite a military conflict.

GAS PRICES/TAXES

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, the American people are sick and tired of high gas prices, high taxes and unnecessary regulation on our lands. As an ardent capitalist, I believe that the marketplace, unencumbered by government regulation, by high taxes, is the best way to control quality, quantity and cost of all goods and services.

The price of gasoline is not immune to market forces. Cutting taxes and reining in the Federal Government is fundamental to returning power to the U.S. citizens, and to promote economic growth. We should support our free market by eliminating unnecessary regulation, unfair taxes, and promoting the economic growth that we so desperately need. I say, heavy taxation is bad representation.

Speaker PELOSI promised to lower energy prices at the beginning of the 110th Congress. Yet, today the average price of gasoline has gone up $1.65 per gallon, a nearly 71 percent increase. The Pelosi premium is now costing the average American $3.98 per gallon of gasoline. And in my district, the 10th Congressional District in Georgia, it's over $4 a gallon.

Congressional Democrats talk about our addiction to foreign oil, yet they refuse to allow access to American oil and our gas supplies that are necessary to cure this so-called addiction. This is as idiotic as asking Shaquille O'Neal to play basketball on his knees, or Alex Rodriguez hitting a baseball left-handed.

America has been blessed with abundant talent, a tremendous quantity of natural resources. Yet we continue to operate with our knees on the ground and hitting from the wrong side of the plate. Unfortunately, this is not a game that Americans can afford to play.

Developing American oil and gas will help bring prices down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. Yet Congressional Democrats continue to refuse any development whatsoever. We should not be hesitant to tap into our abundant natural resources, especially at a time when energy costs are so high.

Alaska's ANWR is estimated to contain between 5.7 and 16 billion barrels of oil. Yet House Democrats have opposed ANWR exploration 86 percent of the time, while House Republicans have supported responsible and environmentally sound development 91 percent of the time.

The Outer Continental Shelf, OCS, is estimated to contain 19 billion barrels of oil and 84 trillion cubic feet of natural gas. Yet House Democrats have opposed developing the OCS 83 percent of the time, while House Republicans have supported responsible and environmentally sound development 81 percent of the time. Today we are drilling for ice on Mars, but we cannot drill for oil in America.

America contains enough oil shale to supply all our needs for over two centuries, estimated at over 2 trillion barrels. Yet House Democrats have opposed oil shale exploration 86 percent of the time, while House Republicans have supported responsible and environmentally sound development 90 percent of the time.

America hasn't built a new oil refinery in decades. It would do little good to increase development of our domestic supplies of oil if we do not have the refinery capability and capacity to quickly convert this fuel into a usable form. Yet House Democrats have opposed increasing refinery capacity 96 percent of the time, while House Republicans have supported responsible and environmentally sound development 97 percent of the time. We need to streamline getting oil refineries online.

America is the Saudi Arabia of coal. We must promote this abundant resource by promoting coal-to-liquids technology. Yet House Democrats have opposed the promotion of coal-to-liquids technology 78 percent of the time, while House Republicans have supported responsible and environmentally sound development 97 percent of the time.

What is the opposition's solution to this national emergency? They have passed a so-called energy bill that's a non-energy bill.

Energy is the lifeblood of the American economy. We need to develop our own natural resources and drill for oil now.

ENERGY SAVINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Democrats have fought to bring America's addiction to oil to the forefront of our national attention for years. We must reduce our dependence on oil in order to stimulate the economy, to protect our country and to curb the harmful effects of global warming.

Since Democrats gained control of the Congress last year, we raised automobile fuel efficiency standards for the first time in over a quarter of a century, despite the opposition of President Bush.

And the House recently passed a comprehensive renewable energy bill. Our renewable energy bill will reduce America's dependence on oil. It will lower energy costs, protect the environment, and create hundreds of thousands of new skilled green jobs all across America.

While Congress is working hard to reduce our oil dependence, my constituents are working hard to do their part to battle rising energy prices and reduce their own carbon footprint.

I recently asked my constituents to tell me what they were doing to reduce their personal energy consumption and to reduce the cost of energy in their monthly lives, and I promised that I would share some of these best ideas right here on the House floor.

Here are some of the comments I've received so far. Many of my constituents are already following some of the more conventional but important methods of energy conservation, including replacing traditional light bulbs with compact fluorescent lights, unplugging appliances that aren't in use, drying clothes outside in the California sun. Many more are taking advantage of public transportation options throughout Northern California and the San Francisco Bay area.

Patricia Kneisler of Benicia, California, gangs all of her errands together. By doing this, as she says, her "gas guzzler," the 1995 SUV, is only used when absolutely necessary and in the most efficient manner.

Gina Hale's family in Pittsburg, California, attached ultraviolet blocking film on all of the house's windows to cut down on air conditioning costs during the summer.

Melissa Miller of Concord, California runs her dishwasher only when it is full and at night when the electricity rates go down after 7 p.m.

I have posted on my Web site sources of information about how consumers can reduce their energy consumption and save money and help protect the environment. I invite you to visit my Web site. While you're there, post your own comments about your ideas of saving energy. It's at www.georgemiller.house.gov.

Small changes have big impacts. Not only are my constituents reducing their own energy bills, but they're also contributing to our future energy independence.

Mr. Speaker, Congress can and must continue to support all of the individuals who are working to reduce energy consumption. We must work to pass legislation that invests in renewable energy, encourages innovation and investment in green technology and supports the creation of green jobs.

Congress is obligated to move America into the future, into a modern energy policy, and stop the reliance on the past fossil fuels policy that has kept this country in bondage to the oil companies and to the suppliers from overseas. Our economy and our environment depend upon it.

It is a tragedy that President Bush and 12 years of a Republican Congress stood in the way of energy independence, stood in the way of a modern energy program. While the President told the Nation and Congress that we're addicted to oil, he did nothing to alter that addiction—nothing other than to call for more oil drilling. Spoken like a true addict.

Now is the time to move forward. The price of gas and oil is at a crisis to America's families, and we must act quickly and boldly to come to grips with this crisis.

Our future depends upon reducing our demand for oil, increasing energy efficiency, and providing sustainable energy sources to relieve consumers of the crippling energy costs that invade their lives on a daily basis and to stimulate the next generation of innovation.

I appreciate the contributions of my constituents, and I look forward to hearing from more of them and to bring them to the attention of the House to see what decisions they're making about reducing energy costs in their personal daily lives.

☐ 2115

IN COMMEMORATION OF TIANANMEN SQUARE PROTEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, today the world commemorates and mourns the events that happened in Tiananmen Square 19 years ago today. It was then that over 2,000 people were massacred by the Communist regime for the crime of quoting Thomas Jefferson and James Madison, the crime of creating a model of the Statue of Liberty, killed for the crime of wanting their God-given right to liberty.

In these 19 years, many things have changed and, sadly, too many people have forgotten.

But there are 130 people that cannot forget. There are 130 people that remain in the communist Chinese prisons for participating in the pro-democracy demonstrations at Tiananmen Square in 1989.

Today, many are told that the communist Chinese regime will one day change. We've heard this for 19 years. We have seen corporate leaders, we have seen elected officials, and regrettably we will soon see the President of the United States go over to Beijing for the Olympics and meet with the butchers that killed 2,000 people, and they continue to imprison 130 of their fellow human beings.

The arguments that will be made in attending this propaganda fest will be that we have to show our respect to the Chinese people; that we have to show them that somehow the United States of America wants to usher in this communist, nuclear-armed dictatorship into the world stage. I find this logic reprehensible.

The United States is a beacon of liberty and hope for all the world suppressed. When the leaders of the United States, be they in business or, more importantly, in the corridors of Congress or in the halls of the White House, attend these communist Olympics, the Chinese people that I am worried about, the Chinese people that I believe we will not be standing behind will be the people who are rotting in the jails for the crime of yearning to be free.

The question then arises, what can we do as a Nation? Many believe the 21st century will be the century of the communist Chinese regime; that their economy will pass ours; that their rival model of governance will be adopted throughout the world of the corporate structure where one can make money when allowed by the tyrants and that all of your political rights simply do not exist but for the whim of the communist party.

I believe the people who are writing the obituary of the West and of our free Republic are mistaken, and I believe that over time, the voices and the influence of the communist tyrants in Beijing will ring as hollow in the ears of our fellow human beings as once did the callow calls from the halls of the Polit Bureau that the Soviet Union was going to bury the United States.

So as we go forward toward the Olympics, as we go forward from the 19th commemoration of the butchering in Tiananmen Square of the killing of students my own age for wanting the same God-given rights that I and everyone in this country have, let's not forget the 130. Let's demand their release, for if we do not, we will betray not only their liberty, but our professed commitment to being a beacon of hope for all of the world; and we will have squandered the legacy given to us as the custodians of this last best hope of Earth.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 4, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,917 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,917 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 4, 2008, 12,917 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

CELEBRATING THE LIFE OF CAMERON ARGETSINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHL) is recognized for 5 minutes.

Mr. KUHL of New York. Mr. Speaker, millions of Americans and auto racing enthusiasts around the world look forward to each weekend for the invigorating sights, sounds, and experience of professional sports car racing. These fans owe a great thanks to one of the founding fathers of road racing, Watkins Glen's own Cameron Argetsinger who passed away this last month.

Today I join these fans in mourning the loss of this auto racing pioneer who has left an indelible mark on the automobile world and on the community of Watkins Glen, New York. What Cameron Argetsinger began in 1948 as a road race through and over the streets of Watkins Glen, New York, has grown over the last 60 years to now a private track that has hosted the best drivers in the world, from NASCAR to Formula 1, including the United States Grand Prix.

He has made the small town of Watkins Glen famous throughout the country. Almost every legendary auto racer over the last 60 years has visited Schuyler County to race at the Glen and to pay homage to a man who helped make auto racing what it is today.

Cameron Argetsinger inherited a love for fast cars from his father and in 1947 bought his first sports car so he could become a member of the nascent Sports Car Club of America. With the desire to race his car, he organized a sports car race designed to appear like a European-style road race through the streets of Watkins Glen. That first race in Watkins Glen had only 23 cars participating and followed the route that Cameron Argetsinger laboriously planned on his living room floor.

Ten years later, after the road races moved to a new 2.3-mile course, Argetsinger brought full international races to Watkins Glen. In 1961, he inaugurated the U.S. Grand Prix for Formula 1, which had a successful 20 years' run in the Watkins Glen circuit.

After leaving Watkins Glen in 1970, he was executive vice president of Chaparral Cars and was subsequently director of professional racing and executive director of the Sports Car Club of America, SCCA, from 1971 to 1977. He also served as commissioner of the International Motor Sport Association from 1986 to 1992. Cameron Argetsinger was a member of the inaugural induction class of the Hall of Fame of the Sports Car Club of America in January of 2005. He is also in the Schuyler County, New York, Hall of Fame.

Cameron Argetsinger loved sports cars and never looked back when chasing his dream. He was an attorney, a father, a grandfather, a racer, a husband, and an inspiration. He did what he loved, and he will be missed by the people of Watkins Glen, Schuyler County, and the world.

OUR CONSTITUENTS' NUMBER ONE CONCERN IS THE HIGH PRICE OF OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MUSGRAVE. Mr. Speaker, recently in my district of Colorado, I had an opportunity to talk to my constituents firsthand about the high cost of gasoline. I decided to go right to the gas station and go up and offer to pump my constituents' gas. Now, this is a very good way to get an honest opinion from someone who, quite frankly, is caught off guard to see a Member of Congress right there willing to pump their gas; and when I introduced myself, some of them recognized me, but others that don't, I introduce myself and I say, Would you like to talk to me about what is on your mind today? And almost to a person, they said, You mean besides the high cost of gasoline? And I knew, after spending a great deal of time at that gas station, that my constituents' number one concern is the high cost of gasoline.

They told me in various ways how its affecting their lives. I talked to one woman, Mr. Speaker, and she was telling me that she had to drive about 20 miles into Graley where she worked, and her fuel bill was getting so high that she literally thought about staying with relatives in town instead of driving the 20 miles each way to get home every night. It was putting such a financial burden on this lady. She was literally thinking about not going home every night but staying in town during the week and going home on the weekend.

I talked to another individual, and he at one time had a fleet of trucks that he operated. He had a trucking business. So he had firsthand knowledge about what the high cost of fuel is doing to the trucking industry. And as he and I stood there and talked, Mr. Speaker, we were remarking that when you go into stores in Colorado and around the Nation, there's an abundance of things on the shelves that we Americans can purchase and enjoy. But what most people don't think about is every one of those items was hauled in a truck. And truckers are experiencing a great deal of hardship lately with the high cost of fuel, and many of them are going out of business.

Now this gentleman that had the trucking business previously now has a trucking repair business, and he told me that the high cost of fuel had adversely affected this business that he had also.

I talked to another gentleman, and he works in Denver, Colorado, but drives from my district up there, and he was telling me that every week he is seeing the cost of gasoline go up and up and up, and he's thinking about how expensive his commute is becoming.

It is quite a burden on families. I talked to another individual that was older, and he had an older car, and I would presume that he was on a fixed income, Mr. Speaker. And this gentleman doesn't have the opportunity to get another job and work and earn more income. He has this fixed income. As he sees the price of gasoline going up, the cost to heat his home going up, and he, like many other senior citizens, are very concerned about their future and what they're going to do.

I would like to yield time, as much time as she may consume, to the gentlelady from Virginia.

Mrs. DRAKE. Mr. Speaker, first of all, I would like to start by thanking the gentlelady from Colorado for hosting us this evening and sharing the stories from her own district and the people that she stopped and talked with.

We've just come off our district work period for Memorial Day, and I know all of us at home over these last few days have heard over and over again from our constituents about the extremely high price of gas and how they just can't make that work in their lives and with their incomes. And I was thinking about tonight and coming down here to join you, and I realized this is my fourth year of serving the Congress. That means this has been 4 years that I have been saying the same thing over and over and over again.

In my first 2 years here, I served on the Natural Resource Committee so I had the opportunity to listen. And one thing I learned right away in 2005 that really upset me, because I didn't know this even though I've lived in Virginia now for 41 years; I grew up in northern Ohio and I grew up on Lake Erie, and I found out in 2005 that Canada has been taking natural gas from under Lake Erie since 1913.

I want you to know I never saw a derrick. I never saw any type of a rig. I never had any indication that that was taking place. And I thought, I really felt that I had been misled and that here we are in America blocking getting our own resources and here all along our neighbors are doing it.

And we know today that the one thing that would change the price of gasoline for our citizens, for our constituents, for America, for our businesses is to increase our own domestic supply. The number one issue that would make a difference.

In the 109th Congress, my first 2 years here, we did vote in this House. We voted to open up ANWR. I was surprised in those years when I learned that the National Wildlife Refuge in Alaska—just for a visual for people across America, when I learned that if you visualized that wildlife refuge as RFK stadium, ANWR, where the actual drilling would take place, would be the size of a postage stamp; and that really upset me because that wasn't the mental picture that I had. And I also learned that we have not built a refinery in this country since 1976. Those were all things that I learned in my first year serving here in Congress.

Serving on the Resource Committee, I listened to our neighbors in Canada who came to the Resource Committee to tell us how they were successfully taking oil products from oil shales and oil sand, and they came to volunteer to help us be able to do the same thing. And we still haven't done anything to increase our own domestic resources using yet a third way to do that.

□ 2130

I was fascinated when I would listen to the hearings about using the technology of liquefied coal, that that's old technology, that we can do jet fuel, diesel, gasoline, that would run in all of our engines today by using coal.

America is the Saudi Arabia of coal. Again I question, why are we doing this and why are we making America less competitive? Why are we putting this burden on our citizens?

I met Alaskan citizens who came to talk to me, to beg us to drill in ANWR, and they are the people that live right there.

I think it's time that we had a strategic energy plan. Now, in 2007 and 2008, the discussions that have taken place on this floor about increasing domestic supply have come not because we've brought any sort of strategic plan to the floor. It's come in other pieces of legislation like you saw tonight, in a bill when Representative CATHY MCMORRIS RODGERS stood and did a motion to recommit to try to get at the problem that we're all facing in America.

I know that we can protect our environment. I know that we can encourage conservation, that we can incentivize alternative energies as well.

In the Second District of Virginia, we're very proud of one of our universities, Old Dominion University, that is creating biodiesel out of algae. How exciting and interesting is that. They are also doing significant research in what's called coastal energy: wind, wave, solar. But there again, how do we increase our domestic production in our country?

But I also go back to what about families across America. Just before we went on our Memorial Day break, when I got home, when I was sitting there talking to my husband about what was his week like, what was my week like here in D.C., and he said to me, I know you don't know this, but do you know our water bill was $88 for last month? $88 just for water.

We both know that in the last 7 years our real estate taxes have tripled, and we're seeing today what we're paying for gasoline, what we're paying for food, and you've explained very, very well about the higher cost of transportation and that we have to move these products.

And that's us sitting there talking. We've lived in our house for 20 years. Our children are grown. How do families do it today? How do families do it that have to commute any distance because of the price of housing in our country? And more and more people have had to live further out.

If we want America to be competitive, if we want to grow our economy, if we want our families to be able to feel like that they're getting ahead and succeeding, we have got to join together in this Congress. We have to have a bipartisan solution, and we have to increase our domestic supply.

I'm sure that you were as distressed as I was when I read the newspaper article that our President had gone to Saudi Arabia and asked them to increase the gas production. My first thought was, why didn't he come here to Congress and tell us that we must change the law and allow for this domestic production, to allow for the siting of refineries, and to tell the American people that it is the policies right here in Washington that are stopping that from taking place? That's what I would hope that he would do.

I want to thank you for giving me this opportunity. I know you have other speakers. I think you and I could probably talk half the night to America about this issue, about how important it is, but every single person listening to us tonight knows how critically important it is that we increase our domestic supply and that we're able to drop this price and for American families to be able to feel that they can do something, that they can enjoy life and not have to worry and worry how they're going to pay for all the things that are in their lives today. This is something that I feel we, as Members of Congress, could make a difference and could make those changes.

Mrs. MUSGRAVE. I thank the gentlelady. She has spoken very well about the impact on families with the high price of fuel and what we need to address those prices.

It's interesting, too, as we talk about families, we have schools. In my district, it's 7½ hours from one side of my district to the other. We have rural school districts, and buses have to travel long distances, and now schools are trying to ascertain how they're going to pay the high cost of fuel, and there are changes coming up.

When you look at schools, they're doing things like going to the 4-day week. They're changing. They think of the money they can save if they don't have to transport the kids and heat the buildings and do those things during the day. So when they look at the fuel price for transportation, they're thinking they're going to go to this 4-day week.

Sadly, it's impacting sports and schools, and we know that many times sports is what keeps students in schools, and it has such a good role to play in their life, but they're having to curtail their driving for this because they can't afford it anymore and they might drop programs.

So schools that even want to do field trips, and this is especially enriching for students who perhaps may be in families where they can't afford to do many things, but these kids enjoy these school trips. These outings are very good for them, but schools are saying that students will have to pay for a fee for that or they will have to forgo their field trips.

This is having a huge impact on families and on schools.

I would like to yield now to the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I would like to thank the gentlelady from Colorado for doing this special hour. I don't think there's anything more important facing Americans right now and facing this Congress than to deal with the high cost of energy, and I thank you for your leadership.

With the national average cost of gasoline at the pump today at $3.98 a gallon, moms and dads across the country are struggling to balance the family budget. It breaks my heart, and I know of a young family back in northeast Tennessee just trying to make enough money to make it to work or take their child to school. It breaks my heart when we have senior adults that are on a fixed income that don't have the opportunity to have more money, to be able to afford the gasoline to go to the doctor or go to the hospital or go to the grocery store. It breaks my heart when you have a small business that's trying to create those jobs and make life better for their fellow man. It breaks my heart.

This Congress must pass meaningful legislation to reduce the price of gasoline and fuel at the pump, and we need to do it soon.

Just recently, Shell Oil Company Chairman John Hofmeister testified before the Senate on why gas prices are so high. He said, "As repetitive and uninteresting as it may sound, the fundamental laws of supply and demand are at work."

Over the past few weeks, I along with most of my colleagues on this side of the aisle have produced an energy policy, not just a piece of an energy policy, but a true energy policy that addresses our supply of American energy. This energy policy explores all facets of our energy needs, from drilling for American oil and natural gases to using alternative fuels like switchgrass and ethanol. The policy increases American supply, which will effectively lower prices.

This energy policy will help people like Earl Humphreys, who owns and manages Lawn Boyz Lawn Care in Bristol, Tennessee. Earl told me that he may not be able to continue his business much longer because of high fuel prices. He is not making enough money to support his family, purchase his fuel, pay his staff, and keep the doors open on his family-run business. How sad.

People like Earl are relying on Congress to do something. Colleagues on this side of the aisle and I have offered nothing but solutions. On the other side of the aisle, they've offered nothing but excuses.

Congress' Democratic leadership is out of touch with the American people like Earl. Instead of increasing American energy supply so that prices can go down and Earl can continue to support his family, the Democrat leadership wants to tax energy producers, stifle American production, and abandon cars, SUVs and pick-up trucks that we all rely on.

Recently, one Congressman proposed a 50-cent tax increase on gasoline. Now, that makes absolutely no sense to me. We can't tax and regulate our way out of an energy crisis, and we can't tax your pick-up truck from empty to full.

Leadership's energy policies have been to conduct seven investigations into price gouging, conduct four investigations on speculators, and create $20 billion in new taxes on oil producers. Unfortunately, the leadership of Congress' policies don't save Americans any money at the pump.

In fact, gasoline prices have increased from $2.33 a gallon to $3.98 per gallon since Speaker PELOSI and her Democrat colleagues took control of this Congress last year. That's not a solution.

When China and other growing industrialized nations are moving from bicycles to cars, Americans are being made to go from cars to bicycles. That's not a solution.

Currently, China is drilling for oil and natural gas almost in sight off the coast of Key West, Florida. The irony here is that while China is out there drilling, America can't, under the leadership of this Congress.

What is it going to take to make this Congress realize that we need to increase American energy supply and decrease our dependence on foreign energy, our dependence on people that hate us and hate our freedoms?

The majority of the American people understand, East Tennesseans understand and I understand, Earl understands and people from Bristol, Tennessee, understand, we must take immediate action to allow for drilling in an environmentally safe way on American soil and off our coasts. In the Outer Continental Shelf alone, it's estimated that we have over 17 billion barrels of oil, oil that someone else is drilling for. On the Arctic National Wildlife Reserve alone, we have the potential to provide consumers with over 1 million barrels of oil per day. We need solutions.

We must take immediate action to allow for the construction of new refineries, and we can do that on old military bases.

We must take immediate action on production of natural gas where our supply is abundant. Eastman Chemical Company, which is located in my district in northeast Tennessee, has been using clean coal gasification to meet their ever increasing energy needs on a daily basis.

We must take immediate action to allow for the construction of safe nuclear power plants. For instance, France currently powers 80 percent of their energy needs from safe nuclear power plants.

We must take immediate action using alternative fuel sources, like switchgrass and ethanol from nonfood sources. New technologies like switchgrass and ethanol are exciting and will be part of our solution to lower high energy costs.

We must take immediate action by using clean coal technology, something that the Germans used in World War II. This is not futuristic. They were doing it in World War II. Coal is not some smutty leftover from the Industrial Revolution. We have approximately 250 years worth of coal right here in the United States, and you can take a lump of coal and actually turn it into gasoline and drive your car and fly jet planes. They did it in World War II.

We need solutions. Republican energy policies like the ones I've just listed will save every American at least $1.82 per gallon of gasoline. That's $36.40 for each 20-gallon tank full of gasoline. Tennesseans like Earl sure can use a $1.82 discount at the gas pump.

We need solutions. Americans like Earl are looking for solutions, not excuses. The time for solutions is now. That's why I've cosponsored the No More Excuses Energy Act. It combines all these different types of energy to bring down the price at the pump and make sure we have energy to heat our homes in the winter. We need solutions, not excuses.

Mrs. MUSGRAVE. I would like to yield to the gentleman from Pennsylvania now.

Mr. PETERSON of Pennsylvania. I thank the gentlelady from Colorado and gentlelady from Virginia and the gentleman from Tennessee for the right to join them this evening for an issue that I think is very much on the mind of every American.

I can't talk to a neighbor, a friend, anywhere but what they're talking about energy prices. And it's interesting that it's not being talked about in this House in a productive way.

In fact, 2 weeks ago we passed a bill that attempts to give us the right to get OPEC into our courts to force them to produce more energy, accusing them of not producing enough energy. Now, I don't know how a government who has locked up so much of its own supply—and I'll show you here on this chart—both coasts are off-limits to oil and gas production and a portion of the gulf. And out in the middle part of the country, millions and millions of acres are locked up.

□ 2145

And of course up here in ANWR, that part of Alaska that was set aside by President Carter for energy production, has been locked up. And we passed a bill in the Clinton administration, and he vetoed it. That was 10 years ago. They said it would take 10 years to get production here, but today we would have that energy if it had happened.

Folks, while we lock this up, we pass a bill trying to get us the ability to bring OPEC countries into a court somewhere to force them to produce. Now, people back home kind of laughed at me and they said, well, how do we force a country to produce when we won't produce our own? How do you rationalize that? But it sounds good if you don't look at the facts, I guess. But here we are, and now the Senate, this week, is working on carbon taxes, which will increase energy prices another 20 to 30 percent.

Mr. Speaker, Members of the House, and Americans, listen to the carbon tax debate. It will tax energy further and raise the cost of fossil fuels, hoping, I guess, we won't use them so that we will be forced—and we will get into the renewables in a little bit. But it seems interesting to me that, at a time when every American that I talk to has one thing on their mind, affordable energy, and Congress is the reason. I'm here to say tonight, this body and three Presidents are the reason.

This moratorium on our Outer Continental Shelf, that's from three miles offshore owned by the States to 200 miles that's owned by the Federal Government and us, the taxpayers, we own that. We're the only country in the world that's locked it up. It was locked up 28 years ago by President Bush I for 5 years to study and see where the best was and see if we had some sensitive areas we needed to protect. President Clinton came in, just extended it to 2012 and said they wouldn't explore out there. And then the current President has not supported raising this moratorium. In fact, I wrote him a letter 2 weeks ago, a man I love dearly, but disagree with very much on lack of energy leadership because he understands the energy issue—at least he should, he's from an energy family. But he has spoken three times recently in public about opening up onshore and offshore. So we sent him a letter saying, Mr. President, it seems like if you're serious about opening up offshore, that you would lift the presidential moratorium—because we actually have two moratoriums. We have a presidential decree that's been through three Presidents that says you can't produce out there. We have legislation that Congress passes every year in the Interior bill that says the Federal Government cannot spend one dollar to lease offshore leasing on either coast in the Gulf. Eighty-five percent.

This is where most of the world produces a lot of their energy, these great resources. It's the most environmentally sensitive place. Fishing in the Gulf is better where we produce oil than where we don't produce oil. And when we had the terrible storms in Katrina a few years ago, the fishermen were saying—some of the rigs were really damaged, and the platforms, so they said, you're not going to take them away, are you? They said, no, we're going to repair them and use them. Because that's where the best fishing is.

Now, with those terrible storms, the Minerals and Mines Management said we had no measurable spillage. Actually, we have more spillage on our ocean shores from ships and sporting boats than we have from drilling anywhere. We have not had an offshore incident since 1969 in Santa Barbara. Our technology today is tremendously improved. There is no viable reason that we're not producing energy offshore.

Now, I'll be offering an amendment next Wednesday, the 11th of June, in the Interior Appropriations bill that will open up and remove these moratoriums from 50 miles out for both gas and oil. That will allow us to produce. Now, it's not something that's just going to happen overnight, it still would have to be, once it's opened up and signed by the President, it would have to be part of the 5-year plan.

What's interesting is we know there's huge reserves out here, but has never been measured by modern seismographic and modern techniques that we use today. And it's like taking an old black and white picture tube, television, and comparing it to one of our beautiful flat screen TVs today of what you can see. Today they can know what's there, what type of energy is there, how deep it is, and how difficult it will be to produce it. But we, by law, this Congress has prohibited anybody from exploring out there, even to look at what's out there. Does that make sense? Of course it makes no sense.

Let's look for a moment at our energy use. This is the interesting part. We are 40 percent petroleum, 23 percent natural gas, 23 percent coal, 8 percent nuclear. Now, that's 94 percent of America's energy. That's fossil fuel, except nuclear.

Then you have the renewables. And, you know, I'm for wind and I'm for solar and I'm for geothermal and I'm for cellulosic ethanol and all of those good things, but we have to look at how small they are. I said to a gentleman on the plane this morning flying in, I said, if we double wind and solar in the next 5 years, how much of our energy do you think—oh, 10 percent? I said, less than three-quarters of 1 percent. Because when you get down here, the only one that's really grown a lot recently is woody biomass.

Now, we have almost a million Americans now, just under a million Americans heats their homes with pellet stoves; that's saw dust pressed into a pellet, and they use it to heat their home. We're heating factories today with saw dust and wood chips. I have a hospital in my district that just put in a new wood boiler that has saved 70 percent on their energy bill by burning sawdust and wood chips and their own cardboard and their own paper. So that's been the one that's been growing. Geothermal has been just constant at a very small fraction.

Wind and solar are fractions; these are fractions. Now, if we double them, they're still fractions. And I'm for them. But I guess the false hope has been—and I want to share with you who I think is really at fault. Now, Congress is at fault, but who has influenced Congress? Well, there is a group called the Sierra Club. And here is what is on their web page. They're against the oil shale development that's been talked about out west, where we think there's huge reserves. They're against coal liquefaction because we're the Saudi Arabia of coal and we think liquefied coal or coal-to-gas could get us away from the—66 percent of our petroleum now comes from foreign unstable governments. And that's where all our money is going, folks. We're enriching that part of the world who helped furnish us with 9/11.

They're against offshore energy production. Back to the map I had up here. The Sierra Club will lead the fight. I debated a Sierra Club member on NPR last week on a California radio station, and they said we'll be leading the fight to stop Congressman PETERSON's bill from being passed.

Green Peace; you know what they want to do? They want to phase these out. And that's what a lot of Congress wants to do. They say, we can't use fossil fuels anymore. Well, okay, I'll buy that. I would like to be fueling our country down here. I will do anything and everything to fund these. And those who say we haven't spent billions on research in wind and solar are not being honest with you, we're spending billions annually to subsidize those.

So Green Peace wants to phase these out; can't do this anymore. But that's really what we're doing, that's why we have high energy prices; we're phasing out fossil fuels before we have a replacement. We've decided we're not going to produce fossil fuels. Because if we don't produce them—I've talked to Members here on the floor. Well, John, if we continue to produce fossil fuels and they're affordable, Americans will not use renewables. I said, but if you phase out fossil fuels before we have the renewables, we're going to have awfully high energy prices.

Now, we were arguing that when oil was $30 and $40 a barrel. I don't think any of us dreamed we would see $135 oil this year. I thought we might hit $100 oil this fall. That was my prediction. I did not dream . . .

Now, what's interesting that's happening now, oil I think was $122 when it closed today; that's not cheap, but it's better than $135. But natural gas prices, creeping, creeping, creeping. And natural gas is the fuel that I think is the bridge fuel.

Here's what natural gas prices have been doing. Natural gas prices are spiking again. This chart was made on the retail price. Today, natural gas was $12.40 out of the ground. And now what's ironic about that, this is a time of year when you don't use a lot of natural gas because you're minimizing heating and you're minimizing cooling. You're kind of at the period where we depend on natural temperatures. So we use much less natural gas at this time of year. So this is when natural gas prices dive. And we put that cheap gas in the ground and we use it next winter because in the winter time, when we're heating the country, we can't produce enough gas for that period of time, so we store it. And my district has many caverns, salt caverns where we store gas for the northeast.

So we're now putting $12.40 gas in the ground for next winter. Last year at this time we were putting $6.50 and $7 gas in the ground. So the American public yet do not realize that we've had—they're paying very high prices for home heating oil, they're paying very high prices for gasoline and diesel, and they're paying very high prices for home heating oil and propane. But natural gas didn't increase much last year; it was kind of a soft year on natural gas prices. But this year, only the good Lord knows how expensive it's going to be because it appears, for some reason, it's going up like a quarter a day; so that's every four days you're up a dollar. I don't know what's causing it, it's increased use.

We have said no to about 50 coal plants that were designed to be built to replace old coal plants in the last 6 months in this country. States have rejected them because of the carbon issue now, or the fear of the carbon issue. So those will all be natural gas plants.

Now, up until about 12 years ago we didn't use natural gas to make electricity, and so we made about 8 percent of our electricity with natural gas. And that was peak power in the morning and the evening because you can turn a gas generator off and on, the rest you can't. Now that we use it unlimitedly, we're at 23 percent of our electric is being produced with natural gas. And it's a huge strain on the natural gas system.

Now, natural gas should never be a problem in America. We can't probably produce all the oil we need; we can do a lot better than we're doing. But there's no reason America can't have lots of natural gas. We have reserves onshore, offshore, but unfortunately most of them are owned by government entities and they're locked up. Congress has locked them up. Congress has said we're not going to produce. And these environmental groups—let me go back through them. Green Peace; phase out fossil fuels. Environmental Defense; they're against power plant smokestacks are public health enemy number one, so you can't have a power plant. League of Conservation Voters; coal to liquids, the wrong direction. They're going to fight it. Defenders of Wilderness; every coastal State is put in harm's way when oil rigs go up on our coastal waters.

Folks, I showed you the chart earlier about every country in the world, Norway, Sweden, Denmark, Ireland, Great Britain, Canada, New Zealand, Australia, they all produce offshore, cleanly. The new technology, they turn the wells off when there are storms at the base. There has not been a major spill. And there has never been a gas spill that spoiled a beach. Gas is a clean fuel.

And in my view, if we had abundant reasonable natural gas, we could fuel a third of our cars with natural gas. In the cities, our buses, all our short-haul vehicles, our construction vehicles, could all be on clean, green natural gas. But the price is so high today, there is no incentive to do that.

To conclude here, here is the Energy Department's charts. The middle is now. This is history. This is what they project for our usage in the future.

Now, not long ago there were commercials on television by oil companies that led me to believe that renewables were ready to take over, they were ready to fuel this country, all we had to do was release them. Well, this is what the Energy Department thinks. Not much changed. Now, I don't quite agree with some of these. I think natural gas will increase measurably out here because the carbon issue is going to restrict coal. It may prevent us from doing coal-to-liquid. And it shouldn't happen, but it's actually happening. Coal plants are being turned down—clean coal technology plants are being turned down by environmental agencies to replace all dirty coal plants that we would like to replace because of the carbon issue.

So I look for gas to be—if we do a carbon tax, every country that has done a carbon tax, everybody has to go to natural gas because it's a third of the carbon when you burn it of any other fossil fuel. It's the cleanest fuel, it's almost the perfect fuel. But folks, we need oil, we need gas, we need coal, we need nuclear. We need all the renewables and hydros. And we need to grow them all as fast as we can. But our environmental groups want to eliminate all of the below and run the country on above. And it actually goes clear up to here, because they're not for nuclear. The environmental groups are not for nuclear, they're not for coal, they're not for gas, they're not for oil. But folks, that's how we run the world.

And with today's clean technology, there is no argument why we can't have affordable energy in America.

□ 2200

But it is the will of this Congress to open up. I hope next Wednesday on the Interior Subcommittee that we can be successful with our amendment that would open up the Outer Continental Shelf, from 50 miles out, to oil and gas production. Now, that won't change anything, but I just asked some oil company executives, who I don't talk to often but who were at a hearing, if we opened up the Outer Continental Shelf in its entirety, both coasts, and we opened up ANWR, what would that do to energy prices? He said, well, it would take the fear factor out because here is the problem we have in America.

Historically, there was capacity in the world of about 10 million gallons a day of oil that could be pumped if we needed it, from eight to ten. That has been historic. Recently, as China and India have increased their usage and as many of the countries—Mexico, Chavez, Nigeria, Russia, and all of them—have nationalized their oil companies and are now run by the government, they are not being run as efficiently, and they're not producing as much, so production has actually slipped in many of those countries.

We are down now to where there is about a 1.2-million-extra-barrel-a-day capacity in the world to meet the world demand. So, if you have a storm and when Exxon was arguing with Chavez over producing, the price went up. When we had the oil refinery a short time ago that was only a 78,000-barrel refinery, the price went up. Why? Because that is going to take some supply off the market. There is no slush. So, if you have any one of these countries—these dictatorships—topple and instead of producing 7 million barrels a day they would produce 5, there wouldn't be enough oil. So the fear factor allows Wall Street to play on those fears and run those prices up. If you took the fear factor out, the oil companies told me, it would probably reduce prices at least 20 to 25 percent. That's just theory. That's their thought. Take the fear factor because there is not enough oil in the marketplace.

What has happened and no matter what we do is China's growth in energy use and India's growth in energy use is 15 to 20 percent a year because, as they build a home and buy their first vehicles, they are now in the energy business. Where they used to have a donkey and a hut, they now have a house. Millions of people all over the world are joining our way of life, and to join our way of life, they need heat in their homes; they need a vehicle that needs fuel, and they're part of the energy business. Those are the developing countries in South America, in India, in China, in Malaysia. It's happening everywhere. We are soon going to be the second biggest user of energy because China is about ready to go by us.

I believe, if America continues to refuse to deal with energy and bring available energy to America, we will not compete in the new global economy. We are in an economy today where we have never had competitors like China and India before. We have never had this kind of pressure on us. We have to compete.

I want to make one final point on natural gas. Natural gas is not a world price. We have had one of the highest prices of any country in the world of natural gas now for 8 years. That is why half the fertilizer industry has left this country; they use huge amounts of natural gas. I'll just share with you some data here that's scary.

Dow Chemical announced a 20 percent price increase, but it's what you look at behind that that's scary. In 2002, their natural gas bill was $8 billion. In 2008, it was $32 billion. That's four times. In 2002, 60 percent of their revenues came from American plants. Just a few years later, it was only 34 percent of their revenues. Why? They had to move offshore to compete in the global economy. Over half the fertilizer companies have left America in the last 3 years because of natural gas prices. The increase in the cost of natural gas has caused plastic resin prices to rise to record levels. It has put American-based plastic facilities—and my district is full of plastic plants—at a severe competitive disadvantage, says Josh Young of the American Plastics Council. As a result, the factories are closing or are moving offshore. They are leaving Americans jobless. Over the past 5 years, the plastic industry has lost nearly 4,000 jobs in Florida, which refused to allow us to drill, and more than 300,000 jobs nationwide just in the plastics industry. Petrochemicals have lost hundreds of thousands of jobs, fertilizer thousands of jobs and steel makers, aluminum makers and glass that use huge amounts.

My prediction is that bulk commodities like glass and bricks, that should always be made close to home, will soon be made in Trinidad where gas is $1.50 instead of $12 coming out of the ground. We will make our bricks and glass in Trinidad, South America. It will come here in about a day and a half on a ship.

That's not the America I dream for. Available, affordable energy is available to us if this Congress will do what is right: Open up offshore, do coal to liquids, expand the use of nuclear, continue to subsidize the renewables and to incentivize the renewables. I think we also need to incentivize Americans. I mean Americans are conserving. They have to conserve, but we need to incentivize Americans with tax breaks that would help them write off any measurable improvement they made in their homes and in their lifestyles, whether it's heating their homes with more modern appliances or whether it's better insulation or better windows or better doors, so we can conserve the use of energy.

As was talked about here on the floor earlier, there is education. My school districts are getting hammered with energy costs. The hospitals are getting hammered with energy costs as are your agencies that give free aid to the people. I mean every social agency is getting hammered with energy costs.

I talked to a church person tonight who said they weren't sure they were going to be able to keep their church open next winter. The energy bills last year have made it almost prohibitive to keep their church open in the colder months in the winter. They are going to have to find a place to meet somewhere else.

Folks, this is a self-induced problem by this Congress and by three Presidents. In our Presidential debate, the number one issue ought to be who has the best plan for available, affordable energy for America.

Mrs. MUSGRAVE. I thank the gentleman.

I would like to yield to the gentlelady from Virginia.

Mrs. DRAKE. Well, first, I'd like to thank the gentleman for that very thorough explanation to America as to what is really going on. I was very proud to stand beside you several months ago when you did your press conference on your bill. There were several of our colleagues there—original cosponsors on your bill—standing with you.

I'll never forget standing with you as well were representatives from Dow Chemical because they made an announcement, too. They told us that they were doing a $30 billion expansion in China, Saudi Arabia and Libya, 10,000 jobs that they wished were right here in America. The reason they did it was because you couldn't pay $10 to $12 for a unit of gas here that you could pay 85 cents for in Saudi Arabia. I've never forgotten that. I thought it was very, very painful.

Your bill as well does something that is very important. It has a 37½ percent royalty back to the State. Now, the Commonwealth of Virginia desperately needs that kind of funding for our number one issue of transportation. Your bill also fully funds the Chesapeake Bay Commission's request for the bay cleanup. So there are ways that we can be environmentally protective and that we can be environmentally sound.

You brought up various environmental groups, and I wanted to say to you that I was going to speak to the Natural Resources Committee one day about why I support deep sea drilling in the Outer Continental Shelf. I represent the entire Atlantic coast in Virginia. Well, there was someone there from one of our environmental groups whom I knew. I went up to him, and I said, "I know if you're speaking you're going to say the exact opposite of me, but what I really want to ask you is: Do you understand the impact that you have on our economy or is that your point?" He actually acted like I'd hit him. I said, "No, no, no. Wait. I'm really serious. I'm trying to understand what the issue is, but I truly believe you either don't know or you intend to do it." Do you know what? He turned and he walked away and he wouldn't answer me, but we cannot as leaders in our country stand back and allow this to take place.

I just wanted to finish up with a couple of facts that I found very interesting. One is, if we were to increase that nuclear that you have on there, we could keep 200 billion tons of carbon out of our atmosphere annually if we simply had the nuclear capability of France.

Mr. PETERSON of Pennsylvania. That's right.

Mrs. DRAKE. The second thing is that we're 13 times more likely to have a spill if we transport oil product by tanker. I think that's important for America to know.

There is another that you've said, that it has been over 30 years, almost 40, since there has been any significant spill from any sort of deep sea drilling. We all saw what happened with Katrina and Rita. There were no problems there. We know Canada has an oil rig in the north Atlantic, off the coast of Newfoundland, called Hibernia. There have been no problems there. As you have said, the technology is so much better.

The other important thing is the horizon is only 12 miles out. You're talking 50 miles from Virginia Beach. That's half the way to Richmond. So there is no way you would ever see a rig.

I want to thank you because you have done just a tremendous job of bringing this issue to the forefront and of explaining it to America, and I truly believe that when Americans have the facts and Americans understand this issue that Americans will be demanding of us as Members of the House and as Members of the Senate that we deal with this issue. I really hope that they call their Representatives all across America, that they phone and tell their Representatives and demand that we deal with this issue and not make America less competitive.

I keep talking about families. What about single parents? How do you deal with this incredible cost? You have brought it up. It is something that we have been extremely concerned about, the price of natural gas for home heating, and we have been very fortunate in our area to have milder than normal winters. That has not been the case across the country. So thank you.

I would like to thank the gentlewoman and yield back to her as well.

Mrs. MUSGRAVE. I thank you both for your expertise in this area and also Mr. DAVIS as he spoke this evening.

Mr. PETERSON, your charts and the case that you presented tonight are very clear before the American people. We all have a desire to go to alternatives. We all want to lessen our dependence on foreign oil. You talked about that 40 percent. 60 percent of that comes from very unstable areas of the world, and we know that, and we want to lessen that dependence that we have on them and become energy-independent, but this is a long road. We have to start right now, right here today, for the American people who are suffering with the high cost of energy.

I would just challenge my colleagues on the other side of the aisle. We talk about long-range planning. We always have to do long-range planning. We need to look at the big picture. Today are the solutions that the Republicans have come forth with—more domestic exploration. You have spoken so well, Mr. PETERSON, to our Nation's being locked up, but nations around the world do energy exploration off their coasts in an environmentally sound way. There is no reason that America should not be doing that.

Look at the States like I am from, Colorado. There are abundant natural resources that we have, and there are the technologies that are available now with oil shale, and there is the future we have on that. We need to get to work on that right away.

You and I have talked and all of us have talked this evening about the lack of refinery capacity and how we can look clear back to the 1970s. We have not had any refineries built since then. We need to get away from this failed policy and get real in this country about what we need to do.

When I was at the pump, when I was talking to those people in Greeley, Colorado the other day, I saw firsthand how this is affecting the middle class, people who have to drive back and forth to work. You know, they want to be able to take their children to the baseball games this summer. They want their kids to participate in these things and to enjoy their summer in Colorado, but they are very worried. My folks who are on fixed incomes are very concerned about how they are going to get back and forth to the grocery store and to the doctor and how they will run the errands that they need to do. We need to respond as Members of Congress, on both sides of the aisle, to this crisis that is right here now before our middle class, and we need to bring forth these solutions that we have suggested tonight to bring down the cost of energy.

It is time for Congress to act, and every day that goes by that we do not enact sound policies that will allow us to do domestic exploration in an environmentally sound way—yes, move to alternatives, do these things that we need to do, increase refinery capacity—we are letting the American people down. I am standing tonight with my colleagues to say it is time to address this problem for the middle class and for the United States and to get on the road to energy independence but, in the here and now, to bring down the cost of energy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHABOT (at the request of Mr. BOEHNER) for today after 12 p.m. on account of his son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DAVID DAVIS of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today and June 5.

Mr. POE, for 5 minutes, June 11.

Mr. JONES of North Carolina, for 5 minutes, June 11.

Mr. PENCE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, June 5.

Mr. KUHL of New York, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 9, 10, and 11.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2162. An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

ADJOURNMENT

Mrs. MUSGRAVE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 5, 2008, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6889. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-371, "E.W. Stevenson, Sr. Boulevard Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-372, "Closing Agreement Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-373, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-375, "Gerard W. Burke, Jr. Building Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-376, "District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-377, "Bicycle Policy Modernization Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-378, "So Others Might East Property Tax Exemption Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-379, "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-making Authority Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-380, "East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-381, "Film DC Economic Incentive Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-382, "Student Voter Registration Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-383, "Veterans Rental Assistance Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-385, "Vacancy Exemption Repeal Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-384, "Howard Theatre and 7th Street, N.W., Revitalization Grants Authorization Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-386, "Cigarette Stamp Clarification Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-387, "Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6905. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-394, "Motor Vehicle Theft Prevention Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6906. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-395, "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6907. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-396, "Child and Family Services Grant-Making Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6908. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-397, "Abe Pollin Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6909. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-398, "Omnibus Alcoholic Beverage Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6910. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-399, "Pre-k Enhancement and Expansion Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6911. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-400, "Dr. Vincent E. Reed Auditorium Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6912. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-401, "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126 S.O. 06-4886, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6913. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-402, "Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6914. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-388, "Rev. M. Cecil Mills Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6915. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-389, "Ethel Kennedy Bridge Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6916. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-390, "District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6917. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-374, "Washington Convention Center Authority Advisory Committee Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6918. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [SATS No. TX-058-FOR; Docket No. OSM-2007-0018] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6919. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF62) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6920. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF49) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6921. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH03) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6922. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Amendment 15 to the Pacific Coast Salmon Fishery Management Plan [Docket No. 061219338-7494-03] (RIN: 0648-AU69) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6923. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 071030625-7696-02] (RIN: 0648-XH32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6924. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2008 Management Measures and a Temporary Rule [Docket No. 080428611-8612-01] (RIN: 0648-AW60) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6925. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 0401120010-4114-02] (RIN: 0648-XH45) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6926. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-Time Category [Docket No. 010319075-1217-02] (RIN: 0648-XF92) received May 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6927. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 5 to the Monkfish Fishery Management Plan [Docket No. 071128763-8490-02] (RIN: 0648-AW33) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6928. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6929. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XH35) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6930. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 071106673-8011-02] (RIN: 0648-XH36) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6931. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW58) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6932. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure [Docket No. 071211828-8448-02] (RIN: 0648-XG90) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6933. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Commercial Fishery for Tilefishes [Docket No. 040205043-4043-01] (RIN: 0648-XG71) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6934. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

6935. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report of the Attorney General regarding activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 2007, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

6936. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2009, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

6937. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of draft legislation that would provide for the supervision of those under the United States Parole Commission's jurisdiction after the current authority expires on October 31, 2008; to the Committee on the Judiciary.

6938. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Office of Community Oriented Policing Services (COPS) Fiscal Year 2007 Annual Report , pursuant to the "21st Century Department of Justice Appropriations Authorization Act," Pub. L. 107-273; to the Committee on the Judiciary.

6939. A letter from the Chairman, U.S. Naval Sea Cadet Corps, transmitting the annual and financial reports for the year 2007, pursuant to Public Law 87-655; to the Committee on the Judiciary.

6940. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3284-EM in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6941. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on budgeting for the Federal navigation improvement project at Akutan Harbor, Alaska; to the Committee on Transportation and Infrastructure.

6942. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on recommendations of the Secretary that have not been provided to Congress, pursuant to Public Law 110-114, section 2033(g)(2); to the Committee on Transportation and Infrastructure.

6943. A letter from the Director of Civil Works, Department of the Army, Department of Defense, transmitting the Department's final rule — Compensatory Mitigation for Losses of Aquatic Resources — received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6944. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction at Pawleys Island, South Carolina; to the Committee on Transportation and Infrastructure.

6945. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report on the flood damage reduction opportunities for the communities of Cynthiana, Millersburg, and Paris, in the Licking River Basin, Kentucky; to the Committee on Transportation and Infrastructure.

6946. A letter from the Acting Administrator, FEMA, Department of Homeland Security, transmitting a letter regarding a resolution adopted by the National Dam Safety Review Board; to the Committee on Transportation and Infrastructure.

6947. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 110-120); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; with an amendment (Rept. 110–504 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes (Rept. 110–679). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1343. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; with an amendment (Rept. 110–680). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5669. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States (Rept. 110–681). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; with an amendment (Rept. 110–682). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; with an amendment (Rept. 110–683 Pt. 1).

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3916. A bill to provide for the next generation of border and maritime security technologies; with an amendment (Rept. 110–684 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5770. A bill to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality (Rept. 110–685 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 5893 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York:

H.R. 6175. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mr. RODRIGUEZ:

H.R. 6176. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. RODRIGUEZ:

H.R. 6177. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. CANTOR, Mr. PENCE, and Mr. MCCOTTER):

H.R. 6178. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the governments of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. PRICE of Georgia, Mr. GINGREY, Mr. BOUSTANY, Mr. WELLER, Mr. RAMSTAD, and Mr. HULSHOF):

H.R. 6179. A bill to encourage and enhance the adoption of interoperable health information technology to improve health care quality, reduce medical errors, and increase the efficiency of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. MURTHA, Ms. DELAURO, Mr. HINCHEY, Mr. DELAHUNT, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. ROSS, Mr. VISCLOSKY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. GRIJALVA, Ms. WOOLSEY, Mr. DEFAZIO, Mr. SHULER, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. HALL of New York, Mr. RYAN of Ohio, Mrs. BOYDA of Kansas, Mr. CHANDLER, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. HARE, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. SOLIS, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. DOYLE, Mr. CLEAVER, Mr. ALLEN, Mr. LYNCH, Mr. JONES of North Carolina, Ms. BALDWIN, Ms. KAPTUR, Mr. KUCINICH, Ms. SHEA-PORTER, Ms. HIRONO, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. KAGEN, and Mr. WILSON of Ohio):

H.R. 6180. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the House of Representatives that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. PUTNAM):

H.R. 6181. A bill to amend the Internal Revenue Code of 1986 to allow certain current and former service members to receive a refundable credit for the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 6182. A bill to convey the New River State Park campground located in the Mount Rogers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6183. A bill to amend the Harmonized Tariff Schedule of the United States to remove the tariffs on ethanol; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mrs. MALONEY of New York, and Mr. GUTIERREZ):

H.R. 6184. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. LATTA:

H.R. 6185. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 6186. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science and Technology, Natural Resources, Agriculture, Foreign Affairs, Education and Labor, Transportation and Infrastructure, Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. REICHERT, Mr. INSLEE, Mr. SMITH of Washington, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 6187. A bill to designate the facility of the United States Postal Service located at 4244 University Way NE. in Seattle, Washington, as the "Jacob Lawrence Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PERLMUTTER (for himself and Mr. UDALL of Colorado):

H.R. 6188. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 6189. A bill to require the Secretary of Agriculture to conduct a "Charter Forest" demonstration project on all National Forest System lands in the State of Colorado in order to combat insect infestation, improve forest health, reduce the threat of wildfire, protect biological diversity, and enhance the social sustainability and economic productivity of the lands; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. BRADY of Pennsylvania, Mr. COHEN, and Mr. MCGOVERN):

H.R. 6190. A bill to restore to the Department of State responsibility over the Police Training Teams being used to provide advisory support, training and development, and equipment for the Iraqi Police Service, to require the Department of State to provide the majority of members for the Police Training Teams, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER:

H.J. Res. 90. A joint resolution commending the Barter Theatre on the occasion of its 75th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CARSON:

H. Con. Res. 368. Concurrent resolution recognizing May 2, 2008, as the 88th anniversary of the first National Negro League baseball game; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa (for himself, Mr. LATHAM, Mr. BOSWELL, Mr. KING of Iowa, and Mr. LOEBSACK):

H. Res. 1236. A resolution expressing the sympathy of the House of Representatives to the citizens of Black Hawk, Buchanan, Butler, and Delaware Counties, Iowa, who were victims of the devastating tornado that struck their communities on May 25, 2008; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, Ms. LEE, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. HONDA, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. SERRANO, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Ms. SUTTON, Mr. AL GREEN of Texas, Mr. CONYERS, Mrs. BOYDA of Kansas, Mr. FATTAH, Mrs. MALONEY of New York, Mr. HINOJOSA, Mr. RUSH, Mr. SNYDER, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. BERMAN, Mr. CARSON, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HIRONO, Mr. HARE, Mr. KUCINICH, Mr. COHEN, Mrs. JONES of Ohio, Mr. DOGGETT, Mr. TOWNS, Mr. PAYNE, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. BACA, Mr. FILNER, Mr. REYES, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. SCHIFF, Ms. ZOE LOFGREN of California, and Ms. BERKLEY):

H. Res. 1237. A resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H. Res. 1238. A resolution congratulating the University of California, Los Angeles, men's basketball team for its National Collegiate Athletic Association tournament performance; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mrs. CAPPS):

H. Res. 1239. A resolution honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; to the Committee on Natural Resources.

By Mr. TANCREDO:

H. Res. 1240. A resolution providing for the consideration of the resolution (H. Res. 111) establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. THOMPSON of Mississippi (for himself and Mr. TOM DAVIS of Virginia):

H. Res. 1241. A resolution congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

289. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 5 urging the Congress of the United States to pass effective and meaningful immigration reform to enhance the workforce of Utah and continue the economic strength of the state's business environment; to the Committee on the Judiciary.

290. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 179 memorializing the Congress of the United States to enact the Clean Boating Act of 2008; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. SESTAK.
H.R. 111: Mr. KELLER.
H.R. 207: Mrs. MALONEY of New York.
H.R. 273: Mr. SESTAK.
H.R. 303: Mr. ROTHMAN.
H.R. 343: Mr. MCHUGH.
H.R. 552: Mr. HELLER and Mr. SALI.
H.R. 555: Ms. NORTON.
H.R. 643: Mr. THOMPSON of California and Mr. YARMUTH.
H.R. 677: Mr. CARSON.
H.R. 678: Mr. CARSON.
H.R. 688: Mr. CARNEY, Mr. OBERSTAR, Ms. ROS-LEHTINEN, and MR. MARIO DIAZ-BALART of Florida.
H.R. 741: Mr. MCGOVERN and Mr. CRENSHAW.
H.R. 826: Mr. CARSON.
H.R. 882: Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. BOSWELL, Mr. ROSKAM, Mr. CARDOZA, MS. SPEIER, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. HODES, Ms. ZOE LOFGREN of California, and Mr. ENGEL.
H.R. 1029: Mr. KING of Iowa.
H.R. 1108: Mr. YOUNG of Alaska.
H.R. 1110: Ms. TSONGAS, and Mr. PUTNAM.
H.R. 1111: Mr. CARSON.
H.R. 1148: Mr. CARSON.
H.R. 1193: Mr. COURTNEY.
H.R. 1222: Mr. RODRIGUEZ, and Mr. THOMPSON of Mississippi.
H.R. 1223: Mr. RODRIGUEZ.
H.R. 1228: Mr. PETERSON of Minnesota.
H.R. 1295: Mr. PENCE.
H.R. 1306: Mr. BRALEY of Iowa.
H.R. 1320: Mr. CARSON.
H.R. 1321: Mr. BILBRAY.
H.R. 1338: Mr. CARSON.
H.R. 1376: Mr. MCDERMOTT, Mr. FATTAH, and Ms. SUTTON.
H.R. 1390: Mr. FRANK of Massachusetts.
H.R. 1475: Mr. PRICE of North Carolina.
H.R. 1524: Mr. SMITH of New Jersey.
H.R. 1542: Ms. SOLIS.
H.R. 1551: Mr. CARSON.
H.R. 1590: Ms. GIFFORDS.
H.R. 1755: Mr. INSLEE.
H.R. 1801: Mr. CROWLEY, Mr. TOWNS, Ms. BALDWIN, and Ms. HARMAN.
H.R. 1884: Mr. HODES and Ms. SOLIS.
H.R. 1912: Mr. HONDA.
H.R. 2020: Mr. GERLACH.
H.R. 2131: Mr. KIND.
H.R. 2140: Mr. MORAN of Virginia.
H.R. 2233: Mr. CARSON.
H.R. 2267: Mr. KUHL of New York.
H.R. 2371: Ms. VELÁZQUEZ.
H.R. 2493: Mrs. BACHMANN.
H.R. 2502: Mr. LEWIS of Georgia.
H.R. 2511: Ms. HOOLEY.
H.R. 2530: Mr. SMITH of Nebraska.
H.R. 2552: Mr. CARSON.
H.R. 2580: Mr. NEUGEBAUER.
H.R. 2606: Ms. ROYBAL-ALLARD, Mr. HONDA, and Mr. PETERSON of Minnesota.
H.R. 2686: Mr. CAZAYOUX.
H.R. 2729: Mr. PAYNE.
H.R. 2734: Mr. SCALISE and Mr. SMITH of Texas.
H.R. 2784: Mrs. BOYDA of Kansas.
H.R. 2820: Mr. ALLEN.
H.R. 2832: Mr. PETERSON of Minnesota.
H.R. 2864: Mr. MORAN of Virginia and Ms. HIRONO.
H.R. 2880: Mr. CAMPBELL of California and Mrs. LOWEY.
H.R. 2914: Mr. SESTAK.
H.R. 3232: Mr. TIAHRT, Mr. BILIRAKIS, and Mr. LUCAS.
H.R. 3234: Mr. SMITH of Texas and Mr. NEUGEBAUER.
H.R. 3257: Ms. JACKSON-LEE of Texas.
H.R. 3273: Mr. CONAWAY, Mr. MARSHALL, Mr. BOSWELL, Mr. DICKS, Mr. CARDOZA, Mr. TOM DAVIS of Virginia, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. COOPER, Mr. PERLMUTTER, Mr. HILL, and Mr. SALAZAR.
H.R. 3326: Mr. ANDREWS.
H.R. 3395: Mr. CARSON.
H.R. 3457: Mr. HENSARLING and Mrs. CAPITO.
H.R. 3543: Mrs. JONES of Ohio and Mr. MURPHY of Connecticut.
H.R. 3631: Mr. CARSON.
H.R. 3654: Mr. MCINTYRE.
H.R. 3663: Mr. GALLEGLY.
H.R. 3686: Mr. WU.
H.R. 3700: Ms. SUTTON.
H.R. 3717: Mr. ALTMIRE.
H.R. 3757: Mr. FILNER.
H.R. 3834: Mr. PETERSON of Minnesota.
H.R. 3929: Mr. CARSON.
H.R. 3934: Ms. GIFFORDS and Ms. TSONGAS.
H.R. 4030: Ms. DEGETTE.
H.R. 4053: Mr. HINCHEY.
H.R. 4055: Mr. MCNERNEY.
H.R. 4061: Mr. CALVERT.
H.R. 4113: Mr. INSLEE.
H.R. 4114: Mr. BISHOP of Georgia.
H.R. 4181: Ms. JACKSON-LEE of Texas.
H.R. 4188: Mr. CONYERS and Mr. ARCURI.
H.R. 4199: Ms. KAPTUR, Mrs. JONES of Ohio, Mr. REGULA, and Mr. LATTA.
H.R. 4206: Ms. DELAURO and Mr. ARCURI.
H.R. 4207: Mr. SESTAK.
H.R. 4236: Mr. ANDREWS, Mr. KIND, Mr. CARSON, and Mr. SHERMAN.
H.R. 4251: Mr. SESTAK.
H.R. 4318: Mr. LARSON of Connecticut.
H.R. 4335: Mr. ISRAEL and Mr. WEXLER.
H.R. 4461: Mr. FRANK of Massachusetts.
H.R. 4544: Mr. DOYLE, Mr. DONNELLY, Mr. ROGERS of Alabama, and Mr. RODRIGUEZ.
H.R. 4651: Mr. MICHAUD and Mr. PETERSON of Minnesota.
H.R. 4827: Mrs. CAPITO.
H.R. 4897: Mr. LEWIS of Georgia.
H.R. 4900: Mr. FLAKE, Mr. LUCAS, Mr. UDALL of Colorado, and Mr. MANZULLO.
H.R. 4926: Mr. TIERNEY and Mr. MCHUGH.
H.R. 4990: Mr. RUSH.
H.R. 5028: Mr. PETERSON of Minnesota.
H.R. 5129: Mr. CARSON.
H.R. 5179: Mr. PAYNE.
H.R. 5244: Mr. BUTTERFIELD, Ms. KILPATRICK, Mrs. CAPPS, Mrs. NAPOLITANO, and Ms. NORTON.
H.R. 5265: Mr. PETERSON of Minnesota, Mrs. LOWEY, Mr. RUSH, and Mr. GRIJALVA.
H.R. 5315: Mr. HINCHEY and Mr. SESTAK.
H.R. 5404: Ms. SOLIS.
H.R. 5447: Mr. YARMUTH.
H.R. 5454: Mr. BISHOP of Georgia, Mr. PETERSON of Minnesota, and Ms. BORDALLO.
H.R. 5461: Mr. ABERCROMBIE.
H.R. 5469: Mr. ANDREWS.
H.R. 5516: Ms. SCHWARTZ.
H.R. 5541: Mr. BLUMENAUER and Mr. ROSS.
H.R. 5546: Mr. KING of Iowa.
H.R. 5549: Mr. DAVIS of Illinois, Mr. CUELLAR, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, and Mrs. MALONEY of New York.
H.R. 5559: Mr. SESSIONS.
H.R. 5573: Mr. WELLER, Ms. ZOE LOFGREN of California, and Mr. SHULER.
H.R. 5632: Mr. COHEN and Ms. WOOLSEY.
H.R. 5662: Ms. GIFFORDS.
H.R. 5673: Mr. SOUDER, Mr. HELLER, and Mr. HENSARLING.
H.R. 5674: Mr. CLEAVER.
H.R. 5686: Ms. SUTTON, Mrs. CHRISTENSEN, and Mr. CARSON.
H.R. 5698: Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. BOOZMAN, and Ms. GRANGER.
H.R. 5705: Ms. BORDALLO, Mr. WAXMAN, Mr. CARSON, and Mr. INSLEE.
H.R. 5709: Ms. HERSETH SANDLIN.
H.R. 5734: Mr. NADLER and Mr. SESSIONS.
H.R. 5737: Mr. GOODE and Mr. MCHENRY.
H.R. 5748: Mr. MELANCON.
H.R. 5752: Mr. WOLF.
H.R. 5755: Mrs. BOYDA of Kansas.
H.R. 5762: Mr. STARK.
H.R. 5772: Mr. FRANK of Massachusetts and Mr. FILNER.
H.R. 5775: Mr. WESTMORELAND.
H.R. 5793: Ms. SOLIS, Mr. BOREN, Mr. SULLIVAN, and Mr. SHIMKUS.

H.R. 5794: Mr. CRENSHAW.

H.R. 5797: Mr. MARSHALL.

H.R. 5804: Ms. DEGETTE and Mr. UDALL of Colorado.

H.R. 5823: Mrs. MALONEY of New York.

H.R. 5825: Mr. MCINTYRE.

H.R. 5827: Mr. KUHL of New York.

H.R. 5833: Mr. BOOZMAN.

H.R. 5839: Mr. JEFFERSON and Mr. MEEK of Florida.

H.R. 5852: Mr. FILNER.

H.R. 5854: Mr. SNYDER, Mr. HOLT, Mr. RODRIGUEZ, Mr. BUYER, Mr. DONNELLY, and Mr. MCCOTTER.

H.R. 5892: Mr. FALEOMAVAEGA, Mr. THOMPSON of California, and Mr. DELAHUNT.

H.R. 5893: Mr. CONYERS.

H.R. 5894: Ms. MCCOLLUM of Minnesota.

H.R. 5898: Mr. CRENSHAW, Ms. ESHOO, Mr. HARE, Mr. JACKSON of Illinois, Mr. KLEIN of Florida, Mr. MACK, Mr. MAHONEY of Florida, Mr. MILLER of North Carolina, Mr. STEARNS, Mr. TERRY, Mr. WEXLER, Mr. YOUNG of Alaska, and Mr. BOYD of Florida.

H.R. 5901: Mr. COHEN.

H.R. 5924: Ms. WASSERMAN SCHULTZ.

H.R. 5940: Mr. CARNAHAN, Mr. HONDA, Mr. MCNERNEY, Mr. HILL, Mr. JOHNSON of Illinois, Mr. FORTUÑO, and Mr. GONZALEZ.

H.R. 5949: Mr. KAGEN, Mr. PAUL, and Mr. CARTER.

H.R. 5954: Mr. ALTMIRE and Mr. RODRIGUEZ.

H.R. 5970: Ms. SCHWARTZ and Mr. BILIRAKIS.

H.R. 5971: Mr. WHITFIELD of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. MCCARTHY of California.

H.R. 5984: Mr. HOEKSTRA, Mr. NEUGEBAUER, Mr. KUHL of New York, Mr. TIBERI, and Mr. BURGESS.

H.R. 6002: Ms. WATSON.

H.R. 6026: Mr. RYAN of Wisconsin, Mr. BOOZMAN, and Mr. LUCAS.

H.R. 6030: Mr. CARNAHAN and Mr. KUHL of New York.

H.R. 6034: Mr. STARK.

H.R. 6053: Mr. ENGLISH of Pennsylvania.

H.R. 6063: Mr. LAMPSON, Mr. CHANDLER, Mr. WU, and Mr. MELANCON.

H.R. 6064: Mr. KIND, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Mr. SIRES, and Mr. NADLER.

H.R. 6065: Mr. CARNAHAN and Mrs. BIGGERT.

H.R. 6076: Ms. LORETTA SANCHEZ of California and Mr. CARDOZA.

H.R. 6078: Mr. SIRES.

H.R. 6087: Mr. BROUN of Georgia.

H.R. 6092: Mr. SAXTON and Mr. BONNER.

H.R. 6101: Mr. FORTENBERRY and Mr. NEUGEBAUER.

H.R. 6102: Mr. PAUL.

H.R. 6108: Mr. CANNON and Mrs. BACHMANN.

H.R. 6122: Mr. PETERSON of Minnesota.

H.R. 6160: Ms. SCHAKOWSKY, Mr. SARBANES, Ms. JACKSON-LEE of Texas, and Mr. HODES.

H.J. Res. 39: Mr. WOLF.

H.J. Res. 79: Mr. SIRES.

H.J. Res. 84: Mr. BISHOP of Georgia.

H. Con. Res. 223: Ms. HERSETH SANDLIN.

H. Con. Res. 285: Mr. SESTAK.

H. Con. Res. 299: Ms. CASTOR, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. JONES of North Carolina, and Mr. HONDA.

H. Con. Res. 338: Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.

H. Con. Res. 342: Mr. GRIJALVA, Mr. BERRY, Mr. KUHL of New York, Mr. BISHOP of Utah, Mr. CHANDLER, Mr. SHAYS, Mr. BOOZMAN, Mr. STEARNS, and Mr. WEXLER.

H. Con. Res. 350: Mrs. CAPPS and Mr. KENNEDY.

H. Con. Res. 357: Mr. EHLERS, Mr. BUYER, Mr. BROUN of Georgia, Mr. CANTOR, Mr. HERGER, Mr. JONES of North Carolina, Mr. GINGREY, Mrs. DRAKE, Mr. MCHENRY, Mr. RYAN of Wisconsin, Mrs. MUSGRAVE, Mr. MANZULLO, Mr. ISSA, Mrs. BACHMANN, Mr. MARCHANT, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WESTMORELAND, and Mr. WILSON of South Carolina.

H. Con. Res. 362: Ms. BERKLEY, Mr. TERRY, Mr. FERGUSON, Mr. SULLIVAN, Mr. ROTHMAN, Mrs. LOWEY, Mr. TIBERI, Mr. MARSHALL, Mrs. BLACKBURN, Mr. SCHIFF, Mr. MCHUGH, Mr. CAMP of Michigan, Mr. POE, Mr. HENSARLING, Mrs. JONES of Ohio, Mr. BARTLETT of Maryland, Mr. PORTER, Mr. CHABOT, Mr. VISCLOSKY, Mr. CAMPBELL of California, Mr. MANZULLO, Mr. ROHRABACHER, Mr. BURGESS, Mr. SESSIONS, Mr. RENZI, Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. GOODE, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Mr. BROUN of Georgia, Mr. STEARNS, Mr. SHADEGG, Mr. HOLDEN, Mr. PLATTS, Mr. TANCREDO, Mr. MCCAUL of Texas, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. PASTOR, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. SHUSTER, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. GRAVES, Mr. FRELINGHUYSEN, Mr. HOYER, Mr. RODRIGUEZ, and Mr. WAMP.

H. Con. Res. 367: Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SAM JOHNSON of Texas, Mr. MCGOVERN, Mr. SMITH of Washington, Mr. GERLACH, Mr. LANGEVIN, Ms. GRANGER, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. BUTTERFIELD, Mr. MOORE of Kansas, Mr. WALZ of Minnesota, Mrs. CAPPS, Mr. GRAVES, Mr. BILBRAY, Mr. RAMSTAD, Ms. BALDWIN, Mr. KIND, Mrs. MCMORRIS RODGERS, Mr. PORTER, and Mr. WILSON of Ohio.

H. Res. 353: Mr. MILLER of North Carolina, Mr. ISRAEL, Mr. PITTS, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. SHAYS, Mr. GERLACH, and Mr. BERRY.

H. Res. 356: Mr. RYAN of Ohio.

H. Res. 648: Mr. MANZULLO, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, Mr. FEENEY, Mr. WELDON of Florida, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. FORTUÑO, and Mr. DAVID DAVIS of Tennessee.

H. Res. 896: Mr. SESTAK and Mrs. JONES of Ohio.

H. Res. 985: Mr. HILL, Mr. SOUDER, and Mr. DONNELLY.

H. Res. 988: Mr. HALL of Texas, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mr. CASTLE.

H. Res. 1010: Mr. MILLER of North Carolina, Mr. ROSS, Mr. BOREN, Mr. SULLIVAN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mr. BRALEY of Iowa, Mr. SIMPSON, and Mr. COHEN.

H. Res. 1056: Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H. Res. 1105: Mr. LEWIS of Georgia.

H. Res. 1108: Mr. HELLER.

H. Res. 1143: Mr. WOLF.

H. Res. 1187: Mr. WEXLER and Mr. ENGLISH of Pennsylvania.

H. Res. 1191: Mr. ALTMIRE and Mr. ALLEN.

H. Res. 1192: Ms. BALDWIN, Mr. BERMAN, and Ms. SPEIER.

H. Res. 1202: Mr. SOUDER, Mr. PENCE, Mr. INSLEE, Ms. BALDWIN, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. HILL, Ms. HOOLEY, and Mr. DAVIS of Kentucky.

H. Res. 1219: Ms. JACKSON-LEE of Texas, Mr. JORDAN, Mr. LINDER, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. HENSARLING, and Mr. BISHOP of Georgia.

H. Res. 1227: Mr. FATTAH, Mr. HINCHEY, and Mr. MCGOVERN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

252. The SPEAKER presented a petition of the Board of County Commissioners of Douglas County, Nebraska, relative to Resolution No. 143 opposing any cutback of the National Institute of Correction's budget; to the Committee on the Judiciary.

253. Also, a petition of American Bar Association, relative to a resolution regarding prosecutor obligation regarding new exculpatory evidence; to the Committee on the Judiciary.

254. Also, a petition of American Bar Association, relative to a resolution regarding criminal standards on prosecutorial investigations; to the Committee on the Judiciary.

SENATE—*Wednesday, June 4, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal God, whose grace sustains us, You know us better than we know ourselves. You understand our going out and coming in and the things that challenge us.

Today, give wisdom to our lawmakers. Deliver them from the myth that they are self-made men and women, masters of their own destinies. Instead, may they seek Your guidance and know that You alone sustain our Nation and world. Lord, teach them to depend upon Your power and to serve Your sovereign purposes. May their humility match Your willingness to help them through all of the seasons of their labors.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, today, following my remarks and the remarks of Senator MCCONNELL, there will be a period of morning business until 11:30 a.m., with the time equally divided and controlled. The majority will control the first 30 minutes, and the Republicans will control the next 30 minutes.

Following morning business, the Senate will proceed to the consideration of the budget conference report. There will be 15 minutes for debate equally divided prior to a vote on adoption of the conference report. Therefore, Senators should expect the first vote to begin at 11:45 a.m.

Upon disposition of the budget conference report, I expect the Senate to begin consideration of the climate change bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that I am recognized for 20 minutes. I ask unanimous consent to be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLIMATE SECURITY

Mr. DORGAN. Mr. President, we will be once again taking up the pending bill dealing with global warming. It is a substantial piece of legislation. I am planning to speak later in the day as well, but I wish to take some time during morning business to talk about the overall bill as well as an amendment I may file later today on this legislation.

In terms of the issue of global warming, first let me say that there is little question left that something significant is happening to our planet. There is something happening to our climate that sometimes we don't quite understand. But among almost all scientists, there is nearly universal consensus that in the last 100 years, the temperature of the Earth has slightly warmed by 1.1 to 1.6 degrees. Through 2050, we expect further temperature increases unless we begin to address the continued concentration of greenhouse gases in the atmosphere.

We are seeing evidence of these impacts. While no specific event is directly linked, we see droughts occurring more often, and this is certainly happening in my State of North Dakota. Heat waves are becoming more frequent, more intense, and more damaging. Further, the number of category 4 and 5 hurricanes has nearly doubled in the past 50 years. It is quite clear something is happening that we have not seen before. I think the consensus of scientists now is at a point regarding this climate change that is beyond natural change, and we certainly ought to take some no-regret steps. At least at the very minimum, we should be taking more substantial steps to try to respond to it and deal with it.

Now, one of the interesting things about this bill that is on the floor of the Senate is that it requires a commitment to emission reductions, technology investments and other actions through 2050. It is sometimes hard to see ahead 5 years or 10 years, let alone 30 or 40 or 50 years. We have economists who can't remember their own phone numbers who make predictions 10 and 15 years into the future. At the same time, we still have to be seriously thinking about our future pathway for action. What is our destination? What do we aspire to achieve for this country? What do we want to have happen as we move ahead?

Let me say that almost everyone believes that our present energy course is unsustainable. Energy use primarily from fossil fuel combustion in the U.S. and around the world is a significant contributor to climate change, according to most energy and climate change experts. We cannot maintain the current path.

So what do we have to do? Well, the legislation in front of us is significant. It says that we ought to do a lot of things. Yes, some of the proposals here are controversial. Some will likely be changed during this debate or future deliberations, but the reality is that a debate on mandatory emissions cuts must occur.

I will offer an amendment I will describe a little later, but chief among the things we need to do are the more rapid development of new sources of energy, especially with advanced technology. There are renewable sources of energy that do not emit greenhouse gases or other pollutants. They produce no effluents or no carbon dioxide. This includes wind, geothermal, and solar energy, and we ought to be moving much more aggressively on these and other opportunities. This has not been what the U.S. has done historically though. We have initially been early leaders in cutting edge energy technologies and then fallen behind.

Let me give an example of how pathetic this country's response has been in recent years and how much more aggressive it must be in future years. When the U.S. started exploring for oil and natural gas at the start of the last century, this Congress adopted, in 1916, long-term, permanent, very substantial tax incentives to encourage that development.

It gave a clear signal that, if you go out and discover oil and gas, then we have big tax incentives for you. Industry understood that it was beneficial to find oil and gas through these long-term, permanent tax incentives.

What do we do for wind energy, solar and other renewable energy technologies? The Congress put in place a production tax credit in 1992. These ended up being very short term and rather shallow. It has been extended for the short term, in many cases by 1 year, five times since we first passed it. It is a stutter step approach—start, stop; start, stop. It has been a pathetic, anemic, and weak response by a country that should be much more aggressive and bold in providing a direction to develop our renewable energy resources.

There are substantial renewable energy resources available in this country, and we need to get about the business of providing the funding for research and the aggressive incentives for a long-term determination of where we are going to head with renewables.

In 2007, I introduced legislation to encourage a broad range of renewable and clean energy approaches as well as additional infrastructure. That legislation signaled that our country should be on a course to say to the investors in the U.S. and around the world, where we are headed for a decade. Count on it. Believe in it. The production tax credit which will expire at the end of this year should be extended not for 1 year, it ought to be extended for a full decade to let America know where we are headed. We want more renewable energy that is not polluting.

Now, having said all of that, there are so many things we can do. We need much more extensive deployment of conservation and efficiency, including more efficient vehicles and buildings. We are going to increase fuel economy standards with a 10-mile-per-gallon increase in 10 years that we required with the Energy Independence and Security Act passed by Congress in December 2007. I was proud to be a part of that effort to increase fuel economy standards. We are doing a lot of things that make it easier to move forward with efficiency and conservation measures. Further, I wish to talk for a moment about an amendment that I am going to offer with respect to the advancement of clean coal technologies.

Now, I understand some say that, in order to deal with climate change, you are going to have to find a way to wean yourself off of fossil fuels. I understand they say that, but I also understand that is not going to happen in the very near term. Let me tell my colleagues what is happening with respect to energy use in this country. Almost 50 percent of our electricity comes from coal. Without questioning it, we get up in the morning, flick on a switch, turn a knob, and turn a dial. We do all of these things with our hands, and energy flows. One-half of those activities are made possible because of the electricity that comes from coal. Does anybody really think we are not going to use coal in the future? The problem is, when we use coal, we have CO_2 that is emitted into the air. This CO_2 and other greenhouse gases contribute significantly to cause global climate change. So we need to find a way to capture that CO_2 and to store or sequester CO_2 in geological formations or other means.

How do we use coal in the future? We use coal in the future by being able to capture this emitted CO_2. So how do we do that? The question isn't whether we are going to use coal. The question is how are we going to use coal in the future.

There are some who say: Well, it is not possible to capture CO_2. It is possible. Of course it is possible. At this point the technology isn't fully proven, and it is expensive. Yet, we can see several technology options ahead.

Let me describe to my colleagues a plant in North Dakota, the only one of its kind in North America. It produces synthetic gasoline from lignite coal. Let me tell my colleagues what we do with the CO_2 in that plant. We capture the CO_2 and use it for enhanced oil recovery. It is one of the world's largest examples of CO_2 capture at an industrial facility. Half of the CO_2 produced at this facility is now captured. This CO_2 is put in a pipeline under pressure and sent to Saskatchewan, Canada. Oil industry interests there pump it underground to enhance oil recovery. We are successfully using CO_2 by capturing it, keeping it out of the atmosphere, investing it underground in Canada, and enhancing their oil recovery. That makes a lot of sense, and we need more of these types of projects. Is it possible? It is very possible. That one of the world's largest applications is being demonstrated in Beulah, North Dakota.

Now, what else can we do dealing with carbon and the capturing of CO_2? If you are going to unlock the mystery of how you continue to use fossil fuels that we must use without impacting our environment and our planet, we need to have kind of a moonshot approach. We can't just tiptoe around the issue. We have to decide we are going to significantly commit funding—billions of dollars—to the research and demonstrations in science and technology.

Let me give you some examples. I was in Phoenix, Arizona recently, and I toured an electric utility called the Arizona Public Service. The organization in Arizona is producing CO_2 at a coal-fired electric generating plant. What they are doing with it is very interesting. They are taking a stream of CO_2 off their stack in a coal-fired electric generating plant and putting it in very long greenhouses, and they are producing algae. This pictures shows one example of greenhouses where they are doing it in tubes.

Most of us know what algae is. Algae is single-cell pond scum. Every kid knows what that is. You have been to a little pond where stagnant water has hung around for a while and you see green slime or single-cell pond scum called algae. Algae grows in water. What does it need to grow? It needs two things—sunlight and CO_2.

When I became chairman of the Energy and Water Appropriations Subcommittee on the Senate side, I discovered that the research that used to go on with respect to algae was discontinued nearly 15 years ago. Last year, for the first time, I reestablished funding to continue algae research.

Let me tell you what they are doing in Arizona. In Arizona, they are trying to demonstrate growing algae in these greenhouses which are next to a coal-fired electric generating plant. They take the CO_2 from the plant and use it to grow this pond scum. In these very long greenhouses where they are producing algae from the plant's CO_2, they harvest the algae and produce diesel fuel. So what they are doing is taking something that we want to get rid of to grow single-cell pond scum called algae, which increases its bulk in hours.

By the way, an equivalent acre of corn produces, in terms of ethanol fuel, about 300 or 400 gallons. An equivalent acre of soybeans I believe is around 80 to 100 gallons.

An equivalent acre of algae harvested for diesel fuel produces 3,000 to 4,000 gallons. Think of this. We use much coal to produce electricity and that increased manmade CO_2 is destructive to the atmosphere. Yet capturing the CO_2 and producing fuel is very beneficial.

An Austin, TX, company came to see me. They have two demonstration projects in Texas. They are taking flue gas off a coal plant, and they are producing several byproducts hydrogen, chloride, and baking soda. Isn't that interesting? These small demonstration projects take the flue gas from a coal electric generating plant, chemically treat it, and then produce these byproducts.

Take a look at this chart. Here is the baking soda, and it contains the CO_2. Instead of emitting it into the atmosphere, it is embedded in the CO_2. It can be put in a landfill, but you can also make cookies. I happen to like the idea of eating cookies from this process. They said: Do you want to have some cookies produced from coal? It tasted pretty good because it was produced with, among other things, the baking soda which was a byproduct from coal.

Here is another example of what we can do. I have in my hand some sandstone. You can find this in many geologic formations, including 10,000 to 15,000 feet underground in North Dakota. There also might be a very viable way to capture and store the CO_2 underground. The carbon dioxide under pressure is pumped underground, attaches itself to sandstone and is therefore sequestered. We have examples, as I said previously, of CO_2 being used in marginal oil wells.

We suck out oil all across the planet every single day. We stick straws into the Earth, and we suck out 85 million barrels a day. We use one-fourth of that oil produced every day in the United States. We have a prodigious appetite for this energy. When you stick a drilling rig into the ground and find oil, in many cases, you are only getting about 30 percent of the oil pool pumped up. At that point, it is difficult to produce any more without some extra help or advanced technology. If you pump CO_2 down into that ground under pressure, you enhance oil recovery. You have a way to get rid of the CO_2 by putting pressure on the oil to bring it up. You have gotten rid of the CO_2, protected the environment, are still able to use coal and have enhanced the recovery of oil from domestic sources.

Why do I tell you all this? I think we need to produce substantial wind and other forms of renewable energy. We also have all kinds of needs for efficiency and conservation opportunities. But, if we don't find a way to unlock the opportunities to continue to use our fossil fuels, especially coal, we will not solve the problem that is brought to us with this piece of legislation on the Senate floor. How do we solve the problem of being able to use coal in a carbon constrained future? Perhaps by producing baking soda or algae, we can end up producing more cookies or biodiesel. Perhaps it's a dozen other innovative approaches.

How do you do that? By investing in research and technological capability. This will require substantially more funding. I was visited by Craig Venter, who is one of the two fathers of the Human Genome Project and an unbelievable American. He has now turned his attention to energy. They are working on sophisticated things that I have a difficult time fully describing in simple terms. They are working on creating new kinds of organisms and bacteria that could eat coal in underground seams and produce liquid fuels. The Department of Energy's Office of Science is also studying the gut system of termites with our scientists because we know there are 200 microbes in the intestinal tract of a termite. When they eat your house, and they love to eat wood, it produces methane. Most living things do. But termites are able to break down cellulose. If we are going to have a revolution in the use of biofuels, we need to understand what these termites accomplish naturally. We are trying to figure out what is it in the gut system of termites that allows this insect to eat wood and break down cellulosic materials. If we can figure that out, we unlock another part of the mystery of how to produce more non-oil based fuels.

So here is the proposal I will offer today. It is an amendment that would shift a substantial amount of money and dramatically increase the amount of money available for research and technology for advancing coal research. We would unlock the mysteries of going from research to demonstration to commercial application of carbon capture and storage or other beneficial uses. If they don't do that, the goals of this bill will fail. If we don't solve the problem without solving how to expand technology to use coal in a near zero emissions way, we can not meet the goals outlined in this bill.

We have to make substantial investments in technology, science, and research. I was part of six of us in the Senate who said, some years ago, pushed to double the amount of money we spend at the National Institutes of Health because it is not spending, it is an investment in the future. If we invest in cures for cancer, ALS, Parkinson's, diabetes, heart disease, and so many more diseases, it will be beneficial to generations around the world. We made the commitment and doubled the amount of funding at the NIH.

We need the same kind of commitment with respect to our energy future. We need to decide we are going to make a commitment. Just as NIH deals with the health of people. This bill and the technology we need to develop relates to the health of our economy, of our country, and of the expanded opportunities in this country. We need to make a similar commitment right now.

I propose an amendment that would take the underlying bill which has about $17 billion for advancing coal research in the first 12 to 14 years. This is a good start but is not enough. I propose to shift about $20 billion to that $17 billion and try to provide about $37 billion in total. That $37 billion in this cap and trade bill would be coupled with the $500 million that I have each year through appropriations for clean coal research. By the way, this President's funding recommendation on research in fossil fuels has largely been largely flat and very inadequate to our needs. He has mostly paid lip service to our tremendous needs. There is no evidence the White House is very interested in this. Through such an amendment I propose to create a fund of at least about $3.5 billion a year, starting in 2009, because these can start with the first auctions and the funding can be available on the first opportunity after passage of a piece of legislation. If this could be accomplished, we would have about $3.5 billion a year for 12 to 14 years.

I am convinced we can do this. I am convinced that investments in these technology opportunities allow us to address the climate change challenge and still continue to use the most abundant source of energy in this country without injuring our environment. There are people out there who are some of the best and the brightest scientists and engineers in our country. We need these people working on this issue. There are many technological leaps that need to be made. The best minds should be working on ways to take CO_2, produce baking soda, and make cookies. They should be working on ways to have beneficial use of carbon, which is destructive to our environment, but can be constructive if you invest it in algae and harvest the algae for diesel fuel.

Frankly, the amount of money that has been committed to research and technology and development has been pathetic, just pathetic. It is not just this, it is also solar, wind, and other technologies. But Jeffrey Sachs, a professor at Columbia University, has written a wonderful essay in Time Magazine this week. I commend him for saying we need a moonshot here. My amendment is going to give us that opportunity—$37 billion invested in the opportunity to unlock the mysteries of how we use our most abundant resource and still protect our environment.

We can do this, but we cannot move forward and will not move forward in a way that says to our country we need to make investments. I believe we can produce a number of zero-emission, coal-fired electric generating facilities. It will not happen by accident. I chair the Committee on Appropriations that funds all our national laboratories. The thousands and thousands of the best scientists in this country are a national treasure. We are now seeing many of them being furloughed and leaving our Federal payroll. We have so much to do, in such a short time, to unlock the opportunities to address this issue I have described. I hope we can move forward very aggressively.

Finally, in closing, I will speak at greater length on the floor today on this subject, and I may file an amendment today. But this, it seems to me, is the first key to unlock the opportunities that will give us a future in which we can protect our environment and continue to use the resources we must use. This must be part of the step if the promise of not only this bill but future bills dealing with the great challenge of global warming are to be fulfilled.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I will speak on the climate change bill. How much time do we have under this order?

The ACTING PRESIDENT pro tempore. The Senator has 8½ minutes remaining on the Democratic side.

Mr. NELSON of Florida. Is this in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. NELSON of Florida. Mr. President, what I wished to share with the Senate is how I come to the table on the question of the climate change bill.

We clearly understand something is happening to the Earth. The Earth is heating up. Obviously, there are interests that are going to be affected—special interests—if we go about changing the way we are doing business, the kinds of pollutants we are putting in the air, and those business interests will claim that, in fact, they are being harmed. I understand that. That is part of the body politic we have to come together and find a solution on what will be the least detrimental to folks as we are trying to change the Government policy of all this stuff we are putting in the air. Indeed, we have been putting this in the air ever since we started changing our society in the Industrial Revolution because the burning of fossil fuels is starting to accumulate carbon in the air. That carbon is acting as a shield in the upper atmosphere, creating a greenhouse effect, that when the Sun's rays come in and hit the Earth, and they reflect off; normally, they would radiate out into space. But the fact that we are creating a cap, similar to a greenhouse, with these gases—primarily carbon dioxide—they are trapping that heat and, as a result, the Earth is heating up.

In the course of this debate, we will have a lot more scientific evidence that will come forth and tell us how many parts per million of carbon in the air you can get before it becomes almost irreversible. We certainly wish to avoid that. But that means we have to come back to the political policy and make the decisions that will prevent us from ever getting to that concentration of carbon in the atmosphere that becomes the point of no return, that at that point the Earth continues to heat up to the point that it has all the consequences—the consequences of the ice sheet in Greenland, which I have been on, which is melting, and that in itself is 2 miles thick. It is freshwater because of the hundreds of thousands of years of the rain coming and the rain turning into snow and the snow packing and, year after year, the same thing happening. It is 2 miles thick in the center of Greenland. It is all freshwater.

If that melts, the seas are going to rise somewhere between 10 and 15 feet—the entire seas of planet Earth are going to rise. What happens to Antarctica and the icecaps there? We will have testimony, and we will have scientific evidence on all this. We cannot let that happen. So we are going to have to make the policy changes; that is, we are going to have to have the political will in order to make the policy changes, and the tough thing about this is that it is not just this country. We have to get the rest of the countries to do it. But America is the one that has to lead, and in the last decade, America has not led.

Let me just show this chart. This is my State. What would happen if the seas rise? If they rise 10 feet, which is the red—here is the State of Florida. We are familiar with it, the peninsula with the Florida Keys. If the seas rise 10 to 20 feet, Florida is going to look like this, just the gray. All of this red and blue is going to be underwater.

Mr. President, I say to my colleagues, most of the population of Florida is along the coast. I don't want that to happen to my State. My State has more coastline than any other State in the continental United States. Only Alaska has more coastline than our State. That is in excess of 1,500 miles of coastline. That is where the population lives in Florida. I don't want that to happen to our State.

In the closing minutes that I have—Mr. President, will you tell me how many minutes I have.

The ACTING PRESIDENT pro tempore. The Senator from Florida has 2½ minutes.

Mr. NELSON of Florida. Mr. President, I wish to share with the Senate what I saw from the window of a spacecraft. It is very typical that space fliers, on the first day in space, will be looking for things. On the 24th flight of the space shuttle over two decades ago, I was at that window—when you can get time and you don't have much time because every minute is planned—and I was looking for things. I was looking for the cape where we were launched.

By the second day in space, your perspective has broadened and you are looking at continents. And by the third day in space, you are looking back at home, and home is the planet. It is so beautiful, it is so colorful, it is such an alive creation suspended in the middle of nothing, and space is nothing. It is an airless vacuum that goes on and on for billions of light years—and there is home. It is so beautiful.

Yet when you look at it, it is so fragile. You look at the rim of the Earth. There is a bright blue color right at the rim that fades off into the blackness of outer space. And right at the rim of the Earth, you can see the thin little film that sustains all of life, the atmosphere. Even from that altitude, with the naked eye you can see how we are messing it up. Coming across Brazil in the upper Amazon region, the color contrast will show you where they are destroying the rainforests.

I came away from that profound experience of seeing home from a different perspective, with a new feeling that I needed to be a better steward of what God has given us—our home, the planet. If we continue to abuse the planet, Mother Nature will not work in syncopation and in balance.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. NELSON of Florida. For that reason, I am supporting this Lieberman-Warner bill.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that the first half of our morning business time, the 30 minutes, be divided equally among myself, Senator CHAMBLISS, and Senator SESSIONS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I first wish to raise the concern I have that this extraordinarily complex piece of legislation, I have been advised that this 342-page bill we have on our desks that we all assumed was the working document to which we have been drafting amendments, is actually not going to be the document we are going to be working from as early as this afternoon. I have been informed—and I ask colleagues whether this is, in fact, the case—that there is actually another bill, not 342 pages long but 491 pages long, that will be laid down this afternoon by Senator BOXER.

It is very difficult for any of us to be prepared when the target continues to move. To those who are concerned, as the Senator from California and the majority leader have been about the speed with which we address this bit of legislation, this does nothing but slow us down and make our job harder. I hope that is not the case, but that is what I am reliably informed.

To me, it is counterintuitive to say the least that we would undertake to pass legislation with a pricetag of $6.7 trillion that will actually raise gas prices by 147 percent when families in my State and across the country are already paying an extra $1,400 a year for gas prices as a result of congressional inaction. Actually, I guess it is wrong to say congressional inaction because Congress has actually acted to impose a barrier to developing America's natural resources right here at home to the tune of roughly 3 million barrels of oil a day which, if it was made available and Congress would simply get out of the way, that would be additional supply which would bring down the price of oil which would give us some temporary relief as we transition to a clean energy future for our country and for the world.

By that I mean by developing things such as greater use of nuclear power, using good old-fashioned American ingenuity, research and development to develop clean coal technology and the like.

In the near term, I think we all have to acknowledge the obvious fact that oil is going to continue to be part of our future, but hopefully it will be a bridge to a future of clean energy independence, but not unless Congress acts. Congress is the problem.

I suggest when we look around for the causes of our current energy crisis that Congress simply look in the mirror because we are the problem. It is unfortunate that when the Senate had an opportunity recently to vote on the American Energy Production Act that only 42 Senators voted for it. That was when gas was about $3.73 a gallon. Today the average price of a gallon of gas is $3.98 a gallon.

I asked the question then, and I will ask it again today: Is the Senate going to reject an opportunity to develop America's natural resources and bring down the price of gasoline at the pump when gasoline is at $3.98 a gallon? How about when it is at $5 a gallon or $6 a gallon? Where is the tipping point at which Congress is finally going to wake up and realize it is the reason Americans are paying too much at the pump?

Instead of dealing with that urgent need that affects every man, woman, and child in this country, this Congress has decided to head down another path, and that path is bigger Government, more taxes, higher energy costs for electricity and gasoline, and with the uncertainty that any of this will actually have an impact on climate, especially given the fact that countries such as China and India, of a billion people each, are not going to agree to impose this on themselves. So America is going to do this, presumably, while our major global competitors are not, and we are going to suffer not only those higher prices but job losses, reduction in our gross domestic product, and a competitive disadvantage with the rest of the world. Why would we do that to ourselves?

At the same time, we see this Rube Goldberg bureaucracy that would be created. Yesterday, Senator DORGAN said this bureaucracy would make HillaryCare pale in comparison with its complexity as reflected on this chart. This is the kind of huge expansion in Government power over our lives and over the economy that is unprecedented in our country, and I suggest is the wrong solution, is the wrong answer to what confronts us today.

In my State in Texas, it has been estimated under that Boxer climate tax legislation that as many as 334,000 jobs would be lost as a result of the increased costs and taxes associated with this bill, with a $52.2 billion loss to the Texas economy, and an $8,000 additional surcharge on each Texas household. That is over and above the $1,400 that each Texas family is already paying because of congressional inaction on oil and gas prices. Electricity costs, 145 percent higher; gasoline, 147 percent higher.

I don't know why, at a time when the American people and the American economy are already struggling with a soft economy in many parts of the country, why we would do this to ourselves. It simply does not make any sense to me.

I would like to have an explanation from our colleagues who are advocating this particular legislation how they can possibly justify this bill. What could be the possible rationale for legislation that would do this to my State and have this sort of Draconian impact on the economy of our country?

I have heard some talk that said that gas prices have increased during the time President Bush has been in office. This is what has happened since our friends on the other side of the aisle have controlled both the House of Representatives and the Senate. We see there is a huge spike in gas prices during a Democratic-controlled Congress. But this should not be a partisan issue. This is a matter of the welfare of the American family and of the American economy. Why in the world would we not want to work together to try to develop the natural resources that God has given us to create that additional 3-million-barrel supply of oil so we can reduce our dependence on imported oil from foreign sources?

The alternative proposed by our colleagues on the other side of the aisle is, OK, we are going to impose higher taxes on the oil industry which, of course, would be passed along to consumers and raise the price of gasoline even more or they say we are going to have another investigation into price gouging when the Federal Trade Commission has investigated time and time again and found no evidence to justify a charge of price gouging when it comes to gasoline prices or they say we are going to sue OPEC, the Organization of Petroleum Exporting Countries, which has to be the most boneheaded suggestion I have heard because, of course, what in the world would you ask the judge to order if you were successful in suing OPEC? I presume to open the spigot even wider so we would be more dependent on foreign oil and not less.

It is time for a real solution. This bill is not it. I call on my colleagues to do what we can to open America's natural resources to development and bring down the price of gasoline at the pump.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the time agreement at this stage?

The ACTING PRESIDENT pro tempore. The Senator is allocated 10 minutes.

Mr. SESSIONS. Mr. President, our Nation wants progress toward energy security, affordable energy. It wants to reduce pollution and it wants to fight global warming. There is no doubt about that. It wants us, this Congress, to do something. But it wants us to do the right things, wise things, prudent things, not wrong things.

I traveled my State this past week, all week, from every corner of it. My wife and I traveled around and we talked to a lot of people. One thing that is absolutely clear to anybody who has eyes to see and ears to hear is that the American people are terribly concerned about surging gasoline and electricity prices that are rising, and this is hurting them. This is not an academic matter we are talking about. Average families, carpooling and driving to work, are going to the gas pump and finding that when the month is over, their bill is now $50, $75, or $100 more for the same amount of gasoline that they bought 2 or 3 years ago, and it impacts their budget. They have less money to pay other bills with, to fix the brakes on the car, or purchase a set of tires, or take a trip, or have a medical expense, or buy a new suit of clothes. These things are reduced when we have now added to their normal expenses $50, $75, or $100 a month for fuel.

Some of that, I believe, we can do something about; some of that we may not. We have to be honest with our constituents. But they want us to do something. They are not happy, and they should not be, that we are importing 60 percent of the gasoline and oil that we will need to run our country from foreign countries, many of which are hostile to us. We are transferring out of our country $500 billion to purchase that oil. It is the greatest wealth transfer in the history of the world. No one has ever seen anything like it before, and it is, in my opinion, without any doubt a factor—a major factor; perhaps the major factor—in the economic slowdown we are seeing today and making us less competitive, and it is reducing and threatening the health of our economy.

Now, when you talk to people in my State, and I think any State that you would consider, and you tell them: Well, we are going to be talking about energy matters next week, and we have a cap-and-trade bill that is on the Senate floor, our good and decent and trustworthy citizens, the ones who still have a modicum of confidence in Congress, you know what they think? You know what they think? They think we are going to set about in Congress to do something about surging energy prices, to contain the increase in gasoline prices, to reduce our dependence on foreign oil and this incredible wealth transfer leaving our Nation's security at risk. They think we are going to take steps to strengthen the American economy.

Why shouldn't they? Isn't that what they pay us to do? But, oh, no, they would be shocked to learn that the Democratic leadership, the leadership of that great Democratic party which claims to represent middle-class Americans, is uninterested in these matters but is now attempting to pass legislation that will raise taxes, substantially raise energy costs, gasoline prices, by 50 cents plus a gallon, will cause worker layoffs, and will hurt our economy and leave us less competitive in the world marketplace. That is what this bill will do. It is the opposite of what the American people, our dutiful citizens who send us here, would expect us to be doing at this time.

On Monday, my good friend, Senator REID, the Democratic leader—and I do admire him, and he has a tough job, there is no doubt about it. I know he can't make everybody happy—seemed hurt Monday that the Republican Leader MITCH MCCONNELL said bringing this bill up demonstrated he was out of touch. Well, I say that is maybe too nice a term. Maybe "clueless" would have been a legitimate term. Senator REID is such a wonderful guy. He comes from Searchlight, NV. I suggest he go back to Searchlight and talk to real people. What are they going to say, that they want us to raise prices of gasoline? Give me a break. They are not going to tell him that in Searchlight, just as they didn't tell me in Alabama to come here and pass higher taxes on gasoline, to create bureaucracies the likes of which we have never seen, to create high energy prices, to drive up the price of energy by this complex, sneaky cap-and-trade tax system that the Wall Street Journal calls the greatest wealth transfer since the income tax, or to create a bureaucracy that is going to monitor this complexity throughout the country.

It is an unbelievable 342 pages, this bill that is now before us, and it is not the right thing. It would represent an injection of Washington into the most marvelous thing we have, in many ways, in our country—the free American economy. It would be an injection of Washington into that economy of unprecedented proportions.

The goal of this legislation is to reduce CO_2 emissions in our country, they say, by 71 percent by 2050. That means to reduce the amount of carbon fuels we use by 71 percent by 2050. But the population is increasing in our country during this time significantly, by every poll that I think is accurate, and when you calculate that, it means we are going to reduce carbon emissions per American—per capita—by 90 percent. It means virtually the elimination of coal, natural gas, and gasoline and oil—eliminate those from the American economy. We do not have the science and the technology to get us there as of now, yet this bill would put us on a direct glidepath toward that direction.

So the fact that this is a tax, that it would drive up energy costs—indeed is a sneaky tax on the American people—is indisputable. Nobody disputes that. To borrow a phrase from former Vice President Gore, the debate is over on that question. This bill will increase the cost of energy, and high energy prices will reduce economic output, reduce our purchasing power, lower the demand for goods and services, make us less competitive in the world, and ultimately cost American jobs. That is a fact. Supporters will argue that it creates a fund to alleviate high energy costs for low-income Americans by reallocating some of the trillions of dollars to people, according to the political whims of, I guess, this Congress, to decide who will win and who will get money back and who won't get money back. The current increase in gasoline prices alone amounts to about 50 cents a gallon, as I indicated, under this legislation. And, amazingly, it does nothing, zero, to produce any more clean American energy and to lower the price of gasoline to produce our energy here at home. I worry about that.

In the years to come, we are going to be using a lot of oil and gas and coal. We could use clean coal to create liquid fuels that we could burn in our automobiles. All of that absolutely can be done to reduce our dependence on foreign oil. Let me tell you, there is a big difference economically, if you take a moment to think about it, in sending $500 billion to Venezuela and Saudi Arabia and UAE to buy oil with than if we spent that money at home creating American jobs for American workers.

I tell my colleagues that this is a bill that is unjustified and unwise. It is change, but change in the wrong direction, and I urge its defeat.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I first of all commend my colleague from Alabama, and I associate myself with his remarks because he is dead on target.

I also rise today to discuss the Climate Security Act that is before the Senate. First, I thank all of our colleagues who have been responsible for bringing this bill to the floor because we need to debate this issue. It is a critical issue that is important to all Americans, not only this generation but future generations. I have two grandchildren, and I want to make sure we leave our grandchildren an America better than we inherited it. So it is a critically important debate.

The Climate Security Act will require the transformation of the U.S. economy to reduce greenhouse gas emissions in an attempt to lower the average world temperature in 2050 and beyond. I note, however, that in a study done by the University of Georgia, released last year, it was determined that over the past 100 years the actual temperature in America had been reduced by 1 degree, not raised any at all but actually reduced.

It is estimated the Climate Security Act will generate increased revenues of $6.7 trillion using allowances and auctions. A large portion is given directly to various Federal and State programs outside of the normal budget and appropriations process. However, this amount of revenue must come from somewhere, and unfortunately, under this bill, it is going to come from you, me, and from American individuals and families who will pay higher costs for the energy we use to live.

Economic models have overwhelmingly shown this bill will affect consumers directly through higher gasoline and electricity prices, resulting in lower household incomes and millions of jobs being lost in America. Moreover, the national economy will be harmed as gross domestic product is expected to drop considerably over the next 40 years, should this bill be enacted.

We also know this bill will constrain the supply and significantly raise the cost of transportation fuel. Like many of my colleagues, I spent the Memorial Day recess traveling around my home State. The average price of a gallon of diesel was $4.77 per gallon, and regular gasoline averaged $3.98 per gallon. These are the highest prices ever recorded in my home State of Georgia, and this is my constituents' No. 1 issue.

So it troubles me, as we are seeing almost $4 per gallon gasoline in my home State, that some in this body want to enact legislation that would further increase the price of a gallon of gas. I hear from hundreds of Georgians every day who are struggling to fill their tanks to get to work or to take their kids to school or to run their necessary errands.

I will be honest, I don't know how the average American, the average Georgian in particular, is coping with this issue—with the rapid increase in the price of a gallon of gas.

EPA models show that the gasoline prices will rise by a minimum of 53 cents per gallon if this bill were implemented. Why would we do that to the American people, who are already hurting at the pump?

Regrettably, the legislation before this body would do nothing to increase our domestic supply of oil and help alleviate the lack of supply of gas that is driving the prices up.

Instead, this bill will only keep prices rising. The Energy Information Agency study predicts that gasoline prices will increase anywhere from 41 cents per gallon to $1 per gallon by 2030 due to this legislation. Some estimates have gasoline prices rising by as much as 145 percent in my home State of Georgia. This is unacceptable to the people of my State and unacceptable to the people of this country.

Nobody disputes the fact that the United States is dependent on foreign sources of oil. We currently import 60 percent of our oil—actually a little greater than 60 percent—and nobody disputes that this problem has been in the making for decades. Over the past 30 years, the United States has reduced our domestic exploration options and left our refining capacity stagnant.

The rising cost of fuel requires a multi-pronged strategy to respond. That is why we must take commonsense action and increase our domestic supply of oil by exploring where we know there are resources available and encouraging the development of alternative fuels, such as cellulosic ethanol, to decrease our reliance on foreign oil.

We must find both short-term and long-term solutions to provide energy security for our Nation and give relief to Americans.

This bill will attack citizens at the pump and increase their electricity costs, thus exacerbating job losses to overseas markets.

Higher energy costs to businesses and the necessity to invest in expensive low carbon technologies will force companies to raise the prices of their products, opening the market up to low-cost international competition, or move businesses to China or Mexico, where environmental regulations are lacking. Millions more jobs will be lost in America as a result. One study estimates that between 1.1 and 1.8 million jobs will be lost by 2020 as U.S. companies close or move overseas. Another study shows that up to 4 million jobs will be lost by 2030 inside the United States if this legislation becomes law. It has been estimated that in Georgia alone we may lose as many as 155,400 jobs, should this legislation be enacted.

Manufacturing jobs will be one of the hardest hit sectors as the Energy Information Administration projects that manufacturing output will decline by up to 9.5 percent in 2030. This country has already lost 19 percent of its manufacturing jobs since 2000. This legislation will only help push those jobs outside of our borders.

The cost to American families will be too much for many to bear. An EPA study estimates that the cost per household in Georgia will be as much as $608 in 2020, and nearly $4,400 per year in 2050. The median household income in Georgia is $64,000. CRA International states that the average increased cost to families is $1,740 per family in 2020.

Workers keeping their jobs would be subject to much lower wages, due to increased competition and increased costs. Even with lower incomes, families would be expected to pay more to heat their homes and fill up their cars. The Environmental Protection Agency has stated that electricity prices will increase an additional 44 percent by 2030. In Georgia, the estimated cost will be 135 percent higher if this legislation is enacted.

This will be devastating to families across the country.

According to Housing and Urban Development, poor families spend almost five times as much of their monthly budget in meeting their energy needs—19 percent—as wealthier Americans, who spend approximately 4 percent.

Increases in energy prices due to carbon limits would hit the poor five times harder, which certainly will be unsustainable. This bill, by some estimates, will hit the average Georgia household in an amount equal to $7,231.

The effects this legislation will have on consumers is outrageous: higher gasoline prices, higher electricity prices, lower household incomes, and job losses.

In closing, let me touch on some specific aspects of the bill. While the bill includes a market-based cap-and-trade system——

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has 1 minute remaining.

Mr. CHAMBLISS. I believe this bill could be more fair and equitable. We also should work to make it more predictable for businesses and understandable to taxpayers and consumers. One of the greatest challenges to any climate bill will be to ensure that it does not stymie economic growth and protects American jobs. We need to continue to seek the best way to generate the greatest benefits for the lowest cost. We cannot burden our children and our grandchildren with increased energy costs.

A climate bill must be flexible to adjust to changing science, economic conditions, and the actions of other countries. The Climate Security Act attempts to encourage other countries to reduce emissions, but does not appear to be flexible enough to ensure Americans are not disadvantaged because of the inaction of other nations.

The details of the Climate Security Act will greatly affect every American and are extremely important. Have no doubt about it, a vote for cloture on this bill is a vote to increase gas prices by a minimum of 53 cents per gallon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent the remainder of time for our business for the next 27 minutes be allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I want to take a moment on the heels of the comments of my friend and colleague from Georgia to look at some of the hard and fast numbers. We can conjecture here all we want about what is going to happen to the price of gasoline going forward. He suggested it is going up by 100 percent or 150 percent—who knows? Here is what happened. This we do know. We do know the price of gasoline starting back here in 2001 was at about $1.50 a gallon and has risen today to almost $4 a gallon. We do know that. We can conjecture until the cows come home about what might happen in the future, but we do know what happened in the past under the watch of the current administration. It is not pretty. If we want to make sure this trend continues, we will not come up with ways to reduce our consumption of oil; we will not produce more energy-efficient cars, trucks, and vans; we will not reduce the amount of miles we travel in our communities and our States; we will not find a whole host of ways to conserve energy; we will not come up with ways to conserve energy through renewables. If we don't do any of those things, this kind of thing will continue. Our challenge here today and the way to make sure this doesn't continue is to pursue legislation along the tracks of that which is before us today and this week.

I begin today by commending the work of Senator BOXER, Senator LIEBERMAN, Senator WARNER, and others in developing this global warming legislation. Let me say to my colleagues, your initial bill was a good start. I believe the version that has been brought before the Senate this week represents a significant improvement over that original proposal. The leadership of this troika—it is actually tripartisan leadership—a Democrat, a Republican, and an Independent—your leadership gives me hope we will pass landmark legislation on this front, not this week, not this month, probably not this year, but in the not too distant future when hopefully we have a new administration, regardless of who is President, who is more amenable, more supportive, more understanding of addressing global warming. I plan to do all I can in the meantime to make sure we do not lose that opportunity.

As a lot of my colleagues may know, addressing global warming has been an important issue for me since my early days in the Senate. I think the facts are indisputable today. Our planet is growing warmer. We human beings are a major contributor to that.

My passion on this issue began about a dozen or so years ago when I first met two doctors, Dr. Lonnie Thompson and Dr. Ellen Mosley-Thompson, as they received something called the Commonwealth Award for Science in Wilmington, DE for their pioneering work on global warming. The Thompsons are natives of West Virginia, as am I, and they are both professors at Ohio State University, where I received my undergraduate degree, and both are world renowned for their research on the effects global climate change is having on glaciers and ice fields throughout the world. Measuring levels of carbon from ice core samples that go back nearly 1 million years in time, they focused on glaciers and ice caps atop mountains in Africa and South America. They have concluded that many of them—that being the mountains and glaciers, the ice caps on the mountains and glaciers—will probably melt within the next 15 years or so because of global warming. They fear little can be done to save them. It is up to us in this body to prove the skeptics wrong, to show we can do something, we can pull together and we can address this threat to our planet.

Three years ago during our Senate debate on this same issue, I stressed that the Arctic sea ice had shrunk by 250 million acres over the past 30 years, an area about the size of California, Maryland, Texas—and maybe Delaware—combined.

Today, I am sad to say, the Arctic sea ice has shrunk by not 250 million acres but 650 million acres, an area the size of Alaska and Texas combined or the size of 10 United Kingdoms combined. If we continue down this path on which we have started, the consequences for our planet and our country and our people will be catastrophic. It is up to us to ensure that America leads the world down a different path. We must and we should.

The EPA estimates that unless global warming is controlled, sea levels will rise by as much as 2 feet over the next 50 years. I have heard even greater amounts over the next 100 years. For island nations and coastlines, that could mean entire cities and beaches are wiped out. It is up to us in this body to ensure that those beaches and those cities, those coastlines, are preserved.

I have a chart here I want to share with my friends. For those of you who have not been to Delaware, this is Delaware: About 100 miles end to end, and from east to west, maybe 50 miles here. This is the outline of our coast. This is Lewes. This is Cape Henlopen. This is Rehoboth Beach, Dewey Beach, Bethany Beach, Fenwick Island, the Nation's summer capital. This is where the beach is today. Fifty years from now, if we don't do anything about global warming, sea level rises will have been 2 feet and this will be the beach in Delaware. This is Dover, DE, our State capital. This past Sunday we hosted 150,000 people from all over the country—NASCAR race. In 50 years from now, if we are not careful, this will not be Dover, it will be Dover Beach. We won't be having NASCAR races at Dover Beach. We may be having sailing regattas, we may have motorboat races, but we will not be having stock car races unless we do something about it, so this is imperative for a lot of reasons, including some that are close to my heart.

Since our last Senate debate on this issue we have seen the scientific community come together on this issue. The Intergovernmental Panel on Climate Change has undeniably affirmed that the warming of our climate system is linked to us, human activity. We also know the United States is one of the world's two largest emitters of greenhouse gases, along with the Chinese. In fact, they may have overtaken us by now. We account, in this country, for almost 20 percent of the world's greenhouse gas emissions and for almost one-quarter of the world's economic output. I believe our Nation has a responsibility to reduce our emissions of CO_2. In short, we have a responsibility to lead.

Unfortunately, we have not seen a whole lot of leadership coming from the White House or enough from the Congress on this front. At least not yet. That has to change and that change is starting, I hope, this week. Others, in the meantime, have begun filling the void. We have another chart here. This is a chart of our country. There is a lot of green, light green, dark green, and blue. The light green areas are the areas where the States are actually developing their own climate action plans. They have been waiting for us. They have given up on that. They started to take the bull by the horns. Light green is where States have something in progress in terms of developing their climate action plans. The dark greens are the States where they completed action. The blues are where they have revisions in progress—about 38 States. They have been waiting for us. They are tired of waiting for us, and I don't blame them. One of those States is Delaware. We have a plan in my State and a lot of other States will soon have plans to reduce their own carbon emissions.

The States are not the only ones filling the void of Federal inaction. Fortunately, our Nation's businesses, a number of them, are doing the same thing. Companies such as DuPont, a global manufacturer headquartered in my home State of Delaware, have taken steps to reduce their own carbon emissions.

DuPont CEO Chet Holliday has said:

> As a company, DuPont believes that action is warranted, not further debate. We also believe the best approach is for business to lead, not to wait for public outcry or government mandates.

Contrary to concerns that combating global warming will hurt American businesses, DuPont's actions have had major positive impacts on its bottom line. In the mid-1990s, as part of a climate change initiative, DuPont began aggressively maximizing energy efficiency. That initiative has allowed DuPont to hold its energy use flat while increasing production. As a result, DuPont reduced its greenhouse gas emissions by more than 70 percent. By doing so, the company actually saved $3 billion—billion, with a "b." But a patchwork of State initiatives combined with good corporate stewardship, however welcome, is not enough. We must have a comprehensive national approach, not only to give a signal to corporate America that this is a priority, but to the world, the United States is prepared at long last to be a leader on this front as well.

I have enough faith in American technology, American ingenuity and know-how, to believe we can provide that leadership without endangering our Nation's economic growth.

In fact, if we are smart about it, we will end up strengthening our Nation's economy, we will end up creating hundreds of thousands of new green jobs and we will end up creating products and technologies we can sell and export around the world.

I would quote Thomas Edison on opportunity. This is what Thomas Edison loved to say about opportunity: A lot of people miss out on opportunity because opportunity comes along wearing overalls and is disguised and looks a lot like work.

You know, some people look at global warming, our dependence on foreign oil or emissions or bad stuff in the air, and they see a problem. I see an opportunity. It is an opportunity that brings with it economic advantages and the possibility of creating jobs and products that flow from that, including technology and jobs and products.

Well, that is one of the big reasons I support the approach of the Lieberman-Warner Climate Security Act, to provide a solid framework for creating a national, mandatory program to dramatically reduce greenhouse gas over the next 40 years or so.

I am pleased to see Chairwoman BOXER's substitute makes several improvements over the bill we passed in the committee last year. Specifically, I applaud the chairwoman's efforts in strengthening the recycling and cost-containment sections of the bill.

Let me take a minute here, if I can, colleagues, to focus on the importance of recycling and combating global warming.

A lot of times people say: What can I do as an individual to help on global warming? As it turns out, everybody can recycle. Everybody can do that. Here are a couple of reasons why.

In 2006, the United States threw away literally, in cans of trash, some 82 million tons of material, with a recycling rate of about one-third—we recycled about a third of that stuff. Let me back up. Let me say that again. In 2006, the United States recycled about 80 million tons of materials. That is about one-third of all that we would otherwise throw away, offsetting the release of some 50 million tons of carbon. That is equivalent to the emissions we save by recycling some 39 million cars each year, because we recycle. However, we only recycle about one-third of what we could. However, each year Americans discard enough aluminum to rebuild our entire domestic airline fleet every 3 months.

Put simply, increasing recycling cuts greenhouse gas emissions. To encourage recycling, the bill compels States to bolster recycling programs by requiring that no less than 5 percent of carbon credit revenues allocated to States must be used for improving recycling infrastructure to help States and local communities recycle more. I wish to thank the chairwoman again for working with me on this important issue.

Let me talk about cost containment next. I am also pleased with the cost-containment provisions Senator BOXER included in the substitute, such as the extra pool of allowances available in the early years to help contain high prices and the allowances that are returned to customers to keep energy prices down. I believe these provisions are moving us in the right direction to address any runaway costs that might occur in a new market.

Although this bill is a good start, I believe we can make some significant improvements in it, particularly in the area of pollution control, in the areas of output allocations and transit, encouraging people to get out of their cars and take a bus, take a train to get where they need to go.

Let me start off by addressing the four p's. It stands for the four pollutants. I appreciate that this bill acknowledges that dangerous air pollutants, including sulfur dioxide, nitrogen oxide, and mercury, are emitted by the power sector in this country. However, acknowledging a problem is not the same as solving that problem. I believe that in addition to reducing greenhouse gases, we must additionally pass a comprehensive bill that also reduces these other three harmful pollutants.

As some of my colleagues know because I have driven you crazy over the last 5 or 6 years on this, visiting many of your offices, 12 of my colleagues and I introduced the Clean Air Planning Act of 2007, or CAPA. We believe CAPA provides an aggressive, yet achievable, schedule for powerplants to reduce emissions and alleviate some of our worst air-related health and environmental problems, such as ozone, acid rain, mercury contamination, and, of course, global warming. This multi-pollutant approach fits perfectly within the framework of this comprehensive global warming bill. I believe we would be foolish to address only one pollutant coming out of our Nation's smokestacks, however important it is—carbon dioxide—while others—sulfur dioxide, nitrogen oxide, and mercury—threaten our health and our environment too.

My State of Delaware, along with the States around us—Maryland, Virginia, Pennsylvania, and New Jersey—we are at the end of the Nation's tailpipe. We continue to breathe dirty air. During the summer months, when ozone pollution is at its worse, more than 10,000 Delawareans cannot work or carry out daily activities. Nationally, some 27 million children age 13 and younger are being exposed to unhealthy levels of ozone.

We have another chart here. Not only do we have problems with folks breathing bad air, which is harming their lungs and their respiratory systems, for young children being carried in the mother's womb, mothers ingest large amounts of fish that contain mercury. This year some 630,000 infants will be born with high levels of mercury exposure. As a result, they could have brain damage. A number of them will have developmental delays, some will have mental retardation, and some of them will have blindness.

Sulfur dioxide emissions, meanwhile, from powerplants will cause 24,000 Americans to die this year—24,000 this year, 462 this week, 66 today, and 1 or 2 during the time I am speaking here will die because of exposure to sulfur dioxide emissions from powerplants. I do not know how many people are going to die from climate change, from global warming, from CO_2 emissions in this country in this year. I can tell you how many will die from sulfur dioxide—24,000. Twenty-four thousand. That is almost as many people who live in Dover, DE—24,000 people. Fossil fuel-fired powerplants are the single largest source of pollution that is causing these health problems.

If we do not act to tighten our emissions of these pollutants, too many communities will continue to live with the air that is unhealthy to breathe and mercury will continue to pollute our communities and bring harm to pregnant women and to children.

I believe it is not only the right thing to do but also the economic thing to do. Strict caps for all four pollutants, not just carbon dioxide, can help drive technology toward a comprehensive mitigation rather than a piecemeal approach. That is why I am introducing an amendment, along with Senator LAMAR ALEXANDER of Tennessee, that achieves similar reductions for sulfur dioxide, nitrogen oxide, and mercury that are in CAPA but are adjusted to fit the Lieberman-Warner timetable.

The bottom line is, as we develop an economywide solution to global warming, we cannot lose sight of the simultaneous need to enact stricter caps on mercury, nitrogen oxide, and sulfur dioxide from powerplants.

Next, let me turn to something called output allocations, the way we allocate the credits to polluters that emit carbon dioxide. I applaud this bill's provisions that provide important funding for zero- and low-carbon technology as well as funding to encourage the commercialization of carbon capture and sequestration for coal-fired generation of electricity.

However, I believe we are going to use coal for a long time. We have to figure out how to capture the other major pollutants as well, and the sooner the better. I believe the Boxer substitute can do better to support clean and efficient power generation. I am concerned this legislation still provides too many subsidies to dirty, less-efficient power generation at the expense of new, clean technologies.

Global warming legislation should make wind and other renewable energy products more economically viable. Affordable clean energy should be one of our main goals.

Unfortunately, this bill still continues on the same old paradigm of rewarding the historical polluters by distributing pollution allowances on an "input" basis. This means allowances to emit CO_2 in this bill are allocated based on historic emissions and the fuel being used rather than with respect to the efficiency with which power is generated.

Output-based allocation is an important policy tool to ensure that existing powerplants—particularly coal-fired plants—are made far more efficient and clean within a reasonable period of time. That is why I am planning on offering an amendment to change the distribution of allowances in the fossil fuel-powered sector from an input allocation to an output allocation.

It seems to me, colleagues, here we are trying to figure out how to apportion those allowances to emit CO_2. Why not provide more allowances to those utilities that create more electricity by using less energy? That is what we should be doing. Unfortunately, what we do in this bill is we provide more allocation to emit CO_2 to powerplants that use more energy rather than less energy. We should really provide the allocation and distribution of allowances—to some extent, at least—to reward those that provide a lot of electricity without using a lot of energy.

In addition to providing allowances to efficient fossil fuel facilities, my amendment—our amendment—would also provide allowances for new entrants generating electricity from other renewable forms of energy.

I have a couple of thoughts on this one. I and some of my colleagues are strong supporters of safe—underline "safe"—and secure—underline "secure"—nuclear power and believe it must be a prominent part of any global warming solution.

The resurgence of nuclear power in the United States gives us a unique opportunity to rebuild a carbon-free energy industry and create, in doing so, tens of thousands of highly skilled jobs for building the plants and operating them in the future. But to do this, we must provide support and incentives to the nuclear manufacturers to redevelop the workforce—especially facilities—and capacity to participate and ultimately lead the world in quality nuclear manufacturing. That is why I have joined Senator WARNER and Senator LIEBERMAN in an amendment we will offer that provides a sense of the Senate that supports workforce training for the nuclear industry.

Next, transit. Finally, I wish to discuss a very important provision in the Boxer substitute that funds transportation alternatives.

I talked to you earlier about the importance of getting us out of our cars, trucks, and vans and getting us to take alternative forms of transportation that use less energy and produce less pollution. The transportation sector is responsible for about 30 percent of our Nation's carbon dioxide emissions, almost one-third. That is why Congress passed legislation that I coauthored with a number of my colleagues last year—Senator FEINSTEIN and others—to increase auto fuel economy from an average of 25 miles per gallon to 35 miles a gallon by 2020. The bill before us today also includes a low-carbon fuel standard and funding for alternative fuels.

Let's look at this chart here on my left. This line right here shows what CO_2 emissions are from our car, truck, and van fleet starting in 2005 by incorporating the new CAFE standards for 35 miles per gallon by 2020. Here is where we end up in CO_2 emissions for cars, trucks, and vans. Great progress. Unfortunately, if we keep driving more and more every year, the great reductions in CO_2 which could be recognized here are going to end up with no reduction at all unless we do something about vehicle miles traveled and reduce the amount of time we spend in our cars, trucks, and vans rather than continue to see that grow as we have over the last decades.

Living in sprawling areas without transit literally can double a family's greenhouse gas emissions. The negative consequences go beyond impacting our environment. With gas prices approaching $4 a gallon, longer commutes and increased distances required for errands costs money too.

Public transportation has saved Americans from an additional 286 million hours of sitting in traffic. So we included a provision in this bill—Senator CARDIN was very active on this—to use some of the auction proceeds to provide people with an alternative to driving, additional alternatives to people to driving. This provision in the bill would provide transit to more communities and would also expand transit where it already exists. That is good for our environment, it is good for our pocketbooks, and it is good for our peace of mind.

While this provision is important, we need to find a way to give communities a greater say in how they can spend their transit dollars. Transit is needed across our Nation. However, many communities would benefit from improved bike and pedestrian infrastructure, be they sidewalks, crosswalks, traffic calming, bike lanes—you name it. In rural areas, increasing freight rail capacity might be the most effective way to reduce vehicle pollution. Ideally, I think we ought to leave it to the local communities to determine which strategy works best for them and therefore allow all communities to take steps to address this portion of transportation pollution. Having said that, the provisions in this bill are a good first attempt to address this problem. We ought to do those, but we can do more and should do more.

As the only Member of the Senate who serves on all three transportation-related committees, I look forward to attempting to bring those three committees together and agree on a comprehensive approach to reducing carbon emissions from the transportation sector before we address climate change next year.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. CARPER. I thank the Chair.

In closing, I appreciate the significant progress that has been made already to improve this legislation. I applaud the efforts of my colleagues, Senators BOXER, LIEBERMAN, and WARNER, for the work they and their staffs and our staffs have done. The authors of the bill can be proud and their staffs should be commended, our staff should be commended.

We have seen forward-looking companies such as DuPont show leadership and vision to develop a business plan for operating in a carbon-constrained economy. We have seen States such as California, Delaware, and a few others take action to reduce our carbon emissions.

What we have not seen yet is leadership from our Federal Government. While we continue to do nothing, or too little, our international competitors are already developing new technologies and preparing for the future.

President John Kennedy once said:

> There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction.

I recognize that, despite the hard work of our staffs, Members, and leaders on this issue, there is a good chance this conversation will need to continue next year. It will and it should. I believe we must act on this issue next year, if we ultimately are unable to find common ground this year. That is why I am committed to joining Senators BOXER, LIEBERMAN, and WARNER in leading discussions today and throughout the year and bringing together all involved interests and parties to forge a path forward toward a solution that can pass the Congress early in the next administration. As Members of the Senate, we have a responsibility to ensure that our country provides leadership for the world in which we live on any number of fronts. The time has come for us to fulfill that responsibility with respect to global warming.

For some people, this is a political exercise. They will offer amendments to try to embarrass one side or the other, maybe embarrass the authors of the legislation, to basically ensure we don't get anything done, to tie us in knots and walk off and leave this legislation behind at the end of this week or sometime next week. That would be unfortunate. The American people know we have a problem. The problem is, the planet is getting warmer. If we don't do something about it eventually, we will not be able to turn it around. It is important for us to get serious. The American people want us to figure out how to work together. Our next President, whoever she or he might be, is going to provide us with much stronger, more positive leadership on this front. It is incumbent on all of us—Republicans, Democrats, and one Independent—to figure out how we can work with that next President and with ourselves, with folks in the business community, the environmental community, to come up with a plan of action to reduce and eventually eliminate the threat that global warming poses to our planet but to do so in a way that seizes on what Tom Edison said: Some people do actually miss out on opportunity because it comes along wearing overalls and looks a lot like work. This is one of those opportunities. We should seize the day—as we say in our State, carpe diem—not squander the opportunity but make the most of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, good morning. Let's be clear as we begin this discussion. I, along with a vast majority of my colleagues, support cutting carbon emissions. We want to cut down on any kind of air pollution we have. We have done a great job over the years in improving our air, and we need to do more. But we must cut carbon without raising prices on gasoline, diesel, electricity, all the things that drive our economy. When American families are suffering record pain at the pump, a home mortgage crisis, and a soft economy, this is not the time to put the Government in a position of raising energy prices far higher than anything we have ever seen.

How much would Lieberman-Warner raise energy prices? We can quote from the sponsors of the legislation themselves. This is what the junior Senator from California has said Lieberman-Warner would raise: $6.735 trillion. It takes two charts to put up all the zeroes that this would increase energy prices and, thus, tax American consumers. As we can see, too big to fit on any one board.

The bill's sponsors claim they are trying to hit energy companies with the cost of this program. Does anybody doubt what will happen when we increase taxes on producers? That has to be passed on. It will be passed on to families, workers, farmers, truckers in the form of higher energy bills and more pain at the pump. The bill's sponsors point to the customer relief they intend in the form of $800 billion over 40 years for tax relief and $900 billion to utilities to help consumers. That would still mean only $1.7 trillion was returned to an American public paying $6.7 trillion in higher energy costs. That is a $5 trillion loss. That complicated Soviet-style scheme would be based on the wisdom of some small group of bureaucratic czars who would decide who gets the money. It seems they are writing Congress out of the responsibility of handling the Treasury. They want to go around and turn a small group of wise men into the ones who decide who gets the allowances, who gets the relief, and where any relief will go.

The problem with the $6.7 trillion in higher energy prices is gas prices are already at record levels. Gas prices topped $4 in many parts of the country and are approaching that in the rest. Drivers are suffering at the pump. I was back in Missouri and traveled all over the State, from one corner to the other, over the Memorial Day recess. I heard firsthand from commuters, farmers, average citizens, businesses looking at absolute catastrophe from these higher energy prices. They are all fed up with higher gas prices. Regrettably, higher gas prices, higher diesel prices are the result of Congress's action or inaction in blocking for 30 years the production of new energy in the United States.

I visited truck stops in Joplin in southwestern Missouri and Palmyra in the northeast part of the State. I heard from truckers about the record diesel prices. Things are getting so bad that many are laying off drivers. Some are even going out of business. This is a real problem for our country. When truckers suffer, we all suffer. If they go out of business, we will not have trucks to deliver the goods. Transportation costs make up a significant part of the cost of almost every consumer item. When diesel prices go up, prices go up, and families will pay. In many areas, we may not have the trucking infrastructure to deliver the goods we need.

How much will Lieberman-Warner increase our pain at the pump? The Environmental Protection Agency estimates Lieberman-Warner will increase gas prices by 53 cents per gallon by 2030 and by $1.40 per gallon by 2050. Supporters of this bill tell us this is no big deal; it only represents 2 cents a year. A good statistician can try and make any number look not quite so bad. I can't speak for folks in other States, but I can tell you the folks back home have a minimum amount of high enthusiasm for Congress taking more action to raise prices.

Mr. President, $1.40 is $1.40. That increase in the price of gasoline is totally unacceptable, particularly when it comes with increases in prices in all other forms of energy. Yet that is the path the supporters of this legislation want us to trod.

Some Senators say that since gasoline prices have risen 82 cents since the beginning of the year, it is OK that Lieberman-Warner will only raise prices another 53 cents to $1.40. Does anybody ever stop and think that we are going in the wrong direction? We ought to be talking about what we can do to increase supply, to bring prices down, not figuring out how to come up with a cockamamie scheme that is going to increase prices even more. I find the logic a little bit disturbing, if you can call it that. The 82-cent rise in gas prices over the last year has not been OK with the people in my State. A further 53-cent increase by 2030 in gas prices is not OK. A further $1.40-increase in gas prices is not OK with the people in Missouri. I can tell you that if we don't change the path we are on now, the increase in prices will be even greater.

The bill's sponsors say the demand for oil will go down under Lieberman-Warner. Such a claim seems fantastical, until you examine the source of the study. It is a study by the International Resources Group. That name seems normal enough. But then looking at a copy of the study, it shows it was guided by the close involvement of the Natural Resources Defense Council. They are the ones who are behind it. The NRDC study used by the other side assumes we will get 50 or 60 percent of our energy by 2050 from renewable sources such as wind and solar. I am all for clean wind and solar power. But nobody in their right mind will believe we will go to generating 50 percent of our power from wind and solar. That isn't going to happen. You talk to the experts. I have listened to experts, experts who are very knowledgeable about biofuels and others. They say biofuels can help. Wind and solar can help at the margin. But we are still going to depend upon fossil fuel for most of our energy costs, particularly our transportation costs.

On oil demand, the NRDC study makes more outlandish assumptions. They predict the fleet efficiency for cars and light trucks will go up to 52 miles per gallon. Congress just finished raising CAFE standards to 35 miles per gallon. Now the NRDC says: No problem, we will move it up to 52 miles per gallon. That would mean we would have a fleet of golf carts hauling our produce. I wonder how many golf carts it would take a farmer to deliver the hay to cattle in the field, how many golf carts to pull a wagon full of corn, how many golf carts to take a large family to school. A fleet of golf carts is a wonderful thing.

The NRDC says we will get 52 miles per gallon by moving the vehicle fleet to hybrid and plug-in vehicles. That is another startling assumption, 100 percent hybrids and plug-ins. Don't get me wrong. I am a big fan of the potential of hybrid cars using advanced vehicle battery technology. These are things we ought to be working for.

Over the recess, as part of my six-city tour of Missouri I mentioned earlier, I visited the Ford assembly plant in Kansas City, where they make the hybrid Escape SUV. Kansas City is a national leader in hybrids and battery technology. We have the Ford hybrid SUV plant. We have a GM plant assembling hybrid sedans and SUVs, and we are an international leader in all kinds of battery technology, starting from the original lead batteries to lithium-ion batteries to lithium-ion polymer batteries.

All these things will help. But Ford is only making about 20,000 of these cars a year. They don't have enough batteries to meet the needs. I wish to expand on the use of advanced vehicle batteries for hybrids and plug-ins. I believe we need to jump start it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. If it comes out of the Republican time.

Mr. BOND. How much time remains on the Republican side?

The PRESIDING OFFICER. There is 17 minutes.

Mr. BOND. I ask my colleague how much time he needs.

Mr. VITTER. I need about 8 minutes.

Mr. BOND. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. If we can get a domestic manufacturing supply base for hybrid batteries to get the volume up and the prices down, that would be good. Right now we are all depending upon a Japanese battery manufacturer. We need to have those batteries manufactured in the United States and not be dependent solely on an external source. That is a twofer. We could expend the use of clean cars, burning gasoline only occasionally, expand the number of blue-collar manufacturing jobs—good for the environment and good for workers. But I do not think we can rely on the idea that we will achieve 100 percent hybrid and plug-in use during this bill. The NRDC study also assumes massive new production from carbon captured from powerplants and used for enhanced oil recovery. I support this too. But to think we can cut oil imports by 58 percent because we are expanding domestic production from burned-out wells through enhanced oil recovery is beyond the possible.

So if we set studies aside by environmental groups supporting the bill and manufacturing groups such as NAM opposing the bill, that leads us to the mainstream Government agencies such as EPA. They say gasoline prices will rise 53 cents per gallon by 2030, $1.40 by 2050. If you add a $1.40-per-gallon Lieberman carbon surcharge to the current price of $4-a-gallon gasoline, you get gas prices at $5.50 a gallon.

I can tell folks back home right now there is no way I can accept the Lieberman-Warner offer of $5.50-a-gallon gasoline. When I tell my Missouri constituents we are on the floor debating a bill, when we have $4-a-gallon gasoline, and the bill would significantly increase energy costs rather than increasing supply that would reduce the price of oil, they cannot believe it.

We are on the wrong track. We need to cut carbon. We do not need to increase energy prices on the American public.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I have been allotted 8 minutes, and I ask the Chair to notify me when 6 minutes of that 8 have expired.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. VITTER. Thank you, Mr. President.

Mr. President, like my colleague from Missouri, last week I traveled all around my home State. I had about nine townhall meetings and many other meetings of all kinds in every part of the State.

In these townhall meetings, gas prices—the price at the pump—was not the first question that always came up. It was the first eight questions that always came up. In fact, of all of the discussion I had in all of these townhall meetings put together, about two-thirds of that entire discussion—that entire time—was about rising gasoline prices and energy prices. It is obviously affecting folks all across the country, certainly including in my home State of Louisiana.

In early 2006, when this new Democratic Congress was sworn into office and came into power, the average price at the pump was $2.33 a gallon. The new leadership vowed they would do something about those sky-high prices. Well, apparently they did because now the average price at the pump is $3.98 a gallon—a staggering increase in a relatively short amount of time.

So in this context, when Americans all over our country, certainly including Louisiana, are suffering from these sky-high prices that continue to rise—as they go into the summer driving season, many hoping to take family vacations, realizing they cannot this summer because of these costs—I think a very reasonable question to ask is, What is this Lieberman-Warner climate change bill going to do to an already dire situation with regard to energy prices?

Unfortunately, I have concluded it is going to make that already dire situation much worse. It is going to add on to gasoline prices, as my colleague from Missouri has stated. It is going to add on to electricity and other energy prices significantly.

On the job site, it is going to also encourage and exacerbate a very worrisome trend of exporting jobs to other countries. After all of that, it will do little or nothing with regard to the fundamental climate change challenge because it mandates nothing on the part of other industrialized powers such as China and India.

Several economic studies have specifically examined these questions. Let's start with the price at the pump.

The Energy Information Administration estimates that this bill will cause gasoline prices to increase—in addition to everything that is going on now—between 41 cents a gallon to $1.01 a gallon by 2030. Now, again, we are facing dramatically rising prices at the pump now, and there seems to be no end in sight, in large part because we in Congress have not acted in a bold manner to increase supply and do other things to help ourselves at home. Yet this bill would move us even further in the wrong direction: between 41 cents and $1.01 more per gallon by 2030.

According to the EIA, the average American uses 500 gallons of gasoline every year. The average vehicle is driven more than 12,000 miles per year. So even now, at $4 a gallon, a 12-gallon gas tank costs over $50 to fill, and we are going to increase that significantly? That is moving in the wrong direction.

What about electricity and other important sources of energy? According to the Environmental Protection Agency, this bill will increase those prices—electricity prices—by 44 percent by 2030. Again, our consumers are struggling under energy prices right now, including electricity.

Winters are a tough time for folks in the Northeast. In my part of the world, summer is the time of peak electricity load, and that is a real price burden right now. Yet we are considering a bill that is going to increase that, an already challenging and dire situation, by 44 percent?

Then, what about the jobs picture. We debate in this body all the time how we can keep and expand and grow manufacturing jobs in this country, how we can get away from the trend of exporting those jobs overseas. Yet this bill will only make that problem worse as well.

The higher energy prices caused by the bill will force U.S. manufacturers to compete unfavorably with lower cost countries overseas. Realistically, companies will move their manufacturing base out of the United States to an even greater extent, and many American jobs will leave with them.

This country has already lost 3 million manufacturing jobs since 2000. We cannot afford to lose more. But what does the rigorous analysis of this bill's impact show? Well, the National Association of Manufacturers says up to 1.8 million jobs additionally—in addition to all of those figures I have already quoted—could be lost by 2020 and 4 million jobs additionally could be lost by 2030.

The PRESIDING OFFICER (Mr. CASEY). The Senator has 2 more minutes.

Mr. VITTER. Thank you, Mr. President.

Switching from coal plants to natural gas will drive job loss, particularly in the chemical and fertilizer industries. The chemical industry is extremely important to my State. Over 100,000 chemical jobs have already been lost in the last 5 years due to the high price of natural gas. Out of 120 new chemical plants under worldwide construction, only one is being constructed in the United States.

So like the price of gasoline, like the price of electricity, on the jobs front we have a very dire, challenging situation already, and this bill would make it far worse.

The real kicker to all of this is that after all of that damage to Americans, to their lifestyles, to our economy, what would this bill do in terms of climate change?

I am very concerned it would do little or nothing because, of course, it mandates no action on the part of other major powers and energy consumers around the world, specifically China and India. Think about it. As we push these jobs overseas, out of our country, where are those jobs going?

They are going to countries such as China and India that would not be taking similar action, that would be continuing to build coal-fired powerplants and use outdated technology, that would contribute to the climate change problem. So much higher gasoline prices, much higher electricity and other energy prices, significant job loss—and what impact on the problem are we trying to address? In my opinion, little or none.

Mr. President, I hope all of our colleagues on both sides of the aisle hear from the American people, hear from them about the challenges they face right now as they fill up their automobiles, as they try to take summer vacations, as they struggle with other energy prices, as they hope to keep their jobs right here in America.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. VITTER. If our colleagues hear that message, I am confident they will vote down this dangerous bill.

Thank you, Mr. President. I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Does the Senator from New Mexico have time under the regular order?

The PRESIDING OFFICER. There is 5 minutes remaining under morning business.

Mr. DOMENICI. Mr. President, on Monday, I came to the Senate floor and discussed the rising price of gasoline and the additional increases that will result from the Boxer bill. These are not talking points. They are facts from several economic studies done by the EIA, the EPA, and many other groups.

Later today I will speak on the accomplishments we have already had in working together to advance policies that will strengthen our energy security and reduce our greenhouse gas emissions. We have not been asleep. We have done quite a bit. I will also speak about the bill before us and the many concerns I have about its effectiveness, or lack thereof.

Right now, I want to speak on the impact this bill will have on the American economy. Like many Senators, I believe global climate change is a great challenge that our Nation should address. I joined Senator BINGAMAN in expressing that sentiment in a bipartisan Senate resolution 3 years ago. That does not mean anybody has produced a bill or legislation that matched up, in my opinion, with the concerns. The way we are doing it in this bill is one way. It has never worked any place it has been tried. I do not know why it should be expected to work in America.

I have great respect for the Senators who have drafted cap-and-trade legislation, but I remain deeply concerned about the steep costs and dire consequences this bill will have on our Nation's economy. I am troubled it will have very little, if any, environmental benefit.

To those who are continuing to say this is an absolute environmental necessity, I hope they will try to gather from the experts who have looked at it just how much environmental benefit we will get from this bill.

The EPA, the Environmental Protection Agency, has concluded this bill would reduce global greenhouse gas by just over 1 percent by 2050. According to the IPCC's own benchmark, such a reduction would reduce average temperatures by one-tenth of 1 degree Celsius in 2050. These rates of reduction are far below the levels needed to mitigate the most serious effects of global climate change.

Now, again, Mr. President, fellow Senators, I am not here just giving a speech. I am trying to give you facts. If facts are the things that come from studies by experts, we have facts on this bill. I repeat, the rates of reduction are far below the levels needed to mitigate the most serious effects of global climate change.

I am troubled by the various studies on this bill. Everyone has concluded it will increase energy prices and decrease economic growth. Especially in a time of record energy prices and economic slowdown, our Nation simply cannot afford this bill. That is not just speculation or clamor. It is a true probability that we cannot afford it.

While these studies confirm that the bill will have a negative impact on our economy, they also reveal significant uncertainty as to what that impact will be. According to CRA International, the only group that included the low carbon fuel standard in its study, motor fuel prices could increase by more than 140 percent by 2015. The EIA projects that the bill could reduce industrial activity by up to 7.4 percent by 2030. The Heritage Foundation estimates that 600,000 jobs could be lost by 2026.

Another cause for concern on the economic side is the estimate of the impact on gross domestic product. While all studies project a negative impact on GDP, estimates vary from a low of $444 billion, I say to my friend, the occupant of the chair, to a high of $4.8 trillion. That range of $4.5 trillion is as massive as it is inconclusive. It is equivalent to $15,000 for every American. A careful review of these studies should shake everyone inside of this Chamber.

We must realize that cap and trade is neither our best option nor the only option for reducing greenhouse gas emissions. In fact, the Congressional Budget Office Director recently testified that a rigid cap-and-trade program is up to five times less efficient than a carbon tax.

The experience of the European Union, which instituted an emissions trading scheme in 2005, should be highly instructive in this debate.

The EU's emissions have continued to rise under cap and trade, by about 1 percent per year. While the EU's system has failed to reduce emissions, it is having an adverse economic impact with energy prices rising and other carbon intensive businesses fleeing to the developing world.

Europe's difficulties are not the only example of the shortcomings of cap and trade. Last December, it caught my attention when, during an interview on the Charlie Rose Show, former President Clinton lamented the fate of the Kyoto Protocol, saying: 170 countries signed that treaty and only 6—6 of 170—reduced their greenhouse gases to the 1990 level, and only 6 will do so by 2012 at the deadline.

Our best projections, combined with the precedent of failing cap and trade regimes already in place, show that America should take a different path. We have been told that this bill is a market-based approach, but then we read a section that says, "an emission allowance shall not be a property right" and, "nothing in this Act or any other provision of law shall limit the authority of the Administrator to terminate or limit an emission allowance."

Let me explain. These are allowances that are being paid for, in most cases, and the CBO treats them as revenues and outlays. And, the proponents of the bill expect these allowances to be traded like stock and other securities. However, the bill fails to even provide a property right for allowances and permits the EPA Administrator to take allowances or limit them at any time, and in any way. This is the very opposite of a market-based approach, and I will have an amendment in the coming days to remedy this problem.

Furthermore, this bill allows nonemitters to hold possession and trade these allowances. Presumably they will enter into contracts, derivatives, swaps, and other complicated arrangements that may undermine the oversight, transparency, and integrity of the market. This is precisely one of the factors that led us to today's mortgage crisis, and maybe this bill creates that blueprint for carbon.

My concerns with this bill are no different today than those that were shared by the full Senate in 1997, when we passed a resolution expressing our opposition to the Kyoto Protocol if brought to the Senate for ratification. Our economy expanded by 5 percent in the quarter before that vote. In the midst of robust growth, the Senate overwhelmingly rejected the idea of a treaty that did not include developing nations or "could result in serious harm to the United States economy."

With many factors now limiting our economy, and with China's emissions today much greater than in 1997, our resolve should be stronger. High energy prices, a housing crisis, and a credit crunch limited our growth to 0.9 percent last quarter. Clearly, we have plenty of challenges to overcome. Our dependence on foreign energy is great, our trade deficit is high, our national debt continues to rise, and our dollar is weak.

As we debate this Boxer bill, we should ask ourselves two questions: What will it achieve, and at what cost? I believe the answer to the first question is very little—even by 2050, this bill will not provide meaningful global environmental benefit. The answer to the second question, however, is too much—this bill will disrupt our economy, add to consumers' pain at the pump, and weaken our Nation's ability to compete in the global marketplace.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, there will now be a period of 15 minutes of debate equally divided with respect to the conference report to accompany S. Con. Res. 70.

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, as we begin the debate, first I thank my colleague, the ranking member of the Budget Committee, Senator GREGG, for his continuing graciousness and his professionalism as we have sought to find a way to conclude our work on the budget for this year. I also thank his staff. We appreciate very much the relationship we have and the very constructive dialog between us as we have searched to find a way to bring this debate to a close.

With that, I wish to describe the conference agreement in general terms. This agreement, we believe, will strengthen the economy and create jobs. It will do that by investing in energy, in education, in infrastructure. It will expand health coverage for our kids. It will provide tax cuts for the middle class. It will restore fiscal responsibility by balancing the books by 2012 and maintaining balance in 2013. It also seeks to make America safer by supporting our troops, by providing for our veterans' health care, and by protecting the homeland and rejecting the President's proposals for deep cuts in law enforcement, the COPS program, and for our first responders.

The tax relief in this budget is significant. This conference agreement extends the middle-class tax relief, provides for marriage penalty relief, the extension of the child tax credit, the 10-percent bracket. It also provides for alternative minimum tax relief so more than 20 million people in this country don't get caught up with additional tax obligations. It provides estate tax reform, it allows energy and education tax cuts as incentives to reduce our dependence on foreign oil, and it provides assistance for families who are struggling to pay college costs. It also provides for significant property tax relief and, of course, for the important extenders package.

The record under this administration has been a record of debt and deficits as far as the eye can see. This chart shows very clearly what has happened to the debt under this administration. This President, at the end of his first year, had a debt of $5.8 trillion. We don't hold him responsible for the first year because he inherited that budget. But over the 8 years he is responsible for, the debt has gone from $5.8 trillion to $10.4 trillion—almost a doubling of the debt in this country. This President's fiscal failures are manifest. They are written across the pages of the economic history of this country.

This budget seeks to take the country in a different direction. Under this budget, we reduce the debt as a share of the gross domestic product each and every year, from 69.3 percent of GDP to 65.6 percent by the end of the fifth year. The same is true of the deficit picture under this budget. I am proud to report that we balance the books by the fourth year of the budget. We maintain balance in the fifth year. While the President's budget balances in the fourth year, it swings right out of balance once again in the fifth year. We don't believe that is a responsible course.

Under this conference report, spending goes down as a share of gross domestic product, from 20.8 percent of gross domestic product in 2009 to 19.1 percent of GDP in 2012 and 2013.

We will hear a lot from the other side about spending in this budget and we will hear claims that this takes spending through the roof. Let's compare the spending in this conference report with what the President proposed. In this conference report, total spending is $3.07 trillion in 2009. The President has $3.04 trillion. That is a difference of 1 percent. Again, the conference report shows spending of $3.07 trillion, the President proposed $3.04 trillion, a difference of 1 percent. Where did the difference go? Well, it went in those areas I have discussed: energy, education, and infrastructure, all of them critical needs.

On the revenue side, the President proposed $15.2 trillion of revenue over the 5 years of this budget. We have $15.6 trillion of revenue—a modest difference, a 2.9 percent difference in revenue. We believe that can be accommodated without any tax increase. There is no assumption of a tax increase in this budget. In fact, as I have identified, there are substantial middle-class tax cuts in this budget. In addition, we believe this modest increase in revenue over what the President has proposed can be provided by aggressively going after the tax gap—the difference between what is owed and what is paid—by going after the offshore tax havens, as well as closing down abusive tax shelters. We believe that difference can be easily accommodated in those ways.

Now, I predict that my colleague, for whom I have great respect and real affection, will stand up here momentarily and he will tell all of us this is the biggest tax increase in the history of the United States. He may even say that is the biggest tax increase——

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. Momentarily.

Mr. GREGG. I was going to say: in the world.

Mr. CONRAD. We have agreement on that. My friend is going to stand up here and say: "The biggest tax increase in the history of the world."

I wish to recall his words from last year. Last year he said about our budget: It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next 5 years—the biggest in U.S. history.

Here is what happened. There was no tax increase.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Let me conclude on this thought. Here is the record. We had tax cuts of $194 billion. That is the record. That is what happened. No tax increase; tax reductions. If anybody wonders, go to your mailbox and look at the checks you have received from the United States Government. That was passed by a Democratic Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that my brief statement not take away from the 15 minutes that has been allotted to the two managers of this budget conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I wish to have the record spread with how we work together here, not as much as we should, but we do it often.

As everyone knows, Senator KENNEDY is ill. He has had brain surgery. He is now in a hospital in North Carolina. Senator BYRD has taken ill. He is in a hospital in Virginia. My Republican colleagues stepped forward. Senator WARNER said: I will pair with Senator KENNEDY. That is something we used to do a lot. We don't do it as much as we used to. But I will pair, said Senator WARNER, with Senator KENNEDY. That way he is recorded as if Senator

KENNEDY were here, he would vote opposite of Senator WARNER and therefore it cancels out the votes.

I called Pete Domenici at home last night and said: Pete, as you know, Senator BYRD is sick. Would you pair with him? He didn't hesitate a half a second. He said: Of course I will.

Now, I want everyone to understand how much I personally, as do we all, appreciate these men stepping forward and doing this in a time of need. It would be easy for them to say wait until we get everybody here and we will have a vote.

But in addition to that, JUDD GREGG last night said: I would be happy to pair with someone if that is necessary. This is above and beyond the call of duty. Senator CONRAD has spoken many times about his affection for JUDD GREGG. They have worked so closely together for so long. I also feel he is one of America's very good Senators. Very few people are as well prepared as he is to come to the Senate. He has been a Member of the House of Representatives, he has been Governor of his State, and now a Senator. He and I don't agree with a lot of the votes we do here, but as far as him being a good legislator, he is truly a good legislator.

So Senator GREGG, Senator DOMENICI, and Senator WARNER I would acknowledge are very outstanding not only Senators but human beings.

Mr. CONRAD. Mr. President, on a point of personal privilege, I thank the leader for coming and making the statement he has. People see this body and sometimes they see it at its worst. This, in many ways, is the Senate at its best: Senator DOMENICI agreeing to withhold his vote to pair with Senator BYRD who could not be here because of illness; Senator WARNER, whom I asked yesterday to pair and who readily agreed he will pair with Senator KENNEDY who could not be here. This is to me an act of graciousness, it is thoughtful, it is respectful, and it is exactly what one would expect of Senator DOMENICI and of Senator WARNER.

I wish to say a special note about Senator GREGG who told me yesterday if we couldn't find someone else to pair with Senator KENNEDY or Senator BYRD, he would be willing to do that. When I told my staff, I told them that is class. I wish to say publicly what I said to my staff privately, that Senator GREGG has demonstrated the highest example of what the Senate should be about and I thank him for it.

Mr. REID. Mr. President, I ask unanimous consent that my statement and that of Senator CONRAD's not take away from the time of Senator GREGG because he needs all the time he can get to show that this is the biggest tax increase in the history of the world.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me thank the majority leader and the chairman for their kind words. They would have done the same thing were they in my position, if somebody on our side were ill. I know they would have, because I know the type of people they are, and I thank them for their generous comments relative to my willingness to help on that issue.

I especially want to acknowledge, as they have, Senator WARNER and Senator DOMENICI. This is Senator DOMENICI's last vote on the budget, and Senator DOMENICI and the budget are inextricably identified together. He basically wrote the Budget Act along with Senator BYRD, who regrettably can't be here and whom he is pairing with, and for 30-plus hours now, he has been overseeing the budget as the godfather of it. For him to pair on this matter on this last vote on the budget is a very gracious act, as Senator CONRAD has pointed out.

I also thank Senator CONRAD and his staff for their courtesy and their professionalism. It is always afforded to us as Republicans by the majority staff and we very much appreciate it. We obviously disagree fundamentally on where this budget is going, but that doesn't mean we can't proceed in an orderly manner. As I have said before, although I strongly disagree with this budget, I feel equally strongly that this Nation needs a budget, even though in this instance it is something I will point to as a mistake. But we could have done a lot better.

As a practical matter, I respect the efforts put in by the majority and the majority staff, and especially the chairman of the committee who worked tirelessly on this and defends it very effectively. He has said I will say this is the largest tax increase in the history of the world. Let me confirm that, and let there be no mistake about it—there is the largest tax increase in the history of the world in this budget. We are talking trillions here, which is hard to understand for anyone. It is a concept that is alien to all of us. But this budget talks in the trillions.

This will be the first budget that pushes debt over $10 trillion. That is a lot of money. Two trillion dollars will be added to the debt as a result of this budget. This will be the first budget that takes non-emergency discretionary spending over $1 trillion. I suggested we draw the line and say, at least for 1 year, we will hold back and not go over $1 trillion. That idea was rejected.

This budget has buried in it a $1.2 trillion tax increase. Yes, it would not occur this year, but it is assumed in the budget. That is how they get to balance in the budget. It is assumed in the outyears. That tax increase will translate, when it kicks in, in 2011, into real increases in taxes for Americans. Although most of us cannot understand $1 trillion, we can understand the fact that for families earning $50,000, with two children, their taxes, under this proposal, over the next 5 years will go up $2,300. For retired people—and there are 18 million of them—their taxes will go up over $2,000. For 47 million small businesses in America today—the engines of the economy, of economic growth, the people who create the jobs in this economy—their taxes will go up $4,000. That is a lot of money. That is money they should be able to keep, and it should not come to the Federal Government. That tax increase should not go into place.

This bill has taxes in it that presume that the capital gains tax will essentially double for many Americans. The dividends tax will definitely double. Rates will jump dramatically. The 10-percent rate will be repealed. The estate tax will jump dramatically.

This bill essentially assumes a major tax increase on working Americans and on small business. In my opinion, that is a huge mistake. The other huge mistake that this budget has in it is it makes no effort at all to control the accounts that are going to essentially bankrupt our Nation for our children, which are the entitlement accounts. We know we are sending this Nation over a fiscal cliff. We know that if we don't act, our children and grandchildren will not be able to afford this Government because of the cost and burdens of Medicare, Medicaid, and Social Security.

We know the baby boom generation is alive and is going to be moving into retirement. Yet this bill takes no action—no action at all—to try to remedy this very serious fiscal problem, which is going to occur on the watch of this bill. This is a 5-year budget. So this is a very serious failure of taking responsibility on a key issue of fiscal policy.

In addition, of course, we have strong differences over the amount of spending in the bill. It crosses the trillion-dollar line. The Senator from North Dakota named some of the important things to spend money on. Yes, they are important, but we need to set priorities. Rather than simply increasing spending, we ought to look at programs now on the books, which are not as high a priority as we need, and move the money from those programs into the programs we want to spend more money on. This budget assumes that of all the Federal programs on the books—$1 trillion of discretionary spending—none will be eliminated, not one.

Let me tell you, there are programs we can eliminate, and we should have made that tough decision. So we have strong opinions that this budget doesn't go where it should go. It fails in the issues of tax policy, entitlement policy, and spending policy. Obviously, the other side of the aisle is the majority—and, remember, they were in the majority last year too—so they have the right to pass their budget. I point out that last year they claimed they were going to give us a tax cut, and they didn't do it. They took credit for the amendment that said they were going to give a tax cut, but it was never passed. This year, they are taking credit for the same amendment, and I suspect it would not pass again.

What will pass is the tax increase of $1.2 trillion in this bill on working Americans. That will come to fruition because the majority assumes this budget event. This budget doesn't work without those new revenues. It is a failure, in our opinion, and that is why we oppose it.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report to accompany S. Con. Res. 70.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DOMENICI. Mr. President, on this vote, I have a pair with the Senator from West Virginia, Mr. BYRD. If he were present and voting, he would vote "yea". If I were permitted to vote, I would vote "nay". I, therefore, withhold my vote.

Mr. WARNER. Mr. President, on this vote, I have a pair with the Senator from Massachusetts, Mr. KENNEDY. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mrs. CLINTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 45, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—48

Akaka
Baucus
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Wicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Domenici, against
Warner, against

NOT VOTING—5

Biden
Byrd
Clinton
Kennedy
McCain

The conference report was agreed to.

Mr. CONRAD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I again thank all our colleagues. This is a significant vote because this is the first time in an election year since 2000 that we have been able to pass a budget. That sets a good example for the future.

I, again, especially thank Senator DOMENICI. This is his last vote on a budget. He, out of respect for this institution, respect for Senator BYRD, respect for the budget process, agreed to pair with Senator BYRD. We thank Senator DOMENICI for that gracious act.

And Senator WARNER, I deeply appreciate your willingness to pair with Senator KENNEDY, who, as we all know, is ill and recovering. You are a pro's pro, and we deeply appreciate the respect that you have shown for our colleague, Senator KENNEDY.

Again, I thank all of the staff who have worked so hard. I again want to conclude by thanking the ranking member, Senator GREGG, for all he did to allow us to complete work today.

Mr. ENZI. Mr. President, we are all familiar with the phrase "all you can eat." There are restaurants everywhere that specialize in feeding us until we burst. Needless to say, that isn't a good idea. Eating until you just can't eat any more isn't just a waste of resources, it is likely to have a severe impact on your future health—and your current waistline!

We are in a similar fix here in the Congress. Our country is in a sinkhole of debt and it's almost as if we have adopted a philosophy of "all you can spend" around here. Spending is out of control and we are doing more than just wasting resources—we are destroying the future of our children and our grandchildren. Our friends on the other side of the aisle don't seem to see what a terrible problem we face. Just like that all you can eat line, our colleagues are heading back to the buffet for one more full plate and leaving the bill for our children to pay. As the old adage says so well, you can pay me now, or pay me later—and our colleagues have chosen to leave the bills for later. We ought to know better.

This week the Senate is considering the conference report for the fiscal year 2009 budget resolution, a blueprint that is supposed to provide us with guidance for spending that reflects the priorities of the Congress. As stewards of the public trust, the Congress needs to make responsible choices that leave a fiscally sound country to our children and our grandchildren. Unfortunately, the budget resolution conference agreement we are debating this week doesn't confront any of the tough choices that face our country.

I will say once again that we cannot sustain the current level of spending without inflicting grave damage on the fiscal health of our country. This conference agreement rejects the President's proposals that slow the growth of spending in mandatory programs, as well as keep a handle on discretionary spending.

It does nothing to shore up the government's fiscal house, and instead leaves the tough choices to future Congresses and the next administration. Yet every day, Americans sit at their kitchen tables and tighten their own budgets to pay for gas, food and other necessary expenses—while we can't even impose meaningful discipline on spending here in Washington.

As stewards of the public trust, we owe it to all American taxpayers to use the funds they provide us in the most efficient way possible. If we do that, then we provide future generations with a strong economy.

As an accountant, I particularly welcome the opportunity to look at the overall spending priorities of our Nation. Fiscal year 2009 ought to be another tight year for spending. This year the Federal deficit is projected to be close to $350 billion—under the Conference Agreement—which will pale in the face of major demands on resources as the so-called baby boom generation begins to reach eligibility for Social Security and Medicare. We must realistically deal with issues like increasing health care costs, tax policy, burgeoning energy costs, as well as continuing national security obligations. Americans deserve more than another "pass the buck" budget.

Mr. President, here is the truth about what the Democratic budget resolution would do. It will: raise taxes by $1.2 trillion meaning that 43 million families with children will pay $2,300 more each year, and 18 million seniors will pay $2,200 more; increase spending by $210 billion over 5 years. For fiscal year 2009, exceed the President's requested budget by $24 billion; would allow the gross debt to climb by $2 trillion by 2013; last year's budget grew our national debt by $2.5 trillion. It ignores entitlement reform—there is no attempt to tackle the $66 trillion in unsustainable long-term entitlement obligations that face our country. The President's budget proposed to reduce the rate of growth in one of our most expensive entitlements, Medicare. This would not cut Medicare at all—it would simply reduce the rate of growth. This conference report rejects even slowing the growth in entitlements. For these reasons alone, the conference report ought to be rejected.

Congress ought to be considering a budget that reduces the national debt, promotes honest budgeting, and encourages true economic growth by reducing energy costs, reducing taxes, and reducing health care costs and increasing access for all Americans.

Last year, the majority also promised to abide by pay-go rules and actually pay for all new spending. Well, as far as I can see this has not happened, and in fact, pay-go enforcement rules have been weakened through a variety of different mechanisms and smoke and mirrors that taxpayers have ended up with billions in new spending.

Congress must take seriously the warnings from the General Accounting Office and the Congressional Budget Office about Federal expenditures spiraling out of control. We need to make procedural and process changes to directly address these problems. One of the many procedural reforms that I believe would promote fiscal responsibility is a 2-year budget process, known as biennial budgeting.

In fact, in his budget for fiscal year 2009, the President once again proposed commonsense budget reforms to restrain spending. He has several recommendations, including earmark reforms and the adoption of a 2-year budget for all executive branch agencies in order to give Congress more time for program reviews. Implementing these overall recommendations would be a step in the right direction.

The budget process takes up a considerable amount of time each year and is drenched in partisan politics, while other important issues end up on the back burner. The Federal budgeting and appropriations system is broken, and lends itself to spending indulgences taxpayers cannot afford. We only have to look to the mammoth spending bills that nobody has time to fully read or understand before they are passed into law. Last year's omnibus appropriations bill is an example of a system that promotes fiscal recklessness.

This conference report is a missed opportunity. There is a crucial need to enact procedural and process changes that will enable us to get this country on the right budgetary track again. We simply cannot risk the economic stability of future generations by continuing to "get by" with the status quo. The risks are far too great.

The conference report we are debating today is a hollow, tax and spend, big government budget. It makes no tough choices.

FISCAL YEAR 2009

Mr. DOMENICI. Mr. President, I would like to thank Chairman CONRAD and the other members of the Budget Committee for their kind words and well wishes that have been directed toward me during our work on this the final budget resolution during my tenure in the Senate.

As most of you know, I have worked on many budgets and numerous other initiatives during my 36 year career. However, important work still remains for the Budget Committee. If I had more time I would without a doubt seek to address entitlement spending. I had pledged to work with Chairman CONRAD on his bipartisan bill and I am disappointed that we may not have time to take it up this year.

This budget, like many before it, fails to address the 800 pound gorilla in the room, otherwise known as entitlement spending. After 2010, spending related to the aging of the baby-boom generation will begin to raise the growth rate of total outlays. The annual growth rate of Social Security spending is expected to increase from about 4.5 percent this year to 6.5 percent by 2017. In addition, because the cost of health care is likely to continue rising rapidly, spending for Medicare and Medicaid is projected to grow even faster—in the range of 7 or 8 percent annually. Total outlays for Medicare and Medicaid are projected to more than double by 2017, increasing by 124 percent, while nominal GDP is projected to grow only 63 percent. The budget currently under consideration does not offer solutions, much less even address, entitlement spending or reform. I do not support this budget in its current form because it does not offer any meaningful solution for entitlement spending.

I offer this piece of advice to my colleagues serving on the Budget Committee: tackle entitlement spending. The Budget Committee should propel itself to the forefront of this debate and use the tools that only this committee has at its disposal to address the number one issue on the minds of the American public. With true leadership, this committee has the potential to turn mere Senators into heroes if they choose to address the entitlement programs. I urge Senators to come together and find a solution in the near future before it is too late to resolve this crisis.

Mr. LEVIN. Mr. President, I am pleased an agreement has been reached on a budget resolution conference report. It is the duty of Congress to approve the Nation's fiscal blueprint, and this year's budget report presents a responsible plan that rightfully prioritizes job creation and programs to support the safety, health, and education of America's children.

Our economy has long been suffering and is in need of a boost. This budget will help start to undo the damage caused by the administration's misguided fiscal policies and stave off additional cuts proposed by the administration that would affect important programs that are especially needed in this time of economic distress.

This budget rejects the President's failed policy of paying for tax cuts by adding to the debt burden of our children and grandchildren. The fiscal year 2009 budget that President Bush sent to Congress in February would have us pursue the same failed priorities and policies that have proven so woefully wrong for Michigan and for our Nation. The President's proposal would dig us even deeper into the massive deficit ditch we are already facing. The President's proposal would provide even more tax cuts to the wealthiest among us, while at the same time it would cut funding for critical programs important to my State's economy and the well-being of the State of Michigan. This includes cuts to, among other things, health care funding, including Medicare and Medicaid; decreased funding for important investments in education; and the elimination of the Technology Innovation Program, formerly called the Advanced Technology Program, and the Manufacturing Extension Partnership, which helps small and mid-sized manufacturers compete in a global economy.

We need to break from those failed policies by forgoing irresponsible tax cuts for the wealthiest among us and making important investments in America's future; we must work to put our country back on track and begin the long process of climbing out of this deficit ditch.

That is why I am glad this resolution provides for a balanced budget by 2012. It also furthers our strong pay-go rules, which require that all mandatory spending and revenue provisions be deficit-neutral. It sets the course to fully offset a repair of the alternative minimum tax, which would otherwise cause nearly 20 million middle class taxpayers to be subject to a tax they were never intended to be subjected to. It also assumes middle income tax relief, including marriage penalty relief, the child tax credit, and the persistence of the 10 percent bracket.

I am pleased that this resolution includes my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to act to revitalize our domestic manufacturing sector. The administration has stood by passively while 3 million manufacturing jobs were lost to America.

This resolution also seeks to close the tax loopholes costing the Treasury large amounts of revenue and which have shifted an unfair burden to middle income taxpayers. Shutting down abusive tax shelters and offshore tax havens are two of the major tax gap initiatives assumed in the budget resolution. Additionally, this budget would reject many of the cuts in funding proposed by the President for essential health care and education programs. I believe this budget resolution, while only a blueprint for future action, sets us on a course of fiscal responsibility and paves the way for important investments in America's future.

I am also pleased that this conference report retains an amendment I co-authored which, taken together with the underlying clean energy reserve fund, will support extension of the current production tax credits for renewable electricity and biodiesel fuel, the small-producer biodiesel tax credit, and clean renewable energy bond authority. It also proposes new tax credits for cellulosic ethanol and plug-in hybrid vehicles. I will continue to work to enact these necessary incentives.

Major bipartisan efforts will be needed to make true progress on the long-term fiscal problems we face. But this resolution represents a good start by proposing an end to the financing of unaffordable tax cuts for the wealthiest among us, as well as funding prudent investments to promote the health and well-being of our children.

Mr. CARDIN. Mr. President, I rise in strong support of the fiscal year 2009 budget resolution conference report. As a member of the committee, I want to recognize Chairman CONRAD and thank him personally for his untiring efforts to craft a blueprint that will get our Nation's fiscal house back in order.

Perhaps more than at any time in our history, it is imperative that Congress focus seriously on our Nation's budget situation. The competing demands of an aging population, our current international commitments, growing competition in the global economy, our widening trade deficit, and shrinking revenues all require that we address our fiscal situation with urgency. Revenues are at a historic low point, while the demographics of the country are driving spending higher on needs that the private sector is ill-equipped to address. Now there is widespread consensus among working families that—regardless of the official definition—we are in a recession.

Employment growth during this administration has averaged fewer than 50,000 jobs a month—the lowest monthly rate for any administration since Dwight D. Eisenhower's and less than one-quarter the average of 237,000 jobs per month created during the Clinton administration.

Inflation-adjusted hourly wages have decreased by 1.3 percent since August 2003. Even median annual household income has decreased by $1,700, or 3.6 percent, after accounting for inflation. These are aggregate statistics, but behind each of them are millions of families who are falling behind as a result of inadequate investment in the right priorities.

For too long, we have been moving in the wrong direction. Over the past 7 years, the Bush administration has sent us budgets with the wrong priorities. They have contained drastic cuts to education and health care programs. They did not provide for investment in our nation's public transit systems, bridges, and roads. They did not address energy efficiency. They ignored veterans' health care needs and actually attempted to make it more difficult for veterans to access the health system we promised our troops. And they neglected the programs that help working families thrive, including child care, housing, community development, and job training. Recent Congresses supported those budgets, and exacerbated the fiscal crisis by enacting irresponsible tax cuts that America could not afford—tax cuts that overwhelmingly benefitted the wealthiest Americans, while providing very little help for working families. Last year, under new leadership in Congress, we passed a budget that began to change course. This budget continues that effort, and I am pleased to support it.

This conference agreement targets tax relief where it is most needed—at working families. This includes an extension of the child care tax credit, marriage penalty relief, and the 10 percent individual income tax bracket.

Equally important, this budget resolution is fiscally responsible. It will return us to a balanced budget, with a surplus of $22 billion in 2012 and $10 billion in 2013.

Even as crucial domestic programs have suffered under this administration, the Nation's debt has increased from $5.8 trillion at the end of President Bush's first year in office to in excess of $9 trillion.

If we fail to change course, we will leave our children and grandchildren an insurmountable legacy of debt. The fiscal policies of this current administration have erased the $5.6 trillion surplus that was projected in 2000 and replaced it with a projected deficit of nearly $4 trillion over the next 10 years.

The borrowing necessitated by deficit spending has jeopardized our economic position in the world, and it has clouded the outlook for generations of Americans to come. We have had to turn to foreign governments to borrow money. Our foreign-held debt has increased by more than 100 percent during this administration. In fact, in just one year, the total has increased from $2.1 trillion to $2.5 trillion. According to the Treasury Department, as of March 2008, the United States now owes more than $600 billion to Japan, nearly $500 billion to China, more than $200 billion to the United Kingdom We owe $150 billion to oil exporting nations, up from $112 billion last year. These levels of foreign-held debt threaten our independence as a nation, and they are unsustainable.

That is why it is so important that we make the difficult budget choices that can return us to a balanced budget, and that this resolution contain tools needed to get there, including pay-go.

This resolution calls for $3.1 trillion in spending for the next fiscal year. It rejects the President's cuts to entitlement programs, and it funds domestic discretionary programs at $21 billion above his budget request. This means that we can begin to make much needed improvements in the programs that help build our nation.

The many important areas that this budget addresses are particularly crucial in these difficult economic times for America's families. We provide for a reserve fund that will improve access to affordable housing for working families, we add $40 million for emergency food assistance and we improve unemployment compensation.

In health care, I want to mention two specific areas. This budget makes room for critically needed increases in health research funding. The National Institutes of Health is headquartered in Maryland, and its grants fund research in my state and across the nation. Unfortunately, this is the sixth year in a row that NIH has been essentially flat-funded. I have the privilege of meeting often with biomedical researchers from my home state. They are working to find treatments and cures for our most challenging diseases—cancer, diabetes, arthritis, ALS, and others.

During the period when Congress doubled NIH funding—between 1998 and 2003—researchers' chances of securing NIH funding for a worthwhile grant proposal was one in four. Since 2003, their chances have dwindled to one in eleven. Undergraduate and graduate students alike are beginning to question their career choices and wonder if there is a future for them in biomedical research. With medical research inflation at nearly 3.5 percent, we must increase the agency's funding by at least that amount in order to break even. To make progress in the fight against disease, we must increase our spending substantially. I am pleased that our resolution rejects the President's planned cuts for this critical agency and makes room for additional funding.

This budget resolution also makes room for improvements to pediatric dental care. I have come to the floor of the Senate on several occasions to talk about a 12-year-old named Deamonte Driver. He lived just 6 miles from here in Prince George's County, MD. The Driver family, like many other families across the country, lacked dental coverage. At one point, his family had Medicaid, but they lost it when they moved into a shelter, and their paperwork fell through the cracks. When advocates for the family tried to help, it took more than 20 calls just to find a dentist who would treat him.

Deamonte began to complain of headaches in January 2007. An evaluation at Children's Hospital found that he had an abscessed tooth, but the condition was advanced and he needed emergency brain surgery. He later experienced seizures and a second operation. Even though he received additional treatment and appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25, 2007. At the end, the total cost of his treatment exceeded a quarter of a million dollars—more than 3,000 times the $80 it would have cost for a tooth extraction.

There is no excuse for us, in the wealthiest nation on Earth, to watch a child die for lack of access to basic dental care. It is difficult to find dentists to treat low-income children for two reasons. First, because there is a shortage of pediatric dentists—only 4.3 percent of dental school graduates in 2001 reported pediatric dentistry as their specialty of choice; and second, because the reimbursement from public programs such as Medicaid and SCHIP is low.

Our budget rejects the President's cuts to dental training programs, and it is my hope that we will continue to work to increase the number of pediatric dentists and improve reimbursement for public programs. But there are thousands more children, like Deamonte's brothers who also need dental care—who cannot wait for us to recruit and train more dentists. I thank both Senator WHITEHOUSE, who joined me in offering an amendment in committee to address this issue, and the members of the Budget Committee who unanimously supported it. My amendment would establish a deficit-neutral reserve fund in the budget for legislation to improve access for low-income children who are in either Medicaid, SCHIP, or are uninsured. As a result, this budget will allow Congress to fund legislation to improve oral health care and more appropriately reimburse the providers who are willing to treat low-income children. These are the offices, clinics, and dental schools whose doors are open to underserved patients, but whose ability to treat large numbers is compromised by inadequate payments.

This budget also funds critical investments in homeland security. The President's budget reduced funding for important first responder programs, including the SAFER—Staffing for Adequate Fire and Emergency Response—grant program. The SAFER grant program directly funds fire departments and volunteer firefighter interest organizations to help them increase the number of trained, frontline firefighters. This budget rejects those cuts and will give firefighters needed resources to protect our communities.

I am proud that this resolution also addresses another issue that is critically important for Maryland. It calls for pay parity between civilian and military employees. With tens of thousands of Federal employees in Maryland, I have witnessed the additional burdens placed on our civil servants, particularly since the 2001 terrorist attacks on our Nation. These dedicated employees are called upon to assume greater risks with lower comparable pay to private sector wages. In addition, many Federal agencies now face a human capital crisis, with thousands of our most experienced employees eligible to retire in the next few years. Pay parity is necessary if we will be able to recruit and retain a quality Federal workforce, and this budget provides for it.

Finally, I also note that this budget supports our veterans. We rightly reject the President's misguided proposals to increase enrollment fees and copayments for veterans' health care services. We increase funding for the Department of Veterans Affairs so that we can improve VA health care facilities and improve access to rehabilitation, mental health services, traumatic brain injury services, and speed the processing time for disability claims.

Again, I thank Chairman CONRAD for his leadership in helping to bring forth this agreement. As he has said previously, it truly marks a new path forward for our country. I urged my colleagues to support it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent——

Mr. CONRAD. Will the Senator withhold for one moment?

Mr. COCHRAN. I am happy to withhold for my friend from North Dakota.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to request that we go into a period of morning business until 12:45, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair, and I thank very much my colleague and my friend, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi.

CLIMATE SECURITY ACT

Mr. COCHRAN. Mr. President, my staff members and I hear from Mississippians every day about the crippling effects of high energy prices. We all understand the need for increasing clean energy supplies, and I hope we can continue to work to do that and to develop other innovative solutions to deal more effectively with this great problem. But the bill we are considering will not accomplish that goal. Instead, the legislation will have a detrimental effect on our economy. It will contribute to a higher overall cost of living, and it will be especially harmful to lower income families.

According to projections by the Energy Information Administration and the Environmental Protection Agency, energy costs are projected to rise because of this legislation. Energy prices are already at an all-time high. We cannot afford to increase these costs even further. By 2030, increased costs for delivered coal could range between 405 percent and 804 percent, natural gas prices could rise between 34 percent and 107 percent, and gasoline prices could go up between 17 percent and 41 percent. Although the substitute amendment we are considering imposes yearly cost ceilings, these high prices will still be realized unless improbable advancements in alternative energy production, such as 70 new nuclear reactors and 68 billion gallons of ethanol, are produced.

Various projections of this bill show not only will prices increase, Americans could lose jobs as industries struggle to keep costs down. I am proud of the new era of manufacturing that my State of Mississippi is entering, but I don't want Mississippians to lose the jobs we have fought so hard to obtain. The Environmental Protection Agency and the Energy Information Administration suggest that this bill could reduce the gross domestic product of the United States by as much as 7 percent by 2050 and could reduce the manufacturing output of the United States by almost 10 percent in 2030. A reduction in output means that industry will need fewer workers in order to keep their costs down. A need for fewer workers will result in job losses, and unemployment rates in my State are already too high.

I believe the Senate should spend time considering the best use of America's natural resources while being mindful of the environment. However, if we are going to mandate reductions in greenhouse gases, there are certain principles we need to keep in mind. The Senate must consider the costs we will impose on the consumers we represent. The legislation we have before us goes beyond what is required to reduce emissions and imposes harsh, costly restrictions on the industries and businesses we count on to keep our economy healthy.

The bill provides that only 30 percent of annual emissions reduction obligations can be met using credits and offsets. Only half of that amount can be from domestically generated credits, through a complex formula, and the remainder of the available credits would come from outside the United States. Many of these credits and offsets will likely come from the agricultural sector. Mississippi farmers are already engaged in better and more efficient practices, such as no-till farming, new irrigation efficiencies, and reforestation of marginal lands.

Another troubling aspect of the legislation is the creation of a massive new mandatory spending regime that would direct nearly $3.3 trillion in auction revenues over the next several decades to dozens of specific programs, some that already exist but some that are new. These mandatory programs will not likely receive the proper oversight and control that the annual appropriations process provides. It is unreasonable to think we can know today whether it will be appropriate in 2050 to allocate 3.42 percent of auction revenues for Department of the Interior adaptation activities or to allocate 3.1 percent of auction revenues in 2030 for cellulosic biomass programs.

As ranking member of the Committee on Appropriations, where we have annual hearings and review the needs and the constraints we are dealing with under the budget for appropriating funds, I cannot support this approach that pretends to project what the appropriated amount should be years and years from now.

It is my hope we will be able to help restore a strong economy, create an energy infrastructure that provides for low-cost electrical and motor fuel prices, and foster a responsible attitude about our natural resources and the environment. However, the legislation we are now considering will not bring Americans lower energy costs or, realistically, a cleaner environment.

Unless major changes to this legislation are considered, I cannot support this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I could give these remarks now or I could have given them when we were on the bill because they address something that is disturbing a number of Senators. That concern is that the majority leader may be thinking of filling the tree, which means he is not going to allow us to offer a significant number of amendments to this bill. That is, from what I can tell, something that we should not do, and he should not do. As someone who knows him well and works with him well, I think it would be a mistake to fill the tree on a bill like this, and let me give a few examples from my own experience.

When we used to do business the way the Senate does business, not filling trees but filling many days with legislation of importance, we had a Clean Air Act, Mr. President. The manager of the bill was Ed Muskie. The Clean Air Act; Ed Muskie. The first bill of that sort that came to the floor. I was a brand new Senator. I was on the committee. Very interesting. I spent a great deal of time on the Senate floor just listening and watching. That bill was on the floor of the Senate 5 weeks—5 weeks not 5 days—with 168 amendments considered and 162 acted upon. Of those, 60 were Democratic.

Now, imagine this bill before us, which is far more important in terms of the ramifications to the American economy, to the costs that will be added to energy, to the trial run that we are taking upon ourselves to try to curtail carbon, which we don't even know will work, yet it will put into the marketplace trillions of new dollars that are allocations. There are certificates, not issued by the Treasury of the United States but, rather, issued under the mandate of this program. All of the language in this bill as to who gets those allocations, as though we walked around and walked the streets and tried to see who might need them and who might support the bill and provide these allocations, that deserves as much time as the Senate wants to spend offering amendments. It is probably the biggest, most complicated bill we have had, certainly in the 36 years that I have been a Senator.

Secondly, we tried an energy bill. We finally passed it after the third try, but we didn't try to fill the tree. That is language for saying we are making it so that it can't be amended, so that it will move rapidly because all avenues for amendment are filled, and thus the tree is filled. That is where the language comes from. The leader has the authority to do it, or whoever can be recognized ahead of him, if they want to do that.

I will cite another example. We finally passed a very good comprehensive energy act 3 years ago. That bill was on the floor of the Senate for 3 weeks—3 weeks not 3 days. This bill that we are talking about has been on the Senate floor only 3 days, 4 days, and already we are considering closing off debate. I have been here 35 years, and I have never seen anything like this—thinking of filling the tree on a bill of this magnitude, this complexity, and, I might say, with the certainty of having mistakes. It is just as certain as we are standing here and you are sitting there presiding that this bill has to have many errors in it, many things we will regret passing if we don't amend it, talk about it, and analyze it.

Having said that, and having examples of precedent here, when we behave like a Senate, where we were not unwilling to take 100 amendments on a bill when you considered that, and you didn't say: Oh, the Senate is closing its doors, we are dead, we used to say: We are live. We are going to get it done. Senator Muskie made his name on that one bill because it was here 5 weeks. Nobody ever questioned his capacity, after that, to handle legislation. I use that as an example when I tell people how do you become a Senator: You have an opportunity to come to the floor to manage something for anywhere from 3 days to 3 or 4 weeks. I had that chance three times on budgets. Before anybody ever knew me, I had the opportunity to come down here and do that. People found out I could manage a bill. That is part of the Senate. That happened to Senator Muskie—5 solid weeks and 100 amendments to get a Clean Air Act through here.

This bill is bigger, more important, more comprehensive, and maybe more difficult for the American economy and American people than the Clean Air Act. It needs time, not tree building, not trunk building, not closing off opportunities to amend.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There remains 14 minutes.

OIL SPECULATION

Mr. DORGAN. Mr. President, I heard my colleague on the other side of the aisle, from Louisiana, on the floor of the Senate, with the usual sharp partisan scalpel, talking about what the price of gasoline was when this Congress was seated, the new Congress—presumably with a Democratic majority was his point—and what the price of gasoline is now, suggesting somehow that the Congress has conspired in increasing the price of gasoline. In fact, nothing could be further from the truth. But I want to explain my concern about what is happening with the price of gasoline and the price of energy in this country. I also want to make the point while I do this that those, including perhaps my colleague who was speaking earlier this morning, who have always felt that regulation was a four-letter word, ought to understand that part of what we are experiencing today is regulatory agencies in the Federal Government taking a Rip van Winkle nap while they ought to be regulating, while they ought to be watching on behalf of the public interest what is going on.

We have people who came to Government who did not like Government, who aspired not to do anything. A good example of that is the folks who were put in place prior to Enron, running roughshod on wholesale electricity prices—which we later found out was a criminal enterprise. People on the west coast were bilked out of billions and billions of dollars. Why? Because regulators were not watching and didn't care, because they were regulators who were selected by the very companies they were regulating. In fact, I am told that Ken Lay actually was conducting some interviews on behalf of the administration.

Ken Lay is dead. He is gone. He came before my committee. I chaired the hearings on the Enron scandal over in the Commerce Committee. He came before the committee. We subpoenaed him. He raised his hand, took an oath, sat down and took the fifth amendment. He has now died but many of his colleagues in Enron are spending years at minimum security prisons somewhere around the country.

Effective regulatory oversight is very important. It is unbelievably important. Let me explain why that is the case with respect to the price of gasoline and the price of oil.

Here is what has happened to the price of gasoline. These are oil prices, but gasoline prices track them. This is the price of a first month contract on the NYMEX. You can see what is happening—up, up, and up.

Is there a reason that oil prices should go up like that? Let's explore that a bit. Stephen Simon, senior vice president of ExxonMobil, testified a month and a half ago before the House of Representatives. Here is what he said:

> The price of oil should be about $50–55 per barrel.

A big oil executive saying the price of oil ought to be about $50 or $55 a barrel.

Here is Clarence Cazalot, the CEO of Marathon Oil. He says:

> $100 oil isn't justified by the physical demand in the market.

An oil executive saying the current price at $100—it is much higher now—$100 is not justified.

During a question-and-answer period he suggested a more reasonable range for crude oil prices was between $55 and $60 a barrel.

This is from the Newark Star Ledger on January 8.

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Again, an oil company executive.

Fadel Gheit, senior energy analyst at Oppenheimer, with 30 to 35 years experience:

> There is absolutely no shortage of oil. I'm convinced that oil prices shouldn't be a dime above $55 a barrel.
>
> I call it the world's largest gambling hall. . . .

He is talking about the futures market now, for oil.

> I call it the world's largest gambling hall . . . It's open 24/7 . . . Unfortunately, it's totally unregulated . . . This is like a highway with no cops and no speed limit and everybody's going 120 miles an hour.

Fadel Gheit came and testified before our Energy subcommittee and said the same thing. There is no justification for the current price of oil.

Then what is happening? This is what a market looks like at NYMEX. It is hard to see much order there, but I have actually visited that market. It is a bunch of traders on the floor who wear colored jackets and logos and have pieces of paper. It doesn't look like anybody can keep track of what they are doing. They apparently are doing it well. At any rate, in this market, which is supposed to provide liquidity for the price of oil—that is you have a market where you have people who hedge and people who buy contracts and so on—there is now an orgy of speculation, an unbelievable amount of speculation.

Let me show what has happened with respect to speculation. This line shows the percentage of oil owned by speculators, January 1996 to April 2008. This is oil purchased by people who do not have any interest in having oil. These are speculators. They buy things they will never get from people who never had it, expecting to make money on both sides of the trade.

This market is now infested with speculators. We heard testimony yesterday that said the largest holder of home heating fuel in the Northeast, in the United States of America, is Morgan Stanley, an investment bank. Does anybody here think that Morgan Stanley decided as part of its corporate charter we aspire to gather a bunch of heating oil because we want to be in the heating oil business? No. It is an investment bank that is in the speculative business.

Hedge funds and investment banks are deep into speculation in these futures markets, very deep. Investment banks for the first time, as I understand it, are actually buying storage capacity to take energy, that is heating fuel and oil, off of the market and put it in storage to keep it in the market. They believe it would be more valuable in the future than to convert it to dollars, which they think will depreciate. So they buy oil and store oil because they are speculating.

The question is, What do we do about that? If, in fact, the fundamentals aren't at work here—and, by the way, there is no free market. Everybody says: What about the free market? Let the free market work. There is no free market. That is absurd. You have a cartel, a bunch of folks who represent the OPEC countries. They all have ministers—Mr. Minister this, Mr. Minister that. They go lock a door someplace and this cartel decides how much they are going to produce and what price point they want. You have a cartel at the front end. Second, you have bigger oil companies. They have all merged. They all like each other so they all married and the fact is nobody cared much how big they got and now they have two names, ExxonMobil, ConocoPhillips, the list goes on. So they are bigger, stronger, and they have more muscle in the marketplace. Cartel, bigger oil companies—and third and most important you have an unbelievable amount of speculation in a market that ought to work but doesn't work anymore at all.

Who is injured? The country is damaged. Our economy is damaged. Everybody who drives up to a service station and wants to use a gas pump to fill their car with gas is now actually siphoning money right out of their pocketbook right into the bank account of the major oil companies, right into the bank account of the OPEC countries. They have "permagrin." They love this. They smile all the way to the bank because they are depositing our money. But it is injuring our country, damaging our economy, and hurting American consumers.

So if this is not just about fundamentals, and if the fundamentals don't justify the current price, what then can we do? We have done at least a couple of little things. I introduced a bill we have now passed and the President has now signed it—he didn't like to sign it, but he signed it—that said at least stop putting 70,000 barrels a day underground of sweet light crude. That is a law. They have not stopped doing it because they are filling out the current contract until the end of June, but 70,000 barrels of sweet light crude will go into the supply line when that goes into effect at the end of this month.

What can we do to end and wring out the speculation? Let me say, first, we need oil. I am not here to trash oil. We need oil. I understand that. We put in place in 1960 generous tax breaks that are permanent to say: If you are looking for oil or gas, we want to give you some tax incentives to do that. That is what this country did a long time ago.

I was on an oil rig about 2 weeks ago in the area of our country that has the largest oil play, I believe. It is called the Bakkan Shale in western North Dakota and eastern Montana. It is fascinating what they are doing. The reason I say we need oil—I encourage drilling. I was one of four Senators who helped open up Lease 181 off the Gulf of Mexico. We are now going to get more oil and gas off of that area and still protect our environment.

Let me talk about the sophistication of the drilling rig I visited 2 weeks ago. They drill down 10,000 feet, make a big curve with the same rig, and drill out

10,000 feet. They are searching for a seam that is 100 feet wide called the shale seam. They divide that seam into three parts—the upper part, middle part, and lower part. They go down 2 miles with a drilling rig, make a big curve, go out 2 miles, and they are targeting only the middle part of a 100-foot seam to get oil and they end up 2 to 4 feet from where they expect to be with their drill bit. It is unbelievable technology. There is a lot going on and I commend them for it. We want to encourage them. We want more production, but we cannot sit around here, as a Congress, and say it doesn't matter what the current price is.

If the price at the pump is $4, the price of a barrel of oil is $125 or $130 or $135, it doesn't matter. It matters to the airlines that went belly up recently. I had a discussion yesterday with an executive who told me the name of an airline he thinks may well be liquidated in the next couple of weeks. I was flabbergasted. We have had a good many airlines file for bankruptcy recently. We have trucking companies all across this country, especially mom-and-pop truck businesses, that cannot afford to buy fuel and have gone belly up and many others will. We have people who can't afford to put gas in their tank to drive to work. That is unbelievable to me.

If it were about fundamentals, I would understand this, but this has nothing to do with fundamentals of supply and demand or the free market. It has to do with an unbelievable amount of speculation. We have a right, in my judgment, we have a responsibility, to begin wringing that speculation out of those futures markets.

There are a number of ways to do that. I have talked before about a piece of legislation that would increase margin requirements for those who want to engage in speculation. If you want to buy stock on margin, you have to put up 50 percent of the money. That is a requirement—50 percent of the money. If you want to go buy an oil contract, 5 to 7 percent. If you want to control $100,000 worth of oil, it will cost you $5,000 to $7,000. If you want to control $100,000 worth of stock on margin, it will cost you $50,000.

It seems to me first we ought to identify a way to decide what is speculation and what is not and then go after a way to wring out the speculation from these markets. I understand markets need to work, they need liquidity, they need to have an opportunity for legitimate hedging. I understand all of that. But I also understand what has happened here is we have galloped into this box canyon with speculators making massive amounts of money.

The other day I was on the floor and I talked about a man who has been involved in hedging and betting—mostly betting, not hedging—and has made a massive amount of money. He doesn't have any interest in oil. He has never had oil run through his fingers. He has probably never changed the oil in his car, let alone wanting to buy oil. He wouldn't have a place to store it if he got it. He is very interested in gambling on the contracts, back and forth, to make money.

That is what Mr. Gates said. As I indicated, Mr. Gates is a fellow who has over 30 years' experience. I have talked to him by telephone a number of times. Mr. Gates says: This is the world's largest gambling hall. It is open 24/7, totally unregulated.

Now, we have seen speculation and bubbles exist in our country before. We have seen them in history. There are books written about bubbles and speculation. You know when tulips were sold for $25,000 a piece, 400 and 500 years ago, it did not matter so much, nobody needed to have a tulip to do well during the day.

But oil is different. The price of oil affects every American, every consumer, every business. It affects our economy. What are we going to do if this price keeps moving and if we do not find a way to wring the speculation out of this and bring it back to where supply and demand or where a real marketplace would render the price to be?

How many airlines will go bankrupt? Will trucking companies be able to purchase fuel? What will consumers do? What will it mean to the economic growth potential of this country?

I am working on a piece of legislation that does a couple things, that addresses this speculation in a way to free it, to wring it out of the futures market. The futures market should exist. It is a legitimate market. The futures market for oil is necessary. You need to hedge. But we need to find a way to have complete transparency, to be able to regulate both here and also on the intercontinental exchanges. We probably need to increase the margin requirements and say to speculators: Your day is over. Your day is done. This market will exist, but it will exist without you.

I intend to work on that amendment with my colleagues in the coming days and offer it and hope we push it to a conclusion.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIEBERMAN-WARNER CLIMATE SECURITY ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S. 3036 be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Mr. McCONNELL. Reserving the right to object—I withhold.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3036) bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4825

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I send the Boxer substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 4825.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

The assistant legislative clerk continued with the reading of the amendment.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

The assistant legislative clerk continued with the reading of the amendment.

Mrs. BOXER. Mr. President, I have a unanimous-consent request.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in order to debate global warming legislation to get us to lower gas prices, I ask unanimous consent that reading of the amendment be dispensed with so we can get back to the business of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, this is a brand new substitute bill comprised of 491 pages that very few people have even had a chance to see. I think this is an opportunity for us to learn what is actually in the legislation so that we can do our job and consider it and vote accordingly.

I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. I reiterate my request because the reason given by my friend is wrong. We have had a summary available for 2 weeks.

I ask unanimous consent that reading of the amendment be dispensed with.

Mr. CORNYN. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will continue the reading of the amendment.

The assistant legislative clerk continued with the reading of the amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, in order to proceed with this piece of legislation which would reduce carbon pollution that causes global warming, I ask unanimous consent to dispense with further reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

The journal clerk continued with the reading of the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, in order to continue with this tripartisan legislation which is agreed to by an Independent, Republican, and a Democrat, which will save the planet from the ravages of carbon pollution and global warming and make us energy independent, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER (Mr. SCHUMER). Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

The assistant journal clerk continued with the reading of the amendment.

(The amendment as read in full is printed in today's RECORD under "Text of Amendments.")

Mr. SALAZAR. Addressed the Chair.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Colorado.

Mr. SALAZAR. Madam President, given the lateness of the hour and the hard work of all our staff today, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Is there objection?

Mr. CORKER. I object, Madam President.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

Mr. SALAZAR. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, would it be in order for this Senator from Colorado to ask a question of the Senator from Tennessee?

Mr. CORKER. Madam President, regular order, if we could.

The PRESIDING OFFICER. Regular order is the reading of the amendment. The clerk will read the amendment.

The assistant Parliamentarian (Leigh Hildebrand) continued with the reading of the amendment.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nevada, the majority leader.

Mr. REID. Mr. President, the American public has had the opportunity for the last 8 hours to watch what is wrong with the Republican minority. No wonder an election in a heavily Republican House district, the seat of the former Speaker of the House of Representatives, Dennis Hastert, goes Democratic big time; a House seat in a special election in Louisiana, which has been Republican for a long period of time, went Democratic; and a seat in the State of Mississippi, in a special election, went Democratic. All you have to do is look at the picture of what has been going on here today to understand why.

It seems the Republican minority wants to do anything they can to maintain the status quo. They do not want legislation, and they have proven that time and time again. I want everyone to understand that because of the Republicans, we are going to have to have a vote. In a short time, I am going to call a live quorum and people are going to have to take off their pajamas, turn off their TV sets and head for the Capitol, and they should do that because that is what we are going to have, as the terminology is here, in a few minutes.

Now, I want also people to kind of get the other picture. The Thursday before our recess, 13 days ago, we were working on a package of nominations. I worked with the Chief of Staff of the President of the United States, Josh Bolten. We cleared a lot of names. The vast majority of them, 80-some, were Republicans, Republican nominees. There were a handful of Democrats, five—I don't know how many. It was all done. I thought we had worked this out with the Chief of Staff, the President's Chief of Staff. But lo and behold, at the last minute, no. So I thought, well, we would start early this time. So a couple days ago I started working again with Josh Bolten, and the last couple days, in fact 3 days, we have been working. He has had somebody work with my Chief of Staff and my appointments person, and I thought we were making a lot of headway. We did another deal. We learned at the last minute that the Republicans don't want it. They do not want their own people, one of whom was a Secretary of the Cabinet.

So this is the stall that is taking place, for reasons that are—well, the American people can see.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

Boxer Reid Salazar

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), the Senator from Virginia (Mr. WEBB), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from

Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 28, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Baucus
Boxer
Brown
Cantwell
Casey
Dodd
Dorgan
Durbin
Feingold
Harkin
Johnson
Kerry
Klobuchar
Kohl
Leahy
Levin
Lieberman
Lincoln
McCaskill
Nelson (NE)
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Tester

NAYS—28

Allard
Barrasso
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Craig
DeMint
Dole
Enzi
Graham
Grassley
Hutchison
Inhofe
Lugar
Martinez
McConnell
Murkowski
Sessions
Snowe
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—45

Akaka
Alexander
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Byrd
Cardin
Carper
Clinton
Cochran
Conrad
Cornyn
Crapo
Domenici
Ensign
Feinstein
Gregg
Hagel
Hatch
Inouye
Isakson
Kennedy
Kyl
Landrieu
Lautenberg
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Roberts
Rockefeller
Shelby
Smith
Specter
Stabenow
Stevens
Webb
Whitehouse
Wyden

The motion was rejected.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

Mr. REID. Mr. President, I ask my colleagues to be patient for a short time.

First of all, these valiant people who are sitting in front of the Presiding Officer have been required today to read for more than 8 hours—total, without any breaks, 8 hours—for no reason other than the Republicans are trying to maintain the status quo in everything.

Talk about this picture: reading an amendment that is done extremely rarely. We had our staff check, and it is done every decade or so. This was a bill of some 500 pages. The bill has been available for people to read long before today. The substitute amendment has been ready long before today.

As I said earlier this week, manmade pollution is causing the Earth to warm. The science is crystal clear. We have for more than 100 years been taking carbon out of the Earth and putting it into the sky. It is causing our Earth to have a fever. Our Earth is sick, and we must look at the sickness and try to do something about it.

The warming is clear. It has already harmed our environment and our economy. We know that. The scientists know that. You can see it all around us. It is causing more frequent and more intense drought, wildfires, and floods.

Western wildfires. I look around this room, and I see Senator BAUCUS, I see the Senator from California and the Senator from Washington. In the last 30 years, 72 more days of wildfire season—72 more days—lightning striking in those 72 days. More fires. Fires are more intense.

Floods, tornadoes. At least 110 people have been killed in the United States so far this year by tornadoes, putting this year on track to be by far the deadliest year in the history of tornado deaths. The average for recent years is 62 tornado fatalities for the entire year. We are just completing May, and we are already at 110 deaths. January had 84 tornadoes. The 3-year average for the month is 34. It is approximately three times the average. February had 148 deaths compared to a 3-year average of only 25. Multiply that, Mr. President. That does not include the records that are unverified for March, April, and May. One tornado season does not make a long-term climate trend. We understand that. But it should give Senators pause and should make them want to limit these kinds of global warming risks.

Global warming is easily the gravest long-term challenge that our country and the world faces. It is the most critical issue of our time. The American people have a right to expect their legislature, their Congress to address this issue. That is why we decided a number of months ago that the Senate should take up climate change on June 2. We did so to let the American people know that the Senate was prepared to act, and put all Members of this body on notice we were going to act. Senators should begin preparing for this important debate, is what we said, so we could hit the ground running and truly legislate on this most important issue.

Late last month, I sought permission to proceed to the climate change bill and was informed by the Republicans that they would object to this request; and they objected. Had the minority, the Republicans, not objected last month, the Senate could already be in its third day of legislating on this important bill.

But where do we find ourselves? We find ourselves confronting an orchestrated effort by the Republican leader to delay and obstruct. We have seen this play a record number of times before this body. In 10 months we all know they broke the 2-year filibuster record.

We are now, I believe, at 72 filibusters for this Congress. There is one difference in this instance. We have actually been provided with a copy of a page from the Republican playbook and how they intend to thwart this body from acting on this important legislation. This was provided to us by a lobbyist involved in Republican strategy meetings. Let me read verbatim what this e-mail says. It is too bad the press galleries are bare because it is almost midnight:

> The thinking now is to still use as much of the 30 hours post-cloture on the motion to proceed for debate on thematically-grouped amendments. The goal is for a theme (example: climate bill equals higher gas prices) each day, and the focus is much more on making political points than in amending the bill, changing the baseline text for any future debate or affecting policy.

Let me repeat the last sentence:

> The goal is for a theme (example: climate bill equals higher gas prices) each day, and the focus is much more on making political points than in amending the bill. . . .

That is what they say. So this Republican strategy memo could not be more clear. The Republican plan for dealing with the greatest challenge facing this world and this Nation is more about making political points than legislating. Those are not my words; that is what they say in their memo.

But there is more to this cynical strategy that is completely out of touch with this body's obligations and the American people's expectations. Continuing from a Republican strategy memo, I will quote:

> GOP anticipates a struggle over which amendments are debated and eventually finger-pointing over blame for demise of the bill. In the GOP view, this will take at least the rest of this week, and hopefully into next week.

Mr. President, you could not make anything up more cynical. This is the truth and they say truth is stranger than fiction, and this certainly is. They go on to say:

> At some point, Reid will have to move from the bill, and GOP plans to oppose UC and potentially force debate on debatable motions, and vote against cloture on any such motion. While Reid will eventually be able to circumvent by moving to a privileged vehicle or using some other parliamentary maneuver, the bottom line is that the GOP—

The Grand Old Party—I bet President Abraham Lincoln would be happy about this one—

> very much wants to have this fight, engage in it for a prolonged period, and then make it as difficult as possible to move off the bill.

Again, as they say, they want to make political points. Anybody watching this debate will know the Republicans have fully executed this strategy. What did they do today to execute in making political points? That is some political point. It is routine here to not read the amendments, but they said "we object." So we proceeded to have the amendment read. They executed this strategy and they have done it well, and they tried to make political points. I have no reason to doubt that they are prepared to go the final mile to stretch out the final consideration of this bill before finally killing it.

In case anybody needed more proof about their desire, I offered, with our staffs, several consents that would have stopped the obstruction we have witnessed in the past few days. My consents would have allowed the Senate to move forward to complete action. Isn't that an interesting concept? A bill is offered—and I have been around here a long time, and some people have been here longer than I have, but I defy anyone to say they have ever laid down a perfect piece of legislation.

That is why we have the amendment process. A bill was laid down and we thought there should be an opportunity to try to make the bill better. That certainly wasn't what they had in mind. In keeping with the strategy spelled out in this Republican memo, their response was that we are not going to allow this; we are going to object, object, and object. Their obstructionism is disappointing to me personally and, obviously, to the American people.

I repeat what I said earlier this evening. Is it any wonder that Speaker Dennis Hastert's long-time Republican district, in a special election, went Democratic? Is it any wonder a long-time Republican district in Louisiana went Democratic? Is there any reason to not understand why the special election in Mississippi went Democratic? Of course not, because the American people are seeing what is going on here. The American people want us to do things.

Do you know what the Republicans get glee out of doing? They are happy that our approval rating is about the same as the President's. Isn't it wonderful that they are a part of this body, 49 of them, and there are 51 of us, and they are boasting about the fact that the people don't think much of Congress. Why don't they? Look at this Republican memo. That should give you some inclination as to why the American people feel the way they do.

This important legislation has been worked on very hard on a bipartisan basis. Is it perfect? Of course not. Shouldn't we be able to move to try to amend this and have the old-fashioned debate to move forward on it? I commend Senators BOXER, WARNER, and LIEBERMAN. They have worked so hard, and I appreciate their caring about this issue.

At this point, I think we have some very serious problems here. I will go through this. We have been told what the answer is going to be. Specifically, to every request that we have given to staff as to how to proceed on this bill, there is an objection.

I want everybody here to know what I have gone through a little bit. Listen to this. The Thursday before we went out, I worked very long and hard and spent hours working with the President's Chief of Staff, to work out some way to move forward on these nominations. We had more than 80 Republicans and a handful of Democrats. I thought if you have the President's Chief of Staff working on something for several days, that should be sufficient. But guess what happened. I am here late at night with loyal Lula, and everybody else is gone. We asked unanimous consent and there was an objection. I called the Chief of Staff and said, "What's this all about?" Nothing happened. Remember, one of them—I personally asked Chairman DODD to do a special meeting to get the Secretary of Housing out of the committee. He held a special meeting in the President's room back there. We did that for the President of the United States, so he would have a Cabinet officer in Housing. Today was the culmination of 3 days of work with the President's Chief of Staff on nominations. We added more people than they requested. We only have 5; they are way over 80 now. I thought we had it all worked out. We called JOE BIDEN, who had a hold on somebody. JOE, the man that he is—always willing to go the extra mile to work things out—said go ahead. The person was Jim Glassman. Some of us know who Jim Glassman is—not exactly a bipartisan person who has been around Washington. He was going to replace Karen Hughes in that position in the State Department. We worked very hard to get that completed and released. The reason we worked so hard is Mr. Bolten said they would appreciate us doing this because if we don't do it tonight, he is going to withdraw. We went the extra mile and worked for a couple of hours getting him cleared. We thought we had a deal. I give it to Lula Davis, the secretary of the majority, and she submits it to the minority and we wait all day.

Listen to this. They have rejected it. Guess what. Out of nowhere, they want three district court judges. I have not talked to the chairman of the Judiciary Committee. Senator LEAHY has always been good on district court judges. But they want three district court judges, and I had never even heard their names. How unfair could they be?

So again, Mr. President, wherever you are—probably sleeping, as you should be—you are not going to have a Secretary of Housing because the rules around here seem to be only for one side. I worked very hard to try to get this done. We are going to continue to try for some basic fairness. We have an obligation ourselves. All of the nominations don't come from the White House. We have nominations ourselves to fill various positions. We will have a new President in 7 months. I have the obligation and the honor of submitting names to the White House. We have some people we wish to get, too. It is not just a one-way street, even though they may think it is.

I think that what we have seen here is outlandish, unfair, unreasonable, and not in keeping with this body. I have been here a while, and we work on comity. We work together. That isn't the way it is now. I understand how upset the Republicans were in November of 2006 when we got the majority. Quite frankly, Senator SCHUMER and I worked closely, and we thought we might be able to get the majority, but we weren't certain. We got the majority and we were happy—but it is a slim majority. My friends on the Republican side have to get over it. We are in the majority, as slim as it might be. For the next 7 months, I am committed and I will try to work with the President. It has been difficult to do for 7 years and 5 months, but I am never one who is without patience. I will continue to try to move forward on nominations and anything else we can work on together.

Mr. President, I ask for the yeas and nays on the substitute.

The PRESIDING OFFICER (Mr. TESTER). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4826 TO AMENDMENT NO. 4825

Mr. REID. Mr. President, I have a perfecting amendment to the substitute at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4826 to amendment No. 4825.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments)

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4827 TO AMENDMENT NO. 4826

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4827 to amendment No. 4826.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments)

For the amendment, strike all after the word "SEC" on line 2 and insert the following:

1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

The provisions of this section shall become effective in 7 days after enactment.

AMENDMENT NO. 4828

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4828 to the language proposed to be stricken by amendment No. 4825.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

The provision of this Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4829 TO AMENDMENT NO. 4828

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4829 to amendment No. 4828.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "5" and insert "4".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the substitute amendment, and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4825 to S. 3036, the Lieberman-Warner Climate Security Act.

Barbara Boxer, John Warner, Joseph Lieberman, Tom Harkin, Robert Menendez, Bill Nelson, Thomas R. Carper, Sheldon Whitehouse, Charles E. Schumer, Frank R. Lautenberg, Dianne Feinstein, Joseph R. Biden, Jr., John F. Kerry, Robert P. Casey, Jr., Patrick J. Leahy, Richard Durbin, Harry Reid.

Mr. REID. Mr. President, I ask that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4830

Mr. REID. Mr. President, I move to commit the bill to the Environment and Public Works Committee with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Environment and Public Works Committee, with instructions to report back forthwith, with an amendment numbered 4830.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

This section shall become effective 3 days after enactment of the bill.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4831

Mr. REID. Mr. President, I have an amendment to the instructions at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4831 to the instructions of the motion to commit.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 1, strike "3" and insert "2".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4832 TO AMENDMENT NO. 4831

Mr. REID. Mr. President, I have a second-degree amendment to the instructions at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4832 to amendment No. 4831.

The amendment is as follows:

In the amendment strike "2" and insert "1".

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is finally debating legislation, S. 3036, addressing the serious problem of climate change. For years, Congress and the White House have ignored or downplayed the scientific consensus and failed to act on this pressing issue. That delay is inexcusable.

The details of S. 3036 are as complicated as they are important, and, given the potential implications for our economy, our energy policies and our planet, we need to take the time to make sure we get them right. A number of questions have been raised about elements of the bill we are considering, and I look forward to considering amendments to address some of these concerns. But one thing is clear, and that is the need to establish a cap-and-trade program to reduce total domestic greenhouse emissions.

To avoid the significant costs and consequences of climate change, leading scientists inform us that we must stabilize global atmospheric concentrations of greenhouse gases below 450 parts per million and prevent the temperature from increasing above 3.6 degrees Fahrenheit above pre-industrial levels. To achieve these reductions, I am a cosponsor of legislation introduced by Senator SANDERS, S. 309, that would require that such emissions be reduced by 80 percent from 1990 levels by 2050.

I hope that this debate marks a new recognition of the need for meaningful Federal action to address a threat that has been neglected for far too long. Though the challenge before us is great, the cost of inaction is even greater.

Mr. BAUCUS. Mr. President, the amendment I am filing to S. 3036, the Lieberman-Warner Climate Security Act of 2008, is aimed at preserving the legislative process. With an issue as complex and wide-ranging as climate change, there are several committees within the Senate that not only have an interest but a responsibility to deal with some aspects of the cap-and-trade system we develop. This amendment will assure that the appropriate committees of the Congress will have the opportunity to consider those aspects of a cap-and-trade proposal within their jurisdiction.

Mr. President, the amendment I am filing to S. 3036, the Lieberman-Warner Climate Security Act of 2008, is designed to use the revenues generated from the auctioning of the greenhouse gas allowances for tax relief.

A cap-and-trade system proposed in this legislation will generate billions of dollars. The Congressional Budget Office estimates that the Boxer substitute will generate $902 billion in revenues during the initial 10 years of the program.

As chairman of the Finance Committee, I have a responsibility to direct Federal revenues to the purposes that the committee, initially, and the Senate, ultimately, consider in the best interest of the country.

Ms. COLLINS. Mr. President, I am proud to be an original cosponsor of the Lieberman-Warner Climate Security Act. This bill addresses the most significant environmental challenge facing our country. The scientific evidence clearly demonstrates the human contribution to climate change. According to recent reports from the Intergovernmental Panel on Climate Change, increases in greenhouse gas emissions have already increased global temperatures, and likely contributed to more extreme weather events such as droughts and floods. These emissions will continue to change the climate, causing warming in most regions of the world, and likely causing more droughts, floods, and many other societal problems.

In the United States alone, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Climate change is the most daunting environmental challenge we face and we must develop reasonable solutions to reduce our greenhouse gas emissions.

I have observed in person the dramatic effects of climate change and had the opportunity to be briefed by the preeminent experts. In 2006, on a trip to Antarctica and New Zealand, for example, I learned more about research by scientists at the University of Maine. Distinguished National Academy of Sciences member George Denton took us to sites in New Zealand that had been buried by massive glaciers at the beginning of the 20th century, but are now ice free. Fifty percent of the glaciers in New Zealand have melted since 1860—an event unprecedented in the last 5,000 years. We could clearly see the glacial moraines, where dirt and rocks had been pushed up in piles around the glacial terminus in 1860. I thought it was remarkable to stand in a place where some 140 years ago I would have been covered in tens or hundreds of feet of ice, and then to look far up the mountainside and see how distant the edge of the ice is today.

In Antarctica, I visited the Clean Air Station at the South Pole. Being the farthest place on Earth from major emissions sources, the South Pole has the cleanest air on Earth, and thus provides an excellent place to measure the background quality of the Earth's air. By analyzing carbon dioxide in ice cores, scientists have been able to create reliable measurements of atmospheric carbon dioxide going back over hundreds of thousands of years. The measurements of carbon dioxide at Clean Air Station provide a reliable comparison to document the impact of human activity on increasing carbon dioxide concentrations in recent years compared to the last hundreds of thousands of years. The melting is even more dramatic in the Northern Hemisphere. In the last 30 years, the Arctic has lost sea ice cover over an area 10 times as large as the State of Maine, and at this rate will be ice free by 2050. In 2005 in Barrow, AK, I witnessed a melting permafrost that is causing telephone poles, planted years ago, to lean over for the first time ever.

I also learned about the potential impact of sea level rise during my trips to these regions. If the West Antarctica Ice Sheet were to collapse, for example, sea level would rise 15 feet, flooding many coastal cities. In their 2007 report, the IPCC found that due even just to gradual melting of ice sheets, the average predicted sea level rise by 2100 will be 1.6 feet, but could be as high as 1 meter, or almost 3 feet. In Maine a 1-meter rise in sea level will cause the loss of 20,000 acres of land, include 100 acres of downtown Portland—including Commercial Street, a major business thoroughfare along the water. Already in the past 94 years, a 7 inch rise in sea level has been documented in Portland.

The time has come to take meaningful action to respond to climate change. My colleagues worked tirelessly in recent months to develop legislation that will preserve our environment for future generations while providing reasonable emission reduction goals, offsets, and incentives for the industries covered by the bill.

I applaud the leadership of my colleagues from Virginia, Connecticut, and California in bringing this bill to the floor this week.

RURAL COOPERATIVES

Mr. NELSON of Florida. Mr. President, I rise to engage in a colloquy with my friend, the junior Senator from Connecticut. I was pleased to cosponsor the Lieberman-Warner Climate Security Act shortly after it was introduced last October, and I followed its progress through the Environment and Public Works Committee with interest.

Today, the full Senate will begin considering that bill, and Senator BOXER, the chairman of the Environment and Public Works Committee, will offer a substitute amendment that she has worked out with Senators LIEBERMAN and WARNER. I have a question for my friend from Connecticut regarding this substitute amendment.

As the Senator from Connecticut knows, many rural electric cooperatives in this country serve the role of local distribution companies. The committee-reported version of the Climate Security Act included rural electric cooperatives among the local distribution companies that receive emission allowances over the entire 42-year life of the program. In Florida, electric cooperatives serve more than 1,000,000 Floridians in 58 of our 67 counties. Most of these rural electric cooperatives own fossil fuel-fired powerplants.

I was recently in Florida and held a series of town hall meetings across the State and heard from rural cooperatives that are concerned about the way emission allocations are distributed under the substitute amendment.

Can my friend from Connecticut address their concern and explain how allowances are available to rural cooperatives under the Boxer-Lieberman-Warner substitute amendment?

Mr. LIEBERMAN. Mr. President, I thank my friend, the senior Senator from Florida, for his question.

I would be glad to address the concern that rural electric cooperatives in Florida have brought to him.

Let me reassure him, and them, that the substitute amendment does include rural electric cooperatives among the local distribution companies that receive free emission allowances over the entire 42-year life of the program.

And let me reassure him, and them, that the substitute amendment does include rural electric cooperatives among the fossil fuel-fired powerplant owners that receive free emission allowances over a transitional period that lasts from 2012 through 2030. As in the committee-reported version of the bill, the separate allocation of free emission allowances that is exclusive to rural electric cooperatives in the substitute amendment is additional to the free emission allowances that rural electric cooperatives receive as local distribution companies and as fossil-fuel-powerplant owners. Under the substitute amendment, as under the committee-reported bill, rural electric cooperatives in Montana and Virginia are the only rural electric cooperatives in the country that receive free emission allowances solely from an exclusive allocation and not also from the bill's local-distribution-company and fossil-fuel-powerplant allocations. Indeed, there is a provision in the substitute amendment, section 552(c)(2)(C) that would be mere surplussage if the case were otherwise.

Mr. NELSON of Florida. Mr. President, I thank my friend from Connecticut for the clarification.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 743, S. 3044, the Consumer-First Energy Act of 2008, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

CLOTURE MOTION

Mr. REID. Mr. President, in light of that objection, I now move to proceed to Calendar No. 743, S. 3044, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.
>
> Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed of Rhode Island, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Tuesday, June 10, at 12 noon with 20 minutes immediately prior to the vote equally divided and controlled by the two leaders or their designees, with the majority leader controlling the final 10 minutes.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask that the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The cloture motion is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have already expressed my appreciation to the staff for all their hard work. I have been informed by the minority that we need not be around here tonight having to vote on our ability to adjourn, so Senators, if they wish, can leave now and the two of us will terminate business. I thank everybody for their patience. I am sorry they had to come back tonight.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6124

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m. on Thursday, June 5—that is tomorrow—the Senate proceed to the consideration of Calendar No. 753, H.R. 6124; that there be 60 minutes of debate divided in the following manner, and upon the use or yielding back of the time, the Senate vote on passage of the bill: Senator DEMINT, 30 minutes; Senator COBURN, 20 minutes; 10 minutes total to be controlled by the bill managers, Senator HARKIN and Senator CHAMBLISS; further, that no amendments be in order to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me explain, this is the never-ending farm bill. We are going to try it again. Tomorrow we hope we can pass it and send it to the President quickly. We hope to send it to the White House in the next day or so. The House has already approved it. This will take care of the clerical error we had previously.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I hardly know where to start, but let me start with the issue of judges.

The reason it was necessary to make our hard-working and dedicated clerical staff here read the amendment today was to make the Senate understand that commitments are important. The most important thing Senators have—the currency of the realm, if you will, in the Senate—is their word. When you give your word, you are supposed to keep your word.

On the issue of judicial confirmations, my good friend the majority leader and I discussed this matter publicly at the beginning of this Congress, and we agreed that President Bush, in the last 2 years of his term, should be treated as well as President Reagan, Bush 41, and President Clinton were treated in the last 2 years of their tenures in office because there was one common thread, and that was that the Senate was controlled by the opposition party.

What has become contentious around here in recent years is the confirmation of circuit judges. So we agreed we ought to try to hit the average for each of those Presidents in the last 2 years of their terms, and the average was 17. The low number was President Clinton, with 15. That was the goal. It was clear by April of this year that there was no intent to meet that goal, and so we had a skirmish here on the floor over going to a bill. We reached an agreement. The majority leader indicated we would do three circuit judges before the Memorial Day recess. We did one. That commitment was not kept.

Now, the Senate is not the House. The minority does have rights in the Senate. Most things that are accomplished in the Senate are accomplished on a bipartisan, cooperative basis. Members of the Republican conference believe strongly that commitments ought to be kept. So by the reading of the amendment today, people got a chance to think about the importance of commitments in this body that can only function when our word is kept. Other efforts will be made to drive that point home.

And just keeping the commitment that was made for May—that was not kept—is not enough. We are seven judges away from equaling President Clinton in the last 2 years of his term—15. Time is ticking away. That commitment should be kept for the good of this institution.

I think it is important to remind our good friends on the other side of the aisle that the shoe might be on the other foot. They might be making the nominations. Why would they want to set a precedent such as this that could come back to bite them so quickly? There is a growing sense of anger on this side of the aisle over this issue, and what tends to go around comes around in the Senate. This is a precedent we ought not to set, and I think the adults on the other side of the aisle understand that this is a precedent that ought not to be set for the good of either party. So we will be continuing to look for opportunities to make the point that commitments ought to be kept.

Now, with regard to the underlying bill, let me disabuse our colleagues or anyone else who may be listening of the notion that members of the Republican conference are not interested in having amendments on this bill. This is the most massive reorganization of the American economy since the 1930s—some believe a $6.7 trillion tax increase. Looking at Kentucky alone, it could mean up to $6,000 a year for my people, and the GAO says a 53-cents-a-gallon gas tax increase over the next 20 years.

No matter how you look at this—my good friend the majority leader says this is necessary to save the planet—no matter how you look at it, it is an important bill. This is an important bill. This is no small bill, and we are being put in the position, with the tree being filled tonight and with cloture being filed, to have this massive, significant bill in effect voted on without any amendments.

An interesting parallel—and I see my good friend the Senator from Virginia, who is actually a supporter of this bill and a cosponsor of it, sitting here in the Chamber. He and I were here in 1990, as was the majority leader, when we did the clean air amendments, which was a major piece of legislation. It was not as big as this bill but a big, important bill. The Democrats were in control of the House and Senate. There was a Republican in the White House. How did we handle the clean air amendments of 1990 under George Mitchell, then the Democratic leader? We had 5 weeks of debate on the floor of the Senate and we had 180 amendments. Everybody knew it was an important measure. It deserved the attention and the participation of 100 Members of the Senate, not 1 Member—the majority leader—determining which amendments would get to be offered and in the end asking the Senate to accept a procedure under which no amendments would be offered. Now, Mr. President, by any objective standard, that is not a serious effort to legislate. You can't cram a measure of this magnitude down the throat of the Senate or the American people with that little scrutiny or observation.

With regard to the notion that somehow everybody had a chance to look at this bill, we got it at 11:15 this morning—the substitute at 11:15 this morning. You could argue that the vast majority of the Members on this side of the aisle were reading it for the first time along with the clerks. So this hasn't been laying around for months. The idea that we would go to such a measure may have been around for a while, and it was—and the majority leader did indicate we would go to this bill after the Memorial Day recess, but what was going to be in it? We learned about that this morning.

Thirdly, with regard to nominations, we were prepared to move a nominations package tonight, but the nominations package that was presented was basically negotiated between the Democratic majority and the White House. There is another entity, and that is the Republicans in the Senate. We sought to make some adjustments to the nominations package, which, interestingly enough, included some district judges who are on the Executive Calendar. Now, district judges have not typically been controversial. Are we now to believe that even district judges who have come out of the committee and are on the calendar are a matter of controversy? Is there nothing on which we can agree? Is that the Senate today?

Somebody needs to—and I think it is incumbent upon the majority leader and myself—to restore a certain level of comity around here so we can function. How in the world did the situation deteriorate to the point where district judges who have been reported out of the committee and are sitting here on the calendar are a matter of controversy?

That is where we are as of the evening of June 4, and I think we need to have some serious discussions off the floor of the Senate as to how we can unravel the problems that have been created by the mistreatment of the circuit judge nominations of the President of the United States. I think we need to remind ourselves that when we make commitments to our colleagues here in the Senate, they need to be kept. And it is time to stop this sort of spiral downward that has developed as a result of the apparent refusal to make any serious effort to keep commitments which have been made, which colleagues depend on, and which are essential to the Senate functioning the way it needs to function.

Mr. President, one final observation about the underlying bill. We have enjoined the debate on this bill and would love to be able to amend it. We think it is not a 1-week bill; we think it is clearly a multiweek bill. If the Clean Air Act of 1990 was a 5-week bill, this is certainly at least a month bill. And at whatever point the majority gets serious about climate change legislation, then we need to set aside enough time to give the entire Senate an opportunity first of all to read it and, second, to offer serious amendments to the measure.

I think probably enough has been said today about where we are. Hopefully, tomorrow, after a good night's sleep, we can take a look at all these matters and see if we can get the Senate back on track to develop a level of comity necessary for us to function in the way in which the Senate has historically functioned.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would hope my friend the distinguished Republican leader would stay on the floor a brief time. The chairman of the Judiciary Committee is here, the Democratic assistant leader is here, and they have a few things to say and I have a few things to say.

Mr. President, let me say, first of all, with all due respect to my friend the distinguished Republican leader, the substitute has been around for 2 weeks. The summary has been around. Anyone who had a question about this, all they had to do was call Senator BOXER, Senator LIEBERMAN, or Senator WARNER. They know this bill upside and downside. So to say they just got it today, that is how we do things here; the summary has been around a couple of weeks. Anyone who wanted to see the guts of the bill could look at it.

Mr. MCCONNELL. Would the leader yield just for an observation?

Mr. REID. I will in a short time, but let me also say this. I only point this out to show how Orwellian my friend's statements are. They wish they could offer amendments on the bill? Now, think about that for a minute. Why aren't we offering amendments on the bill? Because they won't let us. We have tried working, as I have indicated, in every possible way—two amendments, germane, relevant, five amendments. No.

So I would also say, with judges, let the world understand that there is no crisis in the judiciary. The Federal judiciary vacancy rate is the lowest it has been in decades—not a few days, weeks, months, years—decades.

I, with the consent and understanding of my friend, PAT LEAHY, the chairman of the Judiciary Committee, pledged that I would use my good faith to have the Senate consider three court of appeals nominees before the Memorial Day recess. I didn't say who they would be. And we tried very hard.

I stated explicitly that we couldn't guarantee—and that is in the record—I couldn't guarantee the outcome because it depended on factors beyond my control. The Senate did in fact confirm Virginia Supreme Court Judge Steven Agee to the Fourth Circuit Court of Appeals in May. In addition, Chairman LEAHY expedited Judiciary Committee consideration of two seats to the Michigan Sixth Circuit Court of Appeals in light of the pledge I made. These nominations were the result of many years of negotiations between the White House and Michigan Senators. This has been going on for 6 years.

Unfortunately, Republicans on the Judiciary Committee objected to expedited consideration of the Michigan nominees. One of them had already been approved to be a Federal district court judge. This is now to be a circuit court judge. He already had an ABA approval of high ranking, high approval. They said: No, we want the ABA findings again before we are allowed to do anything. As a result, it was impossible to have the Senate consider these two additional nominees before the recess, despite my best efforts.

We have treated President Bush's judicial nominations with far greater deference than President Clinton was afforded by a Republican-controlled Senate. Mr. President, 70 Clinton nominees were denied hearings or floor consideration. Three-quarters of President Bush's court of appeals nominees have been confirmed while only half of President Clinton's appellate nominations were confirmed. My friend says what goes around comes around. We are not following that because we believe we should not treat them like they treated us. I said that a long time ago, and we have not. We have been generous in what we have done. The lowest vacancy rate in the Federal system for decades is what we now have.

Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. Let me say to my friend, and I am going to yield to the chairman of the Judiciary Committee—let me say to my friend, the distinguished Republican leader: Everyone knows, even though it sometimes has been painful for all of us, that the chairman of the Judiciary Committee wants a recorded vote on these judges. That has been a standard rule that we have had.

We have three on the calendar, and I understand two more you reported out today, or very recently. We have five district court judges. I say to my friend, the Judiciary Committee member who takes as much guff as any Member of the Senate because of this committee, he has the most sensitive issues that come before this body, and he holds up very well and is a patient man. But as I say, I ask the question through the Chair to my friend: Has anyone come to you in the last week and said they wanted to do a district court judge?

Mr. LEAHY. If the Senator will yield without losing his right to the floor, nobody has. In fact, as I listen to this colloquy, I was wondering what was going on until I read in the Washington Times the Republican fixation on judges is part of an effort to bolster Senator JOHN MCCAIN's standing among conservatives—which is unfortunate; to bring in the judiciary, the independent Federal judiciary, and make them a political tool.

I was reminded once when my children were young, one of them asked me, they said: Dad, what is the expression "crocodile tears"? I tried to explain to them what crocodile tears are, and I couldn't help but think tonight, listening to our good friends on the other side—if my children were still young, I would say: There, now you understand what crocodile tears are.

We had, last year—and the distinguished leader has referred to this; the Democrats were in charge, me as chairman, Senator REID as majority leader—we reported 40 judicial nominations to the Senate, and all 40 were confirmed each of the 3 years prior, with a Republican majority, Republican chairman. That is more than they did.

It is interesting, in fact, since President Bush has been in office this is the third time we have been in the majority—one of those times very briefly. Republicans have been in the majority three times. Guess who moved——

Mr. MCCONNELL. Did the majority leader yield for a question?

Mr. LEAHY. If I can answer my question——

Mr. MCCONNELL. Parliamentary inquiry: Is it permissible to yield for a statement?

Mr. LEAHY. To further answer the question.

Mr. MCCONNELL. Is it permissible to yield——

The PRESIDING OFFICER. The Senator may only yield for a question.

Mr. MCCONNELL. Is a question being asked by the Senator from Vermont?

Mr. LEAHY. Mr. President, I will not ask how the distinguished Senator from Kentucky would define crocodile tears, but I ask this question of the distinguished majority leader: Was he aware that during the time when Democrats have been in charge, during President Bush's tenure, we have confirmed judges at a faster pace than when the Republicans were in charge? Was the distinguished majority leader aware of that?

Mr. REID. There is no question about that.

Mr. LEAHY. Mr. President, just one other point, if I might. Was the majority leader aware that on at least a couple of occasions, for circuit court of appeals judges, when I came back from Vermont during a recess to hold a hearing at the request of Republicans because they were anxious to get these court of appeals judges through, that the Republicans then criticized me for coming back and holding the hearings and getting them confirmed? Is the leader aware of that?

Mr. REID. I very definitely am.

Mr. President, let me say this. I would say through the Chair to my friend, the distinguished Republican leader, the district court judges, the first I heard about them was tonight, whatever time it was—late this evening. Senator LEAHY and I are happy to take a look at these district court judges. We will work together and see what can be done with them. But I say to my friend, I would hope that you would reconsider taking us at our word. We will take a look at the district court judges. Senator LEAHY has said he has never been talked to about it. I never have been. We focused on the circuit court judges. I say to my friend, you want to talk about "let's get back to doing things the way we used to," let's do the Executive Calendar. And the district court judges, we will take a look at those.

Mr. McCONNELL. Will the majority leader yield for a question?

Mr. REID. I will be happy to.

Mr. McCONNELL. I am aware of the rules of the Senate. Three judges on the calendar have been there since April 24. These are not people who just popped out of the committee yesterday.

Mr. REID. Mr. President, I have been here for a long time—with Senator Daschle, I was here on the floor for 6 years. I have been here for almost 4 years now in my capacity as Democratic leader. The standard operating procedure—and this is in the hearing range of the distinguished chairman of the committee who was the ranking member during part of that time—it always happened. Somebody brings to our attention: We have a judge. Can you help me with it? We don't automatically do the judges.

Nobody asked me. We never worked that way with the judges. We have a very heavy calendar, and Senator LEAHY—and I support it every step of the way. We don't do it in wrap-up. We have votes on these judges.

I say to my friend, the Republican leader, we will be happy to look at the district court judges. In the entire conversations we have had dealing with circuit court judges—I understand why they are probably more important than district court judges. They are all lifetime appointments, a pretty good deal.

I hope he would take us at our word, and we will work to try to move through these at some reasonable fashion and get these done because if we don't do it tonight, tomorrow somebody is going to object to something else. I don't think you lose one——

Mr. McCONNELL. Can I further inquire of the majority leader, what does "take a look at" mean?

Mr. REID. First of all, I literally mean that. I don't know what States they are from. I don't know whether the Senators are Democrats, Republicans, States with both. We have not let that stand in our way in the past with district court judges, but there may be somebody who doesn't like one of them for some reason. You know how things go around here. I can't imagine it would be all of them.

Mr. McCONNELL. I would ask my friend further, are district judges now controversial, too, particularly those who have been reported out of the committee and been on the calendar for 6 weeks or so?

Mr. REID. Mr. President, it was just shown to me by my valiant staff—we have a judge from Virginia. We have Warner and we have Webb from Virginia. They get along very well. I am sure that is something we will take a look at. Missouri, the Senators there work well together. We have another Senator from Mississippi—these are things we can take a look at. I can say—we are not here under oath, but I never heard of these judges until just now. We will take a look at them. I can't see why we can't work out something and get them approved in the next little bit.

Mr. LEAHY. Will the distinguished majority leader yield for a question?

Mr. REID. Yes.

Mr. LEAHY. Is the leader aware this is the first I heard that anybody wanted to? Not a single member of the Senate Judiciary Committee on the Republican side even raised to me that they wanted to move forward with them. Is the distinguished majority leader aware that when the Republicans were in the majority, when they had judges they wanted moved they usually waited to put them on until after the request had come from our side to put them on? Was the leader aware of that? Was the leader aware of the fact that nobody—nobody—has raised this? In fact, the first I heard about it was an hour ago.

Mr. REID. I say to my friend, the Republican leader, we have no intention of stalling, not taking care of district court judges. But let us take a look at them. I don't know if there is some—I don't know. They are reported out of the committee, they are on the floor, there should be no problems with them, and we will do our best to look at them. But I say to my friend, these things I want to get done tonight—this is a Cabinet officer. We have a man, Jim Glassman, Under Secretary of State, who—the President's Chief of Staff says he is going to withdraw his name. He is tired of waiting. He has to get a job someplace. I want to get these done.

As I say, there are some 80 of them or more. We will work on these. I tell you I would even give my friend, the Republican leader—Senator LEAHY and I will work on these three district court judges. I read the names. We will try to do them in the next week or so. OK?

Mr. LEAHY. As I said, at least I would like to discuss them with the ranking member.

Mr. McCONNELL. Will the leader yield for a question?

Mr. REID. Of course.

Mr. McCONNELL. My assumption is if they are on the calendar and made it out of the committee, they are not controversial. How about scheduling a vote? We don't have to do it tomorrow. Can we even schedule one?

Mr. REID. The Republican leader said we want to work the way we used to in the Senate. Take our word for it. We are not trying to deep six these people. This is the first time I ever heard about it.

Mr. SESSIONS. Will the majority leader yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. SESSIONS. I appreciate the many challenges the majority leader has, and a lot of difficult people. Sometimes cats are hard to herd, as Trent Lott used to say. But the deal and the concern was so great—if I could ask the majority leader—what about the understanding we thought existed that there would be confirmed an average number of circuit court of appeals judges this Congress, which would be 17 or so nominees? Is that still afoot or is that somehow being forgotten? We hear talk that maybe few if any more circuit judges will be confirmed. That is what has caused a great deal of angst on this side of the aisle.

Mr. REID. We committed to do the three judges. We got one done. We will do our best to get two done. But we have been held up doing that as the member of the Judiciary Committee understands. We had to wait for the ABA report to come in again. I don't know where that stands, but we are moving forward on those, and we are going to try to do our very best to get those done as soon as we can.

Mr. SESSIONS. If the majority leader will yield, that wasn't precisely my question. The overall question is—and there are quite a number of judges pending, and more should be moved out of committee if there is not a blockage going on. Are we going to reach—is it the majority leader's intention to reach the average as we thought an understanding existed to do?

Mr. REID. Mr. President, I try to be a very patient man. I know my friend, whom I complimented publicly on the floor, didn't mean what he said this morning about me.

I am sure if that were brought to his attention, he would ask that to be taken from the RECORD because it is in violation of the rules; basically, that I was clueless. I am sure he did not mean that, but that is what he said. And people said it is a violation of rule XIX.

I say first to my friend from Alabama, he said that. Was it something he did not really mean, that I was clueless? Because that is an insult. I would ask my friend, did you really mean that I was clueless?

Mr. SESSIONS. If I was violating a rule or saying anything to insult the majority leader, I would apologize because I do respect the majority leader. He always treated me fairly, as I think he does most people in the Senate. I think he is so recognized.

But we have a difficult challenge. But my response, the reason I was a little bit aggressive on that was because the majority leader knows that on Monday afternoon in his speech, he was very hard on the Republican leader, Senator McCONNELL, and he said some things about him that I thought went too far because I guess we were involved in some big important issues and we are all a little bit tense about that.

Mr. REID. I want to be careful. It is late tonight. I certainly do not want to get involved in any friction. I appreciate what my friend said because even though he and I disagree on a lot of things, I do not know of a Member of the Senate who is more sincere in what he does than the Senator from Alabama.

Mr. McCONNELL. Can I ask a question, and maybe we can make some progress here? If we can schedule some of these I think completely noncontroversial district judges—the chairman of the Judiciary Committee is here. We would like to move the nominations package.

Mr. REID. Let me say to my friend the Republican leader——

Mr. McCONNELL. We are not talking about clearing the judges in connection with this package, we are talking about scheduling votes, and the man you have to clear it with is right there.

Mr. REID. They are on the calendar. Let me say this one thing to my friend. We have a Judiciary Committee member here. I pride myself in not running my committees. Some leaders have tried to do that; I do not do that. I want to do the best I can in moving circuit court judges, and we have done fairly well in very trying circumstances.

So I say to my friend the Senator from Alabama, I have made a commitment to do three circuit court judges. I will live up to that to the best of my ability. I said prior to the May recess: I cannot guarantee that, but I am going to do my best. I think that it is something Senator LEAHY and I have to move forward on.

I ask my friend and I say to the Republican leader, trust us on this. I said publicly here that we will do something to try to schedule these within the next week. We have a few important things, but that does not take long to do that—an hour, an hour and a half.

I ask my friend the Judiciary Committee chairman whether we can work to try to get some votes scheduled on these three whom I noted in the next week.

Mr. LEAHY. Well, Mr. President, to answer the distinguished leader, as I always assume the Republican leader to do because this has been the practice, certainly as long as he has been in the Senate—perhaps he has forgotten—is that the chairman of these committees sets a time for a vote, and it is almost always, as a matter of courtesy, at least, discussed with the ranking minority member. I realize the hour is late and the Republican leader may have forgotten that. But it has been my practice to always discuss the time of the vote with the ranking member, as he did with me when he was chairman.

To answer the majority leader's question, of course I will be happy to talk with the distinguished ranking member of the committee and find time when they might be scheduled. I might point out, each one of those was expedited.

I would ask two brief questions—and then I will leave—of the distinguished majority leader. Was he aware that, when talking statistics, I committed not to follow the precedent of the Republicans when President Clinton was the President, their precedent of pocket filibustering over 60 of President Clinton's nominees? Was the distinguished majority leader aware that I will not follow that precedent and we will not pocket filibuster 60 or anywhere near that?

Mr. REID. I would answer my friend in addition to that, the Thurmond Rule is after June 1. There is no Thurmond Rule, is there?

Mr. LEAHY. He is right.

I ask the leader one last question on why I mentioned the Washington Times story about the motivation for this. Was he aware that one of the circuit court nominees whom we held up for a number of appropriate reasons—that even after that nominee was convicted of criminal fraud that occurred while his nomination was pending, we were still criticized for holding up that nominee? It is kind of you are damned if you do and damned if you don't.

Mr. REID. I say, we will get this done.

Mr. McCONNELL. I think we are close to an understanding here that allows us to clear this nominations package. You have your chairman here, and I am authorized to speak for the ranking member on this issue.

Did the majority leader say, in consultation with his chairman, that we could expect to schedule these votes within the next week or so on these noncontroversial district court judges?

Mr. REID. That is what I said.

Mr. McCONNELL. Then I think we have reached an understanding that would certainly lead me to think we ought to go forward with the nominations package you have been working on with the administration.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 376, 405, 462, 571, 572, 573, 575–581, 583–591, 593, 595–598, 600–601, except BG Thomas Lawing; 602–611, except CPT Donald E. Gaddis; 612–623; that the Banking Committee be discharged of the nomination of Steven C. Preston to be Secretary of HUD, PN1646; that the following be discharged from the HELP Committee; Institute of Peace: Stephen Krasner, PN1450; Dr. Ikram Khan, PN1449; J. Robinson West, PN1447; Nancy Zirkin, PN1446; and Kerry Kennedy, PN1448.

Corporation for National and Community Service: Eric Tannenblatt, PN1033; Layshae Ward, PN1322; and Hyepin Christine Im, PN1321; the nominations on the Secretary's Desk in the Air Force, Army, Foreign Service, and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that no further motions be in order; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Can I have a brief quorum call?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, difficult day. Tomorrow is not going to be that easy either. We are almost into the morrow, in another minute or so. Hopefully, tomorrow will be less contentious. There are some difficult things we have to work through tomorrow. But hopefully we will get the farm bill passed again, we will have some good debate on global warming.

Everyone knows I have moved to the Energy bill to see what is with that. I would hope we can move forward—we have 3 more weeks left in this work period—and get some things done. We have some extremely important things to get done, not only the global warming thing, we have the bill that the Democrats and Republicans want to do extending a number of tax extensions which has to be done. Part of it includes things related to global warming and renewable energy. We have a doctor's Medicare fix and some other things that are extremely important we have to do this work period. Senators SHELBY and DODD have worked out an agreement on housing and reported it out of the Banking Committee on a 9-to-2 vote. So I would hope we can move forward. I am disappointed in today. But I have learned, being in the Senate, to put today behind you and move on to tomorrow.

The PRESIDING OFFICER. There is a unanimous consent request on the floor. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES POSTAL SERVICE

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

DEPARTMENT OF STATE

James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador.

POSTAL REGULATORY COMMISSION

Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2012.

DEPARTMENT OF COMMERCE

William J. Brennan, of Maine, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Lily Fu Claffee, of Illinois, to be General Counsel of the Department of Commerce.

DEPARTMENT OF STATE

Marcia Stephens Bloom Bernicat, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Marianne Matuzic Myles, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Joseph Evan LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Stephen James Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Gillian Arlette Milovanovic, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Donald Gene Teitelbaum, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Patricia McMahon Hawkins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Janice L. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Bureau of Consular Affairs), vice Maura Ann Harty, resigned.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8069:

To be major general

Col. Kimberly A. Siniscalchi

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark D. Shackelford

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Philip M. Breedlove

The following named officer for appointment as the Chief of Air Force Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8038:

To be lieutenant general

Maj. Gen. Charles E. Stenner, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Brig. Gen. John F. Mulholland, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Stephen E. Bogle
Brigadier General James G. Champion
Brigadier General Joseph J. Chaves
Brigadier General Myles L. Deering
Brigadier General Mark E. Zirkelbach

To be brigadier general

Colonel Roma J. Amundson
Colonel Mark E. Anderson
Colonel Ernest C. Audino
Colonel David A. Carrion-Baralt
Colonel Jeffrey E. Bertrang
Colonel Timothy B. Britt
Colonel Lawrence W. Brock, III
Colonel Melvin L. Burch
Colonel Scott E. Chambers
Colonel Donald J. Currier
Colonel Cecilia I. Flores
Colonel Sheryl E. Gordon
Colonel Peter C. Hinz
Colonel Robert A. Mason
Colonel Bruce E. Oliveira
Colonel David C. Petersen
Colonel Charles W. Rhoads
Colonel Rufus J. Smith
Colonel James B. Todd
Colonel Joe M. Wells

The following named officer for appointment as the Vice Chief of Staff of the Army and to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. Peter W. Chiarelli

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Harry B. Harris, Jr.

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Julius S. Caesar
Rear Adm. (lh) Wendi B. Carpenter
Rear Adm. (lh) Garland P. Wright

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William H. McRaven

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael C. Vitale

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Raymond E. Berube

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard R. Jeffries
Rear Adm. (lh) David J. Smith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David F. Baucom
Capt. Vincent L. Griffith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David C. Johnson
Capt. Thomas J. Moore

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Maude E. Young

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Michael H. Anderson
Capt. William R. Kiser

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Norman R. Hayes

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William E. Leigher

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William E. Gortney

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Melvin G. Williams, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David J. Dorsett

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Kevin M. McCoy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William D. Crowder

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Peter H. Daly

DEPARTMENT OF JUSTICE

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

DEPARTMENT OF HOMELAND SECURITY

Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

HOUSING AND URBAN DEVELOPMENT

Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development.

INSTITUTE OF PEACE

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Ikram U. Khan, of Nevada, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Nancy M. Zirkin, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Kerry Kennedy, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Eric J. Tanenblatt, of Georgia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Layshae Ward, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2012.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1465 AIR FORCE nominations (5) beginning LONNIE B. BARKER, and ending JERRY P. PITTS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1615 AIR FORCE nominations (2) beginning ERIC L. BLOOMFIELD, and ending DEBORAH L. MUELLER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1670 AIR FORCE nominations (3) beginning MARY J. BERNHEIM, and ending KELLI C. MACK, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1671 AIR FORCE nominations (8) beginning JAMES E. OSTRANDER, and ending FRANK J. NOCILLA, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

IN THE ARMY

PN1603 ARMY nomination of Cheryl Amyx, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1604 ARMY nomination of Deborah K. Sirratt, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1605 ARMY nominations (2) beginning MARK A. CANNON, and ending MICHAEL J. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1606 ARMY nominations (2) beginning GENE KAHN, and ending JAMES D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1607 ARMY nominations (7) beginning LOZAY FOOTS III, and ending MARGARET L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1608 ARMY nominations (5) beginning PHILLIP J. CARAVELLA, and ending PAUL S. LAJOS, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1616 ARMY nomination of Jimmy D. Swanson, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1617 ARMY nomination of Ronald J. Sheldon, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1663 ARMY nominations (11) beginning BRIAN M. BOLDT, and ending CHRISTOPHER L. TRACY, which nominations were received by the Senate and appeared in the Congressional Record of May 8, 2008.

PN1672 ARMY nomination of James K. McNeely, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

IN THE FOREIGN SERVICE

PN1563 FOREIGN SERVICE nominations (300) beginning Craig Lewis Cloud, and ending Kimberly K. Ottwell, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1594 FOREIGN SERVICE nominations (7) beginning Carmine G. D'Aloisio, and ending Judy R. Reinke, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

IN THE NAVY

PN1613 NAVY nominations (21) beginning STANLEY A. OKORO, and ending DAVID B. ROSENBERG, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2008.

PN1618 NAVY nomination of Robert S. McMaster, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1619 NAVY nomination of Christopher S. Kaplafka, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1673 NAVY nomination of David R. Eggleston, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1674 NAVY nominations (6) beginning KATHERINE A. ISGRIG, and ending JASON C. KEDZIERSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1675 NAVY nominations (6) beginning ROBERT D. YOUNGER, and ending JEFFREY W. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from California.

CLIMATE SECURITY

Mrs. BOXER. I was hoping that I could engage my friend the majority leader as the chairman of the Environment and Public Works Committee. He has entrusted me, and my colleagues have, and I do not think we should leave here without me asking you a couple of questions because I think people who were watching this debate were very confused. I wanted to make sure I ask a series of questions to my friend, and then we will all go home because it is time to go home.

We expected to have a robust debate on the global warming bill and finally get this country off of fossil fuel, off of foreign oil, off of big oil. And we found that although my understanding was the majority leader had no idea about this, the Republican side, of course, forced the clerks to read the amendment, which took us 6 to 7 hours or so and took us all the way into the night; is that correct?

Mr. REID. I say to my friend, I have had the good fortune to be chairman of your committee twice; one of them was a very short period of time because we were in the majority for a little while. It is a wonderful committee, and I do not know of a better committee in the whole Congress—so many important things to do and deal with. Not only is the distinguished Senator from California, who represents almost 40 million people—she is a person who is suited to be the chairman of this committee like no other committee chairman we have ever had. I know where your heart is. I have known you for 26 years. We came here in 1982 together. And this piece of legislation—you worked on it on a bipartisan basis—is a good piece of legislation. Is it perfect? The chairman acknowledged it is not a perfect bill.

But I would only say to the chairman of the Committee, I do not think the American people are confused at all. I think they know what has happened. We have seen today a situation where we have read into the RECORD the Republican's play book; that is, they are playing political games, they are stalling, they do not want to deal with the most important issues we face in the world today—global warming. They want to wait, hoping above hope that something will happen in November and that they will be in the majority.

Mrs. BOXER. Isn't it true that as a result of these dilatory tactics and slowing us down and making us waste 30 hours to proceed, to get to a motion to proceed and then doing all this, isn't it true it puts us into a terrible bind here? We know the days have to be filled with legislative work. They have stopped work to fight for the status quo. They have stopped us in our tracks on this issue. I guess what I would like to say, yes, we will go to a vote. Because the Republicans don't seem—there is a few of them over there who help us, but most of them won't help us. We may not be able to move forward on this bill. At this late time of night, I ask the majority leader to comment, and that will be the end of my questions, I know there are a lot of people out there who are still up and watching, believe me, especially a lot of people in your home State and my home State. They understand this. They understand what is happening. Eighty-nine percent of the people polled said: Do something about global warming. The faith-based groups want it. The scientists are telling us this is right.

Tomorrow or I should say later today, we will have an amazing press conference with John Warner, myself and others, with former military people testifying to the fact that global warming is one of the looming threats to our national security. Still, the other side would stop us from getting to energy independence, stopping us from getting off foreign oil, stopping us from getting off big oil and using these ludicrous arguments about gas prices when, under George Bush's watch and their watch, gas prices went up 250 percent in 7 years and, in less than 1 year, 82 cents. It is ridiculous.

I hope the people hearing us tonight will pick up their phones and call their Senators first thing in the later hours of the morning and tell them to vote yes to allow this debate to move forward.

I thank my leaders, my majority leader and the assistant majority leader, for their courage in scheduling this, for standing up for the American people, and for doing everything they could to get us to a full debate. If we don't have it now, we will have it when we have a President in the White House—and you know where I come down on that one—who is going to send over a bill here, and we will get started on this work and get it done.

I guess, because I have to ask the question, I will ask you, my friend, if you look forward to that day.

Mr. REID. I say to my friend, if not now, when? If not now, when are we going to debate this most important issue? I feel very good that this committee, led by Senator BOXER, was able to report out of that committee, under the most trying circumstances, because of the courage of one Republican by the name of JOHN WARNER of Virginia, was able to get enough votes to put this bill on the floor. I go to the playbook of the Republicans on this. Listen to this:

> The focus is much more on making political points than amending the bill.

I didn't make this up. That is what they said.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Because it is after midnight and the staff has gone through so much today reading this bill, I will make my comments brief. It is hard to believe how much time we wasted today when we could have been considering the global warming bill and passing and considering important amendments. Now we find ourselves past midnight, after wasting hour after hour, when the Republican minority asked the amendment be read, every word of it read into the record, when that was totally unnecessary, an amendment which was available to us days ago, at least in summary form weeks ago, a total waste of time. It is a continued effort by the Republican side of the aisle to slow down and stop any effort to make progress on legislation people care about across America.

It is all their party has left. GOP stands for graveyard of progress. They don't want us to do anything. Today they wasted an entire day of the Senate.

I will close by saying, what troubles me the most is that the Republican minority leader would come to the floor with this sense of urgency about three district court Federal judges, a sense of urgency, yet does not share that same sense of urgency about the global warming that is changing the world we live in. The world will little note nor long remember those three judges, as good as they may be individually, but it will remember that we wasted an entire day and perhaps wasted our best efforts this session to take up the single most important issue for the survival of the planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will add my thoughts that it is an important issue for us to deal with, global warming, and energy security and elimination of pollution and a healthy economy not being damaged by excessive imports of oil or high prices of oil. We wish to deal with that. This bill is a tremendously large bill that dwarfs the prior Clean Air Act of 1990 in significance. I wish to say what happened tonight was the majority leader, utilizing the power of his recognition, has now filled the tree and not one amendment can be offered, as I understand the procedures, he does not agree to. When we did the Clean Air Act, some 200 or more amendments were offered, 5 weeks was spent on it, and 130 amendments, as I recall, were disposed of in some fashion. So we have this tremendous bill we want to talk about.

I would suggest it is as plain as day that as people learn more about it, they are going to be even more concerned than they are today and less supportive of it and hostile to it. That is why it looks to me like an effort is under way to put the Republican Members who would like to offer amendments and discuss the bill in a position where they have no realistic possibility to do so in a meaningful way. This will end with a whimper. The bill can be withdrawn because the majority does not want to stay on it because they can't defend the massive nature of it, the incredible intervention into the economy by Washington bureaucracies that will be created, the trillions of dollars that will have to be raised through this cap and trade, which is nothing more than a way to tax carbon. I wish to protest a moment. We know what is happening. Anybody who is sophisticated here knows this bill is not going to pass. It is losing what support it had. An effort is underway by the Democratic majority to figure a way to pull the bill and then blame the Republicans because we want to talk about it, and we want to entertain a discussion about it. We wish to offer amendments to make it better. That is the truth.

It disturbs me a little bit to hear the comments that have been made earlier. I know we have had a long day. But I wish to make clear this is not an itty-bitty issue. This is a tremendous issue of great importance, both to the world, our economy, and to the environment. We need to do better. We can do better. I hope maybe in the morning things will be in a better posture. I don't think, with regard to the cap-and-trade bill, that the majority is going to want to see it go forward. That indicates a lack of confidence in their own legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. The record speaks for itself. First, the Republicans insisted on the entire 30 hours, that the 30 hours be set aside for general debate on the bill before we could reach an amendment. We gave them their 30 hours for general debate and asked them during that period of time to produce the list of amendments that they wanted to consider on the bill. We gave them a list of amendments we would start with. The first was a bipartisan amendment, Senators BIDEN and LUGAR. When we asked them for amendments to the bill, once again, they failed to produce the list. It was very clear what was going on.

Then they proceeded, unfortunately, to tax the energy and stamina of the staff by having them read every word of the bill into the record, a complete waste of time. First, we burned off 30 hours in general debate with no amendments being produced by the Republican side. Then they came to the floor and took another 5 or 6 hours, maybe more, for the staff to read this into the record. This was not a good-faith effort in amending the bill or even debating the bill. That, unfortunately, is a reflection of what we have seen over and over and over, a record number of filibusters, a record number of Republican attempts to stop or slow down the debate on pending legislation. It is because, of course, they don't want us to see us enact legislation. They don't want to see us address the issues of the day. They are hoping this Congress will be as unproductive as the last Republican Congress.

We are not going to let that happen. We are still going to fight for important legislation. On this particular bill, on a global warming bill, we will have another vote. But if it goes down, if it doesn't move forward, it is because the Republicans are following their strategy that has been read into the RECORD, a strategy which focuses, as they say, "much more on making political points than amending the bill."

That is their strategy. It has been made a part of the RECORD. It is very clear what has happened.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

2016 SUMMER OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN. Mr President, I am pleased to acknowledge a significant milestone this week in Chicago's bid to host the 2016 Summer Olympic and Paralympic Games.

On Wednesday, June 4, the International Olympic Committee announced that it had selected Chicago as one of the four finalists for 2016.

The Chicago 2016 organizers, the U.S. Olympic Committee, and the people of Chicago deserve praise for a job well done.

Because of their fine efforts, Chicago is well prepared to face stiff competition from the three remaining cities—Madrid, Rio de Janeiro, and Tokyo.

Chicago is a diverse city with culture and history to inspire people around the world. From our beautiful downtown parks to magnificent lakefront to terrific sports venues, Chicago is a world-class city that has what it takes to bring the Olympics back to the Midwest for the first time in over 100 years.

Last October, Chicago demonstrated its ability to host a major international sporting event, when 557 boxers and several thousand other visitors from more than a hundred countries traveled to Chicago for the World Boxing Championships, a qualifying event for this summer's Beijing Olympics.

Many of these people were first-time visitors who hadn't known what to expect going in, but who fell in love with the city. Those of us who know Chicago, who have lived and worked there, were not at all surprised by the visitors' rave reviews.

As the Chicago 2016 organizing committee has so eloquently put it:

> Chicago is built on a bold tradition of dreams that we turn into reality. From rebuilding our city to even greater glory after the 1871 Fire, hosting the World's Columbian Exposition and the 1933 World's Fair and transforming an old rail yard into Millennium Park, dreaming and achieving is part of Chicago's DNA.

The U.S. Government is working on several fronts to help support the U.S. bid. The Departments of State and Homeland Security are working to make the travel of legitimate Olympic athletes, coaches, and fans as smooth and hassle-free as possible.

The Senate Foreign Relations Committee recently held a hearing on ratification of the United Nations Convention Against Doping in Sport. The International Olympic Committee expects adherence to this Convention by countries that will host future Olympic Games.

I look forward to working with the Chicago 2016 organizing committee, the U.S. Olympic Committee, and my colleagues here in Congress as we move forward over the next 16 months preparing for the IOC's final decision in October 2009.

Again, I congratulate the great city of Chicago on its achievements to date, and I look forward to welcoming the 2016 Olympics to Illinois.

WILLIAM T. McLAUGHLIN

Mr. BIDEN. Mr. President, I am pleased that the Senate passed the budget plan this morning. I was hoping to be here in time to cast my vote in favor of this agreement, but I was a few minutes late. I want my colleagues to know, and the record to reflect, that I was paying last respects to one of Delaware's finest citizens and a man who was a good friend to me for the past four decades. I am speaking of William T. "Bill" McLaughlin, also known as "Mr. Mayor," who passed away last Friday. He presided as Mayor of Wilmington from 1977 to 1984 and shaped it as the financial center it is today. This morning I attended the mass in his honor and presented the eulogy.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 308(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels and limits in the resolution for energy legislation that meets certain conditions, including that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that SA 4825, a complete substitute for S. 3036, the Lieberman-Warner Climate Security Act of 2008, satisfies the conditions of the deficit-neutral reserve fund for energy legislation. Therefore, pursuant to section 308(a), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Environment and Public Works Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,115.952
FY 2010	2,171.611
FY 2011	2,372.021
FY 2012	2,605.697
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	9.026
FY 2010	7.890
FY 2011	−22.529
FY 2012	8.601
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2,521.803
FY 2010	2,574.006
FY 2011	2,709.419
FY 2012	2,833.058
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.070
FY 2010	2,601.608
FY 2011	2,715.269
FY 2012	2,796.763

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In millions of dollars]

Current Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	181,487
FY 2008–2012 Outlays	9,668
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	134,696
FY 2008–2012 Outlays	114,402
Revised Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	316,183
FY 2008–2012 Outlays	124,070

REMEMBERING JOHN W. KEYS, III

Mr. BINGAMAN. Mr. President, I rise today on a sad note—to inform the Senate of the recent death of a model public servant who served our country well. John W. Keys, III, was the 16th Commissioner of the Bureau of Reclamation. He served in that capacity from July 17, 2001, to April 15, 2006, and worked closely with the Committee on Energy and Natural Resources which I have the privilege of chairing. Commissioner Keys retired 2 years ago to return to Utah and pursue his favorite pastimes which included flying. Tragically, he was killed on May 30, 2008, when the airplane he was piloting crashed in Canyonlands National Park, UT, with one passenger aboard.

Commissioner Keys' appointment by President Bush to lead the Bureau of Reclamation was actually his second stint with the agency. He returned to Federal service after previously retiring from a 34-year career with reclamation. During that time, he worked as a civil and hydraulic engineer in various positions throughout the western United States. Ultimately, he served as reclamation's Pacific Northwest regional director for 12 years before his initial retirement in 1998.

Commissioner Keys was a dedicated public servant whose knowledge, experience, and demeanor were key factors in his successful leadership of the Bureau of Reclamation. Those same skills, combined with his willingness to work with Congress on a bipartisan basis, were instrumental in addressing a wide range of water resource issues across the West. He will be sorely missed, but left a legacy of accomplishments that will ensure that he is long-remembered. I offer my condolences to his wife, Dell, and their daughters, Cathy and Robyn.

Mr. SMITH. Mr. President, I rise today to honor the memory of John W. Keys, III, who died tragically in a plane crash on Friday, May 30, 2008. John was a long-time Federal official, and a kind and thoughtful man.

John Keys was born in Sheffield, AL. He earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and a master's degree from Brigham Young University. John was dedicated to his community, and spent much of his spare time serving as a search-and-rescue pilot for Utah County and as a college and high school football referee.

The majority of John Keys' life, however, was centered on his marriage to his wife Dell and his professional career at the Bureau of Reclamation, an agency of the Department of the Interior. John spent nearly 40 years working with Reclamation. From 1964 to 1979, he worked as a civil and hydraulic engineer in the Great Basin, Missouri River Basin, Colorado River Basin, and Columbia River Basin. I first met John when he served as Reclamation's Pacific Northwest regional director. In 1995, he was awarded Interior's highest honor—the Distinguished Service Award—for maintaining open lines of communication and keeping interest groups focused on solutions. After 12 years as Northwest regional director, John retired in 1998.

In 2001, John emerged from retirement to take a position as the 16th Commissioner of the Bureau of Reclamation. As Commissioner, John oversaw a venerable agency charged with the operation and maintenance of water storage, water distribution, and electric power generation facilities in 17 Western States. John placed great emphasis on operating and maintaining Reclamation projects to ensure continued delivery of water and power benefits to the public, consistent with environmental and other requirements. He was committed to honoring State water rights, interstate compacts, and contracts with Reclamation's users. This commitment helped the agency develop creative solutions to address the water resource challenges of the West.

John had retired as Commissioner in 2006. He was a highly respected and dedicated public servant. I stand today to express my appreciation for his service to the Northwest and to our country. I want to offer my sincere condolences to his wife, his daughters, and those he leaves behind.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, starting last year, I started looking at the financial relationships between physicians and drug companies. I first began this inquiry by examining payments from Astra Zeneca to Dr. Melissa DelBello, a professor of psychiatry at the University of Cincinnati.

In 2002, Dr. DelBello published a study that found that Seroquel worked for kids with bipolar disorder. The study was paid for by Astra Zeneca, and the following year that company paid Dr. DelBello around $100,000 for speaking fees and honoraria. In 2004, Astra Zeneca paid Dr. DelBello over $80,000.

Today, I would like to talk about three physicians at Harvard Medical School—Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens. They are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies.

Out of concern about the relationship between this money and their research, I asked Harvard and Mass General Hospital last October to send me the conflict of interest forms that these doctors had submitted to their institutions. Universities often require faculty to fill these forms out so that we can know if the doctors have a conflict of interest.

The forms I received were from the year 2000 to the present. Basically, these forms were a mess. My staff had a hard time figuring out which companies the doctors were consulting for and how much money they were making. But by looking at them, anyone would be led to believe that these doctors were not taking much money. Over the last 7 years, it looked like they had taken a couple hundred thousand dollars.

But last March, Harvard and Mass General asked these doctors to take a second look at the money they had received from the drug companies. And this is when things got interesting. Dr. Biederman suddenly admitted to over $1.6 million dollars from the drug companies. And Dr. Spencer also admitted to over $1 million. Meanwhile, Dr. Wilens also reported over $1.6 million in payments from the drug companies.

The question you might ask is: Why weren't Harvard and Mass General watching over these doctors? The answer is simple: They trusted these physicians to honestly report this money.

Based on reports from just a handful of drug companies, we know that even these millions do not account for all of the money. In a few cases, the doctors disclosed more money than the drug companies reported. But in most cases, the doctors reported less money.

For instance, Eli Lilly has reported to me that they paid tens of thousands of dollars to Dr. Biederman that he still has not accounted for. And the same goes for Drs. Spencer and Wilens.

What makes all of this even more interesting is that Drs. Biederman and Wilens were awarded grants from the National Institutes of Health to study the drug Strattera.

Obviously, if a researcher is taking money from a drug company while also receiving Federal dollars to research that company's product, then there is a conflict of interest. That is why I am asking the National Institutes of Health to take a closer look at the grants they give to researchers. Every year, the NIH hands out almost $24 billion in grants. But nobody is watching to ensure that the conflicts of interest are being monitored.

That is why Senator KOHL and I introduced the Physician Payments Sunshine Act. This bill will require companies to report payments that they make to doctors. As it stands right now, universities have to trust their faculty to report this money. And we can see that this trust is causing the universities to run afoul of NIH regulations. This is one reason why industry groups such as PhRMA and Advamed, as well as the American Association of Medical Colleges, have all endorsed my bill. Creating one national reporting system, rather than relying on a hodge-podge of state systems and some voluntary reporting systems, is the right thing to do.

Before closing, I would like to say that Harvard and Mass General have been extremely cooperative in this investigation, as have Eli Lilly, Astra Zeneca and other companies. I ask unanimous consent that my letters to Harvard, Mass General, and the NIH be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 4, 2008.

ELIAS A. ZERHOUNI, M.D.
Director, National Institutes of Health, Bethesda, Maryland.

DEAR DIRECTOR ZERHOUNI: As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

Over the past number of years, I have become increasingly concerned about the lack of oversight regarding conflicts of interest relating to the almost $24 billion in annual extramural funds that are distributed by the NIH. In that regard, I would like to take this opportunity to notify you about five problems that have come to my attention on this matter.

First, it appears that three researchers failed to report in a timely, complete and accurate manner their outside income to Harvard University (Harvard) and Massachusetts General Hospital (MGH). By not reporting this income, it seems that they are placing Harvard and MGH in jeopardy of violating NIH regulations on conflicts of interest. I am attaching that letter for your review and consideration.

Second, I am requesting an update about a letter I sent you last October on problems with conflicts of interest and NIH extramural funding regarding Dr. Melissa DelBello at the University of Cincinnati (University). In that letter, I notified you that Dr. DelBello receives grants from the NIH, however, she was failing to report her outside income to her University.

Third, the Inspector General for the Department of Health and Human Services Office (HHS OIG) released a disturbing report last January which found that NIH provided almost no oversight of its extramural funds. But your staff seemed to show little interest in this report. In fact, Norka Ruiz Bravo, the NIH deputy director of extramural programs was quoted in The New York Times saying, "For us to try to manage directly the conflict-of-interest of an NIH investigator would be not only inappropriate but pretty much impossible."

Fourth, I am dismayed to have read of funding provided to several researchers from the Foundation for Lung Cancer: Early Detection, Prevention & Treatment (Foundation). Dr. Claudia Henschke and Dr. David Yankelevitz are two of the Foundation's board members. As reported by The New York Times, the Foundation was funded almost entirely with monies from tobacco companies, and this funding was never fully disclosed. Monies from the Foundation were then used to support a study that appeared in The New England Journal of Medicine (NEJM) back in 2006 regarding the use of computer tomography screening to detect lung cancer. The NEJM disclosure states that the study was supported also by NIH grants held by Drs. Henschke and Yankelevitz.

Regarding the lack of transparency by Dr. Henschke and Dr. Yankelevitz, National Cancer Institute Director John Niederhuber told the Cancer Letter, "[W]e must always be transparent regarding any and all matters, real or perceived, which might call our scientific work into question."

The NEJM later published a clarification regarding its earlier article and a correction revealing that Dr. Henschke also received royalties for methods to assess tumors with imaging technology. There is no evidence that the Foundation's tobacco money or Dr. Henschke's royalties influenced her research. But I am concerned that the funding source and royalties may have not been disclosed when the NIH decided to fund Dr. Henschke.

Fifth, I sent you a letter on April 15, outlining my concerns about a report on the National Institute of Environmental Health Sciences (NIEHS). That report found 45 cases at the NIEHS where extramural grants had not receiving sufficient peer review scores but were still funded. This finding is yet another example that the NIH provides little oversight for its extramural program.

Dr. Zerhouni, you faced similar scandals back in 2003 when it came to light that many NIH intramural researchers enjoyed lucrative arrangements with pharmaceutical companies. It took you some time, but you eventually brought some transparency, reform and integrity back to NIH. As you told Congress during one hearing, "I have reached the conclusion that drastic changes are needed as a result of an intensive review by NIH of our ethics program, which included internal fact-finding as well as an external review by the Blue Ribbon Panel."

NIH oversight of the extramural program is lax and leaves people with nothing more than questions—$24 billion worth of questions, to be exact. I am interested in understanding how you will address this issue. American taxpayers deserve nothing less.

In the interim, I ask you to respond to the following requests for information and documents. In responding to each request, first repeat the enumerated question followed by the appropriate response. Your responses should encompass the period of January 1, 2000 to April 1, 2008. I would appreciate receiving responses to the following questions by no later than June 18, 2008:

1. Please explain what actions the NIH has or will initiate to provide better oversight and transparency for its extramural funding program.

2. Please explain how often the NIH has investigated and/or taken action regarding a physician's failure to report a "significant financial interest," as defined by NIH regulation. For each investigation, please provide the following information:

   a. Name of the Doctor(s) involved;
   b. Date investigation began and the date ended;
   c. Specific allegations which triggered investigation;
   d. Findings of the investigation; and
   e. Actions taken by the NIH, if any.

3. Since receiving notice that the University of Cincinnati was provided incomplete information from Dr. DelBello regarding her outside income, what steps has/will NIH take to address this issue? Please be specific.

4. Please provide a list of all NIH grants received by Dr. DelBello. For each grant, please provide the following:

   a. Name of grant;
   b. Topic of grant; and
   c. Amount of funding for grant.

5. Please provide a list of any other interactions that Dr. DelBello has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

6. Since reports appeared in the press regarding the undisclosed funding of the Foundation for Lung Cancer: Early Detection, Prevention & Treatment, what steps has/will NIH take to address this issue? Please provide all external and internal communications regarding this issue.

7. Please provide a list off all NIH grants received by Dr. Claudia Henschke. For each grant, please provide the following:

a. Name of grant;
b. Topic of grant; and
c. Amount of funding for grant.

8. Please provide a list of any other interactions that Dr. Henschke has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

9. Please provide a list off all NIH grants received by Dr. David Yankelevitz. For each grant, please provide the following:

a. Name of grant;
b. Topic of grant; and
c. Amount of funding for grant.

10. Please provide a list of any other interactions that Dr. Yankelevitz has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

11. Please provide a list off all NIH grants received by Dr. Joseph Biederman. For each grant, please provide the following:

a. Name of grant;
b. Topic of grant; and
c. Amount of funding for grant.

12. Please provide a list of any other interactions that Dr. Biederman has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

13. Please provide a list off all NIH grants received by Dr. Timothy Wilens. For each grant, please provide the following:

a. Name of grant;
b. Topic of grant; and
c. Amount of funding for grant.

14. Please provide a list of any other interactions that Dr. Wilens has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

I request your prompt attention to this matter and your continued cooperation. I also request that the response to this letter contain your personal signature. If you have any questions please contact my Committee staff, Paul Thacker at (202) 224-4515. Any formal correspondence should be sent electronically in PDF searchable format to brian—downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 4, 2008.

Dr. DREW GILPIN FAUST,
President, Harvard University,
Massachusetts Hall, Cambridge, MA.
Dr. PETER L. SLAVIN,
President, Massachusetts General Hospital (Partners Healthcare), Boston, MA.

DEAR DRS. FAUST AND SLAVIN: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Harvard Medical School who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are disregarded sometimes.

I have also been taking a keen interest in the almost $24 billion annually appropriated to the National Institutes of Health to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to try and assess the implementation of financial disclosure policies of Harvard University (Harvard) and Massachusetts General Hospital (MGH/Partners), (the Institutions). In response to my letters of June 29, October 25, and October 26, 2007, your Institutions provided me with the financial disclosure reports that Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens (Physicians) filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that your Institutions confirm the accuracy of the information. In March 2008, your Institutions then requested additional information from the Physicians pursuant to my inquiry. That information was subsequently provided to me.

In their second disclosures to your Institutions, the Physicians revealed different information than they had disclosed initially to your respective Institutions: On April 29, 2008, I received notification from Harvard Medical School's Dean for Faculty and Research Integrity that he has referred the cases of these Physicians to the Standing Committee on Conflicts of Interest and Commitment ("Standing Committee"). The Chief Academic Officer (CAO), Partners HealthCare System, also wrote me that Partners will look to the Standing Committee to conduct the initial factual review of potential non-compliance that are contained in both the Harvard Medical School Policy and the Partners Policy. In addition, the CAO stated that, in addition to the Standing Committee's review process, Partners will conduct its own independent review of conflicts of interest disclosures these Physicians submitted separately to Partners in connection with publicly funded research and other aspects of Partners Policy. I look forward to being updated on these reviews in the near future.

In addition, I contacted executives at several major pharmaceutical companies and asked them to list the payments that they made to Drs. Biederman, Spencer, and Wilens during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to your Institutions.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data that have been reported me. This chart contains three columns: payments disclosed in the forms the physicians filed at your Institutions, payments revealed in March 2008, and amounts reported by some drug companies.

I would appreciate further information to see if the problems I have found with these three Physicians are systemic within your Institutions.

INSTITUTIONAL AND NIH POLICIES

Both Harvard and MGH/Partners have established an income de minimus limit. This policy forbids researchers working at your Institutions from conducting clinical trials with a drug or technology if they receive payments over $20,000 from the company that manufactures that drug or technology. Prior to 2004, the income de minimus limit established by your institutions was $10,000.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" that may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least $10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received grants to conduct studies involving atomoxetine, a drug that sells under the brand name Strattera. For example:

In 2000, the NIH awarded Dr. Biederman a grant to study atomoxetine in children. At that time, Dr. Biederman disclosed that he received less than $10,000 in payments from Eli Lilly & Company (Eli Lilly). But Eli Lilly reported that it paid Dr. Biederman more than $14,000 for advisory services that year—a difference of at least $4,000.

In 2004, the NIH awarded Dr. Wilens a 5-year grant to study atomoxetine. In his second disclosure to your Institutions, Dr. Wilens revealed that he received $7,500 from Eli Lilly in 2004. But Eli Lilly reported to me that it paid Dr. Wilens $27,500 for advisory services and speaking fees in 2004—a difference of about $20,000.

It is my understanding that Dr. Wilens' NIH-funded study of atomoxetine is still ongoing. According to Eli Lilly, it paid Dr. Wilens almost $65,000 during the period January 2004 through June 2007. However, as of March 2008, and based upon the documents provided to us to date, Dr. Wilens disclosed payments of about half of the amount reported by Eli Lilly for this period. Dr. Wilens also did three other studies of atomoxetine in 2006 and 2007.

I have also found several instances where these Physicians apparently received income above your institutions' income de minimus limit. For instance, in 2003, Dr. Spencer conducted a study of atomoxetine in adolescents. At the time, he disclosed no significant financial interests related to this study. But Eli Lilly reported paying Dr. Spencer over $25,000 that year.

In 2001, Dr. Biederman disclosed plans to begin a study sponsored by Cephalon, Inc. At the time; Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. Yet, on his conflict of interest disclosure, he acknowledged receiving research support and speaking fees from Cephalon, Inc., but did not provide any information on the amounts paid. In March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him $13,000 in 2001.

In 2005, Dr. Biederman began another clinical trial sponsored by Cephalon, Inc., which was scheduled to start in September 2005 and end in September 2006. Initially, Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. But in March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him $11,000 for honoraria in 2005 and an additional $24,750 in 2006.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members. Indeed at this time there are several pharmaceutical and device companies that are looking favorably upon the Physician Payments Sunshine Bill and for that I am gratified.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to Harvard and MGH/Partners' designated official "the existence of [his] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Harvard and MGH/Partners ensured "that the interest has been managed, reduced, or eliminated?" Please provide an individual response for each grant that each doctor received from January 2000 to the present, and provide any documentation to support each claim.

3. Please report on the status of the Harvard Standing Committee and additional Partners reviews of the discrepancies in disclosures by Drs. Biederman, Spencer and Wilens, including what action, if any, will be considered.

4. For Drs. Biederman, Spencer, and Wilens, please report whether a determination can be made as to whether or not any doctor violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

5. Please provide a total dollar figure for all NIH monies annually received by Harvard and MGH/Partners, respectively. This request covers the period of 2000 through 2007.

6. Please provide a list of all NIH grants received by Harvard and MGH/Partners. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;
b. Grant Title;
c. Grant number;
d. Brief description; and
e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than June 18, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

SELECTED DISCLOSURES BY DR. BIEDERMAN AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company Reported
2000	GlaxoSmithKline	Not reported	$2,000	$3,328
	Eli Lilly & Company	<$10,000	3,500	14,105
	Pfizer Inc.	Not reported	7,000	7,000
2001	Cephalon	No amount provided	13,000	n/a
	GlaxoSmithKline	No amount provided	5,500	4,428
	Eli Lilly & Company	No amount provided	6,000	14,339
	Johnson & Johnson	Not reported	3,500	58,169
	Medical Education Systems	Not reported	21,000	n/a
	Pfizer Inc.	No amount provided	5,625	5,625
2002	Bristol-Myers Squibb	No amount provided	2,000	2,000
	Cephalon	No amount provided	3,000	n/a
	Colwood	Not reported	14,000	n/a
	Eli Lilly & Company	No amount provided	11,000	2,289
	Johnson & Johnson	Not reported	Not reported	706
	Pfizer Inc.	No amount provided	4,000	2,000
2003	Bristol-Myers Squibb	No amount provided	500	250
	Cephalon	<10,000	4,000	n/a
	Eli Lilly & Company	<10,000	8,250	18,347
	Johnson & Johnson	<10,000	2,000	2,889
	Medlearning	Not reported	26,500	n/a
	Pfizer Inc.	<10,000	1,000	1,000
2004	Bristol-Myers Squibb	No amount provided	6, 266	6,266
	Cephalon	Not reported	4,000	n/a
	Eli Lilly & Company	No amount provided	8,000	15,686
	Johnson & Johnson	Not reported	Not reported	902
	Medlearning	Not reported	26,000	n/a
	Pfizer Inc.	Not reported	3,000	4,000
2005	Cephalon	Not reported	11,000	n/a
	Eli Lilly & Company	<20,000	12,500	7,500
	Johnson & Johnson	Not reported	Not reported	962
	Pfizer Inc.	Not reported	3,000	3,000
	Medlearning	Not reported	34,000	n/a
2006	Cephalon	Not reported	24,750	n/a
	Johnson & Johnson	Not reported	Not reported	750
	Primedia	Not reported	56,000	n/a
2007	Primedia	Not reported	30,000	n/a

Note 1: Dr. Biederman revealed in March 2008 that his outside income totaled about $1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Biederman's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. SPENCER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	$3,000	$1,500
	Eli Lilly & Company	Not reported	12,345	11,463
2001	GlaxoSmithKline	Not reported	4,000	1,000
	Eli Lilly & Company	Not reported	8,500	10,859
	Strategic Implications	Not reported	16,800	n/a
2002	GlaxoSmithKline	Not reported	3,000	3,369
	Eli Lilly & Company	Not reported	14,000	14,016
	Strategic Implications	Not reported	29,000	n/a
2003	Eli Lilly & Company	Not reported	6.000	25,500

SELECTED DISCLOSURES BY DR. SPENCER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES—Continued

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
	Johnson & Johnson	Not reported	1,250	0
	Thomson Physicians World	Not reported	46,500	n/a
2004	Eli Lilly & Company	Not reported	Not reported	23,000
	Pfizer Inc.	Not reported	3,500	3,500
2005	Eli Lilly & Company	<$20,000	6,000	7,500
	Johnson & Johnson	Not reported	1,500	227
	Medlearning	Not reported	28,250	n/a
2006	Eli Lilly & Company	No amount provided	15,688	8,188
	Johnson & Johnson	Not reported	5,500	0
	Primedia	Not reported	44,000	n/a
2007	Eli Lilly & Company	No amount provided	6,000	16,188

Note 1: Dr. Spencer revealed in March 2008 that his outside income totaled about $1 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. WILENS AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	$5,250	$12,009
	Eli Lilly & Company	Not reported	2,000	2,057
	Pfizer Inc.	Not reported	1,250	2,250
	TVG	Not reported	11,000	n/a
2001	GlaxoSmithKline	<$10,000	n/a	2,269
	Eli Lilly & Company	No amount provided	3,952	952
	J.B. Ashtin	Not reported	14,500	n/a
2002	GlaxoSmithKline	Not reported	7,500	10,764
	Eli Lilly & Company	Not reported	4,500	3,000
	Pfizer Inc.	Not reported	1,500	1,500
	Phase 5	Not reported	20,000	n/a
2003	Eli Lilly & Company	Not reported	12,000	0
	Phase 5	Not reported	90,500	n/a
	TVG	Not reported	31,000	n/a
	Medlearning	Not reported	24,000	n/a
2004	Eli Lilly & Company	Not reported	7,500	27,500
	Phase 5	Not reported	84,250	n/a
	Medlearning	Not reported	46,009	n/a
2005	Eli Lilly & Company	<20,000	9,500	9,500
	Promedix	Not reported	70,000	n/a
	Advanced Health Media	Not reported	37,750	n/a
2006	Eli Lilly and Physician World (Lilly)	No amount provided	5,963	12,798
	Advanced Health Media	Not reported	56,000	n/a
	Primedia	Not reported	32,000	n/a
2007	Eli Lilly & Company	Not reported	9,000	14,969
	Veritas	Not reported	25,388	n/a

Note 1: Dr. Wilens revealed in March 2008 that his outside income totaled about $1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

MINNESOTA'S 150TH BIRTHDAY

Ms. KLOBUCHAR. Mr. President, in May, I joined Governor Pawlenty, Senator COLEMAN and our Minnesota Congressional Delegation, our State legislators and thousands of Minnesotans in celebrating Minnesota's 150 years as a State.

We are proud to be a State where—in the words of our unofficial poet laureate Garrison Keillor—all the women are strong, all the men are good-looking, and all the sesquicentennials are above average.

For 150 years, our State has been built by people who knew they had to work hard, had to be bold, and had to persevere—to overcome the adversities and hardships that confronted them.

Each one of us here is a part of Minnesota's illustrious history. And each one of us has our own story about our Minnesota heritage.

Mine has its roots in the rough and tumble Iron Range, where my grandpa worked 1,500 feet underground in the mines of Ely. He and my grandma graduated from high school, but they saved money in a coffee can to send my dad to college. The little house they lived in all their lives they got when the mine closed down in Babbitt. They loaded it on the back of a flatbed truck and dynamited out a hole for the basement in Ely. The only problem was my grandpa used too much dynamite and the neighbor's wash went down a block away from all the flying rocks.

I told the story up north a while back and some old guy stood up and yelled out, "As if we don't remember!" They have long memories up on the Range.

Today is a day to remember that Minnesota is recognized and admired both for our natural beauty and our hard-working people.

We are home to the headwaters of the Mississippi River and to Lake Superior, the "greatest" of the Great Lakes.

We are home to native peoples whose history stretches far before our statehood.

We are the State that mined the iron ore for America's ships and skyscrapers.

We are the home to Fortune 500 companies that lead the way in innovation—bringing the world everything from the pacemaker to the Post-It Note.

We are home to hospitals and medical institutions that heal the sick from around the world.

And we are now a national leader in the renewable energy that will power our future.

For 150 years, we have served our country with great honor. Back in the Civil War, it was the First Minnesota that held the line during the Battle of Gettysburg, preventing a breach in the Union lines. The price this volunteer unit paid was the highest casualty rate of any military unit in American history, and today their flag flies here in the Capitol rotunda as a reminder of their bravery and sacrifice.

Now, the Minnesota National Guard's 34th Infantry Regiment—the famed Red Bulls—traces its roots to the 1st Minnesota Volunteers and they continue to honor that tradition of service to country.

On the sports field, we are home to the 1987 and 1991 World Series Champion Minnesota Twins.

It was a Minnesotan, Herb Brooks, who coached the U.S. Hockey Team to the gold medal in the 1980 Winter Olympics—the "Miracle on Ice."

Of course, after years of anguish, my dad, still an avid sports fan, continues to ask if the Vikings will ever win the Super Bowl.

We brought the world music legends from Bob Dylan to Prince to "Whoopie John," the King of Polka from New Ulm.

And speaking of culture, Darwin, MN, is home to the world's largest ball of twine built by one person (my husband made me add the "by one person!"). He saw a documentary about some other ball of twine.

Then we have our many colorful politicians, from Senator James Shields, who challenged Abraham Lincoln to a saber duel, to Senator Magnus Johnson, whose Swedish accent was so thick that his nickname going into the Senate was "Yenerally Speaking Yohnson", to Governor Rudy Perpich and his polka-mass; to Governor Ventura and his feather boa, to Paul Wellstone and his green bus, to two of America's most beloved Vice Presidents.

In fact, I read in a national magazine way back that ours is the only State where parents bounce their babies on their knees and say, "One day you could grow up to be Vice President."

But, Minnesota's celebration is not just about our history. It is also about our future. That is why the involvement of young people is so important—especially our young essay winners.

I always think of our State as a "work in progress."

We are a State whose people have always believed—despite the cold, the snow, the windswept prairies . . . Despite all that, we have always believed that anything was possible.

We are a State that is defined by the optimism of our people. We look to the future and we believe that—with hard work, education and good values—we can make tomorrow better than today.

I am reminded of an Ojibwe prayer passed down from the ages—the prayer that our leaders and our people make decisions not for their own generation but for those seven generations from now.

That is what that ragtag brigade of Minnesota citizen soldiers did in 1863 when they held the line at the Battle of Gettysburg.

That is what Sigurd Olson was thinking as he wrote about the beauty of our State and this Earth and its stewardship.

And that is what an Iron Range miner was hoping for as he saved those dollars in that coffee can, never dreaming his granddaughter would end up in the United States Senate.

After 150 years, we celebrate the courage and forethought of those who came before us and pray that we can live up to their expectations.

Happy birthday, Minnesota!

CONGRATULATING CARRIS REELS

Mr. LEAHY. Mr. President, I rise today to congratulate Carris Reels of Rutland, VT, for receiving the 2008 ESOP Association's "Company of the Year" award.

Founded in 1951 by Henry Carris, and bought by his son, Bill Carris, in 1980, Carris Reels sells a full line of manufactured reel products for a wide variety of industries. Today, Carris Reels has about 550 employee owners and eight locations nationwide. The company became 100-percent employee owned in January 2008.

One of the unique characteristics of Carris Reels is the company's steering committee, which goes beyond the basic functions of most ESOP committees and takes responsibility for allocations of benefits, quality of work-life issues, communications, training, and governance. Made up of both management and corporate employees, the Committee keeps alive the vision of former owner Bill Carris who moved the company toward employee ownership in 1995. Bill has said that organizations consist of three dimensions: spiritual, emotional, and physical. The strong business his family built and the employees now own is proof positive that these dimensions will remain a legacy at Carris Reels.

Carris Reels also is a strong supporter of the Vermont Employee Ownership Center, VEOC, a statewide nonprofit organization founded in 2001 to provide information and resources to owners interested in selling their business to their employees, employee groups interested in purchasing a business, and entrepreneurs who wish to start up a company with broadly shared ownership. To date, the VEOC has given direct assistance to over 60 Vermont businesses, employing over 1,700 Vermonters. I applaud the VEOC for holding its Sixth Annual Employee Ownership Conference in Burlington later this week.

Once again, I congratulate all of the employees at Carris Reels for this well-deserved recognition. They make great reels; they do business well; and they treat their employees right—all of these accomplishments, I believe, are related.

Mr. President, I ask unanimous consent that a copy of an article about the award from the June 2, 2008, Rutland Herald be printed in the RECORD so that all Senators can read about the success and admirable business practices of this visionary Vermont company.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, June 2, 2008]

CARRIS REELS WINS 'COMPANY OF YEAR' AWARD

(By Bruce Edwards)

Carris Reels will occupy a special place at this week's sixth annual Vermont Employee Ownership Conference in Burlington.

The Rutland-based company was recently presented with the national 2008 ESOP Company of the Year award by the ESOP Association—the national trade association for companies with employee stock ownership plans.

"Carris Reels is an example of the value and potential that employee ownership can bring to (a) company," J. Michael Keeling, president of The ESOP Association, said in a statement. "The employee owners of Carris Reels strive to make their company stronger each day and it shows in the work they do and in the value they place on the individuals who make up their company."

Founded in 1951 by Henry Carris, the company manufactures a line of reels for the wire, cable and rope industries. The 100-percent employee-owned company has 550 workers at eight locations around the country.

According to Don Jamison of the Vermont Employee Ownership Center, the state has the highest number of employee-owned companies per capita in the country. Jamison said there are approximately 10,000 ESOPs in the country, with 30 such companies in Vermont and another 10 companies that are workers co-operatives.

Jamison said one important benefit of an employee-owned company is that it ensures the company stays local. "If an owner is exiting (selling) and is concerned about his or her employees, it can ensure that the company will continue as it has been, provided there is a new group of managers to take over responsibilities."

He said employee-owned companies also give a direct stake to employees who reap the profits when the company performs well. "With a combination of participation and ownership, you see a pretty significant boost in productivity gains," Jamison said.

He also said there are tax advantages for an owner who sells their company to employees with the potential of getting a rollover in the capital gains tax.

As an example of the productivity gains that are realized with an ESOP, Jamison said two recent winners of the Deane C. Davis Outstanding Vermont Business Award, Resource Systems Group and King Arthur Flour Co., are both majority-owned by their employees.

Jamison said while setting up an ESOP is a complex process, it can be well worth the effort in the long run for the company, its employees and the owner,

One of the conference's workshops this week is based on a Carris Reels initiative called "Inclusive Decision-Making."

"They're really trying very hard to make their company 100 percent employee governed," Jamison said.

According to the national ESOP Association, a unique component of Carris Reels is its steering committee which goes beyond most ESOP committees and assumes decision-making for a number of functions including: allocation of benefits, quality of work-life issues, communications, training and governance. The committee meets twice a year to review financial information and receives operational updates from the various departments.

The Carris committee is made up of management and employees who serve three-year terms. In addition, the ESOP Association points out that the committee keeps alive the vision of Bill Carris, the son of founder Henry Carris, who moved the company toward employee ownership in 1995. Bill Carris' long-term plan is that "organizations consist of three dimensions: spiritual, emotional, and physical."

The keynote speaker at the Vermont conference at Champlain College is Veda Clark, CEO of Lite Control, an ESOP-owned company in Massachusetts that is known for its employee participation programs.

The conference agenda also includes the following workshops:

Social responsibility and the employee-ownership movement, How to successfully lead an employee-owned company, Balancing short- and long-term rewards in companies with an ESOP, How to leverage employee ownership as a marketing tool, Structuring an employee-owned company for inclusive decision-making, The differences between ESOPs and worker co-operatives and which is best suited for their company, The basics of financing an ESOP; and the keys to business valuation, How to manage an established ESOP, Coping with growth in worker cooperatives, Long-term ESOP sustainability; and renewing the spirit of employee ownership.

For more information, visit www.veoc.org; e-mail info@veoc.org; or call 861-6611.

ADDITIONAL STATEMENTS

RETIREMENT OF THOMAS E. BARTON

• Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Dr. Thomas E. Barton on the occasion of his retirement as president of Greenville Technical College.

Dr. Barton graduated from Clemson University in 1953 with a bachelor of science degree and received his doctorate in higher education administration from Duke University in 1972. While at Clemson, Dr. Barton played football under legendary coach Frank Howard. In 1987, he was honored for his athletic achievements by being elected to both the South Carolina Athletic Hall of Fame and the Clemson University Athletic Hall of Fame.

After 9 years of service in the public schools of South Carolina and Georgia as teacher, coach, and school superintendent, he became president of Greenville Technical College in 1962. When Dr. Barton began his term as president, Greenville Tech consisted of one building serving 800 students. Forty-six years later, the college boasts a 42-building, four-campus system, offering university transfer and technical programs to more than 60,000 students annually.

Dr. Barton was named Business Person of the Year by Greenville Magazine in 1995, and has consistently been chosen as one of the 50 most influential residents of Greenville by the publication. He was also named one of the top 25 community leaders by the Greenville News in 2000, 2001, and 2002. He has been awarded honorary doctorate degrees from Winthrop University, the University of South Carolina, and Clemson University. In January 2003, he was presented with the Order of the Palmetto, the State's highest award for a civilian.

A leader in community affairs, Barton has served on the governing boards of the Greater Greenville Chamber of Commerce, the Historic Greenville Foundation, and the YMCA. He is a commissioner for the Southern Association of Colleges and Schools and has chaired the board of directors of the Donaldson Air Force Base Museum and the South Carolina Technical College Presidents' Council. He has served on the Executive Committee for Friends of the Greenville Hospital System, on the Governor's Task Force on Education in South Carolina, and as honorary chairman of the March of Dimes Team Walk for Greenville. He is also an active member of the Greenville Rotary Club.

Dr. Barton has served his State and his community well as an educator and civic leader. I wish him the very best in his retirement and ask that the U.S. Senate join me in thanking Dr. Barton for his lifelong career of service.•

125TH ANNIVERSARY OF THE FOUNDING OF PIERRE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I wish today to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Pierre. Pierre is the capital of the State, and the county seat of Hughes County. Pierre boasts a robust economy and exceptional quality of life, and things are only getting better for this dynamic city.

Pierre was founded in July of 1878, preceding the arrival of the Chicago and North Western Railroads 2 years later. Taking its name from the French fur trader, Pierre Chouteau, Pierre was designated the State capital in 1889. Pierre's citizens are justly proud of their city's history, and they have undertaken numerous successful projects designed to preserve and celebrate this heritage.

Today, Pierre is the major trade center of central South Dakota and enjoys an economy mixed with government, agriculture, and plenty of good hunting and fishing with nearby Oahe Dam. The Capital's many attractions include the Capitol Building, built in 1910, and the Fighting Stallions, World War II, Korean, and Vietnam Memorials.

The 125th anniversary celebrations are to be held June 18–22, and include the 19th Annual Dakota Duck Derby, parade, fireworks, watermelon eating contest, and antique car show. The Anniversary Gala will bring together the current and past mayors of Pierre to reminisce and appreciate the history of the South Dakota capital.

Pierre combines the warmth and friendliness of a small town with the vibrancy associated with larger communities. I am pleased to recognize the achievements of Pierre and to offer my congratulations to the residents of the city on this historic milestone.•

125TH ANNIVERSARY OF THE FOUNDING OF ONIDA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the city of Onida, SD. As the county seat of Sully County, this vibrant, progressive community has been a center of commercial and civic activity since its inception.

The site which Onida is built on was chosen by Charles Agar, Charles Holmes, and Frank Brigham of Oneida NY. Within a month of raising the single place of lodging in Onida for landseekers, the city gained a grocer, hardware store, and post office. When declared the seat of Sully County, a courthouse, permanent hotel, multiple grocers, and a bank were soon to follow.

Today, Onida is a prime example of the natural beauty and recreation in South Dakota that follows the Louis and Clark Trail up the Missouri River. Its business sector encompasses a wide variety of trades from agriculture, automotive, finance, and tourist amenities. Hunting and fishing are significant draws of the area, and support many local resorts based on such recreational activity.

Onida will be celebrating its quasquicentennial during the Oahe Days in early August. Even 125 years after its founding, Onida continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Onida on this memorable occasion. The citizens of Onida are continuing to live up to their motto: miles and miles of sunflower smiles.•

125TH ANNIVERSARY OF ROSCOE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of Roscoe, SD, on reaching the 125th anniversary of its founding. Located in Edmunds County, Roscoe is a rural community infused with hospitality, beauty, and an exceptional quality of life.

Having come far since Sam Basford and Charles Purchase Morgan used a tent as a hotel in April 1883, Roscoe was named after Charles Morgan's good friend Roscoe Conkling. The combination of Basford, Morgan, Engle, and Elliot's land toward the creation of Roscoe led to its importance as a transportation center in 1886 for the Chicago, Milwaukee & St. Paul Railroad. From the boom of migration westward, Roscoe persevered and prospered through life's trials in the great frontier.

Today, Roscoe is still a thriving community. There are upwards of 30 active businesses operating in Roscoe, including one of the largest honeybee farms in the Nation, two farm equipment dealerships, seed dealerships, and a post. Roscoe's school is still running, and the town boasts several churches and a public library.

The people of Roscoe celebrated this momentous occasion on the weekend of July 4–6. A parade, car show, and local entertainment kick off the celebration, with picnics, art, and games in the beautiful city park. One hundred and twenty five years after its founding, Roscoe remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Roscoe on this historic milestone.●

125TH ANNIVERSARY OF THE FOUNDING OF GETTYSBURG, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor the city of Gettysburg, SD, and to recognize the 125th anniversary of its founding. Situated in Potter County, Gettysburg's history and success is a testament to the great State of South Dakota.

Gettysburg was settled in 1883 by 200 Civil War veterans, thus sharing its name with the historical Pennsylvania battle. In fact, many street, township, and community names in Potter County mimic Civil War history. The Chicago and Northwestern Railroads were a significant boost to the Gettysburg economy, and promoted a thriving agricultural and economic community. Gettysburg even boasts of the first swimming pool in the State of South Dakota being nearby.

The 125th anniversary celebration will be held June 27–29, kicking off with an all class reunion. The festivities include a parade, ping-pong ball drop, antique car show, and banquet. For activities outside the celebration weekend, the Gettysburg Country Club's fantastic golf course and Dakota Sunset Museum are a testament to the city's progressive nostalgia.

Mr. President, it has been my honor to represent the citizens of Gettysburg as a Member of Congress since 1986. I am proud to publicly recognize Gettysburg and congratulate the community on this achievement. As the people of Gettysburg take this opportunity to appreciate how far the city has come from its beginnings, I know they will understand the important role Gettysburg plays in making South Dakota the great State that it is.●

125TH ANNIVERSARY OF THE FOUNDING OF HOVEN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Hoven, SD. After 125 years, this progressive community in the Blue Blanket Valley will have a chance to reflect on its past and future, and I congratulate the people of Hoven for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Hoven is located in Potter County of northeast South Dakota. Settled in 1883 east of Swan Lake, the enterprising prairie town boasted two general stores, a bank, a newspaper, a jewelry store, and two saloons to name only a few businesses. The grand "Cathedral of the Prairies" has graced the skyline of Hoven since its completion in the early 20th century.

The quasquicentennial festivities over the Fourth of July weekend commence at twilight with a fireworks display. Additionally, the celebration will include a 5K, softball and golf tournaments, a parade, and a "Missed" Hoven Pageant, for any males desiring to compete for a pageant crown.

Known today as the "little town with the big church," Hoven has grown into a credit to the State of South Dakota with its business prosperity. The people of Hoven will celebrate their achievements July 4–6. I am proud to join with the community members of Hoven in celebrating the last 125 years and looking forward to a promising future.●

HONORING JOEL SOUTHERN

● Ms. MURKOWSKI. Mr. President, today I bid farewell to a broadcast journalist who has done more to keep Alaskans informed of the happenings in Washington, DC, over the past 21 years than any other single journalist in the State. I rise to honor Joel Southern, the Washington, DC, correspondent for the Alaska Public Radio Network, and to wish him well in his future endeavors.

I entered politics in Alaska only in 1998, but by that time I had been listening to Joel's radio reports on Washington developments for nearly a decade. Most of my early knowledge of the political battle over the opening of the coastal plain of the Arctic National Wildlife Refuge to potential oil and gas development came from Joel's reports, starting in 1987—the year when the environmental impact statement on ANWR first was released by the Department of the Interior.

My understanding of the efforts in Washington to change oil spill regulations in the wake of the Exxon Valdez oil spill of 1989 came from Joel's reporting. Growing up in Wrangell, I knew a good deal about Alaska's southeast timber industry, still Joel's reporting over efforts to pass the Tongass Timber Reform Act in 1991 gave me a breadth of understanding that has been invaluable during my 6 years in the U.S. Senate. I could go on and on and on with other examples.

Joel Southern has been the eyes in the Nation's Capital for tens of thousands of Alaskans who live across the far-flung reaches of our State; where local newspaper coverage is sparse, where TV coverage consists of cable coverage sometimes lacking in statewide or local news, and where only public radio is the source of information and public affairs.

Joel, a native of Winston-Salem, NC, moved to Washington in 1986, earning his master's degree in journalism and public affairs from American University. While an undergrad student he worked as a student announcer starting in 1981 at WFDD-FM, the Wake Forest University radio station, where he learned to pronounce the names of classical composers for his DJ stints, a skill that served him well when pronouncing Inupiat and Native names, such as Tuntutaliak or Atqasuk or Atmautluak.

Formerly an employee of the famed Berns—News—Bureau, a starting point for a number of great journalists, he moved onto the full-time staff of the Alaska Public Radio Network in 1991 and since has provided more radio reports for the network's main news program, Alaska News Nightly, than any other single individual. Over time Joel has learned more about the arcane areas of Alaska public land law, more about oil and gas production, more about commercial fishing and mining and more about the complex arena of politics in the 49th State than most anyone else.

Rather than show off his expertise simply to promote his own ego, Joel uses his knowledge to constantly explain complex stories in simple, understandable terms. While he always asks tough, probing questions of politicians and newsmakers, Joel asks them in a fair, balanced and nonopinionated way. He does better at separating his personal opinions from his reporting than most anyone. He has been fair, unbiased and totally objective for the entirety of his two decades of Washington reporting—and that is a record he can be proud of.

Over the past 21 years Joel has covered everything from the impeachment of a President to the contamination of Senate buildings by anthrax spores. He has covered the swearing in of three different Presidents, and reported on more changes in political leadership in Congress than veteran journalists twice his age. His range has been shown by both covering more congressional hearings than most any congressional correspondent and by working in subzero degree temperatures while covering the 1996 Iditarod Trail Sled Dog Race in Alaska.

Along the way he has covered the Supreme Court and specialized in agricultural news, producing the European Community Farm Line in conjunction with the European Union, produced stories for CBC Radio affiliates and the Australian Broadcasting Corp., provided pieces to National Public Radio on a variety of topics, and done some stringing for the AP. He has done interviews for C–SPAN and Canadian

Broadcasting Corporation radio stations. And he has written columns on Alaska oil and natural gas/energy policy for a Canadian publication, Far North Oil and Gas Journal.

In between working seemingly constantly, he has found time to marry his charming wife Helene, to be a devoted dad to two beautiful children, and still do more to inform Alaskans about the events in Washington that affect their future and the future of their children and grandchildren than most any other single journalist. And he has done it while displaying a keen curiosity, an impressive intellect, an insightful mind, a balanced sense of fairness and decency and a never-failing sense of good humor that is far too lacking both inside the U.S. Capitol and outside its walls.

I will miss his presence in Washington, but I know Alaskans from Kaktovik to Adak and from Ketchikan to Point Hope will miss him even more. I can only wish Joel and his family the very best on their coming European adventure and thank him for having done the best possible service to his adopted State; that of informing the citizens of Alaska with wisdom and wit for over two decades.

Thank you, Joel, and God's speed. I suspect I will be hearing your voice from Copenhagen during next year's climate change COP 15 negotiations. Just remember while Alaska is cold, the wind in Denmark's Jutland Peninsula blowing in from the North Sea can be almost as biting as Alaska's North Slope. Again, best wishes and good luck in the future.●

HONORING DOLPHIN MINI GOLF

● Ms. SNOWE. Mr. President, today I recognize a small business from my home State of Maine that recently hosted the 2008 U.S. ProMiniGolf Association's U.S. Open Tournament. Dolphin Mini Golf, an 18-hole, par 50 miniature golf course located in the charming Midcoast town of Boothbay, is the first location in the Northeast to host this exciting annual event.

Dolphin Mini Golf is no ordinary miniature golf course. A nautical theme pervades the landscape, with each hole having a unique decoration. Laden with challenging obstacles, from a fisherman's house to a whale's eye, and dotted with dolphins, lighthouses, and anchors, the course is a taxing test for even the most advanced miniature golfer. Additionally, the rotating ship's wheel and spinning lobster buoys provide the course with an added level of difficulty.

A perfect attraction for tourists to the Maine coast and locals alike, Dolphin Mini Golf has earned its reputation as one of the country's premier miniature golf entertainment complexes. In fact, Dolphin has been rated as one of the top 10 mini golf courses nationwide by several professionals on multiple occasions in USA Today. This made Dolphin Mini Golf an ideal location for the recent 11th annual U.S. Open Tournament, which was held on May 17 and 18 and organized by the U.S. ProMiniGolf Association, which promotes the increased play of miniature golf and sanctions several tournaments each year. This year's U.S. Open featured entrants from across the United States and Europe and consisted of six separate events, including a junior tournament, as well as senior and amateur divisions.

Dolphin's owner, Lee Stoddard, decided to use the opportunity of hosting the event to highlight something bigger than sports. He selected Operation Recognition, a non-profit organization that recognizes America's servicemembers by providing them with a week of relaxation in Maine, to receive proceeds from the U.S. Open. Operation Recognition was founded in May 2007, and its vacations provide military families with all-expense-paid trips, including lodging, scenic boat tours, and, naturally, passes to play at Dolphin Mini Golf.

In addition to this year's U.S. Open, Dolphin Mini Golf hosts its own tournament each September. This 14-year tradition draws players from near and far to benefit a good cause: the tournament raises money for Shriners Hospitals for Children in New England. These crucial facilities provide treatment for children with a variety of illnesses and ailments, including burn victims, orthopedic care, and spinal cord injury rehabilitation. Mr. Stoddard's commitment to the welfare of the region's neediest children is truly admirable.

Dolphin Mini Golf is a fitting symbol of Maine's creative entrepreneurship. But under Lee Stoddard's leadership, it also represents a sincere kindness and compassion. Through sheer hard work and dedication, Mr. Stoddard has turned Dolphin into an exemplary miniature golf course and a standout small business. I congratulate everyone at Dolphin Mini Golf for earning the honor of playing host to this year's U.S. Open Tournament and thank them for their considerable generosity to our Nation's veterans and children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a treaty and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 6049. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

At 3:06 p.m, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6454. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, notification of the status of a report on a plan to increase the usage of environmentally friendly products at all of the Department's facilities; to the Committee on Armed Services.

EC–6455. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Quarantine Restrictions" (Docket No. APHIS–2006–0036) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6456. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Livestock Mandatory Reporting; Reestablishment and Revision of the Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef" ((RIN0581–AC67) (Docket No. AMS–LS–07–0106)) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6457. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 8365–2) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluopicolide; Pesticide Tolerances" (FRL No. 8363–7) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6459. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 21049) received on June 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6460. A communication from the Chairman, Federal Financial Institutions Examination Council, Appraisal Subcommittee, transmitting, pursuant to law, the Subcommittee's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6461. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Long Range Identification and Tracking of Ships" ((RIN1625–AB00) (USCG–2005–22612)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6462. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo" ((RIN1625–AB12) (USCG–2001–9046)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6463. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of Vessel Security Officer Training and Certification Requirements—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended" ((RIN1625–AB26)(USCG–2008–0028)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6464. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 3 regulations beginning with USCG–2008–0074)" (RIN1625–AB08) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6465. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 8 regulations beginning with USCG–2008–001)" (RIN1625–AA09) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6466. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report of a rule entitled "2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018–AU61) received on June 3, 2008; to the Committee on Energy and Natural Resources.

EC–6467. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in the State of Illinois have exceeded the $5,000,000 limit; to the Committee on Environment and Public Works.

EC–6468. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Method 207—Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources" ((RIN2060–AO39)(FRL No. 8572–1)) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6469. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Annual Report on the Supplemental Security Income Program for fiscal year 2008; to the Committee on Finance.

EC–6470. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part D Claims Data" ((RIN0938–AO58)(CMS–4119–F)) received on May 22, 2008; to the Committee on Finance.

EC–6471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Revenue Procedure 2006–9" (Rev. Proc. 2008–31) received on May 29, 2008; to the Committee on Finance.

EC–6472. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–69—2008–83); to the Committee on Foreign Relations.

EC–6473. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Health Care Worker Training in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6474. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Food Security in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6475. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the use of generic drugs in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6476. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6477. A communication from the Secretary of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6478. A communication from the Attorney General, transmitting, pursuant to law, the semiannual reports of the Attorney General and the Inspector General for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6479. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of

October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6480. A communication from the Chairman of the Postal Regulatory Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6481. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6482. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6483. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Results of Auditor's Review of Quality Assurance Practices Related to Certain Congregate Care Providers"; to the Committee on Homeland Security and Governmental Affairs.

EC–6484. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Change" (RIN3150–AI39) received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6485. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report along with the Corporation's Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6486. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report as well as the Chairman's Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6487. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007 , through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6488. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6489. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6490. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–397, "Abe Pollin Way Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6491. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–396, "Child and Family Services Grant-Making Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6492. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–395, "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6493. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–402, "Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6494. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–401, "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6125 S.O. 06–4886, Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6495. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-398, "Omnibus Alcoholic Beverage Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6496. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–394, "Motor Vehicle Theft Prevention Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6497. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–390, "District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6498. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–389, "Ethel Kennedy Bridge Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6499. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–388, "Rev. M. Cecil Mills Way Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6500. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–385, "Vacancy Exemption Repeal Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–382, "Student Voter Registration Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6502. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–383, "Veterans Rental Assistance Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6503. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–373, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6504. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–381, "Film DC Economic Incentive Amendment Act of 2008" received on June 3 , 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6505. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–380, "East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6506. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–379, "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-Making Authority Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6507. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–378, "So Others Might Eat Property Tax Exemption Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6508. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–377, "Bicycle Policy Modernization Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6509. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–376, "District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6510. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–374, "Washington Convention Center Authority Advisory Committee Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6511. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–375, "Gerard W. Burke, Jr. Building Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6512. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–372, "Closing Agreement Act of

2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6513. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–371, "E.W. Stevenson, Sr. Boulevard Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6514. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6515. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6516. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6517. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6518. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Survivors' and Dependents—Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues" (RIN2900–AL44) received on June 3, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. A bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3986. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

S. 2837. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2942. A bill to authorize funding for the National Advocacy Center.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3009. A bill to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 3079. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

By Mrs. McCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. Res. 582. A resolution recognizing the work and accomplishments of Mr. Herbert Saffir, inventor of the Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD):

S. Res. 583. A resolution designating June 20, 2008, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 388

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 899

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 899, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 937

At the request of Mr. CASEY, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2606

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2619

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2723

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2957

At the request of Mr. LIEBERMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 2991

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3044

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S.J. RES. 24

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 24, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4822

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4822 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2008.

This legislation is cosponsored by Senators GREGG, CANTWELL, ALLARD and COLLINS.

First, let me explain what this bill does. The Imported Ethanol Parity Act instructs the President to lower the ethanol import tariff, so that it is no higher than the subsidy for blending ethanol into gasoline.

This legislation is necessary because the Farm Bill extended the tariff for two more years at $0.54 per gallon, even though the Farm Bill reduced the ethanol blending subsidy to $0.45 per gallon.

In effect, the Farm Bill has turned the tariff from an "offset" into a true trade barrier of at least $0.09 per gallon.

The Ethanol tariff poses many problems.

It increases the cost of Gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline;

It taxes imports from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the $0.54 per gallon tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally. They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers.

For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, "the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol."

On May 9, 2006, the Renewable Fuels Association stated in a press release: "the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin."

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the "(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff."

Just this month, the Renewable Fuels Association's Executive Director asserted that "The tariff is there not so much to protect the industry but the U.S. taxpayer."

Bottom Line: the tariff cannot be justifiably maintained at $0.54 per gallon if its intent is to offset a $0.45 per gallon blender subsidy, and it should be reduced.

Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face.

Tariff defenders either should support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

The fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in March 2007, I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a "Low Carbon Fuels Standard," which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

The legislation was modeled on the state of California's Low Carbon Fuels Standard, which also requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress required oil companies to use an increasing quantity of "advanced biofuels" that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet "low-carbon" fuel requirements under California law and the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that "only 5 to 26 percent of the energy content (in corn ethanol) is renewable. The rest is primarily natural gas and coal," which are used in the production process.

The 2007 California Energy Commission Report entitled Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

Further research released in 2008 suggests that the lifecycle greenhouse gas emissions of corn based ethanol may be higher than gasoline, when land use change is factored into the equation.

The bottom line: biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, while we import crude oil and gasoline tariff free.

Energy and food prices are both rising at unprecedented rates, and there is a great deal of debate about whether the renewable fuels standard mandating ethanol use is causing the problem.

I have always opposed corn ethanol mandates. But I remain concerned that the blending subsidy and the ethanol tariff have as much to do with rising corn prices as the ethanol mandate.

Corn ethanol production has considerably exceeded the renewable fuels standard every year since its adoption in 2005. With oil prices this high, it is profitable to produce ethanol at record corn prices with or without the mandate. The low value of renewable fuels standard credits, known as RINs, confirms that using ethanol is not a burden for oil companies.

To address the rising cost of corn, we have to address the underlying economics of corn ethanol production, and effectively increasing the tariff on imports, as the Farm Bill has done, is a step in the wrong direction.

This legislation corrects the Farm Bill's mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Ethanol Parity Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) On May 6, 2006, the Chairman of the Finance Committee of the Senate stated on the Senate floor that, "the United States tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol.".

(2) On May 9, 2006, the Renewable Fuels Association stated: "the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin.". In May 2008, the Renewable Fuels Association's Executive Director asserted that "The tariff is there not so much to protect the industry but the United States taxpayer.".

(3) In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the "(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent United States taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.".

(4) The Food, Conservation, and Energy Act of 2008, as contained in the Conference Report to accompany H.R. 2419 in the 110th Congress, proposes to decrease the excise tax credit for blending ethanol from $0.51 to $0.45 per gallon, but extend the $0.54 per gallon temporary duty on imported ethanol, increasing the competitive disadvantage of ethanol imports in the United States marketplace. The legislation would transform a tariff designed to offset a domestic subsidy into a real import barrier of at least $0.09 per gallon.

(5) The State of California is adopting a Low Carbon Fuels Standard that requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels, and the Energy Independence and Security Act of 2007 requires the United States to use increasing quantities of "advanced biofuels" that have lifecycle greenhouse gas emissions that are at least 50 percent less than lifecycle greenhouse gas emissions from gasoline.

(6) The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks. These differences will impact the degree to which ethanol may be used to meet "low-carbon" fuel requirements under California law and the Energy Independence and Security Act of 2007.

(7) Sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes.

(8) The 2007 California Energy Commission Report, entitled "Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts", concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

(9) The cost to ship ethanol by sea from foreign production areas to California is competitive with the cost to ship ethanol by rail from the American Midwest, according to ethanol producers and importers.

(10) Ethanol production will vary from region to region each year based on crop performance, and a global biofuels marketplace would permit mutually beneficial trade between producing regions capable of stabilizing both fuel and food prices.

(11) In March 2007, the United States and Brazil entered into a strategic alliance to cooperate on advanced research for biofuels, develop biofuel technology, and expand the production and use of biofuels throughout the Western Hemisphere, especially in the Caribbean and Central America.

(12) On March 9, 2007, President Bush stated "it's in the interest of the United States that there be a prosperous neighborhood. And one way to help spread prosperity in Central America is for them to become energy producers.".

(13) According to a February 2008 study by the Massachusetts Institute of Technology, titled "Biomass to Ethanol: Potential Production and Environmental Impacts", the current ethanol distribution system in the United States is not capable of efficiently supplying ethanol to the East Coast markets.

SEC. 3. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the temporary duty imposed on ethanol under such subheading 9901.00.50 is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, from the skyrocketing price of crude oil, now hovering well above $120 a barrel, to the $4.00 per gallon being sold at gas stations across the country, Americans are frustrated and there appears to be no end in sight.

I've talked to school superintendents who have had to cut academic programs because the cost of fueling school buses has gone through the roof. I have met with constituents who are pleading for the Federal Government to take some kind of action to provide relief. Just last week, I held a field hearing in Pittsfield, Massachusetts to examine how gas prices were impacting small business owners, and the testimony was striking. Businesses that have been sustainable for decades are now wondering whether they'll be forced to shut their doors for good.

Congress has received testimony from energy market experts and major oil company executives that the price of oil and gas can no longer be explained or predicted by normal market dynamics or their historic understanding of supply and demand forces. An executive from Exxon Mobil recently testified before Congress under oath that the price of crude oil should be about $50 to $55 per barrel based on the supply and demand fundamentals he had observed. Yet current crude oil prices are more than double that.

We are all owed a clearer understanding as to why prices are so disconnected from what normal supply and demand would indicate. Why has the price of oil nearly doubled in the last year? Prices should not skyrocket like this in a properly functioning, competitive market. Twice I have written to the Bush Administration demanding an investigation and twice I have received a response of "we're working on it". Well, this response rings awfully hollow to Americans struggling to understand what's going on.

How the Federal Government responds to the changing dynamics of energy markets is vital to our continued national and economic security. If the Enron energy crisis taught us anything it is that consumers are best protected when energy markets are subject to aggressive oversight and enforcement. Unless there is a cop on the beat vigilantly policing energy markets—especially when supplies are tight in markets with extremely inelastic demand—sophisticated companies can fleece consumer pocketbooks without fear of penalty.

Therefore, I am introducing legislation today to establish a new interagency Oil and Gas Market Fraud Task Force under the leadership of the Department of Justice to ensure that energy markets are free from illegal market manipulation or corporate corruption. This legislation will allow us to root out fraud and manipulation in all corners of the oil and gas marketplace, and restore consumer confidence. When that happens, everyone wins. I urge my colleagues to support this legislation.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MCCASKILL. Mr. President, when I was a local elected official in Kansas City, MO, I had the distinct honor of getting to know many of the dedicated community leaders whose sole purpose for being involved was to improve the lives of their fellow citizens. One of the best and most beloved of these leaders was the Reverend Earl Abel.

Reverend Abel was born on September 12, 1930. He attended University of Kansas and went on to receive his Doctor of Divinity Degree from Western Baptist Bible College. Reverend Abel worked as a U.S. Postal Service mail carrier until he organized the Palestine Missionary Baptist Church in 1959.

Under Reverend Abel's leadership, what started out as a modest church of 11 members grew into a thriving ministry, touching the lives of thousands of community members across Kansas City, Missouri. While he was pastor, Palestine Church built two senior citizens residences, a Senior Activity Center, and a church camp for both youth and adults. Even as he worked tirelessly to reach out through these programs, Reverend Abel's involvement in the community did not end with his efforts at Palestine Church. Reverend Abel served as Chaplain for the Kansas City Police Department, President of the Baptist Ministers Union, member of the Kansas City Council on Crime Prevention, and authored a book entitled If a Church is to Grow. In 1999, Missouri Governor Mel Carnahan appointed Reverend Abel to the Appellate Judicial Commission.

On May 17, 2005, Reverend Abel passed away after 46 years of service at Palestine Missionary Baptist Church of Jesus Christ and more than 48 years as a minister of God.

Today I rise to offer a bill to honor this man by naming a post office facility in Kansas City after him. Given his early career as a mail carrier, it is only fitting for the location at 1700 Cleveland Avenue, in the heart of Kansas City, to carry his name. It is my hope that this small gesture helps ensure that the legacy of Rev. Abel lives on. A companion bill in the House of Representatives will be filed today by Rep. Cleaver, a fellow minister and selfless public servant who represents Kansas City.

I hope my fellow colleagues will join me and my colleague Senator BOND in recognizing Reverend Earl Abel for his loving ministry and limitless dedication to serving the Kansas City, MO, community.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the "Reverend Earl Abel Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Reverend Earl Abel Post Office Building".

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Finance.

Mr. BROWN. Mr. President, the goal of our trade policy should be to promote fair competition and lift up workers at home and abroad.

Americans support trade that allows responsible businesses to thrive, fueling good-paying jobs and a strong, resilient economy.

But wrong-headed trade pacts following the failed NAFTA-model have betrayed middle class families across the country, destabilizing our economy and destroying communities in rural and urban areas alike.

In my state of Ohio, more than 200,000 manufacturing jobs have been eliminated since 2001. Across the country, more than 3 million manufacturing jobs have been eliminated in that time.

Our failures to modernize our Nation's trade policy, to learn from our mistakes, and to respond to changing dynamics in the global arena, hurt communities like Toledo and Steubenville and Dayton.

That is why voters in my state of Ohio and across the country have sent a message loud and clear demanding a new direction, a very different direction, for our nation's trade policy.

Over the last 8 years, our approach to trade has been haphazard at best.

In the last 2 years, since voters elected candidates who support fair trade, Congress has reasserted itself in trade policy-making, with some improvements to proposed deals with Peru, Panama, Colombia, and South Korea.

We also have chosen not to grant President Bush a renewal of Fast Track.

But our approach to trade has not evolved from reactive to proactive. We have not forged a new approach to trade that is results-oriented, an approach focused squarely on the goals of economic strength, job creation, and U.S. self-sufficiency.

Not surprisingly, polls show that Americans reject current trade policy as misguided.

That is because it is.

It is time to learn from our mistakes.

It is time for a change. The Trade Reform, Accountability, Development and Employment, TRADE, Act, which Senator DORGAN, Senator FEINGOLD, Senator CASEY, Senator WHITEHOUSE and I are introducing today, is a step towards that change.

This legislation will serve as a template for how to craft a trade agreement that works for workers, for business owners, for our country.

This legislation will mandate a review of all existing trade agreements and will require the President to submit renegotiation plans for those agreements before pursuing new trade agreements.

The TRADE Act will create a committee comprised of House and Senate leaders who will review the President's plan for renegotiation.

This bill spells out standards for future trade agreements, standards based on fostering fair competition, promoting good-paying jobs, and addressing unethical behavior by multinational corporations, including the exploitation of people and natural resources in developing nations.

Trade is an exchange that relies on the integrity of its participants. We must not trade away our fundamental belief in basic human rights and our responsibility to fight the kind of exploitation that threatens vulnerable peoples and vulnerable nations.

That is why our trade policy must not sidestep the impact of lax trade agreements and unethical corporations on developing nations.

The TRADE Act also sets out criteria for a new negotiating process—one that would do away with the fundamentally-flawed Fast Track process and return power to Congress when considering our nation's trade pacts.

We take for granted our clean air, safe food, and safe drinking water. But these blessings are not by chance: they result from laws and rules that foster fair wages, protect the public health, and promote environmental stewardship.

Flawed trade policy accelerates the import of toxic toys, contaminated toothpaste, and poisonous pet food into this country.

It does not have to be this way.

We have a choice.

We can continue a race to the bottom in wages, worker safety, environmental protection, and health standards.

Or, we can use trade agreements to lift standards abroad—not threaten workers and consumers.

We can continue down the path of the failed NAFTA model, or we can write trade agreements that sustain and grow our Nation's manufacturing self-sufficiency, create good-paying jobs and reduce the trade deficit by providing fair and transparent market access.

We can forsake U.S. standards and U.S. values and ignore trade abuses in order to mass produce trade agreements, or we can write trade agreements that fulfill their promises, that hold our trading partners accountable for abiding by the rules, and that build on the hard-fought battles waged to build a strong middle class, reward good corporate citizens, preserve our natural resources, and ensure that the food and products Americans purchase are safe.

We can continue to use trade deals to lock in protections for Wall Street, the drug companies, and oil companies, or we can create a predictable structure for international trade without providing corporations with overreaching privileges and rights of private enforcement that undermine our laws.

Middle class families, American manufacturers and farmers, and community leaders across the country all know that we need a new direction for trade.

I am going to ask my leadership, and my caucus, to work with me on this legislation. And I look forward to working with my allies on the other side of the aisle to modernize U.S. trade policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Reform, Accountability, Development, and Employment Act of 2008" or the "TRADE Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORE LABOR STANDARDS.—The term "core labor standards" means the core labor rights as stated in the International Labour Organization conventions dealing with—

(A) freedom of association and the effective recognition of the right to collective bargaining;

(B) the elimination of all forms of forced or compulsory labor;

(C) the effective abolition of child labor; and

(D) the elimination of discrimination with respect to employment and occupation.

(2) MULTILATERAL ENVIRONMENTAL AGREEMENTS.—The term "multilateral environmental agreements" means any international agreement or provision thereof to which the United States is a party and which is intended to protect, or has the effect of protecting, the environment or human health.

(3) TRADE AGREEMENTS.—

(A) IN GENERAL.—The term "trade agreement" includes the following:

(i) The United States-Australia Free Trade Agreement.

(ii) The United States-Morocco Free Trade Agreement.

(iii) The United States-Singapore Free Trade Agreement.

(iv) The United States-Chile Free Trade Agreement Implementation Act.

(v) The North American Free Trade Agreement.

(vi) The Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area.

(vii) The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act.

(viii) The United States-Bahrain Free Trade Agreement Implementation Act.

(ix) The United States-Oman Free Trade Agreement Implementation Act.

(x) The Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel.

(xi) The United States-Peru Trade Promotion Agreement.

(B) URUGUAY ROUND AGREEMENTS.—The term "trade agreement" includes the following Uruguay Round Agreements:

(i) The General Agreement on Tariffs and Trade (GATT 1994) annexed to the WTO Agreement.

(ii) The WTO Agreement described in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(iii) The agreements described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)).

(iv) Any multilateral agreement entered into by the United States under the auspices of the World Trade Organization dealing with information technology, telecommunications, or financial services.

SEC. 3. REVIEW AND REPORT ON EXISTING TRADE AGREEMENTS.

(a) REVIEW AND REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, the Comptroller General of the United States shall conduct a review of all trade agreements described in section 2(3) and submit to the Congressional Trade Agreement Review Committee established under section 6 a report that includes the information described under subsections (b) and (c) and the recommendations required under subsection (d). The review shall concentrate on the effective operation of the United States trade agreements program generally.

(2) COOPERATION OF AGENCIES.—The Department of State, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of the Treasury, the United States Trade Representative, and other executive departments and agencies shall cooperate with the Comptroller General and the Government Accountability Office in providing access to United States Government officials and documents to facilitate preparation of the report.

(b) INFORMATION WITH RESPECT TO TRADE AGREEMENTS.—The report required by subsection (a) shall, with respect to each trade agreement described in section 2(3), to the extent practical, include the following information covering the period between the date on which the agreement entered into force with respect to the United States and the date on which the Comptroller General completes the review:

(1) An analysis of indicators of the economic impact of each trade agreement, such as—

(A) the dollar value of goods exported from the United States and imported into the United States by sector and year;

(B) the employment effects of the agreement on job gains and losses in the United States by sector and changes in wage levels in the United States in dollars by sector and year; and

(C) the rate of production, number of employees, and competitive position of industries in the United States significantly affected by the agreement.

(2) A trend analysis of wage levels on a year-to-year basis in—

(A) each country with which the United States has a trade agreement described in section 2(3)(A);

(B) each country that is a major United States trading partner, including Belgium, Brazil, China, France, Germany, Hong Kong, India, Ireland, Italy, Japan, South Korea, Malaysia, Netherlands, Taiwan, and the United Kingdom;

(C) each country with which the United States has considered establishing a free trade agreement, including South Africa and Thailand;

(D) each country with respect to which the United States has extended preferential trade treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) and the Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(3) The effect on agriculture, including—

(A) the trend of prices in the United States for agricultural commodities and food products that are imported into the United States from a country that is a party to an agreement described in section 2(3);

(B) an analysis of the effects, if any, on the cost of farm programs in the United States; and

(C) the number of farms operating in the United States and the number of acres under production for agricultural commodities that are exported from the United States to a country that is a party to such an agreement on a year-by-year basis.

(4) An analysis of the progress in implementing trade agreement commitments and the record of compliance with the terms of each agreement in effect between the United States and a country listed in paragraph (2).

(5) A description of any outstanding disputes between the United States and any country that is a party to an agreement listed in section 2(3), including a description of laws, regulations, or policies of the United States or any State that any country that is a party to such an agreement has challenged, or threatened to challenge, under such agreement.

(6) An analysis of the ability of the United States to ensure that any country with which the United States has a trade agreement described in section 2(3) complies with United States laws and regulations, including—

(A) complying with the customs laws of the United States;

(B) making timely payment of duties owed on goods imported into the United States;

(C) meeting safety and inspection requirements with respect to food and other products imported into the United States; and

(D) complying with prohibitions on the transshipment of goods that are ultimately imported into the United States.

(7) A analysis of any privatization of public sector services in the United States or in any country that is a party to the an agreement listed in section 2(3), including any effect such privatization has on the access of consumers to essential services, such as health care, electricity, gas, water, telephone service, or other utilities.

(8) An assessment of the impact of the intellectual property provisions of the trade agreements listed in section 2(3) on access to medicines.

(9) An analysis of contracts for the procurement of goods or services by Federal or State government agencies from persons operating in any country that is a party to an agreement listed in section 2(3).

(10) An assessment of the consequences of significant currency movements and a determination of whether the currency of a country that is a party to an agreement is misaligned deliberately to promote a competitive advantage in international trade for that country.

(c) INFORMATION ON COUNTRIES THAT ARE PARTIES TO TRADE AGREEMENTS.—With respect to each country with respect to which the United States has a trade agreement in effect, the report required under subsection (a) shall include information regarding whether that country—

(1) has a democratic form of government;

(2) respects core labor standards, as defined by the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards of the International Labour Organization;

(3) respects fundamental human rights, as determined by the Secretary of State in the annual country reports on human rights of the Department of State;

(4) is designated as a country of particular concern with respect to religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1));

(5) is on a list described in subparagraph (B) or (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly known as tier 2 or tier 3 of the Trafficking in Persons List of the Department of State);

(6) has taken effective measures to combat and prevent public and private corruption, including measures with respect to tax evasion and money laundering;

(7) complies with the multilateral environmental agreements to which the country is a party;

(8) has in force adequate labor and environmental laws and regulations, has devoted sufficient resources to implementing such laws and regulations, and has an adequate record of enforcement of such law and regulations;

(9) adequately protects intellectual property rights;

(10) provides for governmental transparency, due process of law, and respect for international agreements;

(11) provides procedures to promote basic democratic rights, including the right to hold clear title to property and the right to a free press; and

(12) poses potential concerns to the national security of the United States, including an assessment of transfer of technology, production, and services from one country to another.

(d) RECOMMENDATIONS.—Each report required under subsection (a) shall include recommendations of the Comptroller General for addressing the problems with respect to an agreement identified under subsections (b) and (c). The recommendations shall include suggestions for renegotiating the agreement based on the requirements described in section 4(b) and for negotiations with respect to new trade agreements.

(e) CITATIONS.—The Comptroller General shall include in the report required under subsection (a) citations to the sources of data used in preparing the report and a description of the methodologies employed in preparing the report.

(f) PUBLIC COMMENT.—In preparing each report required under subsection (a), the Comptroller General shall—

(1) hold at least 2 hearings that are open to the public; and

(2) provide an opportunity for members of the public to testify and submit written comments.

(g) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be made available to the public not later than 14 days after the Comptroller General completes that report.

SEC. 4. INCLUSION OF CERTAIN PROVISIONS IN TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country that is introduced in Congress after the date of the enactment of this Act shall be subject to a point of order pursuant to subsection (c) unless the trade agreement meets the requirements described in subsection (b).

(b) REQUIREMENTS.—Each trade agreement negotiated between the United States and another country shall meet the following requirements:

(1) LABOR STANDARDS.—The labor provisions shall—

(A) be included in the text of the agreement;

(B) require that a country that is party to the agreement adopt and maintain as part of its domestic law and regulations (including in any designated zone in that country), the core labor standards and effectively enforce laws directly related to those standards and to acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(C) prohibit a country that is a party to the agreement from waiving or otherwise derogating from its laws and regulations relating to the core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(D) require each country that is a party to the agreement to adopt into domestic law and enforce effectively core labor standards;

(E) provide that failures to meet the labor standards required by the agreement shall be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement;

(F) strengthen the capacity of each country that is a party to the agreement to promote and enforce core labor standards; and

(G) establish a commission of independent experts who shall receive, review, and adjudicate any complaint filed under the labor provisions of the trade agreement, and vest the commission with the authority to establish objective indicators to determine compliance with the obligations set forth in subparagraphs (B), (C), (D), (E), and (F).

(2) ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS.—The environmental provisions shall—

(A) be included in the text of the agreement;

(B) prohibit each country that is a party to the agreement from weakening, eliminating, or failing to enforce domestic environmental or other public safety standards to promote trade or attract investment;

(C) require each such country to implement and enforce fully and effectively, including through domestic law, the country's obligations under multilateral environmental agreements and provide for the enforcement of such obligations under the agreement;

(D) prohibit the trade of products that are illegally harvested or extracted and the trade of goods derived from illegally harvested or extracted natural resources, including timber and timber products, fish, wildlife, and associated products, mineral resources, or other environmentally sensitive goods;

(E) provide that the failure to meet the environmental standards required by the agreement be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement; and

(F) allow each country that is a party to the agreement to adopt and implement environmental, health, and safety standards, recognizing the legitimate right of governments to protect the environment and public health and safety.

(3) FOOD AND PRODUCT HEALTH AND SAFETY STANDARDS.—If the agreement contains health and safety standards for food and other products, the agreement shall—

(A) establish that food, feed, food ingredients, and other related food products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States standards with respect to food safety, pesticides, inspections, packaging, and labeling;

(B) establish that nonfood products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States health and safety standards with respect to health and safety, inspection, packaging and labeling;

(C) allow each country that is a party to the agreement to impose standards designed to protect public health and safety unless it can be clearly demonstrated that such standards do not protect the public health or safety;

(D) authorize the Commissioner of the Food and Drug Administration (in this Act, referred to as the "Commissioner") and the Consumer Product Safety Commission (in this Act, referred to as the "Commission") to assess the regulatory system of each country that is a party to the agreement to determine whether the system provides the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States;

(E) if the Commissioner or the Commission determines that the regulatory system of such a country does not provide the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States, prohibit the importation into the United States of food and other products from that country;

(F) provide a process by which producers from countries whose standards are not found by the Commissioner or the Commission to meet United States standards may have their facilities inspected and certified in order to allow products from approved facilities to be imported into the United States;

(G) if harmonization of food or product health or safety standards is necessary to facilitate trade, such harmonization shall be based on standards that are no less stringent than United States standards; and

(H) establish mandatory end-use labeling of imports of milk protein concentrates.

(4) SERVICES PROVISIONS.—If the agreement contains provisions related to the provision of services, such provisions shall—

(A) preserve the right of Federal, State, and local governments to maintain essential public services and to regulate, for the benefit of the public, services provided to consumers in the United States by establishing a general exception to the national treatment commitments in the agreement that allows distinctions between United States and foreign service providers and qualifications or limitations on the provision of services;

(B)(i) require each country that is a party to the agreement to establish a list of each service sector that will be subject to the obligations of the country under the agreement; and

(ii) apply the agreement only to the service sectors that are on the list described in clause (i);

(C) establish a general exception to market access obligations that allows a country that is a party to the agreement to maintain or establish a ban on services the country considers harmful, if the ban is applied to domestic and foreign services and service providers alike;

(D) require service providers in any country that is a party to the agreement that provide services to consumers in the United States to comply with United States privacy, transparency, professional qualification, and consumer access laws and regulations;

(E) require that services provided to consumers in the United States that are subject to privacy laws and regulations in the United States may only be provided by service providers in other countries that provide privacy protections and protections for confidential information that are equal to or exceed the protections provided by United States privacy laws and regulations;

(F) require that financial and medical services be subject to United States privacy laws and be performed only in countries that provide protections for confidential information that are equal to or exceed the protections for such information under United States privacy laws;

(G) not require the privatization of public services in any country that is a party to the agreement, including services related to national security, social security, health, public safety, education, water, sanitation, other utilities, ports, or transportation; and

(H) provide for local governments to operate without being subject to market access obligations under the agreement.

(5) INVESTMENT PROVISIONS.—If the agreement contains provisions related to investment, such provisions shall—

(A) preserve the ability of each country that is a party to the agreement to regulate foreign investment in a manner consistent with the needs and priorities of the country;

(B) allow each such country to place reasonable restrictions on speculative capital to reduce global financial instability and trade volatility;

(C) not be subject to an investor-state dispute settlement mechanism under the agreement;

(D) ensure that foreign investors operating in the United States have rights no greater than the rights provided to domestic investors by the Constitution of the United States;

(E) provide for government-to-government dispute resolution relating to a government action that destroys all value of the real property of a foreign investor rather than dispute resolution between the government that took the action and the foreign investor;

(F) define the term "investment" to mean not more than a commitment of capital or acquisition of real property and not to include assumption of risk or expectation of gain or profit;

(G) define the term "investor" to mean only a person who makes a commitment or acquisition described in subparagraph (F);

(H) define the term "direct expropriation" as government action that does not merely diminish the value of property but destroys all value of the property permanently;

(I) not provide a dispute resolution system under the agreement for the enforcement of contracts between foreign investors and the government of a country that is a party to the agreement relating to natural resources, public works, or other activities under government control; and

(J) define the standard of minimum treatment to provide no greater legal rights than United States citizens possess under the due process clause of section 1 of the 14th amendment to the Constitution of the United States.

(6) PROCUREMENT STANDARDS.—If the agreement contains government procurement provisions, such provisions shall—

(A) require each country that is a party to the agreement to establish a list of industry sectors, goods, or services that will be subject to the national treatment and other obligations of the country under the agreement;

(B) with respect to the United States, apply only to State and local governments that specifically agree to the agreement and only to the industry sectors, goods, or services specifically identified by the State government and not apply to local governments; and

(C) include only technical specifications for goods or services, or supplier qualifications or other conditions for receiving government contracts that do not undermine—

(i) prevailing wage policies;

(ii) recycled content policies;

(iii) sustainable harvest policies;

(iv) renewable energy policies;

(v) human rights; or

(vi) labor project agreements.

(7) INTELLECTUAL PROPERTY REQUIREMENTS.—If the agreement contains provisions related to the protection of intellectual property rights, such provisions shall—

(A) promote adequate and effective protection of intellectual property rights;

(B) include only terms relating to patents that do not, overtly or in application, limit the flexibilities and rights established in the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001; and

(C) require that any provisions relating to the patenting of traditional knowledge be consistent with the Convention on Biological Diversity, concluded at Rio de Janeiro June 5, 1992.

(8) AGRICULTURAL STANDARDS.—If the agreement contains provisions related to agriculture, such provisions shall—

(A) protect the right of each such country to establish policies with respect to food and agriculture that require farmers to receive fair remuneration for management and labor that occurs on farms and that allow for inventory management and strategic food and renewable energy reserves, to the extent that such policies do not contribute to or allow the dumping of agricultural commodities in world markets at prices lower than the cost of production;

(B) protect the right of each country that is a party to the agreement to prevent dumping of agricultural commodities at below the cost of production through border regulations or other mechanisms and policies;

(C) ensure that all laws relating to antitrust and anti-competitive business practices remain fully in effect, and that their enforceability is neither pre-empted nor compromised in any manner;

(D) ensure adequate supplies of safe food for consumers;

(E) protect the right of each country that is a party to the agreement to encourage conservation through the use of best practices with respect to the management and production of crops; and

(F) ensure fair treatment of farm laborers in each such country.

(9) TRADE REMEDIES AND SAFEGUARDS.—If the agreement contains trade remedy provisions, such provisions shall—

(A) preserve fully the ability of the United States to enforce its trade laws, including antidumping and countervailing duty laws and safeguard laws;

(B) ensure the continued effectiveness of domestic and international prohibitions on unfair trade, especially prohibitions on dumping and subsidies, and domestic and international safeguard provisions;

(C) allow the United States to maintain adequate safeguards to ensure that surges of imported goods do not result in economic burdens on workers, firms, or farmers in the United States, including providing that such safeguards go into effect automatically based on certain criteria; and

(D) if the currency of a country that is a party to the agreement is deliberately misaligned, establish safeguard remedies that apply automatically to offset substantial and sustained currency movements.

(10) RULES OF ORIGIN PROVISIONS.—If the agreement contains provisions related to rules of origin, such provisions shall—

(A) ensure, to the fullest extent practicable, that goods receiving preferential treatment under the agreement are produced using inputs from a country that is a party to the agreement; and

(B) ensure the effective enforcement of such provisions.

(11) DISPUTE RESOLUTION AND ENFORCEMENT PROVISIONS.—If the agreement contains provisions related to dispute resolution, such provisions shall—

(A) incorporate the basic due process guarantees protected by the Constitution of the United States, including access to documents, open hearings, and conflict of interest rules for judges;

(B) require that any dispute settlement panel, including an appellate panel, dealing with intellectual property rights or environmental, health, labor, and other public law issues include panelists with expertise in such issues; and

(C) provide that dispute resolution proceedings are open to the public and provide timely public access to information regarding enforcement, disputes, and ongoing negotiations related to disputes.

(12) TECHNICAL ASSISTANCE.—If the agreement contains technical assistance provisions, such provisions shall—

(A) be designed to raise standards in developing countries by providing assistance that ensures respect for diversity of development paths;

(B) be designed to empower civil society and democratic governments to create sustainable, vibrant economies and respect basic rights;

(C) provide that technical assistance shall not supplant economic assistance; and

(D) promote the exportation of goods produced with methods that support sustainable natural resources.

(13) EXCEPTIONS FOR NATIONAL SECURITY AND OTHER REASONS.—Each agreement shall—

(A) include an essential security exception that permits a country that is a party to the agreement to apply measures that the country considers necessary for the maintenance or restoration of international peace or security, or the protection of its own essential security interests, including regarding infrastructure, services, manufacturing, and other sectors; and

(B) include in its list of general exceptions the following language: "Notwithstanding any other provision of this agreement, a provision of law that is nondiscriminatory on its face and relates to domestic health, consumer safety, the environment, labor rights, worker health and safety, economic equity, consumer access, the provision of goods or services, or investment, shall not be subject to challenge under the dispute resolution mechanism established under this agreement, unless the primary purpose of the law is to discriminate with respect to market access.".

(14) FEDERALISM.—The agreement may only require a State government to comply with procurement, investment, or services provisions contained in the agreement if the State government has been consulted in full and has given explicit consent to be bound by such provisions.

(c) POINT OF ORDER IN SENATE.—The Senate shall cease consideration of a bill to implement a trade agreement if—

(1) a point of order is made by any Senator against the bill based on the noncompliance of the trade agreement with the requirements of subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (c), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (c) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (c), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (c) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

SEC. 5. RENEGOTIATION PLAN FOR EXISTING TRADE AGREEMENTS.

The President shall submit to Congress a plan to bring trade agreements in effect on the date of the enactment of this Act into compliance with the requirements of section 4(b) not later than 90 days before the earlier of the day on which the President—

(1) initiates negotiations with a foreign country with respect to a new trade agreement; or

(2) submits a bill to Congress to implement a trade agreement.

SEC. 6. ESTABLISHMENT OF CONGRESSIONAL TRADE AGREEMENT REVIEW COMMITTEE.

(a) ESTABLISHMENT.—There is established a Congressional Trade Agreement Review Committee.

(b) FUNCTIONS.—The Committee—

(1) shall receive the report of the Comptroller General of the United States required under section 3;

(2) shall review the plan for bringing trade agreements into compliance with the requirements of section 4(b); and

(3) may, not later than 60 days after receiving the plan described in paragraph (2), add items for renegotiation to the plan, reject recommendations in the plan, or otherwise amend the plan by a vote of ⅔ of the members of the Committee.

(c) APPOINTMENT AND MEMBERSHIP.—The Committee shall be composed of the chairman and ranking members of the following:

(1) The Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Energy and Natural Resources of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Committee on Finance of the Senate.

(7) The Committee on Foreign Relations of the Senate.

(8) The Committee on Health, Education, Labor, and Pensions of the Senate.

(9) The Committee on the Judiciary of the Senate.

(10) The Committee on Small Business and Entrepreneurship of the Senate.

(11) The Committee on Agriculture of the House of Representatives.

(12) The Committee on Education and Labor of the House of Representatives.

(13) The Committee on Energy and Commerce of the House of Representatives.

(14) The Committee on Financial Services of the House of Representatives.

(15) The Committee on Foreign Affairs of the House of Representatives.

(16) The Committee on the Judiciary of the House of Representatives.

(17) The Committee on Natural Resources of the House of Representatives.

(18) The Committee on Small Business of the House of Representatives.

(19) The Committee on Transportation and Infrastructure of the House of Representatives.

(20) The Committee on Ways and Means of the House of Representatives.

SEC. 7. SENSE OF CONGRESS REGARDING READINESS CRITERIA AND IMPROVING THE PROCESS FOR UNITED STATES TRADE NEGOTIATIONS.

It is the sense of Congress that if Congress considers legislation to provide for special procedures for the consideration of bills to implement trade agreements, that legislation shall include—

(1) criteria for the President to use in determining whether a country—

(A) is able to meet its obligations under a trade agreement;

(B) meets the requirements described in section 3(c); and

(C) is an appropriate country with which to enter into a trade agreement;

(2) a process by which the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives review the determination of the President described in paragraph (1) to verify that the country meets the criteria;

(3) requirements for consultation with Congress during trade negotiations that require more frequent consultations than required by the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), including a process for consultation with any committee of Congress with jurisdiction over any area covered by the negotiations;

(4) binding negotiating objectives and requirements outlining what must and must not be included in a trade agreement, including the requirements described in section 4(b);

(5) a process for review and certification by Congress to ensure that the negotiating objectives described in paragraph (4) have been met during the negotiations;

(6) a process—

(A) by which a State may give informed consent to be bound by nontariff provisions in a trade agreement that relate to investment, the service sector, and procurement; and

(B) that prevents a State from being bound by the provisions described in subparagraph (A) if the State has not consented; and

(7) a requirement that a trade agreement be approved by a majority vote in both Houses of Congress before the President may sign the agreement.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 582—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. HERBERT SAFFIR, INVENTOR OF THE SAFFIR-SIMPSON HURRICANE SCALE, DURING HURRICANE PREPAREDNESS WEEK

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Mr. Herbert Saffir protected countless individuals by conveying the threat levels of approaching hurricanes through a 5-tier system to measure hurricane strength;

Whereas the Saffir-Simpson Hurricane Scale has become the definitive means to describe hurricane strength;

Whereas Mr. Saffir, as a civil and structural engineer, was a pioneer in designing buildings and bridges for high wind resistance;

Whereas Mr. Saffir, as a participant in a United Nations project in 1969, helped to reduce hurricane damage to low-cost buildings worldwide;

Whereas Mr. Saffir was the principal of Saffir Engineering in Coral Gables, Florida;

Whereas Mr. Saffir fought tirelessly for safe building codes to ensure the safety of all people threatened by hurricanes;

Whereas Mr. Saffir was born in New York City, New York, on March 29, 1917, and died in Miami, Florida, on November 21, 2007; and

Whereas Hurricane Preparedness Week is observed the week beginning May 25, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the work and accomplishments of Mr. Herbert Saffir, inventor of the Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week;

(2) honors Mr. Saffir's commitment to alerting the citizenry of the threat of hurricanes;

(3) thanks Mr. Saffir for his dedication, which has undoubtedly helped to save countless lives and the property of citizens around the world; and

(4) commends Mr. Saffir's service to the State of Florida, the United States, and the world.

SENATE RESOLUTION 583—DESIGNATING JUNE 20, 2008, AS "AMERICAN EAGLE DAY", AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. Byrd, Mr. Corker, Mrs. Feinstein, Mr. Coleman, Mr. Kennedy, Mr. Crapo, Ms. Landrieu, Mr. Gregg, Mr. Schumer, Mr. Specter, Mrs. Boxer, and Mr. Allard) submitted the following resolution; which was:

S. Res. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3937) provides that each surcharge received by the Secretary of the Treasury from the sale of a coin issued under that Act "shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee" to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2008, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4825. Mrs. BOXER (for herself, Mr. Warner, and Mr. Lieberman) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

SA 4826. Mr. REID (for Mr. Biden) proposed an amendment to amendment SA 4825 proposed by Mrs. Boxer (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra.

SA 4827. Mr. REID (for Mr. Biden) proposed an amendment to amendment SA 4826 proposed by Mr. Reid (for Mr. Biden) to the amendment SA 4825 proposed by Mrs. Boxer (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, supra .

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. Reid to the bill S. 3036, supra.

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. Reid to the bill S. 3036, supra.

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. Reid to the amendment SA 4830 proposed by Mr. Reid to the bill S. 3036, supra.

SA 4833. Mr. KERRY (for himself, Mrs. Feinstein, and Ms. Snowe) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4836. Mr. BIDEN (for himself, Mr. Lugar, Mr. Kerry, Mr. Warner, Mr. Menendez, Ms. Snowe, Mr. Cardin, Mr. Casey, Mr. Bayh, Ms. Collins, Mr. Obama, Mr. Webb, Mr. Feingold, Mr. Whitehouse, Mr. Nelson of Florida, Mr. Bingaman, and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4838. Mr. SANDERS (for himself, Mr. Menendez, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4839. Mr. SANDERS (for himself, Mr. Menendez, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4840. Mr. SANDERS (for himself, Mr. Menendez, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4843. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4844. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4845. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4846. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4847. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4848. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4849. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4850. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4851. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4852. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4853. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4854. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4855. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4856. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4857. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4858. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4859. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4860. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4861. Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4862. Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4825. Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lieberman-Warner Climate Security Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—IMMEDIATE ACTION

Subtitle A—Tracking Greenhouse Gas Emissions

Sec. 101. Purpose.
Sec. 102. Federal greenhouse gas registry.
Sec. 103. Enforcement.
Sec. 104. No effect on other requirements.

Subtitle B—Early Clean Technology Deployment

Sec. 111. Efficient Buildings Grant Program.
Sec. 112. Super-Efficient Equipment and Appliances Development (SEAD) Program.
Sec. 113. Clean medium- and heavy-duty hybrid fleets program.
Sec. 114. International clean energy deployment.

Subtitle C—Research

Sec. 121. Research on effects of climate change on drinking water utilities.
Sec. 122. Rocky Mountain Centers for Study of Coal Utilization.
Sec. 123. Sun grant center for research on compliance with Clean Air Act.
Sec. 124. Study by Administrator of black carbon emissions.
Sec. 125. Study by Administrator of recycling.
Sec. 126. Retail carbon offsets.

TITLE II—CAPPING GREENHOUSE GAS EMISSIONS

Sec. 201. Emission allowances.
Sec. 202. Compliance obligation.
Sec. 203. Penalty for noncompliance.
Sec. 204. Regulations.
Sec. 205. Report to Congress.

TITLE III—REDUCING EMISSIONS THROUGH OFFSETS AND INTERNATIONAL ALLOWANCES

Subtitle A—Offsets in the United States

Sec. 301. Outreach initiative on revenue enhancement for agricultural producers.
Sec. 302. Establishment of a domestic offset program.
Sec. 303. Eligible offset project types.
Sec. 304. Project initiation and approval.
Sec. 305. Offset verification and issuance of allowances.
Sec. 306. Tracking of reversals for sequestration projects.
Sec. 307. Examinations.
Sec. 308. Timing and the provision of offset allowances.
Sec. 309. Offset registry.
Sec. 310. Environmental considerations.
Sec. 311. Program review.

Subtitle B—Offsets and Emission Allowances From Other Countries

Sec. 321. Offset allowances originating from projects in other countries.
Sec. 322. Emission allowances from other countries.

Subtitle C—Agriculture and Forestry Program in the United States

Sec. 331. Allocation.
Sec. 332. Agriculture and Forestry Program.
Sec. 333. Agricultural and forestry greenhouse gas management research.

TITLE IV—ESTABLISHING A GREENHOUSE GAS EMISSION ALLOWANCE TRADING MARKET

Subtitle A—Trading

Sec. 401. Sale, exchange, and retirement of allowances.
Sec. 402. No restriction on transactions.
Sec. 403. Allowance transfer and tracking system.

Subtitle B—Market Oversight and Enforcement

Sec. 411. Finding.
Sec. 412. Carbon market oversight and regulation.

Subtitle C—Carbon Market Efficiency Board

Sec. 421. Establishment.
Sec. 422. Composition and administration.
Sec. 423. Duties.

Subtitle D—Climate Change Technology Board

Sec. 431. Establishment.
Sec. 432. Purpose.
Sec. 433. Independence.
Sec. 434. Advance notification of distributions of funds.
Sec. 435. Congressional oversight of board expenditures.
Sec. 436. Requirements.
Sec. 437. Reviews and audits by Comptroller General.

Subtitle E—Auction on Consignment

Sec. 441. Regulations.

TITLE V—FEDERAL PROGRAM TO PREVENT ECONOMIC HARDSHIP

Subtitle A—Banking

Sec. 501. Indication of calendar year.
Sec. 502. Effect of time.

Subtitle B—Borrowing

Sec. 511. Regulations.
Sec. 512. Term.
Sec. 513. Repayment with interest.

Subtitle C—Emergency Off-Ramps

Sec. 521. Emergency off-ramps triggered by Board.
Sec. 522. Cost-containment auctions.
Sec. 523. Cost-containment auction price.
Sec. 524. Regular auction reserve price.
Sec. 525. Pool of emission allowances for the cost-containment auctions.
Sec. 526. Limit on the quantity of emission allowances sold at any cost-containment auction.
Sec. 527. Using the proceeds of the annual cost-containment auctions.

Sec. 528. Returning emission allowances not sold at the annual cost-containment auctions.
Sec. 529. Discontinuing the annual cost-containment auctions.

Subtitle D—Transition Assistance for Workers

Sec. 531. Establishment.
Sec. 532. Auctions.
Sec. 533. Deposits.
Sec. 534. Uses.
Sec. 535. Climate Change Worker Assistance Program.
Sec. 536. Workforce training and safety.

Subtitle E—Transition Assistance for Carbon-Intensive Manufacturers

Sec. 541. Allocation.
Sec. 542. Distribution.

Subtitle F—Transition Assistance for Fossil Fuel-Fired Electricity Generators

Sec. 551. Allocation.
Sec. 552. Distribution.

Subtitle G—Transition Assistance for Refiners of Petroleum-Based Fuel

Sec. 561. Allocation.
Sec. 562. Distribution.

Subtitle H—Transition Assistance for Natural-Gas Processors

Sec. 571. Allocation.
Sec. 572. Distribution.

Subtitle I—Federal Program for Energy Consumers

Sec. 581. Establishment.
Sec. 582. Auction.
Sec. 583. Deposits.
Sec. 584. Disbursements from the Climate Change Consumer Assistance Fund.
Sec. 585. Sense of Senate on tax initiative to protect consumers.

TITLE VI—PARTNERSHIPS WITH STATES, LOCALITIES, AND INDIAN TRIBES

Subtitle A—Partnerships With State Governments to Prevent Economic Hardship While Promoting Efficiency

Sec. 601. Assisting energy consumers through local distribution companies.
Sec. 602. Assisting State economies that rely heavily on manufacturing and coal.

Subtitle B—Partnerships With States, Localities, and Indian Tribes to Reduce Emissions

Sec. 611. Mass transit.
Sec. 612. Updating State building energy efficiency codes.
Sec. 613. Energy efficiency and conservation block grant program.
Sec. 614. State leaders in reducing emissions.

Subtitle C—Partnerships With States and Indian Tribes to Adapt to Climate Change

Sec. 621. Allocation.
Sec. 622. Coastal impacts.
Sec. 623. Impacts on water resources and agriculture.
Sec. 624. Impacts on Alaska.
Sec. 625. Impacts on Indian tribes.

Subtitle D—Partnerships With States, Localities, and Indian Tribes to Protect Natural Resources

Sec. 631. State Wildlife Adaptation Fund.
Sec. 632. Cost-sharing.
Sec. 633. State comprehensive adaptation strategies.

TITLE VII—RECOGNIZING EARLY ACTION

Sec. 701. Regulations.
Sec. 702. Allocation.
Sec. 703. General distribution.
Sec. 704. Distribution to entities holding State emission allowances.
Sec. 705. Distribution to power plants that repowered pursuant to consent decrees.
Sec. 706. Distribution to carbon capture and sequestration projects.

TITLE VIII—EFFICIENCY AND RENEWABLE ENERGY

Subtitle A—Efficient Buildings

Sec. 801. Allocation.
Sec. 802. Efficient Buildings Allowance Program.

Subtitle B—Efficient Equipment and Appliances

Sec. 811. Allocation.
Sec. 812. Super-Efficient Equipment and Appliances Deployment Program.

Subtitle C—Efficient Manufacturing

Sec. 821. Allocation.
Sec. 822. Efficient manufacturing program.

Subtitle D—Renewable Energy

Sec. 831. Allocation.
Sec. 832. Bonus allowances for renewable energy.

TITLE IX—LOW-CARBON ELECTRICITY AND ADVANCED RESEARCH

Subtitle A—Low- and Zero-Carbon Electricity Technology

Sec. 901. Definitions.
Sec. 902. Low- and Zero-Carbon Electricity Technology Fund.
Sec. 903. Auctions.
Sec. 904. Deposits.
Sec. 905. Use of funds.
Sec. 906. Financial incentives program.
Sec. 907. Requirements.
Sec. 908. Forms of awards.
Sec. 909. Selection criteria.

Subtitle B—Advanced Research

Sec. 911. Auctions.
Sec. 912. Deposits.
Sec. 913. Use of funds.

TITLE X—FUTURE OF COAL

Subtitle A—Kick-Start for Carbon Capture and Sequestration

Sec. 1001. Carbon Capture and Sequestration Technology Fund.
Sec. 1002. Auctions.
Sec. 1003. Deposits.
Sec. 1004. Use of funds.
Sec. 1005. Kick-Start Program.

Subtitle B—Long-Term Carbon Capture and Sequestration Incentives

Sec. 1011. Allocation.
Sec. 1012. Qualifying projects.
Sec. 1013. Distribution.
Sec. 1014. 10-Year limit.
Sec. 1015. Exhaustion of Bonus Allowance Account.

Subtitle C—Legal Framework

Sec. 1021. National drinking water regulations.
Sec. 1022. Assessment of geological storage capacity for carbon dioxide.
Sec. 1023. Study of feasibility relating to construction and operation of pipelines and geological carbon dioxide sequestration activities.
Sec. 1024. Liabilities for closed geological storage sites.

TITLE XI—FUTURE OF TRANSPORTATION

Subtitle A—Kick-Start for Clean Commercial Fleets

Sec. 1101. Purpose.
Sec. 1102. Allocation.
Sec. 1103. Clean medium- and heavy-duty hybrid fleets program.

Subtitle B—Advanced Vehicle Manufacturers

Sec. 1111. Climate Change Transportation Energy Technology Fund.
Sec. 1112. Auctions.
Sec. 1113. Deposits.
Sec. 1114. Use of funds.
Sec. 1115. Manufacturer facility conversion program.

Subtitle C—Cellulosic Biofuel

Sec. 1121. Cellulosic biofuel program.

Subtitle D—Low-Carbon Fuel Standard

Sec. 1131. Findings.
Sec. 1132. Definitions.
Sec. 1133. Establishment.

TITLE XII—FEDERAL PROGRAM TO PROTECT NATURAL RESOURCES

Subtitle A—Auctions

Sec. 1201. Definitions.
Sec. 1202. Auctions.

Subtitle B—Funds

Sec. 1211. Bureau of Land Management Emergency Firefighting Fund.
Sec. 1212. Forest Service Emergency Firefighting Fund.

Subtitle C—National Wildlife Adaptation Strategy

Sec. 1221. Definitions.
Sec. 1222. National strategy.
Sec. 1223. Science Advisory Board.
Sec. 1224. Climate Change and Natural Resource Science Center.

Subtitle D—National Wildlife Adaptation Program

Sec. 1231. National Wildlife Adaptation Fund.
Sec. 1232. Department of the Interior.
Sec. 1233. Forest service.
Sec. 1234. Environmental Protection Agency.
Sec. 1235. Corps of Engineers.
Sec. 1236. Department of Commerce.
Sec. 1237. National Academy of Sciences report.

TITLE XIII—INTERNATIONAL PARTNERSHIPS TO REDUCE EMISSIONS AND ADAPT TO CLIMATE CHANGE

Subtitle A—Promoting Fairness While Reducing Emissions

Sec. 1301. Definitions.
Sec. 1302. Purposes.
Sec. 1303. International negotiations.
Sec. 1304. International Climate Change Commission.
Sec. 1305. Determinations on comparable action.
Sec. 1306. International reserve allowance program.
Sec. 1307. Adjustment of international reserve allowance requirements.

Subtitle B—International Partnerships to Reduce Deforestation and Forest Degradation

Sec. 1311. Findings; purpose.
Sec. 1312. Capacity building program.
Sec. 1313. Forest carbon activities.
Sec. 1314. Establishing and distributing offset allowances.
Sec. 1315. Limitation on double counting.
Sec. 1316. Effect of subtitle.

Subtitle C—International Partnerships to Deploy Clean Energy Technology

Sec. 1321. International Clean Energy Deployment.

Subtitle D—International Partnerships to Adapt to Climate Change and Protect National Security

Sec. 1331. International Climate Change Adaptation and National Security Fund.

Sec. 1332. International Climate Change Adaptation and National Security Program.
Sec. 1333. Monitoring and evaluation of programs.

TITLE XIV—REDUCING THE DEFICIT

Sec. 1401. Deficit Reduction Fund.
Sec. 1402. Auctions.
Sec. 1403. Deposits.
Sec. 1404. Disbursements from Fund.

TITLE XV—CAPPING HYDROFLUOROCARBON EMISSIONS

Sec. 1501. Regulations.
Sec. 1502. National recycling and emission reduction program.
Sec. 1503. Fire suppression agents.

TITLE XVI—PERIODIC REPORTS AND RECOMMENDATIONS

Sec. 1601. National Academy of Sciences reports.
Sec. 1602. Environmental Protection Agency recommendations.
Sec. 1603. Presidential recommendations.

TITLE XVII—MISCELLANEOUS

Subtitle A—Climate Security Act Administrative Fund

Sec. 1701. Establishment.
Sec. 1702. Auctions.
Sec. 1703. Deposits.
Sec. 1704. Disbursements from Fund.
Sec. 1705. Use of Funds.

Subtitle B—Presidential Emergency Declarations and Proclamations

Sec. 1711. Emergency declaration.
Sec. 1712. Presidential proclamation.
Sec. 1713. Congressional rescission or modification.
Sec. 1714. Report to Federal agencies.
Sec. 1715. Termination.
Sec. 1716. Public comment.
Sec. 1717. Prohibition on delegation.

Subtitle C—Administrative Procedure and Judicial Review

Sec. 1721. Regulatory procedures.
Sec. 1722. Enforcement.
Sec. 1723. Powers of Administrator.

Subtitle D—State Authority

Sec. 1731. Retention of State authority.

Subtitle E—Tribal Authority

Sec. 1741. Tribal authority.

Subtitle F—Clean Air Act

Sec. 1751. Integration.

Subtitle G—State-Federal Interaction and Research

Sec. 1761. Study and research.

SEC. 2. FINDINGS.

Congress finds that—

(1) unchecked global climate change poses a significant threat to—

(A) the national security of the United States;

(B) the economy of the United States;

(C) public health in the United States;

(D) the well-being of residents of the United States;

(E) the well-being of residents of other countries; and

(F) the global environment;

(2) pursuant to the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the United States is committed to stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system;

(3) according to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system will require a global effort to reduce worldwide anthropogenic greenhouse gas emissions by 50 to 85 percent below 2000 levels by 2050;

(4) prompt, decisive action is critical, because greenhouse gases can persist in the atmosphere for more than a century;

(5) global climate change represents a potentially significant threat multiplier for instability around the world and is likely to exacerbate competition and conflict over agricultural, vegetative, marine, and water resources and displace people, thus increasing hunger and poverty and causing increased pressure on the most vulnerable developing countries;

(6) the strategic, social, political, economic, cultural, and environmental consequences of global climate change are likely to have disproportionate impacts on the most vulnerable developing countries, which have fewer industrial emissions and less economic and financial capacity to respond;

(7) less developed countries rely to a much greater degree on the natural and environmental systems likely to be affected by climate change for sustenance and livelihoods, as well as economic growth and stability;

(8) the consequences of global climate change, including increases in poverty and destabilization of economies and societies, are likely to pose a danger to the security interest and economic interest of the United States;

(9) it is in the national security and economic interest of the United States to recognize, plan for, and mitigate the international strategic, social, political, cultural, environmental and economic effects of a changing climate and to assist those in the most vulnerable developing countries to increase resilience to those effects;

(10) the ingenuity of the people of the United States will allow the United States to become a leader in curbing global climate change;

(11) it is possible and desirable—

(A) to cap greenhouse gas emissions, from the sources that together account for the majority of those emissions in the United States, at or below the current level in 2012;

(B) to lower the cap each year between 2012 and 2050; and

(C) to include in the system—

(i) measures to contain costs;

(ii) measures providing for periodic reviews of the system;

(iii) an aggressive program for deploying advanced technology that is developed and manufactured in the United States;

(iv) programs to assist low- and middle-income energy consumers; and

(v) programs to mitigate the impacts of that degree of global climate change that now is unavoidable;

(12) Congress will need to update the system, including the emission caps, to account for new scientific information and steps taken or not taken by other countries;

(13) the Federal Government currently possesses adequate data to support initial steps in the establishment of a greenhouse gas emission trading market and to support initial allocations of emission allowances based upon historical emissions and other historical activities;

(14) the smooth functioning of a national emission trading market that is based upon a national emissions cap that comes into effect at the beginning of calendar year 2012 necessitates the establishment, not later than January 1, 2011, of a Federal system for determining, recording, and reporting greenhouse gas emissions at an entity-specific level;

(15) prompt and decisive domestic climate change investments represent an unprecedented economic development opportunity for the United States;

(16) an environmental economic development policy should seek to increase the per-capita income and protect the interests of working families;

(17) the measures in this Act are not the only measures that Congress will need to enact over the decades-long program established by this Act in order to avert dangerous climate change and avoid the imposition of hardship on United States residents;

(18) State and local government programs, including incentives, renewable portfolio standards, energy-efficiency requirements, land-use policies, and other such programs typically implemented at the State and local levels are having and will continue to have a substantial and direct beneficial effect on reducing greenhouse gas emissions;

(19) emissions of sulfur dioxide, nitrogen oxides, and mercury in the United States continue to inflict harm on the public health, economy, and natural resources of the United States;

(20) fossil fuel-fired electric power generating facilities emit approximately 67 percent of the total sulfur-dioxide emissions, 23 percent of the total nitrogen-oxide emissions, 40 percent of the total carbon-dioxide emissions, and 40 percent of the total mercury emissions in the United States;

(21) more than half the electricity generated in the United States is generated through the burning of coal;

(22) the reserve of coal in the United States is larger than the reserve of coal in any other country;

(23) while the reductions in emissions of sulfur dioxide, nitrogen oxides, and mercury that will occur in the presence of a declining cap on the greenhouse gas emissions from coal-fired electric power generating facilities are larger than those that would occur in the absence of such a cap, new, stricter Federal limits on emissions of sulfur dioxide, nitrogen oxides, and mercury may still be needed to protect public health; and

(24) many existing fossil fuel-fired electric power generating facilities in the United States were exempted by Congress from emission limitations applicable to new and modified facilities of that type based on an expectation by Congress that, over time, those facilities would be retired or updated with new pollution control equipment, but many of the exempted facilities nevertheless continue to operate and emit pollution at relatively high rates and without new pollution control equipment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish the core of a Federal program that will reduce United States greenhouse gas emissions substantially enough to avert the catastrophic impacts of global climate change; and

(2) to accomplish that purpose while—

(A) preserving robust growth in the United States economy;

(B) creating new jobs in the United States;

(C) avoiding the imposition of hardship on United States residents;

(D) reducing the dependence of the United States on petroleum produced in other countries;

(E) imposing no net cost on the Federal Government;

(F) ensuring that the financial resources provided by the program established by this

Act for technology deployment are predominantly invested in development, production, and construction of that technology in the United States; and

(G) encouraging complementary State and local government policies and programs that promote energy efficiency and technology deployment or otherwise reduce greenhouse gas emissions.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADDITIONAL; ADDITIONALITY.—The terms "additional" and "additionality" mean the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to business as usual, with no greenhouse gas incentives, for a project entity.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means an electric vehicle, a fuel cell-powered vehicle, a hybrid or plug-in hybrid electric vehicle, an advanced diesel light duty motor vehicle, or a hydrogen-fueled vehicle that meets—

(A) the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act; and

(C) a standard of at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis for vehicles other than advanced diesel light-duty motor vehicles, for vehicles of a substantially similar nature and footprint.

(4) ALLOWANCE.—The term "allowance" means—

(A) an emission allowance;

(B) an offset allowance; or

(C) an international allowance.

(5) AQUATIC SYSTEM.—

(A) IN GENERAL.—The term "aquatic system" means any environment that is wet for at least part of the year in which plants and animals interact with the chemical and physical features of the environment.

(B) INCLUSIONS.—The term "aquatic system" includes an environment described in subparagraph (A) with respect to—

(i) any body of freshwater or salt water, such as a pond or ocean; and

(ii) groundwater.

(6) BASELINE.—The term "baseline" means the level of greenhouse gas emissions or a carbon stock scenario that would occur with respect to a project or activity in the absence of an offset project.

(7) BIOLOGICAL SEQUESTRATION; BIOLOGICALLY SEQUESTERED.—The terms "biological sequestration" and "biologically sequestered" mean—

(A) the capture, separation, isolation, or removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants; and

(B) the storage of those greenhouse gases in plants or related soils.

(8) BOARD.—The term "Board" means the Carbon Market Efficiency Board established by section 421.

(9) CARBON CONTENT.—The term "carbon content" means the quantity of carbon, per unit of weight or energy value, contained in a fuel.

(10) CARBON DIOXIDE EQUIVALENT.—The term "carbon dioxide equivalent" means, for each HFC or non-HFC greenhouse gas, the quantity of the gas that the Administrator determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(11) CLIMATE REGISTRY.—The term "Climate Registry" means the greenhouse gas emission registry jointly established and managed by more than 40 States and Indian tribes to collect greenhouse gas emission data from entities to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes.

(12) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city-highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration, or a similar practice recommended by the Secretary of Energy, using a petroleum equivalence factor for the off-board electricity (as defined by the Secretary of Energy).

(13) CONVENTION.—The term "Convention" means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, and entered into force on March 21, 1994.

(14) COST-CONTAINMENT AUCTION.—The term "cost-containment auction" means an auction of emission allowances conducted by the Administrator pursuant to section 522.

(15) COST-CONTAINMENT AUCTION PRICE.—The term "cost-containment auction price" means the single price at which emission allowances are offered for sale during a cost-containment auction in a particular year.

(16) COVERED ENTITY.—The term "covered entity" means—

(A) any entity that, during a 1-year period, uses more than 5,000 metric tons of coal in the United States;

(B) any entity that is a natural gas processing plant in the United States (other than in the State of Alaska);

(C) any entity that produces natural gas in the State of Alaska or the Federal waters of the Alaska Outer Continental Shelf;

(D) any entity that holds title to natural gas, including liquefied natural gas, at the time the natural gas is imported into the United States;

(E) any entity that manufactures in the United States petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non-HFC greenhouse gas;

(F) any entity that holds title, at the time of importation into the United States, to petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non-HFC greenhouse gas;

(G) any entity that, during a 1-year period, manufactures more than 10,000 carbon dioxide equivalents of non-HFC greenhouse gas in the United States;

(H) any entity that, during any 1-year period, holds title, at the time of importation into the United States, to more than 10,000 carbon dioxide equivalents of non-HFC greenhouse gas; or

(I) any entity that manufactures any hydrochlorofluorocarbon in the United States.

(17) DESTRUCTION.—The term "destruction" means the extent to which the conversion of a greenhouse gas to another gas, by thermal, chemical, or other means, reduces global warming potential.

(18) ECOLOGICAL PROCESS.—The term "ecological process" means a biological, chemical, or physical interaction between and among the biotic and abiotic components of an ecosystem, including—

(A) nutrient cycling;

(B) pollination;

(C) a predator-prey relationship;

(D) soil formation;

(E) gene flow;

(F) larval dispersal and settlement;

(G) changes in hydrology;

(H) decomposition; and

(I) a disturbance regime, such as fire or flooding.

(19) EMISSION ALLOWANCE.—The term "emission allowance" means an allowance established by the Administrator pursuant to section 201(a).

(20) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks performed in the United States relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce in the United States qualifying components or advanced technology vehicles.

(21) FAIR MARKET VALUE.—The term "fair market value" means the average market price, in a particular calendar year, of an emission allowance.

(22) FISH AND WILDLIFE.—The term "fish and wildlife" means—

(A) any species of wild fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into a previously occupied range.

(23) GEOLOGICAL SEQUESTRATION; GEOLOGICALLY SEQUESTERED.—The terms "geological sequestration" and "geologically sequestered" mean the permanent isolation of greenhouse gases, without reversal, in geological formations.

(24) HABITAT.—The term "habitat" means the physical, chemical, and biological properties that are used by wildlife (including aquatic and terrestrial plant communities) for growth, reproduction, survival, food, water, cover, and space, on a tract of land, in a body of water, or in an area or region.

(25) HFC.—The term "HFC" means a hydrofluorocarbon.

(26) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(27) INTERNATIONAL FOREST CARBON ACTIVITIES.—The term "international forest carbon activities" means national or subnational activities in countries other than the United States that—

(A) are directed at—

(i) reducing greenhouse gas emissions from deforestation and forest degradation; and

(ii) increasing sequestration of carbon through—

(I) restoration of forests;

(II) restoration of degraded land that has not been forested prior to restoration;

(III) afforestation, using native species, where practicable; and

(IV) improved forest management; and

(B) meet the eligibility requirements and quality criteria promulgated under sections 1313(a) and 1314(b).

(28) LEAKAGE.—The term "leakage" means—

(A) a significant unaccounted increase in greenhouse gas emissions by a facility or entity caused by an offset project, as determined by the Administrator; or

(B) a significant unaccounted decrease in sequestration that is caused by an offset project, as determined by the Administrator.

(29) LOCAL DISTRIBUTION COMPANY.—The term "local distribution company" means an entity, whether public or private—

(A) that has a legal, regulatory, or contractual obligation to deliver electricity or natural gas to retail consumers; and

(B) whose rates and costs are, except in the case of a registered electric cooperative, regulated by a State agency, regulatory commission, municipality, or public utility district, or by an Indian tribe pursuant to tribal law.

(30) MANUFACTURE.—

(A) IN GENERAL.—The term "manufacture" means to make an item, substance, or material, for sale or distribution, through the application of technology and industrial processes.

(B) EXCLUSION.—The term "manufacture" does not include the creation of a greenhouse gas through anaerobic decomposition.

(31) NAFTA COUNTRY.—The term "NAFTA country" means a country that is a party to the North American Free Trade Agreement.

(32) NATURAL GAS PROCESSING PLANT.—

(A) IN GENERAL.—The term "natural gas processing plant" means a facility that is designed—

(i) to separate natural-gas liquids from natural gas; or

(ii) to fractionate mixed natural-gas liquids into natural-gas products.

(B) EXCLUSION.—The term "natural gas processing plant" does not include a wellhead or pipeline facility that removes natural-gas liquid condensate for operational or safety purposes.

(33) NON-HFC GREENHOUSE GAS.—The term "non-HFC greenhouse gas" means any of—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride; or

(E) a perfluorocarbon.

(34) OFFSET ALLOWANCE.—The term "offset allowance" means an allowance allocated by the Administrator pursuant to subtitle A or subtitle B of title III, or subtitle B of title XIII.

(35) OFFSET PROJECT.—The term "offset project" means a project that reduces emissions or increases terrestrial sequestration of greenhouse gases from sources or sinks that would otherwise not have been covered under the limitation on the emission of greenhouse gases under this Act.

(36) PLANT.—The term "plant" means any species of wild flora.

(37) PROJECT DEVELOPER.—The term "project developer" means an individual or entity implementing an offset project.

(38) QUALIFYING COMPONENT.—The term "qualifying component" means a component that the Secretary of Energy determines to be—

(A) specially designed for advanced technology vehicles;

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles; and

(C) manufactured in the United States.

(39) REGIONAL GREENHOUSE GAS INITIATIVE.—The term "Regional Greenhouse Gas Initiative" means the cooperative effort by, as of the date of enactment of this Act, the States of Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, and Vermont, to reduce carbon dioxide emissions.

(40) REGISTRY.—The term "Registry" means the Federal greenhouse gas registry established under section 102(a).

(41) REGULAR AUCTION.—The term "regular auction" means an auction of emission allowances conducted by the Administrator under this Act that is not a cost-containment auction.

(42) REGULAR AUCTION RESERVE PRICE.—The term "regular auction reserve price" means the price below which an emission allowance may not be sold through a regular auction.

(43) RETAIL RATE FOR DISTRIBUTION SERVICE.—

(A) IN GENERAL.—The term "retail rate for distribution service" means the rate that a local distribution company charges for the use of the system of the local distribution company.

(B) EXCLUSION.—The term "retail rate for distribution service" does not include any energy component of the rate.

(44) RETIRE AN ALLOWANCE.—The term "retire an allowance" means to disqualify an allowance for any subsequent use, regardless of whether the use is a sale, exchange, or submission of the allowance in satisfaction of a compliance obligation.

(45) REVERSAL.—The term "reversal" means an intentional or unintentional loss of sequestered carbon dioxide to the atmosphere in significant quantities, as determined by the Administrator, in order to accomplish the purposes of the Act in an effective and efficient manner.

(46) RURAL ELECTRIC COOPERATIVE.—The term "rural electric cooperative" means a cooperatively owned association that—

(A) was in existence as of October 18, 2007; and

(B) is eligible to receive loans under section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904).

(47) SEQUESTERED AND SEQUESTRATION.—The terms "sequestered" and "sequestration" mean biological or geological sequestration.

(48) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(49) STATE REGULATORY AUTHORITY.—The term "State regulatory authority" means any State agency that has ratemaking authority with respect to the retail rate for electricity or natural-gas distribution service.

(50) TERRESTRIAL ECOSYSTEM.—The term "terrestrial ecosystem" means a land-occurring community of organisms, together with their environment.

(51) TRIBAL REGULATORY AUTHORITY.—The term "tribal regulatory authority" means any Indian tribe that has been granted statutory authority in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

TITLE I—IMMEDIATE ACTION

Subtitle A—Tracking Greenhouse Gas Emissions

SEC. 101. PURPOSE.

The purpose of this title is to establish a Federal greenhouse gas registry that—

(1) is national in scope;

(2) is complete, consistent, transparent, accurate, precise, and reliable; and

(3) provides the data necessary to implement the emission limitations and emission trading market established pursuant to this Act.

SEC. 102. FEDERAL GREENHOUSE GAS REGISTRY.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a Federal greenhouse gas registry that—

(1) achieves the purposes described in section 101; and

(2) requires emission reporting to begin for calendar year 2011.

(b) CLIMATE REGISTRY.—The notice of final agency, action promulgating regulations under subsection (a) shall explain each consequential inconsistency between those regulations and the provisions of the Climate Registry.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) ensure the completeness, consistency, transparency, accuracy, precision, and reliability of data on greenhouse gas emissions in the United States and on the production and manufacture in the United States, and importation into the United States, of fuels and other products the uses of which result in the emission of greenhouse gas;

(2) exceed or conform to the best practices from the most recent Federal, State, tribal, and international protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions, including, in particular, the Climate Registry, taking into account the latest scientific research;

(3) require that, wherever feasible, submitted data are monitored using monitoring systems for fuel flow or emissions, such as continuous emission monitoring systems or systems of equivalent precision, reliability, accessibility, and timeliness;

(4) require that, if an entity is already using a continuous emission monitoring system to monitor mass emissions of a greenhouse gas under a provision of law in effect as of the date of enactment of this Act that is consistent with this Act, that system be used to monitor submitted data;

(5) include methods for avoiding the double-counting of greenhouse gas emissions;

(6) include protocols to prevent entities from avoiding reporting requirements;

(7) include protocols for verification of submitted data;

(8) establish a means for electronic reporting;

(9) ensure verification and auditing of submitted data;

(10) establish consistent policies for calculating carbon content and greenhouse gas emissions for each type of fossil fuel reported;

(11) provide for public dissemination on the Internet of all verified data that are not—

(A) vital to the national security of the United States, as determined by the President; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published (except that information relating to greenhouse gas emissions shall not be considered to be confidential business information);

(12) prescribe methods by which the Administrator shall, in cases in which satisfactory data are not submitted to the Administrator for any period of time—

(A) replace the missing data with a conservative estimate of the highest emission levels that may have occurred during the period for which data are missing, in order to ensure emissions are not under-reported and to create a strong incentive for meeting data monitoring and reporting requirements; and

(B) take appropriate enforcement action; and

(13) ensure that no offset allowance distributed to the government of a foreign country pursuant to subtitle B of title XIII is transferred both into the greenhouse gas emission trading market established by this Act and into another such market.

SEC. 103. ENFORCEMENT.

(a) CIVIL ACTIONS.—The Administrator may bring a civil action in a United States district court against any entity that fails to comply with any requirement promulgated pursuant to section 102.

(b) PENALTY.—Any person that has violated or is violating regulations promulgated pursuant to section 102 shall be subject to a civil penalty of not more than $25,000 per day for each violation.

(c) PENALTY ADJUSTMENT.—For the fiscal year in which this Act is enacted and each fiscal year thereafter, the Administrator shall, by regulation, adjust the penalty specified in subsection (b) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 104. NO EFFECT ON OTHER REQUIREMENTS.

Nothing in this subtitle affects any requirement in effect as of the date of enactment of this Act relating to the reporting of—

(1) fossil-fuel production, refining, importation, exportation, or consumption data;

(2) greenhouse gas emission data; or

(3) other relevant data.

Subtitle B—Early Clean Technology Deployment

SEC. 111. EFFICIENT BUILDINGS GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish and carry out a program, to be known as the "Efficient Buildings Grant Program", under which the Administrator shall provide grants to owners of buildings in the United States for use in—

(1) constructing new, highly-efficient buildings in the United States; and

(2) increasing the efficiency of existing buildings in the United States.

(b) REQUIREMENTS.—The Administrator shall provide grants under this section to owners of buildings in the United States based on the extent to which building projects proposed to be carried out using funds from the grants would result in verifiable, additional, and enforceable reductions in direct and indirect greenhouse gas emissions—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d).

(c) PRIORITY.—In providing grants under this section, the Administrator shall give priority to projects that—

(1) are completed by building owners with a proven track record of building efficiency performance; or

(2) result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1).

(d) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Efficient Buildings Allowance Program is established under section 802.

SEC. 112. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEVELOPMENT (SEAD) PROGRAM.

(a) IN GENERAL.—The Administrator shall establish and carry out a program, to be known as the "Super-Efficient Equipment and Appliances Development Program" or "SEAD Program", under which the Administrator shall provide grants to retailers and distributors in the United States for use in increasing sales of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goals of—

(1) minimizing lifecycle costs for consumers; and

(2) maximizing public benefit.

(b) AMOUNT OF INDIVIDUAL GRANTS.—The amount of each grant for each type of product shall be determined by the Administrator, in consultation with the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) REPORTING.—Each retailer and distributor participating in the program under this section shall be required to report to the Administrator, on a confidential basis for the purpose of program design—

(1) the number of products of the retailer or distributer sold within each product type; and

(2) wholesale purchase-price data relating to those sales.

(d) COST-EFFECTIVENESS REQUIREMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term "cost-effectiveness" means a value equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, not to exceed 10 years, obtained by using the pieces of equipment, electronics, and appliances (including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes).

(B) SAVINGS.—The term "savings" means the megawatt-hours of electricity, or million British thermal units of other fuels, that are saved by the use of a product, as compared to the projected energy consumption that would result from the use of another product, based on the efficiency performance of displaced new product sales.

(2) REQUIREMENT.—Cost-effectiveness shall be a top priority of the Administrator in providing grants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Super-Efficient Equipment and Appliances Deployment Program is established under section 812.

SEC. 113. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.

(a) IN GENERAL.—The Administrator shall by regulation establish and carry out a program under which the Administrator shall provide grants to entities in the United States, for the purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall provide that—

(1) only a purchaser of a commercial vehicle weighing at least 8,500 pounds shall be eligible for receipt of emission allowances under the program;

(2) the purchaser of a qualifying vehicle shall have certainty, at the time of purchase of a qualifying vehicle, of—

(A) the amount of the grant to be provided; and

(B) the time at which grant funds shall be available;

(3) the amount of a grant provided under this section shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant;

(4) the amounts made available to provide grants under this section shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

(A) adequate availability of grant funds for different categories of commercial vehicles; and

(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

(5) the amount provided per grant shall decrease over time to encourage early purchases of qualifying commercial vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(d) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the clean medium- and heavy-duty hybrid fleets program is established under section 1103.

SEC. 114. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) BOARD.—The term "Board" means the International Clean Energy Deployment Board established under subsection (c)(1).

(3) ELIGIBLE COUNTRY.—The term "eligible country" means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the Board to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(4) QUALIFIED ENTITY.—The term "qualified entity" means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT BOARD.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall establish a board, to be known as the " International Clean Development Technology Board".

(2) COMPOSITION.—The Board shall be composed of—

(A) the Secretary of State, who shall serve as Chairperson of the Board;

(B) the Secretary of the Treasury;

(C) the Secretary of Energy;

(D) the Secretary of Commerce;

(E) the Administrator;

(F) the Administrator of the United States Agency for International Development;

(G) the United States Trade Representative; and

(H) such other officials as the President determines to be appropriate.

(3) DUTIES.—The Board shall administer the Fund in a manner that ensures that amounts made available to carry out the program—

(A) are used in a manner that best promotes the participation of, and investments by, the private sector;

(B) are allocated in a manner consistent with commitments by the United States under international climate change agreements; and

(C) are expended to achieve the greatest greenhouse gas emission mitigation with the lowest practicable cost, consistent with subparagraphs (A) and (B).

(4) ASSISTANCE.—The Board shall provide assistance under this section to qualified entities to support the purposes of this section.

(5) FORM OF ASSISTANCE.—In accordance with international the Federal and international intellectual property law, assistance under this subsection shall be provided—

(A) as direct assistance in the form of grants, congressional loans, cooperative agreements, contracts, insurance, or loan guarantees to or with qualified entities;

(B) as indirect assistance to qualified entities through—

(i) funding for international clean technology funds supported by multilateral institutions;

(ii) support from development and export promotion assistance programs of the Federal Government; or

(iii) support from international technology programs of the Department of Energy; or

(C) in such other forms as the Board determines to be appropriate.

(6) USE OF ASSISTANCE.—Assistance provided under this subsection shall be used for 1 or more of the following purposes:

(A) Funding for capacity building programs, including—

(i) developing and implementing methodologies and programs for measuring and quantifying greenhouse gas emissions and verifying emission reductions;

(ii) assessing technology and policy options for greenhouse gas emission mitigations; and

(iii) providing other forms of technical assistance to facilitate the qualification for, and receipt of, program funding under this section.

(B) Funding for technology programs to mitigate greenhouse gas emissions through Federal or State engagement in cooperative research and development activities with eligible countries, including on the subject of—

(i) transportation technologies;

(ii) coal, including low-rank coal;

(iii) energy efficiency programs;

(iv) renewable energy sources; and

(v) industrial and building activities.

(7) SELECTION OF PROJECTS.—

(A) IN GENERAL.—The Board shall be responsible for selecting qualified entities to receive assistance under this subsection.

(B) NOTIFICATION.—The Board shall not provide assistance under this subsection until the date that is 30 days after the date on which the Board submits to the appropriate committees of Congress a notice of the proposed assistance, including—

(i) in the case of a capacity building program—

(I) a description of the capacity building program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance; and

(III) a description of how the capacity building program will contribute to achieving the purposes of this section; or

(ii) in the case of a technology program—

(I) a description of the technology program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance;

(III) an estimate of the additional quantity of greenhouse gas emission reductions expected due to the use of the assistance; and

(IV) a description of how the technology program will contribute to achieving the purposes of this section.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report describing the criteria to be used to determine whether a country is an eligible country.

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate committees of Congress a report describing the assistance provided under this section by the Board during the preceding calendar year, including—

(A) the aggregate amount of assistance provided for capacity building initiatives and technology deployment initiatives; and

(B) a description of each initiative funded using the assistance, including—

(i) the amount of assistance provided;

(ii) the terms and conditions of provision of the assistance; and

(iii) the anticipated reductions in greenhouse gas emissions to be achieved as a result of technology deployment initiatives.

(e) EFFECT OF SECTION.—Nothing in this section alters or affects any authority of the Secretary of State under—

(1) title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.); or

(2) section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **$2,000,000,000** for the period of fiscal years 2009 through 2011.

(g) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the International Clean Energy Technology Program is established under section 1321.

Subtitle C—Research

SEC. 121. RESEARCH ON EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and carry out a program of directed and applied research, to be conducted through a nonprofit water research foundation and sponsored by drinking water utilities, to assist suppliers of drinking water in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted under subsection (a) shall include research relating to—

(1) the impacts of climate change on, and solutions to problems involving, water quality, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) relating to the mitigation of increased damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) the impacts of climate change on, and solutions to problems involving, water quantity, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at the regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize the operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence; and

(iii) reduced flows in water and wastewater pipelines; and

(B) relating to methods of increasing the resilience of existing infrastructure and development of new design standards for future infrastructure;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) relating to new sources of water through cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) efficiency and the minimization of greenhouse gas emissions, including research—

(A) relating to optimizing the efficiency of water supply and improving water efficiency in energy production; and

(B) to identify and develop renewable, carbon-neutral options for the water supply industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) relating to improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, due to the fact that increased conservation practices might diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and demand management, including research—

(A) to improve efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability; and

(B) relating to means of assisting drinking water utilities in reducing the production of greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) relating to efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) relating to improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change regarding water supply; and

(B) to develop effective communication approaches to achieve—

(i) public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) public recognition and acceptance of increased costs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 122. ROCKY MOUNTAIN CENTERS FOR STUDY OF COAL UTILIZATION.

(a) DESIGNATION.—The University of Wyoming and Montana State University shall be known and designated as the "Rocky Mountain Centers of the Study of Coal Utilization".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 123. SUN GRANT CENTER FOR RESEARCH ON COMPLIANCE WITH CLEAN AIR ACT.

(a) DESIGNATION.—Each sun grant center designated under section 7526 of the Food, Conservation, and Energy Act of 2008 is designated as a research institution of the Environmental Protection Agency for the purpose of conducting studies regarding the effects of biofuels and biomass on national and regional compliance with the Clean Air Act (42 U.S.C. 7401 et seq).

(b) FUNDING.—The Administrator shall provide to the sun grant centers such funds as the Administrator determines to be necessary to carry out the studies described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON EMISSIONS.

(a) STUDY.—The Administrator shall conduct a study of black carbon emissions, including—

(1) an identification of—

(A) the latest scientific data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(B)(i) the major sources of black carbon emissions in the United States and worldwide; and

(ii) an estimate of black carbon emissions from those sources;

(C) the diesel and other direct emission control technologies, operations, or strategies to remove or reduce emissions of black carbon, including estimates of the costs and effectiveness of the measures; and

(D) the entire lifecycle and net climate impacts of installation of diesel particulate filters on existing heavy-duty diesel engines; and

(2) recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce emissions of black carbon; and

(B) actions the Federal Government could carry out to encourage or require additional black carbon emission reductions.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 125. STUDY BY ADMINISTRATOR OF RECYCLING.

(a) STUDY.—The Administrator shall conduct a study of the lifecycle greenhouse gas emission reductions and other benefits and issues associated with—

(1) recycling scrap metal, including end-of-life vehicles, recovered paper and other fiber, scrap electronics, scrap glass, scrap plastics, scrap tires and other rubber, and scrap textiles;

(2) using recycled materials in manufactured products;

(3) designing and manufacturing products that increase recyclable output;

(4) eliminating or reducing the use of substances and materials in products that decrease recyclable output; and

(5) establishing a standardized system for lifecycle greenhouse gas emission reduction measurement and certification for the manufactured products and scrap recycling sectors, including the potential options for the structure and operation of such a system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 126. RETAIL CARBON OFFSETS.

(a) DEFINITION OF RETAIL CARBON OFFSET.—In this section, the term "retail carbon offset" means any carbon credit or carbon offset that cannot be used in satisfaction of any mandatory compliance obligation under a regulatory system for reducing greenhouse gas emissions.

(b) QUALIFYING LEVELS AND REQUIREMENTS.—Not later than January 1, 2009, the Administrator shall establish new qualifying levels and requirements for Energy Star certification for retail carbon offsets, effective beginning January 1, 2010.

TITLE II—CAPPING GREENHOUSE GAS EMISSIONS

SEC. 201. EMISSION ALLOWANCES.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish a quantity of emission allowances for each of calendar years 2012 through 2050, as follows:

Calendar Year	Quantity of emission allowances (in millions)
2012	5,775

Calendar Year	Quantity of emission allowances (in millions)
2013	5,669
2014	5,562
2015	5,456
2016	5,349
2017	5,243
2018	5,137
2019	5,030
2020	4,924
2021	4,817
2022	4,711
2023	4,605
2024	4,498
2025	4,392
2026	4,286
2027	4,179
2028	4,073
2029	3,966
2030	3,860
2031	3,754
2032	3,647
2033	3,541
2034	3,435
2035	3,328
2036	3,222
2037	3,115
2038	3,009
2039	2,903
2040	2,796
2041	2,690
2042	2,584
2043	2,477
2044	2,371
2045	2,264
2046	2,158
2047	2,052
2048	1,945
2049	1,839
2050	1,732.

(b) IDENTIFICATION NUMBERS.—The Administrator shall assign to each emission allowance established under subsection (a) a unique identification number that includes the calendar year for which that emission allowance was established.

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall not be a property right.

(2) TERMINATION OR LIMITATION.—Nothing in this Act or any other provision of law shall limit the authority of the Administrator to terminate or limit an emission allowance.

(3) OTHER PROVISIONS UNAFFECTED.—Nothing in this Act relating to emission allowances shall affect the application of, or compliance with, any other provision of law to or by a covered entity.

SEC. 202. COMPLIANCE OBLIGATION.

(a) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the owner or operator of a covered entity shall submit to the Administrator an emission allowance or an offset allowance for each carbon dioxide equivalent of—

(1) non-HFC greenhouse gas that was emitted by that covered entity in the United States during the preceding calendar year through the use of coal;

(2) non-HFC greenhouse gas that will be emitted through the use of petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity;

(3) non-HFC greenhouse gas, that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity, in each case in which the non-HFC greenhouse gas is not itself a petroleum- or coal-based gaseous fuel or natural gas;

(4) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity; and

(5) non-HFC greenhouse gas that will be emitted—

(A) through the use of natural gas that was, during the preceding calendar year, processed in the United States by that covered entity, imported into the United States by that covered entity, or produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by that covered entity and not reinjected into the field; or

(B) through the use of natural gas liquids that were, during the preceding year, processed in the United States by that covered entity or imported into the United States by that covered entity.

(b) ASSUMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of calculating any submission requirement under subsection (a), the Administrator shall assume that no sequestration, destruction, or retention of greenhouse gas has occurred or will occur.

(2) EXCEPTION.—Notwithstanding paragraph (1), neither paragraph (2) nor paragraph (5) of subsection (a) requires a covered entity to submit emission allowances or offset allowances for petroleum- or coal-based liquid or gaseous fuel imported into the United States, or for natural gas or natural gas liquids imported into the United States, if the fuel or liquid the substance was imported solely for use as a feedstock, and to the extent that no greenhouse gas is emitted through the use of that fuel or substance as a feedstock.

(c) EXCLUDING PETROLEUM-BASED LIQUID FUEL IMPORTED FROM A CAPPED NAFTA COUNTRY.—The regulations promulgated pursuant to section 204 shall provide for the exclusion from the compliance obligation under subsection (a)(2) of petroleum-based liquid fuel imported into the United States from a NAFTA country in any case in which the Administrator has determined, after public notice and an opportunity for public comment, that—

(1) the NAFTA country has enacted national greenhouse gas emissions reduction requirements that are not less stringent than those established for the United States by this Act; and

(2) the petroleum-based liquid fuel imported into the United States from the NAFTA country was produced or manufactured at or by an entity that was, at the time of the production or manufacture, directly subject to regulatory requirements, pursuant to the enacted greenhouse gas emission reduction requirements of the NAFTA country, to submit allowances covering any greenhouse gas emitted through the use of the liquid fuel.

(d) RETIREMENT OF ALLOWANCES UPON RECEIPT.—Immediately upon receiving an allowance under subsection (a), the Administrator shall retire the allowance.

(e) DESTRUCTION CREDIT.—

(1) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to any entity in the United States that the Administrator determines destroyed greenhouse gas in the United States during the calendar year a quantity of emission allowances equal to the quantity of carbon dioxide equivalents of non-HFC greenhouse gas that the Administrator determines the entity destroyed in the United States during that calendar year.

(2) DESTRUCTION OF METHANE THROUGH COMBUSTION.—Paragraph (1) shall not apply to the destruction of methane through combustion.

(f) SEQUESTRATION CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each covered entity subject to any of paragraphs (2) through (5) of subsection (a) that the Administrator determines captured and geologically sequestered carbon dioxide during the calendar year a quantity of emission allowances equal to the quantity of metric tons of carbon dioxide that the entity captured and geologically sequestered in the United States during that calendar year.

(g) NONEMISSIVE USE CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity in the United States that the Administrator determines used in the United States during that calendar year a petroleum- or coal-based product, natural gas, or natural gas liquid as a feedstock, or used a perfluorocarbon in semiconductor research or manufacturing in the United States during that calendar year, an emission allowance for each carbon dioxide equivalent of greenhouse gas that was not emitted through the use of that feedstock or perfluorocarbon, notwithstanding the submission of an emission allowance or offset allowance for that carbon dioxide equivalent under subsection (a).

(2) NONAPPLICABILITY TO CERTAIN FEEDSTOCK USES.—Paragraph (1) shall not apply to any feedstock use to which subsection (b)(2) applies.

(h) EXPORT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines exported from the United States a product described in paragraph (2), (3), or (5) of subsection (a) during that calendar year a quantity of emission allowances equal to the quantity of allowances submitted for that product under 1 of those paragraphs.

(i) INTERNATIONAL FLIGHT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines purchased in the United States fuel for an international flight the greenhouse gas emissions of which were regulated by the laws of another country a quantity of emission allowances equal to the quantity of allowances submitted for that fuel under subsection (a)(2).

(j) DETERMINATION OF COMPLIANCE.—Not later than 180 days after the end of each of calendar years 2012 through 2050, the Administrator shall determine whether the owners and operators of all covered entities are in full compliance with subsection (a) for that calendar year.

(k) PROHIBITION.—A covered entity shall not submit, and the Administrator shall not accept, any allowance established pursuant to section 1501 in satisfaction, in whole or in part, of the compliance obligation under subsection (a).

SEC. 203. PENALTY FOR NONCOMPLIANCE.

(a) CASH PENALTY.—

(1) IN GENERAL.—The owner or operator of any covered entity that fails for any year to submit to the Administrator by the applicable deadline described in section 202 1 or more of the allowances due pursuant to that section shall be liable for the payment to the Administrator of a cash penalty.

(2) AMOUNT.—The amount of a cash penalty required to be paid under paragraph (1) shall be, as determined by the Administrator, an amount equal to the product obtained by multiplying—

(A) the quantity of allowances that the owner or operator failed to submit; and

(B) the greater of—

(i) $200; or

(ii) an amount, in dollars, equal to 3 times the average market value of an emission allowance during the calendar year for which the allowances were due.

(3) TIMING.—A cash penalty required under this subsection shall be immediately due and payable to the Administrator, without demand.

(4) DEPOSIT.—The Administrator shall deposit each cash penalty paid under this subsection into the Treasury of the United States.

(5) NO EFFECT ON LIABILITY.—A cash penalty due and payable by the owner or operator of a covered entity under this subsection shall not diminish the liability of the owner or operator for any fine, penalty, or assessment against the owner or operator for the same violation under any other provision of this Act or any other law.

(b) COMPENSATION.—The owner or operator of a covered entity that fails for any year to submit to the Administrator, by the deadline described in section 202, 1 or more of the emission allowances due pursuant to that section shall be liable to compensate for the shortfall with a submission of excess allowances during—

(1) the following calendar year; or

(2) such longer period as the Administrator may prescribe.

(c) PROHIBITION.—It shall be unlawful for the owner or operator of any entity liable under subsections (a) and (b) to fail to comply with a requirement under either of those subsections.

(d) NO EFFECT ON OTHER LAW.—Nothing in this title limits or otherwise affects the application of any other enforcement provision under this Act or under any other law.

SEC. 204. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this title.

SEC. 205. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the President and Congress a report on the regulation under this Act of greenhouse gases emitted through the use of natural gas in the United States.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall include options for increasing the percentage of the natural gas used in the United States that is subject to greenhouse gas emission-reduction measures while minimizing regulatory complexity.

TITLE III—REDUCING EMISSIONS THROUGH OFFSETS AND INTERNATIONAL ALLOWANCES

Subtitle A—Offsets in the United States

SEC. 301. OUTREACH INITIATIVE ON REVENUE ENHANCEMENT FOR AGRICULTURAL PRODUCERS.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Natural Resources Conservation Service, the Chief of the Forest Service, the Director of the National Institute of Food and Agriculture, and land-grant colleges and universities, in consultation with the Administrator and the heads of other appropriate departments and agencies, shall establish an outreach initiative to provide information to agricultural producers, agricultural organizations, foresters, State and local officials, leaders from small businesses, nonprofit groups that may engage in forest or natural resource projects, forest workers, Indian tribes, and other landowners (referred to in this section as "interested parties") about opportunities to earn new revenue under this subtitle.

(b) COMPONENTS.—The initiative under this section—

(1) shall be designed to ensure, to the maximum extent practicable, that interested parties receive detailed, practical information about—

(A) opportunities to earn new revenue under this subtitle;

(B) measurement protocols, monitoring, verifying, inventorying, registering, insuring, and marketing offsets under this title;

(C) emerging domestic and international markets for energy crops, allowances, and offsets; and

(D) local, regional, and national databases and aggregation networks to facilitate achievement, measurement, registration, and sales of offsets;

(2) shall provide, in cooperation with other stakeholders—

(A) outreach materials, including the handbook published under subsection (c), to interested parties;

(B) workshops; and

(C) technical assistance; and

(3) may include the creation and development of regional marketing centers or coordination with existing centers (including centers within the Natural Resources Conservation Service or the National Institute of Food and Agriculture or at land-grant colleges and universities).

(c) HANDBOOK.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator and after providing an opportunity for public comment, shall publish a handbook for use by interested parties that provides easy-to-use guidance on achieving, reporting, registering, and marketing offsets.

(2) DISTRIBUTION.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the handbook—

(A) is made available through the Internet and in other electronic media;

(B) includes, with respect to the electronic form of the handbook described in subparagraph (A), electronic forms and calculation tools to facilitate the petition process for new methodologies; and

(C) is distributed widely through land-grant colleges and universities and other appropriate institutions.

(3) UPDATING.— The Secretary of Agriculture shall update the handbook at least every 5 years, or more frequently as needed to reflect developments in science, practices, methodologies, measurement protocols, and emerging markets.

SEC. 302. ESTABLISHMENT OF A DOMESTIC OFFSET PROGRAM.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to subsection (d) in a calendar year shall not exceed 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to subsection (d) is less than 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322 and international forest carbon credits under section 1313.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances and international forest carbon credits the use of which the Administrator shall allow for a calendar year under subparagraph (A) shall be equal to the difference between—

(i) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of offset allowances issued in that year pursuant to subsection (d).

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued for a calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that calendar year pursuant to paragraph (2) is less than 15 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to subsection (d) in the subsequent calendar year shall not exceed the sum obtained by adding—

(i) 15 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum obtained by adding the quantity of offset allowances issued in the preceding calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that year pursuant to paragraph (2).

(4) EXCHANGE FOR REGIONAL GREENHOUSE GAS INITIATIVE OFFSETS.—The Administrator shall—

(A) issue offset allowances, at an appropriate discount rate, for offset allowances issued under the Regional Greenhouse Gas Initiative; and

(B) ensure that enough capacity remains within the limitation under paragraph (1) to carry out exchanges with all interested parties.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances only for greenhouse gas

emission reductions or increases in sequestration relative to the offset project baseline, for offset projects approved pursuant to section 304 in categories on the list issued under section 303;

(2) ensure that those offsets represent real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions or increases in sequestration;

(3) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(4) specify the types of offset projects eligible to generate offset allowances, in accordance with section 303;

(5) establish procedures to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in biological sequestration, in accordance with section 303;

(6) establish procedures for project initiation and approval, in accordance with section 304;

(7) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(8) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(9) assign a unique serial number to each offset allowance issued under this section.

(d) Offset Allowances Awarded.—The Administrator shall issue to a project developer offset allowances for qualifying emission reductions and biological sequestrations from offset projects that satisfy the applicable requirements of this subtitle, unless an alternative recipient is specified in a legally-binding contract or agreement.

(e) Transferability; Compensation for Reversals.—

(1) Transferability.—An offset allowance generated pursuant to this subtitle may be sold, traded, or transferred, on the condition that the offset allowance has not expired or been retired or canceled.

(2) Compensation for reversals.—With respect to a biological sequestration project, a project developer shall be responsible for mitigating and compensating for reversals of registered offset allowances unless a different responsible party is specified in a legally-binding contract or agreement.

(f) Accounting Period.—

(1) In general.—The Administrator shall issue offset allowances—

(A) on an annual basis, beginning on the date on which the initiation of an offset project is approved; and

(B) that equal the verified and certified emission reductions or increases in sequestration achieved by the offset project.

(2) Baseline validity.—An emission baseline approved for an offset project shall be valid for a period of 5 years before being subject to revision.

SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) In General.—An offset allowance from an agricultural, forestry, or other land use-related project shall be provided only for achieving an offset of 1 or more greenhouse gases by a method other than a reduction of combustion of greenhouse gas-emitting fuel.

(b) Categories of Eligible Offset Projects.—

(1) In general.—The Administrator, after providing public notice and an opportunity for comment, shall issue and periodically revise a list of categories of offset projects for the Administrator shall issue an offset methodology.

(2) Categories.—The Administrator shall consider including on the list under paragraph (1)—

(A) agricultural and rangeland sequestration and management practices, including—

(i) altered tillage practices;

(ii) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(iii) conversion of cropland to rangeland or grassland, on the condition that the land has been in nonforest use for at least 10 years before the date of initiation of the project;

(iv) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(v) reduction in the frequency and duration of flooding of rice paddies; and

(vi) reduction in carbon emissions from organic soils;

(B) changes in carbon stocks attributed to land use change and forestry activities limited to—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007; and

(ii) forest management resulting in an increase in forest stand volume;

(C) manure management and disposal, including—

(i) waste aeration; and

(ii) methane capture and combustion;

(D) subject to the requirements of this subtitle, any other terrestrial offset practices identified by the Administrator, including—

(i) the capture or reduction of fugitive greenhouse gas emissions for which no covered entity is required under section 202(a) to submit any emission allowances, offset allowances, or international allowances;

(ii) methane capture and combustion at nonagricultural facilities; and

(iii) other actions that result in the avoidance or reduction of greenhouse gas emissions in accordance with section 302;

(E) combinations of any of the offset practices described in subparagraphs (A) through (D); and

(F) any other category proposed to the Administrator by petition.

(c) Requirements for Offset Methodologies.—

(1) Issuance.—Not later than 3 years after the date of enactment of this Act, and after public notice and an opportunity for comment, the Administrator shall issue a methodology for each category of offset project listed pursuant to subsection (b).

(2) Specific requirements.—The methodology for each category issued under paragraph (1) shall—

(A) specify requirements for—

(i) determining the eligibility of an offset project;

(ii) determining additional emission reductions or sequestrations from an offset project;

(iii) accounting for emission leakage associated with an offset project;

(iv) accounting for a reversal, and managing for the risk of reversal, from an offset project; and

(v) monitoring, verifying, and reporting the operation of an offset project; and

(B) include—

(i) a procedure for determining that—

(I) an offset project does not receive support from an allowance allocation under this Act or from any other government incentive, subsidy, or mandate; and

(II) the emission reductions or sequestrations from an offset project are not double-counted under any other program;

(ii) a procedure for delineating the boundaries of an offset project and determining the extent, if any, of emission leakage from the offset project, based on scientifically sound methods, as determined by the Administrator;

(iii) a description of scientifically sound methods, as determined by the Administrator, for use in monitoring, measuring, and quantifying changes in emissions or sequestrations resulting from an offset project, including—

(I) a method for use in quantifying the uncertainty in those measurements; and

(II) a description of site-specific data that will be used in that monitoring, measurement, and quantification;

(iv) a procedure for use in establishing the baseline for an offset project that ensures that offset allowances will be issued only for emission reductions or sequestrations that are additional;

(v)(I) a threshold of uncertainty in the quantification of emission reductions or sequestrations and for baseline emission levels above which an offset project shall not be eligible to receive offset allowances; and

(II) a procedure by which a project developer may petition for use of different uncertainty factors if the project developer demonstrates to the Administrator that the measurement methods used by the offset project have less uncertainty than assumed under the default methodology;

(vi) clear and objective tests specified by the Administrator that are sufficient to ensure that—

(I) an offset project will be eligible to generate offset allowances only if, in the judgment of the Administrator, the project is additional;

(II) no part of the offset project is required by Federal or State regulations or commonly accepted industry standards, as determined by the Administrator;

(III) the offset project uses technologies or practices that are not in common use within a relevant jurisdiction or industry, as defined by the Administrator; and

(IV) the offset project would not take place in the absence of the revenue generated by the sale of offset allowances;

(vii) a procedure to quantify leakage and ensure that the issuance of offset allowances is reduced by an amount equivalent to the quantity of that leakage;

(viii)(I) a methodology for use in assessing the risk that a sequestration will be reversed;

(II) a description of measures that will be taken to reduce that risk; and

(III) a description of procedures that will be followed to measure, report, and compensate for any reversal that does occur;

(ix) a procedure for use in—

(I) determining whether the quantity of carbon sequestered on or in land where a project is carried out was significantly changed during the 10-year period prior to initiation of the project; and

(II) excluding the offset project from receiving allowances under this subtitle, or adjusting the baseline of the offset project accordingly; and

(x) a protocol for use in reporting emission reductions or sequestrations (and any reversals) at least annually.

(3) Consultation.—In the case of an offset project relating to agriculture or forestry, the Administrator shall consult with the Secretary of Agriculture in carrying out this subsection.

(4) Revision.—The Administrator shall revise each methodology issued under paragraph (1), after public notice and an opportunity for comment, at least every 5 years.

(5) Project conformity.—Beginning 1 year after the date by which a methodology is required to be revised under paragraph (4), no further offset allowances shall be issued to

an offset project approved under the methodology unless the offset project is demonstrated to be in conformity with the applicable revisions.

(d) TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator may issue, after notice and comment, a list of technologies and associated performance benchmarks the achievement of which the Administrator has determined shall be considered to be additional in specific project applications.

(2) PERIOD OF VALIDITY.—A determination of the Administrator under paragraph (1) shall be valid for not more than 5 years after the date of the determination.

(e) METHODOLOGY TESTING.—The Administrator may not issue a methodology under this section until the Administrator determines that—

(1) the methodology has been tested by 3 independent expert teams on at least 3 different offset projects to which that methodology applies; and

(2) the emission reductions or sequestrations estimated by the expert teams for the same offset project do not differ by more than 10 percent.

SEC. 304. PROJECT INITIATION AND APPROVAL.

(a) PROJECT APPROVAL.—A project developer—

(1) may submit a petition for offset project approval at any time following the effective date of regulations promulgated under section 302; but

(2) may not use or distribute offset allowances until such approval is received and until after the emission reductions or sequestrations supporting the offset allowances have actually occurred.

(b) PETITION PROCESS.—Prior to offset registration and issuance of offset allowances, a project developer shall submit to the Administrator a petition that consists of—

(1) a copy of the monitoring and quantification plan prepared for the offset project, as described in subsection (d);

(2) a greenhouse gas initiation certification, as described in subsection (e); and

(3) subject to this subtitle, any other information identified by the Administrator in the regulations promulgated under section 302 as being necessary to meet the objectives of this subtitle.

(c) APPROVAL AND NOTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives a complete petition under subsection (b), the Administrator shall—

(A) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;

(B) determine whether the greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (e)(3); and

(C) notify the project developer of the determinations under subparagraphs (A) and (B).

(2) APPEAL.—The Administrator shall establish mechanisms for appeal and review of determinations made under this subsection.

(d) MONITORING AND QUANTIFICATION.—

(1) IN GENERAL.—A project developer shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration.

(2) MONITORING AND QUANTIFICATION PLAN.—A monitoring and quantification plan shall be used to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration as described in this subsection.

(3) PLAN COMPLETION AND RETENTION.—A monitoring and quantification plan shall be—

(A) completed for all offset projects prior to offset project initiation; and

(B) retained by the project developer for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a monitoring and quantification plan, including—

(A) a description of the offset project, including project type;

(B) a determination of accounting periods;

(C) an assignment of reporting responsibility;

(D) the contents and timing of public reports, including summaries of the original data, as well as the results of any analyses;

(E) a delineation of project boundaries, based on acceptable methods and formats;

(F) a description of which of the monitoring and quantification tools developed under subsection (f) are to be used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks associated with a project;

(G) a description of which of the standardized methods developed under subsection (g) are to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) based on the selection of tools and standardized methods described in subparagraphs (F) and (G), a determination of uncertainty in accordance with subsection (h);

(I) what site-specific data, if any, will be used in monitoring, quantification, and the determination of discounts;

(J) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case records are lost;

(K) subject to the requirements of this subtitle, any other information identified by the Administrator or the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(L) a description of the risk of reversals for the project, including any way in which the proposed project may alter the risk of reversal for the project or other projects in the area.

(e) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator shall seek to exclude each activity that undermines the integrity of the offset program established under this subtitle, such as the conversion or clearing of land, or marked change in management regime, in anticipation of offset project initiation.

(2) GREENHOUSE GAS INITIATION CERTIFICATION REQUIREMENTS.—A greenhouse gas initiation certification developed under this subsection shall include—

(A) the estimated greenhouse gas flux or carbon stock for the offset project for each of the 4 complete calendar years preceding the effective date of the regulations promulgated under section 302; and

(B) the estimated greenhouse gas flux or carbon stock for the offset project, averaged across each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Administrator, in conjunction with the Secretary of Agriculture—

(A) each greenhouse gas initiation certification submitted pursuant to this section shall be reviewed; and

(B) a determination shall be made as to whether, as a result of activities or behavior inconsistent with the purposes of this title, a significant deviation exists between the average annual greenhouse gas flux or carbon stock and the greenhouse gas flux or carbon stock for a given year.'

(4) ADJUSTMENT FOR PROJECTS WITH SIGNIFICANT DEVIATION.—In the case of a significant deviation, the Administrator shall adjust the number of allowances awarded in order to account for the deviation.

(f) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized tools for use in the monitoring and quantification of changes in greenhouse gas fluxes or carbon stocks for each offset project type listed under section 303(b).

(2) TOOL DEVELOPMENT.—The tools used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks shall, for each project type, include applicable—

(A) statistically-sound field and remote sensing sampling methods, procedures, techniques, protocols, or programs;

(B) models, factors, equations, or look-up tables; and

(C) any other process or tool considered to be acceptable by the Administrator, in conjunction with the Secretary of Agriculture.

(g) DEVELOPMENT OF ACCOUNTING AND DISCOUNTING METHODS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture, shall—

(A) develop standardized methods for use in accounting for additionality and uncertainty, estimating the baseline, and discounting for leakage for each offset project type listed under section 303(b); and

(B) require that leakage be subtracted from reductions in greenhouse gas emissions or increases in sequestration attributable to a project.

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a sequestration project, determine the greenhouse gas flux and carbon stock on comparable land identified on the basis of—

(i) similarity in current management practices;

(ii) similarity of regional, State, or local policies or programs; and

(iii) similarity in geographical and biophysical characteristics;

(B) in the case of an emission reduction project, use as a basis emissions from comparable land or facilities; and

(C) in the case of a sequestration project or emission reduction project, specify a selected time period.

(3) LEAKAGE.—The standardized methods used to determine and discount for leakage shall, at a minimum, take into consideration—

(A) the scope of the offset system in terms of activities and geography covered;

(B) the markets relevant to the offset project;

(C) emission intensity per unit of production, both inside and outside of the offset project; and

(D) a time period sufficient in length to yield a stable leakage rate.

(h) UNCERTAINTY FOR AGRICULTURAL AND FORESTRY PROJECTS.—

(1) IN GENERAL.—The Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized methods for use in determining and discounting for uncertainty for each offset project type listed under section 303(b).

(2) BASIS.—The standardized methods used to determine and discount for uncertainty shall be based on—

(A) the robustness and rigor of the methods used by a project developer to monitor and quantify changes in greenhouse gas fluxes or carbon stocks;

(B) the robustness and rigor of methods used by a project developer to determine additionality and leakage; and

(C) an exaggerated proportional discount that increases relative to uncertainty, as determined by the Administrator, in conjunction with the Secretary of Agriculture, to encourage better measurement and accounting.

(i) ACQUISITION OF NEW DATA AND REVIEW OF METHODS FOR AGRICULTURAL AND FORESTRY PROJECTS.—The Administrator, in conjunction with the Secretary of Agriculture, shall—

(1) establish a comprehensive field sampling program to improve the scientific bases on which the standardized tools and methods developed under this section are based; and

(2) review and revise the standardized tools and methods developed under this section, based on—

(A) validation of existing methods, protocols, procedures, techniques, factors, equations, or models;

(B) development of new methods, protocols, procedures, techniques, factors, equations, or models;

(C) increased availability of field data or other datasets; and

(D) any other information identified by the Administrator, in conjunction with the Secretary of Agriculture, that is necessary to meet the objectives of this subtitle.

(j) EXCLUSION.—No activity for which any emission allowances are received under subtitle C shall generate offset allowances under this subtitle.

SEC. 305. OFFSET VERIFICATION AND ISSUANCE OF ALLOWANCES.

(a) IN GENERAL.—Offset allowances may be claimed for net emission reductions or increases in sequestration annually, after accounting for any necessary discounts in accordance with section 304, by submitting a verification report for an offset project to the Administrator.

(b) OFFSET VERIFICATION.—

(1) SCOPE OF VERIFICATION.—A verification report for an offset project shall be—

(A) completed by a verifier accredited in accordance with paragraph (3); and

(B) developed taking into consideration—

(i) the information and methodology contained within a monitoring and quantification plan;

(ii) data and subsequent analysis of the offset project, including—

(I) quantification of net emission reductions or increases in sequestration;

(II) determination of additionality;

(III) calculation of leakage;

(IV) assessment of permanence;

(V) discounting for uncertainty; and

(VI) the adjustment of net emission reductions or increases in sequestration by the discounts determined under subclauses (II) through (V); and

(iii) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

(2) VERIFICATION REPORT REQUIREMENTS.—The Administrator shall specify the required components of a verification report, including—

(A) the quantity of offsets generated;

(B) the amount of discounts applied;

(C) an assessment of methods (and the appropriateness of those methods);

(D) an assessment of quantitative errors or omissions (and the effect of the errors or omissions on offsets);

(E) any potential conflicts of interest between a verifier and project developer; and

(F) any other provision that the Administrator considers to be necessary to achieve the purposes of this subtitle.

(3) VERIFIER ACCREDITATION.—

(A) IN GENERAL.—The regulations promulgated pursuant to section 302 shall establish a process and requirements for accreditation by a third-party verifier that has no conflicts of interest.

(B) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this paragraph shall be listed in a publicly-accessible database, which shall be maintained and updated by the Administrator.

(c) REGISTRATION AND AWARDING OF OFFSETS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives a verification report required under subsection (b), the Administrator shall—

(A) determine whether the offsets satisfy the applicable requirements of this subtitle; and

(B) notify the project developer of that determination.

(2) AFFIRMATIVE DETERMINATION.—In the case of an affirmative determination under paragraph (1), the Administrator shall—

(A) register the offset allowances in accordance with this subtitle; and

(B) issue the offset allowances.

(3) APPEAL AND REVIEW.—The Administrator shall establish mechanisms for the appeal and review of determinations made under this subsection.

SEC. 306. TRACKING OF REVERSALS FOR SEQUESTRATION PROJECTS.

(a) REVERSAL CERTIFICATION.—

(1) IN GENERAL.—The regulations promulgated pursuant to section 302 shall require the submission of a reversal certification for each offset project on an annual basis following the registration of offset allowances.

(2) REQUIREMENTS.—A reversal certification submitted in accordance with this subsection shall state—

(A) whether any unmitigated reversal relating to the offset project has occurred in the year preceding the year in which the certification is submitted; and

(B) the quantity of each unmitigated reversal.

(b) EFFECT ON OFFSET ALLOWANCES.—

(1) INVALIDITY.—The Administrator shall declare invalid all offset allowances issued for any offset project that has undergone a complete reversal.

(2) PARTIAL REVERSAL.—In the case of an offset project that has undergone a partial reversal, the Administrator shall render invalid offset allowances issued for the offset project in direct proportion to the degree of reversal.

(c) ACCOUNTABILITY FOR REVERSALS.—Liability and responsibility for compensation of a reversal of a registered offset allowance under subsection (a) shall lie with the owner of the offset allowance, as described in section 302.

(d) COMPENSATION FOR REVERSALS.—The unmitigated reversal of 1 or more registered offset allowances that were submitted for the purpose of compliance with section 202(a) shall require the submission of—

(1) an equal number of offset allowances; or

(2) a combination of offset allowances and emission allowances equal to the unmitigated reversal.

(e) PROJECT TERMINATION.—A project developer may cease participation in the domestic offset program established under this subtitle at any time, on the condition that any registered allowances awarded for increases in sequestration have been compensated for by the project developer through the submission of an equal number of any combination of offset allowances and emission allowances.

SEC. 307. EXAMINATIONS.

(a) REGULATIONS.—The regulations promulgated pursuant to section 302 shall govern the examination and auditing of offset allowances.

(b) REQUIREMENTS.—The governing regulations described in subsection (a) shall specifically consider—

(1) principles for initiating and conducting examinations;

(2) the type or scope of examinations, including—

(A) reporting and recordkeeping; and

(B) site review or visitation;

(3) the rights and privileges of an examined party; and

(4) the establishment of an appeal process.

SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.

(a) INITIATION OF OFFSET PROJECTS.—An offset project that commences operation on or after the effective date of the governing regulations described in section 307(a) shall be eligible to generate offset allowances under this subtitle if the offset project meets the other applicable requirements of this subtitle.

(b) PRE-EXISTING PROJECTS.—

(1) IN GENERAL.—The Administrator shall allow for the transition into the Registry of offset projects and banked offset allowances that, as of the effective date of regulations promulgated under section 307(a), are registered under or meet the standards of the Climate Registry, the California Action Registry, the GHG Registry, the Chicago Climate Exchange, the GHG Clean Projects Registry, or any other Federal, State, or private reporting programs or registries, if the Administrator determines that such other offset projects and banked offset allowances under those other programs or registries satisfy the applicable requirements of this subtitle.

(2) EXCEPTION.—An offset allowance that is expired, retired, or canceled under any other offset program, registry, or market as of the effective date of the governing regulations described in section 307(a) shall be ineligible for transition into the Registry.

SEC. 309. OFFSET REGISTRY.

In addition to the requirements established by section 304, an offset allowance registered under this subtitle shall be accompanied in the Registry by—

(1) a verification report submitted pursuant to section 305(a);

(2) a reversal certification submitted pursuant to section 306(a); and

(3) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

SEC. 310. ENVIRONMENTAL CONSIDERATIONS.

(1) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture, shall

act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

(2) REPORT ON POSITIVE EFFECTS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall submit to Congress a report detailing—

(A) the incentives, programs, or policies capable of fostering improvements to human health or the environment in conjunction with the implementation of offset projects under this subtitle; and

(B) the cost and benefits of those incentives, programs, or policies.

(3) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture and the Secretary of Interior, shall—

(A) act to enhance and increase the adaptive capability of natural systems and resilience of those systems to climate change, including through the support of biodiversity, native species, and land management practices that foster natural ecosystem conditions; and

(B) coordinate actions taken under this paragraph, to the maximum extent practicable, with existing programs that have overlapping outcomes to maximize environmental benefits.

(4) USE OF NATIVE PLANT SPECIES IN COMPLIANCE OFFSET PROJECTS.—Not later than 18 months after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations for the selection, use, and storage of native and nonnative plant materials—

(A) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

(B) to prohibit the use of Federal- or State-designated noxious weeds; and

(C) to prohibit the use of a species listed by a regional or State invasive plant council within the applicable region or State.

SEC. 311. PROGRAM REVIEW.

Not later than 5 years after the date of enactment of this Act, and periodically thereafter, the Administrator, in conjunction with the Secretary of Agriculture, shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated under this subtitle.

Subtitle B—Offsets and Emission Allowances From Other Countries

SEC. 321. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS IN OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system under which the Administrator shall register and issue offset allowances for projects that reduce greenhouse gas emissions or increase sequestration of carbon dioxide in countries other than the United States.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to this section in a calendar year shall not exceed 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to this section is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances the use of which use the Administrator shall allow under subparagraph (A) shall be equal to the difference between—

(i) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of domestic offset allowances issued in that year pursuant to this section.

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued in a calendar pursuant to this section and the quantity of international allowances used in that calendar year pursuant to paragraph (2) is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to this section in the subsequent calendar year shall not exceed the sum of—

(i) 5 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum of the quantity of offset allowances issued in the preceding calendar year pursuant to this section and the quantity of international allowances used in that year pursuant to paragraph (2).

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) take into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992; and

(2) require that, in order to be approved for use under this subtitle—

(A) a project shall be determined by the Administrator to meet the requirements under the regulations established pursuant to subtitle A; and

(B) the emission allowance shall not be provided for a project at facility that competes directly with a United States facility.

(d) ENTITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance issued pursuant to this section shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

SEC. 322. EMISSION ALLOWANCES FROM OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations, taking into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, approving the use in the United States of emission allowances issued by countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use in the United States—

(1) an emission allowance shall have been issued by a foreign country pursuant to a governmental program that imposes mandatory absolute tonnage limits on greenhouse gas emissions from the foreign country, or 1 or more industry sectors in that country, pursuant to protocols described in subsection (a); and

(2) the governmental program be of comparable stringency to the program established by this Act, including comparable monitoring, compliance, and enforcement.

(c) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an international allowance under this subtitle shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

Subtitle C—Agriculture and Forestry Program in the United States

SEC. 331. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.5 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

SEC. 332. AGRICULTURE AND FORESTRY PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations establishing a program for distributing emission allowances allocated pursuant to section 331 to entities in the agricultural and forestry sectors of the United States, including entities engaged in organic farming, as a reward for—

(1) achieving real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions from the operations of the entities;

(2) achieving real, verifiable, additional, permanent, and enforceable increases in greenhouse gas sequestration on land owned or managed by the entities; and

(3) conducting pilot projects or other research regarding innovative practices for use in measuring—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits and associated costs of the pilot projects.

(b) NITROUS OXIDE AND METHANE.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under subsection (a) specifically for achieving real, verifiable, additional, permanent, and enforceable reductions in nitrous oxide emissions through soil management or achieving real, verifiable, additional, permanent, and enforceable reductions in methane emissions through enteric fermentation and manure management shall be 0.5 percent.

(c) NEW METHODOLOGY INCUBATOR.—

(1) IN GENERAL.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under paragraph (2) specifically for creating methodologies, tools, and support for the development and deployment of new project types shall be at least 0.25 percent.

(2) SUPPORT FOR INNOVATION.—

(A) ACQUISITION OF NEW DATA, IMPROVEMENT OF METHODOLOGIES, AND DEVELOPMENT OF NEW TOOLS FOR DESIGNATED OFFSET ACTIVITY CATEGORIES.—The Administrator, in conjunction with the Secretary of Agriculture, shall establish a comprehensive field sampling and pilot project program to improve the scientific data and calibration of standardized tools and methodologies that—

(i) are used to measure greenhouse gas reductions or sequestration and baselines for categories of activities not covered by an emission limitation under this Act; and

(ii) are likely to provide significant emission reductions or sequestration.

(B) TARGETED SUPPORT FOR DEVELOPMENT AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(i) IN GENERAL.—The Administrator shall establish a program for development and deployment of new technologies and methods in greenhouse gas reductions or sequestration for activities not covered by an emission limitation under this Act.

(ii) SELECTION; FUNDING.—In carrying out the program under clause (i), the Administrator shall—

(I) select activities for participation in the program based on—

(aa) the potential emission reductions or sequestration of the activities; and

(bb) a market penetration review; and

(II) provide funding for a select number of projects—

(aa) to cover research on technological and other barriers, prototypes, first-of-the-kind risk coverage, and initial market barriers; and

(bb) under limited categories of activities that are dependent on forward progress.

(d) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that—

(1) maximizes the avoidance or reduction of greenhouse gas emissions; and

(2) ensures that entities participating in the program under this section do not receive more compensation for emission reductions under this program than the entities would receive for the same reductions through an offset project under subtitle A.

(e) PROHIBITION.—Emission reductions or sequestration increases generating offset allowances pursuant to subtitle A shall not be used the basis for a distribution of emission allowances under this section.

SEC. 333. AGRICULTURAL AND FORESTRY GREENHOUSE GAS MANAGEMENT RESEARCH.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator and scientific, agricultural, and forestry experts, shall prepare and submit to Congress a report that describes the status of research on agricultural and forestry greenhouse gas management, including a description of—

(1) research on soil carbon sequestration and other agricultural and forestry greenhouse gas management that has been carried out;

(2) any additional research that is necessary, including research into innovative practices to attempt to measure—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits or associated costs;

(3) the proposed priority for additional research;

(4) the most appropriate approaches for conducting the additional research; and

(5) the extent to which and the manner in which allowances that are specific to agricultural and forestry operations, including harvested wood products and the reduction of hazardous fuels to reduce the risk of uncharacteristically severe wildfires, should be valued and allotted.

(b) RESEARCH.—After the date of submission of the report described in subsection (a), the President and the Secretary of Agriculture (in collaboration with the Administrator and the member institutions of higher education of the Consortium for Agricultural Soil Mitigation of Greenhouse Gases, institutions of higher education, and research entities) shall initiate a program to conduct any additional research that is necessary.

TITLE IV—ESTABLISHING A GREENHOUSE GAS EMISSION ALLOWANCE TRADING MARKET

Subtitle A—Trading

SEC. 401. SALE, EXCHANGE, AND RETIREMENT OF ALLOWANCES.

Except as otherwise provided in this Act, and subject to the regulations promulgated pursuant to subtitle B, the lawful holder of an allowance may, without restriction—

(1) sell, exchange, or transfer the allowance; or

(2) submit the allowance for compliance in accordance with section 202.

SEC. 402. NO RESTRICTION ON TRANSACTIONS.

The privilege of purchasing, holding, selling, exchanging, and retiring allowances shall not be restricted to the owners and operators of covered entities.

SEC. 403. ALLOWANCE TRANSFER AND TRACKING SYSTEM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for issuing, recording, transferring, and tracking allowances.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance trading system; and

(2) provide that the transfer of allowances shall not be effective until such date as a written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator in accordance with the regulations promulgated pursuant to subsection (a).

Subtitle B—Market Oversight and Enforcement

SEC. 411. FINDING.

Congress finds that it is necessary to establish an interagency working group to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, including by ensuring that—

(1) the market—

(A) is designed to prevent fraud and manipulation, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information; and

(B)(i) is appropriately transparent, with real-time reporting of quotes and trades;

(ii) makes information on price, volume, and supply, and other important statistical information, available to the public on fair, reasonable, and nondiscriminatory terms;

(iii) is subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(iv) has the confidence of investors;

(2) the market—

(A) functions smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances; and

(B) promotes just and equitable principles of trade;

(3) the need of market participants and regulators for transparency is balanced against legitimate business concerns regarding the release of confidential, proprietary information;

(4) the market is subject to effective and comprehensive oversight and integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes;

(5) an appropriate interagency forum exists—

(A) for ongoing assessment of emerging regulatory matters and information-sharing; and

(B) to ensure regulatory coordination of the market;

(6) the market establishes an equitable system for best execution of customer orders; and

(7) the market protects investors and the public interest.

SEC. 412. CARBON MARKET OVERSIGHT AND REGULATION.

(a) DELEGATION OF AUTHORITY BY PRESIDENT.—The President, taking into consideration the recommendations of the Working Group established by subsection (b), shall delegate to members of the Working Group and the heads of other appropriate Federal entities the authority to promulgate regulations to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, based on the following core principles:

(1) The market shall—

(A) be designed to prevent fraud and manipulation relating to the trading of emission allowances and related markets, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information;

(B)(i) be appropriately transparent, with real-time reporting of quotes and trades; and

(ii) make information on price, volume, and supply, and other important statistical information available to the public on fair, reasonable, and nondiscriminatory terms;

(C) be subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(D) have the confidence of investors.

(2) The market shall—

(A) function smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

(B) be designed to prevent excessive speculation that could cause sudden or unreasonable fluctuations or unwarranted changes in the price of emission allowances; and

(C) promote just and equitable principles of trade.

(3) The need of market participants and regulators for transparency shall be balanced against legitimate business concerns concerning the release of confidential, proprietary information.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes.

(5) There shall be an appropriate interagency forum—

(A) for ongoing assessment of emerging regulatory matters and information sharing; and

(B) to ensure regulatory coordination of the market.

(6) The market shall establish an equitable system for best execution of customer orders.

(7) The market shall protect investors and the public interest.

(b) ESTABLISHMENT.—There is established an interagency working group, to be known as the "Carbon Markets Working Group" (referred to in this section as the "Working Group").

(c) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.

(5) The Chairman of the Federal Energy Regulatory Commission.

(6) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.—

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify—

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances under the cap-and-trade system for emission allowances established under this Act;

(ii) any relevant recommendations provided to the Working Group by Federal, State, or local governments, organizations, individuals, and entities; and

(iii) the activities, such as market regulation, policy coordination, and contingency planning, that are appropriate to carry out those recommendations.

(B) CONSULTATION.—In identifying appropriate activities under subparagraph (A)(iii), the Working Group shall consult with representatives of, as appropriate—

(i) various information exchanges and clearinghouses;

(ii) self-regulatory entities, securities exchanges, transfer agents, and clearing entities;

(iii) participants in the emission allowance trading market; and

(iv) other Federal entities, including—

(I) the Federal Reserve; and

(II) the Federal Trade Commission.

(2) STUDY.—The Working Group shall conduct a study of the major issues relating to the regulation of the emission allowance trading market and other carbon markets.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Working Group shall submit to the President and Congress a report describing—

(A) the progress made by the Working Group;

(B) recommendations of the Working Group regarding any regulations proposed pursuant to subsection (a);

(C) recommendations for additional legislative action, if necessary; and

(D) a timetable for the implementation of the new regulations to ensure that the regulations take effect before the effective date of regulations governing the emission allowance trading system.

(4) MEMORANDA OF UNDERSTANDING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall enter into a memorandum of understanding with the head of each appropriate Federal entity (including each appropriate Federal entity represented by a member of the Working Group, as applicable) relating to regulatory and enforcement coordination, information sharing, and other related matters to minimize duplicative or conflicting regulatory efforts.

(5) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the heads of other appropriate Federal entities to which the President has delegated regulatory authority under subsection (a) shall promulgate regulations in accordance with subsection (a).

(e) AUTHORITIES.—In promulgating and implementing regulations pursuant to this section, the promulgating Federal agencies shall have authorities equivalent to the authorities of those agencies under existing law.

(f) ENFORCEMENT.—Regulations promulgated under this section shall—

(1) be fully enforceable and subject to such fines and penalties as are provided under the laws (including regulations) administered by the Federal agency that promulgated the regulations under this section; and

(2) for the purpose of enforcement, in accordance with section 1722, be considered to have been promulgated pursuant to this Act.

(g) ADMINISTRATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from any Federal agency such information as the Working Group considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Working Group, the head of the agency shall provide the information to the Working Group.

(2) COMPENSATION OF MEMBERS.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) ADMINISTRATOR SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Administrator shall provide to the Working Group such administrative and support services as are necessary to assist the Working Group in carrying out the duties described in subsection (d).

(h) EFFECT OF SECTION.—Nothing in this section limits or restricts any regulatory or enforcement authority of a Federal entity as in effect on the date of enactment of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Carbon Market Efficiency Board

SEC. 421. ESTABLISHMENT.

There is established a board, to be known as the "Carbon Market Efficiency Board".

SEC. 422. COMPOSITION AND ADMINISTRATION.

(a) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of—

(A) 7 members who are citizens of the United States, to be appointed by the President, by and with the advice and consent of the Senate; and

(B) an advisor who is a scientist with expertise in climate change and the effects of climate change on the environment, to be appointed by the President, by and with the advice and consent of the Senate.

(2) REQUIREMENTS.—In appointing members of the Board under paragraph (1), the President shall—

(A) ensure fair representation of the financial, agricultural, industrial, and commercial sectors, and the geographical regions, of the United States, and include a representative of consumer interests;

(B) appoint not more than 1 member from each such geographical region; and

(C) ensure that not more than 4 members of the Board serving at any time are affiliated with the same political party.

(3) COMPENSATION.—

(A) IN GENERAL.—A member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(B) CHAIRPERSON.—The Chairperson of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(4) PROHIBITIONS.—

(A) CONFLICTS OF INTEREST.—An individual employed by, or holding any official relationship (including any shareholder) with, any entity engaged in the generation, transmission, distribution, or sale of energy, an individual who has any pecuniary interest in the generation, transmission, distribution, or sale of energy, or an individual who has a pecuniary interest in the implementation of this Act, shall not be appointed to the Board under this subsection.

(B) NO OTHER EMPLOYMENT.—A member of the Board shall not hold any other employment during the term of service of the member.

(b) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—The term of a member of the Board shall be 14 years, except that the members first appointed to the Board shall be appointed for terms in a manner that ensures that—

(i) the term of not more than 1 member shall expire during any 2-year period; and

(ii) no member serves a term of more than 14 years.

(B) OATH OF OFFICE.—A member shall take the oath of office of the Board by not later than 15 days after the date on which the member is appointed under subsection (a)(1).

(C) REMOVAL.—

(i) IN GENERAL.—A member may be removed from the Board on determination of the President for cause.

(ii) NOTIFICATION.—Not later than 30 days before removing a member from the Board for cause under clause (i), the President shall provide to Congress an advance notification of the determination by the President to remove the member.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) SERVICE UNTIL NEW APPOINTMENT.—A member of the Board the term of whom has expired or otherwise been terminated shall continue to serve until the date on which a replacement is appointed under subparagraph (A)(ii), if the President determines that service to be appropriate.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—Of members of the Board, the President shall appoint—

(1) 1 member to serve as Chairperson of the Board for a term of 4 years; and

(2) 1 member to serve as Vice-Chairperson of the Board for a term of 4 years.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Board shall hold the initial meeting of the Board as soon as practicable after the date on which all members have been appointed to the Board under subsection (a)(1).

(2) PRESIDING OFFICER.—A meeting of the Board shall be presided over by—

(A) the Chairperson;

(B) in any case in which the Chairperson is absent, the Vice-Chairperson; or

(C) in any case in which the Chairperson and Vice-Chairperson are absent, a chairperson pro tempore, to be elected by the members of the Board.

(3) QUORUM.—Four members of the Board shall constitute a quorum for a meeting of the Board.

(4) OPEN MEETINGS.—The Board shall be subject to section 552b of title 5, United States Code (commonly known as the "Government in the Sunshine Act").

(e) RECORDS.—The Board shall be subject to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(f) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than January 1, 2013, and annually thereafter, the Comptroller General of the United States shall conduct a review of the efficacy of the Board in fulfilling the purposes and duties of the Board under this subtitle.

SEC. 423. DUTIES.

The Board shall—

(1) gather such information as the Board determines to be appropriate regarding the status of the allowance market established pursuant to this Act, including information relating to—

(A) allowance allocation and availability;

(B) the price of allowances;

(C) macro- and micro-economic effects of unexpected significant increases and decreases in allowance prices, or shifts in the allowance market, should those increases, decreases, or shifts occur;

(D) the success of the market in promoting achievement of the purposes of this Act;

(E) economic effect thresholds that could warrant implementation of 1 or more cost relief measures described in section 521(a);

(F) in the event any cost relief measure described in section 521(a) is implemented, the effects of the measure on the market; and

(G) the minimum levels of cost relief measures that are necessary to achieve avoidance of economic harm and ensure achievement of the purposes of this Act;

(2) employ cost relief measures in accordance with section 521; and

(3) submit to the President and the Congress, and publish on the Internet, quarterly reports—

(A) describing—

(i) the status of the allowance market established under this Act;

(ii) regional, industrial, and consumer responses to the market and the economic costs and benefits of the market;

(iii) where practicable, investment responses to the market;

(iv) any corrective measures that Congress should take to relieve excessive net costs of the market; and

(v) plans to compensate for any such measures, to ensure that the long-term emissions reduction goals of this Act are achieved;

(B) that are timely and succinct, to ensure regular monitoring of market trends; and

(C) that are prepared independently by the Board.

Subtitle D—Climate Change Technology Board

SEC. 431. ESTABLISHMENT.

There is established, as an agency of the Federal Government, the Climate Change Technology Board.

SEC. 432. PURPOSE.

The purpose of the board established by section 431 is to advance the purposes of this Act by using the funds made available to the board under titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

SEC. 433. INDEPENDENCE.

The board established by section 431 shall have the authority to distribute funds made available to the board under this Act.

SEC. 434. ADVANCE NOTIFICATION OF DISTRIBUTIONS OF FUNDS.

Not less than 60 days before distributing any funds made available under this Act to the board established by section 431, the board shall—

(1) publish in the Federal Register a detailed notification of the distribution; and

(2) provide a detailed notification of the distribution to—

(A) the President;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Banking, Housing, and Urban Affairs;

(iii) the Committee on Budget;

(iv) the Committee on Commerce, Science, and Transportation;

(v) the Committee on Energy and Natural Resources;

(vi) the Committee on Environment and Public Works;

(vii) the Committee on Finance;

(viii) the Committee on Homeland Security and Governmental Affairs; and

(ix) the Committee on Small Business and Entrepreneurship;

(C) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Budget;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources;

(v) the Committee on Oversight and Government Reform;

(vi) the Committee on Science and Technology;

(vii) the Committee on Small Business;

(viii) the Committee on Transportation and Infrastructure;

(ix) the Committee on Ways and Means; and

(x) the Select Committee on Energy Independence and Global Warming; and

(D) the Joint Economic Committee and Joint Committee on Taxation of Congress.

SEC. 435. CONGRESSIONAL OVERSIGHT OF BOARD EXPENDITURES.

(a) DISAPPROVAL.—An obligation of funds for which a notification is submitted under section 434 shall not occur if Congress enacts legislation disapproving the obligation of funds by not later than 30 days after the date of receipt of the notification.

(b) REPORTS.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the board established by section 431 shall submit to each committee of Congress identified in section 434 a report describing, with respect to that calendar year—

(1) the actual amounts obligated during that year;

(2) the purposes for which the amounts were obligated; and

(3) the balance, if any, of the amounts that—

(A) were obligated during that year; but

(B) remain unexpended as of the date of submission of the report.

SEC. 436. REQUIREMENTS.

(a) COMPOSITION.—The board established by section 431 shall be composed of 5 directors who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as Chairperson.

(b) POLITICAL AFFILIATION.—Not more than 3 directors serving on the board at any time may be affiliated with the same political party.

(c) APPOINTMENT AND TERM.—Each director shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

(d) QUORUM.—Three directors shall constitute a quorum for a meeting of the board.

(e) PROHIBITIONS.—

(1) CONFLICTS OF INTEREST.—No individual employed by, or holding any official relationship with (including as a shareholder), any entity engaged in the sector in which businesses receive distributions of funds by the board, and no individual who has a pecuniary interest in the implementation of this Act, shall be appointed director.

(2) NO OTHER EMPLOYMENT.—A director shall not hold any other employment during the term of service of the director.

(f) VACANCIES.—

(1) IN GENERAL.—A vacancy on the board—

(A) shall not affect the powers of the board, subject to the condition that the board has a sufficient number of directors to establish a quorum; and

(B) shall be filled in the same manner as the original appointment was made.

(2) SERVICE UNTIL NEW APPOINTMENT.—A director whose term has expired or who has been removed from the board shall continue to serve until the date on which a replacement is appointed, if the President determines that service to be appropriate.

(g) REMOVAL.—

(1) IN GENERAL.—A director may be removed from the board for cause, on determination of the President.

(2) NOTIFICATION.—Not later than 30 days before removing a director for cause under paragraph (1), the President shall provide to the Congress an advance notification of the determination by the President to remove the director.

SEC. 437. REVIEWS AND AUDITS BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct periodic reviews and audits of the efficacy of the distributions of funds made by the board established by section 431.

Subtitle E—Auction on Consignment

SEC. 441. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which the Administrator shall, at the request of a recipient of a distribution of emission allowances under this Act—

(1) include those emission allowances among the quantity of emission allowances

sold by the Administrator at regular auction under this Act; and

(2) transfer the proceeds of the sale of those allowances to the recipient.

TITLE V—FEDERAL PROGRAM TO PREVENT ECONOMIC HARDSHIP

Subtitle A—Banking

SEC. 501. EFFECT OF TIME.

The passage of time shall not, by itself, cause an allowance to be retired or otherwise diminish the compliance value of the allowance.

Subtitle B—Borrowing

SEC. 511. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which, subject to subsection (b), the owner or operator of a covered entity may—

(1) borrow emission allowances from the Administrator; and

(2) for a calendar year, submit borrowed emission allowances to the Administrator in satisfaction of up to 15 percent of the compliance obligation under section 202.

(b) LIMITATION.—An emission allowance borrowed under subsection (a) shall be an emission allowance established by the Administrator for a specific future calendar year pursuant to section 201(a).

SEC. 512. TERM.

The owner or operator of a covered entity shall not submit, and the Administrator shall not accept, a borrowed emission allowance in partial satisfaction of the compliance obligation under section 202 for any calendar year that is more than 5 years earlier than the calendar year included in the identification number of the borrowed emission allowance.

SEC. 513. REPAYMENT WITH INTEREST.

For each borrowed emission allowance submitted in partial satisfaction of the compliance obligation under section 202 for a particular calendar year (referred to in this section as the "use year"), the quantity of emission allowances that the owner or operator is required to submit under section 202 for the year from which the borrowed emission allowance was taken (referred to in this section as the "source year") shall be equal to 1.1 raised by an exponent equal to the difference between the source year and the use year expressed as a positive whole number.

Subtitle C—Emergency Off-Ramps

SEC. 521. EMERGENCY OFF-RAMPS TRIGGERED BY BOARD.

(a) POWERS OF BOARD.—The Board may carry out 1 or more of the following cost relief measures to ensure functioning, stable, and efficient markets for emission allowances:

(1) Increase the quantity of emission allowances that covered entities may borrow from the Administrator.

(2) Expand the period during which a covered entity may repay the Administrator for an emission allowance borrowed under paragraph (1).

(3) Increase the quantity of emission allowances obtained on a foreign greenhouse gas emissior trading market that the owner or operator of any covered entity may use to satisfy the allowance submission requirement of the covered entity under section 201, on the condition that the Administrator has certified the market in accordance with the regulations promulgated pursuant to section 322.

(4) Increase the quantity of offset allowances generated in accordance with section 303 that the owner or operator of any covered entity may use to satisfy the total allowance submission requirement of the covered entity under section 201.

(b) SUBSEQUENT ACTIONS.—On determination by the Board to carry out a cost relief measure pursuant to subsection (a), the Board shall—

(1) allow the cost relief measure to be used only during the applicable allocation year;

(2) exercise the cost relief measure incrementally, and only as needed to avoid significant economic harm during the applicable allocation year;

(3) specify the terms of the relief to be achieved using the cost relief measure;

(4) in accordance with section 423, submit to the President and Congress a report describing the actions carried out by the Board; and

(5) evaluate, at the end of the applicable allocation year, actions that need to be carried out during subsequent years to compensate for any cost relief measure carried out during the applicable allocation year.

(c) LIMITATIONS.—Nothing in this section gives the Board the authority—

(1) to consider or prescribe entity-level petitions for relief from the costs of an emission allowance allocation or trading program established under Federal law;

(2) to carry out any investigative or punitive process under the jurisdiction of any Federal or State court;

(3) to interfere with, modify, or adjust any emission allowance allocation scheme established under Federal law; or

(4) to modify the total quantity of emission allowances issued under this Act for the period of calendar years 2012 through 2050.

SEC. 522. COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—In December of each of calendar years 2012 through 2027, the Administrator shall conduct a cost-containment auction of emission allowances that shall be separate from other auctions of emission allowances conducted by the Administrator under this Act.

(b) RESTRICTION TO COVERED ENTITIES.—In any calendar year referred to in subsection (a), only covered entities that were required under section 202 to submit emission allowances for the preceding calendar year shall be eligible to purchase emission allowances at the cost-containment auction under that subsection.

(c) USE OF EMISSION ALLOWANCES PURCHASED AT A COST-CONTAINMENT AUCTION.—An emission allowance purchased at a cost-containment auction shall—

(1) be submitted by the purchaser for compliance under section 202 not later than 1 calendar year after the date of purchase of the emission allowance; and

(2) otherwise be valid for compliance under that section irrespective of the year for which the emission allowance was established by the Administrator.

SEC. 523. COST-CONTAINMENT AUCTION PRICE.

(a) IN GENERAL.—At each cost-containment auction, the Administrator shall offer emission allowances for sale beginning at a minimum price, which shall be known as the "cost-containment auction price".

(b) COST-CONTAINMENT AUCTION PRICE IN 2012.—

(1) IN GENERAL.—The cost-containment auction price for the cost-containment auction that takes place in December 2012 shall be the price established under paragraph (2).

(2) INITIAL COST-CONTAINMENT AUCTION PRICE.—

(A) PRESIDENTIAL DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the President shall establish the cost-containment auction price for calendar year 2012 from within the range specified in subparagraph (B), the cost-containment auction price for calendar year 2012.

(B) RANGE.—The cost-containment auction price per emission allowance for December 2012 shall be—

(i) not less than $22; and

(ii) not more than $30.

(C) ECONOMIC MODELING.—The President shall establish the cost-containment auction price under this paragraph based on economic computer modeling relating to this Act conducted by—

(i) the Administrator; and

(ii) the Administrator of the Energy Information Administration.

(D) PUBLIC INPUT.—The Administrator and the Administrator of the Energy Information Administration shall provide public notice of, and an opportunity to comment on, the computer models, assumptions, and protocols planned to be used in modeling relating to this Act under subparagraph (C).

(c) COST-CONTAINMENT AUCTION PRICE IN SUBSEQUENT YEARS.—At the cost-containment auction for each of calendar years 2013 through 2027, the cost-containment auction price per emission allowance shall be equal to the product obtained by multiplying—

(1) the cost-containment auction price that applied to the cost-containment auction that was conducted during the preceding calendar year; and

(2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

SEC. 524. REGULAR AUCTION RESERVE PRICE.

(a) IN GENERAL.—At any regular auction, there shall be a regular auction reserve price below which the Administrator shall not sell any emission allowance.

(b) REGULAR AUCTION RESERVE PRICE IN 2012.—At any regular auction that takes place during calendar year 2012, the regular auction reserve price per emission allowance shall be $10.

(c) REGULAR AUCTION RESERVE PRICE IN SUBSEQUENT YEARS.—For each of calendar years 2013 through 2027, the regular auction reserve price at any regular auction that takes place during the calendar year shall be equal to the product obtained by multiplying—

(1) the regular auction reserve price that applied to each regular auction conducted during the preceding calendar year; and

(2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

SEC. 525. POOL OF EMISSION ALLOWANCES FOR THE COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a cost-containment auction pool to reserve the emission allowances that shall be offered for sale at the annual cost-containment auctions.

(b) FILLING THE COST-CONTAINMENT AUCTION POOL.—

(1) IN GENERAL.—Notwithstanding section 201(a), the Administrator shall, not later than 2 years after the date of enactment of this Act, reserve a total of 6,000,000,000 of the emission allowances established for the period of calendar years 2030 through 2050 pursuant to that section and transfer the emission allowances to the cost-containment auction pool.

(2) GRADUATED REMOVAL.—For each of calendar years 2031 through 2050, the quantity of emission allowances reserved pursuant to paragraph (1) from the quantity established for that year pursuant to section 201(a) shall be greater, by a percentage that remains constant from calendar year to calendar year, than the quantity reserved from the preceding year.

(c) SUPPLEMENTING THE COST-CONTAINMENT AUCTION POOL.—The Administrator shall transfer to the cost-containment auction pool each emission allowance that was not sold at a regular auction because of the operation of the regular auction reserve price.

SEC. 526. LIMIT ON THE QUANTITY OF EMISSION ALLOWANCES SOLD AT ANY COST-CONTAINMENT AUCTION.

(a) IN GENERAL.—At each cost-containment auction, there shall be a limit on the quantity of emission allowances that the Administrator may sell at the auction.

(b) COST-CONTAINMENT AUCTION LIMIT IN 2012.—At the cost-containment auction that takes place during December 2012, the cost-containment auction limit described in subsection (a) shall be 450,000,000 emission allowances.

(c) COST-CONTAINMENT AUCTION LIMIT IN SUBSEQUENT YEARS.—At the cost-containment auction during each of calendar years 2013 through 2027, the cost-containment auction limit described in subsection (a) shall be the product obtained by multiplying—

(1) the cost-containment auction limit that applied to the cost-containment auction that took place during the preceding calendar year; and

(2) 0.99.

(d) PER-ENTITY PURCHASE LIMIT.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall, by regulation, establish for each cost-containment auction a limitation on the number of emission allowances that any single entity may purchase at the cost-containment auction.

(2) REQUIREMENT.—A limitation under paragraph (1) shall be established at a quantity that ensures fair access to emission allowances by all covered entities that are eligible to purchase emission allowances at the cost-containment auction.

SEC. 527. USING THE PROCEEDS OF THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) ACHIEVING ADDITIONAL EMISSION REDUCTIONS FROM UN-CAPPED SOURCES.—

(1) IN GENERAL.—The Administrator shall use 70 percent of the proceeds from each cost-containment auction to achieve additional greenhouse gas emission reductions from entities that are not subject to the compliance obligation under section 202.

(2) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this subsection.

(b) PROVIDING ADDITIONAL RELIEF TO ENERGY CONSUMERS.—The Administrator shall deposit 30 percent of the proceeds from each cost-containment auction in the Climate Change Consumer Assistance Fund established by section 581.

SEC. 528. RETURNING EMISSION ALLOWANCES NOT SOLD AT THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) ORDER OF SALE OF EMISSION ALLOWANCES IN COST-CONTAINMENT AUCTION POOL.—The Administrator shall not sell at a cost-containment auction an emission allowance reserved pursuant to section 525(b) from the quantity of emission allowances established for a particular calendar year until such time as the Administrator has sold all emission allowances reserved from the quantity of emission allowances established for earlier calendar years.

(b) RETURN OF UNSOLD EMISSION ALLOWANCES IN THE COST-CONTAINMENT AUCTION POOL.—Immediately prior to the cost-containment auction during each of calendar years 2022 through 2027, the Administrator shall remove from the cost-containment auction pool, and make subject again to allocation or sale at regular auction in accordance with this Act, each emission allowance that—

(1) has, by that time, remained in the cost-containment auction pool for more than 9 years; and

(2) was established pursuant to section 201(a) for a calendar year that is fewer than 10 years subsequent to the calendar year during which the impending cost-containment auction will occur.

SEC. 529. DISCONTINUING THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—Notwithstanding section 521(a), if the cost-containment auction pool is exhausted at a cost-containment auction, the Administrator shall conduct no further cost-containment auctions.

(b) RETIREMENT OF EMISSION ALLOWANCES NOT SOLD AT REGULAR AUCTIONS OCCURRING AFTER FINAL COST-CONTAINMENT AUCTION.—Immediately following any regular auction that occurs after the Administrator has conducted a final cost-containment auction, the Administrator shall retire any emission allowances not sold at that regular auction because of the operation of the regular auction reserve price.

Subtitle D—Transition Assistance for Workers

SEC. 531. ESTABLISHMENT.

There is established in the Treasury a fund, to be known as the "Climate Change Worker Training and Assistance Fund."

SEC. 532. AUCTIONS.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Worker Training and Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Worker Training and Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	2
2025	2
2026	2
2027	2
2028	3
2029	3
2030.	3
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3.

SEC. 533. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 532, immediately upon receipt of those proceeds, in the Climate Change Worker Training and Assistance Fund.

SEC. 534. USES.

(a) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—For each of calendar years 2012 through 2050, 30 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Energy Efficiency and Renewable Energy Worker Training Program established by section 171(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)).

(b) CLIMATE CHANGE WORKER ADJUSTMENT PROGRAM.—For each of calendar years 2012 through 2050, 60 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Climate Change Worker Assistance Program established pursuant to section 535.

(c) WORKFORCE TRAINING AND SAFETY.—For each of calendars year 2012 through 2050, 10 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out section 536.

SEC. 536. CLIMATE CHANGE WORKER ASSISTANCE PROGRAM.

(a) PURPOSE.—The purpose of this section is to ensure that any individual workers and groups of employees that are adversely affected by Federal policy and climate change legislation receive the benefits, skill training, retraining, and job search assistance that will enable the workers and groups to maintain self-sufficiency and obtain family-sustaining jobs that contribute to overall economic productivity, international competitiveness, and the positive quality of life expected by all individuals in the United States.

(b) DEFINITIONS.—In this section:

(1) DEPUTY ASSISTANT SECRETARY.—The term "Deputy Assistant Secretary" means the Deputy Assistant Secretary for Climate Change Adjustment Assistance appointed under subsection (e)(2).

(2) MASC.—The term "MASC" means the Multi-Agency Steering Committee established under subsection (d)(1).

(3) OFFICE.—The term "Office" means the Office of Climate Change Adjustment Assistance established by subsection (e).

(4) PROGRAM.—The term "Program" means the Climate Change Worker Adjustment Assistance Program established under regulations promulgated under subsection (c).

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(c) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, the Secretary of Energy, and the Secretary of Commerce, shall promulgate regulations to establish a Climate Change Worker Adjustment Assistance Program to achieve the purpose of this section.

(d) MULTI-AGENCY STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Multi-Agency Steering Committee.

(2) COMPOSITION.—The MASC shall be—

(A) composed of representatives of the Secretary, the Secretary of Commerce, and the Secretary of Energy; and

(B) chaired by the Administrator.

(3) ACTIVITIES.—The MASC shall—

(A) not later than 60 days after the date of enactment of this Act, negotiate and sign a memorandum of understanding that affirms the commitment of relevant Federal agencies to work cooperatively to carry out the activities of the Program;

(B) not later than 120 days after the date of enactment of this Act, establish a National Climate Change Advisory Committee (referred to in this subsection as the "Advisory Committee"), which shall be composed of an equal number of representatives, to be nominated by the Speaker of the House of Representatives and the Majority Leader of the Senate, of labor organizations (as defined in section 401.9 of title 29, Code of Federal Regulations (as in effect on the date of enactment of this Act)) and business organizations to advise the MASC on—

(i) the strategic plan and the structure and operation of the Program;

(ii) the content of applicable regulations; and

(iii) industry trends, workforce developments, and other matters relating to the impact of Federal climate change legislation;

(C)(i) not later than 120 days after the date of enactment of this Act, hold planning meetings; and

(ii) not later than 270 days after the date of enactment of this Act, formulate a comprehensive strategic plan for addressing impacts of Federal climate change legislation on each segment of the workforce;

(D) report the anticipated results of the strategic plan to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(E) submit to the President and Congress an annual report on the performance, achievements, and challenges of the Program; and

(F) meet as often as necessary, but not less often than quarterly, in person—

(i) to monitor the administration of the Program; and

(ii) to ensure that the Program is being carried out by the Office in a manner consistent with the purpose of the Program.

(e) OFFICE OF CLIMATE CHANGE ADJUSTMENT ASSISTANCE.—

(1) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the "Office of Climate Change Adjustment Assistance".

(2) HEAD OF OFFICE.—The head of the Office shall be the Deputy Assistant Secretary for Climate Change Adjustment Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

(3) PRINCIPAL FUNCTIONS.—The principal functions of the Deputy Assistant Secretary shall be—

(A) to oversee and implement the administration of the Program; and

(B) to carry out functions delegated to and by the Secretary under this section.

(f) PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations for administration of the Program.

(2) COORDINATION.—The Secretary shall develop the regulations in consultation with—

(A) the MASC;

(B) the Committee on Ways and Means of the House of Representatives;

(C) the Committee on Education and Labor of the House of Representatives;

(D) the Committee on Finance of the Senate; and

(E) the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) INCLUSIONS.—The regulations shall include definitions of and procedures for—

(A) the provision of comprehensive information to workers about the benefit allowances, training, and other employment services available under this section (including application procedures, and the appropriate filing dates, for the allowances, training, and services);

(B) the filing of petitions for certification of eligibility for workers to apply for climate change adjustment assistance, including mechanisms to ensure rapid response to filed petitions;

(C) the establishment of eligibility requirements for eligible climate change training and assistance benefits and the terms of the disbursal of any assistance benefits;

(D) requests for a hearing by a petitioner, or any other person or organization with a substantial interest in the proceedings;

(E) an appeals process;

(F) termination of any certification eligibility;

(G) certification of eligibility requirements for a group of workers, adversely affected secondary workers, and industry-wide certification, including a mechanism by which the Secretary will notify each Governor of a State in which workers are located of the certification; and

(H) a means of ensuring publication of any determinations in the Federal Register and on the website of the Department of Labor.

(g) PROGRAM BENEFITS.—

(1) DEFINITIONS.—In this subsection:

(A) BASE REPLACEMENT WAGE AMOUNT.—The term "base replacement wage amount" means, as determined by the case manager of an applicant, the total weekly wages or salary of the applicant at the most recent position held by the applicant at a firm or public agency before the date on which the position of the applicant was partially or totally terminated by the firm or public agency.

(B) CLIMATE CHANGE READJUSTMENT ALLOWANCE.—The term "climate change readjustment allowance" means a regular payment made to an applicant that, in combination with unemployment insurance payments made to the applicant, is equal to the base replacement wage amount.

(C) HEALTH CARE BENEFIT REPLACEMENT AMOUNT.—The term "health care benefit replacement amount" means, as determined by the case manager of an applicant who is eligible to receive a climate change readjustment allowance, a regular payment made to a health care provider to allow the applicant to maintain health care benefits, for the applicant and the family of the applicant, with no loss of service, during the period for which the applicant is eligible to receive the climate change readjustment allowance.

(2) CLIMATE CHANGE ADJUSTMENT ASSISTANCE.—The Secretary shall determine, in consultation with the MASC and the National Climate Change Advisory Committee, the types of climate change training and assistance benefits that should be provided under the Program.

(3) TYPES OF ELIGIBLE ASSISTANCE.—Benefits eligible to be disbursed under the Program include a payment of—

(A) a climate change readjustment allowance; and

(B) a health care benefit replacement amount.

(4) LIMITATIONS ON CLIMATE CHANGE READJUSTMENT ALLOWANCES.—An eligible worker may receive the benefits described in subparagraphs (A) and (B) of paragraph (3) for a duration of not longer than 3 years.

(5) PAYMENTS AS A BRIDGE TO RETIREMENT.—A worker eligible to receive climate change adjustment assistance may apply for a lump sum payment to be paid to a retirement plan in order to qualify for retirement under the rules and regulations of that plan.

(6) EMPLOYMENT AND CASE MANAGEMENT SERVICES.—The Secretary shall provide, through agreements with State employment services agencies, to adversely affected workers covered by a certification of eligibility for a climate change readjustment allowance, the following employment and case management information and services:

(A) Comprehensive and specialized assessment of skill levels and service needs, including through—

(i) diagnostic testing and use of other assessment tools; and

(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(B) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(C) Information on—

(i) training available in local and regional areas;

(ii) individual counseling to determine which training is most suitable; and

(iii) information on how to apply for that training.

(D) Information on how to apply for financial aid, including—

(i) referring workers to educational opportunity centers under section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable; and

(ii) notifying workers that the workers may ask financial aid administrators at institutions of higher education to allow use of their current year income in the financial aid process.

(E) Short-term provisional services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(F) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving climate change readjustment allowances under this section, and for the purpose of job placement after receiving that training.

(G) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in those labor market areas;

(ii) information on job skills necessary to obtain jobs identified in job vacancy listings described in clause (i);

(iii) information relating to local occupations that are in demand and earnings potential of those occupations; and

(iv) skill requirements for local occupations described in clause (iii).

(H) Supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(7) STATE ADMINISTRATION OF WORKER ASSISTANCE.—A State employment security agency, acting pursuant to an agreement with the Secretary, shall carry out such administrative activities (including using State agency personnel employed in accordance with applicable standards for a merit system of personnel administration) as are necessary for the proper and efficient operation of the Program, including—

(A) making determinations of eligibility for, and payment of, climate change readjustment allowances and health care benefit replacement amounts;

(B) developing recommendations regarding use of those payments as a bridge to retirement in accordance with this subsection; and

(C) the provision of employment and case management services to eligible workers as described in paragraph (6).

(h) TRAINING.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish procedures for the allocation among States, for each fiscal year, of funds available to pay the costs of training for climate change adjustment assistance-eligible individuals under this section.

(2) INCLUSION IN STRATEGIC PLAN.—The procedures established under paragraph (1) shall be described in the strategic plan described in subsection (d)(3)(C)(ii).

(3) DISTRIBUTION.—In establishing and implementing the procedures under paragraph (1), the Secretary shall—

(A) provide for at least 3 distributions of funds available for training during a fiscal year; and

(B) during the first such distribution for a fiscal year, disburse not more than 50 percent of the total amount of funds available to a State for training for that fiscal year.

(4) APPROVAL OF TRAINING.—

(A) IN GENERAL.—If the Secretary makes a determination described in subparagraph (B), the Secretary shall approve training described in that subparagraph for the worker.

(B) DETERMINATION.—The determination referred to in subparagraph (A) is a determination that—

(i) a worker would benefit from appropriate training;

(ii) there is reasonable expectation of employment following completion of the training;

(iii) training approved by the Secretary is reasonably available to the worker from government agencies or a private source;

(iv) the worker is qualified to undertake and complete the training; and

(v) the training is suitable for the worker and available at a reasonable cost.

(C) PAYMENT.—A worker approved to receive training under this paragraph shall be entitled to have payment of the costs of the training (subject to applicable limitations under this section) paid on behalf of the Secretary directly or through a voucher system.

(5) TRAINING PROGRAMS.—The training programs for which a worker may be approved under paragraph (4) include—

(A) employer-based training, including on-the-job training, customized training, and skill upgrading for incumbent workers;

(B) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(C) any training program provided by a workforce investment board established under section 111 of that Act (29 U.S.C. 2821);

(D) any program of remedial education;

(E) skill development and training for jobs relating to renewable energy, low- or zero-carbon technologies, energy efficiency, and the remediation and cleanup of environmentally distressed areas; and

(F) any other training program approved by the Secretary.

(6) REGULATIONS.—The Secretary shall promulgate regulations that establish criteria for use in carrying out this subsection.

(7) SUPPLEMENTAL ASSISTANCE.—The Secretary may, as appropriate, authorize supplemental assistance that is necessary to defray reasonable transportation and subsistence expenses for separate maintenance in a case in which training for a worker is provided in a facility that is not within commuting distance of the regular place of residence of the worker.

(8) ADDITIONAL ON-THE-JOB TRAINING.—Under the Program, the Secretary may provide funds to be used as job search allowances and relocation allowances.

(9) LABOR CONSULTATION.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in a geographical area that is the same as the geographical area that is proposed to be funded under this section, the labor organization shall be provided an opportunity to be consulted and to submit comments with respect to the proposal.

(i) CONSISTENCY WITH CURRENT LABOR LAWS.—The Secretary shall determine which Federal worker protection, nondiscrimination requirements, and labor standards apply to the Program.

SEC. 536. WORKFORCE TRAINING AND SAFETY.

(a) DEFINITION OF ZERO- AND LOW-EMITTING CARBON ENERGY TECHNOLOGY.—In this section, the term "zero- and low-emitting carbon energy technology" means any technology that has a rated capacity of at least 750 megawatts of power.

(b) EDUCATION PROGRAMS.—In order to enhance the educational opportunities and safety of future generations of scientists, engineers, heath physicists, and energy workforce employees, funds made available under section 534(c) shall be used for programs to assist institutions of education in the United States—

(1) to remain at the forefront of science education and research;

(2) to operate advanced energy research facilities and carry out other related educational activities; and

(3) to conduct climate change science and policy education.

(c) WORKFORCE TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations—

(A) to implement a program to provide workforce training to meet the high demand for workers skilled in zero- and low-emitting carbon energy technologies;

(B) to implement programs for—

(i) electrical craft certification;

(ii) career and technology awareness at the primary and secondary education levels;

(iii) preapprenticeship career technical education for all zero- and low-emitting carbon energy technologies relating to industrial skilled crafts;

(iv) community college and skill center training for zero- and low-emitting carbon energy technology technicians;

(v) training of construction management personnel for zero- and low-carbon emitting carbon energy technology construction projects; and

(vi) regional grants for integrated zero- and low-emitting carbon energy technology workforce development programs; and

(C) to ensure the safety of workers in the fields described in subparagraphs (A) and (B).

(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with relevant Federal agencies, representatives of the zero- and low-carbon emitting technologies industries, and organized labor regarding the skills and safety measures required in those industries.

Subtitle E—Transition Assistance for Carbon-Intensive Manufacturers

SEC. 541. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of carbon-intensive manufacturing facilities in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2012	11
2013	11
2014	11
2015	11
2016	11
2017	11
2018	11
2019	11
2020	11
2021	11
2022	10
2023	9

Calendar year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2024	7
2025	6
2026	5
2027	4
2028	3
2029	2
2030	1.

SEC. 542. DISTRIBUTION.

(a) DEFINITIONS.—In this section:

(1) CURRENTLY OPERATING FACILITY.—The term "currently operating facility" means an eligible manufacturing facility that had significant operations during the calendar year preceding the calendar year for which emission allowances are distributed under this section.

(2) ELIGIBLE MANUFACTURING FACILITY.—

(A) IN GENERAL.—The term "eligible manufacturing facility" means a manufacturing facility located in the United States that principally manufacturers iron, steel, pulp, paper, cement, rubber, chemicals, glass, ceramics, sulfur hexafluoride, or aluminum and other nonferrous metals.

(B) EXCLUSION.—The term "eligible manufacturing facility" does not include a facility eligible to receive emission allowances under subtitle F or H.

(3) INDIRECT CARBON DIOXIDE EMISSIONS.—The term "indirect carbon dioxide emissions" means the product obtained by multiplying (as determined by the Administrator)—

(A) the quantity of electricity consumption at an eligible manufacturing facility; and

(B) the rate of carbon dioxide emission per kilowatt-hour output for the region in which the manufacturer is located.

(4) NEW ENTRANT MANUFACTURING FACILITY.—The term "new entrant manufacturing facility", with respect to a calendar year, means an eligible manufacturing facility that began operation during or after the calendar year for which emission allowances are being distributed under this section.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual carbon-intensive manufacturing facilities in the United States, the emission allowances allocated for that year by section 541.

(c) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 96 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to owners and operators currently operating those facilities.

(d) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES IN EACH CATEGORY OF MANUFACTURING.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to facilities in each category of currently operating facilities shall be equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation under section 541; and

(2) the ratio that (during the calendar year preceding the calendar year for which emission allowances are being distributed under this section)—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by currently operating facilities in the category; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by all currently operating facilities.

(e) INDIVIDUAL ALLOCATIONS TO CURRENTLY OPERATING FACILITIES.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a currently operating facility shall be a quantity equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation to owners and operators of currently operating facilities in the appropriate category, as determined under subsection (c); and

(2) the proportion that, during the 3-calendar-year period immediately preceding the calendar year for which emission allowances are being distributed under this section—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section by the facility; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section of all currently operating facilities in the same category.

(f) ENERGY INTENSITY-BASED ALLOCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing an analysis of the feasibility of distributing a portion or all of the emission allowances distributed under this section to single facilities on an energy-intensity basis.

(2) REGULATIONS.—If the report under paragraph (1) contains a determination by the Administrator that an energy intensity-based distribution program would encourage efficiency, and would not cause undue economic harm, the Administrator, not later than 18 months after the date of submission of the report, shall promulgate regulations establishing a program to supplement or replace the emission allowance allocations required under subsection (d) for any industry category or subcategory that the Administrator determines to be appropriately benchmarked.

(g) INDIVIDUAL ALLOCATION TO NEW ENTRANT MANUFACTURING FACILITIES.—

(1) IN GENERAL.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 4 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to those manufacturing facilities that are new entrant manufacturing facilities.

(2) INDIVIDUAL ALLOCATION.—Subject to paragraph (3), the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a new entrant manufacturing facility shall equal the product obtained by multiplying—

(A) the total quantity of emission allowances available for allocation under paragraph (1); and

(B) the proportion that—

(i) the estimated direct and indirect carbon dioxide equivalent emissions of the individual new entrant manufacturing facility during the preceding calendar year; bears to

(ii) the sum of the estimated direct and indirect carbon dioxide equivalent emissions of all new entrant manufacturing facilities during the preceding calendar year.

(3) MAXIMUM ALLOCATION.—In no case may the quantity of emission allowances allocated to a new entrant manufacturing facility under this subsection exceed the quantity that would have been allocated to the new entrant manufacturing facility if the new entrant manufacturing facility had been a currently operating facility during the preceding calendar year.

(h) FACILITIES THAT SHUT DOWN.—

(1) IN GENERAL.—The system established pursuant to subsection (b) shall ensure, notwithstanding any other provision of this subtitle, that—

(A) emission allowances are not distributed to an owner or operator of any facility that has been permanently shut down at the time of distribution;

(B) the owner or operator of any facility that permanently shuts down in a calendar year shall promptly return to the Administrator any emission allowances that the Administrator has distributed for that facility for any subsequent calendar years; and

(C) if a facility receives a distribution of emission allowances under this subtitle for a calendar year and subsequently permanently shuts down during that calendar year, the owner or operator of the facility shall promptly return to the Administrator a number of emission allowances equal to the number that the Administrator determines is the portion that the owner or operator will no longer need to submit for that facility under section 202.

(2) EXEMPTION.—Subparagraphs (B) and (C) of paragraph (1) shall not apply if an owner or operator of a facility demonstrates to the Administrator that, not later than 2 years after the date on which the facility shut down, the owner or operator will open a comparable new facility, or increase the capacity of an existing facility by a comparable capacity, within the United States.

(i) PETROLEUM REFINERS.—The Administrator may include, in the system established pursuant to subsection (b), provisions for distributing not more than 10 percent of the emission allowances allocated pursuant to section 541 for each calendar year solely among owners and operators of entities that manufacture in the United States petroleum-based liquid or gaseous fuel, in recognition of the direct emission of carbon dioxide by those entities in the manufacture of those fuels.

Subtitle F—Transition Assistance for Fossil Fuel-Fired Electricity Generators

SEC. 551. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of fossil fuel-fired electricity generators in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	18
2014	18
2015	18
2016	17.75
2017	17.5
2018	17.25
2019	16.25
2020	15
2021	13.5
2022	11.25
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3
2030	2.75.

SEC. 552. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual fossil fuel-fired electricity generators in the United States, the emission allowances allocated for that year by section 551.

(b) CALCULATION.—The regulations promulgated pursuant to subsection (a) shall provide that the quantity of emission allowances distributed to the owner or operator of an individual fossil fuel-fired electricity generator for a calendar year shall be equal to the product obtained by multiplying—

(1) the quantity of emission allowances allocated pursuant to section 551; and

(2) the quotient obtained by dividing—

(A) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enactment of this Act; by

(B) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(c) RURAL ELECTRIC COOPERATIVES.—

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for distributing solely among rural electric cooperatives not more than 5 percent of the emission allowances allocated pursuant to section 551 for each calendar year.

(2) PILOT PROGRAM.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall establish a pilot program to distribute, to rural electric cooperatives in the States described in subparagraph (B), for each of calendar years 2012 through 2029, 15 percent of the total number of emission allowances allocated for the calendar year to rural electric cooperatives under section 551.

(B) DESCRIPTION OF STATES.—The States referred to in subparagraph (A) are—

(i) 1 State located east of the Mississippi River in which 13 rural electric cooperatives sold to consumers in that State electricity in a quantity of 9,000,000 to 10,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005; and

(ii) 1 State located west of the Mississippi River in which 30 rural electric cooperatives sold to consumers in that State electricity in a quantity of 3,000,000 to 4,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005.

(C) LIMITATION.—No rural electric cooperative that receives emission allowances under this paragraph shall receive any additional emission allowance under subtitle A or the regulations promulgated under subsection (a).

(D) REPORT.—Not later than January 1, 2015, and every 3 years thereafter, the Administrator shall submit to Congress a report describing the success of the pilot program established under this paragraph, including a description of—

(i) the benefits realized by ratepayers of the rural electric cooperatives that receive allowances under the pilot program; and

(ii) the use by those rural electric cooperatives of advanced, low greenhouse gas-emitting electric generation technologies, if any.

Subtitle G—Transition Assistance for Refiners of Petroleum-Based Fuel

SEC. 561. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2017, the Administrator shall allocate 2 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities that manufacture petroleum-based liquid or gaseous fuel in the United States.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities described in subsection (a).

SEC. 562. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 561, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 561 for a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 561; by

(B) the quotient obtained by dividing—

(i) the annual average quantity of units of petroleum-based liquid or gaseous fuel that the entity manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; by

(ii) the annual average quantity of petroleum-based liquid or gaseous fuel that all entities described in section 561 manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2), (c), and (h) of section 202.

Subtitle H—Transition Assistance for Natural-Gas Processors

SEC. 571. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of—

(1) natural gas processing plants in the United States (other than in the State of Alaska);

(2) entities that produce natural gas in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State; and

(3) entities that hold title to natural gas, including liquefied natural gas, or natural-gas liquid at the time of importation into the United States.

SEC. 572. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 571, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 571 for a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 571; by

(B) the quotient obtained by dividing—

(i) the annual average quantity, during the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entity (other than in the State of Alaska);

(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entity and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entity held title at the time of importation into the United States; by

(ii) the annual average quantity, over the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entities described in section 571 (other than in the State of Alaska);

(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entities described in section 571 and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entities described in section 571 held title at the time of importation into the United States; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2) and (c) of section 202.

Subtitle I—Federal Program for Energy Consumers

SEC. 581. ESTABLISHMENT.

There is established in the Treasury a fund, to be known as the "Climate Change Consumer Assistance Fund".

SEC. 582. AUCTION.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Consumer Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Consumer Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	3.5
2013	3.75
2014	3.75
2015	4
2016	4.25
2017	4.5
2018	5
2019	6
2020	6
2021	6
2022	7
2023	7
2024	8
2025	8
2026	9
2027	10
2028	10
2029	11
2030	12
2031	14
2032	14
2033	14
2034	15
2035	15
2036	15
2037	15
2038	15
2039	15
2040	15
2041	15
2042	15
2043	15
2044	15
2045	15
2046	15
2047	15
2048	15
2049	15
2050	15.

SEC. 583. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 582, immediately on receipt of those proceeds, in the Climate Change Consumer Assistance Fund.

SEC. 584. DISBURSEMENTS FROM THE CLIMATE CHANGE CONSUMER ASSISTANCE FUND.

No disbursements shall be made from the Climate Change Consumer Assistance Fund except pursuant to an appropriations Act.

SEC. 585. SENSE OF SENATE ON TAX INITIATIVE TO PROTECT CONSUMERS.

It is the sense of the Senate that funds deposited in the Climate Change Consumer Assistance Fund under section 583 should be used to fund a tax initiative to protect consumers, especially consumers in greatest need, from increases in energy costs and other costs.

TITLE VI—PARTNERSHIPS WITH STATES, LOCALITIES, AND INDIAN TRIBES

Subtitle A—Partnerships With State Governments to Prevent Economic Hardship While Promoting Efficiency

SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION COMPANIES.

(a) ALLOCATION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate—

(A) 9.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate—

(A) 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate—

(A) 10 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(b) DISTRIBUTION.—

(1) IN GENERAL.—For each calendar year, the emission allowances allocated under subsection (a) shall be distributed by the Administrator to each local distribution entity based on the proportion that—

(A) the quantity of electricity or natural gas delivered by the local distribution entity during the 3 calendar years preceding the calendar year for which the emission allowances are distributed, adjusted upward for electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by the local distribution entity and verified by the regulatory agency of the local distribution entity; bears to

(B) the total quantity of electricity or natural gas delivered by all local distribution entities during those 3 calendar years, adjusted upward for the total electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by all local distribution entities and verified by the regulatory agencies of the local distribution entities.

(2) BASIS.—The Administrator shall base the determination of the quantity of electricity or natural gas delivered by a local distribution entity for the purpose of paragraph (1) on the most recent data available in annual reports filed with the Energy Information Administration of the Department of Energy.

(c) USE.—

(1) ELIGIBLE CONSUMER CLASSES.—

(A) REGULATION.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall establish, by regulation, the consumer classes to which a local distribution entity shall direct emission allowance proceeds, including low-income and middle-income residential energy consumers and small business commercial consumers that are not allocated emission allowances pursuant to title V.

(B) REQUIREMENT.—The regulation required under subparagraph (A) shall be promulgated in consultation with—

(i) the Secretary of Health and Human Services;

(ii) the Secretary of Agriculture;

(iii) appropriate State agencies; and

(iv) local distribution entities, the regulatory agencies of the local distribution entities, and consumer advocates.

(C) DEFINING LOW-INCOME CONSUMERS.—

(i) IN GENERAL.—Subject to clause (ii), the Administrator shall specify eligibility criteria for low-income residential energy consumers for purposes of the regulation required under subparagraph (A).

(ii) INCLUSIONS.—An individual shall be eligible as a low-income residential energy consumer for purposes of the regulation required under subparagraph (A) if the individual (or the household of which the individual is a member) qualifies for—

(I) benefits under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(II) a premium or cost-sharing subsidy under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114); or

(III) a low-income program carried out before December 31, 2011, by an electricity or natural gas local distribution entity serving the individual.

(2) CLIMATE CHANGE IMPACT ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—Each local distribution entity that receives emission allowances under subsection (b) shall develop a climate change impact economic assistance program in accordance with this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations establishing minimum requirements for the development of climate change impact economic assistance programs under subparagraph (A).

(ii) DEADLINE.—The regulations promulgated pursuant to clause (i) shall require each local distribution entity that receives emission allowances under this section to implement a climate change impact economic assistance program by not later than December 31, 2011, that—

(I) mitigates increases in electricity or natural gas costs, as applicable, that are attributable to the implementation of this Act;

(II) provides to qualifying low-income individuals and households a timely rebate on electricity or natural gas bills, as applicable;

(III) provides greater rebates to consumers in the lowest income classes;

(IV) includes energy efficiency and other programmatic measures designed to reduce the quantity of electricity or natural gas, as applicable, consumed by qualifying low-income households; and

(V) includes economic assistance, energy efficiency, and other programmatic measures designed to reduce the quantity of energy consumed by other residential, small business, and commercial energy consumers that do not receive allowances under this Act.

(C) DEVELOPMENT.—

(i) IN GENERAL.—A local distribution entity may develop an assistance program under this paragraph—

(I) in consultation with appropriate State regulatory authorities; or

(II) for the purpose of supplementing an existing low-income consumer assistance plan of the entity.

(ii) LISTS OF ELIGIBLE CONSUMERS.—In developing a list of consumers eligible to receive assistance pursuant to a climate change impact economic assistance program under this paragraph, a local distribution entity—

(I) may use any list maintained by a State or local agency of eligible recipients of existing public assistance programs; and

(II) shall strictly maintain the privacy of the eligible recipients.

(D) APPROVAL.—

(i) IN GENERAL.—A local distribution entity shall submit the proposed assistance program of the entity to the Administrator for approval.

(ii) APPROVAL OF EXISTING PROGRAMS.—On request of a local distribution entity, the Administrator may approve an existing, State-approved low-income consumer assistance plan of the entity as a climate change impact economic assistance program for purposes of this paragraph, if the Administrator determines that the plan meets the requirements of this paragraph.

(E) IMPLEMENTATION.—On approval of an assistance program by the Administrator under subparagraph (D)(i), a local distribution entity may implement the program, subject to the oversight of appropriate State authorities.

(d) SALE OF EMISSION ALLOWANCES.—

(1) IN GENERAL.—A local distribution entity that receives emission allowances under subsection (b) shall—

(A) sell each emission allowance distributed to the local distribution entity, through direct sale or pursuant to a contract with a third party to sell the allowance, by not later than the date that is 1 year after the date of receipt of the emission allowance; and

(B) seek fair market value for each emission allowance sold.

(2) PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the proceeds from the sale of emission allowances under paragraph (1) shall be used solely—

(i) to mitigate economic impacts on the consumer classes established pursuant to subsection (c)(1)(A), including by reducing transmission or distribution charges or issuing rebates;

(ii) to promote the use of zero- and low-carbon distributed generation technologies and energy efficiency on the part of consumers; and

(iii) to implement demand response programs and targeted assistance programs to benefit the consumer classes established pursuant to subsection (c)(1)(A).

(B) MINIMUM PERCENTAGE REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), each local distribution entity shall use not less than 30 percent of the proceeds from the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

(ii) EXCEPTION.—Notwithstanding clause (i), a regulatory agency with authority over a local distribution entity (including a governing board of a municipally owned or cooperatively owned local distribution entity) may reduce the percentage requirement under clause (i) if the agency determines that the increase in electricity or natural gas costs, as applicable, of eligible low-income consumers served by the local distribution entity resulting from the implementation of this Act are mitigated.

(C) PROHIBITION.—No local distribution entity may use any proceeds from the sale of emission allowances under paragraph (1) to provide to any consumer a rebate that is based solely on the quantity of electricity or natural gas used by the consumer.

(D) TREATMENT.—Proceeds from the sale of an emission allowance under this paragraph shall not be considered to be income of a local distribution entity if the value of the proceeds is fully disbursed during the 1-year period beginning on the date of sale of the emission allowance.

(e) REPORTS.—

(1) IN GENERAL.—For each calendar year for which a local distribution entity receives emission allowances under this section, the entity shall submit to the Administrator a report describing, with respect to that calendar year—

(A) the date of each sale of each emission allowance;

(B) the amount of revenue generated from the sale of emission allowances; and

(C) how, and to what extent, the local distribution entity used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation.

(2) AVAILABILITY OF REPORTS.—The Administrator shall make available to the public all reports submitted by entities under paragraph (1), including by publishing those reports on the Internet.

(f) OPT-OUT.—If a local distribution entity elects not to receive emission allowances under this section or fails to comply with a requirement of this section, as determined by the Administrator, the emission allowances that would otherwise be distributed to the local distribution entity shall be—

(1) provided to the State served by the local distribution entity; and

(2) used by the State to carry out the objectives of this section.

SEC. 602. ASSISTING STATE ECONOMIES THAT RELY HEAVILY ON MANUFACTURING AND COAL.

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, the Administrator shall allocate a percentage for distribution among States the economies of which rely heavily on manufacturing or on coal, as determined by the Administrator, in accordance with the table contained in paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall allocate to States described in paragraph (1) the percentage of emission allowances specified in the following table:

Calendar year	Percent of emission allowances for allocation among States relying heavily on manufacturing and on coal
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.5
2024	3.5
2025	3.5
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

(b) DISTRIBUTION.—The emission allowances available for allocation to States under subsection (a) for a calendar year shall be distributed as follows:

(1) For each calendar year, ½ of the quantity of emission allowances shall be distributed among the States based on the proportion that—

(A) the average annual per-capita employment in manufacturing in a State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; bears to

(B) the average annual per-capita employment in manufacturing in all States during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor.

(2) For each calendar year, ½ of the quantity of emission allowances available for States under subsection (a) shall be distributed among individual States as follows:

(A) In the case of any State in which the ratio of lignite (in British thermal units) that was mined from 1988 through 1992 within the boundaries of the State to the total quantity of coal (in British thermal units) that was consumed from 1988 through 1992 within the boundaries of that State exceeds 0.75, the share of allowances of the State shall be based on the proportion that—

(i) twice the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(B) In the case of any State other than a State described in subparagraph (A), the share of allowances of the State shall be based on the proportion that—

(i) the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 in all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(c) USE.—During any calendar year, a State shall retire or use for 1 or more of the purposes described in section 614(d) all of the allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for that calendar year.

(d) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(e) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (d).

(f) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

Subtitle B—Partnerships With States, Localities, and Indian Tribes to Reduce Emissions

SEC. 611. MASS TRANSIT.

(a) TRANSPORTATION SECTOR EMISSION REDUCTION FUND.—There is established in the Treasury of the United States a fund, to be known as the "Transportation Sector Emission Reduction Fund".

(b) AUCTION OF ALLOWANCES.—In accordance with subsections (c) and (d), to fund awards for public transportation-related activities, for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(c) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (b), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(d) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for public transportation
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2.75
2023	2.75
2024	2.75
2025	2.75
2026	2.75
2027	2.75
2028	2.75
2029	2.75
2030	2.75
2031	2.75
2032	2.75
2033	2.75
2034	2.75
2035	2.75
2036	2.75
2037	2.75
2038	2.75
2039	2.75
2040	2.75
2041	2.75
2042	2.75
2043	2.75
2044	2.75
2045	2.75
2046	2.75
2047	2.75
2048	2.75
2049	2.75
2050	2.75.

(e) DEPOSITS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsections (b) and (c), immediately on receipt of those proceeds, in the Transportation Sector Emission Reduction Fund established by subsection (a).

(f) USE OF FUNDS.—For each of calendar years 2012 through 2050, all funds deposited in the Transportation Sector Emission Reduction Fund in the preceding year pursuant to subsection (e) shall be made available, without further appropriation or fiscal year limitation, for grants described in subsections (g) through (i).

(g) GRANTS TO PROVIDE FOR ADDITIONAL AND IMPROVED PUBLIC TRANSPORTATION SERVICE.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 65 percent shall be distributed to designated recipients (as defined in section 5307(a) of title 49, United States Code) to maintain or improve public transportation through activities eligible under that section, including—

(A) improvements to lighting, heating, cooling, or ventilation systems in stations and other facilities that reduce direct or indirect greenhouse gas emissions;

(B) adjustments to signal timing or other vehicle controlling systems that reduce direct or indirect greenhouse gas emissions;

(C) purchasing or retrofitting rolling stock to improve efficiency or reduce greenhouse gas emissions; and

(D) improvements to energy distribution systems.

(2) DISTRIBUTION.—Of the proceeds of auctions conducted under this section, the Administrator shall distribute under paragraph (1)—

(A) 60 percent in accordance with the formulas contained in subsections (a) through (c) of section 5336 of title 49, United States Code; and

(B) 40 percent in accordance with the formula contained in section 5340 of that title.

(3) TERMS AND CONDITIONS.—A grant provided under this subsection shall be subject to the terms and conditions applicable to a grant provided under section 5307 of title 49, United States Code.

(4) COST SHARE.—The Federal share of cost of carrying out an activity using a grant under this subsection shall be determined in accordance with section 5307(e) of title 49, United States Code.

(h) GRANTS FOR CONSTRUCTION OF NEW PUBLIC TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 30 percent shall be distributed to State and local government authorities for design, engineering, and construction of new fixed guideway transit projects or extensions to existing fixed guideway transit systems.

(2) APPLICATIONS.—Applications for grants under this subsection shall be reviewed according to the process and criteria established under section 5309(c) of title 49, United States Code, for major capital investments and section 5309(d) of title 49, United States Code for other projects.

(3) TERMS AND CONDITIONS.—Grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5309 of title 49, United States Code.

(i) GRANTS FOR TRANSPORTATION ALTERNATIVES AND TRAVEL DEMAND REDUCTION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 5 percent shall be awarded to designated recipients (as defined in section 5307(a) of title 49, United States Code) to assist in reducing the direct and indirect greenhouse gas emissions of the systems of the designated recipients, through—

(A) programs to reduce vehicle miles traveled;

(B) bicycle and pedestrian infrastructure, including trail networks integrated with transportation plans or bicycle mode-share targets; and

(C) programs to establish or expand telecommuting or car pool projects that do not include new roadway capacity.

(2) DISTRIBUTION OF FUNDS.—In determining the recipients of grants under this subsection, applications shall be evaluated based on the total direct and indirect greenhouse gas emissions reductions that are projected to result from the project and projected reductions as a percentage of the total direct and indirect emissions of an entity.

(3) GOVERNMENT SHARE OF COSTS.—The Federal share of the cost of an activity funded using amounts made available under this subsection may not exceed 80 percent of the cost of the activity.

(4) TERMS AND CONDITIONS.—Except to the extent inconsistent with the terms of this subsection, grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code.

(j) CONDITION FOR RECEIPT OF FUNDS.—To be eligible to receive funds under this section, projects or activities must be part of an integrated State-wide transportation plan that shall—

(1) include all modes of surface transportation;

(2) integrate transportation data collection, monitoring, planning, and modeling;

(3) report on estimated greenhouse gas emissions;

(4) be designed to reduce greenhouse gas emissions from the transportation sector; and

(5) be certified by the Administrator as consistent with the purposes of this Act.

SEC. 612. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

"SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

"(a) UPDATES.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, and not less frequently every 3 years thereafter, the Secretary shall support updating the national model building energy codes and standards to achieve overall energy savings, as compared to the IECC (2006) for residential buildings and ASHRAE Standard 90.1 (2004) for commercial buildings, of at least—

"(A) 30 percent, with respect to each edition of a model code or standard published during the period beginning on January 1, 2010, and ending on December 31, 2019;

"(B) 50 percent, with respect to each edition of a model code or standard published on or after January 1, 2020; and

"(C) targets for intermediate and subsequent years, to be established by the Secretary not less than 3 years before the beginning on each target year, in coordination with IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and lifecycle cost-effective.

"(2) REVISIONS TO IECC AND ASHRAE.—

"(A) IN GENERAL.—If the IECC or ASHRAE Standard 90.1 regarding building energy use is revised, not later than 1 year after the date of the revision, the Secretary shall determine whether the revision will—

"(i) improve energy efficiency in buildings; and

"(ii) meet the energy savings goals described in paragraph (1).

"(B) MODIFICATIONS.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the energy savings goals established under paragraph (1) or if a national model code or standard is not updated for more than 3 years, not later than 1 year after the determination or the expiration of the 3-year period, the Secretary shall establish a modified code or standard that meets the energy savings goals.

"(ii) REQUIREMENTS.—

"(I) ENERGY SAVINGS.—A modification to a code or standard under clause (i) shall—

"(aa) achieve the maximum level of energy savings that is technically feasible and lifecycle cost-effective;

"(bb) be achieved through an amendment or supplement to the most recent revision of the IECC or ASHRAE Standard 90.1 and taking into consideration other appropriate model codes and standards; and

"(cc) incorporate available appliances, technologies, and construction practices.

"(II) TREATMENT AS BASELINE.—A modification to a code or standard under clause (i) shall serve as the baseline for the next applicable determination of the Secretary under subparagraph (A)(i).

"(C) PUBLIC PARTICIPATION.—The Secretary shall—

"(i) publish in the Federal Register a notice relating to each goal, determination, and modification under this paragraph; and

"(ii) provide an opportunity for public comment regarding the goals, determinations, and modifications.

"(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

"(1) GENERAL CERTIFICATION.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, each State shall certify to the Secretary that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

"(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed, as applicable—

"(i)(I) the IECC (2006) for residential buildings; or

"(II) the ASHRAE Standard 90.1 (2004) for commercial buildings; or

"(ii) the quantity of energy savings represented by the provisions referred to in clause (i).

"(2) REVISION OF CODES AND STANDARDS.—

"(A) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

"(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed—

"(i) the modified code or standard; or

"(ii) the quantity of energy savings represented by the modified code or standard.

"(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or if the Secretary makes a negative determination, not later than 2 years after the specified date or the date of the determination, each State shall certify that the State has—

"(i) reviewed the revised code or standard; and

"(ii) updated the provisions of the residential and commercial building codes of the State as necessary to meet or exceed, as applicable—

"(I) any provisions of a national code or standard determined to improve energy efficiency in buildings; or

"(II) energy savings achieved by those provisions through other means.

"(c) ACHIEVEMENT OF COMPLIANCE BY STATES.—

"(1) IN GENERAL.—Not later than 3 years after the date on which a State makes a certification under subsection (b), the State shall certify to the Secretary that the State has achieved compliance with the building energy code that is the subject of the certification.

"(2) RATE OF COMPLIANCE.—The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the State code during the preceding calendar year.

"(3) COMPLIANCE.—A State shall be considered to achieve compliance for purposes of paragraph (1) if—

"(A) at least 90 percent of new and renovated buildings covered by the State code during the preceding calendar year substantially meet all the requirements of the code; or

"(B) the estimated excess energy use of new and renovated buildings that did not meet the requirements of the State code during the preceding calendar year, as compared to a baseline of comparable buildings that meet the requirements of the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the State code during the preceding calendar year.

"(d) FAILURE TO CERTIFY.—

"(1) EXTENSION OF DEADLINES.—The Secretary shall extend a deadline for certification by a State under subsection (b) or (c) for not more than 1 additional year, if the State demonstrates to the satisfaction of the Secretary that the State has made—

"(A) a good faith effort to comply with the certification requirement; and

"(B) significant progress with respect to the compliance.

"(2) NONCOMPLIANCE BY STATE.—

"(A) IN GENERAL.—A State that fails to submit a certification required under subsection (b) or (c), and to which an extension is not provided under paragraph (1), shall be considered to be out of compliance with this section.

"(B) EFFECT ON LOCAL GOVERNMENTS.—A local government of a State that is out of compliance with this section may be considered to be in compliance with this section if the local government meets each applicable certification requirement of this section.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to ensure that national model building energy codes and standards meet the goals described in subsection (a)(1).

"(2) ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States—

"(A) to implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or greater energy savings than the national model codes and standards;

"(B) to improve and implement State residential and commercial building energy efficiency codes; and

“(C) to otherwise promote the design and construction of energy-efficient buildings.

“(f) INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States—

“(A) to implement this section; and

“(B) to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

“(2) AMOUNT.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall take into consideration actions proposed by the State—

“(A) to implement this section;

“(B) to implement and improve residential and commercial building energy efficiency codes; and

“(C) to promote building energy efficiency through use of the codes.

“(3) ADDITIONAL FUNDING.—The Secretary shall provide additional funding under this subsection for implementation of a plan to demonstrate a rate of compliance with applicable residential and commercial building energy efficiency codes at a rate of not less than 90 percent, based on energy performance—

“(A) to a State that has adopted and is implementing, on a statewide basis—

“(i) a residential building energy efficiency code that meets or exceeds the requirements of the IECC (2006) (or a successor code that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); and

“(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1 (2004) (or a successor standard that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); or

“(B) in the case of a State in which no statewide energy code exists for residential buildings or commercial buildings, or in which the State code fails to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

“(4) TRAINING.—Of the amounts made available to carry out this subsection, the Secretary may use not more than $500,000 for each State to train State and local officials to implement State or local energy codes in accordance with a plan described in paragraph (3).”.

(b) CONFORMING AMENDMENT.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.”.

SEC. 613. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—In accordance with subsection (b), to fund the Energy Efficiency and Conservation Block Grant Program under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, transfer the proceeds of the auction to the Secretary of Energy for use in carrying out that block grant program.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 614. STATE LEADERS IN REDUCING EMISSIONS.

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States that, as determined by the Administrator, are leaders in the effort of the United States to reduce greenhouse gas emissions and improve energy efficiency, in accordance with paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	4
2013	4
2014	4
2015	4
2016	4.25
2017	4.25
2018	4.55
2019	4.75
2020	5
2021	5
2022	6
2023	6.25
2024	6.5
2025	6.75
2026	7
2027	7.25
2028	7.5
2029	7.75
2030	8
2031	9
2032	10
2033	10
2034	10
2035	10
2036	10
2037	10
2038	10
2039	10
2040	10
2041	10
2042	10
2043	10
2044	10
2045	10
2046	10
2047	10
2048	10
2049	10
2050	10.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring historical State investments and achievements in reducing greenhouse gas emissions and increasing energy efficiency for purposes of subsection (a).

(c) DISTRIBUTION.—

(1) IN GENERAL.—The emission allowances available for allocation to States under subsection (a) shall be distributed among the States based on the proportion that, for a calendar year—

(A) the score of the State, as determined under subsection (b); bears to

(B) the scores of all States, as determined under subsection (b).

(2) STATE CAP-AND-TRADE PROGRAMS.—Allowances under this section for any calendar year shall be distributed to—

(A) States that have never established State or regional cap-and-trade programs for greenhouse gas emissions; and

(B) States that did establish State or regional cap-and-trade programs for greenhouse gas emissions and that, not later than the beginning of the applicable calendar year—

(i) chose to transition the programs into the national system established by this Act; and

(ii) completed the transition and discontinued the State or regional cap-and-trade programs.

(d) USE.—

(1) IN GENERAL.—During any calendar year, a State shall retire or use all emission allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for that calendar year for 1 or more of the following purposes:

(A) To mitigate impacts on low-income energy consumers.

(B) To promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs).

(C) To promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology in States (including in territorial waters of States).

(D) To improve public transportation and passenger rail service and otherwise promote reductions in vehicle miles traveled.

(E) To encourage advances in energy technology that reduce or sequester greenhouse gas emissions.

(F) To address local or regional impacts of climate change, including by accommodating, protecting, or relocating affected communities and public infrastructure.

(G) To collect, evaluate, disseminate, and use information necessary for affected coastal communities to adapt to climate change (such as information derived from inundation prediction systems).

(H) To mitigate obstacles to investment by new entrants in electricity generation markets and energy-intensive manufacturing sectors.

(I) To address local or regional impacts of climate change policy, including providing assistance to displaced workers.

(J) To engage local and municipal governments to provide capacity building and related technical assistance to local and municipal low-carbon green job creation and workforce development programs.

(K) To mitigate impacts on carbon-intensive industries in internationally competitive markets.

(L) To reduce hazardous fuels and prevent and suppress wildland fire.

(M) To fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources.

(N) To improve recycling infrastructure.

(O) To increase public education on the benefits of recycling, particularly with respect to greenhouse gases.

(P) To improve residential, commercial, and industrial collection of recyclables.

(Q) To improve recycling system efficiency.

(R) To increase recycling yields.

(S) To improve the quality and usefulness of recycled materials.

(T) To promote industry cluster or industry sector strategies that involve public-private partnerships of State and local economic and workforce development agencies, leaders from renewable energy, efficiency and low-carbon industries, and other community-based stakeholders, in the development of regional strategies to maximize the creation of good, career-track jobs.

(U) To develop and implement plans to anticipate and reduce the potential threats to health resulting from climate change, including—

(i) development, improvement, and integration of disease surveillance systems, rapid response systems, and communication methods and materials; and

(ii) identification and prioritization of vulnerable communities and populations.

(V) To fund any other purpose the States determine to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(e) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(f) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (e).

(g) RECYCLING.—During any calendar year, a State shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for increasing recycling rates through activities such as—

(1) improving recycling infrastructure;

(2) increasing public education on the benefits of recycling, particularly with respect to greenhouse gases;

(3) improving residential, commercial, and industrial collection of recyclables;

(4) increasing recycling efficiency;

(5) increasing recycling yields; and

(6) improving the quality and usefulness of recycled materials.

(h) HOME HEATING OIL.—During any calendar year, any State that ranks among the top 20 States in terms of annual usage of home heating oil, as determined by the Secretary of Energy, shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of the sale of those allowances) under this section for protecting consumers of home heating oil in the State from suffering hardship as a result of any increases in home heating oil prices.

(i) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

Subtitle C—Partnerships With States and Indian Tribes To Adapt to Climate Change

SEC. 621. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States and Indian tribes for activities carried out in response to the impacts of global climate change, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with subsection (a) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for States and Indian tribes for adaptation activities
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.25
2024	3.25
2025	3.25
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

SEC. 622. COASTAL IMPACTS.

(a) DEFINITIONS.—In this section:

(1) COASTAL STATE.—

(A) IN GENERAL.—The term "Coastal State" means any State that borders on 1 or more of the Atlantic Ocean, the Gulf of Mexico, the Pacific Ocean, the Arctic Ocean, or a Great Lake.

(B) INCLUSIONS.—The term "Coastal State" includes—

(i) the Commonwealth of Puerto Rico;

(ii) Guam;

(iii) American Samoa;

(iv) the Commonwealth of the Northern Mariana Islands; and

(v) the United States Virgin Islands.

(C) EXCLUSION.—The term "Coastal State" does not include the State of Alaska.

(2) COASTAL WATERSHED.—The term "coastal watershed" means a geographical area drained into or contributing water to an estuarine area, an ocean, or a Great Lake, all or a portion of which is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)).

(3) GREAT LAKE.—The term "Great Lake" means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(4) SHORELINE MILES.—The term "shoreline miles", with respect to a Coastal State, means the mileage of tidal shoreline or Great Lake shoreline of the Coastal State, based on the most recently available data from or accepted by the National Ocean Service of the National Oceanic and Atmospheric Administration.

(b) ALLOCATION.—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 40 percent to Coastal States.

(c) DISTRIBUTION.—The emission allowances available for allocation under subsection (b) for a calendar year shall be distributed among Coastal States, as follows:

(1) 50 percent based on the proportion that—

(A) the number of shoreline miles of a Coastal State; bears to

(B) the total number of shoreline miles of all Coastal States.

(2) 30 percent based on the proportion that—

(A) the population of a Coastal State; bears to

(B) the total population of all Coastal States.

(3) 20 percent divided equally among all Coastal States.

(d) USE OF EMISSION ALLOWANCES OR PROCEEDS.—

(1) IN GENERAL.—During any calendar year, a Coastal State receiving emission allowances under this section shall use the emission allowances (or proceeds of sale of those emission allowances) only for projects and activities to plan for and address the impacts of climate change in the coastal watershed.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities—

(A) to address the impacts of climate change with respect to—

(i) accelerated sea level rise and lake level changes;

(ii) shoreline erosion;

(iii) increased storm frequency or intensity;

(iv) changes in rainfall; and

(v) related flooding;

(B) to identify public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of plans to protect, or, as necessary or applicable, to relocate the facilities or infrastructure;

(C) to research and collect data using, or on matters such as—

(i) historical shoreline position maps;

(ii) historical shoreline erosion rates;

(iii) inventories of shoreline features and conditions;

(iv) acquisition of high-resolution topography and bathymetry;

(v) sea level rise inundation models;

(vi) storm surge sea level rise linked inundation models;

(vii) shoreline change modeling based on sea level rise projections;

(viii) sea level rise vulnerability analyses and socioeconomic studies; and

(ix) environmental and habitat changes associated with sea level rise; and

(D) to respond to—

(i) changes in chemical characteristics (including ocean acidification) and physical characteristics (including thermal stratification) of marine systems;

(ii) saltwater intrusion into groundwater aquifers;

(iii) increased harmful algae blooms;

(iv) spread of invasive species;

(v) habitat loss (particularly loss of coastal wetland);

(vi) species migrations; and

(vii) marine, estuarine, and freshwater ecosystem changes associated with climate change.

(3) COORDINATION.—In carrying out this subsection, a Coastal State shall coordinate with the Administrator and the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, an efficient and effective use of emission allowances (or proceeds of sale of those emission allowances) allocated under this section.

(4) TECHNICAL ASSISTANCE AND TRAINING.—The Administrator and the heads of such other Federal agencies as are appropriate, including the National Oceanic and Atmospheric Administration, Environmental Protection Agency, United States Geological Survey, Department of the Interior, Corps of Engineers, and Department of Transportation, shall provide technical assistance and training for State and local officials to assist Coastal States in carrying out this subsection.

(5) INSTITUTIONS OF HIGHER EDUCATION PARTICIPATION.—If appropriate, institutions of higher education should use the expertise and research capacity of the institutions to carry out the goals of this subsection, specifically with regard to conducting the research and planning necessary to respond to the impacts on coastal areas from climate change.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any Coastal State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the Coastal State has failed to use in accordance with subsection (d) by not later than 5 years after the date of receipt of the emission allowances from the Administrator.

(f) USE OF RETURNED EMISSION ALLOWANCES.—The Administrator shall, in accordance with subsection (c), distribute any emission allowances returned to the Administrator under subsection (e) to States other than the State that returned those allowances to the Administrator.

(g) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 623. IMPACTS ON WATER RESOURCES AND AGRICULTURE.

(a) IN GENERAL.—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 25 percent to the States facing the earliest and most severe impacts on the availability of freshwater and on agriculture, as determined by the Administrator.

(b) USE.—

(1) IN GENERAL.—For each calendar year, a State receiving emission allowances under this section shall use the allowances, or the proceeds from the sale of the allowances, only for projects and activities to plan for and address the impacts of climate change on water resources.

(2) REGIONALLY-SPECIFIC ANALYSIS.—In developing State programs under paragraph (1), a State shall develop a regionally-specific analysis of the potential climate-change impacts on local water resources.

(3) IMPLEMENTATION PRIORITIES.—Implementation priorities shall be developed through an integrated analysis of a full range of water management alternatives (including urban and agricultural conservation, habitat and watershed protection and restoration, wastewater recycling, groundwater cleanup, nonstructural alternatives, floodplain restoration, and urban stormwater management) to direct funding to the most cost-effective strategies that will generate significant net environmental benefits.

(4) SPECIFIC USES.—Projects and activities under this subsection shall include projects and activities—

(A) to promote investment in research into the impacts of climate change on water resource planning;

(B) to promote water resource planning;

(C) to develop and implement sustainable strategies for adapting to climate change; and

(D) to implement measures to reduce the greenhouse gas emissions of water utilities.

(c) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 624. IMPACTS ON ALASKA.

(a) ALLOCATION.—Of the allowances allocated for each year pursuant to section 621, the Administrator shall allocate 20 percent of the allowances to the State of Alaska for the uses described in subsection (b).

(b) USE.—

(1) IN GENERAL.—For each calendar year, emission allowances distributed to the State of Alaska under this section, or the proceeds from the sale of the allowances, shall be used only for projects and activities to plan for and address the impacts of climate change on the State and State residents.

(2) STATE-SPECIFIC ANALYSIS.—In order to receive allowances under this section, the State of Alaska shall develop a State-specific analysis of the potential climate-change impacts on residents of the State.

(3) IMPLEMENTATION PRIORITIES.—Implementation priorities shall be developed through an integrated analysis of impacts and strategies.

(c) REPORT.—The State of Alaska shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 625. IMPACTS ON INDIAN TRIBES.

(a) PURPOSES.—The purposes of this section are—

(1) to demonstrate the commitment of the United States to maintaining the unique and continuing relationship of the United States with, and responsibility of the United States to, Indian tribes;

(2) to recognize the obligation of the United States to prepare for the likely disproportionate consequences of global climate change facing Indian tribes located throughout the United States;

(3) to establish, in accordance with the principles of self-determination and government-to-government consultation, cost-efficient mechanisms to provide for meaningful participation by Indian tribes in the planning, implementation, and administration of programs and services authorized by this Act;

(4) to support and assist Indian tribes in the development of strong and stable tribal governments that are capable of administering innovative programs and economic development initiatives in the face of global climate change;

(5) to establish a self-sustaining Tribal Climate Change Assistance Fund to address local and regional impacts of climate change affecting Indian tribes, now and in the future;

(6) to ensure that any proceeds from the sale of emission allowances allocated for Indian tribes are soundly invested and distributed by the Administrator through direct consultation with Indian tribes as beneficiaries; and

(7) to authorize the Administrator to distribute, by regulation, funds to Indian tribes in accordance with the principles established by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), in consultation with the Secretary of the Interior and Indian tribes, not later than 5 years after the date of enactment of this Act.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a program—

(A) to assist Indian tribes in addressing local and regional impacts of climate change in accordance with subsection (a); and

(B) to distribute proceeds from the Tribal Climate Change Assistance Fund established by subsection (c) on an annual basis, beginning not later than January 1, 2011.

(2) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to establish and carry out the program described in paragraph (1)—

(A) in accordance with subchapter IV of chapter 5 of title 5, United States Code; and

(B) in consultation with representatives of Indian tribes located in each region of the Environmental Protection Agency.

(c) FUND.—There is established in the Treasury of the United States a fund, to be known as the "Tribal Climate Change Assistance Fund".

(d) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), to raise funds for deposit in the Tribal Climate Change Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(A) auction 15 percent of the emission allowances allocated pursuant to section 621 for the calendar year; and

(B) immediately on completion of the auction, deposit proceeds of the auction in the Tribal Climate Change Assistance Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Amounts deposited in the Tribal Climate Change Assistance Fund under subsection (d)(1)(B) that are in excess of amounts appropriated for the applicable fiscal year to carry out the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and sections 103 and 360(d) of the Clean Air Act (42 U.S.C. 7403, 7601(d)) shall be made available, without further appropriation or fiscal year limitation, to the Administrator to carry out the program established under subsection (b) in accordance with the purposes described in paragraph (2).

(2) PURPOSES.—The Administrator shall use amounts in the Tribal Climate Change Assistance Fund—

(A) to provide assistance to Indian tribes that face disruption or dislocation as a result of climate change;

(B) to assist Indian tribes in planning and designing agricultural, forestry, and other land use-related projects in accordance with the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b);

(C) to assist Indian tribes in the collection of greenhouse gas and other air quality data through the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) to mitigate impacts on low-income Indian energy consumers;

(E) to promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs);

(F) to promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology on tribal land;

(G) to collect, evaluate, disseminate, and use information necessary for affected coastal tribal communities to adapt to climate change (such as information derived from inundation prediction systems);

(H) to address local or regional impacts of climate change policy, including providing assistance to displaced workers;

(I) to reduce hazardous fuels and prevent and suppress wildland fire;

(J) to fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources; and

(K) to fund any other purposes an Indian tribe determines to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(f) NO TRIBAL AUTHORITY REQUIREMENT.—The Administrator shall not require Indian tribes to obtain tribal authority under section 360(d) of the Clean Air Act (42 U.S.C. 7601(d)) as a condition of participation in any program authorized by this subtitle.

(g) REPORT.—An Indian tribe receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the Indian tribe has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the Indian tribe of allowances received under this section

Subtitle D—Partnerships With States, Localities, and Indian Tribes To Protect Natural Resources

SEC. 631. STATE WILDLIFE ADAPTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "State Wildlife Adaptation Fund" (referred to in this section as the "Fund").

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (c), for each of calendar years 2012 through 2050, the Administrator shall auction a percentage of emission allowances established for the calendar year pursuant to section 201(a) to raise funds for deposit in the Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b)(1), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Fund
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	3
2025	3
2026	3
2027	4
2028	4
2029	4
2030	4
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

(d) PITTMAN-ROBERTSON WILDLIFE RESTORATION PROGRAM.—

(1) DEPOSIT.—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 78 percent of the proceeds of the auction in the Fund.

(2) USE OF PROCEEDS.—Amounts deposited in the Fund under paragraph (1) shall be made available, without further appropriation or fiscal year limitation, to the Secretary of the Interior for distribution to States through the Wildlife Conservation and Restoration Account established under section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)), to carry out adaptation activities in accordance with comprehensive State adaptation strategies, as described in section 633.

(e) LAND AND WATER CONSERVATION.—

(1) DEPOSIT.—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 22 percent of the proceeds of the auction in the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5).

(2) USE.—Deposits to the Land and Water Conservation Fund under paragraph (1) shall—

(A) be supplemental to amounts appropriated pursuant to section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6), which shall remain available for nonadaptation needs; and

(B) notwithstanding section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6), be available without further appropriation or fiscal year limitation.

(3) ALLOCATIONS.—Of the amounts deposited in the Land and Water Conservation Fund under paragraph (1)—

(A) ⅙ shall be allocated to the Secretary of the Interior and made available on a competitive basis to carry out adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)—

(i) to States, in accordance with comprehensive wildlife conservation strategies, and to Indian tribes;

(ii) notwithstanding section 5 of that Act (16 U.S.C. 460*l*–7); and

(iii) in addition to grants provided pursuant to—

(I) annual appropriations Acts;

(II) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); or

(III) any other authorization for nonadaptation needs;

(B) ⅓ shall be allocated to the Secretary of the Interior to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9);

(C) ⅙ shall be allocated to the Secretary of Agriculture and made available to the States to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Forest Legacy Program under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c); and

(D) ⅓ shall be allocated to the Secretary of Agriculture to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9).

(4) EXPENDITURE OF FUNDS.—In allocating funds under paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall take into consideration factors including—

(A) the availability of non-Federal contributions from State, local, or private sources;

(B) opportunities to protect wildlife corridors or otherwise to link or consolidate fragmented habitats;

(C) opportunities to reduce the risk of catastrophic wildfires, extreme flooding, or other climate-related events that are harmful to fish, wildlife, and individuals;

(D) the potential for conservation of species or habitat types at serious risk due to climate change, ocean acidification, and other stressors; and

(E) the potential to provide enhanced access to land and water for fishing, hunting, and other public recreational uses.

SEC. 632. COST-SHARING.

Notwithstanding any other provision of law, a State or Indian tribe that receives a grant under section 631 shall provide 10 percent of the costs of each activity carried out using the grant.

SEC. 633. STATE COMPREHENSIVE ADAPTATION STRATEGIES.

(a) IN GENERAL.—Except as provided in subsection (b), amounts made available to States pursuant to this subtitle shall be used only for activities that are consistent with a State strategy that has been approved by—

(1) the Secretary of the Interior; and

(2) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), by the Secretary of Commerce, subject to the condition that approval by the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(b) INITIAL RECEIPT OF FUNDS.—

(1) IN GENERAL.—Until the earlier of the date that is 3 years after the date of enactment of this Act or the date on which a State receives approval for a State strategy, a State shall be eligible to receive funds under this subtitle for adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, if appropriate, other fish, wildlife, and conservation strategies; and

(B) in accordance with a workplan developed in coordination with—

(i) the Secretary of the Interior; and

(ii) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.)), the Secretary of Commerce, subject to the condition that coordination with the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(2) PENDING APPROVAL.—During the period for which approval by the applicable Secretary of a State strategy described in paragraph (1) is pending, the State may continue receiving funds under this subtitle pursuant to the workplan described paragraph (1)(B).

(c) REQUIREMENTS.—A State strategy shall—

(1) describe the impacts of climate change and ocean acidification on the diversity and health of the fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(2) describe and prioritize proposed conservation, protection, and restoration actions to assist fish, wildlife, aquatic and terrestrial ecosystems, and plant populations in adapting to those impacts;

(3) establish programs for monitoring the impacts of climate change on fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(4) include strategies, specific conservation, protection, and restoration actions, and a timeframe for implementing conservation actions for fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(5) establish methods for—

(A) assessing the effectiveness of conservation, protection, and restoration actions taken to assist fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems and associated ecological processes in adapting to those impacts; and

(B) updating those actions to respond appropriately to new information or changing conditions;

(6) be developed—

(A) with the participation of the State fish and wildlife agency, the State agency responsible for administration of Land and Water Conservation Fund grants, the State Forest Legacy Program coordinator, the State environmental agency, and the State coastal agency; and

(B) in coordination with the Secretary of the Interior and, if applicable, the Secretary of Commerce;

(7) provide for solicitation and consideration of public and independent scientific input;

(8) include strategies that engage youth and young adults (including youth and young adults working in full-time or part-time youth service or conservation corps programs) to provide the youth and young adults with opportunities for meaningful conservation and community service, and to encourage opportunities for employment in the private sector through partnerships with employers;

(9) take into consideration research and information contained in, and coordinate with and integrate the goals and measures identified in, as appropriate, other fish, wildlife, aquatic and terrestrial ecosystems, and habitat conservation strategies, including—

(A) the national fish habitat action plan;

(B) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the Federal, State, and local partnership known as "Partners in Flight";

(D) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(E) federally approved regional fishery management plans and habitat conservation activities under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the national coral reef action plan;

(G) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(H) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(I) other Federal and State plans for imperiled species;

(J) the United States shorebird conservation plan;

(K) the North American waterbird conservation plan;

(L) federally approved watershed plans under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(M) other State-based strategies that comprehensively implement adaptation activities to remediate the effects of climate change and ocean acidification on fish, wildlife, habitats, and aquatic and terrestrial ecosystems; and

(10) be incorporated into a revision of the comprehensive wildlife conservation strategy of a State—

(A) that has been submitted to the United States Fish and Wildlife Service; and

(B)(i) that has been approved by the Service; or

(ii) on which a decision on approval is pending.

(d) UPDATING.—Each State strategy under this section shall be updated not less frequently than once every 5 years.

TITLE VII—RECOGNIZING EARLY ACTION

SEC. 701. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program, to be known as the "Early Action Program", for distributing emission allowances to entities that emit greenhouse gas in the United States, in recognition of verified greenhouse gas emission reductions that—

(1) occurred before the date of promulgation of the regulations; and

(2) resulted from actions taken by the entities after January 1, 1994, and before the date of enactment of this Act.

SEC. 702. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the Early Action Program established under section 701 quantities of the emission allowances established for calendar years 2012 through 2025 pursuant to section 201(a), in accordance with the following table:

Calendar year	Percentage for allocation to Early Action Program
2012	5
2013	5
2014	5
2015	4
2016	3
2017	3
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1

SEC. 703. GENERAL DISTRIBUTION.

Not later than 4 years after the date of enactment of this Act, the Administrator shall complete distribution to entities described in section 701 of all emission allowances allocated to the Early Action Program under section 702.

SEC. 704. DISTRIBUTION TO ENTITIES HOLDING STATE EMISSION ALLOWANCES.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an entity that—

(1) is located in the United States; and

(2) as of December 31, 2011, holds emission allowances issued—

(A) by the State of California; or

(B) for the Regional Greenhouse Gas Initiative.

(b) Distribution.—Of the quantity of emission allowances allocated for the Early Action Program under section 702, each eligible entity shall receive emission allowances sufficient to compensate the eligible entity for the cost to the eligible entity of obtaining and holding the emission allowances under subsection (a)(2).

SEC. 705. DISTRIBUTION TO POWER PLANTS THAT REPOWERED PURSUANT TO CONSENT DECREES.

(a) Definition of Eligible Facility.—In this section, the term "eligible facility" means an electricity generating facility that—

(1) is located in the United States; and

(2) repowered from coal before January 1, 2005, pursuant to a consent decree.

(b) Distribution.—Subject to subsection (c), of the quantity of emission allowances allocated for the Early Action Program under section 702, each owner or operator of an eligible facility shall receive a quantity of emission allowances equal to the sum of—

(1) the verified quantity of metric tons of carbon dioxide the emission of which by the eligible facility was avoided as a result of the repowering, during the period beginning on the date on which the repowering began and ending on the date of enactment of this Act; and

(2) the aggregate quantity of emission allowances that, as a result of the lower annual carbon dioxide emissions resulting from the repowering, will not be distributed to the owner or operator of the facility pursuant to subtitle F of title V.

(c) Limitation.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 80,000,000.

SEC. 706. DISTRIBUTION TO CARBON CAPTURE AND SEQUESTRATION PROJECTS.

(a) Definition of Eligible Project.—In this section, the term "eligible project" means a carbon capture and sequestration project associated with an anthropogenic source of carbon dioxide in the United States, the performance of which is monitored by a network developed by an international collaborative government and industry research program.

(b) Distribution.—The regulations established pursuant to section 701 shall provide for the distribution of emission allowances to eligible projects.

(c) Limitation.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 25,000,000.

TITLE VIII—EFFICIENCY AND RENEWABLE ENERGY

Subtitle A—Efficient Buildings

SEC. 801. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Buildings Allowance Program established pursuant to section 802.

SEC. 802. EFFICIENT BUILDINGS ALLOWANCE PROGHAM.

(a) In General.—The Climate Change Technology Board shall establish and carry out a program, to be known as the "Efficient Buildings Allowance Program," for distributing the emission allowances allocated pursuant to section 801 among owners of buildings in the United States as reward for constructing highly-efficient buildings in the United States and for increasing the efficiency of existing buildings in the United States.

(b) Requirements.—Emission allowances shall be distributed under this section to owners of buildings in the United States based on the extent to which projects relating to the buildings of the owners result in verifiable, additional, and enforceable improvements in energy performance—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric selected by the Climate Change Technology Board; and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric selected by the Climate Change Technology Board.

(c) Priority.—In distributing the allowances, priority shall given to projects—

(1) completed by building owners with a proven track record of building energy performance; or

(2) that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program described in subsection (b)(1).

Subtitle B—Efficient Equipment and Appliances

SEC. 811. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Super-Efficient Equipment and Appliances Development Program established pursuant to section 812.

SEC. 812. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEPLOYMENT PROGRAM.

(a) In General.—The Climate Change Technology Board shall establish and administer a program, to be known as the "Super-Efficient Equipment and Appliances Deployment Program", to distribute the emission allowances allocated pursuant to section 811 among retailers and distributors in the United States as reward for increasing the sales by the retailers and distributors of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goal of minimizing life-cycle costs for consumers and maximizing public benefit.

(b) Size of Individual Rewards.—The size of each reward for each product-type shall be determined by the Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) Reporting.—Each retailer and distributor participating in the program under this section shall be required to report to the Climate Change Technology Board, on a confidential basis for program-design purposes—

(1) the number of products sold within each product-type; and

(2) wholesale purchase-price data.

(d) Cost-Effectiveness Requirement.—

(1) Definitions.—In this subsection:

(A) Cost-effectiveness.—The term "cost-effectiveness" means a measure of aggregate savings equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, but not to exceed 10 years, of the pieces of equipment, electronics, and appliances, including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes.

(B) Savings.—The term "savings" means megawatt-hours of electricity or million British thermal units of other fuels saved by a product, in comparison to projected energy consumption based on the efficiency performance of displaced new product sales.

(2) Requirement.—The Climate Change Technology Board shall make cost-effectiveness a top priority in distributing emission allowances pursuant to this section.

Subtitle C—Efficient Manufacturing

SEC. 821. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Manufacturing Program established pursuant to section 822.

SEC. 822. EFFICIENT MANUFACTURING PROGHAM.

(a) In General.—The Climate Change Technology Board shall establish and carry out a program, to be known as the "Efficient Manufacturing Program," to distribute the emission allowances allocated pursuant to section 821 among owners and operators of manufacturing facilities in the United States, as reward for achieving high levels of efficiency in the operations of the owners and operators.

(b) Requirements.—The Efficient Manufacturing Program established pursuant to subsection (a) shall provide that—

(1) the rewards of emission allowances under the Program shall include rewards for use of recycled material in manufacturing; and

(2) the Climate Change Technology Board shall give priority in distributing emission allowances to entities that—

(A) document the greatest use of domestically-sourced parts and components;

(B) return to productive service existing idle manufacturing capacity;

(C) are located in States with the greatest availability of unemployed manufacturing workers;

(D) compensate workers, at a minimum, in an amount that is equal to at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(E) demonstrate a high probability of commercial success; and

(F) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

Subtitle D—Renewable Energy

SEC. 831. ALLOCATION.

(a) First Period.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Climate Change Technology Board established by section 431 4 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

SEC. 832. BONUS ALLOWANCES FOR RENEWABLE ENERGY.

(a) DEFINITION OF RENEWABLE-ENERGY SOURCE.—In this section, the term "renewable-energy source" means energy from 1 or more of the following sources:

(1) Solar energy.

(2) Wind.

(3) Geothermal energy.

(4) Incremental hydropower.

(5) Biomass.

(6) Ocean waves.

(7) Landfill gas.

(8) Livestock methane.

(9) Fuel cells powered with a renewable-energy source.

(b) BONUS ALLOWANCES.—The Climate Change Technology Board shall distribute the emission allowances allocated pursuant to section 831 among owners, operators, and developers of facilities, including distributed-energy and transmission systems, in the United States that harness a renewable-energy source, as reward for the start-up, expansion, and operation of the facilities.

(c) ADMINISTRATION.—In distributing emission allowances pursuant to this section, the Climate Change Technology Board shall provide appropriate rewards for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers.

(d) LIMITATION.—A project may not receive a distribution of emission allowances under this section if the project—

(1) receives an award under subtitle A of title IX; or

(2) is supported under subtitle A or subtitle C of title III.

(e) REQUIREMENTS.—

(1) IN GENERAL.—A reward of allowances for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for that work, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

TITLE IX—LOW-CARBON ELECTRICITY AND ADVANCED RESEARCH

Subtitle A—Low- and Zero-Carbon Electricity Technology

SEC. 901. DEFINITIONS.

In this subtitle:

(1) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the costs of engineering tasks relating to—

(A) redesigning manufacturing processes to begin producing qualifying components and zero- or low-carbon generation technologies;

(B) designing new tooling and equipment for production facilities that produce qualifying components and zero- or low-carbon generation technologies; and

(C) establishing or expanding manufacturing operations for qualifying components and zero- or low-carbon generation technologies.

(2) QUALIFYING COMPONENT.—The term "qualifying component" means a component that the Secretary of Energy determines to be specially designed for zero- or low-carbon generation technology.

(3) SAVINGS.—The term "savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under an efficiency standard applicable to the product.

(4) ZERO- OR LOW-CARBON GENERATION.—The term "zero- or low-carbon generation" means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere; and

(B) was placed into commercial service after the date of enactment of this Act.

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term "zero- or low-carbon generation technology" means a technology used to create zero- or low-carbon generation.

SEC. 902. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the "Low- and Zero-Carbon Electricity Technology Fund".

SEC. 903. AUCTIONS.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall, in accordance with paragraph (2), auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall, in accordance with paragraph (2), auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall, in accordance with paragraph (2), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

SEC. 904. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 903, immediately on receipt of those proceeds, in the Low- and Zero-Carbon Electricity Technology Fund.

SEC. 905. USE OF FUNDS.

For each of calendar years 2012 through 2050, all funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 to carry out the financial incentives program established under section 906.

SEC. 906. FINANCIAL INCENTIVES PROGRAM.

For fiscal year 2011 and each fiscal year thereafter, the Climate Change Technology Board shall competitively award financial incentives under this subtitle in the technology categories of—

(1) the production of electricity from new zero- or low-carbon generation; and

(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology.

SEC. 907. REQUIREMENTS.

(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, and domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology—

(1) in the case of producers of new zero- or low-carbon generation, based on the bid of each generator in terms of dollars per megawatt-hour of electricity generated; and

(2) in the case of qualifying manufacturers of zero- or low-carbon generation technology, based on the criteria described in section 909.

(b) ACCEPTANCE OF BIDS.—

(1) IN GENERAL.—In making awards under paragraphs (1) and (2) of subsection (a), the Climate Change Technology Board shall—

(A) solicit bids for reverse auction from appropriate producers and manufacturers, as determined by the Climate Change Technology Board; and

(B) award financial incentives to the producers and manufacturers that submit the lowest bids that meet the requirements established by the Climate Change Technology Board.

(2) FACTORS FOR CONVERSION.—

(A) IN GENERAL.—For the purpose of assessing bids under paragraph (1), the Climate Change Technology Board shall specify a factor for converting megawatt-hours of electricity and million British thermal units of natural gas to common units.

(B) REQUIREMENT.—The conversion factor shall be based on the relative greenhouse gas emission benefits of electricity and natural gas conservation.

SEC. 908. FORMS OF AWARDS.

(a) ZERO- AND LOW-CARBON GENERATORS.—

(1) IN GENERAL.—Subject to paragraph (2), an award for zero- or low-carbon generation under this subtitle shall be in the form of a contract to provide a production payment for commercial service of the generation unit in an amount equal to the product obtained by multiplying—

(A) the amount of the bid by the producer of the zero- or low-carbon generation; and

(B) the quantity of net megawatt-hours generated by the zero- or low-carbon generation unit each year during the first 10 years following the end of the calendar year of the award.

(2) COMMERCIAL SERVICE.—A producer may receive an award for a generation unit under this subsection only if the first year of commercial service of the generation unit occurs within 5 years of the end of the calendar year of the award.

(b) MANUFACTURING OF ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—

(1) IN GENERAL.—An award for the establishment of a facility or conversion costs for zero- or low-carbon generation technology shall be in an amount equal to not more than 30 percent of the cost of—

(A) establishing, reequipping, or expanding a manufacturing facility to produce—

(i) qualifying zero- or low-carbon generation technology; or

(ii) qualifying components;

(B) engineering integration costs of zero- or low-carbon generation technology and qualifying components; and

(C) property, machine tools, and other equipment acquired or constructed primarily to enable the recipient to test equipment necessary for the construction or operation of a zero- or low-carbon generation facility.

(2) MINIMUM AMOUNT.—The Climate Change Technology Board shall use not less than ¼ of the amounts made available to carry out this section to make awards to entities for the manufacturing of zero- or low-carbon generation technology.

SEC. 909. SELECTION CRITERIA.

(a) IN GENERAL.—In making awards under this subtitle to qualifying manufacturers of zero- or low-carbon generation technology and qualifying components, the Climate Change Technology Board shall select manufacturers that—

(1) document the greatest use of domestically-sourced parts and components;

(2) return to productive service existing idle manufacturing capacity;

(3) are located in States with the greatest availability of unemployed manufacturing workers;

(4) compensate workers in an amount that is at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(5) demonstrate a high probability of commercial success; and

(6) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Funding for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for the construction, alteration, or repair, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—The Secretary of Labor shall, with respect to the labor standards described in paragraph (1), have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

Subtitle B—Advanced Research

SEC. 911. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the energy transformation acceleration fund described in section 912.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 912. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 911, immediately on receipt of those proceeds, in an energy transformation acceleration fund in the Treasury that is administered by the Director of the Advanced Research Projects Agency of the Department of Energy.

SEC. 913. USE OF FUNDS.

No amounts deposited in the energy transformation acceleration fund pursuant to section 912 shall be disbursed, except pursuant to an appropriation Act.

TITLE X—FUTURE OF COAL

Subtitle A—Kick-Start for Carbon Capture and Sequestration

SEC. 1001. CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the "Carbon Capture and Sequestration Technology Fund" (referred to in this subtitle as the "Fund"), consisting of such amounts as are deposited in the Fund under section 1003.

SEC. 1002. AUCTIONS.

Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction, to raise funds for deposit in the Fund, 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

SEC. 1003. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1002, immediately on receipt of those proceeds, in the Fund.

SEC. 1004. USE OF FUNDS.

(a) EXPENDITURES FROM FUND.—On request by the Climate Change Technology Board established by section 431 (referred to in this subtitle as the "Board"), the Secretary of the Treasury shall transfer from the Fund to the Board such amounts as the Board determines are necessary to carry out the Kick-Start Program under section 1005.

(b) AVAILABILITY OF FUNDS.—Funds transferred under subsection (a) shall be made available to the Board without further appropriation or fiscal year limitation.

SEC. 1005. KICK-START PROGRAM.

(a) IN GENERAL.—The Board shall use the amounts in the Fund to establish and implement a program for early deployment of carbon capture and sequestration technology in the United States (referred to in this section as the "Kick-Start Program").

(b) GOAL.—The Board shall design and operate the Kick-Start Program with the goal of rapidly bringing into operation in the United States not fewer than 5 nor more than 10 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) BASIS.—The Board shall base the Kick-Start Program on the "Early Deployment Fund" recommendation contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008.

(d) COAL DIVERSITY.—The Kick-Start Program shall ensure that a range of domestic coal types is employed in facilities receiving support under the Kick-Start Program.

(e) PRIORITY.—Awards of financial support under the Kick-Start Program shall be made in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(f) REQUIREMENTS.—

(1) IN GENERAL.—As a condition of receiving funding for construction, alteration, or repair activities under the Kick-Start Program, an individual or entity shall provide, to each laborer and mechanic employed by each contractor or subcontractor for the activity, a written assurance of payment of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

Subtitle B—Long-Term Carbon Capture and Sequestration Incentives

SEC. 1011. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) establish an account to be known as the "Bonus Allowance Account" for carbon capture and sequestration projects in the United States; and

(2) allocate to the Bonus Allowance Account quantities of the emission allowances established for calendar years 2012 through 2050 pursuant to section 201(a) in accordance with the following table:

Calendar year	Percentage for allocation to Bonus Allowance Account
2012	3
2013	3
2014	3
2015	3
2016	3
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3
2023	3
2024	3
2025	3

Calendar year	Percentage for allocation to Bonus Allowance Account
2026	4
2027	4
2028	4
2029	4
2030	4
2031	1
2032	1
2033	1
2034	1
2035	1
2036	1
2037	1
2038	1
2039	1
2040	1
2041	1
2042	1
2043	1
2044	1
2045	1
2046	1
2047	1
2048	1
2049	1
2050	1.

SEC. 1012. QUALIFYING PROJECTS.

(a) Definitions.—In this section:

(1) Commenced.—The term "commenced", with respect to construction, means that an owner or operator has—

(A) obtained the necessary permits to undertake a continuous program of construction; and

(B) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake a program described in subparagraph (A).

(2) Construction.—The term "construction" means the fabrication, erection, or installation of the technology for a carbon capture and sequestration project.

(3) New entrant.—The term "new entrant" means an electric generating unit that begins operation after the date of enactment of this Act.

(b) Eligibility.—To be eligible to receive emission allowances under this subtitle, a carbon capture and sequestration project shall—

(1) comply with such criteria and procedures as the Administrator may establish, including a requirement, as prescribed in subsection (c), for an annual emission performance standard for carbon dioxide emissions from any unit for which allowances are allocated;

(2) sequester, in a geological formation permitted by the Administrator for that purpose in accordance with regulations promulgated under part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.), carbon dioxide captured from any unit for which allowances are allocated;

(3) have begun operation during the period beginning on January 1, 2008, and ending on December 31, 2035; and

(4) not produce a transportation fuel that contains more than 10 kilograms of fossil-based carbon per million British thermal units, higher heat value.

(c) Emission Performance Standards.—Subject to subsection (d), a carbon capture and sequestration project shall be eligible to receive emission allowances under this subtitle only if the project achieves 1 of the following emission performance standards for limiting carbon dioxide emissions from the unit:

(1)(A) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment before January 1, 2016, shall—

(i) treat at least the amount of flue gas equivalent to 100 megawatts of the output of the generation unit; and

(ii) be designed to capture and sequester at least 85 percent of the carbon dioxide in that flue gas.

(B) The bonus allowance adjustment ratio under section 1013(b) shall apply only to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the generation unit.

(2) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment on or after January 1, 2016, shall achieve an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(3) A new entrant electric generation unit for which construction of the unit commenced before July 1, 2018, shall achieve an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(4) A new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, shall achieve an average annual emission rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(5) Any unit at a covered entity that is not an electric generation unit shall achieve an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(d) Adjustment of Performance Standards.—

(1) In general.—The Climate Change Technology Board may adjust the emission performance standard for a carbon capture and sequestration project described in subsection (c) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant quantities.

(2) Requirement.—In any case described in paragraph (1), the performance standard for the project shall prescribe an annual emission rate that requires the project to achieve an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared to the emission rate that the project would have achieved if that unit had combusted only bituminous coal during the particular year.

SEC. 1013. DISTRIBUTION.

(a) Calculation.—

(1) In general.—Subject to section 1014, for each of calendar years 2012 through 2039, the Administrator shall distribute emission allowances from the Bonus Allowance Account established under section 1011 to each qualifying project under this subtitle in a quantity equal to the product obtained by multiplying—

(A) the bonus allowance adjustment factor, as determined under subsection (b);

(B) the number of metric tons of carbon dioxide emissions avoided through capture and geological sequestration of emissions by the project, as determined in accordance with paragraph (2); and

(C) the bonus allowance rate for the applicable calendar year, as provided in the following table:

Calendar year	Bonus allowance rate
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1.9
2019	1.8
2020	1.7
2021	1.6
2022	1.3
2023	1.2
2024	1.1
2025	1
2026	0.9
2027	0.8
2028	0.7
2029	0.6
2030	0.5
2031	0.5
2032	0.5
2033	0.5
2034	0.5
2035	0.5
2036	0.5
2037	0.5
2038	0.5
2039	0.5.

(2) Avoided carbon dioxide emissions.—For the purpose of determining the number of metric tons of carbon dioxide avoided in paragraph (1)(B), the Administrator shall—

(A) in the first year, count as avoided carbon dioxide emissions the proportion of carbon dioxide emissions the owner or operator certifies as the designed level of capture for the project, subject to verification and adjustment; and

(B) in each subsequent year, count the higher of—

(i) the actual metric tons of carbon dioxide sequestered in the preceding year; or

(ii) the proportion of emissions the owner or operator certifies as the result of a modification to the designed capture level of the project, subject to verification and adjustment.

(b) Bonus Allowance Adjustment Ratio.—

(1) In general.—Except as provided in paragraph (2), the Administrator shall determine the bonus allowance adjustment factor by dividing—

(A) a carbon dioxide emission rate of 350 pounds per megawatt-hour; by

(B) the annual carbon dioxide emission rate, on a pounds per megawatt-hour basis, that a qualifying project at the electric generation unit achieved during a particular year.

(2) Exceptions.—Notwithstanding paragraph (1), the bonus allowance adjustment factor shall—

(A) in the case of a project that qualifies under section 1012(c)(1), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(B) in the case of a project that qualifies under section 1012(c)(2), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(C) in the case of a project that qualifies under section 1012(c)(3), be equal to 1 during the first 8 years that emission allowances are distributed to the project; and

(D) not exceed 1 for any qualifying project.

(c) Non-Electric Generating Units.—

(1) In general.—For a qualifying project other than an electric generating unit, the Administrator shall by regulation reduce the

bonus allowance rates described in section 1013(a)(1)(C) so that the bonus allowance rate for the projects does not exceed the incremental capital and operating costs for carrying out sequestration of carbon dioxide from the facility.

(2) LIMITATION.—In distributing emission allowances under this subtitle, the Administrator shall distribute not more than 20 percent of the quantity of emission allowances in the Bonus Allowance Account for nonelectric generation units described in section 1012(c)(5).

(d) ENHANCED OIL RECOVERY.—For a carbon capture and sequestration project sequestering in a geological formation for purposes of enhanced oil recovery, the Administrator shall by regulation reduce the bonus allowance rates set forth in section 1013(a)(1)(C) to reflect the lower cost of the projects when compared to sequestration into geological formations solely for purposes of disposal.

SEC. 1014. 10-YEAR LIMIT.

A qualifying project may receive annual emission allowances under this subtitle only for—

(1) the first 10 years of operation; or

(2) if the unit covered by the qualifying project began operating before January 1, 2012, the period of calendar years 2012 through 2021.

SEC. 1015. EXHAUSTION OF BONUS ALLOWANCE ACCOUNT.

If, at the beginning of a calendar year, the Administrator determines that the number of emission allowances remaining in the Bonus Allowance Account established under section 1011 will be insufficient to allow the distribution in that calendar year, of the number of allowances that otherwise would be distributed under section 1013 for the calendar year, the Administrator shall, for the calendar year—

(1) distribute the remaining bonus allowances only to qualifying projects that were already qualifying projects during the preceding calendar year;

(2) distribute the remaining bonus allowances to those qualifying projects on a pro rata basis; and

(3) discontinue the program established under this subtitle as of the date on which the Bonus Allowance Account is projected to be fully used based on projects already in operation.

Subtitle C—Legal Framework

SEC. 1021. NATIONAL DRINKING WATER REGULATIONS.

(a) IN GENERAL.—Section 1421 of the Safe Drinking Water Act (42 U.S.C.300h) is amended—

(1) in subsection (b)(1), by striking "subsection (d)(2)" and inserting "subsection (e)(2)";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) CARBON DIOXIDE.—

"(1) REGULATIONS.—Not later than 1 year after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards for permitting commercial-scale underground injection of carbon dioxide for the purpose of geological sequestration to address climate change.

"(2) INCLUSIONS.—Standards promulgated under paragraph (1) shall include requirements—

"(A)(i) to monitor and control the long-term storage of carbon dioxide;

"(ii) to avoid, to the maximum extent practicable, and quantify any release of carbon dioxide into the atmosphere; and

"(iii) to ensure protection of underground sources of drinking water, human health, and the environment;

"(B) for financial responsibility (including financial responsibility for well plugging, post-injection site care, site closure, monitoring, corrective action, and remedial care), as necessary, allowing for the use of 1 or more financial instruments, including insurance, surety bond, letter of credit, financial guarantee, or qualification as a self-insurer; and

"(C) relating to long-term care and stewardship associated with commercial-scale geological sequestration, including financial responsibility, as necessary, consistent with the degree and duration of risk associated with the geological sequestration of carbon dioxide for purposes of subparagraph (A).

"(3) AUTHORIZATION.—The Administrator may specify the policy or other contractual terms, conditions, or defenses that are necessary to establish evidence of financial responsibility for the purposes of this subsection.".

(b) CONFORMING AMENDMENT.—Section 1447(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–6(a)(4)) is amended by striking "section 1421(d)(2)" and inserting "section 1421(e)(2)".

SEC. 1022. ASSESSMENT OF GEOLOGICAL STORAGE CAPACITY FOR CARBON DIOXIDE.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term "assessment" means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect a storage formation or capacity.

(4) RISK.—The term "risk" includes any risk posed by a geomechanical, geochemical, hydrogeological, structural, or engineered hazard.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term "storage formation" means a deep saline formation, unmineable coal seam, oil or gas reservoir, or other geological formation that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work performed to develop the Carbon Sequestration Atlas of the United States and Canada completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator regarding data sharing and the format, development of methodology, and content of the assessment to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) comprised, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geosciences organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including not less frequently than once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(3), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of the capacity for carbon dioxide storage in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment, the Secretary shall carry out a characterization program to supplement the geological data relevant to determining storage capacity in carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling characterization under paragraph (2), the Secretary shall enter into partnerships, as appropriate, with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary shall incorporate the results of the assessment using, to the maximum extent practicable—

(i) the NatCarb database of the National Energy Technology Laboratory of the Department of Energy; or

(ii) a new database developed by the Secretary, as the Secretary determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites—

(i) for capacity and risk;

(ii) across the United States;

(iii) within each State;

(iv) by formation; and

(v) within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the results of the assessment.

(6) PERIODIC UPDATES.—The assessment shall be updated periodically (including not less frequently than once every 5 years) as necessary to support public and private sector decisionmaking, as determined by the Secretary.

SEC. 1023. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION AND OPERATION OF PIPELINES AND GEOLOGICAL CARBON DIOXIDE SEQUESTRATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior, and in consultation with representatives of industry, financial institutions, investors, owners and operators of applicable facilities, regulators, institutions of higher education, and other stakeholders, shall conduct a study to assess the feasibility of the construction of—

(1) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(2) geological carbon dioxide sequestration facilities.

(b) SCOPE.—The study shall consider—

(1) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(2) any market risk (including throughput risk) relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(3) any regulatory, financing, or siting option that, as determined by the Secretary of Energy, would—

(A) mitigate any market risk described in paragraph (2); or

(B) help ensure the construction and operation of pipelines dedicated to the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(4) the means by which to ensure the safe handling, transportation, and sequestration of carbon dioxide;

(5) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(6) any other appropriate use, as determined by the Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior;

(7) the means by which to ensure that siting is carried out in a manner that is socioeconomically just and environmentally and ecologically sound; and

(8) the findings of the task force established under section 1024, in consultation with industry, financial institutions, investors, owners and operators, regulators, academic experts, and stakeholders.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study.

SEC. 1024. LIABILITIES FOR CLOSED GEOLOGICAL STORAGE SITES.

(a) ESTABLISHMENT OF TASK FORCE.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall establish a task force, with equal representation from the public, academic subject matter experts, and industry, to conduct a study of the statutory framework, environmental and safety considerations, and financial implications of potential Federal assumption of liabilities with respect to closed geological sites.

(b) CHARGE OF TASK FORCE.—At a minimum, the task force shall consider—

(1) procedures for the certification and approval of geological storage sites and projects, including siting, monitoring, and closure standards;

(2) existing statutory authority under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) to address issues relating to long-term financial responsibility and long-term liabilities; and

(3) successorship of closed geological storage sites used to sequester carbon dioxide, including possible transfer of title and liabilities from the private sector to the public sector and conditions that might be placed on such a transfer, transfer of financial responsibility to the public sector or within the private sector, and possible indemnity from long-term liabilities.

TITLE XI—FUTURE OF TRANSPORTATION

Subtitle A—Kick-Start for Clean Commercial Fleets

SEC. 1101. PURPOSE.

The purpose of this subtitle is to accelerate the commercialization and diffusion of fuel-efficient medium- and heavy-duty hybrid commercial trucks, buses, and vans in the United States.

SEC. 1102. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the program established under section 1103 0.5 percent of the aggregate quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

SEC. 1103. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) review and revise, as necessary, regulations promulgated under section 113; and

(2) promulgate regulations for a program for distributing emission allowances allocated pursuant to section 1102 to entities in the United States as an immediate reward for purchase by the entities of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that—

(1) only purchasers of commercial vehicles weighing at least 8,500 pounds are eligible for receipt of emission allowances under the program;

(2) the purchasers of qualifying vehicles are provided certainty of the magnitude and timeliness of delivery of the reward at the time at which the purchasers purchase the vehicles;

(3) rewards increase commensurately with fuel efficiency of qualifying vehicles;

(4) qualifying vehicles shall be categorized into not fewer than 3 classes of vehicle weight, in order to ensure—

(A) adequate availability of rewards for different categories of commercial vehicles; and

(B) that the rewards for heavier, more expensive vehicles are proportional to the rewards for lighter, less expensive vehicles;

(5) rewards decrease over time, in order to encourage early purchases of hybrid vehicles; and

(6) to the maximum extent practicable, all emission allowances allocated to the program shall have been distributed as rewards by not later than 5 years after the date of enactment of this Act.

Subtitle B—Advanced Vehicle Manufacturers

SEC. 1111. CLIMATE CHANGE TRANSPORTATION ENERGY TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the "Climate Change Transportation Energy Technology Fund" (referred to in this subtitle as the "Fund").

SEC. 1112. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year in order to raise funds for deposit in the Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 1113. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1112, immediately on receipt of those proceeds, into the Fund.

SEC. 1114. USE OF FUNDS.

For each of calendar years 2012 through 2050, all funds deposited into the Fund during the preceding year pursuant to section 1113 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 for making manufacturer facility conversion awards under section 1115.

SEC. 1115. MANUFACTURER FACILITY CONVERSION PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board established by section 431 shall use all amounts in the Fund to provide facility funding awards under this section to manufacturers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(b) PERIOD OF AVAILABILITY.—An award under subsection (a) shall apply to—

(1) facilities and equipment placed in service during the period beginning on the date of enactment of this Act and ending on December 31, 2029; and

(2) engineering integration costs incurred after the date of enactment of this Act.

(c) CAFE REQUIREMENTS.—The Climate Change Technology Board shall not make an award under this section to an automobile manufacturer or component supplier that, directly or through a parent, subsidiary, or affiliated entity, is not in compliance with each corporate average fuel economy standard under section 32902 of title 49, United States Code, in effect on the date of the award.

(d) ADDITIONAL REQUIREMENTS.—

(1) DEFINITION OF PROSPECTIVE RECIPIENT.—In this subsection, the term "prospective recipient" means an automobile manufacturer or component supplier (including any parent, subsidiary, or affiliated entity) that seeks to receive an award under this section.

(2) CERTIFICATION.—To be eligible to receive an award under this section, a prospective recipient shall certify to the Climate Change Technology Board that, for the 7-calendar year period beginning on the date of receipt of the award, the prospective recipient will maintain in the United States a number of full-time or full-time-equivalent employees that is—

(A) equal to 90 percent of the monthly average number of full-time or full-time-equivalent employees maintained by the prospective recipient for the 12-month period ending on the date of receipt of the award;

(B) sufficient to ensure that the proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient is equal to or greater than the average monthly proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient for the 12-month period ending on the date of receipt of the award; or

(C) sufficient to ensure that any percentage decrease in the hourly workforce of the prospective recipient in the United States is not greater than the aggregate of the percentage decrease in the market share of the prospective recipient in the United States and the increase in the productivity of the prospective recipient, calculated during the period beginning on the date of receipt of the award and ending on the date of certification under this paragraph.

(3) RECERTIFICATION.—Not later than 1 year after the date of receipt of an award under this section, and annually thereafter, a prospective recipient shall—

(A) recertify to the Climate Change Technology Board that, during the preceding calendar year, the prospective recipient has achieved compliance with an applicable requirement described in paragraph (2); and

(B) provide to the Climate Change Technology Board sufficient data for verification of the recertification.

(4) REPAYMENT.—A prospective recipient that fails to make the recertification required by paragraph (3) shall pay to the Climate Change Technology Board an amount equal to the difference between—

(A) the amount of the original award to the prospective recipient; and

(B) the product obtained by multiplying—

(i) an amount equal to ⅐ of that original amount; and

(ii) the number of years during which the prospective recipient—

(I) received an award under this section; and

(II) made the recertification required by paragraph (3).

(e) ADMINISTRATION.—The terms and conditions established for applicants under section 136(d)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) shall apply to prospective recipients under this section.

Subtitle C—Cellulosic Biofuel

SEC. 1121. CELLULOSIC BIOFUEL PROGRAM.

(a) ALLOCATION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall allocate to the program established under subsection (b) 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to establish a program for distributing emission allowances allocated under subsection (a) to entities in the United States as a reward for production in the United States of fuel from cellulosic biomass grown in the United States.

(2) REQUIREMENTS.—The regulations promulgated pursuant to paragraph (1) shall require that emission allowances shall be distributed under the program—

(A) among a variety of feedstocks and a variety of regions of the United States;

(B) on a competitive basis for projects that have produced in the United States fuels that—

(i) meet United States fuel and emissions specifications;

(ii) help diversify domestic transportation energy supplies;

(iii) improve or maintain air, water, soil, and habitat quality and protect scarce water supplies; and

(iv) are cellulosic biofuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(C) in a manner that provides priority to projects that achieve—

(i) low costs to consumers over the medium- and long-terms;

(ii) demonstrably low lifecycle greenhouse gas emissions, taking into account direct and indirect land-use changes;

(iii) high long-term technological potential, taking into consideration production volume, feedstock availability, and process efficiency;

(iv) low environmental impacts, taking into consideration air, water, and habitat quality; and

(v) fuels with the ability to serve multiple economic segments of the transportation sector, including the aviation and marine segments.

Subtitle D—Low-Carbon Fuel Standard

SEC. 1131. FINDINGS.

Congress finds that—

(1) oil used for transportation contributes significantly to air pollution, including greenhouse gases, water pollution, and other adverse impacts on the environment; and

(2) to reduce greenhouse gas emissions, the United States should rely increasingly on advanced, clean, low-carbon fuels for transportation.

SEC. 1132. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended—

(1) by redesignating subparagraphs (G) through (L) as subparagraphs (J) through (O), respectively;

(2) by inserting after subparagraph (F) the following:

"(G) CULTIVATED NOXIOUS PLANT.—The term 'cultivated noxious plant' means a plant that is included on—

"(i) the Federal noxious weed list maintained by the Animal and Plant Health Inspection Service; or

"(ii) any comparable State list.

"(H) FUEL EMISSION BASELINE.—The term 'fuel emission baseline' means the average lifecycle greenhouse gas emissions per unit of energy of the aggregate of all transportation fuels sold or introduced into commerce in calendar year 2005, as determined by the Administrator under paragraph (13).

"(I) FUEL PROVIDER.—The term 'fuel provider' includes, as the Administrator determines to be appropriate, any individual or entity that produces, refines, blends, or imports any transportation fuel in commerce in, or into, the United States."; and

(3) by striking subparagraph (O) (as redesignated by paragraph (1)) and inserting the following:

"(O) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, nonroad vehicles, nonroad engines, or aircraft.".

SEC. 1133. ESTABLISHMENT.

Section 211(o) of the Clean Air act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(13) ADVANCED CLEAN FUEL PERFORMANCE STANDARD.—

"(A) STANDARD.—

"(i) IN GENERAL.—Not later than January 1, 2010, the Administrator shall, by regulation—

"(I) establish a methodology for use in determining the lifecycle greenhouse gas emissions per unit of energy of all transportation fuels in commerce for which the Administrator has not already established such a methodology;

"(II) determine the fuel emission baseline; and

"(III) in accordance with clause (ii), establish a requirement applicable to transportation fuel providers to reduce, on an annual average basis, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel produced, refined, blended, or imported by the fuel provider to a level that is, to the maximum extent practicable—

"(aa) by not later than calendar year 2011, at least equal to or less than the fuel emission baseline;

"(bb) by not later than calendar year 2012, equivalent to the difference between the fuel emission baseline and the lifecycle greenhouse gas emissions per unit of energy reduced by the volumetric renewable fuel requirements of paragraph (2)(B);

"(cc) by not later than calendar year 2023, at least 5 percent less than the fuel emission baseline; and

"(dd) by not later than calendar year 2028, at least 10 percent less than the fuel emission baseline.

"(ii) PREVENTION OF AIR QUALITY DETERIORATION.—

"(I) STUDY.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall complete a study to determine whether the greenhouse gas emission reductions required under clause (i)(III) will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(II) CONSIDERATIONS.—The study shall include consideration of—

"(aa) different blend levels, types of transportation fuels, and available vehicle technologies; and

"(bb) appropriate national, regional, and local air quality control measures.

"(III) REGULATIONS.—Not later than 3 years after the date of enactment of this paragraph, the Administrator shall—

"(aa) promulgate fuel regulations to implement appropriate measures to mitigate, to the maximum extent practicable and taking into consideration the results of the study conducted under this clause, any adverse impacts on air quality as a result of the greenhouse gas emission reductions required by this subsection; or

"(bb) make a determination that no such measures are necessary.

"(iii) CALENDAR YEAR 2033 AND THEREAFTER.—For calendar year 2033, and every 5 years thereafter, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall revise the applicable performance standard under clause (i)(III) to reduce, to the maximum extent practicable, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel sold or introduced into commerce in the United States.

"(iv) REVISION OF REGULATIONS.—In accordance with the purposes of the Lieberman-Warner Climate Security Act of 2008, the Administrator may, as appropriate, revise the regulations promulgated under clause (i) as necessary to reflect or respond to changes in the transportation fuel market or other relevant circumstances.

"(v) METHOD OF CALCULATION.—In calculating the lifecycle greenhouse gas emissions of hydrogen or electricity (when used as a transportation fuel) under clause (i)(I), the Administrator shall—

"(I) include emission resulting from the production of the hydrogen or electricity; and

"(II) consider to be equivalent to the energy delivered by 1 gallon of ethanol the energy delivered by—

"(aa) 6.4 kilowatt-hours of electricity;

"(bb) 32 standard cubic feet of hydrogen; or

"(cc) 1.25 gallons of liquid hydrogen.

"(vi) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In carrying out this subparagraph, the Administrator shall use the best available scientific and technical information to determine the lifecycle greenhouse gas emissions per unit of energy of transportation fuels derived from—

"(I) renewable biomass;

"(II) electricity, including the entire lifecycle of the fuel;

"(III) 1 or more fossil fuels, including the entire lifecycle of the fuels; and

"(IV) hydrogen, including the entire lifecycle of the fuel.

"(vii) EQUIVALENT EMISSIONS.—In carrying out this subparagraph, the Administrator shall consider transportation fuel derived from cultivated noxious plants, and transportation fuel derived from biomass sources other than renewable biomass, to have emissions equivalent to the greater of—

"(I) the lifecycle greenhouse gas emissions; or

"(II) the fuel emission baseline.

"(B) ELECTION TO PARTICIPATE.—An electricity provider may elect to participate in the program under this subsection if the electricity provider provides and separately tracks electricity for transportation through a meter that—

"(i) measures the electricity used for transportation separately from electricity used for other purposes; and

"(ii) allows for load management and time-of-use rates.

"(C) CREDITS.—

"(i) IN GENERAL.—The regulations promulgated to carry out this paragraph shall permit fuel providers to generate credits for achieving, during a calendar year, greater reductions in lifecycle greenhouse gas emissions of the fuel provided, blended, or imported by the fuel provider than are required under subparagraph (A)(i)(III).

"(ii) METHOD OF CALCULATION.—The number of credits received by a fuel provider under clause (i) for a calendar year shall be the product obtained by multiplying—

"(I) the aggregate quantity of fuel produced, distributed, or imported by the fuel provider during the calendar year; and

"(II) the difference between—

"(aa) the lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel; and

"(bb) the maximum lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel permitted for the calendar year under subparagraph (A)(i)(III).

"(D) COMPLIANCE.—

"(i) IN GENERAL.—Each fuel provider subject to this paragraph shall demonstrate compliance with this paragraph, including, as necessary, through the use of credits banked or purchased.

"(ii) NO LIMITATION ON TRADING OR BANKING.—There shall be no limit on the ability of any fuel provider to trade or bank credits pursuant to this subparagraph.

"(iii) USE OF BANKED CREDITS.—A fuel provider may use banked credits under this subparagraph with no discount or other adjustment to the credits.

"(iv) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—A fuel provider that is unable to generate or purchase sufficient credits to meet the requirements of subparagraph (A)(i)(III) may carry the compliance deficit forward, subject to the condition that the fuel provider, for the calendar year following the year for which the deficit is created—

"(I) achieves compliance with subparagraph (A)(i)(III); and

"(II) generates or purchases additional credits to offset the deficit from the preceding calendar year.

"(v) TYPES OF CREDITS.—To encourage innovation in transportation fuels—

"(I) only credits created in the production of transportation fuels may be used for the purpose of compliance described in clause (i); and

"(II) credits created by or in other sectors, such as manufacturing, may not be used for that purpose.

"(E) IMPACT ON FOOD PRODUCTION.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall evaluate and consider promulgating regulations to address any significant impacts on access to, and production of, food due to the sourcing and production of fuels used to comply with this Act.

"(F) NO EFFECT ON STATE AUTHORITY.—Nothing in this paragraph affects the authority of any State to establish, or to maintain in effect, any transportation fuel standard that reduces greenhouse gas emissions.".

TITLE XII—FEDERAL PROGRAM TO PROTECT NATURAL RESOURCES

Subtitle A—Auctions

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) BUREAU OF LAND MANAGEMENT FUND.—The term "Bureau of Land Management Fund" means the Bureau of Land Management Emergency Firefighting Fund established by section 1211(a).

(2) FOREST SERVICE FUND.—The term "Forest Service Fund" means the Forest Service Emergency Firefighting Fund established by section 1212(a).

(3) WILDLIFE ADAPTATION FUND.—The term "Wildlife Adaptation Fund" means the National Wildlife Adaptation Fund established by section 1231(a).

SEC. 1202. AUCTIONS.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Bureau of Land Management Fund, the Forest Service Fund, and the Wildlife Adaptation Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately on receipt of the auction proceeds—

(A) deposit in the Bureau of Land Management Fund the amount of those proceeds that is sufficient to ensure that the amount in the Bureau of Land Management Fund equals $300,000,000;

(B) deposit in the Forest Service Fund the amount of those proceeds that is sufficient to ensure that the amount in the Forest Service Fund equals $800,000,000; and

(C) deposit all remaining proceeds from the auctions conducted under this section in the Wildlife Adaptation Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the actions in a manner to ensure that—

(A) each auction takes place during the period beginning on the date that is 35 days after January 1 of the calendar year and ending on the date that is 60 before December 31 of the calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for funds
2012	3
2013	2.5
2014	2.5
2015	2.5
2016	2.5

Calendar year	Percentage for auction for funds
2017	2.5
2018	2.5
2019	2.5
2020	2.5
2021	2.5
2022	2.5
2023	3
2024	3
2025	4
2026	4
2027	4
2028	4
2029	4
2030	4
2031	4
2032	5
2033	5
2034	5
2035	5
2036	5
2037	5
2038	5
2039	5
2040	5
2041	5
2042	5
2043	5
2044	5
2045	5
2046	5
2047	5
2048	5
2049	5
2050	5

Subtitle B—Funds

SEC. 1211. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Bureau of Land Management Emergency Firefighting Fund", consisting of such amounts as are deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of the Interior (referred to in this section as the "Secretary") for normal, nonemergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding fiscal year.

SEC. 1212. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Forest Service Emergency Firefighting Fund", consisting of such amounts as are deposited in the Forest Service Fund under section 1202(a)(2)(B).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Forest Service Fund under section 1202(a)(2)(B) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of Agriculture (referred to in this section as the "Secretary") for normal, nonemergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding fiscal year.

Subtitle C—National Wildlife Adaptation Strategy

SEC. 1221. DEFINITIONS.

In this subtitle:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Science Advisory Board established by the Secretary under section 1223(a).

(2) GREAT LAKE.—The term "Great Lake" means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(3) NATIONAL STRATEGY.—The term "national strategy" means the National Wildlife Adaptation Strategy developed by the President under section 1222(a).

(4) SCIENCE CENTER.—The term "Science Center" means the Climate Change and Natural Resource Science Center established under section 1224(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1222. NATIONAL STRATEGY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the President shall develop and implement a national strategy to be known as the "National Wildlife Adaptation Strategy" to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes—

(1) to become more resilient; and

(2) to adapt to the impacts of climate change and ocean acidification.

(b) ADMINISTRATION.—In establishing and revising the national strategy, the President shall—

(1) base the national strategy on the best available science, as provided by the Advisory Board;

(2) develop the national strategy in cooperation with—

(A) State fish and wildlife agencies;

(B) State coastal agencies;

(C) State environmental agencies;

(D) territories and possessions of the United States; and

(E) Indian tribes;

(3) coordinate with—

(A) the Secretary;

(B) the Secretary of Commerce;

(C) the Secretary of Agriculture;

(D) the Secretary of Defense;

(E) the Administrator; and

(F) the head of any other appropriate Federal agency, as determined by the President;

(4) consult with—

(A) local governments;

(B) conservation organizations;

(C) scientists; and

(D) any other interested stakeholder; and

(5) provide public notice and opportunity for comment.

(c) CONTENTS.—The President shall include in the national strategy, at a minimum, prioritized goals and measures and a schedule for implementation—

(1) to identify and monitor fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes that—

(A) are particularly likely to be adversely affected by climate change and ocean acidification; and

(B) have the greatest need for protection, restoration, and conservation;

(2) to identify and monitor coastal, estuarine, marine, terrestrial, and freshwater habitats that are at the greatest risk of being damaged by climate change and ocean acidification;

(3) to assist species in adapting to the impacts of climate change and ocean acidification;

(4) to protect, acquire, maintain, and restore fish and wildlife habitat to build resilience to climate change and ocean acidification;

(5) to provide habitat linkages and corridors to facilitate fish, wildlife, and plant movement in response to climate change and ocean acidification;

(6) to restore and protect ecological processes that sustain fish, wildlife, and plant populations that are vulnerable to climate change and ocean acidification;

(7) to protect, maintain, and restore coastal, marine, and aquatic ecosystems to ensure that the ecosystems are more resilient and better able to withstand the additional stresses associated with climate change, including changes in—

(A) hydrology;

(B) relative sea level rise;

(C) ocean acidification; and

(D) water levels and temperatures of the Great Lakes;

(8) to protect ocean and coastal species from the impacts of climate change and ocean acidification;

(9) to incorporate adaptation strategies and activities to address relative sea level rise and changes in Great Lakes water levels in coastal zone planning;

(10) to protect, maintain, and restore ocean and coastal habitats to build healthy and resilient ecosystems (including through the purchase of aquatic and terrestrial ecosystems and coastal and island land);

(11) to protect, maintain, and restore floodplains to build healthy and resilient ecosystems (including through the purchase of land in floodplains);

(12) to protect, maintain, and restore aquatic and terrestrial ecosystems to ensure the long-term sustainability of the ecosystems for human and ecosystem use;

(13) to explore pollution prevention opportunities to reduce or eliminate the environmental impacts caused by climate change on aquatic and terrestrial ecosystems; and

(14) to incorporate consideration of climate change and ocean acidification, and to integrate adaptation strategies and activities for fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes, in the planning and management of Federal land and water administered by the Federal agencies that receive funding under subtitle D.

(d) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the President shall, to the maximum extent practicable—

(1) take into consideration research and information contained in—

(A) State comprehensive wildlife conservation plans;

(B) the North American Waterfowl Management Plan;

(C) the National Fish Habitat Action Plan;

(D) coastal zone management plans;

(E) reports published by the Pew Oceans Commission and the United States Commission on Ocean Policy;

(F) State or local integrated water resource management plans;

(G) watershed plans developed pursuant to section 208 or 319 of the Federal Water Pollution Control Act (33 U.S.C. 1288 and 1329);

(H) the Great Lakes Regional Collaboration Strategy; and

(I) other relevant plans; and

(2) coordinate and integrate the goals and measures identified in the national strategy with the goals and measures identified in those plans.

(e) REVISIONS.—Not later than 5 years after the date on which the national strategy is developed, and not less frequently than every 5 years thereafter, the President shall review and revise the national strategy in accordance with the procedures described in this section.

SEC. 1223. SCIENCE ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and appoint the members of an Advisory Board that is composed of—

(1) not fewer than 10, and not more than 20, members who—

(A) are recommended by the President of the National Academy of Sciences;

(B) have expertise in fish, wildlife, plant, aquatic, and coastal and marine biology, hydrology, ecology, climate change, ocean acidification, and other relevant scientific disciplines; and

(C) represent a balanced membership between Federal, State, local, and tribal representatives, universities, and conservation organizations; and

(2) each Director of the Science Center, each of whom shall be an ex officio member of the Advisory Board.

(b) DUTIES.—The Advisory Board shall—

(1) advise the President, the Directors of the Science Center, and relevant Federal agencies and departments on—

(A) the best available science regarding the impacts of climate change and ocean acidification on fish and wildlife, habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes; and

(B) scientific strategies and mechanisms for adaptation;

(2) identify and recommend priorities for ongoing research needs regarding those issues; and

(3) review the quality of the research programs carried out by the Science Center.

(c) COLLABORATION.—The Advisory Board shall collaborate with any other climate change or ecosystem research entity of any other Federal agency.

(d) PUBLIC AVAILABILITY.—The advice and recommendations of the Advisory Board shall be made available to the public.

(e) NONAPPLICABILITY OF FACA.—The Advisory Board shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.):

SEC. 1224. CLIMATE CHANGE AND NATURAL RESOURCE SCIENCE CENTER.

(a) IN GENERAL.—The Secretary shall establish a Climate Change and Natural Resource Science Center within the Department of the Interior.

(b) FUNCTIONS.—In operating the Science Center, the Secretary, in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator, and in consultation with State fish and wildlife management agencies, State coastal management agencies, territories or possessions of the United States, and Indian tribes, shall—

(1) conduct scientific research on national issues relating to the impacts of climate change on the respective authority of each Federal agency over, and mechanisms of each Federal agency for, adaptation, and avoidance and minimization of, the impacts on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes;

(2) consult with and advise Federal land, water, and natural resource management and regulatory agencies and Federal fish and wildlife agencies on—

(A) the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and

(B) mechanisms for addressing the impacts described in subparagraph (A);

(3) consult and, to the maximum extent practicable, collaborate with State and local agencies, territories or possessions of the United States, Indian tribes, universities, and other public and private entities regarding research, monitoring, and other efforts to address the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and

(4) collaborate and, as appropriate, enter into contracts with Federal and non-Federal climate change research entities to ensure that the full array of ecosystem types are appropriately addressed.

Subtitle D—National Wildlife Adaptation Program

SEC. 1231. NATIONAL WILDLIFE ADAPTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "National Wildlife Adaptation Fund", consisting of such amounts as are deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C) shall be—

(1) used to carry out activities (including research and education activities) to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of, climate change and ocean acidification (referred to in this subtitle as "adaptation activities") pursuant to this subtitle; and

(2) made available without further appropriation or fiscal year limitation.

(c) CONSISTENCY WITH NATIONAL STRATEGY.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning on the date on which the President establishes the national strategy under section 1222, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with the national strategy.

(2) INITIAL PERIOD.—Until the date on which the President establishes the national strategy, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with a workplan established by the President.

SEC. 1232. DEPARTMENT OF THE INTERIOR.

Of the amounts made available annually under section 1231(b)—

(1) 34 percent shall be allocated to the Secretary of the Interior for use in funding—

(A) adaptation activities carried out—

(i) under endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service;

(ii) on wildlife refuges and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service;

(iii) within Federal water managed by the Bureau of Reclamation; or

(iv) to address the requirements of Federal and State natural resource agencies through coordination, dissemination, and augmentation of research regarding the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and ecological processes, and the mechanisms to adapt to, mitigate, or prevent those impacts by the Science Center within the United States Geological Survey—

(I) in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator; and

(II) in consultation with State fish and wildlife management agencies, State environmental, coastal, and Great Lakes management agencies, territories or possessions of the United States, and Indian tribes;

(B) the Advisory Board; and

(C) the Science Center;

(2) 10 percent shall be allocated to the Secretary of the Interior for adaptation activities carried out under cooperative grant programs, including—

(A) the cooperative endangered species conservation fund authorized under section 6(i) of the Endangered Species Act of 1973 (16 U.S.C. 1535(i));

(B) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the multinational species conservation fund established under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246);

(D) the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(E) the Coastal Program of the United States Fish and Wildlife Service;

(F) the National Fish Habitat Action Plan;

(G) the Partners for Fish and Wildlife Program;

(H) the Landowner Incentive Program;

(I) the Wildlife Without Borders Program of the United States Fish and Wildlife Service; and

(J) the Park Flight Migratory Bird Program of the National Park Service; and

(3) 2 percent shall be allocated to the Secretary of the Interior and subsequently made available to Indian tribes to carry out adaptation activities through the tribal wildlife grants program of the United States Fish and Wildlife Service.

SEC. 1233. FOREST SERVICE.

Of the amounts made available annually under section 1231(b), 10 percent shall be allocated to the Secretary of Agriculture for use in funding adaptation activities carried out—

(1) on National Forests and National Grasslands under the jurisdiction of the Forest Service; or

(2) pursuant to the cooperative Wings Across the Americas Program.

SEC. 1234. ENVIRONMENTAL PROTECTION AGENCY.

Of the amounts made available annually under section 1231(b), 12 percent shall be allocated to the Administrator for use in adaptation activities for restoring and protecting—

(1) large-scale freshwater aquatic ecosystems, including the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, the Chattahoochee and Flint River System, the Connecticut River, and the Yellowstone River;

(2) large-scale estuarine ecosystems, including the Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound; and

(3) other freshwater, estuarine, coastal, and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Administrator (including those identified in accordance with section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)), working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners.

SEC. 1235. CORPS OF ENGINEERS.

Of the amounts made available annually under section 1231(b), 15 percent shall be allocated to the Secretary of the Army for use by the Corps of Engineers to carry out adaptation activities for protecting and restoring—

(1) large-scale freshwater aquatic ecosystems, including the ecosystems described in section 1234(1);

(2) large-scale estuarine ecosystems, including the ecosystems described in section 1234(2);

(3) other freshwater, estuarine, coastal and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Corps of Engineers, working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners; and

(4) habitats or ecosystems under programs such as—

(A) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.);

(B) project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for improvement of the environment; and

(C) the program for aquatic restoration under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 1236. DEPARTMENT OF COMMERCE.

Of the amounts made available annually under section 1231(b), 17 percent shall be allocated to the Secretary of Commerce for use in funding adaptation activities to protect, maintain, and restore coastal, estuarine, Great Lakes, and marine resources, habitats, and ecosystems, including activities carried out under—

(1) the coastal and estuarine land conservation program;

(2) the community-based restoration program;

(3) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), subject to the condition that State coastal agencies shall incorporate, and the Secretary of Commerce shall approve, coastal zone management plan elements that are—

(A) consistent with the National Wildlife Adaptation Strategy developed by the President under section 1222(a), as part of a coastal zone management program established under this Act; and

(B) specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of—

(i) global warming; and

(ii) where practicable, ocean acidification;

(4) the Open Rivers Initiative;

(5) the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(8) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); and

(9) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 1237. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall establish a panel—

(1) to convene multiple regional scientific symposia to examine the ecological impact of climate change on imperiled species in each region of the United States; and

(2) to examine and analyze the reports, data, documents, and other information produced by the regional scientific symposia.

(b) REPORT.—

(1) IN GENERAL.—The National Academy of Sciences shall prepare and submit to the Secretary of the Interior a report that—

(A) incorporates the information produced through the symposia described in subsection (a)(1); and

(B) includes each component described in paragraph (2).

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an identification and assessment of the impacts of climate change and ocean acidification on imperiled species, ecosystems, and waters under the jurisdiction of the United States (including the possessions and territories of the United States);

(B) an identification and assessment of different ecological scenarios that may result from different intensities, rates, and other critical manifestations of climate change;

(C) recommendations for the responsibilities of the Federal Government, State, local, and tribal agencies, and private parties in assisting imperiled species in adapting to, and surviving the impacts of, climate change (including a recommended list of prioritized remediation actions by those agencies and parties); and

(D) other relevant ecological information.

(3) PUBLIC AVAILABILITY.—The report shall be made available to the public as soon as practicable after the date on which the report is completed.

(c) USE OF REPORT BY HEADS OF CERTAIN FEDERAL AGENCIES.—The Secretaries of Agriculture, Commerce, the Interior, and Defense, and the Administrator, shall take into account each recommendation contained in the report under subsection (b).

TITLE XIII—INTERNATIONAL PARTNERSHIPS TO REDUCE EMISSIONS AND ADAPT TO CLIMATE CHANGE

Subtitle A—Promoting Fairness While Reducing Emissions

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASELINE EMISSION LEVEL.—

(A) COVERED GOODS.—With respect to a covered good of a foreign country, the term "baseline emission level" means, as determined by the Commission, the total annual greenhouse gas emissions attributed to the category of the covered good of the foreign country during calendar year 2005, based on the best available information.

(B) COUNTRIES.—With respect to the United States or a foreign country, the term "baseline emission level" means, as determined by the Commission, the total annual nationwide greenhouse gas emissions attributed to the country during calendar year 2005, based on the best available information.

(2) BEST AVAILABLE INFORMATION.—The term "best available information" means—

(A) all relevant data that are available for a particular period; and

(B) to the extent necessary—

(i) economic and engineering models;

(ii) best available information on technology performance levels; and

(iii) any other useful measure or technique for estimating the emissions from emissions activities.

(3) COMMISSION.—The term "Commission" means the International Climate Change Commission established by section 1304(a).

(4) COMPARABLE ACTION.—

(A) IN GENERAL.—The term "comparable action" means any greenhouse gas regulatory programs, requirements, and other measures adopted by a foreign country that, in combination, are comparable in effect to actions carried out by the United States through Federal, State, and local measures to limit greenhouse gas emissions, as determined by the Commission in accordance with subparagraph (B).

(B) REQUIREMENTS.—For purposes of subparagraph (A), the Commission shall make a determination on whether a foreign country has taken comparable action for a particular calendar year based on the best available information and in accordance with the following requirements:

(i) A foreign country shall be considered to have taken comparable action if the Commission determines that the percentage change in greenhouse gas emissions in the foreign country during the relevant period is equal to or greater than the percentage change in greenhouse emissions of the United States during that period.

(ii) In the case of a foreign country that is not considered to have taken comparable action under clause (i), the Commission shall take into consideration, in making a determination on comparable action for that foreign country, the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(I) The deployment and use of state-of-the-art technologies in industrial processes, equipment manufacturing facilities, power generation and other energy facilities, and consumer goods (such as automobiles and appliances), and implementation of other techniques or actions, that have the effect of limiting greenhouse gas emissions of the foreign country during the relevant period.

(II) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant periods.

(iii) For determinations under clause (i), the Commission shall develop rules for taking into account net transfers to and from the United States and the other foreign country of greenhouse gas allowances and other emission credits.

(iv) Any determination on comparable action made by the Commission under this paragraph shall comply with applicable international agreements.

(5) COMPLIANCE YEAR.—The term "compliance year" means each calendar year for which the requirements of this title apply to a category of covered goods of a covered foreign country that is imported into the United States.

(6) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means a foreign country that is included on the covered list prepared under section 1306(b)(3).

(7) COVERED GOOD.—The term "covered good" means a good that, as identified by the Administrator by regulation—

(A) is a primary product or manufactured item for consumption;

(B) generates, in the course of the manufacture of the good, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions; and

(C) is closely related to a good the cost of production of which in the United States is affected by a requirement of this Act.

(8) ENTER; ENTRY.—The terms "enter" and "entry" mean the point at which a covered good passes into, or is withdrawn from a warehouse for consumption in, the customs territory of the United States.

(9) FOREIGN COUNTRY.—The term "foreign country" means any country or separate customs territory other than the United States.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term "indirect greenhouse gas emissions" means greenhouse gas emissions resulting from the generation of electricity consumed in manufacturing a covered good.

(11) INTERNATIONAL AGREEMENT.—The term "international agreement" means any international agreement to which the United States is a party, including the Marrakesh agreement establishing the World Trade Organization, done at Marrakesh on April 15, 1994.

(12) INTERNATIONAL RESERVE ALLOWANCE.—The term "international reserve allowance" means an allowance (denominated in units of metric tons of carbon dioxide equivalent) that is—

(A) purchased from a special reserve of allowances pursuant to section 1306(a)(2); and

(B) used for purposes of meeting the requirements of section 1306.

(13) MANUFACTURED ITEM FOR CONSUMPTION.—The term "manufactured item for consumption" means any good or product—

(A) that is not a primary product;

(B) that generates, in the course of the manufacture, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions, including emissions attributable to the inclusion of a primary product in the manufactured item for consumption; and

(C) for which the Commission, in consultation with the Administrator, determines that the application of an international reserve allowance requirement under section 1306 to the particular category of goods or products is administratively feasible and necessary to achieve the purposes of this subtitle.

(14) PERCENTAGE CHANGE IN GREENHOUSE GAS EMISSIONS.—The term "percentage change in greenhouse gas emissions", with respect to a country, means, as determined by the Commission, the percentage by which greenhouse gas emissions, on a nationwide basis, have decreased or increased (as the case may be) as compared to the baseline emission level of the country, which percentage for the country shall be equal to the quotient obtained by dividing—

(A) the quantity of the decrease or increase in the total nationwide greenhouse gas emissions for the country, as compared to the baseline emission level for the country; by

(B) the baseline emission level for the country.

(15) PRIMARY PRODUCT.—The term "primary product" means—

(A) iron, steel, steel mill products (including pipe and tube), aluminum, cement, glass (including flat, container, and specialty glass and fiberglass), pulp, paper, chemicals, or industrial ceramics; and

(B) any other manufactured product that—

(i) is sold in bulk for purposes of further manufacture or inclusion in a finished product; and

(ii) generates, in the course of the manufacture of the product, direct greenhouse gas emissions or indirect greenhouse gas emissions that are comparable (on an emissions-per-output basis) to emissions generated in the manufacture of products by covered entities in the industrial sector.

SEC. 1302. PURPOSES.

The purposes of this subtitle are—

(1) to promote a strong global effort to significantly reduce greenhouse gas emissions;

(2) to ensure, to the maximum extent practicable, that greenhouse gas emissions occurring outside the United States do not undermine the objectives of the United States in addressing global climate change; and

(3) to encourage effective international action to achieve those objectives through—

(A) agreements negotiated between the United States and foreign countries; and

(B) measures carried out by the United States that comply with applicable international agreements.

SEC. 1303. INTERNATIONAL NEGOTIATIONS.

(a) FINDING.—Congress finds that the purposes described in section 1302 can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

(b) NEGOTIATING OBJECTIVE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change and, in other appropriate forums, to establish binding agreements committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse gas emissions.

(2) INTENT OF CONGRESS REGARDING OBJECTIVE.—To the extent that the agreements described in subsection (a) involve measures that will affect international trade in any good or service, it is the intent of Congress that—

(A) the negotiating objective of the United States shall be to focus multilateral and bilateral international agreements on the reduction of greenhouse gas emissions to advance achievement of the purposes described in section 1302; and

(B) the United States should attempt to achieve that objective through the negotiation of international agreements that—

(i) with respect to foreign countries that are not taking comparable action, promote the adoption of regulatory programs, requirements, and other measures that are comparable in effect to the actions carried out by the United States to limit greenhouse gas emissions on a nationwide basis; and

(ii) with respect to foreign countries that are taking comparable action, promote the adoption of requirements similar in effect to the requirements of this subtitle to advance the achievement of the purposes described in section 1302.

(c) NOTIFICATION TO FOREIGN COUNTRIES.—As soon as practicable after the date of enactment of this Act, the President shall provide to each applicable foreign country a notification of the negotiating objective of United States described in subsection (b), including—

(1) a request that the foreign country take comparable action to limit the greenhouse gas emissions of the foreign country, unless that foreign country would otherwise be excluded under clause (ii) or (iii) of section 1306(b)(2)(A); and

(2) an estimate of the percentage change in greenhouse gas emissions that the United States expects to achieve annually through Federal, State, and local measures during the 10-year period beginning on January 1, 2012.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the President shall submit to Congress a report describing the progress made by the United States in achieving the negotiating objective described in subsection (b).

SEC. 1304. INTERNATIONAL CLIMATE CHANGE COMMISSION.

(a) ESTABLISHMENT.—There is established a commission, to be known as the "International Climate Change Commission".

(b) ORGANIZATION.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 6 commissioners to be appointed by the President, by and with the advice and consent of the Senate.

(B) REQUIREMENTS.—Each commissioner shall—

(i) be a citizen of the United States; and

(ii) have the required qualifications for developing knowledge and expertise relating to international climate change matters, as the President determines to be necessary for performing the duties of the Commission under this subtitle.

(2) APPOINTMENT OF COMMISSIONERS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President shall appoint the commissioners to the Commission in accordance with this subsection.

(B) FAILURE TO APPOINT.—

(i) IN GENERAL.—If the President fails to appoint 1 or more commissioners by the deadline described in subparagraph (A), the International Trade Commission shall appoint the remaining commissioners by not later than 180 days after the date of enactment of this Act.

(ii) TERMINATION OF AUTHORITY.—On appointment of a commissioner by the International Trade Commission under clause (i), the authority of the President to appoint commissioners under this subsection shall terminate.

(3) POLITICAL AFFILIATION.—

(A) IN GENERAL.—Not more than 3 commissioners serving at any time shall be affiliated with the same political party.

(B) REQUIREMENT.—In appointing commissioners to the Commission, the President or the International Trade Commission, as applicable, shall alternately appoint commissioners from each political party, to the maximum extent practicable.

(4) TERM OF COMMISSIONERS; REAPPOINTMENT.—

(A) IN GENERAL.—The term of a commissioner shall be 12 years, except that the commissioners first appointed under paragraph (2) shall be appointed to the Commission in a manner that ensures that—

(i) the term of not more than 1 commissioner shall expire during any 2-year period; and

(ii) no commissioner serves a term of more than 12 years.

(B) SERVICE UNTIL NEW APPOINTMENT.—The term of a commissioner shall continue after the expiration of the term of the commissioner until the date on which a replacement is appointed by the President and confirmed by the Senate.

(C) VACANCY.—Any commissioner appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of the term.

(D) REAPPOINTMENT.—An individual who has served as a commissioner for a term of more than 7 years shall not be eligible for reappointment.

(5) CHAIRPERSON AND VICE-CHAIRPERSON.—

(A) DESIGNATION.—

(i) IN GENERAL.—The President shall designate a Chairperson and Vice Chairperson of the Commission from the commissioners that are eligible for designation under subparagraph (C).

(ii) FAILURE TO DESIGNATE.—If the President fails to designate a Chairperson under clause (i), the commissioner with the longest period of continuous service on the Commission shall serve as Chairperson.

(B) TERM OF SERVICE.—The Chairperson and Vice-Chairperson shall each serve for a term of 4 years.

(C) ELIGIBILITY REQUIREMENTS.—

(i) CHAIRPERSON.—The President may designate as Chairperson of the Commission any commissioner who—

(I) is not affiliated with the political party with which the Chairperson of the Commission for the immediately preceding year was affiliated; and

(II) except in the case of the first commissioners appointed to the Commission, has served on the Commission for not less than 1 year.

(ii) VICE-CHAIRPERSON.—The President may designate as the Vice Chairperson of the Commission any commissioner who is not affiliated with the political party with which the Chairperson is affiliated.

(6) QUORUM.—A majority of commissioners shall constitute a quorum.

(7) VOTING.—

(A) REQUIREMENT.—The Commission shall not carry out any duty or power of the Commission unless—

(i) a quorum is present at the relevant public meeting of the Commission; and

(ii) a majority of commissioners comprising the quorum, and any commissioner voting by proxy, votes to carry out the duty or function.

(B) EQUALLY DIVIDED VOTES.—With respect to a determination of the Commission regarding whether a foreign country has taken comparable action under section 1305, if the votes of the commissioners are equally divided, the foreign country shall be considered not to have taken comparable action.

(c) DUTIES.—The Commission shall—

(1) determine whether foreign countries are taking comparable action under section 1305;

(2) establish foreign country lists under section 1306(b);

(3) classify categories of goods and products as manufactured items for consumption in accordance with the requirements of section 1301(13);

(4) determine the economic adjustment ratio that applies to covered goods of covered foreign countries under section 1306(d)(4);

(5) adjust the international reserve allowance requirements pursuant to section 1307; and

(6) carry out such other activities as the Commission determines to be appropriate to implement this subtitle.

(d) POWERS.—

(1) PENALTY FOR NONCOMPLIANCE.—The Commission may impose an excess emissions penalty on a United States importer of covered goods if that importer fails to submit the required number of international reserve allowances, as specified in section 1306, in an amount equal to the excess emissions penalty that an owner or operator of a covered entity would be required to submit for noncompliance under section 203.

(2) PROHIBITION ON IMPORTERS.—The Commission may prohibit a United States importer from entering covered goods for a period not to exceed 5 years, if the importer—

(A) fails to pay a penalty for noncompliance imposed under paragraph (1); or

(B) submits a written declaration under section 1306(c) that provides false or misleading information for the purpose of circumventing the international reserve requirements of this subtitle.

(3) DELEGATION TO BICE.—

(A) IN GENERAL.—The Commission, as appropriate, may delegate to the Bureau of Immigration and Customs Enforcement any power of the Commission under this subsection.

(B) ENFORCEMENT.—On delegation by the Commission of a power under subparagraph (A), the Bureau of Immigration and Customs Enforcement shall carry out the power in accordance with such procedures and requirements as the Commission may establish.

SEC. 1305. DETERMINATIONS ON COMPARABLE ACTION.

(a) IN GENERAL.—Not later than July 1, 2013, and annually thereafter, the Commission shall determine whether, and the extent to which, each foreign country that is not exempted under subsection (b) has taken comparable action to limit the greenhouse gas emissions of the foreign country, based on best available information and a comparison between actions that—

(1) the foreign country carried out during the calendar year immediately preceding the calendar year in which the Commission is making a determination under this subsection; and

(2) the United States carried out during the calendar year immediately preceding the calendar year referred to in paragraph (1).

(b) EXEMPTION.—The Commission shall exempt from a determination under subsection (a) for a calendar year any foreign country that is placed on the excluded list pursuant to clause (ii) or (iii) of section 1306(b)(2)(A) for that calendar year.

(c) REPORTS.—The Commission shall, as expeditiously as practicable—

(1) submit to the President and Congress an annual report describing the determinations of the Commission under subsection (a) for the most recent calendar year; and

(2) publish a description of the determinations in the Federal Register.

SEC. 1306. INTERNATIONAL RESERVE ALLOWANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator shall offer for sale to United States importers international reserve allowances in accordance with this subsection.

(2) SOURCE.—International reserve allowances under paragraph (1) shall be issued from a special reserve of allowances that is separate from, and established in addition to, the quantity of allowances established pursuant to section 201(a).

(3) DATE OF SALE.—A United States importer shall be able to purchase international reserve allowances under this subsection by not later than the earliest date on which the Administrator distributes allowances under any of titles V through XI.

(4) PRICE.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a methodology for determining the daily price of international reserve allowances for sale under paragraph (1).

(B) REQUIREMENT.—The methodology under subparagraph (A) shall require the Administrator—

(i) not later than the date on which importers may first purchase international allowances under paragraph (3), and annually thereafter, to identify 3 leading publicly reported daily price indices for the sale of emission allowances established pursuant to section 201(a); and

(ii) for each day on which international reserve allowances are offered for sale under this subsection, to establish the price of the allowances in an amount equal to the arithmetic mean of the market clearing price for an allowance for the preceding day pursuant to section 201(a) on the indices identified under clause (i).

(5) SERIAL NUMBER.—The Administrator shall assign a unique serial number to each international reserve allowance issued under this subsection.

(6) TRADING SYSTEM.—The Administrator may establish, by regulation, a system for the sale, exchange, purchase, transfer, and banking of international reserve allowances.

(7) COVERED ENTITIES.—International reserve allowances may not be submitted by covered entities to comply with the allowance submission requirements of section 202.

(8) PROCEEDS.—Subject to appropriation, all proceeds from the sale of international reserve allowances under this subsection shall be allocated to carry out a program that the Administrator, in coordination with the Secretary of State, shall establish to mitigate negative impacts of climate change on disadvantaged communities in foreign countries.

(b) FOREIGN COUNTRY LISTS.—

(1) IN GENERAL.—Not later than January 1 of the third calendar year for which emission allowances are required to be submitted under section 202, and annually thereafter, the Commission shall develop and publish in the Federal Register 2 lists of foreign countries, in accordance with this subsection.

(2) EXCLUDED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as the "excluded list" the name of—

(i) each foreign country determined by the Commission under section 1305(a) to have taken action comparable to that taken by the United States to limit the greenhouse gas emissions of the foreign country;

(ii) each foreign country identified by the United Nations as among the least-developed developing countries; and

(iii) each foreign country the share of total global greenhouse gas emissions of which is below the de minimis percentage described in subparagraph (B).

(B) DE MINIMIS PERCENTAGE.—

(i) IN GENERAL.—The de minimis percentage referred to in subparagraph (A)(iii) shall be a percentage of total global greenhouse gas emissions of not more than 0.5, as determined by the Commission, for the most recent calendar year for which emissions and other relevant data are available.

(ii) REQUIREMENT.—The Commission shall place a foreign country on the excluded list under subparagraph (A)(iii) only if the de minimis percentage is not exceeded in 2 distinct determinations of the Commission—

(I) 1 of which reflects the annual average deforestation rate during a representative period for the United States and each foreign country; and

(II) 1 of which does not reflect that annual average deforestation rate.

(3) COVERED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as the "covered list", the name of each foreign country the covered goods of which are subject to the requirements of this section.

(B) REQUIREMENT.—The covered list shall include each foreign country that is not included on the excluded list under paragraph (2).

(c) WRITTEN DECLARATIONS.—

(1) IN GENERAL.—Effective beginning January 1, 2014, a United States importer of any covered good shall, as a condition of entry of the covered good into the United States, submit to the Administrator and the Bureau of Immigration and Customs Enforcement a written declaration with respect to the entry of such good, including a compliance statement, supporting documentation, and deposit in accordance with this subsection.

(2) COMPLIANCE STATEMENT.—A written declaration under paragraph (1) shall include a statement certifying that the applicable covered good is—

(A) subject to the international reserve allowance requirements of this section and accompanied by the appropriate supporting documentation and deposit, as required under paragraph (3); or

(B) exempted from the international reserve allowance requirements of this section and accompanied by a certification that the good was not manufactured or processed in any foreign country that is on the covered list under subsection (b)(3).

(3) DOCUMENTATION AND DEPOSIT.—If an importer cannot certify that a covered good is exempted under paragraph (2)(B), the written declaration for the covered good shall include—

(A) an identification of each foreign country in which the covered good was manufactured or processed;

(B) a brief description of the extent to which the covered good was manufactured or processed in each foreign country identified under subparagraph (A);

(C) an estimate of the number of international reserve allowances that are required for entry of the covered good into the United States under subsection (d); and

(D) at the election of the importer, the deposit of —

(i) international reserve allowances in a quantity equal to the estimated number required for entry under subparagraph (C); or

(ii) a bond, other security, or cash in an amount sufficient to cover the purchase of the estimated number of international reserve allowances under subparagraph (C).

(4) FINAL ASSESSMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of submission of the written declaration and entry of a covered good under paragraph (1), the Administrator shall make a final assessment of the international reserve allowance requirement for the covered good under this section.

(B) REQUIREMENT.—A final assessment under subparagraph (A) with respect to a covered good shall specify—

(i) the total number of international reserve allowances that are required for entry of the covered good; and

(ii) the difference between—

(I) the amount of the deposit under paragraph (3)(D); and

(II) the final assessment.

(C) RECONCILIATION.—

(i) ALLOWANCE DEPOSIT.—

(I) IN GENERAL.—The Bureau of Immigration and Customs Enforcement shall—

(aa) promptly reconcile the final assessment under subparagraph (A) with the quantity of international reserve allowances deposited under paragraph (3)(D)(i); and

(bb) provide a notification of the reconciliation to the Administrator and each affected importer.

(II) EXCESS ALLOWANCES.—If the quantity of international reserve allowances deposited under paragraph (3)(D)(i) exceed the quantity described in the final assessment, the Bureau of Immigration and Customs Enforcement shall refund the excess quantity of allowances.

(III) INSUFFICIENT ALLOWANCES.—If the quantity of international reserve allowances described in the final assessment exceeds the quantity of allowances deposited under paragraph (3)(D)(i), the applicable importer shall submit to the Administrator international reserve allowances sufficient to satisfy the final assessment by not later than 14 days after the date on which the notice under subclause (I)(bb) is provided.

(ii) BOND, SECURITY, OR CASH DEPOSIT.—

(I) IN GENERAL.—If an importer has submitted a bond, security, or cash deposit under paragraph (3)(D)(ii), the Bureau of Immigration and Customs Enforcement shall use the deposit to purchase a sufficient number of international reserve allowances, as determined in the final assessment under subparagraph (A).

(II) INSUFFICIENT DEPOSIT.—To the extent that the amount of the deposit fails to cover the purchase of sufficient international reserve allowances under subclause (I), the importer shall submit such additional allowances as are necessary to cover the shortage.

(III) EXCESS DEPOSIT.—To the extent that the amount of the deposit exceeds the price of international reserve allowances required under the final assessment, the Bureau of Immigration and Customs Enforcement shall refund to the importer the unused portion of the deposit.

(5) INCLUSION.—A written declaration required under this subsection shall include the unique serial number of each emission allowance associated with the entry of the applicable covered good.

(6) FAILURE TO DECLARE.—A covered good that is not accompanied by a written declaration that meets the requirements of this subsection shall not be permitted to enter the United States.

(7) CORRECTED DECLARATION.—

(A) IN GENERAL.—If, after making a declaration required under this subsection, an importer has reason to believe that the declaration contains information that is not correct, the importer shall provide a corrected declaration by not later than 30 days after the date of discovery of the error, in accordance with subparagraph (B).

(B) METHOD.—A corrected declaration under subparagraph (A) shall be in the form of a letter or other written statement to the Administrator and the office of the Bureau of Immigration and Customs Enforcement to which the original declaration was submitted.

(d) QUANTITY OF ALLOWANCES REQUIRED.—

(1) METHODOLOGY.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a method for calculating the required number of international reserve allowances that a United States importer is required to submit, together with a written declaration under subsection (c), for each category of covered goods of each covered foreign country.

(B) REQUIREMENTS.—The method shall—

(i) apply to covered goods that are manufactured and processed entirely in a single covered foreign country; and

(ii) require submission for a compliance year of the quantity of international reserve allowances described in paragraph (2) for calculating the international reserve allowance requirement on a per-unit basis for each category of covered goods that are entered into the United States from that covered foreign country during each compliance year.

(2) GENERAL FORMULA.—The quantity of international reserve allowances required to be submitted for a compliance year referred to in paragraph (1) shall be the product obtained by multiplying—

(A) the national greenhouse gas intensity rate for each category of covered goods of each covered foreign country for the compliance year, as determined by the Administrator under paragraph (3);

(B) the allowance adjustment factor for the industry sector of the covered foreign country that manufactured the covered goods entered into the United States, as determined by the Administrator under paragraph (4); and

(C) the economic adjustment ratio for the covered foreign country, as determined by the Commission under paragraph (5).

(3) NATIONAL GREENHOUSE GAS INTENSITY RATE.—The national greenhouse gas intensity rate for a covered foreign country under paragraph (2)(A), on a per-unit basis, shall be the quotient obtained by dividing—

(A) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during the most recent calendar year (as adjusted to exclude those emissions that would not be subject to the allowance submission requirements of section 202 for the category of covered goods if manufactured in the United States); by

(B) total number of units of the covered good that are produced in the covered foreign country during that calendar year.

(4) ALLOWANCE ADJUSTMENT FACTOR.—

(A) GENERAL FORMULA.—The allowance adjustment factor for a covered foreign country under paragraph (2)(B) shall be equal to 1 minus the ratio that—

(i) the number of allowances, as determined by the Administrator under subparagraph (B), that an industry sector of the covered foreign country would have received at no cost if the allowances were allocated in the same manner in which allowances are allocated at no cost under titles V through XI to that industry sector of the United States; bears to

(ii) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during a particular compliance year.

(B) ALLOWANCES ALLOCATED AT NO COST.—For purposes of subparagraph (A)(i), the number of allowances that would have been allocated at no cost to an industry sector of a covered foreign country shall be equal to the product obtained by multiplying—

(i) the baseline emission level that the Commission has attributed to a category of covered goods of the covered foreign country; and

(ii) the ratio that—

(I) the quantity of allowances that are allocated at no cost under titles V through XI to entities in the industry sector that manufactures the covered goods for the compliance year during which the covered goods were entered into the United States; bears to

(II) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions of that sector during the same compliance year.

(5) ECONOMIC ADJUSTMENT RATIO.—The economic adjustment ratio for a covered foreign country under paragraph (2)(C) shall be 1, except in any case in which the Commission determines to decrease the ratio in order to account for the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(A) The deployment and use of state-of-the-art technologies in industrial processes, equipment manufacturing facilities, power generation and other energy facilities, consumer goods (such as automobiles and appliances) and other techniques or actions that limit the greenhouse gas emissions of the covered foreign country during the relevant period.

(B) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant period.

(6) ANNUAL CALCULATION.—The Administrator shall—

(A) calculate the international reserve allowance requirements for each compliance year based on the best available information; and

(B) annually revise the applicable international reserve allowance requirements to reflect changes in the variables of the formulas described in this subsection.

(7) PUBLICATION.—Not later than 90 days before the beginning of each compliance year, the Administrator shall publish in the Federal Register a schedule describing the required number of international reserve allowances for each category of imported covered goods of each covered foreign country, as calculated under this subsection.

(8) COVERED GOODS FROM MULTIPLE COUNTRIES.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, procedures for determining the number of the international reserve allowances that a United States importer is required to submit under this section for a category of covered goods that are—

(i) primary products; and

(ii) manufactured or processed in more than 1 foreign country.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the procedures established under subparagraph (A) shall require an importer—

(I) to determine, for each covered foreign country listed in the written declaration of the importer under subsection (c)(2)(B), the number of international reserve allowances required under this subsection for the category of covered goods manufactured and processed entirely in that covered foreign country for the compliance year; and

(II) of the international reserve allowance requirements applicable to each relevant covered foreign country, to apply the requirement that requires the highest number of international reserve allowances for the category of covered goods.

(C) EXCEPTION.—

(i) IN GENERAL.—The requirements of clause (i) shall not apply if, on request by an importer, the Administrator applies an alternate method for establishing the requirement.

(ii) REQUIREMENT FOR APPLICATION.—The Administrator shall apply an alternate method for establishing a requirement under clause (i) only if the applicable importer demonstrates in an administrative hearing by a preponderance of evidence that the alternate method will establish an international reserve allowance requirement that is more representative than the requirement that would otherwise apply under clause (i).

(D) ADMINISTRATIVE HEARING.—The Administrator shall establish procedures for administrative hearings under subparagraph (C)(ii) to ensure that—

(i) all evidence submitted by an importer will be subject to verification by the Administrator;

(ii) domestic manufactures of the category of covered goods subject to the administrative hearing will have an opportunity to review and comment on evidence submitted by the importer; and

(iii) appropriate penalties will be assessed in cases in which the importer has submitted information that is false or misleading.

(e) FOREIGN ALLOWANCES AND CREDITS.—

(1) FOREIGN ALLOWANCES.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, a foreign allowance or similar compliance instrument distributed by a foreign country pursuant to a cap-and-trade program that constitutes comparable action.

(B) COMMENSURATE CAP-AND-TRADE PROGRAM.—For purposes of subparagraph (A), a cap-and-trade program that constitutes comparable action shall include any greenhouse gas regulatory program adopted by a covered foreign country to limit the greenhouse gas emissions of the covered foreign country, if the Administrator certifies that the program—

(i)(I) places a quantitative limitation on the total quantity of greenhouse gas emissions of the covered foreign country (expressed in terms of tons emitted per calendar year); and

(II) achieves that limitation through an allowance trading system;

(ii) satisfies such criteria as the Administrator may establish for requirements relating to the enforceability of the cap-and-trade program, including requirements for monitoring, reporting, verification procedures, and allowance tracking; and

(iii) is a comparable action.

(2) FOREIGN CREDITS.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, an international offset that the Administrator has authorized for use under subtitle B of title III or subtitle B of this title.

(B) APPLICATION.—The limitation on the use of international reserve allowances by covered entities under subsection (a)(7) shall not apply to a United States importer for purposes of this paragraph.

(f) RETIREMENT OF ALLOWANCES.—The Administrator shall retire each international reserve allowance, foreign allowance, and international offset submitted to achieve compliance with this section.

(g) TERMINATION.—The international reserve allowance requirements of this section shall cease to apply to a covered good of a covered foreign country if the Commission places the covered foreign country on the excluded list under subsection (b)(2).

(h) FINAL REGULATIONS.—Not later than January 1, 2013, the Administrator, in consultation with the Commission, shall promulgate such regulations as the Administrator determines to be necessary to carry out this section.

SEC. 1307. ADJUSTMENT OF INTERNATIONAL RESERVE ALLOWANCE REQUIREMENTS.

(a) IN GENERAL.—Not later than January 1, 2017, and annually thereafter, the Commission shall prepare and submit to the President and Congress a report that assesses the effectiveness of the international reserve allowance requirements under section 1306 with respect to—

(1) covered goods entered into the United States from each foreign country included on the covered list under section 1306(b)(3); and

(2) the production of covered goods in those foreign countries that are incorporated into manufactured goods that are subsequently entered into the United States.

(b) INADEQUATE REQUIREMENTS.—If the Commission determines that an applicable international reserve allowance requirement is not adequate to achieve the purposes of this subtitle, the Commission shall include in the report under subsection (a) recommendations—

(1) to increase the stringency or otherwise improve the effectiveness of the applicable requirements in a manner that ensures compliance with all applicable international agreements;

(2) to address greenhouse gas emissions attributable to the production of manufactured items for consumption that are not subject to the international reserve allowance requirements under section 1306; or

(3) to take such other action as the Commission determines to be necessary to address greenhouse gas emissions attributable to the production of covered goods in covered foreign countries, in compliance with all applicable international agreements.

(c) REVISED REGULATIONS.—The Administrator, in consultation with the Commission, shall promulgate revised regulations to implement the recommended changes to improve the effectiveness of the international reserve allowance requirements under subsection (b).

(d) EFFECTIVE DATE.—Any revisions made pursuant to subsection (c) shall take effect on January 1 of the compliance year immediately following the date on which the revision is made.

Subtitle B—International Partnerships to Reduce Deforestation and Forest Degradation

SEC. 1311. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) changes in land use patterns and forest sector emissions account for approximately 20 percent of global greenhouse gas emissions;

(2) land conversion and deforestation are 2 of the largest sources of greenhouse gas emissions in the developing world, comprising approximately 40 percent of the total greenhouse gas emissions of the developing world;

(3) with sufficient data, deforestation and forest degradation rates and forest carbon stocks can be measured with an acceptable degree of uncertainty;

(4) encouraging reduced deforestation and reduced forest degradation in foreign countries could—

(A) provide critical leverage to encourage voluntary participation by developing countries in emission limitation regimes;

(B) facilitate greater overall reductions in greenhouse gas emissions than otherwise would be practicable; and

(C) substantially benefit biodiversity, conservation, and indigenous and other forest-dependent people in developing countries;

(5) in addition to forest carbon activities that can be readily measured, monitored, and verified through national-scale programs and projects, there is great value in reducing emissions and sequestering carbon through forest carbon projects in countries that lack the institutional arrangements to support national-scale accounting of forest carbon stocks; and

(6) providing emission allowances in support of projects in countries that lack fully developed institutions for national-scale accounting could help to build capacity in those countries, sequester additional carbon, and increase participation by developing countries in international climate agreements.

(b) PURPOSE.—The purpose of this subtitle is to reduce greenhouse gas emissions by reducing deforestation and forest degradation in foreign countries in a manner that reduces the costs imposed by this Act on covered entities in the United States.

SEC. 1312. CAPACITY BUILDING PROGRAM.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations to establish programs under which the Administrator shall provide emission allowances allocated pursuant to subsection (b) to individuals and entities (including foreign governments) carrying out projects in foreign countries as described in sections 1313 and 1314.

(b) ALLOCATION.—Not later than 330 days before January 1 of each of calendar years 2012 through 2050, the Administrator shall allocate for distribution under this section 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SEC. 1313. FOREST CARBON ACTIVITIES.

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for forest carbon activities directed at sequestration of carbon through restoration of forests and degraded land, afforestation, and improved forest management in countries other than the United States, including requirements that those activities shall be—

(A) carried out and managed in accordance with widely-accepted environmentally sustainable forestry practices; and

(B) designed—

(i) to promote native species and restoration of native forests, where practicable;

(ii) to avoid the introduction of invasive nonnative species;

(iii) so as not to adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in the affected areas; and

(iv) in a manner that ensures that local communities—

(I) are provided the right of free, prior, informed consent regarding projects or other activities;

(II) are able to share equitably in profits or other benefits of the activities; and

(III) receive fair compensation for any damages resulting from the activities.

(2) QUALITY CRITERIA FOR FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements to ensure that the emission reductions or sequestrations of a forest carbon activity that receives emission allowances under this section are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage.

(b) PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.—The Administrator may provide emission allowances under this section for a project for storage of carbon in peatland or other natural land if the Administrator—

(1) determines that—

(A) the peatland or other natural land is capable of storing carbon; and

(B) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (a); and

(2) provides notice and an opportunity for public comment regarding the project.

(c) RECOGNITION OF FOREST CARBON ACTIVITIES.—With respect to foreign countries other than the foreign countries described in subsection (a) or (b), the Administrator—

(1) shall recognize any forest carbon activities of the foreign country, subject to the quality criteria for forest carbon activities described in subsection (b); and

(2) is encouraged to identify other incentives, including economic and market-based incentives, to encourage developing countries with largely intact native forests to protect those forests.

(d) OTHER FOREST CARBON ACTIVITIES.—A forest carbon activity other than a reduction in deforestation or forest degradation shall be eligible for a distribution of emission allowances under this section, subject to the eligibility requirements and quality criteria for forest carbon activities described in subsection (a) or other regulations promulgated pursuant to this Act.

SEC. 1314. ESTABLISHING AND DISTRIBUTING OFFSET ALLOWANCES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations, including quality and eligibility requirements, for the distribution of offset allowances for international forest carbon activities.

(b) QUALITY AND ELIGIBILITY REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use under this section, offset allowances distributed for an international forest carbon activity shall meet such quality and eligibility requirements as the Administrator may establish, including a requirement that—

(1) the activity shall be designed, carried out, and managed —

(A) in accordance with widely-accepted, environmentally sustainable forestry practices;

(B) to promote native species and conservation or restoration of native forests, where practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that does not adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in affected areas; and

(D) in a manner that ensures that local communities—

(i) are provided the right of free, prior, informed consent regarding projects or other activities;

(ii) are able to share equitably in profits or other benefits of the activities; and

(iii) receive fair compensation for any damages resulting from the activities;

(2) the emission reductions or sequestrations are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage; and

(3) eligible offset allowances are provided only from countries on a list described in subsection (c).

(c) LISTS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries that have—

(A) demonstrated capacity to participate in international forest carbon activities, including—

(i) sufficient historical data on changes in national forest carbon stocks;

(ii) technical capacity to monitor and measure forest carbon fluxes with an acceptable level of uncertainty; and

(iii) institutional capacity to reduce emissions from deforestation and degradation;

(B) capped greenhouse gas emissions or otherwise established a credible national baseline or emission reference scenario that is—

(i) consistent with nationally appropriate mitigation commitments or actions, taking into consideration the average annual deforestation and degradation rates of the country during a period of at least 5 years; and

(ii) projected to result in zero-net deforestation by not later than 2050; and

(C)(i) implemented an emission reduction program for the forest sector; and

(ii) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(2) PERIODIC REVIEW OF NATIONAL-LEVEL REDUCTIONS IN DEFORESTATION AND DEGRADATION.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries included in the list under paragraph (1) that have—

(A) achieved national-level reductions of deforestation and degradation below a historical reference scenario, taking into consideration the average annual deforestation and degradation rates of the country, and of all countries, during a period of at least 5 years; and

(B) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(3) CREDITING AND ADDITIONALITY.—A verified reduction in greenhouse gas emissions from deforestation and forest degradation under a cap or resulting from a nationwide emissions reference scenario described in paragraph (1)(B) shall be—

(A) eligible for crediting; and

(B) considered to satisfy the additionality criterion.

(d) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance generated under this section shall certify that the offset allowance has not been retired from use in a registry of the applicable foreign country.

(e) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances distributed pursuant to this section in a calendar year shall not exceed 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances distributed in a calendar year pursuant to this section is less than 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), the Administrator shall allow the use, by covered entities during that year, of international allowances under section 322.

(B) QUANTITY.—The aggregate quantity of international allowances the use of which is permitted under subparagraph (A) for a calendar year shall be equal to the difference between—

(i) the quantity of offset allowances distributed during that calendar year pursuant to this section; and

(ii) a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(3) CARRYOVER.—Notwithstanding paragraph (1), if the sum of the quantity of offset allowances distributed for a calendar year pursuant to this section and the quantity of international allowances permitted to be used during that year under paragraph (2)(B) is less than a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the quantity of offset allowances distributed pursuant to this section for the following calendar year shall not exceed a value equal to the sum of—

(A) 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a); and

(B) the difference between—

(i) a value equal to the sum of—

(I) the quantity of offset allowances distributed during the preceding calendar year pursuant to this section; and

(II) the quantity of international allowances used during that year pursuant to paragraph (2); and

(ii) 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(f) LIMITATIONS.—

(1) MAXIMUM QUANTITY.—The Administrator shall not distribute to the government of a foreign country a quantity of offset allowances that exceeds the quantity of metric tons of carbon dioxide that have been biologically sequestered or prevented from being emitted as a result of country-wide reductions in deforestation and forest degradation by the foreign country.

(2) MAXIMUM USE.—The regulations promulgated pursuant to this section shall ensure that offset allowances are not issued for sequestration or emission reductions that have been used or will be used by any other country for compliance with a domestic or international obligation to limit or reduce greenhouse gas emissions.

(g) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and 5 years thereafter, the Administrator shall conduct a review of the program under this section.

(h) DISCOUNT.—If, after the date that is 10 years after the date of enactment of this Act, the Administrator determines that foreign countries that, in the aggregate, generate greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions have not capped those emissions, established emissions reference scenarios based on historical data, or otherwise reduced total forest emissions of the foreign countries, the Administrator may apply a discount to distributions of emission allowances to those countries under this section.

SEC. 1315. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under subtitle E of title II shall not be eligible to receive emission allowances under this subtitle.

SEC. 1316. EFFECT OF SUBTITLE.

Nothing in this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

Subtitle C—International Partnerships to Deploy Clean Energy Technology

SEC. 1321. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) ELIGIBLE COUNTRY.—The term "eligible country" means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the President to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(3) FUND.—The term "Fund" means the International Clean Energy Deployment Fund established by subsection (c)(1).

(4) QUALIFIED ENTITY.—The term " qualified entity" means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "International Clean Energy Deployment Fund".

(2) AUCTIONS.—

(A) IN GENERAL.—In accordance with subparagraph (B), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year.

(B) NUMBER; FREQUENCY.—For each calendar year during the period described in subparagraph (A), the Administrator shall—

(i) conduct not fewer than 4 auctions; and

(ii) schedule the auctions in a manner to ensure that—

(I) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(II) the interval between each auction is of equal duration.

(C) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under subparagraph (A), the Administrator shall deposit the proceeds of the auction in the Fund.

(d) USE OF FUNDS.—All amounts in the Fund shall be made available, without further appropriation or fiscal year limitation, to carry out the International Clean Energy Deployment Program established by section 114.

Subtitle D—International Partnerships to Adapt to Climate Change and Protect National Security

SEC. 1331. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "International Climate Change Adaptation and National Security Fund" (referred to in this subtitle as the "Fund").

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (c), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2050, the Administrator shall auction a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under paragraph (1), the Administrator shall deposit the proceeds of the auction in the Fund.

(c) PERCENTAGE FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (b) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for auction for Fund
2012	1
2013	1
2014	1.25
2015	1.25
2016	1.25
2017	1.25
2018	2
2019	2
2020	2
2021	2
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	6
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	7
2040	7
2041	7
2042	7
2043	7
2044	7
2045	7
2046	7
2047	7
2048	7
2049	7
2050	7

SEC. 1332. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 2 years after the date of enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (referred to in this subtitle as the "Administrator of the Agency") and the Administrator, shall establish within the Agency a program, to be known as the " International Climate Change Adaptation and National Security Program" (referred to in this subtitle as the "Program").

(b) PURPOSES.—The purposes of the Program shall be—

(1) to protect the economic and national security of the United States by minimizing, averting, or increasing resilience to potentially destabilizing global climate change impacts;

(2) to support the development of national and regional climate change adaptation plans in the most vulnerable developing countries, including the planning, financing, and execution of adaptation projects;

(3) to support the identification and deployment of technologies that would help the most vulnerable developing countries respond to destabilizing impacts of climate change, including appropriate low-carbon and energy-efficient technologies that help reduce greenhouse gas and black carbon emissions of those countries;

(4) to support investments, capacity-building activities, and other assistance to reduce vulnerability and promote community-level resilience relating to climate change and the impacts of climate change on the most vulnerable developing countries, including impacts such as—

(A) water scarcity (including drought and reductions in access to safe drinking water);

(B) reductions in agricultural productivity;

(C) floods;

(D) sea level rise;

(E) shifts in agricultural zones or seasons;

(F) shifts in biodiversity; or

(G) other impacts that—

(i) affect economic livelihoods;

(ii) result in increases in refugees and internally displaced individuals; or

(iii) otherwise increase social, economic, political, cultural, or environmental vulnerability;

(5) to support climate change adaptation research in or for the most vulnerable developing countries; and

(6) to encourage the enhancement and diversification of agricultural, fishery, and other livelihoods, the reduction of disaster risk, and the protection and rehabilitation of natural systems in order to reduce vulnerability and provide increased resilience to climate change for local communities and livelihoods in the most vulnerable developing countries.

(c) DUTIES.—The director of the Program shall—

(1) submit to the President, the Committees on Environment and Public Works and Foreign Relations of the Senate, the Committees on Energy and Commerce and Foreign Relations of the House of Representatives, and any other relevant congressional committees with national security jurisdiction, annual reports on the economy and foreign policy that describe, with respect to the preceding calendar year—

(A) the extent to which other countries are committed to reducing greenhouse gas emissions through mandatory programs;

(B) the extent to which global climate change, through the potential negative impacts of climate change on sensitive populations and natural resources in the most vulnerable developed countries, might threaten, cause, or exacerbate political, economic, environmental, cultural, or social instability or international conflict in those regions;

(C) the ramifications of any potentially destabilizing impacts climate change might have on the economic and national security of the United States, including—

(i) the creation of refugees and internally displaced individuals;

(ii) national or international armed conflicts over water, food, land, or other resources;

(iii) loss of agricultural and other livelihoods, cultural stability, and other causes of increased poverty and economic destabilization;

(iv) decline in availability of resources needed for survival, including water;

(v) increased impact of natural disasters, including severe weather events, droughts, and flooding;

(vi) increased prevalence or virulence of climate-related diseases; and

(vii) intensified urban migration;

(D) the means by which funds derived from proceeds of auctions under section 1331 were expended to enhance the economic and national security of the United States and assist in avoiding the economically, politically, environmentally, culturally, and socially destabilizing impacts of climate change in volatile regions of the world, particularly least-developed countries; and

(E) cooperative activities carried out by the United States and foreign countries and international organizations to carry out this subtitle; and

(2) identify and make recommendations regarding the developing countries—

(A) that are most vulnerable to climate change impacts; and

(B) in which Federal assistance could have the greatest and most sustainable benefits with respect to reducing vulnerability to climate change, including in the form of deploying technologies, investments, capacity-building activities, and other types of assistance for adaptation to climate change impacts and approaches to reduce emissions of greenhouse gases in ways that could also provide community-level resilience to climate change impacts.

(d) IMPLEMENTATION OF PROGRAM.—

(1) RECOMMENDATIONS.—Amounts deposited in the Fund under section 1331(b)(3) shall be made available, without further appropriation or fiscal year limitation, to carry out—

(A) the Program; and

(B) international activities that meet the requirements described in paragraph (8).

(2) OVERSIGHT.—The Administrator of the Agency shall have oversight authority with respect to the expenditures of the Program.

(3) MOST VULNERABLE DEVELOPING COUNTRIES.—The director of the Program shall use amounts in the Fund to carry out project and programs in the most vulnerable developing countries, as determined by the Administrator of the Agency, including—

(A) least-developed countries;

(B) low-lying and other small island developing countries;

(C) developing countries with low-lying coastal, arid, and semi-arid areas or areas prone to floods, drought, and desertification; and

(D) developing countries with fragile, mountainous ecosystems.

(4) LIMITATION.—Not more than 10 percent of amounts made available to carry out this subtitle shall be spent in any single country in any calendar year.

(5) CONSULTATION WITH LOCAL COMMUNITIES AND STAKEHOLDERS.—The Administrator of the Agency shall ensure that local communities in areas in which a project is proposed to be carried out under the Program are involved in the project through—

(A) full disclosure of information;

(B) consultation with the communities and stakeholders at international, national, and local levels; and

(C) informed participation.

(6) DEVELOPMENT OBJECTIVES.—The Administrator of the Agency shall, to the maximum extent practicable, ensure that projects proposed to be carried out under the Program are carried out in accordance with broader development, poverty alleviation, or natural resource management objectives and initiatives in the countries served by the projects.

(7) INTERNATIONAL FUNDS.—

(A) IN GENERAL.—The Secretary of State may distribute not more than 60 percent of amounts made available to carry out the Program to an international fund that meets the requirements of paragraph (8).

(B) NOTIFICATION.—Not later than 15 days before the date on which the Secretary of State distributes funds to an international fund under subparagraph (A), the Secretary of State shall submit to the appropriate congressional committees a notification of the distribution.

(8) REQUIREMENTS.—To be eligible to receive funds under paragraph (7), an international fund shall be established pursuant to the Convention (or an agreement negotiated under the Convention) that—

(A) specifies the terms and conditions under which—

(i) the United States will provide amounts to the fund; and

(ii) the international fund will distribute the amounts to recipient countries;

(B) ensures that United States assistance to the international fund and the principal and income of the fund are disbursed only for purposes that are consistent with subsection (b);

(C) requires a regular meeting of a governing body of the international fund that provides full public access and includes members representing the most vulnerable developing countries;

(D) requires that not more than 10 percent of the amounts available to the international fund shall be spent for any single country in any calendar year; and

(E) requires the international fund to prepare and make public an annual report that—

(i) identifies and recommends the developing countries—

(I) that are most vulnerable to climate change impacts; and

(II) in which assistance can have the greatest and most sustainable benefit to reducing vulnerability to climate change;

(ii) describes the process and methodology for selecting the recipients of assistance or grants from the fund;

(iii) describes specific programs and projects funded by the international fund and the extent to which the assistance is addressing the adaptation needs of the most vulnerable developing countries;

(iv) describes the performance goals for assistance under the fund and expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(v) describes the performance indicators to be used in measuring or assessing the achievement of the performance goals described in clause (iv);

(vi) provides a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(vii) describes the participation of other countries and international organizations in funding and administering the international fund.

SEC. 1333. MONITORING AND EVALUATION OF PROGRAMS.

(a) IN GENERAL.—The Administrator of the Agency shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this subtitle on a program-by-program basis in order to maximize the long-term sustainable developmental impact of the assistance, including the extent to which the assistance is—

(1) meeting the purposes of this subtitle in addressing the climate change adaptation needs of developing countries; and

(2) enhancing the national security of the United States.

(b) REQUIREMENTS.—In carrying out subsection (a), the Administrator of the Agency shall—

(1) in consultation with heads of government of recipient foreign countries—

(A) establish performance goals for assistance under this subtitle; and

(B) expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(2) establish performance indicators for use in assessing the achievement of the performance goals described in paragraph (1);

(3) provide a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(4) include in the report to Congress under section 1332(c)(1) a description of the results of the monitoring and evaluation of programs under this section.

(c) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator of the Agency, in cooperation with the National Academy of Sciences and other research and development institutions, as appropriate, shall conduct a review of—

(1) the global needs and opportunities for, and costs of, adaptation assistance in developing countries, especially least-developed developing countries;

(2) the progress of international adaptation among developing countries, including an evaluation of—

(A) the impact of expenditures by the Secretary under this subtitle; and

(B) the extent to which adaptation needs are addressed;

(3) the best practices for adapting to climate change in terms of promoting community-level resilience and social, economic, political, environmental, and cultural stability; and

(4) any guidelines or regulations established by the Administrator of the Agency to carry out this subtitle.

TITLE XIV—REDUCING THE DEFICIT

SEC. 1401. DEFICIT REDUCTION FUND.

There is established in the Treasury of the United States a fund, to be known as the "Deficit Reduction Fund".

SEC. 1402. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with subsections (b) and (c), a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Deficit Reduction Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each of calendar years 2012 through 2050, the quantity of emission allowances auctioned pursuant to subsection (a) shall be the quantity represented by the percentages specified in the following table:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	5.75
2013	5.75
2014	5.75
2015	6.50
2016	6.75
2017	6.75
2018	7.25
2019	7
2020	8
2021	9.5
2022	8.75
2023	9.75
2024	10.75
2025	10.75
2026	12.75
2027	12.75
2028	12.75
2029	13.75
2030	13.75
2031	19.75
2032	17.75
2033	17.75
2034	16.75
2035	16.75
2036	16.75
2037	16.75
2038	16.75
2039	16.75
2040	16.75
2041	16.75
2042	16.75
2043	16.75
2044	16.75
2045	16.75
2046	16.75
2047	16.75
2048	16.75
2049	16.75
2050	16.75

SEC. 1403. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1402, immediately on receipt of those proceeds, in the Deficit Reduction Fund.

SEC. 1404. DISBURSEMENTS FROM FUND.

No disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

TITLE XV—CAPPING HYDROFLUOROCARBON EMISSIONS

SEC. 1501. REGULATIONS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program requiring reductions in hydrofluorocarbons consumed in the United States by entities that—

(1) manufacture HFCs in the United States; or

(2) import HFCs into the United States.

(b) Definition of HFC Consumed.—The regulations promulgated pursuant to subsection (a) shall provide that the term "HFC consumed"—

(1) means—

(A) in the case of an HFC producer, a value equal to the difference between—

(i) the sum of—

(I) the quantity of HFC produced in the United States; and

(II) the quantity of HFC imported from any source into the United States, including quantities contained in products or equipment, or acquired in the United States from another HFC producer through sale or other transaction; and

(ii) the quantity of HFC exported or transferred to another HFC producer in the United States through sale or other transaction; and

(B) in the case of an HFC importer for resale, a value equal to the difference between—

(i) the quantity of HFC imported for resale from any source into the United States; and

(ii) the quantity of HFC exported; and

(2) shall not include the consumption of any quantity of HFC that is recycled.

(c) Requirements.—The program established under subsection (a) shall—

(1) be based on, and parallel the major regulatory structure of, the program established under this Act for requiring reductions of emissions in the United States of non-HFC greenhouse gases;

(2) provide that the compliance obligation under this section shall require the submission of HFC allowances for any HFC consumed or imported in products or equipment;

(3) provide that the compliance obligation under the program shall not be satisfied, in whole or in part, by the submission of any emission allowances or offset allowances established pursuant to titles II, III, or XIII;

(4) establish annual HFC limitations in accordance with subsection (d);

(5) take into consideration, in establishing the limitations, whether the automobile manufacturing industry will begin selling, before 2012, automobiles the air conditioning systems of which use a refrigerant with a lower global warming potential than HFCs currently in use;

(6) require the auction of—

(A) not more than 10 percent of the quantity of HFC allowances established for calendar year 2012;

(B) for each of calendar years 2013 through 2030, a percentage of the quantity of HFC allowances established for the applicable calendar year that is greater than the percentage auctioned under this section for the preceding calendar year; and

(C) 100 percent of the quantity of HFC allowances established for calendar years 2031 through 2050;

(7) for each of calendar years 2012 through 2030, require the allocation, at no charge, to entities that manufacture HFCs in the United States and import HFCs into the United States of—

(A) subject to subparagraph (B), not less than 80 percent of the HFC allowances established for the applicable calendar year and not auctioned in accordance with paragraph (6), with the allocation being based on 100 percent of the HFCs and 60 percent of the hydrochlorofluorocarbons consumed by an HFC producer or importer for resale during—

(i) a base period covering calendar years 2004 through 2006; or

(ii) as the Secretary determines to be appropriate, an extended base period covering calendar years 2004 through 2008 with respect to an HFC producer or importer for resale that commenced operation of a new manufacturing facility in the United States after 2006; and

(B) not less than 10 percent of the emission allowances established for the applicable calendar year and not auctioned to a class of entities, to be defined by the Administrator, that manufacture in the United States commercial products containing HFCs, including, at a minimum, entities that manufactured in the United States during calendar year 2005 commercial or residential air conditioning, heat pump, commercial, or residential refrigeration products or plastic foam products (including formulated systems) containing HFC or hydrochlorofluorocarbon, if the HFC or hydrochlorofluorocarbon was included in the products at the time of sale;

(8) establish a system under which—

(A) a manufacturer or importer of HFCs may reduce a compliance obligation under this section for a calendar year by demonstrating to the Administrator the quantity of HFCs the manufacturer or importer destroyed during that calendar year; and

(B) the Administrator establishes and distributes HFC allowances, on a discounted basis, to entities for destruction of chlorofluorocarbons or hydrochlorofluorocarbons; and

(9) require the use of all proceeds from the auction of HFC allowances under this section to support—

(A) research into commercial alternatives with lower global warming potential than HFCs currently in use;

(B) the recovery, reclamation, and destruction of HFCs;

(C) manufacturers in the United States the products of which contain HFCs to transition to manufacturing products that contain refrigerants or blowing agents with lower global warming potential than HFCs currently in use; and

(D) the promotion of energy-efficient manufactured products that contain refrigerants or blowing agents with low global warming potential.

(d) Annual Limitations.—The Administrator shall establish HFC allowances for each calendar year in a manner that establishes limitations on annual consumption of HFCs pursuant to the program under this section of—

(1) for calendar year 2012, not more than 289,000,000 carbon dioxide equivalents of HFCs;

(2) for each of calendar years 2013 through 2019, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(3) for calendar year 2020, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.85;

(4) for each of calendar years 2021 through 2029, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(5) for calendar year 2030, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.55;

(6) for each of calendar years 2031 through 2036, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(7) for each of calendar years 2037 through 2039, a quantity of carbon dioxide equivalents of HFCs that does not exceed the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year; and

(8) for each of calendar years 2040 through 2050, a quantity of carbon dioxide equivalents of HFCs that does not exceed the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.30.

SEC. 1502. NATIONAL RECYCLING AND EMISSION REDUCTION PROGRAM.

Section 608 of the Clean Air Act (42 U.S.C. 7671g) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) Definition of Hydrofluorocarbon Substitute.—In this section, the term 'hydrofluorocarbon substitute' means a hydrofluorocarbon—

"(1) with a global warming potential of more than 150; and

"(2) that is used in or for types of equipment, appliances, or processes that previously relied on a class I or class II substance.";

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) in the matter following paragraph (3), by striking "Such regulations" and inserting the following:

"(5) The regulations";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3)(A) Not later than 1 year after date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards and requirements regarding the sale or distribution, or offer for sale and distribution in interstate commerce, use, and disposal of hydrofluorocarbon substitutes for class I substances and class II substances not covered by paragraph (1), including the use, recycling, and disposal of those hydrofluorocarbon substitutes during the maintenance, service, repair, or disposal of appliances and industrial process refrigeration equipment.

"(B) The standards and requirements established under subparagraph (A) shall take effect not later than 1 year after the date of promulgation of the regulations.";

(4) in subsection (c) (as redesignated by paragraph (1))—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through "following—" and inserting the following:

"(c) SAFE DISPOSAL.—The regulations under subsection (b) shall—

"(1) establish standards and requirements for the safe disposal of class I substances and class II substances and hydrofluorocarbon substitutes for those substances; and

"(2) include each of the following:"; and

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting "(or hydrofluorocarbon substitutes for those substances)" after "class I or class II substances".

SEC. 1503. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "Effective" and inserting the following:

"(1) IN GENERAL.—Effective";

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in subparagraph (B) (as so redesignated), by striking "or" at the end;

(B) in subparagraph (C) (as so redesignated), by striking the period at the end and inserting "; or"; and

(C) by inserting after subparagraph (C) the following:

"(D) the Administrator determines that the substance—

"(i) is used as a fire suppression agent for military, commercial aviation, industrial, space, or national security applications; and

"(ii) reduces overall risk to human health and the environment, as compared to alternative substances."; and

(4) in the second sentence, by striking "As used in" and inserting the following:

"(2) DEFINITION OF REFRIGERANT.—In".

TITLE XVI—PERIODIC REPORTS AND RECOMMENDATIONS

SEC. 1601. NATIONAL ACADEMY OF SCIENCES REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall, by not later than January 1, 2012, and every 3 years thereafter, make public and submit to the Administrator a report in accordance with this section.

(b) LATEST SCIENTIFIC INFORMATION.—Each report submitted pursuant to subsection (a) shall—

(1) address recent scientific reports on climate change, including the most recent assessment by the Intergovernmental Panel on Climate Change; and

(2) include a description of—

(A) trends in, and projections for, total United States greenhouse gas emissions, including the Inventory of United States Greenhouse Gas Emissions and Sinks;

(B) trends in, and projections for, total worldwide greenhouse gas emissions;

(C) current and projected future atmospheric concentrations of greenhouse gases;

(D) current and projected future global average temperature, including an analysis of whether an increase of global average temperature in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average has occurred or is more likely than not to occur in the foreseeable future;

(E) current and projected future adverse impacts of global climate change on human populations, wildlife, and natural resources; and

(F) trends in, and projections for, the health of the oceans and ocean ecosystems, including predicted changes in ocean acidity, temperatures, extent of coral reefs, and other indicators of ocean ecosystem health, resulting from anthropogenic carbon dioxide emissions and climate change.

(c) PERFORMANCE OF THIS ACT.—In addition to information required to be included under subsection (b), each report submitted pursuant to subsection (a) shall include an assessment of—

(1) the extent to which this Act, in concert with other policies, will prevent a dangerous increase in global average temperature;

(2) the extent to which this Act, in concert with other policies, will prevent dangerous atmospheric concentrations of greenhouse gases;

(3) the current and future projected deployment of technologies and practices that reduce or limit greenhouse gas emissions, including—

(A) technologies for capturing, transporting, and sequestering carbon dioxide;

(B) efficiency improvement technologies;

(C) zero- and low-greenhouse gas-emitting energy technologies, including solar, wind, geothermal, and nuclear technologies; and

(D) above- and below-ground biological sequestration technologies;

(4) the extent to which this Act and other policies are accelerating the development and commercial deployment of technologies and practices that reduce and limit greenhouse gas emissions;

(5) the extent to which the allocations and distributions of emission allowances and auction proceeds under this Act are advancing the purposes of this Act;

(6) the feasibility of retiring quantities of the emission allowances established pursuant to section 201(a);

(7) the feasibility of establishing policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(8) whether the use and trading of emission allowances is resulting in increases in pollutants that are listed as criteria pollutants under section 108(a)(1) of the Clean Air Act (42 U.S.C. 7408(a)(1)), defined as toxic air pollutants in section 211(k)(10)(C) of that Act (42 U.S.C. 7545(k)(10)(C)), or listed as hazardous air pollutants in section 112(a) of that Act (42 U.S.C. 7412(a)) (referred to collectively in this title as "covered pollutants");

(9) whether the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in increases in covered pollutants;

(10) whether the use and trading of emission allowances and the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in an increase in covered pollutants in environmental justice communities, specifically; and

(11) with respect to the offset programs established under this Act—

(A) the uncertainty and additionality of domestic offsets, international offsets, and international markets;

(B) the impacts of changing the restrictions on the market and the economic costs of the offset programs;

(C) the interaction with the cost management efforts of the Board;

(D) the impacts on deforestation in foreign countries; and

(E) the progress covered entities are making in reducing emissions from covered activities of the covered entities.

SEC. 1602. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(a) IN GENERAL.—Not later than January 1, 2013, and every 3 years thereafter, the Administrator shall submit to Congress legislative recommendations based in part on the most recent report submitted by the National Academy of Sciences pursuant to section 1601.

(b) CATEGORIES OF LEGISLATION.—The legislative measures eligible for inclusion in the recommendations required by subsection (a) shall include measures that would—

(1) expand the definition of the term "covered entity" under this Act;

(2) expand the scope of the compliance obligation established by section 202;

(3) adjust quantities of emission allowances available in 1 or more calendar years;

(4) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(5) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and

(6) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets.

(c) CONSISTENCY WITH REPORTS.—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the reports submitted by the National Academies of Sciences pursuant to section 1601.

(d) ONGOING EVALUATION OF IMPACTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of impacted communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629) in implementing this Act.

(e) EFFECT ON OTHER AUTHORITY.—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

SEC. 1603. PRESIDENTIAL RECOMMENDATIONS.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than January 1, 2018, the President shall establish a task force, to be known as the "Interagency Climate Change Task Force".

(b) COMPOSITION.—The members of the Interagency Climate Change Task Force shall be—

(1) the Administrator;

(2) the Secretary of Energy;

(3) the Secretary of the Treasury;

(4) the Secretary of Commerce; and

(5) such other Cabinet Secretaries as the President may name to the membership of the Interagency Climate Change Task Force.

(c) CHAIRMAN.—The Administrator shall act as Chairperson of the Interagency Climate Change Task Force.

(d) REPORT TO PRESIDENT.—

(1) IN GENERAL.—Not later than April 1, 2019, the Interagency Climate Change Task Force shall make public and submit to the President a consensus report making recommendations, including for specific legislation for the President to recommend to Congress.

(2) BASIS.—The report submitted pursuant to paragraph (1) shall be based on the third set of recommendations submitted by the

Administrator to Congress under section 1602.

(3) INCLUSIONS.—The Interagency Climate Change Task Force shall include with the consensus report an explanation for each significant inconsistency between the consensus report and the third set of recommendations submitted by the Administrator to Congress pursuant to section 1602.

(e) PRESIDENTIAL RECOMMENDATION TO CONGRESS.—Not later than July 1, 2020, the President shall submit to Congress the text of a proposed Act based upon the consensus report submitted to the President pursuant to subsection (d).

TITLE XVII—MISCELLANEOUS

Subtitle A—Climate Security Act Administrative Fund

SEC. 1701. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the "Climate Security Act Administrative Fund" (referred to in this subtitle as the "Fund").

SEC. 1702. AUCTIONS.

(a) FIRST PERIOD.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2027, the Administrator shall auction, to raise funds for deposit in the Fund, 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that is 3 years after the calendar year during which the auction is conducted.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, to raise funds for deposit in the Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of the calendar year; and

(ii) the interval between each auction is of equal duration.

SEC. 1703. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1702, immediately on receipt of those proceeds, in the Fund.

SEC. 1704. DISBURSEMENTS FROM FUND.

No disbursements shall be made from the Fund, except pursuant to an appropriation Act.

SEC. 1705. USE OF FUNDS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the amounts deposited into the Fund during the preceding calendar year under section 1703 shall be made available to pay the administrative costs of carrying out this Act.

(b) TREATMENT OF AMOUNTS IN FUND.—Amounts in the Fund—

(1) may be used as an offsetting collection available to the Administrator, the Secretary of Agriculture, the Secretary of Labor, the Secretary of the Interior, the Secretary of Energy, the heads of other Federal departments or agencies required to carry out activities under this Act, the Board, or the Climate Change Technology Board to offset expenses incurred, or amounts made available through an appropriation Act for use, in carrying out this Act; and

(2) shall remain available until expended.

Subtitle B—Presidential Emergency Declarations and Proclamations

SEC. 1711. EMERGENCY DECLARATION.

(a) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(b) CONSULTATION.—In making an emergency declaration under subsection (a), the President shall, to the maximum extent practicable, consult with and take into consideration any advice received from—

(1) the National Security Advisor;

(2) the Secretary of the Treasury;

(3) the Secretary of Energy;

(4) the Administrator;

(5) relevant committees of Congress; and

(6) the Board.

SEC. 1712. PRESIDENTIAL PROCLAMATION.

After making an emergency declaration under section 1711, the President shall declare by proclamation each action required to minimize the emergency.

SEC. 1713. CONGRESSIONAL RESCISSION OR MODIFICATION.

(a) TREATMENT OF PROCLAMATION.—A proclamation issued pursuant to section 1712 shall be considered to be a final action by the President.

(b) ACTION BY CONGRESS.—Congress shall rescind or modify a proclamation issued pursuant to section 1712, if necessary, not later than 30 days after the date of issuance of the proclamation.

SEC. 1714. REPORT TO FEDERAL AGENCIES.

Not later than 30 days after the date on which a proclamation issued pursuant to section 1712 takes effect, and every 30 days thereafter during the effective period of the proclamation, the President shall submit to the head of each appropriate Federal agency a report describing the actions required to be carried out by the proclamation.

SEC. 1715. TERMINATION.

(a) IN GENERAL.—Subject to subsection (b), a proclamation issued pursuant to section 1712 shall terminate on the date that is 180 days after the date on which the proclamation takes effect.

(b) EXTENSION.—The President may request an extension of a proclamation terminated under subsection (a), in accordance with the requirements of this subtitle.

(c) CONGRESSIONAL APPROVAL.—Congress shall approve or disapprove a request of the President under subsection (b) not later than 30 days after the date of receipt of the request.

SEC. 1716. PUBLIC COMMENT.

(a) IN GENERAL.—During the 30-day period beginning on the date on which a proclamation is issued pursuant to section 1712, the President shall accept public comments relating to the proclamation.

(b) RESPONSE.—Not later than 60 days after the date on which a proclamation is issued, the President shall respond to public comments received under subsection (a), including by providing an explanation of—

(1) the reasons for the relevant emergency declaration; and

(2) the actions required by the proclamation.

(c) NO IMPACT ON EFFECTIVE DATE.—Notwithstanding subsections (a) and (b), a proclamation under section 1712 shall take effect on the date on which the proclamation is issued.

SEC. 1717. PROHIBITION ON DELEGATION.

The President shall not delegate to any individual or entity the authority—

(1) to make a declaration under section 1711; or

(2) to issue a proclamation under section 1712.

Subtitle C—Administrative Procedure and Judicial Review

SEC. 1721. REGULATORY PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), any rule, requirement, regulation, method, standard, program, determination, or final agency action made or promulgated pursuant to this Act shall be subject to the regulatory procedures described in subchapter II of chapter 5 of title 5, United States Code.

(b) EXCEPTION.—Subsection (a) does not apply to the establishment or any allocation of emission allowances under this Act by the Administrator.

SEC. 1722. ENFORCEMENT.

(a) VIOLATIONS.—

(1) IN GENERAL.—It shall be unlawful for any owner or operator of a covered entity to violate any prohibition, requirement, or other provision of this Act (including a regulation promulgated pursuant to this Act).

(2) OPERATION OF COVERED ENTITIES.—The operation of any covered entity in a manner that results in emissions of greenhouse gas in excess of the number of emission allowances submitted for compliance with section 202 by the covered entity shall be considered to be a violation of this Act.

(3) TREATMENT.—Each carbon dioxide equivalent of greenhouse gas emitted by a covered entity in excess of the number of emission allowances held by the covered entity shall be considered to be a separate violation of this Act.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Each provision of this Act, and any regulation promulgated pursuant to this Act, shall be fully enforceable in accordance with sections 113, 303, and 304 of the Clean Air Act (42 U.S.C. 7413, 7603, 7604).

(2) TREATMENT.—For purposes of enforcement under this subsection, all requirements under this Act shall be considered to be requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), and, for purposes of enforcement under section 304 of that Act (42 U.S.C. 7604), all requirements of this Act shall be considered to be emission standards or limitations under that Act (42 U.S.C. 7401 et seq.).

(3) MANDATORY DUTIES.—Any provision of this Act relating to a mandatory duty of the Administrator or any other Federal official shall be fully enforceable in accordance with section 304 of the Clean Air Act (42 U.S.C. 7604).

(4) JURISDICTION OF UNITED STATES DISTRICT COURTS.—Each United States district court shall have jurisdiction to compel agency action (including discretionary agency action) required under this Act that, as determined by the United States district court, has been unreasonably delayed.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any individual or entity may submit a petition for judicial review of any regulation promulgated, or final action carried out, by the Administrator or any other Federal official pursuant to this Act.

(2) COURT JURISDICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), a petition under paragraph (1) may be filed in the United States court of appeals for the appropriate circuit.

(B) PETITIONS AGAINST ADMINISTRATOR.—A petition under paragraph (1) relating to a regulation promulgated, or final action carried out, by the Administrator shall be filed only in the United States Court of Appeals for the District of Columbia Circuit, in accordance with section 307(b) of the Clean Air Act (42 U.S.C. 7607(b)).

(3) REMEDY.—

(A) CORRECTION OF DEFICIENCIES.—Subject to subparagraph (B), on a determination by the reviewing court that a final agency action under this Act is arbitrary, capricious, or unlawful, the court shall require the agency to correct each deficiency identified by the court—

(i) as expeditiously as practicable; and

(ii) in no case later than the earlier of—

(I) the date that is 1 year after the date on which the court makes the determination; and

(II) the applicable deadline under this Act for the relevant original agency action.

(B) REQUIREMENT.—In selecting a remedy for an arbitrary, capricious, or unlawful action by the agency in carrying out this Act, the reviewing court shall avoid vacating the action if vacating the action could jeopardize the full and timely achievement of the emission reductions required by this Act.

(d) LITIGATION COSTS.—A court of competent jurisdiction may award costs of litigation (including reasonable attorney and expert witness fees) for a civil action filed pursuant to this section in accordance with section 307(f) of the Clean Air Act (42 U.S.C. 7607(f)).

SEC. 1723. POWERS OF ADMINISTRATOR.

The Administrator shall have the same powers and authorities provided under sections 114 and 307(a) of the Clean Air Act (42 U.S.C. 7414, 7607(a)) in carrying out, administering, and enforcing this Act.

Subtitle D—State Authority

SEC. 1731. RETENTION OF STATE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act precludes, diminishes, or abrogates the right of any State to adopt or enforce—

(1) any standard, limitation, or prohibition, or cap relating to emissions of greenhouse gas; or

(2) any requirement relating to control, abatement, mitigation, or avoidance of emissions of greenhouse gas.

(b) EXCEPTION.—Notwithstanding subsection (a), no State may adopt a standard, limitation, prohibition, cap, or requirement that is less stringent than the applicable standard, limitation, prohibition, or requirements under this Act.

Subtitle E—Tribal Authority

SEC. 1741. TRIBAL AUTHORITY.

For the purposes of this Act, the Administrator may treat any Indian tribe as a State in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

Subtitle F—Clean Air Act

SEC. 1751. INTEGRATION.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress a report describing any direct regulation of carbon dioxide emissions that has occurred or may occur under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) RECOMMENDATIONS.—The report shall include recommendations of the President to ensure efficiency and certainty in the regulation of carbon dioxide emissions by the Federal Government.

Subtitle G—State-Federal Interaction and Research

SEC. 1761. STUDY AND RESEARCH.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academy of Sciences or an institution of higher education or collaborative of such institutions under which the National Academy of Sciences or institutions shall conduct a study of—

(1) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State of a cap-and-trade program for greenhouse gases, in addition to the Federal programs under this Act;

(2) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State, in addition to the Federal programs under this Act, of a program that achieves greenhouse gas reductions through mechanisms other than a cap-and-trade program, including—

(A) efficiency standards for vehicles, buildings, and appliances;

(B) renewable electricity standards;

(C) land use planning and transportation policy; and

(D) fuel carbon intensity standards; and

(3) the reasonably foreseeable effect on emission allowance prices and price volatility, costs to businesses and consumers (including low-income consumers), economic growth, and total cumulative emissions associated with each State program described in paragraphs (1) and (2), as compared to a national greenhouse gas control policy limited to the Federal programs under this Act.

(b) GREAT LAKES CENTER FOR GREEN TECHNOLOGY MANUFACTURING.—

(1) DESIGNATION.—The Administrator, in cooperation with the Secretary of Commerce and the Secretary of Energy, shall designate the University of Toledo as the "Great Lakes Center for Green Technology Manufacturing", to recognize the importance of research, development, and deployment of manufacturing technology needed to reduce worldwide greenhouse gas emissions.

(2) PURPOSES.—The purposes of the Great Lakes Center for Green Technology Manufacturing shall be—

(A) to carry out activities to increase domestic production of renewable energy technology and components;

(B) to develop, or assist in the development and commercialization of, advanced manufacturing processes, materials, and infrastructure for a low-carbon economy; and

(C) to assist the transition of historically manufacturing-based economies to the production of renewable energy technologies.

(3) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(c) PROCEEDS FROM AUCTIONS.—None of the proceeds from any auction conducted under this Act may be obligated after fiscal year 2047 except as provided in an appropriations Act.

SA 4826. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific,

and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 4827. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike all after the word "SEC" on line 2 and insert the following:

1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

The provisions of this section shall become effective in 7 days after enactment.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of the bill, add the following:

The provision of this Act shall become effective 5 days after enactment.

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike "5" and insert "4".

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end, insert the following:

This section shall become effective 3 days after enactment of the bill.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

On line 2, strike "3" and insert "2".

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment strike "2" and insert "1".

SA 4833. Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 2, strike "and".

On page 15, line 12, strike the period and insert "; and".

On page 15, between lines 12 and 13, insert the following:

(25) a Federal climate program for the United States must respond in a timely fashion to the most up-to-date science on climate change, including scientific findings on the reductions in United States greenhouse gas emissions needed to avert the worst effects of climate change.

On page 471, strike lines 3 through 5 and insert the following:

(1) consider and incorporate existing findings and reports, including the most recent assessments from the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change; and

On page 471, line 24, strike "and" at the end.

On page 472, line 7, strike the period at the end and insert "; and".

On page 472, between lines 7 and 8, insert the following:

(G) the potential for abrupt changes in climate that occur so rapidly or unexpectedly that human or natural systems have difficulty adapting.

On page 475, between lines 5 and 6, insert the following:

(d) RECOMMENDATIONS ON GLOBAL AND UNITED STATES EMISSION BUDGETS.—In addition to and taking into account the information required to be included under subsections (b) and (c), each report required to be submitted under subsection (a) shall include recommendations regarding—

(1) a global cumulative emission budget for the period beginning on the date of submission of the first report under subsection (a) and ending on December 31, 2050, that would likely achieve the goals of—

(A) preventing an increase in global average temperature of more than 2 degrees Celsius above the preindustrial average; or

(B) preventing an alternate temperature increase above the preindustrial average, if the Academy finds that such an alternate average temperature is the threshold above which warming is likely to cause dangerous interference with the climate system; and

(2) a range for the emission budget of the United States, for the period described in paragraph (1), that—

(A) is realistically consistent with remaining within the global cumulative emission budget recommended under paragraph (1); and

(B) takes into consideration emission reductions and other commitments by industrialized and developing nations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

Beginning on page 475, strike line 6 and all that follows through page 478, line 17, and insert the following:

SEC. 1602. PRESIDENTIAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than September 30, 2018, and every 3 years thereafter, the Administrator shall make public and submit to the President a report making legislative recommendations to achieve cumulative United States emission reductions through calendar year 2050 for the President to transmit to Congress.

(b) COORDINATION WITH OTHER AGENCIES.—In developing those recommendations, the Administrator shall coordinate with—

(1) the Secretary of Energy;

(2) the Secretary of the Treasury;

(3) the Secretary of Commerce;

(4) the Secretary of the Interior; and

(5) other relevant Federal officials, as determined by the Administrator, appointed to a position at level I of the Executive Schedule and listed in section 5312 of title 5, United States Code.

(c) BASIS.—The recommendations submitted pursuant to subsection (a) shall be based on the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(d) INCLUSIONS.—The report shall include—

(1) recommendations for amendments to this Act to achieve cumulative United States emission reductions through calendar year 2050 that are realistically consistent with remaining within the global cumulative emission budget described in section 1601(d)(1), including measures that would—

(A) adjust the definition of the term "covered entity" under this Act;

(B) adjust the scope of the compliance obligation established by section 202;

(C) adjust quantities of emission allowances available in 1 or more calendar years;

(D) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(E) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and

(F) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets; and

(2) safeguards to achieve all the purposes of this Act in accordance with paragraph (1), including—

(A) the accomplishment of robust growth and the creation of new jobs in the United States economy; and

(B) the protection of United States consumers, especially consumers in greatest need, from hardship.

(e) CONSISTENCY WITH REPORTS.—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(f) PRESIDENTIAL RECOMMENDATION TO CONGRESS.—Not later than January 1, 2019, and every 3 years thereafter, the President shall submit to Congress the text of proposed legislation based on the recommendations submitted to the President pursuant to subsection (a).

(g) ONGOING EVALUATION OF IMPACTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of affected communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations) in implementing this Act.

(h) EFFECT ON OTHER AUTHORITY.—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

SEC. 1603. CONGRESSIONAL REVIEW OF PRESIDENTIAL RECOMMENDATIONS.

(a) DEFINITION OF IMPLEMENTING LEGISLATION.—In this section, the term "implementing legislation" means only legislation introduced in the period beginning on the date on which recommendations for legislation are submitted to Congress under section 1602(f), and every third year thereafter, and ending 60 days after such submission (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), which proposes the legislative changes recommended by the President under section 1602.

(b) REFERRAL.—Implementing legislation described in subsection (a) shall be referred immediately to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) CONSIDERATION.—

(1) IN GENERAL.—Implementing legislation shall be considered by the committee to which the legislation is referred under subsection (b).

(2) SENATE PROCEDURE.—In the Senate—

(A) a committee to which legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation at the end of the period of 30 calendar days after the introduction of the legislation, upon a petition supported in writing by 30 Members of the Senate; and

(B) after that 30-calendar-day period, the legislation shall be placed on the calendar.

(d) MOTION TO PROCEED IN SENATE.—

(1) IN GENERAL.—In the Senate, after the committee to which implementing legislation is referred under subsection (b) has reported the legislation or been discharged under subsection (c)(2)(A) from further consideration of the legislation, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the implementing legislation.

(2) DEBATE AND POSTPONEMENT.—A motion to proceed described in paragraph (1) shall not be debatable or subject to a motion to postpone, or to a motion to proceed to the consideration of other business.

(3) MOTION TO RECONSIDER.—A motion to reconsider the vote by which a motion to proceed under paragraph (1) is agreed to or disagreed to shall not be in order.

(4) AGREEMENT.—If a motion to proceed to the consideration of the implementing legislation is agreed to, the implementing legislation shall remain the unfinished business of the Senate until disposed of.

(e) PROCEDURE IN HOUSE OF REPRESENTATIVES.—In the House of Representatives—

(1) the committee to which implementing legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation—

(A) at the end of the 60-calendar-day period beginning on the date of introduction of the legislation in the House of Representatives; and

(B) upon a petition supported in writing by 130 Members of the House of Representatives; and

(C) the implementing legislation shall be placed on the calendar, and called up on the floor of the House of Representatives, subject to the rules of the House of Representatives.

(f) EFFECT OF SECTION ON CONGRESSIONAL RULES.—This section—

(1) is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively;

(2) as such rulemaking power—

(A) is deemed to be part of the rules of each of the Senate and House of Representatives, respectively;

(B) shall be applicable only with respect to the procedure to be followed in the Senate or House of Representatives, respectively, in the case of implementing legislation described in subsection (a); and

(C) supersedes other rules only to the extent that the section is inconsistent with those other rules; and

(3) is enacted by Congress with full recognition of the constitutional right of either the Senate or House of Representatives to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, between lines 7 and 8, insert the following:

SEC. 127. FUTUREGEN COOPERATIVE AGREEMENT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE-FC 26-06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) ADMINISTRATION.—During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION.

(a) SHORT TITLE.—This section may be cited as the "Protect Science Act of 2008".

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(2) SCIENTIFIC.—The term "scientific" means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering.

(c) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Scientific research and innovation is a principal component to American prosperity.

(B) There have been numerous cases where Federal scientific studies and reports have been altered by political appointees and Federal employees to misrepresent or omit information.

(C) Political interference has also resulted in—

(i) the censorship of scientific information and documents requested by Congress;

(ii) the delayed release of Government science reports; and

(iii) the denial of media access to scientific researchers.

(D) Such political interference with science in the Federal agencies undermines the credibility, integrity, and consistency of the United States Government.

(2) PURPOSE.—The purpose of this section is to protect scientific credibility, integrity, and communication in research and policymaking.

(d) PROHIBITION OF POLITICAL INTERFERENCE WITH SCIENCE.—

(1) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"§ 7354. Interference with science

"(a) DEFINITIONS.—In this section—

"(1) the term 'censorship' means improper prevention of the dissemination of valid and nonclassified scientific findings;

"(2) the term 'scientific' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering; and

"(3) the term 'tampering' means improperly altering or obstructing so as to substantially distort, or directing others to do so.

"(b) IN GENERAL.—An employee may not engage in any of the following:

"(1) Tampering with the conduct or findings of federally funded scientific research or analysis.

"(2) Censorship of findings of federally funded scientific research or analysis.

"(3) Directing the dissemination of scientific information known by the directing employee to be false or misleading.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, is amended by inserting after the item relating to section 7353 the following:

"7354. Interference with science.".

(e) PUBLICATION REQUIREMENT RELATING TO SCIENTIFIC STUDIES AND REPORTS.—

(1) DEFINITION.—In this subsection, the term "political appointee" means an individual who holds a position that—

(A) requires appointment by the President, by and with the advice and consent of the Senate;

(B) is within the Executive Office of the President;

(C) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(D) is a Senior Executive Service position as defined under section 3132 (2) of title 5, United States Code, and not a career reserved position as defined under paragraph (8) of that section; or

(E) is in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 48 hours after an agency publishes a scientific study or report, including a summary, synthesis, or analysis of a scientific study or report, that has been modified to incorporate oral or written comments by a political appointee that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall—

(i) make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public—

(I) the final version by the principal scientific investigators before review;

(II) the final version as published by the agency; and

(III) a version making a comparison of the versions described under subclauses (I) and (II), that identifies—

(aa) any modifications; and

(bb) the text making those modifications;

(ii) identify any political appointee who made those comments; and

(iii) provide uniform resource locator links on that website to both versions and related publications.

(B) PRINTED PUBLICATIONS.—The head of each agency shall ensure that the printed publication of any summary, synthesis, or analysis of a scientific study or report described under subparagraph (A) shall include a reference to the website described under that paragraph.

(3) FORMAT AND EASE OF COMPARISON.—The versions of any study or report described under paragraph (2) shall be made available—

(A) in a format that is generally available to the public; and

(B) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 versions.

(f) STATE OF SCIENTIFIC INTEGRITY REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General shall submit a report to Congress on compliance with the requirements of section 7354 of title 5, United States Code, (as added by subsection (d) of this section) and section (e) of this section.

SA 4836. Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON, of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 553. EXCLUSION OF NEW FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.

Notwithstanding any other provision of this subtitle shall not apply to fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) for 2 which construction began after January 19, 2007.

At the end of section 614(d), add the following:

(2) EXCLUSION OF FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.—Notwithstanding paragraph (1), a State shall not use any emission allowance (or proceeds of sale of an emission allowance) to mitigate obstacles to investment by fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) or fossil fuel-fired electricity generation markets.

SA 4838. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 2 and 3, insert the following:

(d) NATIONAL EMISSION REDUCTION MILESTONES FOR 2050.—Not later than January 1, 2012, after an opportunity for public notice and comment, the Administrator shall promulgate rules and take any other actions necessary (including revising the post-2020 emission allowances in the chart in subsection (a)) to achieve an 80 percent reduction in all United States global warming emissions by calendar year 2050, as compared to calendar year 1990.

SA 4839. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. REBATES FOR PURCHASE AND INSTALLATION OF PHOTOVOLTAIC SYSTEMS FOR 10 MILLION-SOLAR ROOFS.

(a) FINDINGS.—Congress finds that—

(1)(A) there is huge potential for increasing the quantity of electricity produced in the United States from distributed solar photovoltaics; and

(B) the use of photovoltaics on the roofs of 10 percent of existing buildings could meet 70 percent of peak electric demand;

(2) investment in solar photovoltaics technology will create economies of scale that will allow the technology to deliver electricity at prices that are competitive with electricity from fossil fuels;

(3) electricity produced from distributed solar photovoltaics helps to reduce greenhouse gas emissions and does not emit harmful air pollutants, such as mercury, sulfur dioxide, and nitrogen oxides;

(4) electricity produced from distributed solar photovoltaics enhances national energy security;

(5) investments in renewable energy stimulate the development of green jobs that provide substantial economic benefits;

(6)(A) rebate programs in several States have been successful in increasing the quantity of solar energy from distributed photovoltaics;

(B) the State of California has used rebate programs to install nearly 190 megawatts of grid-connected photovoltaics since 2000; and

(C) the State of New Jersey has installed nearly 50 megawatts of grid-connected photovoltaics since 2001, including 20 megawatts in 2007 alone; and

(7) Germany has installed nearly 4,000 megawatts of distributed solar photovoltaics and sustained an annual growth rate approaching 67 percent since enacting aggressive laws to encourage photovoltaic installations

(b) PROGRAM.—The Secretary of Energy (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall provide rebates to eligible individuals or entities for the purchase and installation of photovoltaic systems for residential and commercial properties in order to install, over the 10-year period beginning on the date of enactment of this Act, at least an additional 10,000,000 solar systems in the United States (as compared to the number of solar systems installed in the United States as of the date of enactment of this Act) with a cumulative capacity of at least 30,000 megawatts.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), to be eligible for a rebate under this section—

(A) the recipient of the rebate shall be a homeowner, business, nonprofit entity, or State or local government that purchased and installed a photovoltaic system for a property located in the United States;

(B) the total capacity of the photovoltaic system for the property shall not exceed 4 megawatts;

(C) the buildings on the property for which the photovoltaic system is installed shall—

(i) in the case of a new or renovated building, achieve a rating of not less than 75 under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) (or an equivalent rating under an established benchmarking metric); and

(ii) in the case of any building not described in clause (i), be retrofitted to achieve a rating improvement of not less than 30 points under the Energy Star program (or an equivalent improvement under an established benchmarking metric); and

(D) the recipient of the rebate shall meet such other eligibility criteria as are determined to be appropriate by the Secretary.

(2) OTHER ENTITIES.—After public review and comment, the Secretary may identify other individuals or entities located in the United States that qualify for a rebate under this section.

(d) AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall be at least $3 for each watt of installed capacity.

(2) MAXIMUM AMOUNT.—The total amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall not exceed 50 percent of the cost of the purchase and installation of the system.

(e) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for installation of a photovoltaic system for a property.

(f) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide rebates under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1)

shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for rebates under 10-million solar roofs program
2012	9.73
2013	9.19
2014	8.73
2015	8.33
2016	8.06
2017	7.82
2018	7.60
2019	7.42
2020	7.25
2021	7.01

SA 4840. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle C—Renewable Energy Standard

SEC. 921. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding municipal waste and electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding incremental hydropower).

"(2) BIOMASS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'biomass' means—

"(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

"(ii) nonhazardous, plant or algal matter that is derived from any of—

"(I) an agricultural crop, crop byproduct or residue resource;

"(II) waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, or wood contaminated with plastic or metals);

"(III) gasified animal waste; or

"(IV) landfill methane.

"(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—With respect to organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term 'biomass' means only organic material from—

"(i) ecological forest restoration;

"(ii) pre-commercial thinnings;

"(iii) brush;

"(iv) mill residues; and

"(v) slash.

"(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass shall not be included in the term 'biomass' if the material or matter is located on—

"(i) Federal land containing old growth forest or late successional forest, unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the Federal land—

"(I) is appropriate for the applicable forest type; and

"(II) maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition;

"(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System;

"(iii) a Wilderness Study Area;

"(iv) an inventoried roadless area of Federal land;

"(v) any part of the National Landscape Conservation System; or

"(vi) a National Monument.

"(3) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

"(4) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (8)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass, or landfill gas.

"(5) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

"(6) INCREMENTAL GEOTHERMAL PRODUCTION.—

"(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

"(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(7) INCREMENTAL HYDROPOWER.—

"(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

"(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

"(C) MEASUREMENT.—Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

"(8) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

"(i) solar, wind, or geothermal energy or ocean energy;

"(ii) biomass;

"(iii) landfill gas; or

"(iv) incremental hydropower; and

"(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

"(i) the additional energy above the average generation during the 3-year period ending on the date of enactment of this section at the facility from—

"(I) solar or wind energy or ocean energy;

"(II) biomass;

"(III) landfill gas; or

"(IV) incremental hydropower; and

"(ii) incremental geothermal production.

"(9) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

"(b) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

"(2) MINIMUM ANNUAL PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	Minimum annual percentage:
2010	1
2011	2
2012	4
2013	6
2014	8
2015	10
2016	12
2017	14
2018	16
2019	18
2020	20

"(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of this subsection by—

"(A) submitting to the Secretary renewable energy credits issued under subsection (c);

"(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (h)); or

"(C) conducting a combination of activities described in subparagraphs (A) and (B).

"(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM—.

"(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a renewable energy credit trading program under which each electric utility shall submit to the Secretary renewable energy credits to certify the compliance of the electric utility with respect to obligations under subsection (b).

"(2) ADMINISTRATION.—As part of the program, the Secretary shall—

"(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

"(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

"(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (i);

"(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section;

"(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

"(F) ensure that, with respect to a purchaser that as of the date of enactment of this section has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy.

"(3) DURATION.—A credit described in subparagraph (A) or (B) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

"(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (b) may transfer the credits to another electric utility in the same utility holding company system.

"(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate entity that establishes markets the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

"(d) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (b) shall be subject to a civil penalty.

"(2) AMOUNT OF PENALTY.—Subject to paragraph (3), the amount of the civil penalty shall be equal to the product obtained by multiplying—

"(A) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); by

"(B) the greater of—

"(i) 2 cents (adjusted for inflation under subsection (h)); or

"(ii) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) MITIGATION OR WAIVER.—

"(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (b) for reasons outside of the reasonable control of the utility.

"(B) REDUCTION.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (b).

"(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

"(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

"(1) IN GENERAL.—Not later than December 31, 2008, the Secretary of the Treasury shall establish a State renewable energy account in the Treasury.

"(2) DEPOSITS.—

"(A) IN GENERAL.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established under paragraph (1).

"(B) SEPARATE ACCOUNT.—The State renewable energy account shall be maintained as a separate account in the Treasury and shall not be transferred to the general fund of the Treasury.

"(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

"(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

"(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

"(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) to State programs to stimulate or enhance innovative renewable energy technologies.

"(f) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

"(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

"(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) in Hawaii.

"(h) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary shall adjust for United States dollar inflation (as measured by the Consumer Price Index)—

"(1) the price of a renewable energy credit under subsection (c)(2); and

"(2) the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

"(i) STATE PROGRAMS.—

"(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (d)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section.

"(2) COORDINATION.—The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility subject to the requirements of this section that is also subject to a State renewable energy standard receives renewable energy credits in relation to equivalent quantities of renewable energy associated with compliance mechanisms, other than the generation or purchase of renewable energy by the electric utility, including the acquisition of certificates or credits and the payment of taxes, fees, surcharges, or other financial compliance mechanisms by the electric utility or a customer of the electric utility, directly associated with the generation or purchase of renewable energy.

"(B) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

"(j) RECOVERY OF COSTS.—

"(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

"(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(k) WIND ENERGY DEVELOPMENT STUDY.—The Secretary, in consultation with appropriate Federal and State agencies, shall conduct, and submit to Congress a report describing the results of, a study on methods to increase transmission line capacity for wind energy development.

"(l) SUNSET.—This section expires on December 31, 2040.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

"Sec. 609. Rural and remote communities electrification grants.
"Sec. 610. Federal renewable portfolio standard.".

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. GRANTS FOR DEVELOPMENT OR CONSTRUCTION OF CONCENTRATING SOLAR POWER PLANTS.

(a) GOAL.—It is the goal of this section to add, over the 10-year period beginning on the date of enactment of this Act, at least an additional 200,000 megawatts of renewable electric power from concentrating solar power plants.

(b) GRANTS.—The Secretary of Energy, in consultation with the Administrator, shall establish a program under which the Secretary shall provide grants to eligible entities to pay the Federal share of the cost of developing or constructing concentrating solar power plants.

(c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 12.5 percent of the cost of developing or constructing a concentrating solar power plant.

(d) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for the development or construction of a concentrating solar power plant.

(e) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide grants under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for grants for concentrating solar power plants
2012	9.7
2013	9.2
2014	8.7
2015	8.3
2016	8.1
2017	7.8
2018	7.6
2019	7.4
2020	7.3
2021	7.0

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, line 12, strike "(a) IN GENERAL.—".

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

SA 4843. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, strike lines 6 through 12 and insert the following:

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall constitute a property right.

(2) COMPENSATION.—The Administrator shall provide to the holder of an emission allowance just compensation for the termination or limitation of the emission allowance.

SA 4844. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. 16___. REPORT ON THE ECONOMIC IMPACTS OF CLIMATE CHANGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academy of Sciences (referred to in this section as the "Academy"), under which the Academy shall, not later than January 1, 2011, and every 5 years thereafter, submit to the Administrator and make available to the public a report that assesses the costs of climate change on the United States economy, including the costs associated with hurricanes and other storms, drought, hunger, water shortages, and coastal flooding.

(b) INITIAL REPORT.—

(1) REQUIREMENTS.—The initial report required under subsection (a) shall—

(A) include an analysis of the economic, social, and environmental consequences of climate change in the United States if action is not taken to reduce global greenhouse gas emissions;

(B) take into account the risks of increased climate volatility and major irreversible impacts of climate change;

(C) be organized by region of the United States;

(D) identify—

(i) the key economic and environmental effects from climate change; and

(ii) the main impacts to be expected from climate change, including impacts on—

(I) agriculture and forestry;

(II) the food supply;

(III) energy;

(IV) transportation;

(V) fisheries;

(VI) coastal impacts and habitability;

(VII) recreation and tourism;

(VIII) public health;

(IX) water quantity and quality;

(X) low-income consumers; and

(XI) ecosystems, such as forests, rivers, and lakes;

(E) include estimates of costs of the main impacts of climate change identified under subparagraph (D)(ii);

(F) express in monetary terms the cost of climate change on each sector of the economy on a regional basis and to the United States as a whole;

(G) make predictions for the economic cost of climate change in the United States for each decade beginning in 2020 and ending in 2100; and

(H) reference the latest information available from—

(i) the U.S. Global Change Research Program; and

(ii) the Intergovernmental Panel on Climate Change.

(2) LIMITATION.—The initial report shall not take into account any possible adaptations to the effects of climate change, including the construction of levies or other infrastructure adjustments.

(c) SUBSEQUENT REPORTS.—In addition to including the components required under subsection (b)(1), any report submitted after the date of the initial report shall include an estimate of the savings to the United States economy achieved due to any reduced climate change impacts associated with reductions in greenhouse gas emissions since the submission of the previous report.

SA 4845. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 198, line 16.

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a). '

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions and promote renewable electricity generation in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1
2026	1
2027	1
2028	1
2029	1
2030	1

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use at least 25 percent to promote renewable electricity generation under subsection (d)(1)(W).

In section 832(b), strike "start-up, expansion, and operation of the facilities" and insert "start-up or expansion of the facilities".

SA 4846. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 193, before line 1, and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	16.5
2013	16.5
2014	16.5
2015	16.5
2016	16.25
2017	16
2018	15.75
2019	14.75
2020	13.5
2021	12
2022	9.75
2023	8.75
2024	7.5
2025	7.25
2026	4.25
2027	3
2028	2.75
2029	1.5
2030	1.25.

On page 426, strike lines 14 through 16 and insert the following:

section—

(1) for each of calendar years 2012 through 2030, 2.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(2) for each of calendar years 2031 through 2050, 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SA 4847. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In section 551(a), strike"2030" and insert "2022".

In section 551(b), strike the table and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	16.25
2014	14.5
2015	12.75
2016	11
2017	9.25
2018	7.5
2019	5.75
2020	4
2021	2.25
2022	0.5

In section 552(a), strike"2030" and insert "2022".

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a).

(X) To provide funding to pay the costs of training for climate change adjustment assistance-eligible individuals under section 535(h).

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions, promote renewable electricity generation, assist low-income consumers, train workers, and improve energy efficiency in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	0
2013	1.75
2014	3.5
2015	5.25
2016	6.75
2017	8.25
2018	9.75
2019	10.5
2020	11
2021	11.25
2022	10.75
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3
2030	2.75

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use—

(A) at least 20 percent to promote renewable electricity generation under subsection (d)(1)(W);

(B) at least 10 percent to promote energy efficiency under subsection (d)(1)(B);

(C) at least 15 percent to train workers under subsection (d)(1)(X); and

(D) at least 5 percent to mitigate impacts on low-income energy consumers under subsection (d)(1)(A).

In section 832(b), strike "start-up, expansion, and operation of the facilities" and insert "start-up or expansion of the facilities".

SA 4848. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL COMMISSION ON ENERGY POLICY AND GLOBAL CLIMATE CHANGE.

(a) ESTABLISHMENT.—There is established a commission, to be known as the "National Commission on Energy Policy and Global Climate Change" (referred to in this section as the "Commission").

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine all aspects of the national energy situation and related policies in order to develop a comprehensive, economy-wide policy approach to energy issues;

(2) to examine relevant data relating to global climate change, including impacts of human activities; and

(3) to report to Congress and the President the findings, conclusions, and recommendations of the Commission for legislation to establish a comprehensive national energy policy that ensures national energy security and significantly reduces greenhouse gas emissions in order to address global climate change without damaging the economy.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be jointly appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives, who shall serve as Chairperson of the Commission;

(B) 1 shall be jointly appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, who shall serve as Vice-Chairperson of the Commission;

(C) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Environment and Public Works of the Senate;

(D) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives, in consultation with the Select Committee on Energy Independence and Global Warming of the House of Representatives;

(E) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate;

(F) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Commerce of the House of Representatives;

(G) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate;

(H) 1 shall be jointly appointed by the Chairpersons and Ranking Members of the Committees on Science and Technology and Transportation and Infrastructure of the House of Representatives;

(I) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(J) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture of the House of Representatives;

(K) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Finance of the Senate; and

(L) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—

(A) POLITICAL PARTY AFFILIATION.—An appointment of a member of the Commission under paragraph (1) shall be made—

(i) without regard to the political party affiliation of the member; and

(ii) on a nonpartisan basis.

(B) NONGOVERNMENTAL APPOINTEES.—A member appointed to the Commission under paragraph (1) shall not be an officer or employee of—

(i) the Federal Government; or

(ii) any unit of State or local government.

(C) SENSE OF CONGRESS REGARDING OTHER QUALIFICATIONS.—It is the sense of Congress that members appointed to the Commission under paragraph (1) should be prominent, nationally recognized United States citizens, with a significant depth of experience in professions such as governmental service, science, energy, economics, the environment, agriculture, manufacturing, public administration, and commerce (including aviation matters).

(3) DEADLINE FOR APPOINTMENTS.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission as soon as practicable, and not later than 60 days, after the date on which all members of the Commission are appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting under subparagraph (A), the Commission shall meet at the call of—

(i) the Chairperson; or

(ii) a majority of the members of the Commission.

(5) QUORUM.—7 members of the Commission shall constitute a quorum.

(6) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

(d) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study and evaluate relevant data, studies, and proposals relating to national energy policies and policies to address global climate change, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure relating to—

(i) domestic production and consumption of energy from all sources and imported sources of energy, particularly oil and natural gas;

(ii) domestic and international oil and gas exploration, production, refining, and pipelines and other forms of infrastructure and transportation;

(iii) energy markets, including energy market speculation, transparency, and oversight;

(iv) the structure of the energy industry, including the impacts of consolidation, antitrust, and oligopolistic concerns, market manipulation and collusion concerns, and other similar matters;

(v) electricity production and transmission issues, including fossil fuels, renewable energy, energy efficiency, and energy conservation matters;

(vi) transportation fuels, biofuels and other renewable fuels, fuel cells, motor vehicle power systems, efficiency, and conservation; and

(vii) nuclear energy, including matters relating to permitting, regulation, and legal liability;

(B) examine relevant data relating to global climate change and the national and global environment, including—

(i) the impacts on the global climate system and the environment of human activities, particularly greenhouse gas emissions and pollution; and

(ii) the consequences of global climate change on humans and other species, particularly consequences to the national security, economy, and public health and safety of the United States;

(C) identify, review, and evaluate the lessons of past energy policies, energy crises, environmental problems, and attempts to address global climate change;

(D) evaluate proposals for energy and global climate change policies, including proposals developed by Members of Congress, congressional Committees, relevant Federal, regional, and State government agencies, nongovernmental organizations, independent organizations, and international organizations, with the goal of expanding those proposals to develop a blueprint for comprehensive energy and global climate change legislation; and

(E) submit to Congress and the President the reports required under subsection (h).

(2) RELATIONSHIP TO EFFORTS OF CONGRESS.—The Commission shall—

(A) review the information compiled by, and the findings, conclusions, and recommendations of, congressional Committees of relevant jurisdiction; and

(B) based on the results of the review, pursue any appropriate inquiry that the Commission determines to be necessary to carry out the duties of the Commission under paragraph (1).

(e) POWERS.—

(1) IN GENERAL.—

(A) RULES.—The Commission may establish such rules relating to administrative procedures as are reasonably necessary to enable the Commission to carry out this section.

(B) HEARINGS AND EVIDENCE.—

(i) IN GENERAL.—The Commission or any subcommittee or member of the Commission may, for the purpose of carrying out this section—

(I) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission determines to be appropriate; and

(II) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission determines to be necessary.

(ii) PUBLIC REQUIREMENT.—In accordance with applicable laws (including regulations) and Executive orders regarding protection of information acquired by the Commission, the Commission shall ensure that, to the maximum extent practicable—

(I) all hearings of the Commission are open to the public, including by—

(aa) providing live and recorded public access to hearings on the Internet; and

(bb) publishing all transcripts and records of hearings at such time and in such manner as is agreed to by the majority of members of the Commission; and

(II) all findings and reports of the Commission are made public.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) on agreement of the Chairperson and Vice-Chairperson of the Commission; or

(II) on the affirmative vote of at least 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph may be—

(I) issued under the signature of the Chairperson of the Commission (or a designee who is a member of the Commission); and

(II) served by any individual or entity designated by the Chairperson or designee.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed individual or entity resides, is served, or may be found, or to which the subpoena is returnable, may issue an order requiring the individual or entity to appear at a designated place to testify or to produce documentary or other evidence.

(ii) FAILURE TO OBEY.—

(I) IN GENERAL.—A failure to obey the order of a United States district court under clause (i) may be punished by the United States district court as a contempt of the court.

(II) ENFORCEMENT BY COMMISSION.—In the case of failure of a witness to comply with a subpoena, or to testify if summoned pursuant to this paragraph—

(aa) the Commission, by majority vote, may certify to the appropriate United States Attorney a statement of fact regarding the failure; and

(bb) the United States Attorney may bring the matter before the grand jury for action in accordance with sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.).

(3) CONTRACTING.—To the extent amounts are made available in appropriations Acts, the Commission may enter into contracts to assist the Commission in carrying out the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) TREATMENT.—Information provided to the Commission under this paragraph shall be received, handled, stored, and disseminated by members and staff of the Commission in accordance with applicable law (including regulations) and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services to assist the Commission in carrying out the duties of the Commission under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in subparagraph (A), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support as the head of the department or agency determines to be appropriate.

(6) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(7) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property only in accordance with the ethical rules applicable to congressional officers and employees.

(8) VOLUNTEER SERVICES.—

(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use the services of volunteers serving without compensation.

(B) REIMBURSEMENT.—The Commission may reimburse a volunteer for office supplies, local travel expenses, and other travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(C) TREATMENT.—A volunteer of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission, for purposes of—

(i) chapter 81 of title 5, United States Code;

(ii) chapter 11 of title 18, United States Code; and

(iii) chapter 171 of title 28, United States Code.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(D) STATUS.—The executive director and any employee (not including any member) of the Commission shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2009, and thereafter as the Commission determines to be appropriate, the Commission shall submit to Congress and the President an interim report describing the findings and recommendations agreed to by a majority of members of the Commission during the period beginning on the date on which, as applicable—

(A) all members of the Commission are appointed under subsection (c); or

(B) the most recent interim report was submitted under this paragraph.

(2) FINAL REPORT.—Not later than 18 months after the date on which all members of the Commission are appointed under subsection (c), the Commission shall submit to Congress and the President a final report establishing a plan for development of legislation for a comprehensive national policy relating to energy security that—

(A) addresses global climate change; and

(B) describes the findings and recommendations agreed to by a majority of members of the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until the later of—

(1) the date on which the funds are expended; or

(2) the date of termination of the Commission under subsection (j).

(j) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date on which the final report is submitted under subsection (h)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 60-day period described in paragraph (1), the Commission may conclude the activities of the Commission, including—

(A) providing testimony to appropriate committees of Congress regarding the reports of the Commission; and

(B) publishing the final report of the Commission.

SA 4849. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Committees of Appropriate Jurisdiction

SEC. 1771. COMMITTEES OF APPROPRIATE JURISDICTION.

No revenue or outlays may be disbursed from any fund established in the Treasury of the United States by this Act, except pursuant to legislation reported by the congressional Committees of appropriate jurisdiction and subsequently enacted by Congress.

SA 4850. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 9 and 10, insert the following:

(50) TAX RELIEF FUND.—The term "Tax Relief Fund" means the fund established by section 581.

On page 31, line 10, strike "(50)" and insert "(51)".

On page 31, line 14, strike "(51)" and insert "(52)".

On page 161, strike lines 9 through 12.

On page 161, lines 15 and 16, strike "Climate Change Worker Training and Assistance" and insert "Tax Relief Fund".

On page 161, lines 23 and 24, strike "Climate Change Worker Training and Assistance" and insert "Tax Relief Fund".

In the heading of the right column of the table contained on page 162, after line 17, strike "Climate Change Worker Training and Assistance" and insert "Tax Relief Fund".

On page 163, lines 4 and 5, strike "Climate Change Worker Training and Assistance" and insert "Tax Relief Fund".

Beginning on page 163, strike line 6 and all that follows through page 183, line 3.

On page 201, strike lines 20 through 23 and insert the following:

SEC. 581. ESTABLISHMENT OF TAX RELIEF FUND.

There is established in the Treasury of the United States a fund, to be known as the "Tax Relief Fund".

On page 202, strike lines 3 and 4 and insert the following:

(b) and (c) and in addition to other auctions conducted pursuant to this Act, to raise funds for deposit in the Tax Relief Fund, for each of calendar

On page 202, lines 10 and 11, strike "Climate Change Consumer Assistance" and insert "Tax Relief Fund".

In the heading of the right column of the table contained on page 203, after line 2, strike "Climate Change Consumer Assistance" and insert "Tax Relief Fund".

On page 204, lines 1 and 2, strike "Climate Change Consumer Assistance" and insert "Tax Relief Fund".

On page 204, strike lines 3 through 14 and insert the following:

SEC. 584. SENSE OF SENATE REGARDING USE OF AMOUNTS IN TAX RELIEF FUND.

It is the Sense of the Senate that the Secretary of the Treasury should use amounts deposited in the Tax Relief Fund pursuant to this Act for each calendar year to provide tax relief to consumers in the United States.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

SEC. 601. AUCTIONS FOR TAX RELIEF.

(a) AUCTION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall auction 13 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall auction 13.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund for use in accordance with section 584.

On page 217, strike lines 8 through 16 and insert the following:

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with the table contained in paragraph (2).

On page 217, line 19, strike "allocate to States described in" and insert "auction under".

In the heading of the right column of the table contained on page 217, after line 21, strike "allocation among States relying heavily on manufacturing and on coal" and insert "auction".

Beginning on page 218, strike line 1 and all that follows through page 222, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 222, strike line 8 and all that follows through page 223, line 11, and insert the following:

SEC. 611. AUCTIONS FOR TAX RELIEF.

(a) AUCTION OF ALLOWANCES.—In accordance with subsections (b) and (c), for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

In the heading of the right column of the table contained on page 223, after line 11, strike "for public transportation".

Beginning on page 224, strike line 1 and all that follows through page 228, line 25, and insert the following:

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 240, strike lines 5 through 17 and insert the following:

(a) IN GENERAL.—In accordance with subsection (b), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, deposit the proceeds of the auction in the Tax Relief Fund, for use in accordance with section 584.

On page 241, strike lines 6 through 21 and insert the following:

(a) AUCTION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with paragraph (2).

(2) PERCENTAGES FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 241, after line 21, strike "State leaders in reducing greenhouse gas emissions and improving energy efficiency" and insert "auction".

Beginning on page 242, strike line 1 and all that follows through page 249, line 9, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

SEC. 621. AUCTIONS.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the per-

In the heading of the right column of the table contained on page 250, after line 2, strike "States and Indian tribes for adaptation activities" and insert "auction".

Beginning on page 250, strike line 3 and all that follows through page 267, line 11, and insert the following:

SEC. 622. USE OF PROCEEDS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to this subtitle, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 283, strike line 14 and all that follows through page 292, line 16, and insert the following:

SEC. 801. AUCTIONS FOR TAX RELIEF.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall auction 6.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall auction 3.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 292, strike line 22 and all that follows through page 302, line 22, and insert the following:

SEC. 901. AUCTIONS FOR TAX RELIEF.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 303, strike line 2 and all that follows through page 304, line 7, and insert the following:

SEC. 911. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 304, strike line 9 and all that follows through page 307, line 19, and insert the following:

Subtitle A—Auctions for Tax Relief

SEC. 1001. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SEC. 1002. ADDITIONAL AUCTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction

In the heading of the right column of the table contained on page 307, after line 22, strike "allocation to Bonus Allowance Account" and insert "auction".

Beginning on page 308, strike line 1 and all that follows through page 318, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 330, strike line 8 and all that follows through page 332, line 9, and insert the following:

SEC. 1101. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 332, strike line 12 and all that follows through page 338, line 5, and insert the following:

SEC. 1111. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 338, strike line 7 and all that follows through page 340, line 21, and insert the following:

SEC. 1121. AUCTIONS FOR TAX RELIEF.

(a) AUCTIONS.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall auction 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 426, strike line 1 and all that follows through page 442, line 2, and insert the following:

SEC. 1312. AUCTIONS FOR TAX RELIEF.

(a) AUCTIONS.—For each of calendar years 2012 through 2050, the Administrator shall auction a quantity of allowances described in subsection (b) established pursuant to section 201(a) for that calendar year.

(b) QUANTITY OF ALLOWANCES.—The quantity of allowances referred to in subsection (a) is, with respect to each applicable calendar year—

(1) 1 percent of the quantity of emission allowances established for that calendar year; and

(2) of the quantity of offset allowances established for that calendar year—

(A) the number of offset allowances that the Administrator determines to be appropriate; but

(B) in no case more than 10 percent of the quantity of emission allowances established for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SEC. 1313. ADDITIONAL AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SA 4851. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Carbon Output Reduction Plans for National Forest Land and Resource Management Areas

SEC. 1241. CARBON OUTPUT REDUCTION PLANS.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term "management plan" means—

(A) a National Forest management plan under—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(ii) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); and

(B) a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) SECRETARY.—The term "Secretary" means—

(A) with respect to subsection (b), the Secretary of Agriculture (acting through the Chief of the Forest Service); and

(B) with respect to subsection (c) the Secretary of the Interior (acting through the Director of the Bureau of Land Management).

(b) NATIONAL FOREST LAND MANAGED BY THE SECRETARY OF AGRICULTURE.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall require the forest supervisor of each National Forest to amend the management plan of the National Forest under the jurisdiction of the forest supervisor to develop and carry out a carbon output reduction plan to reduce the quantity of carbon output generated by hazardous fuels and wildfires, to the maximum extent practicable, by—

(i) as of January 1, 2015, 10 percent;

(ii) as of January 1, 2020, 25 percent; and

(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon output reduction plan under subparagraph (A), the forest supervisor of each National Forest shall include in the carbon output reduction plan applicable to the National Forest under the jurisdiction of the forest supervisor a carbon output baseline developed in accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon output baseline under clause (i), each forest supervisor of a National Forest shall base the carbon output baseline for the National Forest on the average annual quantity of carbon output generated by the National Forest during the most recent 5 calendar-year period for which data are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE USE FIRES.—In developing a carbon output baseline under clause (i), each forest supervisor of a National Forest shall not consider carbon output generated as the result of prescribed burns or wildland fire use fires in the National Forest.

(iii) USE.—Each forest supervisor of a National Forest shall use the carbon output baseline applicable to the National Forest to determine the reduction of carbon output generated by the National Forest for each calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In carrying out a carbon output reduction plan under paragraph (1), a forest supervisor of a National Forest may enter into a contract with an appropriate individual or entity to allow the individual or entity to perform services in exchange for any form of payment authorized by the forest supervisor (including any goods-for-services contract or stewardship contract).

(c) RESOURCE MANAGEMENT AREAS MANAGED BY THE SECRETARY OF THE INTERIOR.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall require the district director of each resource management area that the Secretary determines to be extensively forested to amend the management plan of the resource management area under the jurisdiction of the district director to develop and carry out a carbon output reduction plan to reduce the quantity of carbon output generated by hazardous fuels and wildfires, to the maximum extent practicable, by—

(i) as of January 1, 2015, 10 percent;

(ii) as of January 1, 2020, 25 percent; and

(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon output reduction plan under subparagraph (A), the district director of each resource management area described in subparagraph (A) shall include in the carbon output reduction plan applicable to the resource management area under the jurisdiction of the district director a carbon output baseline developed in accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon output baseline under clause (i), each district director of a resource management area described in subparagraph (A) shall base the carbon output baseline for the resource management area on the average annual quantity of carbon output generated by the resource management area during the most recent 5 calendar-year period for which data are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE USE FIRES.—In developing a carbon output baseline under clause (i), each district director of a resource management area described in subparagraph (A) shall not consider carbon output generated as the result of prescribed burns or wildland fire use fires in the resource management area.

(iii) USE.—Each district director of a resource management area described in subparagraph (A) shall use the carbon output baseline applicable to the resource management area to determine the reduction of carbon output generated by the resource management area for each calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In carrying out a carbon output reduction plan under paragraph (1), a district director of a resource management area may enter into a contract with an appropriate individual or entity to allow the individual or entity to perform services in exchange for any form of payment authorized by the district director (including any goods-for-services contract or stewardship contract).

SA 4852. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that begins on page 183, after line 18, and ends on page 184, before line 1, and insert the following:

Calendar year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2012	12
2013	12
2014	12
2015	12
2016	12
2017	12
2018	12
2019	12
2020	12
2021	12
2022	11
2023	10
2024	8
2025	7
2026	6
2027	5
2028	4
2029	3
2030	2.

On page 184, line 16, insert "and nonfuel minerals" after "metals".

Strike the table that begins on page 458, after line 5, and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	4.75
2013	4.75
2014	4.75
2015	5.50
2016	5.75
2017	5.75
2018	6.25
2019	6
2020	7
2021	8.5
2022	7.75
2023	8.75
2024	9.75
2025	9.75
2026	11.75
2027	11.75
2028	11.75
2029	12.75
2030	12.75
2031	19.75
2032	17.75
2033	17.75
2034	16.75
2035	16.75
2036	16.75
2037	16.75
2038	16.75
2039	16.75
2040	16.75
2041	16.75
2042	16.75
2043	16.75
2044	16.75
2045	16.75
2046	16.75
2047	16.75
2048	16.75
2049	16.75
2050	16.75.

SA 4853. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 10___. ADVANCED COAL AND SEQUESTRATION TECHNOLOGIES PROGRAM.

(a) ADVANCED COAL TECHNOLOGIES.—

(1) DEFINITIONS.—In this section:

(A) ADVANCED COAL GENERATION TECHNOLOGY.—Subject to paragraph (2), the term "advanced coal generation technology" means an advanced coal-fueled power plant technology that meets 1 of the following performance standards for limiting carbon dioxide emissions from an electric generation unit on an annual average basis, as determined by the Climate Change Technology Board:

(i) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment not later than December 31, 2015—

(I) treatment of at least the quantity of flue gas equivalent to 100 megawatts of the output of the electric generation unit; and

(II) a capability of capturing and sequestering at least 85 percent of the carbon dioxide in that flue gas.

(ii) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment after December 31, 2016, achievement of an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iii) For a new entrant electric generation unit for which construction of the unit commenced prior to July 1, 2018, achievement of an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iv) For a new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, achievement of an average annual emissions rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(v) For any unit at a covered entity that is not an electric generation unit, achievement of an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(B) COMMENCED.—The term "commenced", with respect to construction, means that an owner or operator has—

(i) obtained the necessary permits to carry out a continuous program of construction; and

(ii) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake such a program.

(C) CONSTRUCTION.—The term "construction", with respect to a carbon capture and sequestration project, means the fabrication, erection, or installation of technology for the project.

(2) ADJUSTMENT OF PERFORMANCE STANDARDS.—

(A) IN GENERAL.—The Climate Change Technology Board may adjust the emission performance standards for a carbon capture and sequestration project under paragraph (1)(A) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant amounts.

(B) REQUIREMENT.—If the Climate Change Technology Board adjusts a standard under subparagraph (A), the adjusted performance standard for the applicable project shall prescribe an annual emission rate that requires the project to achieve an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared to the emissions the project would have achieved if that unit had combusted only bituminous coal during the particular calendar year.

(C) APPLICABILITY OF BONUS ALLOWANCE ADJUSTMENT RATIO.—The bonus allowance adjustment ratio under section 1013(b) shall apply to an electric generation unit described in paragraph (1)(A)(i) only with respect to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the electric generation unit.

(3) DEMONSTRATION PROJECTS AND DEPLOYMENT INCENTIVES.—

(A) IN GENERAL.—The Climate Change Technology Board shall use not less than $40,000,000,000 of amounts made available from the sale of allowances under the program to carry out this section to support demonstration projects using advanced coal generation technology, including retrofit technology that could be deployed on existing coal generation facilities, and to provide financial incentives to facilitate the deployment of not more than 20 gigawatts of advanced coal generation technologies.

(B) CERTAIN PROJECTS.—Of the amounts described in subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emission performance standard under paragraph (1)(A)(i).

(C) ADMINISTRATION.—In providing incentives under this paragraph, the Climate Change Technology Board shall—

(i) provide appropriate incentives for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers, as determined by the Secretary of Energy; and

(ii) ensure that a range of the domestic coal types is employed in the facilities that receive incentives under this paragraph.

(D) FUNDING REQUIREMENTS.—

(i) SEQUESTRATION ACTIVITIES.—The Climate Change Technology Board shall provide incentives only to projects that meet 1 of the emission performance standards for limiting carbon dioxide described in clause (ii) or (iii) of paragraph (1)(A).

(ii) PROJECTS USING CERTAIN COALS.—In providing incentives under this paragraph, the Climate Change Technology Board shall set aside not less than 25 percent of any amounts made available to carry out this subsection for projects using coal with an energy content of not more than 10,000 British thermal units per pound.

(4) STORAGE AGREEMENT REQUIRED.—The Climate Change Technology Board shall require a binding storage agreement for the carbon dioxide captured in a project under this subsection in a geological storage project permitted by the Administrator under regulations promulgated pursuant to section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)).

(5) DISTRIBUTION OF FUNDS.—

(A) REQUIREMENT.—The Climate Change Technology Board shall make awards under this section in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(B) INCENTIVES.—A project that receives an award under this subsection may elect 1 of the following financial incentives:

(i) A loan guarantee.

(ii) A cost-sharing grant to cover the incremental cost of installing and operating carbon capture and storage equipment (for which utilization costs may be covered for the first 10 years of operation).

(iii) Production payments of not more than 1.5 cents per kilowatt-hour of electric output during the first 10 years of commercial service of the project.

(6) LIMITATION.—A project may not receive an award under this subsection if the project receives an award under section 4402.

(b) SEQUESTRATION.—

(1) IN GENERAL.—The Climate Change Technology Board shall use not less than $10,000,000,000 of amounts made available from the sale of allowances to carry out this section for large-scale geological carbon storage demonstration projects that store carbon dioxide captured from electric generation units using coal gasification or other advanced coal combustion processes, including units that receive assistance under subsection (a).

(2) PROJECT CAPITAL AND OPERATING COSTS.—

(A) IN GENERAL.—The Climate Change Technology Board shall provide assistance under this subsection to reimburse the project owner for a percentage of the incremental project capital and operating costs of the project that are attributable to carbon capture and sequestration, as the Secretary determines to be appropriate.

(B) CERTAIN PROJECTS.—Of the assistance provided under subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emissions performance standard under subsection (a)(1)(A)(i).

SA 4854. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 381, between lines 9 and 10, insert the following:

SEC. 1238. RECOVERY PLANS.

Nothing in this subtitle requires the Secretary of the Interior (or the Secretary of Commerce, with respect to any species for which the Secretary of Commerce has program responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)) to update any recovery plan developed under section 4(f) of the At Act 916 U.S.C. 1533(f9 that was approved before the date of enactment of this Act.

SA 4855. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Small Business Refiners

SEC. 591. DEFINITION OF SMALL BUSINESS REFINER.

In this subtitle:

(1) IN GENERAL.—The term "small business refiner" means a refiner that meets the applicable Federal refinery capacity and employee limitations criteria described in section 45H (c) of the Internal Revenue Code of 1986 (in effect on the date of enactment of this Act).

(2) EXCLUSION.—The term "small business refiner" does not include an entity formed by a merger or acquisition involving a refining entity that—

(A) does not meet the applicable criteria referred to in paragraph (1); and

(B) occurred after December 31, 2007.

SEC. 592. ALLOCATIONS.

(a) CALENDAR YEARS 2012 THROUGH 2017.—Notwithstanding any other provision of this Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitles E and F to owners and operators of carbon-intensive manufacturing facilities and fossil fuel-fired electric power generating facilities, respectively, by ½ percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

(b) CALENDAR YEARS 2018 THROUGH 2030.—Notwithstanding any other provision of this Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitle G to owners and operators of facilities that manufacture petroleum-based liquid or gaseous fuel by 1 percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

SEC. 593. TREATMENT OF EXPANSIONS.

Emissions of carbon dioxide equivalent from transportation fuel resulting from an expansion in capacity by a small business refiner that qualifies under section 179(c) of the Internal Revenue Code of 1986 shall be added to the 2006 carbon dioxide equivalents of the small business refiner for the purpose of calculating the quantity of emission allowances to be distributed to the small business refiner under this subtitle.

SA 4856. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Atmospheric Removal of Greenhouse Gases

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the "Greenhouse Gas Emission Atmospheric Removal Act" or the "GEAR Act".

SEC. 1772. STATEMENT OF POLICY.

It is the policy of the United States to provide incentives to encourage the development and implementation of technology to permanently remove greenhouse gases from the atmosphere on a significant scale.

SEC. 1773. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the Greenhouse Gas Emission Atmospheric Removal Commission established by section 1775(a).

(2) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride;

(E) a hydrofluorocarbon;

(F) a perfluorocarbon; and

(G) any other gas that the Commission determines is necessary to achieve the purposes of this subtitle.

(3) INTELLECTUAL PROPERTY.—The term "intellectual property" means—

(A) an invention that is patentable under title 35, United States Code; and

(B) any patent on an invention described in subparagraph (A).

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 1774. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL PROGRAM.

The Secretary, acting through the Commission, shall provide to public and private entities, on a competitive basis, financial awards for the achievement of milestones in developing and applying technology that could significantly slow or reverse the accumulation of greenhouse gases in the atmosphere by permanently capturing or sequestrating those gases without significant countervailing harmful effects.

SEC. 1775. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of Energy a commission to be known as the "Greenhouse Gas Emission Atmospheric Removal Commission".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members appointed by the President, by and with the advice and consent of the Senate, who shall provide expertise in—

(A) climate science;

(B) physics;

(C) chemistry;

(D) biology;

(E) engineering;

(F) economics;

(G) business management; and

(H) such other disciplines as the Commission determines to be necessary to achieve the purposes of this subtitle.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall serve for a term of 6 years.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(7) COMPENSATION.—A member of the Commission shall be compensated at level III of the Executive Schedule.

(c) DUTIES.—The Commission shall—

(1) subject to subsection (d), develop specific requirements for—

(A) the competition process;

(B) minimum performance standards;

(C) monitoring and verification procedures; and

(D) the scale of awards for each milestone identified under paragraph (3);

(2) establish minimum levels for the capture or net sequestration of greenhouse gases that are required to be achieved by a public or private entity to qualify for a financial award described in paragraph (3);

(3) in coordination with the Secretary, offer those financial awards to public and private entities that demonstrate—

(A) a design document for a successful technology;

(B) a bench scale demonstration of a technology;

(C) technology described in subparagraph (A) that—

(i) is operational at demonstration scale; and

(ii) achieves significant greenhouse gas reductions; and

(D) operation of technology on a commercially viable scale that meets the minimum levels described in paragraph (2); and

(4) submit to Congress—

(A) an annual report that describes the progress made by the Commission and recipients of financial awards under this section in achieving the demonstration goals established under paragraph (3); and

(B) not later than 1 year after the date of enactment of this Act, a report that describes the levels of funding that are necessary to achieve the purposes of this subtitle.

(d) PUBLIC PARTICIPATION.—In carrying out subsection (c)(1), the Commission shall—

(1) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subsection (c)(1); and

(2) take into account public comments received in developing the final version of those requirements.

(e) PEER REVIEW.—No financial award may be provided under this subtitle until such time as the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as the Commission shall establish.

SEC. 1776. INTELLECTUAL PROPERTY CONSIDERATIONS.

(a) IN GENERAL.—Title to any intellectual property arising from a financial award provided under this subtitle shall vest in 1 or more entities that are incorporated in the United States.

(b) RESERVATION OF LICENSE.—The United States—

(1) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subsection (a); but

(2) shall not, in the exercise of a license reserved under paragraph (1), publicly disclose proprietary information relating to the license.

(c) TRANSFER OF TITLE.—Title to any intellectual property described in subsection (a) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

SEC. 1777. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 1778. TERMINATION OF AUTHORITY.

The Commission and all authority of the Commission provided under this subtitle terminate on December 31, 2020.

SA 4857. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike line 19 and insert the following:

(a) IN GENERAL.—Not later than 120 days after the date of enactment

On page 304, after line 25, add the following:

(b) ADDITIONAL FUNDS.—

(1) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $20,000,000,000 shall be allocated by the Administrator to the Kick-Start Program in accordance with the schedule described in paragraph (2).

(2) SCHEDULE.—

(A) IN GENERAL.—Subject to subparagraph (B), of the $20,000,000,000 described in paragraph (1), the Administrator shall allocate—

(i) $1,200,000,000 in calendar year 2009;

(ii) $1,100,000,000 in calendar year 2010;

(iii) $900,000,000 in calendar year 2011;

(iv) $3,100,000,000 in 2012;

(v) $3,000,000,000 in each of calendar years 2013 and 2014; and

(vi) $2,000,000,000 in each of calendar years 2015 through 2018.

(B) INCREASE IN ALLOCATION.—If any portion of the funds to be allocated under subparagraph (A) for a calendar year is unavailable for that allocation, that portion shall be added to the amount to be allocated in the subsequent calendar year.

On page 305, line 19, insert "research, development, demonstration, and" before "early deployment".

Beginning on page 305, strike line 22 and all that follows through page 306, line 2, and insert the following:

(b) GOALS.—The Board shall design and operate the Kick-Start Program with the goals of—

(1) advancing additional advanced coal research and development innovations for capturing and storing carbon dioxide; and

(2) rapidly bringing into operation in the United States not fewer than 5 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) KICK-START COMPONENTS.—

(1) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—For each fiscal year, the Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(B) REQUIREMENTS.—In carrying out the programs, the Secretary of Energy shall provide for the investigation of a wide variety of technologies for carbon capture for—

(i) retrofitting of existing facilities; and

(ii) installation of carbon-capture technology on next-generation coal-fueled facilities.

(2) DEPLOYMENT.—The Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out a program to facilitate the deployment of the technologies described in paragraph (1)(B).

On page 306, line 3, strike "(c)" and insert "(d)".

On page 306, strike lines 4 through 9 and insert the following:

Program on—

(1) the "Early Deployment Fund" recommendations contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008; and

(2) the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(e) COAL DIVERSITY.—The Kick-Start Program

On page 306, line 13, strike "(e)" and insert "(f)".

On page 306, line 17, strike "(f)" and insert "(g)".

On page 457, line 13, insert "and the Carbon Capture and Sequestration Technology Fund established by section 1001" before the period at the end.

SA 4858. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 341, strike lines 5 through 7 and insert the following:

(2) to reduce greenhouse gas emissions, the United States should not rely on ethanol produced from corn and should rely increasingly on advanced, clean, low-carbon fuels for transportation.

SA 4859. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, strike lines 13 and 14 and insert the following:

(ii) forest management activities inclusive of associated recognized carbon pools, including—

(I) forest product carbon sequestration;

(II) afforestation; and

(III) forest management activities that contribute to forest carbon sequestration;

SA 4860. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Sense of the Senate Regarding the Need To Expedite Certain Outer Continental Shelf Oil and Gas Lease Sales

SEC. 1771. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the citizens of the United States face economic hardships due to high fuel costs;

(2) the citizens of the United States rely on oil and gas produced from resources located in the approximately 1,760,000,000 acres of the outer Continental Shelf;

(3) the Secretary of the Interior (referred to in this section as the "Secretary"), in accordance with section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), has prepared, for calendar years 2007 through 2012, an oil and gas leasing program (referred to in this section as the "5-year program") indicating a 5-year schedule of lease sales designed to best meet the energy needs of the United States;

(4) the 5-year program includes 21 lease sales in 8 areas, including—

(A) 4 areas located off of the coast of the State of Alaska;

(B) 1 area located off of the Atlantic Coast; and

(C) 3 areas located in the Gulf of Mexico;

(5) the analysis completed for the 5-year program has indicated that implementation of the 5-year program would result in—

(A) the production of an estimated 10,000,000,000 barrels of oil and 45,000,000,000,000 cubic feet of natural gas; and

(B) the generation of $170,000,000,000 in net benefits for the United States during the 40-year period beginning on the date of implementation of the 5-year program; and

(6) the United States should—

(A) be less dependent on foreign oil; and

(B) develop more domestic sources of energy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as soon as practicable after the date of enactment of this Act, the Secretary should expedite each remaining lease sale included in the 5-year program regardless of the year for which any particular lease sale is scheduled.

SA 4861. Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, strike line 12 and insert the following:

In making awards under this sub-

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

SA 4862. Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, strike lines 1 through 13 and insert the following:

(A) IN GENERAL.—The term "Coastal State" means any State or territory of the United States with a coastal zone management plan or program that is approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

On page 251, line 14, strike "(C)" and insert "(B)".

On page 254, strike lines 13 through 20 and insert the following:

(B) to identify and develop plans to protect, or, as necessary or applicable, to relocate public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of strategies that use natural resources, such as natural buffer zones, natural shorelines, and habitat protection or restoration, to mitigate risks and impacts;

On page 255, strike lines 23 and 24 and insert the following:

(v) coastal habitat loss;

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes; S. 2359, to establish the St. Augustine 450th Commemoration Commission, and for other purposes; S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; S. 3010, to reauthorize the Route 66 Corridor Preservation Program; S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; and H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 at 11 a.m. in room 332 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Improving Detainee Policy: Handling Terrorism Detainees within the American Justice System" on Wednesday, June 4, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARPER. I ask unanimous consent that Karl Cordova, Alicia Jackson, Lucas Knowles, and Bryan Mignone, of the Committee on Energy and Natural Resources, be granted the privilege of the floor during debate on the Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN EAGLE DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 583.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 583) designating June 20, 2008, as "American Eagle Day," and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 583) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3937) provides that each surcharge received by the Secretary of the Treasury from the sale of a coin issued under that Act "shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee" to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2008, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

MEASURE READ THE FIRST TIME—H.R. 6049

Mr. DURBIN. Mr. President, I understand that H.R. 6049 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

SIGNING AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 9, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–18

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 4, 2008, by the President of the United States: Tax Convention with Bulgaria with Proposed Protocol of Amendment, Treaty Document No. 110–18. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007 (the "Proposed Treaty"), as well as the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Sofia on February 26, 2008 (the "Proposed Protocol of Amendment"). The Proposed Treaty and Proposed Protocol of Amendment are consistent with U.S. tax treaty policy. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Proposed Treaty and Proposed Protocol of Amendment.

The Proposed Treaty generally reduces the withholding tax on cross-border dividend, interest, and royalty payments. Importantly, the Proposed Treaty generally eliminates withholding tax on cross-border dividend payments to pension funds and cross-border interest payments made to financial institutions. The Proposed Treaty also contains provisions, consistent with current U.S. tax treaty policy, that are designed to prevent so-called treaty shopping. The Proposed Protocol of Amendment further strengthens these treaty shopping provisions.

I recommend that the Senate give early and favorable consideration to the Proposed Treaty and give its advice and consent to ratification to both the Proposed Treaty and the Proposed Protocol of Amendment.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 4, 2008.*

ORDERS FOR THURSDAY, JUNE 5, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. today, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; I further ask that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 743, S. 3044, the Consumer-First Energy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, as a reminder, cloture was filed on the substitute amendment to the climate change bill. Under the rule, the filing deadline for first-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:18 a.m., adjourned until Thursday, June 5, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES SENTENCING COMMISSION

WILLIAM B. CARR, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011, VICE JOHN R. STEER.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOHN L. BAEKE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOSEPH C. LEE
SHERRIE L. MORGAN
BRAD A. NIESET

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT B. KOHL
JAMES J. REYNOLDS

To be major

RICHARD P. ANDERSON
BRUNO KALDRE
ALVIN W. ROWELL

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOHN KISSLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MARK A. ARTURI
LISA K. WILLIS

To be major

DANA F. CAMPBELL

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KATHLEEN AGOGLIA

To be major

ROBERT NICHOLS
JAMES R. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT J. EGIDIO
DOUGLAS MACGREGOR

To be major

LINDA L. ABEL
DALE W. ASBURY
MICHAEL J. ROSSI
ALAN Z. SIEDLECKI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

MICHAEL J. MASELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

HILLARY KING, JR.
JAMES E. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROOSEVELT H. BROWN
WALTER E. EAST
WILLIAM K. FAUNTLEROY
ROBERT L. KEANE
WILLIAM M. KENNEDY
CRAIG G. MUEHLER
MARK W. SMITH
DALE C. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID R. BUSTAMANTE
DAVID B. CORTINAS
KATHRYN A. DONOVAN
ANTONIO M. EDMONDS
CRAIG S. HAMER
GREGORY W. HARSHBERGER
LEWIS S. HURST
CHRISTOPHER J. LACARIA
CHRISTOPHER S. LAPLATNEY
DANIEL A. MCNAIR
THOMAS G. MORRIS
LAURENCE J. READAL
0ODNEY O. WORDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VIDA M. ANTOLINJENKINS
PAMELA E. C. BALL
STEVEN M. BARNEY
KEVIN M. BREW
FRANCIS J. BUSTAMANTE
JAMES R. CRISFIELD, JR.
MATTHEW C. DOLAN
DAVID J. GRUBER
ERROL D. HENRIQUES
PAUL C. KIAMOS
SCOTT J. LAURER
GORDON E. MODARAI
CHARLES N. PURNELL II
STEPHANIE M. SMART
JONATHAN S. THOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANGELICA L. C. ALMONTE
KATHY T. BECKER
PATRICE D. BIBEAU
TERRY V. BOLA
DEBRA P. CARTER
JEAN B. COMLISH
CYNTHIA J. GANTT
PAMELA R. HATALA
JAMIE M. KERSTEN
SARAH L. MARTIN
ANNE M. MITCHELL
ELIZABETH B. MYHRE
MARY S. NADOLNY
MARY K. NUNLEY
MAUREEN M. PENNINGTON
ANDREW P. SPENCER
LISA K. STENSRUD
MARY A. SUTHERLAND
DICK W. TURNER
NANCY J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SMITH C. E. BARONE
JOHN D. BLOOM
WILLIAM R. K. DAVIDSON
K. K. ERICKSON
RICK FREEDMAN
JEANETTE M. GORTHY
MATTHEW J. GRAMKEE
ALAN F. HAMAMURA
DAVID H. HARTZELL
HOLLY D. HATT
MARIA I. KORSNES
FRANCISCO R. LEAL
MICHAEL G. MARKS
PAUL G. OLOUGHLIN
MARK F. ROBACK
PETER A. RUOCCO
GARRY SCHULTE
GAYLE D. SHAFFER
MARTA W. TANAKA
NGOC N. TRAN
CAROL D. WEBER
CURTIS M. WERKING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROLAND E. ARELLANO
TIMOTHY D. BARNES
LEA A. BEILMAN
SEAN BIGGERSTAFF
LANNY L. BOSWELL, JR.
JIMMY A. BRADLEY
LARRY R. CIOLORITO
ANDREW M. DAVIDSON
MICHAEL E. EBY
DAVID P. GRAY
DAVID L. HAMMELL
LINDA S. HITE
JOHN W. LEFAVOUR
MARGARET A. LLUY
MARTIN D. MCCUE
LESLIE A. MOORE
REGINA P. ONAN
JEFFREY M. PLUMMER
JAMES B. POINDEXTER III
DARIN P. ROGERS
ROBERT M. SCHLEGEL
DAVID B. SERVICE
MICHELE L. WEINSTEIN
DOUGLAS E. WELCH
MARVA L. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER BOWER
BRUCE R. BRETH
RONALD K. CARR
TIMOTHY W. COLYER
PIERRE C. COULOMBE
ROBERT R. COX
DAVID F. CRUZ
KENNETH DIXON
BRIAN M. GOODWIN
GREGORY A. HAJZAK
WILLIAM P. HAYES
CHARLES K. HEAD
ROBERT D. HECK
BETH A. HOWELL
ROBERT E. HOWELL
FRANK J. HRUSKA
DONALD S. HUGHES
ROBERT M. JENNINGS
STEVEN W. KINSKIE
RONALD J. KOCHER
JAMES R. LIBERKO
CHRISTOPHER S. MOSHER
ANDREW B. MUECK
THEODORE C. OLSON
JOHN T. PALMER
MICHAEL J. ROPIAK
WILLIAM T. SKINNER
MICHELLE C. SKUBIC
PETER G. STAMATOPOULOS
JAMES J. WEISER
CARL F. WEISS
ANDREW F. WICKARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DEBRA A. ARSENAULT
KEVIN K. BACH
TANIS M. BATSEL
ABHIK K. BISWAS
MICHAEL L. BURLESON
DUANE C. CANEVA
DARYL K. DANIELS
DAVID M. DELONGA
DAMIAN P. DERIENZO
NANCY G. DIXON
WALTER M. DOWNS, JR.
TIMOTHY D. DUNCAN
JUDITH E. EPSTEIN
ROBERT W. FARR
TONIANNE FRENCH
EMORY A. FRY
BRADEN R. HALE
MICHAEL J. HARRISON
KURT A. S. HENRY
WARREN S. INOUYE
CHRISTOPHER J. JANKOSKY
ANDREW S. JOHNSON
SARA M. KASS
JOHN C. KING
KENNETH C. KUBIS
FREDERICK J. LANDRO
GARY W. LATSON
LAWRENCE L. LECLAIR
WILLIAM M. LEININGER
ALAN A. LIM
JOHN S. LOCKE
ROBERT P. MARTIN
STEPHEN D. MATTSON
TERENCE M. MCGEE
KIMBERLY M. MCNEIL
JOSEPH G. MCQUADE
BARTH E. MERRILL
JOHN C. NICHOLSON
JOHN D. OBOYLE
MAUREEN O. PADDEN
EDWIN Y. PARK
PATRICIA V. PEPPER
ALAN F. PHILIPPI
VISWANADHAM POTHULA
MARK D. PRESSLEY
JOHN G. RAHEB
SCOTT R. REICHARD
JONATHAN W. RICHARDSON
PAUL D. ROCKSWOLD
KEVIN L. RUSSELL
ROBERT N. SAWYER
RICHARD P. SHARPE
MARTIN P. SORENSEN
WILLIAM A. SRAY
MARK B. STEPHENS
JONATHAN F. STINSON
DALE F. SZPISJAK
ANIL TANEJA
DAVID A. TANEN
WILLIAM J. TANNER
JON T. UMLAUF
JOHN E. WANEBO
MICHAEL S. WEINER
CLIFTON WOODFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL L. BAKER
LEONARDO A. DAY
MARK A. IMBLUM
KWAN LEE
PATRICK J. PATERSON
JASON R. J. TESTA
SAM J. VALENCIA
CHAD G. WAHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRENT T. CHANNELL
MITCHELL R. CONOVER
CLEDO L. DAVIS
SHAWN M. DISARUFINO
SCOTT B. JOSSELYN
KERRY D. KUYKENDALL
BLAINE S. LORIMER
RICHARD M. PLAGGE
LAURA A. SCHUESSLER
MICHAEL J. SUPKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALLEN C. BLAXTON
KENNETH J. BROWN, JR.
GERALD A. COOK
CHRISTOPHER J. COUCH
DUANE L. DECKER
CHRISTOPHER HAMMOND
MICHAEL H. MCCURDY
MARK E. NIETO
JEFFREY J. PRONESTI
DAVID L. SPENCER

JOEL R. TESSIER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC E. BOYD
CHARLES W. BROWN
AMY E. DERRICKFROST
BRADLEY A. FAGAN
KATHERINE E. GOODE
THURRAYA S. KENT
SCOTT D. MCILNAY
DAVID L. NUNNALLY
MONICA M. ROUSSELOW
MELISSA J. SCHUERMANN
ELISSA J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TODD E. BARNHILL
MARK D. BUTLER
WENDY A. CHICOINE
RICHARD K. CONSTANTIAN
CHRISTOPHER L. GABRIEL
SCOTT A. KEY
MARVIN B. MCBRIDE III
MATTHEW J. MOORE
JOHN W. SIMMS
NEIL T. SMITH
TIMOTHY B. SMITH
PAULA H. TRAVIS
DOMINICK A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD F. BOSQUE
CHRISTINE J. CASTON
VICKY A. CUMMINGS
NICOLE L. DERAMUS
NANCY J. FINK
STEVEN F. FRILOUX
OUDREY HERVEY
JOHN R. LESKOVICH
TARA M. MCARTHURMILTON
ERIN A. MCAVOY
SHEILA A. NOLES
RICHARD OBREGON
ALEJANDRO E. ORTIZ
SHARON L. PERRY
DANIELLE A. PICCO
KAREN L. SRAY
KIM C. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN D. BANDY
DAMIAN S. BLOSSEY
RICHARD A. BORDEN
BERNARD J. BOSSUYT
JOSEPH E. BRENNAN
JAMES L. CAROLAND
MICHAEL S. COONEY
GUY H. EVANS
PETER GIANGRASSO
VANESSA P. HAMM
JOHN P. HIBBS
CHRISTOPHER E. HOWSE
STEVEN T. HUDSON
WILLIAM J. KRAMER
DANNY L. NOLES
GREG L. NYGARD
BOSWYCK D. OFFORD
WILLIAM A. PETERSON
VANE A. RHEAD
MICHAEL RIGGINS
CHRISTOPHER P. SLATTERY
JULIA L. SLATTERY
FRED K. STRATTON
ABRAHAM A. THOMPSON
DAVID C. VANBRUNT
JEFFREY L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLAUDE W. ARNOLD, JR.
VINCENT A. AUGELLI
RODNEY J. BURLEY
JEFFREY D. BUSS
WILLIAM M. CARTER
GEORGE D. DAVIS III
BRIAN ERICKSON
IDELLA R. FOLGATE
ANDREW D. GAINER
WYATTE B. JONESCOLEMAN
ADAM C. LYONS
BRADLEY F. MAAS
ERIK R. MARSHBURN
DARRELL NEALY
BRAULIO PAIZ
MARGARET M. SCHULT
SATISH SKARIAH
BYRON B. SNYDER
CHARLES A. P. TURNER
WILLIAM R. WAGGONER
MICHELLE G. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TIMOTHY A. BARNEY
STUART R. BLAIR
DANIEL J. COLPO
KATHERINE M. DOLLOFF
HAROLD W. DUBOIS
DANIEL W. ETTLICH
KEVIN R. GALLAGHER
TRENT R. GOODING
TIMOTHY N. HANEY
JAMES W. HARRELL
MATTHEW A. HAWKS
ANDREW P. JOHNSON
JON A. JONES
JOSEPH J. KELLER
DANIEL L. LANNAMANN
BRIAN D. LAWRENCE
ASSUNTA M. C. LOPEZ
PHILIP E. MALONE
BRIAN A. METCALF
RONNIE L. MOON
ELIZABETH S. OKANO
KARL F. PRIGGE
JACK S. RAMSEY, JR.
JOHN ROROS
JONATHAN E. RUCKER
JACK W. RUST
MARIA E. SILSDORF
DANA F. SIMON
KEVIN R. SMITH
STEPHEN D. TOMLIN
JONATHON J. VANSLYKE
BRIAN K. VAZQUEZ
GUSTAVO J. VERGARA
VINCENT C. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALBERT ANGEL
TODD R. BOONE
PHILIP N. CAMPBELL
ANDREW N. COREY
MATTHEW G. DISCH
PATRICK J. DRAUDE
EDWIN D. EXUM
JEFFREY S. FREELAND
JON R. GABRIELSON
VINCENT C. GIAMPIETRO
EMILY P. HAMPTON
BRIAN D. HOFFER
MATTHEW F. HOPSON
JEFFREY J. JAKUBOSKI
CHRISTOPHER L. JONES
CHRISTOPHER R. KOPACH
ROBERT W. KRAFT
RICHARD J. LEGRANDE, JR.
DEREK L. MACINNIS
STEVEN A. NEWTON
EDWARD J. PADINSKE
WILLIAM D. J. PHARIS
CHAD E. PIACENTI
ADAM D. PORTER
JEFFREY P. RICHARD
KIM H. RIGAZZI
DAVID C. SASSER
LAWRENCE E. SHAFFIELD
TROY A. SHOULDERS
MIRIAM K. SMYTH
BENJAMIN A. SNELL
THOMAS D. VANDERMOLEN
MATTHEW A. VERICH
HIRAM J. WEEDON
THOMAS P. WYPYSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JONATHAN Q. ADAMS
SHANE A. AHALT
BRADLEY A. ALANIZ
LEOPOLDO S. J. ALBEA
MITCHELL W. ALBIN
BRENT A. ALFONZO
ERIK P. ALFSEN
JASON C. ALLEYNE
QUINO P. ALONZO, JR.
CHRISTOPHER D. ANDERSON
EDWARD T. ANDERSON
JAMES A. ANDERSON
KEVIN S. ANDERSON
SEAN R. ANDERSON
BRADLEY J. ANDROS
ERIC J. ANDUZE
CHRISTOPHER ANGELOPOULOS
EDAN B. ANTOINE
JULITO T. ANTOLIN, JR.
JULIANA F. ANTONACCI
CHRISTOPHER E. ARCHER
MATTHEW L. ARNY
MARTIN F. ARRIOLA
BRAD L. ARTHUR
SCOTT M. ASACK
KUMAR ATARTHI
CHRISTOPHER J. ATKINSON
KEVIN L. AUSTIN
CONNIE J. AVERY
ADAM M. AYCOCK
ROBERT L. BAHR
EUGENE R. BAILEY
ANTHONY P. BAKER
BOBBY J. BAKER
BRADFORD W. BAKER
BRETT T. BAKER
JOHN A. BALTES
ROBERT C. BARBEE
JONATHAN B. BARON
STEVEN M. BARR
DAVID S. BARTELL
CHARLES B. BASSEL
AMY N. BAUERNSCHMIDT
DANIEL V. BAXTER
JOSEPH M. BAXTER
WILLIAM H. BAXTER
BRIAN C. BECKER
JOEL R. BECKER
JAMES W. BELL
PAUL J. BERNARD
JEFFREY A. BERNHARD
JOSEPH J. BIONDI
JOHN R. BIXBY
MICHAEL F. BLACK
BRENT M. BLACKMER
JEFFREY D. BLAKE
JAMES R. BLANKENSHIP
TODD D. BODE
MATTHEW J. BONNER
DALE W. BOPP
KEVIN D. BORDEN
JAMES P. M. BORGHARDT
MICHAEL L. BOSSHARD
PAUL D. BOWDICH
ERIC J. BOWER
COLIN A. BOWSER
BRIAN D. BOYCOURT
KEVIN P. BOYKIN
SEAN P. BOYLE
JOSEPH P. BOZZELLI
DOUGLAS A. BRADLEY
MATTHEW J. BRAUN
MICHAEL S. BRAUN
DAVID A. BRETZ
GEORGE D. BRICKHOUSE III
BRADEN O. BRILLER
SCOTT A. BRIQUELET
PHILIP M. BROCK
ROBERT D. BRODIE
AARON G. BRODSKY
CHARLES W. BROWN IV
CHRISTOPHER D. BROWN
JEREMY D. BRUNN
CHADWICK B. BRYANT
JOSEPH G. BUCKLER
CHRISTOPHER J. BUDDE
MICHAEL L. BURD
COLVERT P. BURGOS
JASON A. BURNS
MATTHEW J. BURNS
CHRISTOPHER BUZIAK
GREGORY D. BYERS
ROBERT L. BYERS
KEVIN P. BYRNE
MARCELLO D. CACERES
DANIEL W. CALDWELL
JOHN R. CALLAWAY
CURTIS S. CALLOWAY
DARRELL S. CANADY
MARVIN W. CARLIN II
ARON S. CARMAN
GREGORY P. CARO
DOMINIC S. CARONELLO
JOSEPH CARRIGAN
RYAN T. CARRON
JEFFREY J. CARTY
ROBERT A. CASPER, JR.
GREGORY F. CHAPMAN
CHI K. CHEUNG
JAMES D. CHRISTIE
CHRISTOPHER F. CIGNA
CARLOS J. CINTRON
CHAD C. CISCO
CHRISTOPHER J. CIZEK
BENEDICT D. CLARK
CHARLES M. COHN
LANCE A. COLLIER
PETER M. COLLINS
KYLE J. COLTON
MATTHEW B. COMMERFORD
JOHN C. COMPTON
MICHAEL P. CONNOR
ERIC L. CONZEN
TIMOTHY V. COOKE
PETER A. CORRAO, JR.
ERIC C. CORRELL
GREGORY B. COTTEN
DANIEL P. COVELLI
SHAWN R. COWAN
JOHN S. CRANSTON

ANTHONY C. CREGO
RYAN P. CROLEY
ADAN G. CRUZ
PATRICK J. CUMMINGS
WARREN E. CUPPS
TIMOTHY S. CURRY
DOUGLAS W. CZARNECKI
NOEL J. DAHLKE
PAUL M. DALE
JOSEPH J. DANTONE III
DEARCY P. DAVIS IV
DANIEL M. DEGNER
CARL W. DEGRACE
TRES D. DEHAY
TOM S. DEJARNETTE
KEVIN H. DELANO
STEPHEN J. DELANTY
PAUL C. DEMARCELLUS
CHRISTOPHER R. DEMAY
STEVEN H. DEMOSS
HOMER R. DENIUS III
ERIC T. DEWITT
ROBERT L. DEWITT, JR.
MICHAEL J. DILLENDER
PAUL K. DITCH
CHARLES S. DITTBENNER II
CORY A. DIXON
THOMAS J. DIXON
SHAWN C. DOMINGUEZ
ELLIOTT J. DONALD
BRAD P. DONNELLY
RONALD A. DOWDELL
DAVID M. DOWLER
RICHARD H. DOWNEY
DAVID W. DRY
RICHARD F. DUBNANSKY, JR.
DWAYNE D. DUCOMMUN
JONATHAN C. DUFFY
ERIC V. DUKE
CHRISTIAN A. DUNBAR
GRANT A. DUNN
JAMES P. DUNN III
ROBERT M. DURLACHER
DAVID C. DYE
CLINTON S. EANES
JASON C. EATON
JAMES W. EDWARDS, JR.
MICHAEL L. EGAN
ANDREW C. EHLERS
TODD EHRHARDT
EDWARD T. EISNER
BRIAN P. ELKOWITZ
JENNIFER L. ELLINGER
WILLIAM R. ELLIS, JR.
DIRK W. ELWELL
PHILIP L. ENGLE, JR.
DAVID G. ERICKSON
DANILO A. ESPIRITU
TODD M. EVANS
DARIN A. EVENSON
DOUGLAS A. FACTOR
DANIEL S. FAHEY
JOSEPH FAUTH
JOHN H. FERGUSON
MARK A. FERLEY
TOMMY L. FIFER
ROBERT D. FIGGS
JOHN A. FISCHER
CHRISTOPHER E. FLAHERTY
STEPHEN A. FLAHERTY
BRIAN C. FLICK
JORGE R. FLORES
GEORGE A. FLOYD
CHRISTOPHER S. FORD
DAVID E. FOWLER
JOHN H. FOX
JOEY L. FRANTZEN
HARRY P. FULTON III
JOHN C. GALLEGRO
FERNANDO GARCIA
KARL GARCIA
MICHAEL S. GARRICK
BRENT C. GAUT
SAM R. GEIGER
ERIC E. GEORGE
FRANK E. GIANOCARO
TIMOTHY M. GIBBONEY
SCOTT A. GILES
MARCO P. GIORGI
DAVID A. GIVEY
CHRISTOPHER F. J. GLANZMANN
ANTHONY S. GLOVER
CHADWICK A. GODLEWSKI
FREDERIC C. GOLDHAMMER
DANIEL C. GORDON
WILLIAM M. GOTTEN, JR.
MATTHEW M. GRAHAM
TAMARA K. GRAHAM
CHARLES R. GRASSI
GREGGORY A. GRAY
HOWARD C. GRAY
SCOTT W. GRAY
JOHN P. GREENE
MARK D. GROB
DARREN B. GUENTHER
JOSEPH H. GUERREIN III
SCOTT A. GUNDERSON
JEREMY W. GUNTER
RUSSELL S. GUTHRIE
EDDY HA
IN H. HA
MICHAEL D. HAAS
CRAIG A. HACKSTAFF
KEVIN K. HAGAN
BRIAN J. HAMLING
BRANDON S. HAMMOND
PATRICK D. HANRAHAN
WILLIAM B. HANRAHAN
JAMES K. HANSEN
KEVIN K. HANSON
BRANDAN D. HARRIS
MICHAEL T. HARRISON
GALEN R. HARTMAN
KEITH E. HARTMAN
JOEL HARVEY
SCOTT A. HARVEY
DANIEL E. HARWOOD
KEITH A. HASH
MICHAEL E. HAYES
DANIEL A. HEIDT
BRYN J. HENDERSON, JR.
LAWRENCE H. HENKE III
WILLIAM C. HERRMANN
ANDREW C. HERTEL
TURHAN I. HIDALGO
SCOTT M. HIELEN
ROBIN L. HIGGS
STEPHEN F. HIGUERA
CRAIG A. HILL
JEREMY R. HILL
CHADWICK Q. HIXSON
KEITH A. HOLIHAN
ROBERT C. HOLLOWAY
MARK F. HOLZRICHTER
PATRICK C. HONECK
DAVID HOPPER
BRIAN S. HORSTMAN
JACK E. HOUDESHELL
MONROE M. HOWELL II
GREGORY W. HUBBARD
TODD C. HUBER
KEVIN D. HUDSON
JAMES H. HUMPHREY
MARK C. HUSTIS
ROBERT H. HYDE
MATTHEW C. JACKSON
STEPHEN J. JACKSON
JAMES E. JACOBS
DAVID C. JAMES
LUKE P. JAMES
STEVEN M. JAUREGUIZAR
BRYAN L. JOHNSON
DAVID R. JOHNSON
IAN L. JOHNSON
VINCENT R. JOHNSON
MICHAEL S. JOHNSTON
GARRETT D. JONES
MICHAEL K. JONES IV
RUSSELL W. JONES
THOMAS C. KAIT, JR.
ROBERT A. KAMINSKI
RONALD J. KARUN, JR.
DAVID E. KAUFMAN
SEAN D. KEARNS
RICHARD M. KELLY
MARK T. KELSO
COREY J. KENISTON
JOHN D. KENNARD
MATTHEW J. KENNEDY
CALEB A. KERR
CHRISTIAN N. KIDDER
JACKIE L. KILLMAN
ANDREW J. KIMSEY
CHRISTOPHER J. KIPP
JONATHAN P. KLINE
CARY M. KNOX
KIRK A. KNOX
JOHN N. KOCHENDORFER
ANDREW P. KOELSCH
MATTHEW G. KONOPKA
JOHN R. KOON
JEFFREY K. KRAUSE, JR.
RICHARD E. KREH, JR.
ROBERT A. KRIVACS
JAMES W. KUEHL
BRIAN S. KULLEY
ARMEN H. KURDIAN
MATTHEW A. LABONTE
VICTOR A. LAKE
DAVID J. LALIBERTE
JASON D. LAMB
PAUL J. LANZILOTTA
BRENT B. LAPP
JOSHUA LASKY
GARY W. LAUCK
ERIC J. LEDNICKY
HEATHER B. LEE
STEVEN S. LEE
CHRISTOPHER L. LEGRAND
CHRIS W. LEWIS
CARL M. LIBERMAN
ERIC C. LINDFORS
HOWARD B. LINK, JR.
DANIEL A. LINQUIST
JONATHAN D. LIPPS
JOSEPH A. LISTOPAD
KEVIN D. LONG
ROBERT E. LOUGHRAN, JR.
JAMES P. LOWELL
MICHAEL D. LUCKETT
LANCE J. LUKSIK
JONATHAN D. MACDONALD
GERALD J. MACENAS II
LLOYD B. MACK
DANIEL L. MACKIN
MICHAEL D. MACNICHOLL
DANIEL P. MALATESTA
WILLIAM H. MALLORY
SHAWN K. MANGRUM
MICHAEL R. MANSISIDOR
NORMAN E. MAPLE
DONALD W. MARKS
TIMOTHY S. MARKS
WILLIAM D. MARKS, JR.
CHRISTOPHER D. MARSH
JAMES J. MARSH
RAYMOND B. MARSH II
ANDREW S. MARSHALL
VINCENT S. MARTIN
ANTHONY P. MASSLOFSKY
STUART M. MATTFIELD
DAVID R. MATZAT
JAY A. MATZKO
MICHAEL D. MAXWELL
MICHAEL A. MCABEE
DARREN F. MCCLURG
CHRISTOPHER R. MCDOWELL
EARL L. MCDOWELL
SEAN G. MCKAMEY
JOHN M. MCKEON, JR.
KEVIN M. MCLAUGHLIN
GREGORY E. MCRAE
ROBERT F. MEDVE
LAWRENCE E. MEEHAN
RICHARD M. MEYER
KEVIN P. MEYERS
MARC J. MIGUEZ
ANDREW S. MILLER
JAMES B. MILLER
JAMES E. MILLER
JEFFREY A. MILLER
MATTHEW A. MILLER
MICHAEL J. MILLER
PHILIP S. MILLER
STEVEN L. MILLER
DENNIS I. MILLS
THOMAS P. MONINGER
CHRISTOPHER T. MONROE
JOHN F. MONTGOMERY
JAMES E. MOONIER III
ANTHONY D. MOORE
KENT W. MOORE
DAVID A. MORALES
PATRICK J. MORAN
EDGARDO A. MORENO
CHARLES D. MORGAN, JR.
WALTER S. MORGAN
DANIEL B. MORIO
DANIEL MORITSCH
JOEL E. MOSS
MARTIN J. MUCKIAN
KEVIN M. MULLANEY
THOMAS P. MURPHY
WILLIAM J. P. MURPHY
JAMES MUSGRAVES
CHRISTOPHER A. NASH
STEVEN T. NASSAU
DARREN W. NELSON
CHRISTOPHER A. NERAD
BENJAMIN R. NICHOLSON
MARK A. NICHOLSON
MATTHEW R. NIEDZWIECKI
PETER K. NILSEN
ERIK R. NILSSON
CHRISTOPHER P. NODINE
BRUCE D. NOLAN
MICHAEL E. NOONAN
CASSIDY C. NORMAN
MICHAEL B. ODRISCOLL
JAMES E. OHARRAH, JR.
RUDOLPH M. OHME III
DAVIN J. OHORA
MICHAEL A. OLEARY
GERALD R. OLIN II
BRIAN J. OLSWOLD
BARRY C. PALMER, JR.
BRADY R. PALMERINO
TIMOTHY V. PARKER
JAMES B. PARKERSON
GREGORY R. PARKINS
CHESTER T. PARKS
CHASE D. PATRICK
ERIK R. PATTON
SAMUEL D. PENNINGTON
WILLIAM A. PERKINS
JOHN E. PERRONE
DAVID R. PERRY
GEORGE M. PERRY
MATTHEW J. PERUN
CHRISTOPHER L. PESILE
ROBERT E. PETERS
BRIAN M. PETERSON
TODD O. PETTIBON
MICHAEL PFARRER
MATTHEW A. PHILLIPS
THOMAS E. PLOTT II
STEPHEN R. POLK
MATTHEW R. POTHIER
PHILLIP E. POURNELLE
STEVEN A. PRESCOTT
JOB W. PRICE
PAUL G. PROKOPOVICH
BRIAN K. PUMMILL
KENNETH N. RADFORD
ARMANDO RAMIREZ, JR.
BRIAN H. RANDALL

CAMERON P. RATKOVIC
WERNER J. RAUCHENSTEIN
WILLIAM K. RAYBURN
NATHANIEL R. REED
JOHN K. REILLEY
MARK C. REYES
JAMES P. REYNOLDS
THOMAS S. REYNOLDS
RICHARD G. J. RHINEHART
JOHN S. RICE
JUSTIN B. RICHARDS
MATTHEW S. RICK
JOSEPH J. RING
MICHAEL J. RIORDAN IV
RONALD RIOS
JESS V. RIVERA
RAYMOND A. RIVERA
RICHARD A. RIVERA
TRISTAN G. RIZZI
ANTHONY C. ROACH
MATTHEW P. ROBERTS
DENNIS A. ROBERTSON
MICHAEL P. ROBLES
JOSE L. RODRIGUEZ
ERICH P. ROETZ
DOUGLAS W. ROSA
ANTHONY E. ROSSI
KENNETH S. ROTHAERMEL
AARON P. ROULAND
MICHAEL R. ROYLE
JONATHAN C. RUSSELL
MICHAEL D. RUSSO
DANIEL K. RYAN, JR.
BRENT D. SADLER
LUIS E. SANCHEZ, JR.
THOMAS M. SANTOMAURO
CHRISTOPHER P. SANTOS
ANTHONY M. SAUNDERS
MARK A. SCHAFER
JASON B. SCHEFFER
DAVID J. SCHLESINGER
JOHN P. SCHULTZ
KEVIN P. SCHULTZ
JAYSON W. SCHWANTES
MARC S. SCOTCHLAS
DAVID C. SEARS
MICHAEL S. SEATON
CHRISTOPHER M. SENENKO
SHANTI R. SETHI
ERIC L. SEVERSEIKE
DANIEL A. SHAARDA
WILLIAM K. SHAFLEY III
JULIE H. SHANK
BLANE T. SHEARON
THOMAS A. SHEPPARD
SCOTT H. SHERARD
MATTHEW B. SHIPLEY
WILLIAM C. SHOEMAKER
THOMAS E. SHULTZ
CRAIG C. SICOLA
DAVID W. SIMMONS
TYREL T. SIMPSON
STEPHEN D. SIMS
LEE P. SISCO
TRAVIS D. SISK
CHARLES W. SITES
JAMES C. SLAIGHT
GREGORY A. SLEPPY
CARL C. SMART
BENJAMIN P. SMITH
CHARLES R. SMITH
COLIN S. G. SMITH
ERIC B. SMITH
ROBERT S. SMITH
RYAN C. SMITH
WILLIAM A. SMITH IV
WILLIAM H. SNYDER III
WILLIAM E. SOLOMON III
GABRIEL E. SOLTERO
ERNEST L. SPENCE
CHAD W. SPENCER
JULIE A. SPENCER
MICHAEL T. SPENCER
AXEL W. SPENS
LOUIS J. SPRINGER
SCOTT S. SPRINGER
BRUCE R. STANLEY, JR.
HARRY F. STATIA
MARK O. STEARNS
PAUL J. STEINBRENNER
JEFFREY C. STEVENS
JONATHAN L. STILL
MARK G. STOCKFISH
CHRISTOPHER D. STONE
JAMES L. STORM
NATHANIEL J. STRANDQUIST
TABB B. STRINGER
CHRISTOPHER P. STUART
MARK G. STUFFLEBEEM
MICHAEL D. STULL
NATHAN B. SUKOLS
JOHN D. SULLIVAN
EDMUND E. SWEARINGEN
TIMOTHY E. SYMONS
SHANE P. TALLANT
ERIC D. TAYLOR
JON M. TAYLOR
RHONDA J. TAYLOR
BRADLEY B. TERRY
CRAIG R. TESSIN
ROBERT W. THOMAS, JR.
ROBERT S. THOMPSON
MICHAEL K. TIBBS
JOHN D. TINETTI
JEFFREY S. TODD
JOHN D. TOLG
JAMES H. TOOLE
RICHARD A. TREVISAN
STEPHEN O. ULATE
DAVID A. URSINI
RICHARD A. VACCARO
CHRISTOPHER E. VANAVERY
RUSSELL J. VANDIEPEN
DANIEL L. VANMETER
LARRY P. VARNADORE
JANA A. VAVASSEUR
CHRISTOPHER R. VEGA
HAROLD A. VIADO
JIANCARLO VILLA
SHANE C. VOUDREN
JOHN J. VOURLIOTIS
ALEXIS T. WALKER
PHILIP W. WALKER
MICHAEL E. WALLACE
DAVID P. WALT
KJELL A. WANDER
MICHAEL P. WARD II
CHARLOS D. WASHINGTON
MICHAEL J. WEAVER
RICHARD M. WEEDEN
HERSCHEL W. WEINSTOCK
MICHAEL C. WELDON
JOHN M. WENKE, JR.
STEWART M. WENNERSTEN
CHRISTOPHER C. WESTPHAL
TODD E. WHALEN
JENNIFER L. WHEREATT
WILLIAM WHITE
ULYSSES V. WHITLOW
WILLIAM C. WHITSITT
JENNIFER K. WILDERMAN
STEVEN R. WILKINSON
AMAHL K. WILLIAMS
CHRISTIAN B. WILLIAMS
MICHAEL J. WILLIAMS
IAN O. WILLIAMSON
BRIAN A. WILSON
THOMAS A. WINTER
ROBERT E. WIRTH
JONATHAN R. WISE
JEFFREY P. WISSEL
CHRISTOPHER C. WOHLFELD
ALAN M. WORTHY
STACEY K. WRIGHT
MATTHEW J. WUKITCH
STEVEN A. WYSS
DAVID J. YODER
STACEY W. YOPP
NATHAN S. YORK
DAVID A. YOUTT
PHILIP W. YU
RANDY ZAMORA
GREGORY M. ZETTLER
EDMUND L. ZUKOWSKI
MARK T. ZWOLSKI

DISCHARGED NOMINATIONS

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was held at the desk:

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were held at the desk:

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, June 4, 2008:

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012.

DEPARTMENT OF STATE

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY WITH THE RANK OF AMBASSADOR.

POSTAL REGULATORY COMMISSION

NANCI E. LANGLEY, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2012.

DEPARTMENT OF COMMERCE

WILLIAM J. BRENNAN, OF MAINE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

LILY FU CLAFFEE, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DEPARTMENT OF STATE

MARCIA STEPHENS BLOOM BERNICAT, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

MARIANNE MATUZIC MYLES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

JOSEPH EVAN LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

STEPHEN JAMES NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD GENE TEITELBAUM, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

PATRICIA MCMAHON HAWKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (BUREAU OF CONSULAR AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

UNITED STATES INSTITUTE OF PEACE

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

COL. KIMBERLY A. SINISCALCHI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK D. SHACKELFORD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

To be lieutenant general

MAJ. GEN. CHARLES E. STENNER, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL STEPHEN E. BOGLE
BRIGADIER GENERAL JAMES G. CHAMPION
BRIGADIER GENERAL JOSEPH J. CHAVES
BRIGADIER GENERAL MYLES L. DEERING
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL MARK E. ANDERSON
COLONEL ERNEST C. AUDINO
COLONEL DAVID A. CARRION-BARALT
COLONEL JEFFREY E. BERTRANG
COLONEL TIMOTHY B. BRITT
COLONEL LAWRENCE W. BROCK III
COLONEL MELVIN L. BURCH
COLONEL SCOTT E. CHAMBERS
COLONEL DONALD J. CURRIER
COLONEL CECILIA I. FLORES
COLONEL SHERYL E. GORDON
COLONEL PETER C. HINZ
COLONEL ROBERT A. MASON
COLONEL BRUCE E. OLIVEIRA
COLONEL DAVID C. PETERSEN
COLONEL CHARLES W. RHOADS
COLONEL RUFUS J. SMITH
COLONEL JAMES B. TODD
COLONEL JOE M. WELLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. PETER W. CHIARELLI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HARRY B. HARRIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JULIUS S. CAESAR
REAR ADM. (LH) WENDI B. CARPENTER
REAR ADM. (LH) GARLAND P. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM H. MCRAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. VITALE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND E. BERUBE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD R. JEFFRIES
REAR ADM. (LH) DAVID J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID F. BAUCOM
CAPT. VINCENT L. GRIFFITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID C. JOHNSON
CAPT. THOMAS J. MOORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MAUDE E. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL H. ANDERSON
CAPT. WILLIAM R. KISER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NORMAN R. HAYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MELVIN G. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) KEVIN M. MCCOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PETER H. DALY

DEPARTMENT OF JUSTICE

ELISEBETH C. COOK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

WILLIAM WALTER WILKINS, III, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LONNIE B. BARKER AND ENDING WITH JERRY P. PITTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC L. BLOOMFIELD AND ENDING WITH DEBORAH L. MUELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARY J. BERNHEIM AND ENDING WITH KELLI C. MACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, [illegible].

AIR FORCE NOMINATIONS BEGINNING WITH JAMES E. OSTRANDER AND ENDING WITH FRANK J. NOCILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

IN THE ARMY

ARMY NOMINATION OF CHERYL AMYX, TO BE MAJOR.

ARMY NOMINATION OF DEBORAH K. SIRRATT, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK A. CANNON AND ENDING WITH MICHAEL J. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH GENE KAHN AND ENDING WITH JAMES D. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH LOZAY FOOTS III AND ENDING WITH MARGARET L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH PHILLIP J. CARAVELLA AND ENDING WITH PAUL S. LAJOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATION OF JIMMY D. SWANSON, TO BE COLONEL.

ARMY NOMINATION OF RONALD J. SHELDON, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRIAN M. BOLDT AND ENDING WITH CHRISTOPHER L. TRACY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2008.

ARMY NOMINATION OF JAMES K. MCNEELY, TO BE MAJOR.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CRAIG LEWIS CLOUD AND ENDING WITH KIMBERLY K. OTTWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JUDY R. REINKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH STANLEY A. OKORO AND ENDING WITH DAVID B. ROSENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2008.

NAVY NOMINATION OF ROBERT S. MCMASTER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER S. KAPLAFKA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID R. EGGLESTON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KATHERINE A. ISGRIG AND ENDING WITH JASON C. KEDZIERSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. YOUNGER AND ENDING WITH JEFFREY W. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 4, 2008 withdrawing from further Senate consideration the following nomination:

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

HONORING GEORGE FREDERICK "FRITZ" JEWETT, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. PELOSI. Madam Speaker, on Friday, May 23, San Francisco lost one of its extraordinary citizens with the passing of George Frederick "Fritz" Jewett, Jr. I sadly enter into the RECORD excerpts from his obituary in the San Francisco Chronicle.

Mr. Jewett a Prominent San Francisco businessman, philanthropist and sailing buff whose support of the sport led to his induction into the America's Cup Hall of Fame in 2005, died in San Francisco on Friday of a cerebral hemorrhage. He was 81.

Mr. Jewett had a long career in the forest products industry as a director of the Potlatch Corp. He retired as vice chairman of the board in 1999. He was also renowned in sailing circles for chairing five America's Cup Syndicated for three yacht clubs from 1973 through 2000.

Mr. Jewett was known for his civic activism, generosity and gentle demeanor. Fritz's love of competition and his personal sportsmanship made him a Hall of Famer. His love of friends and kindness to them made him a world class gentleman.

Mr. Jewett is survived by his wife of 54 years, Lucy; his son, George Jewett, III of Hillsborough; his daughter Betsy Jewett of Spokane; his sister, Margaret Greer of Chevy Chase, MD; and four grandchildren.

He had known his wife-to-be Lucille McIntyre since childhood, and reconnected while he was working in a Tacoma sawmill. They were engaged 6 weeks later, and would have celebrated their 55th wedding anniversary in July of this year.

In all of life's endeavors Fritz and Lucy were a team. Their love for each other and their family was a model to us all. They were enormously generous in their philanthropy and hospitality. They touched the lives of so many with their quiet and significant support of the arts, education, science, medicine, conservation and sports. Their interests ranged from their patronage, of the San Francisco Ballet to cheering for the San Francisco 49ers. The grace of the ballet and the competitiveness of sports came together in the beauty of sailing which they enjoyed personally and at the America's Cup level.

I hope that it is a comfort to Lucy and the Jewett Family that so many people mourn their loss and are praying for them. Fritz brought the same dignity, spirit and humor to dealing with his physical challenges in his last year as he did throughout his life. My husband Paul and I send our deepest sympathy to Lucy, George, III, and Betsy at this sad time.

FIRST BAPTIST CHURCH OF GARY 100TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great enthusiasm and sincerity that I take this time to congratulate First Baptist Church of Gary, Indiana, as they join together in celebration of their 100th anniversary. The church, which has seen tremendous growth and progress since its humble beginning, will be celebrating this exceptional milestone with festivities beginning on Friday, June 6, and continuing through Sunday, June 8, 2008. The theme for this extraordinary event is "Anchored in Faith: Yesterday, Today, and Forever."

The celebration of First Baptist Church's 100th anniversary, "Dedicated to the Glory of God and the Service of Man," will begin on Friday, June 6, 2008, with a banquet at the Genesis Convention Center in Gary, Indiana, and will continue on Saturday, June 7, with a community event featuring vendors, a petting zoo, and a museum dedicated to the history of the church. Finally, on Sunday, June 8, a very special worship service will take place, followed by a musical concert featuring the First Baptist choirs, former musicians and soloists, and other special guests.

From its modest beginnings, First Baptist Church has emerged as a pillar of the Gary community. Although First Baptist, the oldest African-American congregation in the City of Gary, has seen immense growth, not only in the size of its congregation but also in the depth of the services and programs available to its members, the clergy and congregation have remained dedicated to the fundamental ideal of serving God by serving each other.

Only 2 years after the City of Gary, Indiana, was founded, three individuals, Raymond Rankins, Samuel Duncan, and Samuel Clay, realizing the need for a church of their own in Gary, called upon Dr. Elijah John Fisher, pastor of Olivet Baptist Church in Chicago, for assistance in making this dream a reality. Through their efforts, First Baptist emerged in Gary, with the first services being held in the home of Mr. Rankins. Soon after, membership in the church began to increase, and the first house of worship was constructed at 1617 Washington Street in Gary. After various reconstructions and relocations First Baptist finally settled in its current location at 626 West 21st Avenue in 1955, under the leadership of the Reverend Dr. Robert E. Penn, who served as pastor for more than 20 years. During his tenure, Reverend Penn was focused on being involved in the community, resulting in the creation of a foreign missionary project, a college scholarship fund, and a housing development program. Reverend Penn's vision has continued through today, and he continues to resonate as a shining example of selfless service and unwavering commitment to the community.

Since taking over as pastor on March 30, 1996, the Reverend Dr. Bennie T. Henson, Sr., has continued to spearhead projects aimed at improving not only the church but the community as well. Under Reverend Henson's direction, the Images of Hope initiative was created, which is designed to improve the human condition of the needy and underserved people of Gary. During his tenure, the congregation of First Baptist also witnessed the emergence of Saturday Night Alive, an alternative worship service, and Friday Night Out, a community movie night. In addition, numerous advances have been made during this time in the area of technology, allowing the congregation and the community access to First Baptist Church via the Internet.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Reverend Dr. Bennie T. Henson, Sr., and First Baptist Church of Gary on their 100th anniversary. Throughout the years, the clergy and members of First Baptist Church have dedicated themselves to providing spirituality and guidance through their service to their community. Their constant dedication and commitment is worthy of our deepest admiration.

HONORING DERRICK MOSS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derrick Moss of Liberty, Missouri. Derrick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 2418, and earning the most prestigious award of Eagle Scout.

Derrick has been very active with his troop, participating in many scout activities. Over the many years Derrick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derrick Moss for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CELEBRATING THE 2008 HISPANIC HERITAGE YOUTH AWARD RECIPIENTS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the 2008 Hispanic Heritage Youth Award Recipients. This award has grown into the most prestigious Hispanic honor and event for Latino youth in the United States.

Since 1998 the Hispanic Heritage Foundation has been celebrating Hispanic pride, culture, and accomplishment in the community and in classrooms throughout the United States.

Latinos are our Nation's largest minority and the Hispanic Heritage Foundation works to make sure that our Nation's Latino youth are prepared for the challenges to come. Through leadership, cultural, educational, and work programs, these future role models are identified, inspired, and instilled with the knowledge and experience to succeed.

Over 1,500 students have been awarded more than three million dollars in educational grants through the Hispanic Heritage Youth Awards. There are seven categories for these students to demonstrate their ability to excel in their areas of focus, with three finalists in each category from the Chicago area.

I am proud to recognize two winners from the Fifth Congressional District, Thalia Urbina and Estefanie Garcia. Thalia Urbina from East Lyden High School has earned a gold medallion for her commitment to education and Estefanie Garcia from Notre Dame High School for Girls has earned a bronze medallion for her excellence in journalism. These winners of the 2008 Hispanic Heritage Youth Award are part of the best and brightest in the Chicago Region.

This year's Chicago Regional award recipients will be honored with a special ceremony hosted by local businesses and community leaders to pay tribute to their accomplishments at the University of Chicago tonight.

Madam Speaker, Thalia and Estefanie have earned tonight's honors through hard work and dedication. I am proud to serve as their representative in Congress, and I wish them the best of luck tonight and in all of their future endeavors.

HONORING THE CHARITY EVENT, CRUISIN' MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to acknowledge an event, Cruisin' Michigan, which will be held in Wayne County, Michigan.

Cruisin' Michigan is a charity event created by Don Nicholson, an avid community serviceman. On July 12, 2008, classic automobiles will be cruising Michigan Avenue from 12 p.m. until 8 p.m. This is the first multi-city Michigan Avenue cruise where classic beauties will be traveling through Dearborn, Dearborn Heights, Inkster, Wayne, and Westland, Michigan. Cruisin' Michigan will benefit many non-profit organizations, the Wayne Rotary Club, service groups and supports the City of Inkster's Summer Jazz Festival. This special occasion is expected to bring more than 50,000 visitors to the area, which will increase the sales for local businesses and stimulate the economy.

Madam Speaker, Cruisin' Michigan will encourage travel, create economic growth, and benefit numerous organizations. This event is also expected to promote future charitable events produced by Mr. Nicholson including, the Don Nicholson Charity Car Show and EnjoyWayne.com Charity Car Show, which raise money for adults with special needs and for scholarship funds. Today, I ask my colleagues to join me in supporting the Cruisin' Michigan event and acknowledging Mr. Don Nicholson for his loyal service to the community and our country.

TRIBUTE TO DR. BILL LAHUE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. SKELTON. Madam Speaker, let me take this means to recognize the long and selfless career of Dr. Bill LaHue of Lexington, Missouri. Dr. LaHue has spent over 35 years as a dedicated general practitioner in the field of medicine.

Dr. LaHue received his BA and MD Degrees from the University of Missouri before completing his internship at Kansas City General Hospital and his residency at Tampa (FL) General Hospital and St. Luke's Hospital in Kansas City. He began his practice in general surgery in Lexington, Missouri, in 1972, and has served the needs of his community and the surrounding area since that time.

Dr. LaHue was recently named Presiding Chief of the Tribe of Mic-O-Say, an honorary Boy Scout Organization of the Heart of America Council, which serves over 45,000 youth. This honor is the highest recognition within the Scouting Organization. This prestigious award comes with the responsibilities of conducting council meetings and presiding over council ceremonies for the course of one year, after which Dr. LaHue will remain a chief, but no longer the presiding officer.

Dr. Bill LaHue continues to practice medicine in Lexington and remains an active member of his church and community. I trust that the Members of the House will join me in thanking Dr. LaHue for his devotion to the youth of our Nation.

CONGRATULATING THE UNIVERSITY OF IDAHO

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. SALI. Madam Speaker, I rise today to recognize and congratulate the University of Idaho for their re-designation as a National Center of Academic Excellence (CAE) in Information Assurance Education (IA).

The National Security Agency and Department of Homeland Security has bestowed this distinguished recognition on only ninety-three schools across 37 states and the District of Columbia.

In order to be considered a CAE high academic standards must be in place. A CAE is required to have a full-time faculty dedicated to teaching IA, academic courses focused on IA and students involved in IA research projects. CAE students are trained to play a critical role in protecting our national information infrastructure.

The University of Idaho will now be eligible to apply for scholarships and grants through both federal and Department of Defense Information Assurance Scholarship Programs.

Congratulations to the University of Idaho for this fine distinction and commitment to cultivating the minds of our future leaders.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. UDALL of Colorado. Madam Speaker, I was unable to be present for votes during the late afternoon and evening of May 22, 2008. For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed that day.

On rollcall 355, on the Akin amendment to H.R. 5658, I would have voted "no."

On rollcall 356, on the Franks amendment to H.R. 5658, I would have voted "no."

On rollcall 357, on the Tierney amendment to H.R. 5658, I would have voted "no."

On rollcall 358, on the Pearce amendment to H.R. 5658, I would have voted "no."

On rollcall 359, on the Lee amendment to H.R. 5658, I would have voted "yes."

On rollcall 360, on the Braley amendment to H.R. 5658, I would have voted "yes."

On rollcall 361, on the Price amendment to H.R. 5658, I would have voted "yes."

On rollcall 362, on the Holt amendment to H.R. 5658, I would have voted "yes."

On rollcall 363, on the McGovern amendment to H.R. 5658, I would have voted "yes."

On rollcall 364, on the Motion to Recommit with instructions the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658), I would have voted "no."

I would have done so because the Motion to Recommit—as written—would have effectively killed the bill by sending it back to Committee. I also objected to what the Motion attempted to do. It would have repealed Section 526 of the Energy Independence and Security Act, which ensures that federal agencies do not procure or promote alternative fuels that emit, on a lifecycle basis, more greenhouse gas emissions than equivalent conventional fuels produced from conventional petroleum sources. This provision relates primarily to efforts of the Department of Defense to obtain half of its domestically used fuel from domestic synthetic sources by 2016. Specifically, the

Air Force is pursuing 'coal-to-liquid' fuel (CTL). According to both the EPA and DOE, liquid coal produces double the global warming emissions compared to conventional gasoline.

An amendment adopted on the floor clarified Section 526 to ensure that federal agencies could procure conventional fuels that contain incidental amounts of unconventional fuels. With the passage of this amendment, it is my belief that there is no reason to repeal Section 526, since the Department of Defense has said that it intends to pursue CTL with carbon capture and sequestration. In addition, the Defense Science Board Task Force on Energy recommended that if DOD decides to provide financial backing to synthetic fuel production plants, it should avoid investing in processes that exceed the carbon footprint of petroleum.

On rollcall 365, on Passage of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658), I would have voted "yes."

On rollcall 366, on the Motion to Suspend the Rules and Agree, as Amended, to H. Res. 986, a resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, I would have voted "yes."

The resolution recognizes the 35th anniversary of "Operation Homecoming," when the first wave of the longest-held POWs from Vietnam left that country to return to the United States. We honor those POWs, but we also honor those brave heroes who fought and died for our country but never returned home.

LOCAL 1010 50TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to recognize the United Steelworkers Local 1010 on the 50th anniversary of their union hall in East Chicago, Indiana. They will be celebrating this occasion by rededicating the hall in honor of four members who selflessly gave their lives in the "Memorial Day Massacre" in 1937. This event will take place at the Local 1010 United Steelworkers Hall in East Chicago, Indiana, on Saturday, June 7, 2008.

Local 1010 has a long history of selfless sacrifice for the advancement of workers' rights, which in 1937 culminated with the "Memorial Day Massacre." After a picnic and rally on May 30, 1937, hundreds of members of Local 1010 picketed with members of other local unions at the plant gates of the Republic Steel Company in a show of solidarity against "Little Steel." While the strikers were protesting for union and worker's rights, Chicago police officers opened fire on the crowd, wounding over 100 union members and killing ten individuals, including four members of Local 1010. The four courageous Local 1010 members who gave their lives were: Earl Handley, Sam Popovich, Kenneth Reed, and Alfred Causey.

These selfless individuals will be honored at this milestone event with a workers' memorial, which will be displayed in the union hall. The memorial will bear the engraved names of these four men, as well as all 387 members of Local 1010 who have lost their lives while working for the union. This will ensure they will be remembered forever.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Local 1010 President, Mr. Thomas Hargrove, and all members of the United Steelworkers Local 1010 for their loyalty and devotion to workers' rights.

HONORING MATTHEW PERRY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Perry of Liberty, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Perry for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE CHICAGO SHAKESPEARE THEATER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the Chicago Shakespeare Theater on earning the 2008 Outstanding Regional Theatre Tony Award. The honor, presented annually to a non-profit professional theater company in the United States, recognizes the hard work and dedication of Chicago Shakespeare artistic director and founder Barbara Gaines and the entire Chicago Shakespeare Theater staff.

The Tony Award for outstanding regional theatre was first presented to the Virginia Barter Theatre in 1946 and has been presented annually since 1976 to a theater company that maintains an unremitting level of artistic achievement while advancing the development of theater nationally.

From its home on Chicago's Navy Pier, the Chicago Shakespeare Theater meets and exceeds that high standard. With over 600 annual performances during its 50-week season, the Chicago Shakespeare Theater reaches an audience of 225,000 per year. The theater has 20,500 subscribers and is the largest employer of Chicago actors.

Founded by Ms. Gaines in 1986, the theater staged its first performance, of "Henry V," on the rooftop of the Red Lion Pub in Chicago's Lincoln Park neighborhood. Since that show, the theater has grown into one of Chicago's leading cultural establishments.

In addition to its award-winning Shakespeare adaptations, the Chicago Shakespeare Theater reaches out to over 50,000 students and teachers yearly through a program entitled "Team Shakespeare." This program aims to make Shakespeare more accessible to a whole new generation and will reach its millionth student this year.

The Chicago Shakespeare Theater becomes the fourth theater based in Chicago, Illinois to earn the outstanding regional theatre title. Along with previous Chicago-area winners the Steppenwolf Theater Company, the Goodman Theater, and the Victory Gardens Theater, these theaters and others throughout Chicago make up an artistic ensemble that rivals any group of theaters throughout the world. Their work is a testament to the quality and commitment of those who write, produce, and perform theater in Chicago.

Madam Speaker, I once again congratulate the Chicago Shakespeare Theater on this accomplishment, and I hope my colleagues will watch as the Chicago Shakespeare Theater receives their award on June 15th at the 62nd Antoinette Perry "Tony Awards" from Radio City Music Hall in New York.

HONORING THE LIFE OF MS. DOROTHY THOMAS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Dorothy Thomas, a remarkable Michigan citizen, upon her 100th birthday on May 27, 2008.

Ms. Thomas was born on May 25, 1908, in Detroit, Michigan. Dorothy grew up surrounded by an affectionate and giving family. Dorothy attended Craft Grade School and Condon Junior High. While attending Western High School, Ms. Thomas completed a business course, which included shorthand and led to her first job after graduation as a stenographer with Ford Motor Truck Company.

Ms. Thomas has been alone since age 58 after her husband passed away in 1966, and both children passed away at an early age. Dorothy continued to press on in spite of her loneliness. She worked as a Kelly girl, was a secretary at Art Center Hospital, and retired at age 67 from working in a business office at Mercy College. Ms. Thomas has filled her life with personal interests such as playing the piano, spending time with family, and her new pastime favorites: crafts and bingo. Dorothy has also been a devoted member of the church and continues to attend regularly. Dorothy's two nephews, two nieces, 12 great nephews and nieces, five great-great nephews, and five great-great nieces, all look to Dorothy for strength and inspiration as she reaches this amazing milestone.

Madam Speaker, for 100 years Ms. Dorothy Thomas has graced the world with her kindness, hard work, and spirit. Ms. Thomas's claim to a long life is a wonderful upbringing, athletics, strength under tragedy, and her dedication to work and church. Today, I ask my colleagues to join me in congratulating Ms. Dorothy Thomas upon reaching her 100th birthday on May 27, 2008, and for being an upstanding citizen to her community and country.

TRIBUTE TO JANET FAGAN-McNULTY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. SKELTON. Madam Speaker, let me take this means to recognize the distinguished service of Janet Fagan-McNulty, as her career comes to an end. Mrs. Fagan-McNulty has spent more than 39 years dedicated to the Department of Agriculture and the Department of the Army.

In 1972, Mrs. Fagan-McNulty began her career with the Federal Government working for the Department of Agriculture and eventually joining Army's Office of the Chief of Legislative Liaison. In 1988, Mrs. Fagan-McNulty was appointed Deputy Chief of the Congressional Inquiry Division tasked with a number of special missions directed by the Secretary of the Army, including Operation Quick Look. From these successes she was ultimately promoted to Chief of the Congressional Inquiry Division.

During her tenure, Mrs. Fagan-McNulty has guided the division and organization through numerous major events. Some of these events consist of the period during the Cold War, Grenada, Panama, Operations Desert Shield and Desert Storm, the tragedy of September 11th, and Operations Enduring and Iraqi Freedom.

Currently, Mrs. Janet Fagan-McNulty is leading a dedicated team as Chief of the Congressional Inquiry Division, Office of the Chief of Legislative Liaison. I am certain that Members of the House will join me in thanking Janet Fagan-McNulty for her commitment and contributions to our Nation.

PERSONAL EXPLANATION

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. CASTOR. Madam Speaker, for the information of our colleagues and my constituents, I want the RECORD to reflect how I would have voted on the following votes I missed this session.

On rollcall 338, on ordering the previous question on H. Res. 1212 providing for consideration of H.R. 6049, Energy Production and Conservation and Individual Income Tax Relief I would have voted "yes."

On rollcall 339, on agreeing to the resolution providing consideration of H.R. 6049, Energy Production and Conservation and Individual Income Tax Relief, I would have voted "yes."

On rollcall 340, on ordering the previous question providing for consideration of H.R. 5658, the National Defense Authorization of 2009, I would have voted "yes."

On rollcall 341, on ordering the previous question providing for consideration of the conference report to accompany S. Con. Res. 70, the Congressional Budget Act, I would have voted "yes."

On rollcall 342, on agreeing to the resolution providing for consideration of the conference report to accompany S. Con. Res 70, the Congressional Budget Act, I would have voted "yes."

On rollcall 343, on the motion to recommit with instructions H.R. 6049, the Renewable Energy and Job Creation Act, I would have voted "no."

On rollcall 344, passage of H.R. 6049, The Renewable Energy and Job Creation Act, I would have voted "yes."

On rollcall 345, to suspend the rules and pass as amended H.R. 1771, The Crane Conservation Act of 2008, I would have voted "yes."

On rollcall 346, passage of H.R. 2419, the Farm, Nutrition, and Bioenergy Act objections of the President notwithstanding, I would have voted "yes."

On rollcall 347, to suspend the rules and pass, as amended H.R. 3819, Veterans Emergency Care Fairness Act of 2008, I would have voted "yes."

On rollcall 348, to suspend the rules and pass H.R. 5826, Veterans Compensation Cost-of-Living adjustment, I would have voted "yes."

On rollcall 349, to suspend the rules and pass H.R. 5856, Department of Veterans Affairs Medical Facility Authorization and Lease Act, I would have voted "yes."

On rollcall 350, on ordering the previous question on H. Res. 1218, providing for consideration of H.R. 5658, Department of Defense Authorization, I would have voted "yes."

On rollcall 351, on agreeing to the resolution providing for consideration of H.R. 5658, Department of Defense Authorization, I would have voted "yes."

On rollcall 352, on motion to table H. Res. 1221, I would have voted "yes."

On rollcall 353, to suspend rules and pass H.R. 6124 to provide for the continuation of agricultural and other programs of the Department of Agriculture through 2012, I would have voted "yes."

On rollcall 354, to suspend rules and pass H. Res. 1194, reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon, under Prime Minister Fouad Sinoria, I would have voted "yes."

On rollcall 355, on the Akin amendment to H.R. 5658, to cut military pay, benefits, and healthcare by $163 million. I would have voted "no."

On rollcall 356, on the Franks amendment to H.R. 5658, that would take $719 million from high priority R&D programs outside of the Missile Defense Agency, in order to eliminate the committee's targeted reductions to the missile defense budget, I would have voted "no."

On rollcall 357, on the Tierny amendment to H.R. 5658, to reduce funding for the Missile Defense Agency by an additional $996.2 million beyond the $719 million already reduced, I would have voted "no."

On rollcall 358, on the Pearce amendment to H.R. 5658, to cut $10 million from the Department of Defense Energy Conservation Improvement Program in order to restore RRW funding, I would have voted "no."

On rollcall 359, on the Lee amendment to H.R. 5658, requiring that any security guarantee, arrangement, or assurance between the US and Iraq would have to be ratified by the Senate or approved by the full Congress, I would have voted "yes."

On rollcall 360, on the Braley amendment to H.R. 5658, requiring an extensive report on current and future war costs, including direct war costs and veterans payments, to try to capture the full cost of the wars in Iraq and Afghanistan, I would have voted "yes."

On rollcall 361, on the Price amendment to H.R. 5658. prohibiting agencies under the Department of Defense from using contractors to perform interrogations, I would have voted "yes."

On rollcall 362, on the Holt amendment to H.R. 5658, requiring that strategic intelligence interrogations of Department of Defense detainees being conducted in theater interment facilities, and not on the battlefield, are videotaped or otherwise electronically recorded and stored according to guidelines that the Secretary of Defense will promulgate, I would have voted "yes."

On rollcall 363, on the McGovern amendment to H.R. 5658. requiring the secretary of defense to remove recently imposed secrecy and return to the previous practice of releasing the names, upon request, of the students and instructors at the Western Hemisphere Institute for Security Cooperation, I would have voted "yes."

On rollcall 364, on the motion to recommit with instructions H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, I would have voted "no."

On rollcall 365, on passage of H.R. 5658 Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, I would have voted "yes."

On rollcall 366, to suspend the rules and agree, as amended H. Res. 986, recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, I would have voted "yes."

On rollcall 367, to suspend rules and agree to H. Con. Res. 138 supporting National Men's Health Week, I would have voted "yes."

On rollcall 368, to suspend rules and agree on H. Res. 923 recognizing the State of Minnesota's 150th Anniversary, I would have voted "yes."

On rollcall 369, to suspend rules and agree to H. Res: 1114 supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "yes."

TRIBUTE TO RICHARD AND LORETTA VEADER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. McGOVERN. Madam Speaker, I rise today to congratulate Richard and Loretta Veader of Seekonk, Massachusetts, on the occasion of their 50th wedding anniversary. Mr. and Mrs. Veader's life together exemplifies the finest qualities of the institution of marriage, and I applaud their commitment to their family, their faith, their community and to each other.

Richard and Loretta were married on June 7, 1958 in Swansea, Massachusetts. The young couple soon established their roots in Seekonk, with the purchase of their first home. As they settled into their new community, they were blessed to welcome three beautiful daughters: Lou-Anne, Pamela and Kimberly.

Despite the demands of a young family, Richard and Loretta always found time to give themselves to their church and to their community. Over the years, as their beloved church, Our Lady of Mount Carmel, underwent structural transitions, Richard and Loretta served as two of the church's first Eucharistic ministers and, to this day, continue to honor their weekly commitment to the Adoration. Together, they have also been dedicated members of the Saint Vincent DePaul Society. For more than 40 years, Richard has actively been involved with the Knights of Columbus, and from 1983–84 he was honored to hold one of the highest positions of distinction as Grand Knight.

Richard and Loretta's friendly faces are a welcome sight throughout the tight-knit community of Seekonk. Their contributions to their hometown are invaluable and serve as examples to us all of how to make our world a better place. Both Richard and Loretta have spent countless hours working in the Seekonk Public Schools. Richard worked in various custodial positions at both the Pleasant Street School and the George C. Martin School while Loretta worked as a kindergarten teacher's aide at the Anne C. Greene School. Over the years, Loretta has also become a familiar face in the Seekonk Town Assessor's office and now, even after her retirement, continues to work part-time in the office of the Veterans' Agent. Along the way, Richard and Loretta have made many lasting and loving friendships, always keeping their family close at hand.

Richard and Loretta's life together truly has been an inspiration to all who have had the pleasure to be in their company, especially their 3 daughters and their beloved grandchildren, Amy Lynn, Robert, Michaela, Joshua, Brittanie and Chase. On June 7, Richard and Loretta's family and friends will gather together in celebration to honor this tremendous milestone in their remarkable life together.

Madam Speaker, it is with great pleasure that I humbly ask that the United States House of Representatives join me in congratulating Richard and Loretta Veader on the occasion of their 50th wedding anniversary and wish them many more years of continued happiness and prosperity.

HONORING BRIAN CLEEK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Cleek of Liberty, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Cleek for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF MS. MAMIE D. FOLINO

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor Ms. Mamie D. Folino, a valued member of the Northville community, and mourn her upon her passing at age 77.

Ms. Mamie D. Folino was known in the Northville community for her service work and her efforts to preserve heritage in the area. Mamie Folino was born on August 24, 1930, in Detroit, Michigan and was a proud graduate of Fordson High School and Cleary College. Ms. Folino was an extremely active member of her community. Mamie participated in the Mainstreet '78 Project, which revitalized the landscaping along the downtown area. Mamie also volunteered at International Festivals after she had retired as an office manager at her late husband's State Farm Insurance Agency. Ms. Folino became a prevalent member of the community when she became a dynamic component of the Northville Chamber of Commerce, which helped the community prosper. Mamie was also involved with the Northville Historical Society to conserve the culture of the area. Furthermore, Mamie Folino was a devoted member of Our Lady of Victory Catholic Church.

Sadly, Ms. Mamie Folino passed away on May 13, 2008. Mamie was highly regarded in the community for her involvement, but her love for her family and her pets always came first in her life. To her daughters, Teresa and Paula (Gary); her granddaughter, Domenica; her siblings, Charles, Domenic, Prudy, Mary (Jim), and Frank (Charlyn); and to everyone that knew and loved her, Ms. Mamie D. Folino was a woman who tended to the preservation of culture and history and was a dedicated member of the community.

Madam Speaker, during her lifetime, Ms. Mamie D. Folino enriched the lives of everyone around her by exhibiting kindness, cooperation, and dedication. As we bid farewell to this outstanding individual, I ask my colleagues to join me in mourning her passing and honoring her many years of loyal service to the community and our country.

A TRIBUTE TO ANNE D'HARNONCOURT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a great Philadelphian and a giant of America's cultural community, Anne d'Harnoncourt. Ms. d'Harnoncourt came to the Philadelphia Museum of Art in 1967 and became curator of 20th century art in 1972. She became the museum's director in 1982, beginning a renaissance at the venerable institution.

Ms. d'Harnoncourt has been justifiably credited with being responsible for launching Philadelphia's modern concept of cultural tourism with a blockbuster 1996 Cezanne retrospective that drew a record 800,000 viewers. She provided the drive and the vision needed to launch a $590 million expansion and renovation of the museum and completed the opening of the architecturally and historically significant Perelman annex.

Most recently Miss d'Harnoncourt had landed the Art Museum an enviable spot at the Venice Biennale, curating the American Pavilion with a major Bruce Nauman show. And, perhaps most importantly, she led our city's unprecedented effort to keep The Gross Clinic in the city.

Anne d'Harnoncourt had an unmatched impact on the world of art. Through her pioneering of the blockbuster exhibit, she had an equally unmatched impact on Philadelphia's economy. But, her true impact was most felt in the lives of Philadelphia's children.

Under Ms. d'Harnoncourt's leadership, the Philadelphia Museum of Art has devoted significant staff and monetary resources to exciting and innovative educational efforts for our kids. The museum has developed curricula and exhibits designed to teach children the arts, math and history. Every exhibit in the museum is welcoming to kids and the sight of busloads of delighted, beaming faces brings joy to everyone who sees them.

Madam Speaker, Anne d'Harnoncourt is one of those once in a lifetime people who can never be replaced. She will be sorely missed. But, because of her work, her legacy will live forever.

IN HONOR OF MARIANNE VITTARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Marianne

Vittardi, as her friends and family gather in celebration of her 80th birthday.

Mrs. Vittardi was born in 1928 in Cleveland Ohio to Regina and Jack Zuccola. Marianne's mother and second dad, Ed Krumheuer, raised Marianne, her brother Larry and their beloved sister Carol Jean in Parma on Maplecrest Ave.

Marianne is the loving wife of over 50 years to her husband Jerry, devoted mother to her children, Richard, Renee, Gerianne, Marty, Mickey and Ed. Marianne is the grandmother of thirteen and great-grandmother of eleven. She is awaiting the arrival of her twelfth great-grandchild this year and prays for many more in the future. Great Grandma Vittardi and her family hold a very special place in their hearts for baby Jack and baby Blake.

Parma would remain the city in which Jerry and Marianne would raise their own family. It is also where they became interested in local government. In 1961, Marianne stood by her husband's side during his successful bid for city council. It was the beginning of a lifetime of civic duty for the Vittardi family. It was also where Marianne's reputation for being hard working, knowledgeable and dependable was gained for organizing political campaigns. Marianne was called upon to be the chairperson of campaigns by Governor Richard Celeste, Senator Howard Metzenbaum, Congressman Ron Mottl, Attorney General Lee Fisher, Parma Mayor Michael Ries and for her son Councilman Martin Vittardi.

Marianne served as the President of the Parma Women's Democratic Club, Parma Women's Democratic City Leader and Treasurer of the Parma Democratic Party. Throughout her life, Marianne volunteered on committees for club picnics, dances and steak roasts. Marianne was recognized for her service and volunteerism when she was named 1989's Parma Democratic of the Year.

Jerry and Marianne took their family on vacations to Florida, Ruggles Beach, and Washington, DC. Their summers were spent with family and friends at Country Club Camp Grounds. In the 1980s, Jerry and Marianne went on a three-week trip of a lifetime to Italy. Keeping their Italian heritage alive through each new generation, the Vittardis celebrate their Italian heritage on Christmas Eve with a traditional Italian dinner of Marianne's homemade spaghetti sauce and seven courses of fish. Her mother's recipe for German potato salad, a family favorite, has been passed down to each new generation. Jerry and Marianne became Snowbirds traveling to Cape Coral and Fort Myers where they spent fifteen Cleveland winters in the Florida sun. They attended their children and grandchildren's school and sporting events. Marianne was always one of the most spirited cheerleaders in the crowd, whose voice could be heard on Byers Field or on the court! Their shared commitment to family, faith, and community is reflected throughout the Parma community and also within their parish, St. Bridget Church.

Madam Speaker and Colleagues, please join me in honor of my dear friend, Marianne Vittardi. I wish Mrs. Vittardi a joyous birthday and many blessings of peace, health and happiness today and always.

CENTRAL KENTUCKY YOUTH ORCHESTRAS (CKYO)

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. CHANDLER. Madam Speaker, it is my distinct privilege to recognize and celebrate the Central Kentucky Youth Orchestras' (CKYO) 60 years of excellence. I am honored that the oldest independently chartered youth orchestra in the United States is located right in the heart of the 6th Congressional District of Kentucky.

CKYO consists of 4 orchestras including the Symphony, Concert, Preparatory and Jazz Orchestras, with plans to add a fifth orchestra in the near future due to high demand. Over 255 students come to CKYO from 14 counties and 65 area schools throughout the Commonwealth of Kentucky.

Under the direction of Mr. William Prinzing Briggs, the CKYO have performed not only throughout the Commonwealth of Kentucky, but also around the world in countries such as Austria, Hungary and the Czech Republic. This cultural and musical exchange can build strong ties that can last a lifetime and allow youth from all over the world to be ambassadors of the arts.

Madam Speaker, please join me in congratulating the Central Kentucky Youth Orchestras on 60 years of beautiful music.

HONORING KAREN FITZSIMMONS

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to remember and celebrate the life of Karen Fitzsimmons. Karen passed away on April 2, 2008, after serving as the Scott County, Iowa, auditor for over 32 years.

Karen was elected auditor in 1976 and held that position until her untimely death this spring. From her first day in office to her last she brought integrity and professionalism to government. Under Karen's leadership Scott County elections were fair, transparent, and inclusive. Citizens trusted Karen because they were confident she would count and report every vote in every election. She set a standard for ethics and integrity in elections to which other counties in Iowa aspire.

Karen was a trailblazer for women in Iowa public life. She is one of the longest serving female elected officials in Iowa history. She was a 27-year-old professional and single-mother when she won her first election. She thrived as a public official and was never afraid to challenge "old boys club" attitudes at any level of government.

Madam Speaker, Karen was an admired leader who defended the principle at the heart of our democracy: the right to vote. Her memory will be cherished.

INTRODUCTION OF THE INVESTING IN CLIMATE ACTION AND PROTECTION (iCAP) ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MARKEY. Madam Speaker, I rise today to introduce the "Investing in Climate Action and Protection Act"—or "iCAP Act"—a bill to reduce global warming pollution to levels sufficient to avoid catastrophic climate change and to invest in America's transition to a secure and prosperous low-carbon future.

The iCAP Act is founded on three fundamental principles:

First, science solves problems. The scientific consensus is now unequivocal that global warming is happening, that manmade greenhouse gas emissions are largely responsible, and that we must reduce those emissions substantially over the coming decades if we are to avert a climate catastrophe. We have a moral obligation to listen to that scientific consensus and act upon it, by starting today to reduce global warming pollution to levels that will keep our planet safe for generations to come.

Second, investing solves problems. We must invest in the American economy and in American workers, and launch an energy technology renaissance that will rival the information technology revolution of the past decade. We all benefited from the Industrial Age, and we have watched the dawn of the Information Age. Today, we must start the Clean Energy Age. This bill will provide a market-based push that will trigger an explosion of energy technology development that will give us the same "Wow" feeling that we get from our information technology—bringing robust economic growth while meeting our climate goals.

Third, American leadership solves problems. We must ensure America is the world leader in confronting our climate crisis, giving us the credibility and the technology to bring China, India, and the rest of the developing world under one large, climate-saving tent. In so doing, America will help protect vulnerable communities around the world from the dangers of global warming, including drought, famine, and flood. We will meet our international responsibilities while at the same time gaining global good will and protecting our national security interests.

The iCAP bill implements these principles by establishing a "cap-and-invest" system, which caps pollution, requires polluters to buy 100 percent of the tradable pollution allowances at auction, and invests the auction proceeds in American consumers and in technologies and practices that save the climate while also saving costs.

The core title of the bill amends the Clean Air Act to establish an EPA- administered cap-auction-and-trade program that covers 87 percent of U.S. greenhouse gas emissions. This program will begin to cut these emissions immediately and will reduce them to 85 percent below 2005 levels by 2050—the U.S. contribution necessary to protect the global climate against dangerous warming.

The cap covers all the major sources of greenhouse gases. These include the nearly

10,000 power plants and large industrial facilities that produce the majority of global warming pollution—facilities that are already regulated for other pollutants. Other covered entities include companies that produce or import petroleum- or coal-based liquid or gaseous fuels (like gasoline), companies that produce fluorinated gases (found) in everything from air conditioners and refrigerators to the electronics industry), and companies that distribute natural gas to consumers.

The iCAP bill creates the market-based incentive to reduce global warming pollution by establishing a gradually declining budget of tradable pollution allowances for each year from 2012 through 2050, and by requiring polluters to surrender a sufficient number of allowances to cover their heat trapping emissions each year. Under iCAP, EPA will auction virtually all of these allowances, instead of giving them away for free to polluters. This approach reflects what we have learned over the past two decades.

For many years, our environmental laws were based on performance standards. Every polluter was told how much or how little they could pollute. Everyone was given a standard and they all had to meet it. That approach can work for some pollutants, but it also can be very expensive.

In 1990, Congress came up with a novel approach to address the acid rain problem caused by sulfur dioxide and nitrogen oxide emissions. This idea, sometimes called "cap and trade," embraces the notion that all reductions are helpful but that some parties can achieve those reductions for much less. So if one party can reduce pollution relatively cheaply, then another party that finds it more expensive can trade money for the extra pollution reduction achieved by the more efficient party.

The European Union adopted this approach in enacting their carbon dioxide emission reduction program, but it made some mistakes along the way from which the world has learned. One of those mistakes was to give the pollution allowances away to polluters for free. Economic theory and the EU experience have shown that only by implementing full 100 percent auctions can we ensure that polluters do not receive windfall profits and that all energy sources are competing on a level playing field.

The iCAP bill begins by auctioning 94 percent of the emission allowances from 2012 to 2019, and transitions to 100 percent auctions in 2020. Recognizing that some American industries—such as iron and steel, aluminum, cement, glass, and paper—face intense international trade competition, the bill provides transitional assistance to these industries. U.S. manufacturers in these industries will receive six percent of emission allowances from 2012 to 2019 before they, too, have to hid at auction for allowances. But note that, in order to stay competitive, these industries will need to begin innovating on day one.

To reduce program costs, the iCAP bill permits unlimited trading of pollution allowances and banking of allowances for future use. It also allows a regulated party to satisfy up to 15 percent of its yearly compliance obligation with allowances "borrowed" from future years, provided the loan is repaid with interest within 5 years. A regulated entity can meet up to 15 percent of its yearly obligations using EPA-approved domestic offset credits, based on greenhouse gas reductions achieved outside the cap. A regulated entity also may satisfy up to 15 percent of its yearly obligations using foreign allowances or offset credits that meet rigorous EPA standards.

The cap-auction-and-trade system established by the bill will give rise to a large and vigorous new "carbon market," on which pollution allowances, offset credits, and derivatives such as futures and option contracts are traded. To ensure fairness, transparency, and stability in this new market, the bill establishes an Office of Carbon Market oversight within the Federal Energy Regulatory Commission, which is charged with prevention of fraud or market manipulation.

Alongside the cap-auction-and-trade system, the iCAP bill adopts mandatory performance standards for certain other sources that cannot easily be included in the cap—such as coal mines, landfills, wastewater treatments, and large animal feeding operations. It also provides financial incentives to farmers and forest managers to adoption of practices that will further reduce global warming pollution and sequester carbon. Together with the cap, these measures will cover over 94 percent of U.S. greenhouse gas emissions—as much of the economy as is practicable to reach.

The bill also establishes measures to encourage the coal industry to invest in new technology to adapt to the new low-carbon future. The International Energy Agency recently warned that, for the coal industry, "a huge amount of investment and unprecedented technological breakthroughs such as in carbon capture and storage" will be needed to meet the greenhouse gas reduction targets that scientists believe we most achieve by 2050. The iCAP bill will help us meet this challenge by requiring that any new coal-fired power plant use carbon capture and sequestration technology, and we give companies assistance to use this technology until 2020. To the extent that the coal industry, with plenty of support from the Federal Government, can make carbon capture and sequestration work, then it will be part of the energy portfolio in the future.

Pollution allowance auctions under iCAP will generate a substantial amount of money. How should it be invested?

The first investment is back into the pockets of working- and middle-class Americans. Under this hill, half of the proceeds from polluter auctions flow directly back to consumers in the form of refundable tax credits and rebates, protecting 80 percent of America's families from increased energy costs while our economy transitions. In fact, over 60 percent of U.S. households—those earning under $70,000—will be fully compensated, while benefits will be extended up to those making $110,000. In addition, substantial funds will go to job training for the hundreds of thousands of green collar jobs that our country will need filled, and to adjustment assistance to any workers who need help transitioning from carbon-intensive industries to the new low-carbon economy.

The iCAP bill also invests heavily in technologies that will drive that low-carbon economy. The best, brightest, and cheapest source of clean energy is efficiency. That is why the iCAP bill devotes tens of billions of dollars each year—in partnership with State and local governments—to making our homes, buildings, and transportation systems more efficient. The bill invests tens of billions more in research, development, and deployment of the cutting-edge low-carbon energy technologies that will power America's future—including renewable energy, cellulosic ethanol, advanced hybrid' vehicles, and carbon capture and sequestration.

Unfortunately, even if we act now to avert catastrophic global warming, some climate change is already inevitable. Accordingly, the iCAP bill devotes substantial funding to increasing resilience—both here in the United States and in the most vulnerable developing countries—to those impacts.

Finally, the bill sets up a system of carrots and sticks to encourage other countries to take action to combat global warming. The bill establishes an international forest protection fund to reduce heat trapping emissions from tropical deforestation. It also gives major developing countries that take "comparable action" to reduce global warming pollution access to an international clean technology fund, to promote deployment of low-carbon energy technologies. Only countries that take comparable action—or those that are among the least developed countries or that have very low emissions—will be able to sell offset credits into the U.S. market. And countries that fail to take comparable action by 2020 will have to buy special reserve allowances to cover the emissions generated by any covered primary goods—like iron and steel, aluminum, cement, glass, or paper—that they import into the United States. These incentives will help to ensure that all countries band together to combat global warming—as we must if we are to preserve our precious planet.

Climate change represents the single greatest threat now facing humanity, but it also presents an unprecedented opportunity. The iCAP Act represents a bold and comprehensive response to that challenge and opportunity. I urge my colleagues to support this bill—to take action now to avert a climate catastrophe, to protect our national security, and to unleash a green energy revolution that will bring prosperity and robust economic growth to America. I am confident that after this bill reaches its goal in 2050—long after many of us have shuffled off our mortal coils—historians will look back on the beginning of this new millennium and say that it was an era of technological development that in the course of a generation changed the course of the planet.

HONORING CHAD ROBERTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chad Roberts of Liberty, Missouri. Chad is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1135, and earning the most prestigious award of Eagle Scout.

Chad has been very active with his troop, participating in many Scout activities. Over the many years Chad has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chad Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LYNDON BAINES JOHNSON

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GENE GREEN of Texas. Madam Speaker, later this year the Department of Education will formally be renamed after a former teacher, who became president and made equal opportunity to education a national priority. President Lyndon Baines Johnson pioneered many issues such as civil rights, voting rights, but his education leadership stands out even among those accomplishments. President Johnson was a very human figure but his legacy is with us in many major ways today. Lyndon Johnson's first priority in life was education, and he was the first "Education President." As we approach President Johnson's 100th birthday on August 27, I would like to submit the following article which appeared in the Austin-American Statesman highlighting the profound legacy President Johnson had on America's education system, and the renaming of the Department of Education Building.

[From the Austin American Statesman, October 28, 2007]

LBJ FINALLY GETS HIS DUE IN WASHINGTON

(By David H. Bennett)

Washington is a city of monuments; the Mall hosts buildings, statues and walls commemorating big achievements (saving the union) and small ones (inventing the screw propeller). But until now, Washington had no monument to a man who left an enormous mark, not only on American government, but on the lives of our people: Lyndon Baines Johnson.

Until this year, the only thing named for LBJ in the capital area was a Memorial Grove, a clump of trees on the Potomac in Virginia. But when the Department of Education building is formally renamed for LBJ on September 18, it will finally provide Washington recognition for the man who fundamentally reshaped the role of government in the United States.

On one level, ignoring LBJ in Washington simply replicates what has happened in politics and academia. For Republicans and those on the right, the Johnson years have always been anathema. He promised to be the "education president," the "health president" and the "poor people's president." He did all of that and more, earning the enduring hatred of those who loathe government.

But more surprising is that the man who presided over that spectacular legislative run of victories for activist government that he called the "Great Society" has been the forgotten man by the party he once led. At Democratic conventions, FDR, Truman, and Kennedy are the iconic figures to whom speakers pay homage; LBJ goes unmentioned.

Historians too seemed to look past LBJ—textbooks and history classes often pay little heed to the achievements of Johnson's domestic agenda. For many, it seems, the shadow of Vietnam obscures everything else about LBJ's career and accomplishments.

That is a serious misreading of history, as a brief review of Johnson's legacy makes clear. It is his educational agenda that will be deservedly memorialized in the naming ceremony. The 1965 Elementary and Secondary Education Act was landmark legislation. It did not have a fancy title like "No Child Left Behind," but the ESEA marked the first time the federal government committed to helping local school districts—and with funding, not directives. The 1965 Higher Education Act provided scholarships, grants, loans and work study programs—hundreds of billions of dollars worth—that made college possible for millions who could not afford it before. In addition, LBJ, himself once a school teacher in a desperately poor Texas district, was the president who first recognized and funded bilingual and special education.

But education is only part of the story. Medicare transformed the health delivery system for older Americans, having helped almost 50 million citizens stay out of poverty and live longer. Medicaid has served over 200 million needy people since its creation. The Heath Professions Act helped to double the number of doctors graduating from medical school.

LBJ's "War on Poverty" would later become a whipping boy for right-wing critics, but Head Start, Upward Bound, VISTA, the Job Corps and other poverty programs made their mark across the years, despite diminished resources and lack of commitment in some subsequent administrations.

And it was the political genius of the man who "knew the deck on Capitol Hill" that played a critical role in pushing through the landmark Civil Rights and Voting Rights Acts in 1964 and 1965.

There is much more. In a nation which no longer seems to address infrastructure needs, Johnson's White House gave us the Urban Mass Transit Act, bringing MARTA to Atlanta, BART to the San Francisco Bay and, of course, Metro to Washington. And Johnson was truly a pioneer of environmentalism, spearheading the Clear Air, Water Quality, Clean Water Restoration, Solid Waste Disposal and Motor Vehicle Air Pollution Control Acts. Johnson also gave us regulatory protections like product and child safety, truth in packaging and truth a lending legislation, as well as the creation of OSHA.

LBJ promised that the Great Society would be concerned with the quality of our lives as well as the quantity of our goods. The Corporation for Public Broadcasting and the Endowments for the Arts and the Humanities were the result. There would be hundreds of playhouses, opera companies, professional orchestras and dance companies created or supported with federal dollars.

With the possible exception of FDR's first term, there was never anything like this record of legislative accomplishment. It is clear why the political right wants to bury the memory of LBJ. But why progressives have chosen to disregard his extraordinary domestic achievement is something else. The naming of the education building is a start in redressing this act of historical amnesia.

RECOGNIZING JESSICA RAE HERRERA-FLANIGAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize Jessica Rae Herrera-Flanigan, Staff Director and General Counsel of the Committee on Homeland Security, for her dedication to the security of the Nation. As the chairman of the committee, it is with sadness that I report that on Friday, June 6, she will be leaving us for the private sector. I speak for all the committee's members and staff in saying that she will be missed.

Jessica has the distinction of being the longest serving Democratic staffer on the committee, having joined it in 2003 when it was merely a select committee. She has played a pivotal role, first as Counsel under former Ranking Member Jim Turner, and then as my top aide, in the committee's development and growth over the last 5 years.

Jessica was a well-respected cybercrime prosecutor and former Department of Justice official before coming to the Hill. With the attacks of September 11, her knowledge of cybersecurity and critical infrastructure protection put her on the frontlines of homeland security, before it was known as that. She came to the House for the right reasons shortly thereafter—because she believed we could do better to secure our Nation.

I truly believe that Jessica symbolizes the future of our Nation's national security leaders. Leaders that look more like America. The daughter of Leonel and the late Virginia Ann Herrera, she grew up in the southeast Texas oil-refining town of Port Arthur, Texas, which she saw struck by Hurricane Rita during her tenure on the committee. With the help of student loan and work-study programs, she graduated from Yale University and Harvard Law School. She is, I've been told, the first and only Latina to ever serve as a staff director of a full committee in the House. And don't let her 4'11" frame fool you—she is a 1st degree blackbelt and a sharpshooter.

Any recognition would be incomplete if I did not thank Tom Flanigan for lending us so much of his wife's time and energy. He not only stood by her, but by the committee as we tackled its creation, Hurricanes Katrina, Rita, and Wilma, the 9/11 implementation bill, and countless other homeland security issues over the last 5 years.

In sum, I welcome this opportunity to recognize Jessica Herrera-Flanigan for her tireless work, patriotism, and professional dedication to Congress, the Committee of Homeland Security, and the Nation.

SALUTING OUR SOLDIERS OF TOMORROW

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. JOHNSON of Texas. Madam Speaker, I rise this morning to salute our soldiers, sailors, airmen and marines of tomorrow, the service-bound academy students of the Third District of Texas. This district of Texas is home to some of the best and the brightest young people. It is always an honor to recommend such high caliber students to our Nation's service academies.

These students represent the future of our Armed Forces. Each one is a leader and will do a superb job serving in the finest military in the world. My thoughts and prayers are with each student as they pursue their dreams and serve their country.

I know each student is ready to join the premier military force of the world and wish them all the best.

The 8 appointees and their hometowns are as follows:

Allen High School: Ji (David), Hun Hong, Allen, TX, U.S. Naval Academy; Ji, (Alex), Hyuk Hong, Allen, TX, U.S. Naval Academy.

McKinney High School: Sean Gent, McKinney, TX, U.S. Air Force Academy.

McKinney North High School: Colton Floyd, McKinney, TX, U.S. Air Force Academy.

Plano East Senior High School: Justin Aguilar, Richardson, TX, United States Air Force Academy; Mark Carrion, Plano, TX, U.S. Naval Academy.

Plano Senior High School: Junqin Li, Plano, TX, U.S. Military Academy.

Plano West Senior High School: Alexa Ramsier, Dallas, TX, U.S. Air Force Academy.

To these 8 appointees I say, God bless you. God bless America. I salute you.

TRIBUTE TO BEVERLY LARGENT

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. WHITFIELD. Madam Speaker, I rise in recognition of Beverly Largent, a Pediatric Dentist who practices in the City of Paducah located in my District, the First Congressional District of Kentucky. On May 25, 2008, Dr. Largent became the first female President of The American Academy of Pediatric Dentistry (AAPD) after proudly serving the AAPD for 20 years.

Founded in 1947, the AAPD is a not-for-profit membership association representing the specialty of pediatric dentistry. The AAPD's 7,300 members are primary oral health care providers who offer comprehensive specialty treatment for millions of infants, children, adolescents, and individuals with special health care needs. The AAPD also represents general dentists who treat a significant number of children in their practices.

Dr. Largent practices in Paducah, Kentucky and is a past president of the Kentucky Society of Pediatric Dentistry and diplomate of the American Board of Pediatric Dentistry, has served on the ADA's Council of Ethics, Bylaws and Judicial Review, and is a past president of the Kentucky Dental Association. Dr. Largent attended dental school and received her pediatric dental certification from the University of Kentucky. She resides in Paducah with her husband of 40 years, Tom, and is the mother of two and grandmother of three.

Madam Speaker, it is with great pride that I bring to the attention of this House the historical significance and sense of this notable achievement. Dr. Beverly Largent's commitment to children's oral health is evident in everything she does—whether it is in her office treating patients, educating parents and caregivers or on Capitol Hill advocating for children. I'm confident she will be a fine leader of this organization and help raise awareness of the importance of pediatric dentistry.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. COURTNEY. Madam Speaker, on Tuesday, June 3, 2008, I was necessarily absent from House business as I celebrated the high school graduation of my son in Connecticut.

Had I been present, I would have voted "yea" on rollcall 367, H. Con Res 138, Supporting National Men's Health Week; voted "yea" on rollcall 368 H. Res 923, Recognizing the State of Minnesota's 150th Anniversary; and voted "yea" on rollcall 369, H. Res 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day. My vote would not have changed the outcome of any rollcall.

RECOGNIZING THE 40TH WEDDING ANNIVERSARY OF FRED AND BARBARA McFAUL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MILLER of Florida. Madam Speaker, I rise today on the occasion of the 40th Wedding Anniversary of Fred and Barbara McFaul. As the love between Fred and Barbara grew throughout their forty years of marriage, so did their love for the people and the communities of Northwest Florida.

A native of Baltimore, Maryland, Fred McFaul devoutly served his country and Northwest Florida as a Special Agent with the Federal Bureau of Investigation (FBI). In fact, it was just down Pennsylvania Avenue at the Old Post Office where Fred first met his future wife. After more than thirty years of service, he retired from the FBI and served as the Director of Public Safety at Okaloosa Walton College and later as the Director of Training at the Santa Rosa County Sheriff's Office.

The youngest daughter of a coal miner from Iaeger, West Virginia, Barbara was working as an administrative assistant at the FBI when she first met Fred. After getting married and raising two children, Barbara decided to attend nursing school at Pensacola Junior College to pursue a career in health care. She became a Registered Nurse and proudly served at West Florida Hospital in Pensacola.

Fred and Barbara continue to demonstrate their strong family values and unwavering faith in God as loving parents and grandparents. They have stood as a shining inspiration for their son, Dan; daughter, Lori; son-in-law, Chris; and grandchildren, Caroline and Christopher.

Through their leadership and dedication, Fred and Barbara honorably served as an inspiration to us all. Now settled in Santa Rosa County in retirement, Northwest Florida is truly blessed to have them as our own. Together, they have touched and saved a number of lives, and the impact they have made on the community will leave a lasting impression.

Madam Speaker, on behalf of the United States Congress, it is a great honor for me to congratulate Fred and Barbara McFaul on their forty years together and their love and dedicated service to the communities of Northwest Florida.

PERSONAL EXPLANATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. PLATTS. Madam Speaker, my vote was not recorded for rollcall No. 365. The vote should have been recorded as a "yea" vote.

HONORING PAUL JAMESON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Paul Jameson of Kearney, Missouri. Paul is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1135, and earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many Scout activities. Over the many years Paul has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Paul Jameson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE ABC ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mrs. MALONEY of New York. Madam Speaker, today I am pleased to re-introduce the Access to Books for Children, ABC, Act, which would amend the Child Nutrition Act of 1996 to provide vouchers to mothers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants and children, WIC.

The American Academy of Pediatrics recommends daily reading to a child beginning when the child is 6 months old. Children who are exposed to books and reading before they start school are much more likely to graduate from high school than those who are not. The ABC Act will make it easier for children in the WIC program to develop literacy skills by placing books in the hands of children who may not otherwise have their own books in the home. With the ABC Act, we have an opportunity to provide nourishment for both the body and the mind to children who need it most.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. ELLISON. Madam Speaker, on Tuesday June 3, 2008, I inadvertently failed to vote on rollcall No. 367, 368 and 369. If I were present, I would voted "aye" on all three rollcalls.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, June 3, 2008, I was unable to cast my votes on H. Con. Res. 138, H. Res. 923, and H. Res. 1114, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 367 on suspending the rules and passing H. Con. Res. 952, Supporting National Men's Health Week, I would have voted "aye."

Had I been present for rollcall No. 368 on suspending the rules and passing H. Res. 923, Recognizing the State of Minnesota's 150th anniversary, I would have voted "aye."

Had I been present for rollcall No. 369 on suspending the rules and passing H. Res. 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "aye."

HONORING THE MEMORY OF MARGARET BENJAMIN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor the memory of Margaret Benjamin, who died on August 15, 2007 at the age of 93.

Living a life that spanned most of the 20th century, Margaret Montgomery was born in Cincinnati, Ohio, to Robert Montgomery, a veteran of the Spanish-American War, and his wife, Agnes Stern Montgomery. But her parents did not live to see her and her younger sister, Roberta, grow up, as they passed away when Margaret was only 13. Being orphans in the years leading up to the Stock Market Crash of 1929 was hard enough, but in the Depression that followed, it could have been ruinous were it not for the girls' father having supported the Junior OUAM National Orphans Home in Tiffin, Ohio, where they were sent to live.

Growing up without parents and feeling responsible for her younger sister gave Margaret a mission in life based on community service and caring for others without ever feeling sorry for herself. Reaching her prime in an era when women did not generally work outside the home, Margaret took on numerous volunteer activities. Not the glamorous, fundraising kind, but the ones where she saw a need and stepped in to fill it. These included helping to organize a volunteer ambulance corps in the town where she lived but where the nearest hospital was far away. Later, she volunteered at a nearby state mental hospital, working one-on-one with patients struggling to overcome addiction to drugs and alcohol.

Her volunteer activities also included helping her husband, Roy, in his successful political career. She loved the heat of battle in campaigns, seething with passion underneath the veneer of cool professionalism. By the time he was ready to retire from politics, she had become so good at identifying issues, communicating with constituents, driving change, and embodying commitment to public service, that she was asked to run for office in her own right. And she won. Even in retirement, Margaret stayed active in politics. At the age of 86, she managed her son-in-law's successful campaign for local office, showing up at the polls and chasing down voters with the assistance of her walker. Despite old age and failing health, she loved Election Day and treasured the freedom that the privilege to vote entailed.

Until the last year of her life, Margaret was active in volunteer activities related to her lifelong passion for music. She sang in the Woodlands Sweethearts chorus, making appearances at local events and nursing homes so that others could be touched by the music that was a constant source of inspiration and comfort in her life.

Indeed, she passed peacefully from this earth while listening to the music of J.S. Bach that she always found so calming and inspiring.

I had the privilege to know Margaret in her retirement years when she moved to Texas to be closer to her daughter. One of her last endeavors was helping my staff to organize a Social Security workshop at the senior citizens housing complex where she lived. To the end of her life, Margaret encouraged people to participate in government, to let officials like me know their thoughts, and to be accountable. We could do worse than to follow her motto formed in the crucible of politics, "just be gracious, no matter what."

Madam Speaker, it is the dedication, faith, and commitment of individuals such as Margaret Benjamin who make our country strong and who bring out the best in our communities. Thank you for the opportunity to recall her spirit and her service.

HONORING THE HOME OF THE INNOCENTS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to Home of the Innocents, an innovative nursing facility and children's village for vulnerable children and at-risk families located in Louisville, Kentucky.

For 128 years, Home of the Innocents has provided loving and therapeutic care to children who are victims of abuse, neglect, and abandonment, as well as treatment services for medically fragile, and special needs children, and youth diagnosed with autism. The Home serves approximately 300 children a day and more than 2,220 children and at-risk families per year throughout Kentucky and southern Indiana.

Home of the Innocents is operated by a team of dedicated professionals deeply invested in the health, security, and advocacy for children and families in crisis. Through its two service divisions, the Kosair Charities Pediatric Convalescent Center and the Childkind Center, the home offers a wide range of specialized residential, medical, and community-based services to improve the lives of children.

It is my great privilege to recognize the exceptional staff of Home of the Innocents today before the entire U.S. House of Representatives for all that they do to promote health, stability, and hope among vulnerable children and their families. The objectives and collective achievements of this special organization are worthy of our honor and respect.

IN SUPPORT OF THE MEMBERS OF THE INTERNATIONAL LONG SHORE AND WAREHOUSE UNION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. RICHARDSON. Madam Speaker, I rise today to support the members of the International Longshore and Warehouse Union, who exercised their first amendment right to voice opposition to the ongoing war in Iraq by stopping work at 29 West Coast ports on Thursday, May 1, 2008. Although the union leadership was not involved in this action, a Longshore Caucus resolution called on all locals to honor May 1 by taking action to end the war and bring troops home safely from Iraq.

I add my voice to those of the workers who attended rallies along the coast, demanding that the American presence in Iraq could come to an end. It is my understanding that the ILWU employers, the Pacific Maritime Association, were able to easily schedule changes with little or no disruption and therefore, these voluntary actions did not pose any hardship to the industry. Yet, the action sent a strong and important message to Washington, DC, indicating the ILWU members' opposition to the war.

The ILWU has a long history of activism in the pursuit of social and international justice, including the refusal to load vessels bound for apartheid-era South Africa and El Salvador in the midst of a civil war. On May 1, ILWU members used their voices at work to express their frustration—shared by the overwhelming majority of Americans—that politicians have failed to bring troops home.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. CROWLEY. Madam Speaker, on June 3, 2008, I was absent for three rollcall votes. If I had been here, I would have voted: "yea" on rollcall vote 367; "yea" on rollcall vote 368; and "yea" on rollcall vote 369.

HONORING CODY BARTHOLOME

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Bartholome of Kansas City, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1460, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the many years Cody has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Bartholome for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent on June 3, 2008. Had I been present, I would have voted "yea" on rollcall votes 367, 368, and 369.

A TRIBUTE TO GREG NELSON ON THE OCCASION OF HIS RETIREMENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. ESHOO. Madam Speaker, it is my privilege to honor Greg Nelson, a resident of your Congressional District who retires today, June 4, 2008, from the teaching of history for over 40 years.

Greg earned his BA in political science and history at San Francisco State in 1967, and soon after began his career at Arcata High School teaching government and geography. He also worked as a volunteer for Vista, a grassroots organization that worked for school and community relations in his hometown of Detroit, Michigan, before earning a master's degree in secondary education from the University of San Francisco in 1972. It was that autumn that Greg began teaching history at Lick-Wilmerding High School in San Francisco.

During his 35 years in the history department at Lick, Greg has built his reputation as an accomplished scholar of history and government, and a devoted mentor and advisor to students. His senior seminar in constitutional law remains one of the most popular offerings and helped spawn Constitution Day, which includes competitions and games for the entire student body to celebrate that glorious document. Greg possesses encyclopedic knowledge of U.S. history, to be sure, but always will be best known for his passion for teaching this history to his students year after year. During his tenure at Lick-Wilmerding, he has inspired over 2,500 students to become civically engaged and to take action in order to preserve the best in our democracy. How fitting, then, that the last student project that Greg led was an 8-day immersion in the workings of city government at San Francisco City Hall, which included opportunities for current students to work with many of his former students who now work in public service. What a gift!

Over the years, Greg also has been a beloved student advisor, a happy and willing chaperone, and retreat leader. He has served as Department Chair, and has been a caring mentor to new faculty. His contributions to the school and the larger community truly are legendary. And most of all, his gentle nature and generous nature will be missed.

Madam Speaker, I ask the entire House of Representatives to join me in congratulating Greg Nelson for an extraordinary teaching career and thank him for honoring our Constitution, for enhancing our democracy, and for strengthening our community and our country.

IN MEMORY OF LT. GEN. WILLIAM ODOM

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. WOOLSEY. Madam Speaker, I ask that the following article be inserted into the RECORD.

A SENSIBLE PATH ON IRAN

(By Zbigniew Brzezinski and William Odom)

Current U.S. policy toward the regime in Tehran will almost certainly result in an Iran with nuclear weapons. The seemingly clever combination of the use of "sticks" and "carrots," including the frequent official hints of an American military option "remaining on the table," simply intensifies Iran's desire to have its own nuclear arsenal. Alas, such a heavy-handed "sticks" and "carrots" policy may work with donkeys but not with serious countries. The United States would have a better chance of success if the White House abandoned its threats of military action and its calls for regime change.

Consider countries that could have quickly become nuclear weapon states had they been treated similarly. Brazil, Argentina and South Africa had nuclear weapons programs but gave them up, each for different reasons. Had the United States threatened to change their regimes if they would not, probably none would have complied. But when "sticks" and "carrots" failed to prevent India and Pakistan from acquiring nuclear weapons, the United States rapidly accommodated both, preferring good relations with them to hostile ones. What does this suggest to leaders in Iran?

To look at the issue another way, imagine if China, a signatory to the nuclear Non-Proliferation Treaty and a country that has deliberately not engaged in a nuclear arms race with Russia or the United States, threatened to change the American regime if it did not begin a steady destruction of its nuclear arsenal. The threat would have an arguable legal basis, because all treaty signatories promised long ago to reduce their arsenals, eventually to zero. The American reaction, of course, would be explosive public opposition to such a demand. U.S. leaders might even mimic the fantasy rhetoric of Iranian President Mahmoud Ahmadinejad regarding the use of nuclear weapons.

A successful approach to Iran has to accommodate its security interests and ours. Neither a U.S. air attack on Iranian nuclear facilities nor a less effective Israeli one could do more than merely set back Iran's nuclear program. In either case, the United States would be held accountable and would have to pay the price resulting from likely Iranian reactions. These would almost certainly involve destabilizing the Middle East, as well as Afghanistan, and serious efforts to disrupt the flow of oil, at the very least generating a massive increase in its already high cost. The turmoil in the Middle East resulting from a preemptive attack on Iran would hurt America and eventually Israel, too.

Given Iran's stated goals—a nuclear power capability but not nuclear weapons, as well as an alleged desire to discuss broader U.S.-Iranian security issues—a realistic policy would exploit this opening to see what it might yield. The United States could indicate that it is prepared to negotiate, either on the basis of no preconditions by either side (though retaining the right to terminate the negotiations if Iran remains unyielding but begins to enrich its uranium beyond levels allowed by the Non-Proliferation Treaty); or to negotiate on the basis of an Iranian willingness to suspend enrichment in return for simultaneous U.S. suspension of major economic and financial sanctions.

Such a broader and more flexible approach would increase the prospects of an international arrangement being devised to accommodate Iran's desire for an autonomous nuclear energy program while minimizing the possibility that it could be rapidly transformed into a nuclear weapons program. Moreover, there is no credible reason to assume that the traditional policy of strategic deterrence, which worked so well in U.S. relations with the Soviet Union and with China and which has helped to stabilize India-Pakistan hostility, would not work in the case of Iran. The widely propagated notion of a suicidal Iran detonating its very first nuclear weapon against Israel is more the product of paranoia or demagogy than of serious strategic calculus. It cannot be the basis for U.S. policy, and it should not be for Israel's, either.

An additional longer-range benefit of such a dramatically different diplomatic approach is that it could help bring Iran back into its traditional role of strategic cooperation with the United States in stabilizing the Gulf region. Eventually, Iran could even return to its long-standing and geopolitically natural pre-1979 policy of cooperative relations with Israel. One should note also in this connection Iranian hostility toward al-Qaeda, lately intensified by al-Qaeda's Web-based campaign urging a U.S.-Iranian war, which could both weaken what al-Qaeda views as Iran's apostate Shiite regime and bog America down in a prolonged regional conflict.

Last but not least, consider that American sanctions have been deliberately obstructing Iran's efforts to increase its oil and natural gas outputs. That has contributed to the rising cost of energy. An eventual American-Iranian accommodation would significantly increase the flow of Iranian energy to the world market. Americans doubtless would prefer to pay less for filling their gas tanks than having to pay much more to finance a wider conflict in the Persian Gulf.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. SIRES. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on June 3, 2008. Had I been present, I would have voted "yes" on rollcall 367 on H. Con. Res. 138; "yes" on rollcall 923 on H. Res. 923; and "yes" on rollcall 369 on H. Res. 1114.

TRIBUTE TO CAPT. AMY BARKIN FOR 30 YEARS OF SERVICE WITH THE UNITED STATES PUBLIC HEALTH SERVICE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. OLVER. Madam Speaker, it is with great pleasure that I rise today to recognize CAPT Amy C. Barkin, who is retiring from the United States Public Health Service after a distinguished 30 year career. Her unique contributions as a nationally recognized clinician, public health expert, and skilled administrator have had a profound impact on health care in this country.

During her career, she made numerous contributions to the State of Massachusetts. CAPT Barkin planned and implemented three health care programs for retarded and mentally ill patients in state facilities in western Massachusetts (Belchertown, Monson and Northampton State Hospitals), using resources gained at the University of Massachusetts Medical Center. She established on-site specialty health care clinics, recruited on-site medical, health, and support staff and brought health care to a disenfranchised population. Additionally, she designed and opened a 25-bed inpatient psychiatric unit at the then new University of Massachusetts Medical Center.

CAPT Barkin worked with community mental health centers in Massachusetts and New England. She introduced the concept of mental health to Boston's Italian speaking community of the North End and drafted a grant for mental health center funding. As the only bilingual clinical counselor at the time, CAPT Barkin designed and implemented a program that would be accepted by the residents. The mental health program, located in Boston's North End Health Center, has been in operation for over 30 years and plays a vital role in the community.

The State of Massachusetts is particularly indebted to CAPT Barkin for her focus on teenage alcohol abuse prevention and drunk driving that resulted in the increased delivery of comprehensive, coordinated substance abuse care in Massachusetts and other New England states.

Please join me in congratulating CAPT Amy Barkin on her retirement after a 30 year career with the United States Public Health Service. Her focus on access to alcohol, drug abuse, mental health and primary health care services is commendable and laudable and although she is retiring, her legacy will continue to make the Nation a healthier and safer place.

HONORING AARON ROCHEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Rochen of Kansas City, Missouri. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1900, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Rochen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. RUSH. Madam Speaker, I rise today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act.

This legislation provides much needed mortgage refinancing assistance to combat the symptoms of our stressed, strained, and stagnant economy. H.R. 3221 provides relief and stability to hard working Americans who find themselves threatened with losing their homes.

Specifically H.R. 3221 authorizes the Federal Housing Administration to provide lower cost government-backed mortgages for borrowers to avoid foreclosure. This bill is not intended to bail out borrowers; instead, it is a surefire way to sustain our economy by giving homeowners a chance to pay their loans in a reasonable and responsible manner. And provides financial counseling for families to remain in their homes and expands home loan opportunities for low-income families and veterans in high cost areas.

This bill is what our communities need. Just in the great state of Illinois; out of 1.7 million serviced loans in 2007, already over 500,000 are seriously delinquent or more than 90 days past due. It will insulate our neighborhoods from the effects of widespread foreclosures and crime. It will prevent our residents from experiencing the crippling hardships that are strongly associated with our struggling economy. And it will make the American dream of homeownership for all a reality instead of a nightmare.

Madam Speaker, H.R. 3221 is critical at this time of economic uncertainty. I urge my colleagues to join me in support of this important legislation.

EARMARK DECLARATION

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. RENZI. Madam Speaker, I submit the following:

Requesting Member: Congressman RICK RENZI.

Bill Number: H.R. 5658.

Account: Operation and Maintenance, Navy (OMN).

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: U.S. Naval Sea Cadet Corps, 2300 Wilson Blvd., North, Suite 200, Arlington, VA 22201.

Description of Request: The request is $300,000 for a program that is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. The U.S. Naval Sea Cadet Corps promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment.

Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $85 per week.

The Naval Sea Cadet Corps instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S where these Services have little presence, such as Ganado, Arizona, where there is a thriving Naval Sea Cadet Corps program. Accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10 percent of U.S. Naval Academy Midshipmen are ex-Cadets.

WILD PRATT RIVER ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. INSLEE. Madam Speaker, at an early age, my dad and mom taught me to walk on the rocks, not the alpine meadows they helped restore in Mount Rainier National Park. It is in that tradition that I have worked in Congress and the Natural Resources Committee to preserve the natural beauty of the Northwest for my children, grandchildren and generations to come.

After 6 years of hard work and community input, wilderness supporters last Friday celebrated the newly designated Wild Sky Wilderness Area near my district in Washington state. It contains over 106,000 acres of national forest in east Snohomish County. Senator MURRAY and Congressman LARSEN exercised great leadership to build such a wide consensus for this effort and have set the gold standard for how to write wilderness legislation in this country.

In this same spirit of preserving our State's pristine old growth and mature forests, rivers, and mountain peaks, today I added my name as a cosponsor to the Alpine Lakes Wilderness Additions and Wild Pratt River Act of 2007 (H.R. 4113). I did so because it is my hope that at some point we are successful in crafting a final bill that is as full and complete as this wilderness deserves. In its present form, the bill would add 22,000 acres of wilderness area to the Alpine Lakes Wilderness Area that first was established in 1976.

As we learned with Wild Sky, getting a wilderness bill to the president's desk and signed into law takes a significant amount of effort from stakeholders, consensus from community members and widespread support from lawmakers. Therefore, we must get wilderness area designation right the first time, doing as much as possible to avoid piecemeal efforts to slowly add to wilderness time and again. I do have some concerns that this bill may not yet have reached the maturity and completeness necessary to bring the wilderness area to fruition, in two ways.

First, the boundaries of the wilderness need full consideration. For example, we need to look at whether the absence of the inclusion of the north portion of the Pratt River Valley reduces the ecosystem benefits that this wilderness could accomplish. Areas southeast of the present boundaries deserve similar consideration for comparable reasons.

Second, the success of the Wild Sky Wilderness Act of 2007 demonstrated the importance of being as open and inclusive early in the process in developing the boundaries of the area, as well defining all other aspects of the proposal. I would like to see an even greater effort to engage the full participation of the public.

I look forward to working with my colleagues to add to Washington's prized wilderness areas in the tradition of the Wild Sky.

A TRIBUTE TO DR. RANDY PAUSCH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to Dr. Randy Pausch, a courageous and charismatic Carnegie Mellon professor with pancreatic cancer, who has chosen to dedicate his last months to raising congressional awareness about the importance of research for this deadly disease.

Dr. Pausch is an award winning educator, researcher, and computer scientist at Carnegie Mellon University. Considered one of the Nation's foremost teachers of virtual-reality technology, he helped develop a software program called "Alice" that encourages kids, particularly young girls, to become interested in programming. This 47-year-old husband and father of three young children became accidentally famous when his motivational Last Lecture at Carnegie Mellon was leaked onto the Internet and inspired more than six million people.

Dr. Pausch is the epitome of a professor—never turning away from an opportunity to educate others. In his Last Lecture, which he titled "How to Really Achieve Your Childhood Dreams," he gives wise advice on how to accomplish even those seemingly impossible childhood wishes, and ultimately, how to live a full and happy life. Most importantly, this lecture was an opportunity for Dr. Pausch to leave a message for his children that he will not live to tell them himself.

I had the good fortune to meet Dr. Pausch in January of this year when he came with the Pancreatic Cancer Action Network to advocate for a National Plan to Advance Pancreatic Cancer Research. This research is critical given the disturbing statistics showing that only five percent of pancreatic cancer patients remain alive after 5 years of diagnosis. According to Dr. Pausch, he is a "rock star" because he has been living with a disease for over 8 months that claims the lives of most patients within 4 to 6 months of diagnosis. While the survival rates for this lethal disease have remained fairly constant over the last 30 years, few resources have been dedicated to researching new treatments.

With what little time he has left, Dr. Pausch is doing his best to make a meaningful contribution to pancreatic cancer research. In addition to coming to lobby Congress in January, Dr. Pausch returned on March 13 to testify before the House Subcommittee on Labor, Health and Human Services, and Education during the public witness hearings. Although he will not benefit from the awareness he is raising for this disease, he has taken time to educate Congress about this disease and ask us to take the necessary steps to begin to change the horrifying statistics.

A man who believes in honesty above all else, Dr. Pausch does not sugarcoat his situation. In spite of his prognosis, he continues to see himself as a "Tigger" instead of an "Eeyore." He sees each day as another opportunity to impact the lives of others and to share his sage advice about living. He encourages us to "always wait for people to show their good side, no matter how long it takes." He challenges us to "never give up" and to "remember that brick walls are there to make you realize how badly you want something." Faced with the seemingly insurmountable brick wall of pancreatic cancer, Randy seizes every opportunity to create precious memories with his wife, Jai, and their three young children: Dylan, 6, Logan, 3, and Chloe who is almost 2.

As a Member of the House Appropriations Committee, I have had the privilege of meeting many impressive people—but Dr. Pausch has been one of the most memorable. My hope is that he will be able to continue to delay the progress of the disease and that his days of good health will continue. Most of all, I hope that Dr. Pausch and his family know that he is an inspiration to us all. Through his lecture and his advocacy, he has not only left behind a legacy for his children, but for the millions of people he has touched with his story.

RECOGNIZING THE ARIZONA STATE UNIVERSITY SOFTBALL TEAM 2008 WOMEN'S COLLEGE WORLD SERIES CHAMPIONS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Arizona State University Softball team, the winners of the 2008 Women's College World Series.

After finishing an excellent regular season and earning a spot in the WCWS under the leadership of Coach Clint Myers, the Sun Devils reached the cusp of a National Championship on Monday, June 2nd in a best-of-three series against the Texas A&M Aggies. In front of a record crowd of over 7,000 people at ASA Hall of Fame Stadium in Oklahoma City, star pitcher Katie Burkhart threw an opening-game shutout and Krista Donnenwirth drove in all three of the Sun Devils' runs in a 3–0 win. The Sun Devils then clinched the title Tuesday, June 3rd in a game that made the NCAA record books. They started off strong in the third inning, building a 3–0 lead, and did not let up until they had trounced the Aggies 11–0.

Not only did the Sun Devils set a record for the highest margin of victory in Women's College World Series history, but this win marked the first national title for ASU in softball. Arizonans and a national television audience shared in the excitement, pride and sportsmanship ASU's players displayed both on the field and in the dugout during this inspiring victory.

As an alumnus of Arizona State, I am honored and excited to see a team from my alma mater accomplish this feat. This is truly a victory for Sun Devils everywhere. The championship title has been a long time coming for this team, and these women showed that true dedication and persistence can indeed pay off.

Madam Speaker, please join me in celebrating the remarkable success of this team, whose achievements and camaraderie should be models for other teams across the country.

HONORING THE MEMORY OF JOHN LAUTHLIN MOORE, III

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the state of Alabama recently lost a dedicated community leader, and I rise today to honor Judge John Lauthlin Moore, III and pay tribute to his memory.

A native of Porterville, Mississippi, Judge Moore received an undergraduate degree from the University of Mississippi and a law degree from the University of Alabama. After practicing law in Mobile for a number of years, he became the Probate Judge of Mobile County in 1963, a position he held until 1982. After which time, Judge Moore served for 20 years as Supernumerary Probate Judge of Mobile County until his retirement in 2003.

Judge Moore was a lifelong Baptist and a member of Spring Hill Baptist Church. He was a past president of the Alabama Probate Judges Association. He served on the board of directors of the Alabama Archives, and he was a George F. Hixson Fellow of the Kiwanis Club.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband and devoted father. Judge John L. Moore, III will be dearly missed by his family—his wife, Mary Anne Grieme Moore; his daughter, Anne Moore Patton; his son, John L. Moore, IV and his wife Anne; and his grandchildren, James Moore Patton, John Thurman Moore, Thomas Ware Moore and Lauthlin Anne Patton—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

RECOGNIZING DOUGLAS AND ESTELLE ROGERS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Douglas and Estelle Rogers for their exemplary dedication to the city of Laurel Hill, Florida.

For years Douglas and Estelle Rogers have been serving the city of Laurel Hill, Florida. With resumes stocked with civil service positions and community outreach, the Rogers have helped advance their burgeoning city and, subsequently, have become engrained in the city's history.

Both Mr. and Mrs. Rogers have served on the Laurel Hill City Council. In addition to being the city's mayor for a year, Mr. Rogers was also the chief of Laurel Hill's Fire Department. He is also an honored veteran, having served in WWII from 1944 to 1946. Mr. Roger's accomplishments are rivaled only by those of his wife who established the "Citizen of the Year" program and authors the "Up on the Hill" column which appears in the local paper.

After countless hours of working behind the scenes, the Rogers are being recognized for their outstanding commitment to the area. The First District of Florida is incredibly fortunate to have received the services provided by the Rogers and they will be remembered for their philanthropic efforts.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Doug and Estelle Rogers for their exemplary service to the community of Laurel Hill.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. ROTHMAN. Madam Speaker, I would like to state for the record my position on the following votes I missed on June 3, 2008. On Tuesday, June 3, 2008, I was unable to be present in the Capitol and missed rollcall votes Nos. 367 through 369. Had I been present, I would have voted in the following manner:

On rollcall vote No. 367, on H. Con. Res. 138, a resolution supporting National Men's Health Week, I would have voted "aye."

On rollcall vote No. 368, on H. Res. 923, a resolution recognizing the state of Minnesota's 150rh anniversary, I would have voted "aye."

On rollcall vote No. 369, on H. Res. 1114, a resolution supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "aye."

DEDICATION OF THE SARASOTA VA NATIONAL CEMETERY

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. BUCHANAN. Madam Speaker, I rise today to thank the Sarasota National Veterans Cemetery Advisory Committee, which played a valuable role in the recent groundbreaking and dedication ceremony for the Sarasota VA National Cemetery.

I also recognize cemetery director Sandra Beckly and VA Under Secretary William F. Tuerk for their involvement in the planning and celebration of this tremendous event. Furthermore, I want to express my deep appreciation to the estimated 3,000 people who gathered to celebrate this important milestone.

The Sarasota VA National Cemetery is an honor to the sacrifices of the many soldiers who have made the ultimate sacrifice and died on behalf of a grateful nation and to the accomplishments of all veterans whose service has allowed us to enjoy our American way of life.

The people of Florida's 13th District have been closely monitoring the progress we have made to establish a new national cemetery in Sarasota County. The timely completion of this project is a primary concern for area veterans and is one of my highest priorities.

We have 97,000 veterans in my congressional district and nearly 400,000 veterans within the 75-mile radius that will be served by the new cemetery. Currently, the closest available VA cemetery is Florida National Cemetery in Bushnell, Florida, which is about 110 miles from the City of Sarasota.

I look forward to the day when area veterans and qualified family members can be memorialized with the honor and respect they deserve close to home at the Sarasota VA Cemetery in Sarasota.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. HERGER. Madam Speaker, on May 21, 2008, I inadvertently missed rollcall vote No. 347, which was on consideration of the Veterans Emergency Care Fairness Act of 2008. Had I been present, I would have voted "yea."

IN RECOGNITION OF THE CLEVELAND METROPOLITAN BAR ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Cleveland Metropolitan Bar Association, and in recognition of the individual and collective dedication and service of the Cuyahoga County Bar Association (CCBA) and the Cleveland Bar Association (CBA).

The CBA and the CCBA joined this year to create the Cleveland Metropolitan Bar Association, which has a collective membership of over six thousand attorneys. The Cleveland Bar Association, founded in 1873, was one of the oldest bar associations in the country and was the largest provider of legal seminars in Ohio. The CCBA was founded in 1928 in protest of the exclusionary practices in Cleveland's legal profession at that time. The breakaway CCBA drew its members from smaller firms and solo practices and reflected a diverse ethnic mix which included Jewish attorneys and others from the influx of attorneys from the Irish, Italian, Eastern European, and African-American southern migrations to Cleveland.

The unification of the CBA and CCBA in 2008 was a historic event which reflects the breaking down of ethnic, religious, racial, and socio-economic barriers which were so prevalent in Cleveland 80 years ago. The merger was made possible under the leadership of each bar association after 80 years of operating separately. Together the leadership of the former CBA and CCBA will ensure that the new Cleveland Metropolitan Bar Association will be one of the largest and most successful bar associations in the country, providing the Greater Cleveland area with an even greater variety of services and community work.

Madam Speaker and colleagues, please join me in honor and appreciation of the Cleveland Metropolitan Bar Association, and in recognition of the collective and individual efforts of the former CBA and CCBA, for their dedication and service to the Greater Cleveland community.

* * *

HAITI, BACK TO THE CRISIS STAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. RANGEL. Madam Speaker, the time has come to call attention to the food crisis which threatens to have a worldwide impact; I want to enter into the RECORD an editorial from the New York CaribNews for the week ending April 22, 2008, "Haiti, Back to the Crisis Stage, Food Crisis and Riots Underscore Dire Economic and Social Conditions that Require Urgent Attention."

Rising food prices are fueling the global hunger crisis. Haiti is the poorest country in the Western Hemisphere and oldest black sovereign state. It is sad to think of Haitians demonstrating and taking to the streets in order to call the world's attention to the fact ordinary people cannot afford to buy food. The World Bank estimates that food prices have gone up by 83 percent globally over the last 3 years. The country is struggling to stabilize itself and now rising food prices threaten the progress that has been made.

Haiti's need for assistance is a result of joblessness, high infant mortality, and dependence on imported food, inadequate health care services and poor educational opportunities. It is time for the international donor community to live up to the promises made to Haiti. The World Bank has outlined a strategy for the Government of Haiti, which includes helping the country to deliver rapid results, through jobs and basic services to foster development over the long term.

This article points out the critical need for not only long term solutions but short and interim term solutions to rush assistance to those in greatest need. The right type of assistance is paramount in maintaining stability in Haiti, allowing the country to continue to make progress towards self sufficiency, which will help bring an end to the suffering.

Haiti serves a wake up call to the potential looming global food crisis. It is taking an immense toll on the world's poorest people, who typically spend up to 80 percent of their income on food. After many years of working to end hunger and poverty, the United States and other developed nations must put forth bolder efforts to ensure progress is not lost in resolving global hunger.

HAITI, BACK TO THE CRISIS STAGE: FOOD CRISIS AND RIOTS UNDERSCORE DIRE ECONOMIC AND SOCIAL CONDITION THAT REQUIRES URGENT ATTENTION

Just when people in different parts of the world, especially the Caribbean and the Haitian Diaspora, dared to dream that Haiti was on the mend and making progress, food riots broke out in the capital of Port au Prince a few day ago and they cost the Prime Minister, Jacques Edouard Alexis, his job.

And if some members of the Senate get their way, the next on the list would be President Rene Preval, the duly elected chief of state, who has brought a measure of stability to the French-speaking Caribbean nations, the oldest Black sovereign state in the Western Hemisphere.

Any attack on the President would be a tragedy.

Few people, if any at all, could get angry with the demonstrators for taking to the streets to let the world know that they are hungry and need food at affordable prices. After all, as Michael Hess, a senior administrator of the United States Agency for International development, explained it, "people are making two dollars a day and we're seeing food prices go up around the world."

In other words, what do you expect when people are pushed up against the wall and don't have anywhere else to turn.

The dire food situation in Haiti and the social upheaval it caused have not only dramatized the crisis confronting developing countries as imported food and fertilizers go through the roof in the Caribbean, Latin America, Asia, the Middle East and other regions of the world but it points to the unstable economic and social conditions in Haiti.

Here's a country that is among the poorest of the poor and it is feeling the full force of escalating global food prices, It is clear that the current situation if not remedied soon can lead to mass starvation and undermine its government. In a country which has had more than its fair share of economic and social problems for more than two hundred years, the specter of widespread hunger should be enough to convince donor nations and development institutions that Haiti's problems can't be ignored any longer.

According to estimates by reputable international organizations, Haiti has enough food to satisfy its people's needs but the problem is that millions of nationals can't afford to buy it. That reflects both the chronic long-term poverty picture and the current nightmare of rising food costs. It is as if Haitians are caught between two crushing pinchers.

Obviously time is not on the side of Haitians, a nightmare that's evident in the prediction of aid organizations that the nutritional crisis can lead to further impoverishment. That would be a crying shame for several reasons.

First, the international donor community has promised much to Haiti but has often failed to live up to its word. Last weekends riots underscore the people's plight and the obvious need for prompt international action, a point made by Robert Zoelick, President of the World Bank.

We couldn't agree more.

Secondly, the pace of improvement has been too slow. There is a need to accelerate the rate of overall national development and not simply treat the food crisis as if it were an isolated phenomenon.

Haiti is the poorest country in the Western Hemisphere and its unstable political and economic picture is the result of indifference of some of its former leaders and exploitation by foreign governments and interests, especially the U.S. whose role in the country often ignored what's best for the people.

The country cries out for assistance. It has chronic problems of joblessness, high infant mortality, dependence on imported food, inadequate education and health care services and the like.

The riots which left at least seven people, including a Nigerian soldier attached to the United Nations military force, dead and millions of dollars in damage can erupt again if people become convinced that their appeals for a long-term solution are falling on deaf ears.

So, it's important that a short, medium and long-term solution be implemented with the involvement of Haitians. Far too often tens of millions of dollars were set aside for the country's development but in the end the country remains poor. That's because the average Haitian was never the intended beneficiary. That has perpetuated a cycle of poverty that must be ended so that people there can enjoy the kind of economic success that we know is possible.

But Haitians too have a responsibility to push the process forward. The Haitian Diaspora has played its part, sending back more than $4 billion to relatives since 2002 and many of the improvements in housing, for instance can be traced directly to the remittances. But the flow of that money is being threatened by the economic slowdown in the United States. It would be a pity because a reduction would heighten suffering. Coupled with the 50 percent rise in food prices since the middle of last year a cut in assistance and remittances would be a triple whammy, widening hunger, social upheaval and desperation.

FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA) OF 2008

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. RUSH. Madam Speaker, I would like to voice my support for H.R. 3773, the FISA Amendments Act of 2008. There is no more important responsibility that Congress is charged with than protecting the American people. H.R. 3773 seeks to find that most critical balance between protecting our security and protecting our liberty.

Without the proposed amendments, FISA Act creates a new "blanket" warrant program that would allow the government to conduct surveillance on groups of foreign targets who may contact U.S. persons, including surveillance of communications to and by such U.S. persons. The new blanket surveillance program authorized in H.R. 3773 allows the Director of National Intelligence and the Attorney General to apply for authority to conduct surveillance of foreign targets, or groups of foreign targets for up to 1 year or longer if necessary.

Additionally, the FISA Act allows the DNI and the Attorney General to begin surveillance activities without a warrant if they jointly believe that there is an emergency situation requiring surveillance to commence before a warrant could be issued.

This legislation allows our intelligence agencies to do their job effectively without trampling on the civil liberties that are the bedrock of our great society. I hold the principles outlined in our Constitution dear and I will not give up those freedoms easily for a false sense of security. It is time for Congress to stand up for the morals and values that have made this country great, instead of rubber-stamping the policies of the current Administration, which have already cost this country enormously.

I urge all of my colleagues to end the political posturing and join me in support of H.R. 3773 so we can ensure that our national security and our civil liberties are protected.

CONGRATULATING ASU FOR WINNING THE 2008 NCAA WOMEN'S COLLEGE WORLD SERIES

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Arizona State University softball team, winners of the 2008 Women's College World Series.

After finishing an excellent regular season and earning a spot in the WCWS under the leadership of Coach Clint Myers, the Sun Devils reached the cusp of a national championship on Monday, June 2, in a best-of-three series against the Texas A&M Aggies. In front of a record crowd of over 7,000 people at ASA Hall of Fame Stadium in Oklahoma City, star pitcher Katie Burkhart threw an opening-game shutout and Krista Donnenwirth drove in all three of the Sun Devils' runs in a 3–0 win. The Sun Devils then clinched the title Tuesday, June 3, in a game that made the NCAA record books. They started off strong in the third inning, building a 3–0 lead, and did not let up until they had trounced the Aggies 11–0.

Not only did the Sun Devils set a record for the highest margin of victory in Women's College World Series history, but this win marked the first national title for ASU in softball. Arizonans and a national television audience shared in the excitement, pride and sportsmanship ASU's players displayed both on the field and in the dugout during this inspiring victory.

As an alumnus of Arizona State, I am honored and excited to see a team from my alma mater accomplish this feat. This is truly a victory for Sun Devils everywhere. The championship title has been a long time coming for this team, and these women showed that true dedication and persistence can indeed pay off.

Madam Speaker, please join me in celebrating the remarkable success of this team, whose achievements and camaraderie should be models for other teams across the country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 5, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment-unemployment situation for May 2008.

SD–562

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To continue hearings to examine the organizational structures of the Department of State responsible for arms control, counterproliferation, and nonproliferation, focusing on the processes they have in place for optimizing national efforts.

SD–342

JUNE 10

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine U.S. credit markets, focusing on the securities underwriting practices at investment banks.

SD–538

Finance

To hold hearings to examine issues relative to the 47 million Americans without healthcare insurance, focusing on the current health care marketplace.

SD–215

Judiciary

To hold hearings to examine the efficacy of coercive interrogation techniques, focusing on the Federal Bureau of Investigation's (FBI) role.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine national strategies for efficient freight movement.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 11

9:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine imbalance in the United States-Korea automobile trade.

SR–253

10 a.m.

Judiciary

To hold hearings to examine short-change for consumers and short-shrift for Congress, focusing on the Supreme Court's treatment of laws that protect Americans health, safety, jobs, and retirement.

SD–226

2 p.m.

Judiciary

To hold hearings to examine the nominations of Paul G. Gardephe, and Cathy Seibel, both to be a United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, and Glenn T. Suddaby, to be United States District Judge for the Northern District of New York.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact and policy implications of spyware on consumers and businesses.

SR–253

JUNE 12

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine supply chain security, focusing on the secure freight initiative and the implementation of 100 percent scanning.

SR–253

Joint Economic Committee
To hold hearings to examine the future costs of funding the war in Iraq.
SD–106

JUNE 19

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea.
SR–253

JUNE 24

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine climate change impacts on the transportation sector.
SR–253

JUNE 26

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending calendar business.
SR–418

HOUSE OF REPRESENTATIVES—*Thursday, June 5, 2008*

The House met at 9:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Open my eyes, Lord, that I may see the wonders of Your law."

The longest of the Psalms, Psalm 119, studies many facets of law so that people down through the ages would be fascinated by the full impact of the law's meaning.

The law's deepest impression, however, comes when Your law is taken to heart. Law then becomes the pulsating rhythm that unites people in every step of every day. Law transforms the source of breathing in freedom and exhaling corruption.

Your law, O Lord, brings fulfillment to the individual and salvation to society.

Bless and guide the lawmakers of this Chamber and of this land now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HOUSE DEMOCRATS RESTORE FISCAL SANITY TO D.C. BY PASSING BUDGET THAT IS BALANCED BY 2012

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, this week the House will vote on a final budget conference agreement that charts a new way forward for our country. It is the first budget agreement reached in an election year since the Clinton administration and restores fiscal sanity to a process that has been out of control since President Bush came to Washington in 2001. Unlike past Republican budgets, our budget returns to surplus in 2012.

The new budget makes investments in energy, education, and infrastructure, while also providing tax relief to middle class families. The agreement does not include any new tax increases. In fact, it does support significant tax relief for middle class families, including extension of marriage penalty tax relief, the child tax credit, and the continuation of the 10 percent tax bracket. It also includes an additional year of the alternative minimum tax relief.

The budget also ensures that veterans get the quality health care they need and protects our homeland. It also rejects cuts proposed by the President to important first responder programs like the COPS program.

Madam Speaker, this budget deserves strong bipartisan support.

PROTECT AMERICAN FAMILIES FROM MEXICAN DRUG GANGS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the New York Times reports that our Mexican allies are now engaged in a life-or-death struggle against massive drug cartels. These cartels assassinated the Mexican FBI Director and now threaten the President's life. President Calderon has asked us for help, and for the safety and security of American families, we must.

If you see a red star on this map, it means that our Drug Enforcement Agency says that a Mexican drug gang is operating in your congressional district. If you see a green star, like in Las Vegas, Chicago, San Francisco, it means the DEA knows that the drug gangs have a command-and-control center in your congressional district.

Last month the gangs of Mexico topped their murder of hundreds of Mexican police officers with a new practice: beheading people and leaving their heads in coolers. It would be naive to think that such violence remains just south of our border.

That's why Congress should fully fund the Merida Law Enforcement Initiative.

DEMOCRATS HAVE A STRONG RECORD OF TRYING TO LOWER OUR NATION'S GAS PRICES

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, the record price of gasoline is pinching the wallets of every American. It seems every day the price hits another record. Since day one this Democratic House has been committed to lowering prices at the pump and adopting a smarter energy future.

Thanks to a Democratic Congress, President Bush finally agreed to temporarily suspend sending oil to the Strategic Petroleum Reserve, a move that will instantly lower gas prices by about a quarter when it goes into effect by the end of this month.

Thanks to this Democratic Congress, the Federal Trade Commission recently agreed to implement the market manipulation authority that it was given in an energy law that we passed last year. This agreement should ensure that the U.S. petroleum market is free from price and supply manipulation.

Mr. Speaker, the Bush administration would have never acted on these two issues had it not been for the persistence of this Democratic Congress. We will continue to pressure the administration and congressional Republicans to join us in lowering gas prices.

THE TIDE IS TURNING: AMERICANS SUPPORT INCREASING OUR DOMESTIC ENERGY SUPPLY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, gas is over $4 a gallon and people are upset. According to a May 20 Gallup poll, 57 percent of Americans support drilling in U.S. coastal and wilderness areas that are now off-limits. The tide is turning. Americans know we can solve this problem of high gas prices.

Just this week the Sioux City Journal reported the results of what they called the "most important election in the county's history." By a solid 58–42 percent, the voters of Union County approved a zoning ordinance that will keep alive the county's chances of landing the Nation's first oil refinery in 32 years. They know we need to increase our energy supply, and that's why I introduced the Refinery Streamlined Permitting Act, H.R. 2471, a bill

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that would require agencies to give high priority to refinery applications that would result in greater capacity, a cleaner-burning fuel, and a reduction in refinery's pollution output.

Mr. Speaker, Americans need substantive solutions to secure our Nation's energy future. Let's join together in our efforts to open up the coasts, the wilderness areas, and drill for more oil to increase our domestic supply and bring down the price of gasoline.

REPUBLICAN LEADERS OPPOSE OUR EFFORTS TO LOWER RECORD HIGH GAS PRICES AT THE PUMP

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, the American people do continue to face record high gas prices, and this Democratic Congress has acted and will continue to act on legislation, commonsense legislation, that will reduce the price at the pump. Only now we need to get the support of President Bush and our friends on the Republican side of the aisle who seem content on pursuing the same failed policies that got us here in the first place.

Over the last couple of months, this House has passed 9 bills that would lower gas prices. While we received a little bit of bipartisan support, the majority of our friends on the Republican side have opposed those 8 bills.

House Republicans said "no" to legislation that would enable the Justice Department to take legal action against foreign nations manipulating the price of oil. House Republicans said "no" to legislation that would give the Federal Trade Commission the authority to investigate and punish those who are artificially inflating the price of gas.

Mr. Speaker, our friends on the Republican side of the aisle need to realize that saying "no" is not an energy policy.

THE PRICE OF GASOLINE: CONGRESS MUST TAKE ACTION TO LOWER GAS PRICES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, traveling through my district in west and middle Tennessee this past week, gasoline and the price at the pump are what everybody is talking about. Busy moms in Tennessee are now spending about $240 to fill the minivan up every month. That's about $100 more than it was when the Democrats took control of the gavels in both the Senate and the House.

Well, the Congress must stop talking and they must take action so that we can solve this problem. Government has been and continues to be a roadblock when it comes to lowering gas prices. Republicans want to incentivize efficiency and innovation. We want to incentivize and promote production of American energy resources for an American solution to this problem. We want to incentivize ingenuity. We are innovators. We can solve this problem when we put our best minds to it.

And there are some concrete steps that we could and should take now, things that we have supported, like repealing and delaying the ethanol mandates; taking advantage of our natural resources, western shale, ANWR.

Mr. Speaker, families are calling out for relief. Let's take action.

□ 0945

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, as the price of gasoline continues to hit record prices almost every week, congressional Democrats continue to pass legislation to help us reduce our dependence on foreign oil and lower prices at the pump. Unfortunately, the only solution President Bush and congressional Republicans come up with is more drilling. They ignore the fact that drilling in the U.S. has recently exploded. Since 2000, the number of wells that have been drilled in this country has increased by about 66 percent, while the price at the pump for the consumer has more than doubled.

President Bush and congressional Republicans also continue to push drilling in the Arctic Refuge. Again, they ignore experts who say that opening the refuge for drilling would produce only about 6-months' worth of oil and it wouldn't be available for another 10 years. How is that a strategy for lower prices today?

Mr. Speaker, House Democrats know that American families are feeling squeezed every time they head to the gas station. That is why we continue to pass legislation that should help ease the pain at the pump. It would be nice if the President would support these efforts.

BAD POLICY HAS BANNED DRILLING OFFSHORE

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. If I told you that a loaf of bread was $4, and there was plenty of wheat growing right here, but you said I could not harvest it, then I would be right to call you illogical. If I told you that you could bake more bread with a new oven, except that your rules say we can't build it, then I'd be right to say that your rules are hurting consumers. If I told you I needed to keep my bakery profits to expand my production, and you tax them away to "punish" me for market forces beyond my control, then you would be the one to blame for the rising bread prices.

Sounds silly, doesn't it? Unfortunately, this pretty much sums up our current energy policies. Just substitute gas for bread.

Bad policy has banned drilling offshore in Alaska where there are huge oil reserves. Bad policy has curtailed refinery construction. Bad policy taxes productivity, reduces the capital needed for new production, and the same basic rules of economics apply to bread and energy. When bad policies block production, you have shortages, and prices go up and people get hurt.

PASS THE NEW GI BILL

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, how we treat those who serve this country abroad in our Armed Forces says a lot about this Nation. The greatest gift that we can give to those men and women who are returning to the United States from Iraq and Afghanistan and the fields of battle is an education with the passage of the new GI Bill. When I went to Iraq last year, the troops said this version of the same thing to myself and the five others that traveled there. They said, Don't forget about us when we come back home.

With the passage of the new GI Bill, we can make good on that promise that we all made to those troops on our visits there. I hope that Senator MCCAIN and many of our friends here in this hall who have not supported this new GI Bill, who have not supported extending benefits to the troops as they return, to give them an education for a lifetime, will remember that you can't just go there and tell them that you support them, you have to come to this floor and to the floor down the hall and do it.

NEW EMPLOYEE VERIFICATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this year I introduced the New Employee Verification Act, H.R. 5515, that prevents unauthorized employment. It will replace the expiring pilot program, E-Verify, that is run by the Department of Homeland Security.

The Department of Homeland Security has no business keeping tabs on work records of law-abiding American citizens. I strongly reject the Orwellian premise that a government agency tasked with catching terrorists should also maintain a huge database on the work history of every single American. Our bipartisan bill ensures that U.S. citizens go through Social Security to confirm their legal right to work, and noncitizens go through the Department of Homeland Security.

I urge you to cosponsor H.R. 5515, to create a new work authorization system that will help reduce illegal immigration, preserve the rights and privacy of law-abiding citizens, and protect Social Security.

HOUSE DEMOCRATS CONTINUE TO WORK TO PASS LEGISLATION THAT WILL MAKE REAL DIFFERENCE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, over the last month this Democratic Congress has passed important legislation that will help our economy, our veterans, and millions of middle class families. But our efforts are being opposed by a Bush White House that refuses to work with us to solve our Nation's most pressing problems.

We can't turn around our economy without addressing the escalating housing crisis. Last month, we passed a comprehensive package that addresses the crisis directly, helps stabilize the housing market, and makes a real difference for families at risk for losing their homes.

To help jump-start our economy and help reduce prices at the gas pump, we passed legislation that extends vital tax relief to millions of families, strengthens investment opportunities for American businesses, and encourages the production and use of renewable energy. To help veterans of the wars in Iraq and Afghanistan, we passed a new GI Bill that restores promised 4-year scholarships so they can go to college after they complete their military service.

Mr. Speaker, we are passing legislation here in the House that can make a real difference for all Americans.

PROTECT AMERICA TODAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it has been 109 days since the Protect America Act expired and our intelligence community's ability to track our enemies was degraded. Foreign surveillance is an important part of our Nation's defense in the global war on terrorism. We need to make sure it's up-to-date and equipped with tools our military and intelligence community say are vital to doing the job.

When the Protect America Act expired, a bipartisan group of Senators passed a bill that enjoys vocal support from House Republicans and Democrats, 25 State attorneys general, including South Carolina's own Henry McMaster, and the Veterans of Foreign Wars.

Unfortunately, none of that seems to matter to the majority leadership, who has tried to downplay the importance of this bill and has failed to bring it to the House floor for consideration. We must not tie the hands of our intelligence services while they are doing all they can to protect American families.

In conclusion, God bless our troops, and we will never forget September the 11th.

PROUD TO BE A DEMOCRAT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. This past week has seen the end of the Democratic primary. I think it will end on Saturday. Mr. Speaker, I have been proud to be a Democrat and witness this historic election. When our country was founded, African Americans were slaves, and even after slavery ended in 1865, Jim Crow laws and others passed by this Congress and States didn't allow African Americans full privileges until about the 1960s. Women weren't allowed to vote in this country until an amendment was passed in 1920, passed by my State of Tennessee, the final State, the Perfect 36.

To see a great candidate who happens to be an African American and a great candidate who's a woman wage a tremendous campaign for the Democratic nomination shows how far this country has come toward truly forming a more perfect union. I am more proud than ever to be a Democrat, to be a Member of this House of Representatives.

As I look back on the anniversary of the assassination of Senator Robert Kennedy, I know that the torch has been passed to a new generation of Americans and we will see it move to victory in November, and a new generation of thought.

IN RECOGNITION OF THE WORK OF CHIEF DEPUTY U.S. MARSHAL MICHAEL BLEVINS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. I rise in recognition of the success and achievements in the career of Chief Deputy U.S. Marshal Mike Blevins. Mike has served the U.S. Marshal Service since 1979. His duties have taken him all across the country, with long terms in Arkansas and Texas. Since 1989, he has been the Chief Deputy of the Western District of Arkansas. During that time, he also served as the Acting Marshal for more than 2 years.

Since he has been in Arkansas, he has helped supervise numerous programs that have resulted in a record number of fugitive arrests. His hard work has earned him several awards, including the United States Marshal Service Distinguished Service Award in 2006.

I have had the privilege to work with Mike on many different projects; most recently, a successful effort to make Fort Smith, Arkansas, the home of the National U.S. Marshals Museum.

His dedication, persistence, and leadership are all admirable qualities. I appreciate his friendship and example. I am honored to have had the opportunity to have worked with such a great man, and thank him for his service to our country.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, from day one, this Democratic Congress has been fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner and smarter energy program. We have passed legislation to suspend the filling of the Strategic Petroleum Reserve later this month through the end of this year. After initially opposing this legislation, the President signed it into law last month.

We passed legislation that gives the U.S. the authority to prosecute anticompetitive conduct committed by the international cartels, like OPEC, that restricts supply and drives up prices. The House also passed the Renewable Energy and Job Creation Act of 2008, which allows us to retain and create hundreds of thousands of new "green" energy jobs and invest in the renewable energies of the future.

Today, experts estimate biofuel blends are keeping gas prices about 15 percent lower than they would otherwise be right now. With gas prices continuing to skyrocket in my home State of New Jersey and across the Nation, House Democrats will continue to explore ways to provide relief to consumers at the gas pump.

SUE MOTHER NATURE?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, there are alarming events that keep occurring regarding crude oil spills that seem to go unnoticed by the environmentalists and the media. Off the gulf coast, and even off the sacred west coast of California, crude oil spills have become so noticeable that scientists can see the sources from satellites. Can you believe it? The culprit should be sued and brought to court because that is what the environmentalists do to save us from the nasty crude oil. The offender is Mother Nature.

You see, Mr. Speaker, thousands of metric tons a year of crude oil naturally seep to the surface in the Gulf of Mexico and off the west coast. Mother Nature is the cause of most offshore crude oil spills, and this must be stopped. Why don't we just remove all that crude oil that is seeping from beneath the ocean? That will eliminate oil from coming to the surface. The way to do that is to drill offshore, take out all that oil from underneath the ocean, and stop Mother Nature from polluting.

Congress needs to remove the silly offshore drilling restrictions to give us more supply. That will help bring down the price of gasoline, stop pollution, and we can teach Mother Nature a lesson or two.

And that's just the way it is.

CONGRATULATING THE STANLEY CUP CHAMPION DETROIT RED WINGS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. I rise today to congratulate the Detroit Hockey Red Wings. The Detroit Red Wings, the 2008 National Hockey League champions for the Stanley Cup. We are most proud of you. To the coaches, the players, the Ilitch family, thank you for a wonderful, exciting season.

The Detroit Red Wings, the Stanley Cup champions for 2008. You have brought joy and cheer and adventure to all of us. Good luck to you. Enjoy your time off. And have another wonderful season as we march to the 2009 Stanley Cup.

Congratulations, Red Wings.

UNLOCK AMERICA'S ENERGY RESOURCES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. A new Gallup Poll shows that 57 percent of Americans agree with House Republicans and favor more energy exploration in the United States. America needs fewer restrictions on domestic sources of oil. The U.S. remains the only oil-producing nation that has placed a substantial amount of its energy potential off limits. This includes just 100th of 1 percent of Alaska's 20-million Arctic National Wildlife Refuge. This small portion of ANWR is believed to contain 10 billion barrels of oil, or more, an amount equivalent to 15 years of imports from Saudi Arabia or 30 years of imports from Hugo Chavez. The Congressional Research Service estimates that at $1.25 a barrel, ANWR would deliver $192 billion in corporate income tax and royalty revenue to the Federal Government.

Even more oil is located in other restricted areas throughout the United States, and still more, Mr. Speaker, in the 85 percent of America's Outer Continental Shelf, that is currently off-limits.

We need to favor more exploration.

□ 1000

CELEBRATING NATIONAL OCEANS WEEK BY ADDRESSING THE NEED FOR A NATIONAL OCEAN POLICY

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Mr. Speaker, I rise to welcome those from all over the United States who are here this week celebrating National Oceans Week. They are here to celebrate a week that, frankly, we have no national ocean policy about, and that is why I want to speak to you today about the need to have this Congress enact laws that will make the ocean policy like clean air and clean water policy, perhaps addressing some of those problems that other speakers have talked about today.

America's waters are managed by 140 different laws that spread across 20 different agencies. I have introduced a bill, Oceans 21, with strong bipartisan support. It is moving through Congress, and I urge my colleagues to join their constituents in helping Congress address this national policy.

A New York Times editorial last week told Congress that they must give ocean issues greater priority, in part by reorganizing the way the Federal Government deals with them. America's waters are managed by too many laws and too many different government agencies, and they recommend the adoption of our bill.

So join us in thinking about the oceans. If they are not well, neither will be the planet.

BEGGING CONGRESS TO DO SOMETHING ABOUT THE EVER-INCREASING COST OF GASOLINE

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to ask Congress, no, to beg Congress to do something about the ever-increasing cost of gasoline.

Mr. Speaker, my constituents are struggling every day with this ever-growing burden. Just Sunday, as my husband was filling up with gas, a young couple begged him for money so that they could get home.

This very day there is indeed drilling activity off of our country's coast. Not by our U.S. companies. That would be illegal. Instead, the Chinese are drilling off the coast of Florida with their new energy partner, Cuba. This Congress has failed to act time and time again. Our oil resources along our coastlines and in Alaska remain untapped in the name of environmentalism.

Mr. Speaker, my constituents are more than willing to do their part for the environment, but without their ability to earn a paycheck, there is little they can do, except to suffer like that young couple was on Sunday.

We have all suffered enough. Please, Mr. Speaker, let us act. Let us act wisely. Let us act prudently. Let us drill, and let us drill now.

PROVIDING FOR CONSIDERATION OF H.R. 5540, CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1233 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1233

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Bishop of Utah or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI), shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5540 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of House Resolution 1233 is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1233 provides a structured rule for consideration of H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act. The resolution provides 1 hour of debate, controlled by the Committee on Natural Resources, and makes in order all amendments submitted to the Rules Committee for consideration.

Mr. Speaker, let me begin by congratulating my freshman class colleague from Maryland (Mr. SARBANES) for his leadership on behalf of the Chesapeake Bay. Mr. SARBANES has worked diligently and tirelessly in a bipartisan fashion to transcend partisan politics and ensure the Chesapeake Bay remains a vibrant recreational and economic network for many years to come.

Mr. Speaker, this rule and the legislation which it provides for consideration of will continue the important restoration and conservation of the Chesapeake Bay watershed by permanently authorizing the Chesapeake Bay Gateways and Watertrails Network.

The Chesapeake Bay is our Nation's largest estuary. Many people often think of the Bay only as Maryland and Virginia, but the Bay's watershed covers 64,000 square miles in five States and the District of Columbia. In fact, the watershed's most northern part, or what we in upstate New York would call the starting point, extends into a significant portion of my congressional district and actually starts in Cooperstown, New York.

As a result of its size and location, the Chesapeake Bay has played a role in the development of American history, from early settlement and commerce to military battles and transportation development, as well as recreational uses. It truly is worthy of preservation, both for its natural beauty and the impact on our Nation's cultural evolution.

First established in 1998, the Chesapeake Bay Network is a comprehensive protection program for the Bay. The programs authorized serve to identify, conserve, restore and interpret the natural, historical, cultural and recreational resources within the watershed. These programs can also educate local communities on the significant sites in their region and how their community impacts the overall health of the Bay. The law requires the National Park Service to award grants to State and local agencies and nonprofit organizations with a full matching requirement for such projects.

The resulting network is a system of over 150 parks, museums, historic communities, scenic roadways, watertrails and water access points located within the vast Chesapeake Bay watershed. Each of these sites tells a piece of a vast Chesapeake story while providing Federal support for the preservation and improvement of these sites, to enhance both the historical and recreational experience. The network is overseen by the National Park Service, but the Park Service only manages about 10 of the network's sites. Other gateways are managed by local, State and nongovernmental organizations.

The Chesapeake Bay Network has always been a bipartisan program. The legislation that created it in 1998 passed the House on suspension by voice vote and was agreed to by unanimous consent in the Senate and signed into law by President Clinton. In 2002, a clean 5-year reauthorization received similar unanimous support in Congress and was signed into law by President Bush.

The White House Conference on Cooperative Conservation headed by the Department of the Interior has called the network a success story. The legislation this rule provides for consideration of will permanently extend the authorization for this bipartisan program. It is worth noting that the National Park Service has also recommended permanent reauthorization of the network.

I encourage all my colleagues to vote for this rule and the underlying bill and to continue to support the Chesapeake Bay Gateways and Watertrails Network.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the House of Representatives is currently spending 1 hour debating what rules will be used to consider the underlying Chesapeake Bay Watertrails bill. This is legislation that has passed the House in prior years with little or no dissent and without controversy. So the question must be asked, Mr. Speaker, why are the Democrat leaders going through all of this trouble of having the House consider this bill under this special rule? Why is the House going to spend 2 hours today discussing a bill that could have been handled in just 20 minutes under suspension and ultimately passed by an overwhelming number of votes in this House? And why, if the House is going to such lengths and dedicating 2 hours to consider watertrails on the Chesapeake Bay, are Members being blocked from a true, meaningful debate on the issue?

This rule allows only one amendment to be offered, and that amendment would simply limit the extension of this existing Chesapeake Bay law for another 5 years, instead of extending it forever as the bill is currently written. If we are going to go through all the trouble of bringing this noncontroversial bill to the floor, why don't we have a real debate that allows every Member who has an amendment or an idea to improve this legislation to come to the House floor and have it discussed and voted on?

When the Democrat leaders took control of the Congress after the 2006 election, they promised the American people that they would run the House in a more open and honest manner. But ever since they made that promise, Democrat leaders have been doing just exactly the opposite. The CONGRESSIONAL RECORD shows that this Democrat Congress actually has the worst record, Mr. Speaker, the worst record on openness in the history of our country. In the past year-and-a-half, they have only allowed one bill, one bill, to come to the House floor and be debated under an open rule. As we see today on this Chesapeake Bay bill, they are even shutting down debate on even the most noncontroversial pieces of legislation.

Now, I might point out also that the Democrat leaders today convened the House early. Normally when you get to work early it is either because you have a lot to do or you want to go home early. Let's consider that the only two things the House is scheduled to do today is to spend 2 hours debating watertrails and the Chesapeake Bay and one hour of debate on a final budget that was supposed to have been done, Mr. Speaker, 2 months ago, and it is a budget that raises taxes by the largest amount in American history. At any rate, that is just 3 hours of time.

So why did we convene early? What are we going to do the rest of the day? It seems pretty clear that the House didn't get to work early today because they had so much to do, but rather it is, I believe, so the House can leave early and go home.

Mr. Speaker, I have another idea, and that is that this House get serious about the rising price of gasoline in our country.

So I urge my colleagues to vote no against the previous question when they bring that up at the end of the debate to allow the House to debate "an amendment to a bill which the proponents assert if enacted would have the effect of lowering the national average price per gallon of regular unleaded gasoline."

Mr. Speaker, I first proposed this action on a similar previous question rule back on April 23. In the 44 days since, this liberal Congress has done nothing to address rising gas prices. According to information gathered by the AAA, the citizens of Washington State, my home State, who buy gas are paying the highest reported price for gasoline that has ever been paid in that State. It is at $4.19 per gallon.

Speaker PELOSI promised the American people that Democrats had "a commonsense plan to bring down skyrocketing gas prices." Speaker PELOSI also said that the Democrats have "real solutions" that would "lower the price at the pump." Despite this promise of a plan and lower prices, since Democrats took control of the Congress, they have put forward no plan and prices have gone up, up and up to record levels.

□ 1015

And Democrats have blocked every try after try by Republicans to allow the House to debate, just simply to debate legislation to lower the price of gasoline. The only bill that Democrats have brought to the floor and passed was to file lawsuits against OPEC countries in the Middle East and to try to get them to produce more oil and to reduce prices. That is all, Mr. Speaker.

Democrats may believe that suing Middle Eastern countries and raising taxes is a plan to lower gas prices here in America, but common sense says that is just wrong. It is Republicans that have a plan to produce American made gas and energy and it is the Democrats who are standing in the way of these solutions.

Prices go up when demand goes up, and around the world the demand for oil and gas is going way up. Our country can either continue to sit here and be at the mercy of overseas Nations for our energy needs, or we as Americans can start taking matters into our own hands and start accessing the millions of barrels of known reserves right here within the United States. Our Nation's energy reserves have been put off-limits, and Democrats continue to block even exploring the possibility of producing more energy here in America.

With record gas prices at gas stations across the country, Americans can't afford to continue to rely on other countries in volatile parts of the world to sell us the gas and oil that we need. We need to produce this energy ourselves, Mr. Speaker.

So, Mr. Speaker, I am going to urge my colleagues to vote against the previous question so this House can debate the serious issue of rising gas prices confronting Americans in our country and so we can start producing, producing, Mr. Speaker, American-made gasoline.

If the House is going to spend 2 hours debating authorizing the Chesapeake Bay Watertrails law for 5 years or not, we certainly I think, Mr. Speaker, can afford to dedicate some time to considering ways to reduce the rising price of gasoline.

I reserve the balance of my time.

Mr. ARCURI. I thank my friend from Washington for his comments and just point out, Mr. Speaker, that on the one hand my colleague from Washington says that we are not allowing anyone to make any amendments, that we have closed the rule, and yet we have allowed every amendment in the Rules Committee that was offered including the one amendment from the gentleman from Utah. And then he criticizes in saying that we allow debate for 2 hours on this bill. You can't have it both ways. We have allowed debate on this bill, we have allowed for people to bring their amendments if that is what they choose to do and have an open Congress just the way we talked about.

I yield 3 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman from New York.

In the Hudson Valley, in my district, gas prices have reached crisis levels where commuting is a daily part of life and small businesses need to move their products. The record-setting spikes in gas prices have been a drain on family budgets and our entire economy.

There is, unfortunately, no silver bullet solution to our gas and oil challenge, but I am proud that Congress has taken aggressive action to provide desperately needed relief. We have passed a once in a generation increase in fuel economy standards, pushed for more development of cellulosic biofuels, and continue to advance legislation that would provide tax incentives for people to purchase fuel incentive vehicles and help us break the grip of OPEC on our economy.

The need for relief is real and urgent, and we have also taken steps to provide near-term assistance. The House has passed a bill to beef up the Department of Justice's ability to pursue antitrust action in the oil sector, and we have also passed legislation that requires the President to stop taking oil off the market to put in the Strategic Petroleum Reserve, so that more supply is available on the market to lower prices. That was 70,000 barrels of oil a day that was being taken off the market that we passed in a bipartisan way. I am sure my friends across the aisle remember voting with us on that bill.

When market relief does arrive, however, we need to make sure that the individual American driver benefits, not just the oil companies. There is the old proverbial question about whether a tree falling in the woods with no one to hear it actually makes a sound. I don't know about that, but I do know a drop in oil prices that doesn't cut prices at the pump is the same as no price drop at all.

Unfortunately, that is what we have been seeing. Over the past week, the price of crude oil has actually dropped by several dollars per barrel, offering the hope that the edge would be taken off the record high gas prices we have been facing. One look at the local price figures at your gas station is enough to know it has not happened.

On April 1, the price of crude oil was just over $100 per barrel and kept soaring, reaching $135 per barrel during trading on May 22. Over the same period of time, the national average price of gasoline rose from just under $3.29 to just over $3.83 a gallon. In New York, prices increased by over 60 cents from just over $3.40 to almost $4.02 a gallon.

Despite the fact that as of 2 days ago crude prices had dropped below $123 a barrel, retail gasoline prices are still at record levels. Nationwide, the average price of regular gasoline stayed at $3.98, and in New York the average price remained at the astronomical level of $4.17 per gallon. These represent increases of about 15 cents per gallon at the pump during the same period in which crude oil prices were declining.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. HALL of New York. Apparently, the old adage that what goes up must come down does not apply for the oil companies. That is a cause of great concern, and I have asked the Federal Trade Commission and the Commodity Futures Trading Commission to investigate this disconnection between the price of oil on the world market and the price of refined product at the pump.

Drivers are expected to share, in fact are forced to share, in the pain of oil and gas increases immediately, and they should have the expectation that they will also share in the relief just as quickly when the world oil price comes down. In a market this complex, it is imperative for the government to be an active protector of consumer rights and take swift measures to ensure that conditions are not exploited to the detriment of working families. By doing so, I believe we can make sure that any drop in crude prices will also mean real relief at the pump.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Washington State for yielding.

The question today is about the rule dealing with the Chesapeake Bay. Well, this is a piece of legislation that is not controversial. The House can deal with this measure very quickly and move on. Instead, the Democrat leadership has chosen a very cumbersome process that locks out amendments, that locks out new ideas dealing with the Chesapeake Bay, and takes up a significant amount of time in the people's House.

What we should be spending our time on, however, in this House of Representatives is not a piece of noncontroversial legislation which will take up over 2 hours of our day. Instead, we should devote this time to bringing down the cost and the price of gasoline at the pumps. That is what the American people want. That is what my constituents in Western North Carolina are demanding, that we take action on high gas prices.

We have a need and necessity for oil in this country. It is not something that I sought, but this is a life I was born into. We have had our economy powered by oil for about the last 100 years. It is just a fact. I think there will be a day when we can move to some other type of power to move our automobiles and trucks and planes. I am hopeful for that day. That day will happen and I will be fighting for policies to bring it about. But until that time comes, we must have sources of American energy, and we must be energy independent in America. We can't be beholden to the Saudi royal family for our price at the pumps; but, unfortunately, we are.

And why is that? Well, it is because of a significant number of policies that this Congress has put in place, very cumbersome regulations that we need to streamline when we come to the issue of building new refineries. And let's face it, we need new refineries to get diesel and unleaded fuel to the pumps. That also equals jobs. Unfortunately, in this country we have to import refined products. That means we have outsourced jobs. That means we have also sent our wealth overseas to these Nations that are refining product.

But beyond refineries which we must build, we also have to increase domestic production, American energy sources. And we have got significant American energy resources. The known reserves that we have in this country of oil will power 60 million automobiles for 60 years. Now, that is not a long-term solution, but it is certainly good for the next 60 years while we are building alternatives and different types of power sources.

So we also need that American energy production, whether it is oil, natural gas, coal. We have more coal in this United States, enough power source out of that coal than Saudi Arabia has. Actually, we have three times the amount of coal in this country as Saudi Arabia has oil. So these are not perfect solutions, but they will work in the short term.

But why are we at this state? Why are we at this place where we are paying almost $4 at the pump?

Mr. KINGSTON. Will the gentleman yield?

Mr. McHENRY. I will be happy to yield.

Mr. KINGSTON. You mean to tell me that the American middle class is continuing to suffer with record high gas prices, prices that have nearly doubled since the Democrat regime took over Congress, and we are still not dealing with it today? Is that what I am hearing from the gentleman?

Mr. McHENRY. This is what I am talking about, and I appreciate the gentleman from Georgia asking. The reason we have high gas prices is because there is inaction by Democrat leadership. They don't want new refineries. They don't want American energy production. They want to simply conserve our way into energy independence. That is not possible. The American people know it is not possible, and I ask the Democrat leadership to yield to common sense and ask us to create more American energy so we can be energy independent.

Mr. ARCURI. Mr. Speaker, it is interesting that my colleague from North Carolina talks about inaction. And he would have the American people believe that inaction means not drilling. They are two distinctly different things. Just simply because I don't advocate drilling doesn't mean that I am not for alternative energy. We cannot drill our way to energy independence. It just doesn't make sense.

Mr. McHENRY. Will the gentleman yield?

Mr. ARCURI. Yes, I will yield.

Mr. McHENRY. What pieces of legislation have been brought up this Congress to increase American energy production? Name one.

Mr. ARCURI. Reclaiming my time, it is not about drilling. That is what some people in this House want to talk about. It is not. It is about developing alternative energy. In my district, we are developing cellulosic ethanol. In my district, we are developing geothermal power. We are heating schools, we are heating buildings, we are heating offices with geothermal. It is about developing alternative energy. It is not about drilling, drilling, drilling. Because in the end, what is going to happen is in 10 years or in 15 years we are going to defer this problem to our children. It is not something that we should just dump on their laps by just moving the problem to them.

We can drill today, we can drill tomorrow. And then in 10 years and in 15 years our children and our grandchildren will have to deal with this. It is time to deal with it today. Mr. Speaker, it is time to deal with it today and to deal with it now, not to defer it to our children. That is not what a good parent does.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Before I yield to the gentleman from California, I yield 1 minute to the gentleman from North Carolina (Mr. McHenry) to respond.

Mr. McHENRY. I appreciate the gentleman from Washington yielding me time so I can answer the gentleman's question.

I think this is a very interesting argument, alternatives. Well, so far in our power resources in the United States, 1 percent of our current power is produced by the types of things the gentleman is talking about. They are very expensive currently. The technology is very expensive.

So the gentleman is saying we can take that 1 percent, and let's say we can double it in the next 10 years, which is an ambitious proposal that some on your side have advocated and actually I am for. That takes us to 2 percent of American energy production.

What we need while we are doing that is actually reasonable solutions, and that means increasing supply.

□ 1030

The American people understand basic economics, unlike some on the other side of the aisle. They understand basic economics, that it is supply and demand that control price.

Mr. HASTINGS of Washington. Mr. Speaker, I want to yield 4 minutes to the gentleman from California (Mr. Daniel E. Lungren).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would just say to my friend from New York, I don't have any geothermal cars in my district. Perhaps the gentleman does in New York.

For me to answer the folks back home that are saying what are we going to do about gas prices with well, we're studying geothermal, frankly, it just doesn't cut it.

You know, I remember the week before we got out for Memorial break, that we had 55, 55, count them, 55 suspensions in 2 days. I can't recall all of them, but when I had a tele-town hall this last Sunday in my district, I had 4,200 people on the line, and not one of them asked a question about one of those 55 suspension bills.

What did they ask about? They asked about what are you in Congress going to do, not just about gas prices, but about increasing energy production in this country?

So I come back here this week anticipating legislation that perhaps will deal with those kinds of issues. And what do we have?

The first 2 days, we had 22 suspensions; supporting National Men's Health Week, a worthy cause, but not a single person asked me about that. But almost everybody asked me about gas prices.

We recognized the State of Minnesota's 150th anniversary, a worthy goal. But not a single person asked me about that. Not one of the 4,200 people asked me about that. But many of them asked me about gas.

We supported the goals and ideals of Arbor Day Foundation and the National Arbor Day, a nice thing to do, but not a single person asked me about National Arbor Day. Many asked me about gasoline prices.

We designated a post office to be named after someone in Portland, Oregon. We designated another post office to be named after someone in San Gabriel, California, again a nice thing to do, but not a single person of the 4,200 that were on my tele-town hall asked me about that. But they did ask me about gas prices.

We had the Federal Food Donation Act of 2008, not a bad idea, but not a single person asked me about that. But they asked me about gas prices.

We had the Senior Executive Service Diversity Assurance Act on the floor that we talked about and passed, but no one asked me about that back home. They all asked me about gas prices.

We had the Telework Improvements Act of 2008. No one asked me about that, but they asked me about gas prices.

We voted on the Federal Agency Data Protection Act this week. Not a single person asked about that. But almost everybody asked about gas prices.

We had the Government Accountability Office Act of 2008. No one asked me about that, but they asked me about the accountability of this Congress in not doing a single thing for more energy production.

We had a bill authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. That's like mother and apple pie. But no one asked me about the Soap Box Derby in Greater Washington. They all asked me about their cars which don't run downhill by gravity, but they do run on gasoline. And they said, what is Congress going to do about that?

We authorized the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority. Now, I'm sure that's a wonderful sorority, but not a single person of the 4,200 that were on my tele-town hall asked me about that sorority. But most of them asked about gasoline prices.

We had the James Ashley and Thomas Ashley United States Courthouse Designation Act. And I remember Tom Ashley, a good man. But nobody asked me about him on my tele-town hall. But they almost all asked about gas prices.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for an additional minute. I would need about 4 minutes to go through all the other suspensions we got through this week, this week, that is legislative time that we have spent on this floor, those without rules.

Now we're going to have a rule on this bill, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, probably a worthy act. But, believe me, I know it may surprise the gentleman from New York, but not a single person in my district asked me about that. But they asked about gas prices.

And perhaps the reason why the gentleman from New York is loath to talk about this is that on every single vote we have had over the last number of years on increased oil production, 91 percent of the Republicans have voted for increased American energy production, American energy production, and over 85 percent of the Democrats have voted against it.

What has resulted from that? A stalemate in which the American people are held hostage because we will not allow, yes, drilling. I know that's a dirty word over there. Drilling. That's usually how you bring oil up out of the ground.

The SPEAKER pro tempore. The gentleman's time has again expired.

Mr. HASTINGS of Washington. I yield the gentleman 30 seconds.

Mr. DANIEL E. LUNGREN of California. Usually you have to drill to bring the oil out of the ground because that's where it is. It may be a dirty word in the gentleman's district, but frankly, you have to drill before you refine, before you have it available so that you can increase supply so that people can have their prices go down so they can drive to work and drive to recreational facilities, not in thermoenergy, geothermal cars, but actually in cars with gasoline, which is what happens in my district. Perhaps the gentleman from New York's district is different.

Maybe we should take some attention from the concerns of the American people and do something about gas prices here.

Mr. ARCURI. I thank the gentleman for the history lesson and for the lesson on what drilling means. I really appreciate that. I know we don't have a lot of domestic oil in New York, but I appreciate having him tell me what drilling means.

But when people in my district talk to me about what are we doing about gas, and we get those very same questions, I tell them that we have done some things. We have passed the Strategic Petroleum Reserve Fill Suspension Consumer Protection Act. I tell them we've passed the Renewable Energy and Job Creation Act. I tell them we've passed the OPEC and big oil companies accountability bill. I tell them we've passed the Energy Independence and Security Act of 2007. I tell them we've passed the Renewable Energy and Energy Conservation Tax Act. I tell them we've passed the Energy Price Gouging Prevention Act. I tell them we've passed the No Oil Producing and Exporting Cartels Act. I tell them we've passed the Energy Market Manipulation Prevention Act.

Mr. Speaker, America is tired of the same old rhetoric. They want new solutions. When I talk about geothermal projects that we have in our district, when I talk about cellulosic ethanol plants, when I talk about wood pellet plants, that is new strategies. Those are new philosophies. Those are the kind of strategies that we need in this country for real, long-term change in direction, the kind of direction that will make it easier for our children and our grandchildren to live and to function and not to be dependent on foreign oil.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, it's so interesting listening to this debate this morning. And I think that the gentleman was rattling off some bills that they have passed. The problem is they're all talk and no action. They don't do anything to get the price down at the pump; don't actually accomplish the goal of producing any more oil.

What the American people want to see is not right now a debate on a bill which could go through on a voice vote, the Chesapeake Bay Gateways and Watertrails Network. What they want is for us to take the time to address the price at the pump and the cost of energy.

My constituents in Tennessee ask me every week, what did you all do to address the price at the pump? They know that we, as Americans, are the greatest innovators that there are. American ingenuity can solve all sorts of problems. They know that we have the resources on American soil to address this issue. They also know that we need a short-term, a mid-range and a long-term strategy.

Now, to my colleagues, I will say no is not an energy strategy, and no is not an energy policy. No is a roadblock to a sustainable, predictable energy source.

Now, we can go in and look at what was happening with the price of a barrel of oil, and we're using about 21 million barrels of oil in America today to get the 420 million gallons of gasoline that you are pumping when you go to fill up your car.

Now, when the Democrats took the gavels in the House and in the Senate, and they're the ones that are setting the legislative agenda, they are the ones that are saying no to getting this price down, they are the ones who are making decisions that continue to drive it up. $123.85 a barrel. That's where it was yesterday. That is where it was.

What has caused this to happen?

Mr. Speaker, I would say it is because of the history of action. When you look at ANWR exploration, House Republicans have supported this 91 percent of the time. House Democrats have opposed it 86 percent of the time.

Coal-to-liquid. There's another innovative source. 97 percent of the Republicans have supported it. 78 percent of the Democrats have opposed it.

Oil shale exploration. House Republicans have supported it 90 percent of the time. House Democrats have opposed this American solution to American resources and American energy 86 percent of the time.

The Outer Continental Shelf. We know that Cuba is letting China drill 50 miles off our shores. What are we doing with the Outer Continental Shelf? 81 percent of the time House Republicans support that. Democrats oppose that 83 percent of the time.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. HASTINGS of Washington. I yield the gentlewoman 30 additional seconds.

Mrs. BLACKBURN. Mr. Speaker, actions speak louder than words. Rhetoric is what the Democrats have given us on the issue of the price at the pump, on the issue of home heating oil.

The American people want answers and they want solutions. And what they are getting from the Democrat leadership is prices that are going up and up and up and up, in my district, from $2.20 a gallon to $3.99. $3.99. That is what Democrat leadership of this body has given you.

Mr. ARCURI. I'll reserve my time, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 8½ minutes remaining. The gentleman from New York has 18 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, if I could inquire of my friend from New York if he has any further speakers.

Mr. ARCURI. We have no further speakers.

Mr. HASTINGS of Washington. I now yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding, and wanted to point out that yesterday we passed Soap Box Derby Appreciation Day. And I guess that's fitting because that must be the Democrat idea to conserve oil and look for alternatives, because at the rate gas prices are going, we will all be driving soap box cars that are powered by feet.

Look at the gas prices. When the Pelosi regime took over the House of Representatives, gas prices were $2.33 a gallon. Now, they promised to reduce those prices; yet a funny thing happened on the way to the pump. It is now about $4 a gallon. Well, I guess if that's indicative of the promises that the Democrats keep and the way they deliver it, maybe it's right that yet again today we are ignoring any serious legislation that would address gas prices.

You know, it's interesting. It's been over 10 years since President Clinton vetoed drilling in the Arctic National Wildlife Reserve. Now, I want to put this in perspective for you. Remember, Alaska is twice as big as Texas. The reserve area is the size of South Carolina. The potential exploration area is about 2,000 acres.

Now, a word picture would be that if the Arctic wildlife reserve was a basketball court, the proposed exploration area is a business card. And yet, the radical extremists in the liberal community are afraid to drill there.

I just got back from a bipartisan trip to the Middle East. We met with oil ministries from Saudi Arabia and the United Arab Emirates. And you know what they said?

How dare you Americans come to the Middle East and demand that we reduce oil and gas prices when you won't even drill on your own lands.

□ 1045

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. KINGSTON. You have the audacity to come to us and tell us to drill more and yet you won't even unlock your own lands. What kind of hypocrisy is that? Instead, you know what the Democrats do? They make it easier to sue OPEC. Well, that sounds good, but the reality is what they told us is, Hey, the higher the cost of doing business in America is the less willing we are to do business there. And guess what? China and India are willing to buy our product as is. You increase the price of doing business in America, China and India will step in that void. Keep that in mind.

One more day the Democrats are ignoring high gas prices.

Mr. ARCURI. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I find the testimony from the gentleman from New York interesting. He mentioned pellet stoves, one of the new future heat. 800,000 Americans now heat their homes with a pellet stove. There's 30 or 40 pellet mills sprung up around the country but with no government incentive.

Now, we ought to be incentivizing people to be able to heat their homes with woody biomass. Woody biomass has been the fastest growing energy but without government incentives. We need to be incentivizing that.

He also mentioned cellulosic ethanol, which is from woody biomass or garbage or sweetgrass. That's in the laboratory. We're all for that. But it's in the laboratory. There is no refinery producing that kind of energy today at any scale at all. In fact, we have not yet designed the first refinery. It's future.

The only thing in all of the bills he mentioned that produced energy was we stopped using 70,000 barrels a day in the Strategic Reserve, and that's when we use 21 million barrels a day for the country, we save 70,000. That's the only production that's been passed.

As we look to my left, we have a chart that shows offshore locked up. Oil and gas out there proficient. Lots of it. Locked up. Well, if we want to clean up the Chesapeake Bay, there's a way to do that. The NEED Act, H.R. 2784, my bill does that by producing offshore, putting a part of the royalties. We have 32 billion for carbon capture, 32 billion for renewable energy, 100 billion for the treasury, 150 billion for producing States, 20 billion for the Chesapeake Bay.

Now, these are at old gas prices. This is gas. Natural gas was $12.50 when I left my office. Last year at this time it was $6.50. That's the gas we were putting in the ground for next winter. Americans are going to get whacked this winter because we're putting gas at almost twice the value in the ground for winter storage than we did last year.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. PETERSON of Pennsylvania. Folks, if we're serious about cleaning up the Chesapeake Bay, we can get affordable energy for America by producing offshore. Every country in the world produces here. We're the only country that doesn't, and we can have $20 billion, which is exactly what the Chesapeake Bay people need to clean up the Chesapeake Bay, and we can have affordable natural gas and oil for America.

Folks, we need to have supply.

Mr. ARCURI. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, this is not an either/or match. This is not either alternatives or crude oil and natural gas. This is both. The issue is how do we transition from where we are today to where we all want to get to, and how do we afford that transition.

If you simply cut off crude oil as part of that solution today, then you're going to have exactly what we've got: rising gasoline prices, soaring electricity prices, natural gas prices are going to go up, home heating costs are going to go up. And in an ironic twist of fate, the commonsense plan to lower gasoline prices includes being allowed to sue OPEC to increase their production. I'm anxiously awaiting reaction in the OPEC countries to allow OPEC citizens to sue America to force America to produce her own energy.

This is not either/or. It is both.

Let's turn down the rhetoric and begin to work toward both a current short-term solution as well as a long-term solution all of us embrace.

Mr. ARCURI. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend from New York if he's the last speaker still.

Mr. ARCURI. I have no further speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the Democrat leaders today have put a noncontroversial Chesapeake Bay watertrails bill on the House floor, but what is first and foremost on the minds of Americans is gas prices, as we have talked about today. And it's also a huge concern in the Chesapeake Bay communities.

I venture to guess the citizens and families living around the Chesapeake Bay don't wake up in the morning worried about watertrails but they do worry in the Chesapeake Bay and the Chesapeake basin about the price of gasoline.

I would like to submit, Mr. Speaker, for the RECORD, several news releases here talking about the price of gasoline. This is from WJZ, a local Maryland station. And it says here, "Watermen Feeling Pain At the Pump." It talks about the beautiful weather, but it also says that the price of gas is doubling and the price of seafood is going down, and that's a bad combination.

Here is another one: "Gas prices force business owners to clamp down." And there's talk about a gentleman who has to spend $4,000 a month on gasoline.

And here is another one regarding the Chesapeake Bay community. It says, "Gas prices fuel dip in fishing."

[From WJZ—a local Maryland station, May 30, 2008]

WATERMEN FEELING PAIN AT THE PUMP

(By Alex DeMetrick)

The weather is beautiful on the Chesapeake Bay. But things are downright ugly at fuel docks.

Alex DeMetrich reports gas prices are soaring and that's having an impact on those who depend upon boats and the bay to make a living.

Naming a work boat the "Last Penny" may have been a stab at humor once, but it's striking a little too close to reality at fuel docks around the bay. Diesel is at $4.50 a gallon and climbing.

"The gas is doubling and the price of seafood is going down," said Waterman Bucky Murphy.

Working the water takes constant moving. But with crabs spotty and fuel high, watermen are trying to conserve.

"They're hurting us bad. Its almost double in the past year, so it's taking a right good bite out of us." said waterman Wendell Lednun.

Joe Spurry buys crabs on Tilghman Island, but his truck might carry them as far away as New York.

Right now, crabs are selling for around $90 a bushel dockside. By the time they get to a seafood market in Baltimore, they could cost around $200 a bushel.

[From the Capital, May 13, 2008]

GAS PRICES FORCE BUSINESS OWNERS TO CLAMP DOWN

(By Adriane Watson)

Tom Campbell is spending $4,000 per month on gasoline.

The gas budget for Mr. Campbell's business Short Hop Moving Inc., an Annapolis-based moving company, increased $2,500 since the price of fuel reached an uncomfortable high. The company has since taken a financial hit because of the spike in gas prices.

"In the past year, we cut our business literally in half," he said.

Skyrocketing gas prices forced Mr. Campbell to reduce his fleet from seven moving trucks to three, and to close a satellite office in Laurel.

The small-business owner said he can no longer give his employees company credit cards to use at the pumps. Instead he fills up the trucks himself each morning to monitor what he's spending on gas, which is inching toward $4 per gallon.

Gasoline prices have shattered previous records, reaching an average high of $3.72 per gallon in Maryland yesterday, said Ragina Avarella of the AAA Mid-Atlantic division.

Mr. Campbell said the strain of gas prices has extended beyond his business and into his personal life, as well. His daughter now walks to visit friends, and he and his wife cut down on driving by using only one of their vehicles, he said.

"It's changing everything," he said. "It's changing the way we do business completely."

The pain at the pump isn't limited to transportation with tires. Elevated prices are causing some charter fishing captains to want to jump overboard. Alex Schlegel, owner of Hartge Yacht Yard in Galesville, said he is selling gas for about $4.20 per gallon at his fuel dock and has noticed fewer small powerboats on the water.

Capt. Joe Richardson, of Dancer Sportfishing Charters, said he is trying to spend as little time at the pump as possible, and that means changing the way he does business. He said he isn't able to take his charters out as far into the Chesapeake Bay as he did previously as a means of conserving gas.

"You have to change your game plan; you have to raise your prices, and you're afraid to price yourself out of the game," he said.

Mr. Richardson said he noticed people calling to make price comparisons more this year than ever before.

"We might just end up sitting at the dock if the prices get too high," he said, explaining that bookings for his charter boat are already down from last year.

Capt. T.J. Johnson, owner of Tracy Lynn Charters out of Edgewater, said he has tried to stay at the same price for years. But this year, that's proven difficult as he was forced to raise rates by $25 for this fishing season because of fuel costs.

He said he fears raising rates too much will put him out of business.

"If you go up too much, you're gonna be sitting at home every day and not doing any charters at all," he said. "It makes it tough.",

To conserve gas and save money, Mr. Johnson said he has taken advantage of fishing areas closer to his Edgewater dock, but will have to double the distance he travels from 5 miles to 10 or 15 miles later in the season.

"I can't just take them out for sucker laps," he said.

Mr. Johnson said that before fuel cost went through the roof he ran between 85 and 90 charters a year. Last year, that number fell to 60 charters, and this year he said he has only taken about 10 trips out, half as many as this time last year.

Even regular clients are reducing their bookings already this season, he said.

Otis Elevator Co., a national elevator, escalator and moving walkway manufacturer, booked about 38 charter trips with Mr. Johnson last year. This year, Mr. Johnson said the company has cut back to 25 dates from now through October.

Though he couldn't name a specific reason why the company, among other regular clients, has reduced their charter trips, Mr. Johnson said he suspects it is combination of the sluggish economy and higher transportation costs that have people spending less across-the-board.

And the lack of business has affected how he and his wife use fuel at home, he said.

Mr. Johnson, who maintains the family vehicles himself, said he tries to keep oil changes up-to-date and has begun filling his tires with more air, sacrificing a smoother ride for better gas mileage.

"I'm just gonna try to ride it out and do what I can. I ain't got much choice," he said. "I'm doing a lot of things now that I never had to do 20 years ago."

For others, it's business somewhat as usual.

Sandi Latham owns Sandi's Flower Shop on King George Street and offers delivery services to her clients. So far, she said, she has "absorbed the loss" in hopes that the cost of gas will begin to drop.

Ms. Latham has taken the hit from all sides since the cost of her trash removal and delivery from wholesalers has spiked to make up for the increases at the pump.

She hasn't increased her own delivery rates, which she said are now hovering at about $10 for local deliveries. Ms. Latham receives her wholesale flower deliveries from companies in Baltimore and Washington, D.C., that charge from $9 to $12.50 to deliver flowers to the downtown florist. While she said those prices are "very reasonable" for the distance of the trip, the rate increases are becoming too much for her to absorb.

Ms. Latham said she fears raising delivery rates greater than $10 because she feels her customers will find anything higher "frustrating." But she said most people are willing to pay for the convenience of delivery. Still, she wants to wait out the competition.

"You hate to be the first guy that raises their rate," she said. "But you also hope your customers will come to you for your product."

In the meantime, she said she is reviewing her own costs and considering mark-ups across-the-board for flower sales to make up for the steady increase in gasoline prices.

"It's bearing down on me and I've tried not to raise it, but I'm just going to not have a choice," she said.

[From the Capital, June 1, 2008]

OUTDOORS: GAS PRICES FUEL DIP IN FISHING; CHARTER OPERATIONS, BAIT SHOPS FEELING ECONOMIC PINCH

(By Bill Burton)

It's the economy, stupid.

So said Clinton aid James Carville in that future president's first and winning campaign against George H. W. Bush. It turned out he was right. Bottom line: It is the economy.

Anglers who don't daydream of skippering a charterboat or guiding once they retire are as scarce as drivers of big SUVs pleased with their fuel mileage. But, believe me, these days their pipe dreams would be nightmares. That is if they got any sleep at all. And no psychiatrist would be needed to interpret their dreams.

It's the economy, stupid.

This time around, Izaak Waltons can't blame fisheries administrators, regulations, publicity about blemished rockfish or the shortage of fish available. Repercussions from the escalating price of fuel are felt everywhere, sportsfishing is no exception. Neither is the business of chartering, headboating or commercial fishing.

The same applies to businesses associated with fishing; one big tackle shop proprietor told me the other day, "I've got four people and myself working right now—and not a single customer in the shop. Haven't seen one in 10 minutes."

On weekdays, charter fishermen tell me they've never seen so few chartercraft on the Chesapeake; even worse is the number of private boats they encounter. If they see a dozen recreational boats during a trip that's a lot. Meanwhile, the fish appear to be staging for a good summer season.

The black drum, a few of which were caught earlier in Tangier Sound down Crisfield way, are now moving in at the Stone Rock off Tilghman Island; some fishermen are using white perch to catch stripers via live-lining, and the Norfolk spot arrival is picking up despite the bay's chillier waters. As soon as the bay gets a few degrees warmer the perch will leave the tributaries—and at the ocean, the big bluefish, tuna and sharks are already moving in.

Sorry, the same can't be said for fishermen, recreational or charter. No matter how they fish, they all share the same woe; the cost of fuel. A gallon of diesel can cost more than $5. A charter skipper can hike his price 25 bucks and what's he got?

He's got five more gallons of fuel, that's all he's got. And that won't take him far in a big charterboat. That's what Capt. Ed Darwin runs out of Mill Creek, Annapolis. His Becky-D purrs on gasoline, which is a bit less costly than diesel, so after considering the overall economy, he decided on only a $25 increase– and already finds fuel costs are outpacing him.

"I raised my price $40 and the way fuel is rising, I already lose $20 every day," said Bruce Scheible of Scheible's Fishing Center at Ridge in St. Mary's County. "No way can I get over the hump in fuel costs—not only that we've got good fishing, but less customers. Fortunately we've got bluefish (2- to 3-pounders) in the Potomac along with rockfish and with hardheads moving in—and that can save us money. We don't have to run all the way down the Potomac to the bay then to the fishing grounds below there. We have charters, but certainly not near as many as usual.

Fred Donovan, dockmaster at the Rod 'n Reel Docks, Chesapeake Beach, played a hunch. He didn't raise prices at one of the biggest fishing centers on the bay figuring it would give him a competitive edge and it worked in the always popular trophy season when everyone wanted to go. Now the dollar figures whirl by so fast on fuel pumps, soon his regular customers who haven't already booked their dates can expect a letter informing them prices are going up $50. He will honor lower agreed prices made in early bookings.

Fred's got a few other problems. Much of his clientele come from long distances, Pennsylvania and Virginia or further away, and it's getting so they now have to figure into expenses the driving costs to Chesapeake Bay. And, what to do about headboat prices? The big fuel thirsty headboat Lady Hooker has started headboat service out of the Rod 'n Reel with varying success (cool bay waters have slowed perch'n) and it's no longer financially feasible to sail with less than 15 customers aboard at $55 a head plus the dozen bloodworms each angler gets with the ticket.

Some trips have already been canceled like the one on the day I called when only 11 fishermen showed. The Lady Hooker sails at 8 a.m. and returns to the docks at 3 p.m., no more night trips. Perch, spot and hardheads are the usual catches with blues and stripers other possibilities. One has to be careful about raising headboat prices; headboaters are more cost conscious than charter fishermen. Fred advises anglers to call ahead at 800–233–2080 to inquire of the likelihood of sailing on a given weekday.

The economy isn't good, so they don't want to raise prices for fear losing customers, yet if they don't they can lose money by running. And like the rest of us, they have no idea how high fuel costs will peak. There has to be a limit, but where? Fuel prices impact every aspect of sportsfishing as they do everything else.

Others who cater to the fishermen are also in a bind. Rick Warren of Warren's Bait Box, Glen Burnie, is concerned about his business. His customers no longer shop; "they know what they want when they come in—and that's what they buy, they don't look around to shop for anything else. Rising fuel costs, whether in vehicles to get them to fishing areas, fuel for boats to fish from and higher headboats or charterboat fees have them strapped for cash, there's little to spare," said Rick.

"Higher end and more profitable tackle items like the better rods and reels aren't selling like they used to," said Charlie Ebersberger, proprietor of Anglers Sports Center just off of Route 50. "Fishermen check prices carefully, they've become more cost conscious and now look for lower-end and mid-priced merchandise to save money for fuel-associated costs. I hope it changes when the fishing gets hot—and they still just have to go regardless of cost."

Capt. Stu Burgoon Sr., who with his son Stu Jr. fish a few charterboats out of Happy Harbor in Deale, have started to fish for black drum at the Stone Rock before or after they get their rockfish have made some changes in gears to their boats to increase fuel efficiency, but the longer run for drum is still costly. Once the expected live-lining at the False Channel gets hot in a few weeks, it will be a long run out of Deale to load up on stripers.

Capt. George Prenant, past president of the Maryland Charterboat Association who skippers the Stormy Petrel out of Happy Harbor, says the charter skipper who gets four or five bookings a week is quite lucky.

"Customers have become 'somewhat' timid," said George who endured the Kepone scare, Tropical Storm Agnes that muddied waters for weeks on end and other economic woes in his long career. "Trophy season was good, but now that they've (customers) have got cabin fever out of their system, who knows what lies ahead. We'll just have to wait and see."

Most who board charterboats these days can expect to pay about $500 for a half-day trip, $700 to $750 for a full day—and that's at the moment. If fuel prices keep rising (lately they've been rising a few cents a day), expect to pay more. The prudent fisherman will book now at a given price and hope there are no additional surcharges for fuel as there well might be.

Meanwhile, more than a few marinas and fishing centers have vacant slips as some have decided not to use their boats this year. Some will fish selectively and charter—get a gang together—to save on bottom-line expenses. One yacht club always filled has 14 vacant slips. The expected run of bluefish aplenty could help a bit, blues spread out everywhere, which should mean shorter runs and small boats to catch fish, but 'most everyone demands rockfish. Close by perch, hardheads and spot are other alternatives.

No matter how one looks at it, fishing is going to cost much more this year—and at a time when the outlook is for great catching. Everything depends on priorities. Though dyed-in-the-wool Izaak Waltons place fishing high on their priorities, there's a limit. The vehicles they drive to work also need fuel in their tanks. A budget can be stretched only so much—and everything costs more because to transportation charges.

If you think things are bad in the bay, how would you like to be an offshore charter skipper trying to book parties for billfish and tuna in the distant bluewater canyons. The cost of fuel alone can be $1,000 to $2,000 depending on size of boat and canyon targeted what with diesel prices for many charterboats already above five bucks a gallon for those obliged to buy their fuel at the docks they fish from. If you have to ask the price for a charter you can't afford to go.

Mr. Speaker, it is really time for the House to debate ideas for lowering gas prices. I'm going to ask my colleagues to defeat the previous question, and I will move to amend the rule to allow that any amendment be made in order on the underlying bill that would have the effect of lowering the national average price of gasoline.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge again my colleagues to defeat the previous question so this House can get serious about rising gas prices and so we can start producing American-made energy and gasoline.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I don't think there is a person in America today that hasn't been affected either personally or through their business by the high cost of energy, by the high cost of gas. You know, we all go to the gas pumps. Just last weekend when I was home, I was pumping the gas, and you could see the look on people's faces as they watched the amount and as they went inside to pay the bill. And we all know, whether you're in New York or whether you're in the State of Washington or whether you're in Texas, no matter where you are here in this country, we all know and experience the same thing.

However, the strategy of finger-pointing and blaming just will not get this country to where we need to be. We talk about here whose fault it is. We constantly have people pointing the finger. The fact of the matter is in 2002 when this President took over in the White House, the price of oil was $25 a barrel. Today it's nearly $130 a barrel. The cost of gas per gallon has tripled.

We could point the finger. We could blame. We could do a lot of things. The fact of the matter is we cannot drill our way to energy independence. And people here would have you think that there is no drilling and there is no exploration going on in this country. Right now in my State, in fact, in my district, in the southern part of New York State, the northern part of Pennsylvania, there are huge amounts of exploration going on for natural gas. Huge natural gas fields there. They are looking for gas. They are searching for gas. They are finding it in this country. It is going on. The American people will have all of the energy that they need.

However, if we are going to get to where we need to be as a country, we cannot depend on a finite resource. We can't depend on gas and oil. It will be gone. It will eventually deplete, and our children will be right where we are now paying double, triple, quadruple what we are paying now for energy.

It is time to look toward alternative energy, and that's what we advocate; Not stopping drilling. No one wants to see us stop drilling or stop exploration. Just to be practical in terms of how we develop our alternative energy in the next step that we take.

Mr. Speaker, allow me to bring us back here to the discussion, just for a moment, of the real reason that we're here today, and that is the reauthorization of the Chesapeake Bay Gateways and Watertrails Network. I think it's sad that this bill seems to have been trivialized today because this is a very important bill. This means a great deal to many people that live in the States that the Chesapeake Bay watershed is in but more importantly to this country.

It is such an important part of our history and a critical part of our future. This is a program that did not have even a single Member of Congress oppose its creation or its subsequent reauthorization. Over a decade that the program has existed, it has been heralded as a success by the administration and Congress alike.

The program was unanimously reauthorized by Congress 5 years ago. The legislation this rule provides for consideration would now permanently extend the authorization for this bipartisan program. And the National Park Service has recommended this permanent reauthorization of the network. Everyone agrees that the Chesapeake Bay Gateways and Watertrails Network is a good program. That's had a positive impact on the preservation and recreation within the Chesapeake Bay watershed.

I would also like to point out, Mr. Speaker, that we on the Rules Committee have made every amendment on this legislation submitted by the Republican minority for consideration. This will allow for both a full debate and a vote on every item of legislation with which the Republican minority has issue.

With that, Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H. Res. 1233 and the underlying bill, H.R. 5540—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act. I believe this is a fair rule that provides ample time for debate on this important matter and also makes in order the only amendment that was submitted to the Rules Committee on this bill.

But I also want to take this opportunity to set the record straight on the claims made on energy policy during this debate by the other side of the aisle. I would like to submit for the RECORD the following statement released by Speaker PELOSI talking about the significant action taken by this Congress to address the energy concerns of our Nation and also about the recordbreaking profits of oil companies in these times of rising fuel prices.

OIL COMPANIES REAP BILLIONS IN ROYALTY RELIEF

Americans are paying record high prices at the pump and the price of oil continues to skyrocket. But thanks to energy policies put forward by President Bush and the previous Republican-led Congresses, oil companies are making tens of billions of dollars in record profits. According to news reports, a new draft report from the Government Accountability Office estimates oil companies will avoid paying roughly $53 billion in royalty payments to taxpayers for deep water drilling contracts on public lands in the Gulf of Mexico. These contracts were awarded between 1996 and 2000 after the Republican-led Congress passed the "Deep Water Royalty Relief Act" in 1995.

$17.82: Price of barrel of oil in 1995 [EIA, Historical Tables, 11/8/95].

$124.33: Price of barrel of oil yesterday [6/3/08].

598%: Percent increase from 1995 to today.

$1.07: Gallon of regular unleaded gasoline in 1995 [EIA Historical Tables, 11/8/95].

$3.98: Gallon of regular unleaded gasoline today [AAA, 6/4/08].

272%: Percent increase from 1995 to today.

$123.3 billion: Oil Company profits, 2007.

$36.9 billion: Oil Company profits—1st Quarter this year.

For years, Democrats in Congress have fought to roll back some of the royalty relief given to Big Oil companies, while Republicans have blocked these efforts. In the first 100 hours of the New Direction Congress, the House passed H.R. 6 to require oil companies, which have not paid royalties for deepwater drilling contracts in the Gulf region as a result of the 1998 and 1999 leases, to pay their fair share in order to be eligible for new federal leases for drilling. That provision was also included in the House version of the Energy Independence bill but did not make it into the final House-Senate passed package due to Republican opposition.

This "holiday" from paying royalties was supposed to end when the price of oil reached about $40 a barrel. Instead, the Bush Administration has continued to provide royalty-free oil from public lands, as the price of oil has now risen to over three times the intended trigger.

The New Direction Congress is committed to bringing real relief to hardworking Americans struggling with high gas prices and putting the needs of families before the interests of the oil companies. Below is a list of action the Democratic-led Congress has taken so far:

PASSED THIS SPRING

Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act—Congress has enacted legislation to suspend the fill of the Strategic Petroleum Reserve, starting June 30th and through the end of the year, as long as the price of crude oil remains above $75 per barrel. This is a critical first step for hardworking families, businesses and the economy, which in the past has brought gas prices down. The President, who was previously opposed, suspended shipments and signed the bill because of overwhelming bipartisan support in Congress.

Renewable Energy and Job Creation Act—This legislation will extend and expand tax incentives for renewable energy, retain and create hundreds of thousands of green jobs, spur American innovation and business investment, and cut taxes for millions of Americans. These provisions are critical to creating and preserving hundreds of thousands of good-paying green collar American jobs. A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries alone through the end of 2009.

The OPEC and Big Oil Companies Accountability Bill—This bill will combat record gas prices by authorizing lawsuits against oil cartel members for oil price fixing, and creating a an Antitrust Task Force to crack down on oil companies engaged in anti-competitive behavior or market manipulation. President Bush has threatened to veto this bill.

OTHER RECENT ACTION

Energy Independence and Security Act in 2007—Historic energy legislation with provisions to combat oil market manipulation, increase fuel efficiency to 35 miles per gallon in 2020—the first congressional increase in more than three decades, and promote the use of more affordable American biofuels. The initial version of this bill included a provision to rollback the royal relief given to

Big Oil companies for deepwater drilling contracts in the Gulf region. Unfortunately, this provision did not make it into the final House-Senate passed package. Signed into law on December 19, 2007. Under new requirements in the Energy Independence Law and pressure from Congress, the FTC announced in May it would begin the rulemaking process to implement-the market manipulation provision.

Reduces our dependence on foreign oil—cutting our consumption of oil by 2.9 million gallons per year in 2030—more than what we currently import from all Persian Gulf countries combined.

Lowers energy costs for consumers with oil prices projected to decline from more than $100 per barrel to $57 per barrel in 2016 (in 2006 dollars) in part due to the new energy law.

The new fuel standard for cars and trucks will save American families $700 to $1,000 per year at the pump.

Reduces global warming emissions by 2030 by up to 24 percent of what the U.S. needs to do to help save the planet.

Building, appliance, and lighting efficiency standards will save consumers $400 billion through 2030.

Renewable Energy and Energy Conservation Tax Act—This legislation would end unnecessary subsidies to Big Oil companies, invest in clean, renewable energy and energy efficiency, and help reduce global warming. The bill includes provisions that will generate hundreds of thousands of green jobs including an estimated 70,000 solar energy jobs, more than 20,000 biodiesel jobs, and protect an additional 75,000 wind industry jobs. President Bush has threatened to veto this bill.

Energy Price Gouging Prevention Act—This bill will provide immediate relief to consumers by giving the Federal Trade Commission (FTC) the authority to investigate and punish those who artificially inflate the price of energy. It will ensure the Federal Government has the tools it needs to adequately respond to energy emergencies and prohibit price gouging—with a priority on refineries and big oil companies. President Bush has threatened to veto this bill.

No Oil Producing and Exporting Cartels (NOPEC) Act—Legislation to enable the Department of Justice to take legal action against foreign nations for participating in oil cartels that drive up oil prices globally and in the United States. President Bush has threatened to veto this bill.

Energy Market Manipulation Prevention—The new Farm Bill increases Commodity Futures Trading Commission oversight authority to detect and prevent manipulation of energy prices. President Bush vetoed this bill, but the Congress has overridden that veto.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1233 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, given the stated concerns of borrowing by the majority, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, it's my understanding that pursuant to rule XXVIII of the Rules of the House, upon adoption of the conference report on the budget by both the House and the Senate, the Clerk of the House will be instructed to prepare a joint resolution adjusting the public debt limit; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. HASTINGS of Washington. Mr. Speaker, further inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, am I further correct that by operation of rule XXVIII, upon adoption of this conference report by both the House and the Senate, this joint resolution adjusting the debt limit will be considered as passed by the House and transmitted to the Senate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HASTINGS of Washington. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, will there be a separate vote in the House on passing this joint resolution adjusting the debt limit upwards?

The SPEAKER pro tempore. Not by operation of rule XXVIII.

Mr. HASTINGS of Washington. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, by operation of this rule, will the vote by which the conference report is passed by the House be considered the vote on passage of the joint resolution adjusting the debt limit?

The SPEAKER pro tempore. That is correct.

Mr. HASTINGS of Washington. I thank you, Mr. Speaker.

CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 1214, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1214, the conference report is considered read.

(For conference report and statement, see proceedings of the House of May 20, 2008, at page 9997.)

The SPEAKER pro tempore. Pursuant to that rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, every year the Budget Committee has one all-important task, and that's to outline a budget for Congress to follow. Today, we do just that as we pass the conference agreement on the budget for fiscal 2009. The Senate passed the conference agreement just yesterday.

Passing a budget is never an easy task. This, in fact, will be the first time in 8 years that Congress has passed a concurrent budget resolution in an election year. Our conference agreement charts a new course. It returns the budget to balance reaching a surplus of $22 billion in the year 2012 and staying in surplus through 2013. Our budget adheres to pay-as-you-go because we believe in it. It embraces middle-income tax cuts and holds nondefense domestic discretionary spending to an increase of about 1 percent over inflation.

□ 1100

Our budget begins by undoing the damages done by the President's budget to services that people depend upon.

Take Medicare and Medicaid, for example, pillars of medical care for millions of Americans. The President would cut Medicare by $479 billion over the next 10 years and Medicaid by $94 billion. We reject those cuts. We restore Medicare and Medicaid to current services, and we accommodate adding up to $50 billion more for the Children's Health Insurance Program, fully offset, to reach the millions of children who are eligible but not yet enrolled in CHIP.

The President proposes $18 billion in cuts over 5 years in new fees on military retirees and veterans, actually increases in fees of $18 billion. We reject those fees and add $3.7 billion above current services to the veterans' health care system.

The President even digs into education, cutting Function 500, education, training, employment and social services, not only next year but over the next 5 years by $32.7 billion. We reject the President's cuts in education and, in particular, his elimination of 47 educational programs. Instead, we make significant increases for education every year over the next 5 years.

Our budget supports not just investments in education as such, but in research and development and science and innovation, through NIH and NSF and other entities, providing substantially more than the President requested.

Finally, since strong countries are made up of strong communities, we believe that law enforcement grants and community development grants and transportation grants are part of the Federal role. We, therefore, reverse the President's deep cuts in the community development and social services block grants and in LIHEAP and law enforcement, and our budget invests in the Nation's infrastructure.

Because this budget upholds all of these priorities, it has drawn support from dozens of nonpartisan groups, from the AARP to the American Legion to the American Hospital Association. All of them and many more have sent us letters of support, and I encourage my colleagues to support it as well.

We face in this country not just this budget deficit, not just a trade deficit, but an energy deficit that is on the minds of us all. Read the President's budget, however, and you will find little that's new about skyrocketing energy costs, renewable energy, clean fuel technology, conservation, and efficiency. What you will find are heavy hits on LIHEAP, the one program that helps families weather the high price of fuel oil, heat their homes in winter and cool them in summer. Our budget restores LIHEAP to a level that's $3 billion above the President's budget. And for funding development of alternative fuels, renewable energies, and other energy initiatives, our budget provides $7.7 billion.

As I mentioned, this conference agreement extends tax cuts to help middle-income families caught in the current slump. For example, we protect 20 million middle-income households from being hit by the alternative minimum tax, 20 million Americans for whom it was never intended. We accommodate the extension of the middle-income tax cuts, the child tax credit, marriage penalty relief, and the 10 percent individual income tax bracket.

Our colleagues on the other side will claim, however, that this budget raises taxes. Let me say emphatically, this budget does not raise taxes. But don't take my word for it. Here's what outside experts say.

The Committee for a Responsible Federal Budget: "The conference agreement does not raise taxes."

The Hamilton Project of the Brookings Institution: "The budget would not raise taxes."

The Center on Budget and Policy Priorities: "This year's budget does not include a tax increase."

There is one other criticism our colleagues across the aisle may make but cannot sustain as to this conference agreement. In terms of national security, we provide the same dollars as the President's base budget requested, except that we call for better stewardship and better priorities, such as nonproliferation, supporting nonproliferation of nuclear weapons and materials, maybe the most menacing threat facing us.

If anything, our conference agreement protects the homeland and internal security more than the President's budget because we reverse his cuts in local law enforcement and firefighters and the Coast Guard and the first responders. Most important of all, we do everything that I have cited within the context of a balanced budget.

When President Bush took office in 2001 the budget was in surplus by $236 billion. His economists looked out over 10 years and saw nothing but surpluses, $5.6 trillion in all. President Bush told the country we could have it all, guns, butter and tax cuts, too, and never mind the deficit. Now, almost 8 years later, we see the disastrous consequences. Under the fiscal policies of this administration, the Bush administration, our national debt has mushroomed, increased from $5.7 trillion in 2001 to $10 trillion in 2009.

Since the Republicans controlled the House, the Senate and the White House during much of this time, they cannot escape responsibility for these abysmal fiscal results.

Faced with these grim facts, what does the President's budget propose for 2009? More of the same. He is still in effect saying that we can have the guns and the butter and the tax cuts, too, and that deficits don't really matter because foreign investors will keeping buying our Treasury bonds.

In contrast, the budget before us is a step in the right direction. It may not be the grand or final solution, but this budget moves us in the right direction, enforcing fiscal responsibility, though not to the exclusion of other values that we hold dear.

I urge support for this conference agreement by all Members of the House.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

First off, I want to start by congratulating Chairman SPRATT. I mentioned this last time, but I think it is worth repeating. It is never easy to bring a budget conference report to bear, particularly in an election year, and Congress has had a pretty splotchy, spotty track record on this lately, and the chairman deserves accolades for keeping this process going, keeping this process alive.

We've had problems with the farm bill, and this bill being on the floor today is real proof of the skill and determination by the Budget chairman, and so I want to give him the compliment he deserves for bringing this to the floor.

It's important that we have a budget process. It's important that we recognize the need to budget in this institution, and doing this today recognizes that. But at the same time, Congress actually should budget, and I would argue, Mr. Speaker, that this budget is really nothing more than the congressional baseline with about a quarter of a trillion dollars slopped on top of it for the Appropriations Committee.

And so what is the opportunity we have here today if we were actually really budgeting? I think there's three things that we ought to be doing in this budget in this Congress.

One, let's have solid growth in our economy, and let's make sure we put ourselves in the position to lead in the international marketplace by having an economic policy that puts America ahead, in the lead and in a position to win in this era of global competition.

Number two, we need to reform our health and retirement security programs so we can fulfill the mission of our health and retirement security programs in this country. The government is making promises to people right now in health and retirement security that it knows it can't keep. We all know this here. We know, Republicans, Democrats, that our government is making promises to a generation of Americans and another generation of Americans that we know are unsustainable. So we need to come up with a plan to make good on that promise, which right now is not being fulfilled.

And number three, while we do that, we have got to lift this burden of debt on the next generation. We, with this budget, are going faster down the pathway of sending a crushing burden of debt and taxes on the next generation. Both parties are to blame for this. So I'm not simply saying that all of the sudden now the Democrats are running Congress it's all bad. Both parties have been responsible for not addressing these problems. But now that my friends on the other side of the aisle are in the majority, this is their opportunity. This is their chance and opportunity to actually address this problem and take it head-on. And what are they doing? Nothing about it.

Here's the problem, Mr. Speaker. Not only does this budget propose to do nothing to address these issues, it makes them worse. Because by doing nothing, we're going deeper into debt.

Under this budget, what this budget proposes we do for 5 years, by doing nothing to address the two biggest problems we have, the two biggest programs we have, the two biggest unfulfilled promises we have, namely, Medicare and Social Security, this budget proposes to go $14 trillion deeper in debt to just those two programs alone; by doing nothing for 1 year according to the trustees of Medicare and Social Security, $2 trillion deeper into debt. This budget, $14 trillion increase.

But here's also what this budget does propose. What it does propose is the largest tax increase in American history, $683 billion over the next 5 years. That equals about $2,000 in per year tax increase on the average American family, and there's no effort to cut wasteful spending in government whatsoever.

We've heard about the Bridge to Nowhere. We've heard about the $50 million rain forest museum. We heard about the bill passed 2 weeks ago to give $250 million for one earmark from a Senator from the other side of the Rotunda for one company. We're earmarking ourselves to oblivion in this Congress, and this bill does nothing to curtail that. This bill basically assumes that there's no waste in the Federal Government, that every taxpayer dollar is being spent well and wisely and with full accounting and full transparency, and because of that, this ought to give the government even more money to spend on top of the baseline.

This bill will push the appropriations above the $1 trillion mark in the next coming year. That's an increase of $80 billion, an increase of 9 percent over last year. This bill, as a consequence of giving this 9 percent increase in discretionary spending, will lead to the largest annual increase in the debt in our Nation's history.

And so for all the talk of fiscal conservatism, for all the talk of fiscal responsibility we're going to hear in the next hour, this bill right here we're debating, right here, largest increase in debt in our Nation's history, exceeding the $1 trillion mark in government agency spending.

And this bill does absolutely nothing, absolutely nothing, to address the upcoming entitlement crisis. As I mentioned, this bill adds to the entitlement crisis. It increases the entitlement liability in this country by 37 percent, $14 trillion increase in unfulfilled promises and contingent liability, a 37 percent increase.

Now, given the fact that this bill does nothing to address the long-run problems in this country, what about the short-run? What about the problems in the short-run? This bill does nothing to propose any new energy policy whatsoever.

We have $4 gasoline, and this is where it really hits close to home. This is where I really have a personal problem with the fact that we're doing this bill. You know, just 2 days ago in my hometown of Janesville, Wisconsin, General Motors just announced they're shutting down the factory there, the factory that has produced the Yukon, the Tahoe and the Suburban. And the reason they're shutting down the factory at the end of this model year is because of $4 gas. It costs a hundred bucks to fill up a Suburban, and people aren't buying them. Thirty percent decline in sales just this year alone, and people are scratching their heads and wondering how did this happen, how did this come to be, why do we have $4 gas.

Well, here's the problem, Mr. Speaker, we're 60 percent dependent on foreign oil, and you know what's so galling about that is the fact that we have about seven times the amount of oil under our ground in this country than Saudi Arabia has under theirs. Yet it's all off-limits.

We have got 16 billion barrels of oil up in ANWR that are off-limits by Congress. We've got 86 billion barrels of oil in the Outer Continental Shelf off-limits by Congress. We have 2 trillion barrels of oil in the Intermountain Region in this country, all off-limits by Congress.

We know how to drill in a very safe and environmentally sound way. And what's more galling from that is the Congressional Research Service is now telling us, just passing the ANWR legislation, the smallest of these three fields I just mentioned, would get us about $191 billion in revenue to the Federal Government over the next 10 years.

Imagine what we could do with that. Imagine the deficit reduction that could occur as a consequence of that. Imagine the hydrogen, the fuel cells, the research that we could do to actually invest in a Manhattan Project to get us off of oil itself. But unfortunately, my friends on the other side of the aisle are not doing anything.

So while I'm happy we have a budget resolution on the floor, I'm very dispirited and very disappointed in its content. Largest tax increase in American history. Absolutely nothing to confront the entitlement crisis in this country, a 37 percent increase in this liability. Largest increase in national debt in the American history. And nothing to address the long-term and nothing to address the short-term by making us less dependent on foreign oil.

I find it interesting that our friends on the other side of the aisle are so critical of our foreign policy as being too unilateral; yet what we're simply saying to other countries is we're going to drill for oil in your country and buy that from you and not explore it in our own country. A little bit of a hypocritical stance, I would argue.

With that, Mr. Speaker, I'm going to reserve the balance of my time.

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Mr. SPRATT. I yield myself 30 seconds before yielding to the gentleman from Texas.

Let me just make clear, this budget moves us to balance in 2012. And the fact of the matter is, the plain history of the matter is that when the Republicans took the White House in 2001, the budget the year before was $236 billion in surplus. By the year 2004, they had made that surplus advantage to where we had a deficit of $412 billion, a swing of $648 billion on their watch. They controlled the House, they controlled the Senate, they controlled the White House; and they've added $4 trillion to the national debt.

I now yield 2 minutes to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, this budget resolution provides "unwavering support for our Nation's sick and disabled veterans, as well as all of the men and women who have so honorably served this country." Those are not my words. They are the words of the Disabled American Veterans, the Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America in a letter sent May 20 to Budget Chairman SPRATT.

After years of veterans' budgets that barely, if at all, kept pace with inflation, leaving America's heroes with inadequate health care and benefits, it is now a new day, a better day for our veterans.

Two weeks ago, the American Legion said this about last year's Democratic budget, "For the first time in decades, the veterans and military community had a budget resolution worthy of the sacrifice asked of America's veterans and their families." It went on to say that, "This budget resolution for fiscal year 2009 reflects the continued commitment to those earned benefits provided by a grateful Nation in recognition of honorable military service." That's what veterans leaders say about this budget.

We, in this resolution, add $4.9 billion to last year's historic increase in veterans' health care and benefits. This year's increase is $3.3 billion above President Bush's request. What does this mean? It means improved mental health care services for Iraq and Afghan war vets, more clinics for vets in rural areas, and shorter waiting times for doctor appointments, and earned benefits.

This budget also targets funding toward our most pressing national security needs, such as military readiness, and protecting Americans from the threat of nuclear terrorism. It rejects the President's proposed TRICARE health care premium increases for those who have served our Nation's military for more than 20 years.

Mr. Speaker, supporting our troops, our veterans, and their families is what Americans do. It is who we are. Since our Nation's founding, shared sacrifice during time of war has been a quintessential American value, a promise to keep. Under the leadership of Speaker PELOSI and Chairman SPRATT, we are keeping that promise to America's heroes.

Vote "yes" on this resolution.

Mr. RYAN of Wisconsin. Mr. Speaker, let me inquire as to how much time remains for each side.

The SPEAKER pro tempore. The gentleman from Wisconsin has 21½ minutes remaining. The gentleman from South Carolina has 21 minutes remaining.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I will yield 2 minutes to the gentleman from Texas, a distinguished member of the Budget Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I appreciate the time, and I also want to congratulate our chairman on getting the job done. Getting a budget is obviously never easy in an election year, it's never easy in an off year, but his perseverance has us here today debating a budget that I couldn't be more strongly against.

It fails on a number of occasions, a number of points, not the least of which is that it fails to address entitlement reform. We have recent reports that we've got some $57 trillion in unfunded promises that we've made to each other; no attempt to address that. What that means is this government, over the next 75 years, would have to run a $57 trillion surplus in order to make that work. And this government has never been good at running surpluses. In fact, if you look at the last 40 or 45 years, there is only a handful of years in which an actual surplus occurred.

Now, the other side talks often about the projected surpluses that were there in 1999 and 2000, but those projections weren't worth the paper they were written on as it turns out, as no projections are. But the actual surpluses in years totaled some $17 billion, well short of the $57 trillion that we'll need to run in order to meet these promises.

This budget does include $683 billion in new spending that they fund through the tax increases that will automatically happen in the law that's currently in place. Now, you will hear a lot of rhetoric about this being the largest tax increase ever; and we'll say it is, they'll say it's not. It's true, there is no tax law included in this budget. But what happens with the tax law that's currently in place is that the projections are that it collects an additional $683 billion in taxes from the hardworking Americans and companies in this country. And this budget gives us a blueprint of what the other side intends to do with it. They don't intend to address the surplus, they intend to spend it on other programs and continue to grow this Federal Government.

So, while I congratulate my chairman on getting this to where we are today, I intend to vote against this bill and urge my colleagues to vote against it as well.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the committee, Mr. SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, when we talk about the budget, it's helpful to know where we are and how we got here. This chart shows the budget deficit over the years and shows that when President Clinton came in, we reversed the trend of deficit and actually went into surplus and were going to stay into surplus until the Republican leadership had a President who would actually sign their bills. We immediately went in the ditch and have bounced around in the ditch ever since then.

We had, when this administration came in, a projected surplus of $5.5 trillion, more than enough to pay Social Security for 75 years without reducing benefits. Unfortunately, those 8 years will come in at about a $3 trillion deficit, a reversal of over $8.5 trillion deterioration.

And although they overspent the budget that much, they didn't create any jobs. This is the job growth since the Great Depression. These last 8 years have produced the worst job growth since the Great Depression.

And so we have a budget that will reverse this. We have a budget that is fiscally responsible, it balances in 2012, remains in balance using realistic CBO estimates. It posts smaller deficits over the 5 years than the Republican alternative. It continues emphasis on fiscal responsibility by maintaining pay-as-you-go that served us so well during the 1990s.

It also addresses our priorities, increases veterans' funding, energy funding, particularly renewable energy and energy efficiency, and assistance to low-income families. It invests in education and social services. It rejects the administration's cuts in environmental protection. It funds first responders, community development, and other high-priority services. It fully funds the defense budget.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of Virginia. It also maintains accommodations for children's health care, higher education, and rejects the cuts in Medicare and Medicaid. It does this, maintaining the middle class tax cuts. So instead of following the reckless fiscal policies of the past, instead of following the reckless recommendations of this administration, this responsible budget funds our priorities in a fiscally responsible way.

I want to thank the gentleman from South Carolina for his leadership in presenting this fiscally responsible budget. I urge my colleagues to adopt this conference report.

Mr. RYAN of Wisconsin. At this point, Mr. Speaker, I would like to yield 2 minutes to the vice ranking member of the Budget Committee, Mr. BARRETT from South Carolina.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition of the budget conference report.

By allowing tax relief to expire, the House-passed Democrat budget resolution calls for a $683 billion tax hike. And in my home State of South Carolina, the Democrat budget is about a $2,500 tax increase for the average South Carolinian's home. This would be, Mr. Speaker, the largest tax increase in history.

The government spends too much money, Mr. Speaker, and I can't imagine giving the government an additional $683 billion. We have serious challenges facing the Nation, and money is not the answer.

The conference report fails in many areas, but the most notable is in spending. It increases discretionary spending by $21 billion above the President's request and pushes discretionary spending past the $1 trillion mark in FY 2009.

It fails to maintain emergency funds that were included in the Republican 2007 budget resolution. It has 37 reserve funds, which include the promise of billions of additional spending, which I can only assume will be paid in additional taxes.

And finally, the House Budget Committee listened to testimony from budget experts indicating that our Nation was facing a financial crisis when it comes to entitlement spending, yet the conference report does nothing to truly address this issue. We cannot continue just to raise taxes and hope that entitlements will be solved by themselves, Mr. Speaker.

And lastly, Mr. Speaker, in a time when we have economic hardships with our folks trying to put their entire paycheck in their gas tanks, to bring tax increases, additional spending, more government regulation I think is unconscionable.

So I would urge my colleagues to vote against this budget resolution and bring some fiscal sanity back into this process.

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. HENSARLING) be allowed to manage time for our side for a moment of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE), also a member of the committee.

Mr. MOORE of Kansas. I thank the gentleman for yielding.

Mr. Speaker, with the consideration of this budget resolution conference report, we're taking another important step towards restoring fiscal discipline as a priority of our Congress, and that's why I rise today to express my support.

We all know it's going to be a great challenge to get our fiscal house in order after 7 years of mismanagement and an increase in our national debt of $3.4 trillion. We must recognize the serious fiscal situation our country is in and begin to take practical steps to address it. This budget does it.

I am policy cochair for a group in Congress called the Blue Dog Coalition. We believe in fiscal responsibility and being within a budget, like most American families do, and this budget puts us on a path to reach a balanced budget by 2012.

Responsible budgeting is about enforcing strong budgetary principles, which is why I'm very pleased this budge adheres to what we call PAYGO, pay-as-you-go, and that it contains a commitment to the extension of statutory PAYGO requirements.

This budget directs House committees to conduct regular performance reviews of programs, recommend legislative and administrative measures to improve them, and to identify waste and to eliminate waste and unnecessary spending. These efforts, in combination with the House PAYGO rule, will provide House committees with incentives to seek out and eliminate inefficient programs.

Finally, you will continue to hear talk about this budget raising taxes on middle class and working families. It does nothing of the sort. It specifically calls for a responsible fix of the alternative minimum tax and the extension of middle-income tax relief in a manner that is fiscally responsible and does not pass on trillions of dollars of debt to our children and grandchildren.

This budget resolution is not perfect, but it's another important step towards restoring fiscal discipline as a guiding value of our government. The Blue Dog group in Congress is dedicated to seeing that commitments made in this budget are adhered to so we can put our country back on a sustainable fiscal path, and we're not mortgaging the future of our children and grandchildren.

As a member of the House Budget Committee, I would like to thank Chairman SPRATT and his great staff for all the work they do.

I urge a "yes" vote on this resolution.

Mr. HENSARLING. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it was about 2 weeks ago that the front page of the USA Today publication wrote, "Taxpayers' Bill Leaps By Trillions." The first sentence says, "The Federal Government's long-term financial obligations grew by $2.5 last year, a reflection of the mushrooming cost of Medicare, Social Security benefits."

$2.5 trillion, Mr. Speaker, under the Democrat watch imposed upon the next generation. It just so happens that two members of the next generation that I'm very concerned about, my 6-year-old daughter and my 4-year-old son, are in the gallery today. And I take the matter very, very seriously that we have a Democrat budget before us today that is absolutely stone cold silent on the number one threat to their future of greater opportunity and greater freedom. And this budget, this Democrat budget does nothing to reform entitlement spending, to give us greater retirement security and better health care at a more reasonable cost.

Mr. Speaker, there is a tale of two budgets here. One, again, is stone cold silent on reforming entitlement spending that threatens to bankrupt future generations, including my children.

Let me tell you what it's not silent on. It's not silent on tax increases. This budget includes the single largest tax increase in American history. An average family of four working in the Fifth Congressional District of Texas—that I have the honor of representing—over the course of the next 3 years will see a $3,000-a-year tax increase at a time when they're having to go to the convenience store and making the decision, do I buy a gallon of milk or do I buy a gallon of gas?

What does this budget do? It raises taxes on a family of four by $3,000. The elderly will see their taxes go up $2,181. A single parent who has two children could see their taxes go up by over $1,600. People are wondering, how am I going to send my kids to college? How am I going to put gas into the pick-up truck? How are we going to commute the 25 miles to work every day? And what does this budget do, Mr. Speaker? It raises taxes, single largest tax increase in American history.

Here's another thing this budget does. It says, you know what? The pork barrel factory is alive and well. Let's just keep it going. Let's let Members of Congress continue to have monuments to themselves. Let's continue to subsidize fashion landscaping in the L.A. fashion district, and let's send the bill to the next generation and let's send it to the taxpayers.

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Mr. Speaker, this is an outrage, and for the sake of today's taxpayers who are struggling and for the sake of future generations, we must reject this conference report.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in support of the 2009 budget resolution before us today.

I want to thank Chairman SPRATT and my other colleagues on the Budget Committee for their hard work in bringing to the House a bill that represents the priorities of this Congress.

This budget places families and communities first. It increases funding for our veterans so they receive the health care and benefits they have earned and deserve. It increases funding for homeland security officers, including funding for firefighters and police officers, who keep our communities safe. It protects Medicare and Medicaid and includes a plan to increase the State Children's Health Insurance Program to keep our communities healthy. It protects funding for the Low-Income Home Energy Assistance Program and funds important efforts to promote renewable energy initiatives and protect our environment. This budget stands in sharp contrast to the President's proposals, which included cuts to these vital domestic programs that invest in our children, our communities, and our economy.

In order to strengthen our economy and our country, we must invest in those who drive it: the middle class. That is why this budget also includes a plan which I strongly support that will extend and expand middle class tax cuts, including the child tax credit, marriage penalty relief, and the 10 percent bracket.

This is a budget that will strengthen our middle class, our communities, and our economy and make our country safer. I urge my colleagues to support this bill.

Mr. HENSARLING. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when you try a lawsuit, one of the things they say to you is to pick out just a few salient facts, talk about that during the argument through the questioning of the various witnesses, and, hopefully, those few facts or statements will appear in the instructions to the jury, and then in your final argument you refer to those. So the hope is that, as the jury deliberates, the jury will have a chance to think about the most important facts.

So in attempting to distill this argument about the budget down, I have tried to figure out a couple salient facts. And it seems to me the one needs repeating and repeating and repeating is the most obvious one: the largest single tax increase in the history of this Congress, which means in the history of this Nation, which means in the history of the world, $683 billion over the next 5 years.

Now, one of the reasons I think it's a salient fact is that we oftentimes just gloss over that. Yesterday we had a bill on the floor in which we were starting an entirely new program where we are now on the Federal level going to be responsible for paying for heating and air conditioning of local schools. Now, heating and air conditioning of local schools is important, but when did that become a Federal responsibility? But the argument we heard on the floor was, well, they can't afford it at the local level; so, therefore, we magically can support it on the Federal level. What does that translate into? The largest single tax increase in the history of the American people, in the history of this Congress, in the history of the world.

We passed a farm bill, which we found, as it was going through, got larger and larger and larger and larger and larger, and we set up price supports for certain commodities at historically high levels so that if corn, which is now at the all-time high level, which is causing ripples through the international system and one of the reasons causing some lack of food to be available to people, if somehow we come to our senses and say maybe we want too far on corn ethanol production and the price drops, what happens? The American people magically pay for it because we've set price supports up so high that they're above the historically high levels, billions of dollars.

Two weeks ago we voted on this floor for foreign aid for cats and dogs. Now, we bring up suspension bills all the time when we don't have other important things to do, and sometimes at the end of the session, we say now we'll bring out the cats and dogs, and I have been here for 14 years and I've seen that happen. This is the first time in my 14 years that we actually voted on cats and dogs. We voted for foreign aid for cats and dogs. How can we do that? All you have to do is pass the budget with the largest single tax hike in the history of the Nation.

It seems to me, with all due respect to my friend the gentleman from South Carolina, the distinguished chairman of this committee, who has done yeomen's work to try to bring this forward, he is being pushed and pulled, and, unfortunately, we brought forth this, not a mouse but the largest single tax increase in the history of the world.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Thank you so much, Mr. Chairman, for yielding.

Mr. Speaker, we have put children in single-parent homes in an untenable situation. On the one hand, we demand that their parents move off welfare and take financial responsibility for these families and that absent parents, fathers typically, work and pay child support, but on the other hand, government bureaucracies continue to skim dollars off child support repayments intended for these needy children because of administrative costs.

Child support payments are often the only safety net still available for kids in single-parent families. Congress should make every effort to ensure that child support is collected and that all of it goes to families to whom they are owed and who are working so hard to succeed.

That's why I am absolutely delighted that a provision that I introduced, along with my good friend from Wisconsin, the ranking member of the Budget Committee, PAUL RYAN, was included in this budget resolution. It restores the ability of States to pass along every cent of child support collected, ensuring that the dollars get to where they're intended and not into government pocketbooks. This is a commonsense provision that will help parents as the cost of living continues to rise.

I urge a "yes" vote on this important budget agreement.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to support this budget. It represents a downpayment on our commitment to restoring middle class prosperity, a clear, practical approach to strengthen our economy, help our workforce thrive, and allow families to reach for the American Dream.

Today the Bush economy continues to weigh heavily on America's families and businesses. Incomes are down; everything else is up. Gas prices, food prices, the cost of health care and higher education.

This back-to-basics budget maintains fiscal discipline, reaching balance in 2012, remains in balance in 2013. If we pass this budget, it will mark the first time since 2000 that the Congress has been able to agree on a budget blueprint in an election year.

What does the budget mean? Middle class tax relief, including an extension to the refundable child tax credit and the Senate reserve fund to lower the income threshold and extend the benefit to more families. Last month we recognized the importance of expanding the child tax credit, lowering the income eligibility threshold to $8,500, providing relief to more than 12 million children.

It means crucial support for energy initiatives. It means enhancing our competitive edge, increasing funding for math and science education and research. And at the same time, we reject the administration's cuts to Medicare and Medicaid, first responder grants, emergency home heating assistance, and Community Development Block Grants. We bolster our economy's long-term health and help workers by making an investment in our national infrastructure and creating quality jobs, rebuilding crumbling bridges, fixing our roads, and reducing congestion, paving the way for new growth and new opportunity.

I urge my colleagues to stand behind this responsible budget. It is the foundation of a safe country, a strong economy, and future growth.

Mr. HENSARLING. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, Congress right now is a dysfunctional place. We've got terrorists who want to kill us, and we can't pass the FISA law. We've got $4 gas, and we can't drill for more oil. And now in the face of a $10 trillion national debt, we have a budget in front of us that has the largest tax increase in history and is the largest budget in history. It just doesn't make sense.

In this time of economic uncertainty, with record-high energy prices, with the cost of food and fuel taking an increasing share of the family budget, Congress has a moral responsibility, a moral responsibility, to find ways to tighten its belt. Congress should be laser focused on cutting wasteful and redundant spending from the Federal budget in order to lower taxes to let families and business owners and taxpayers keep more of what they earn.

This budget, the largest in human history, does exactly the opposite. It has the largest tax increase in history to pay for the largest spending in history. This budget spends $100,000 per second, $6 million per minute, $350 million an hour every day for the entire year. It spends more than $23,000 per family, again, a record amount. Does the average American family feel they're getting their $23,000 worth from the Federal Government? It sort of reminds me of I think it was Will Rogers, who said, if we ever get all the government we pay for, look out.

Mr. Speaker, this reckless, out-of-control spending is not only unneeded; it has put us on a path toward economic disaster.

And I will be the first to admit Congress' spending problem wasn't created overnight and the blame does not lie in the lap of one single party. In terms of real fiscal year 2000 dollars, real dollars, Congress has quadrupled spending over my lifetime with both parties sharing in the blame. Our priorities have shifted dramatically from national defense and toward entitlement spending. It has become clear to me that here in Congress, the dials are always set to "spend." It's spend and tax. That's always the program.

I think back to the amendments I offered last year during the appropriations process, nine amendments that would have saved $23 billion by simply asking Federal agencies to do what all kinds of families have had to do: spend the previous year's amount, hold the line on spending. These amendments were defeated on party-line votes, with Members of the majority claiming the sky would fall, the world would end if we could not increase spending at three or more times the rate of inflation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HENSARLING. I yield the gentleman 30 additional seconds.

Mr. JORDAN of Ohio. The government managed to survive 3 months on a continuing resolution doing just that, living on the previous year's budget. If we can do it for 3 months, we can do it for a long time and we can save the taxpayers a lot of money.

The American people are ready for change. They're tired of reckless spending that happens in the Halls of their Congress. They demand that we stand up and do the right thing. I would urge my colleagues to join me in rejecting this conference report in favor of a more conservative, fiscally responsible budget that respects taxpayers, business owners, and families across this country.

Mr. SPRATT. Mr. Speaker, I appreciate my colleague's newfound concern for the budget deficit, but let me remind him from 2001 through 2007, his party controlled the House, the Senate, and the White House and accumulated a record debt and record deficits, and it takes a long time to turn this battleship around, but that's what we do in this budget.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. I thank the chairman, my friend from South Carolina (Mr. SPRATT), for not only the time but for his hard work in bringing this blueprint to the floor, for our vision about how this government ought to be run and how we manage the economic model.

Mr. Speaker and ladies and gentlemen, running a government shouldn't be rocket science, especially a great government like ours and a great country like ours. You identify the priorities that government should do. You perform those priorities well. They are limited. You know what they are. And you are willing to pay for them. That model, ladies and gentlemen, should continuously strive to enlarge the middle class. Let me say that again. This economic model and this government function should be continuously striving to enlarge and enhance the middle class of this country.

For the last 8 years, 7½ years, we've had policies which have shrunk the middle class. We have had a continuous increase of spending, continuous decrease in revenues. We go to the People's Republic of China and other lenders to fund the difference, and we've got a fiscal mess.

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This vision, this blueprint, this budget that JOHN SPRATT and Senator CONRAD have brought to us in the form of a conference report changes that and puts us on a path to balancing our budget, complying with the PAYGO principles, which we strongly believe in, and also performing the functions that a government should perform in this great Nation of ours.

I strongly urge and hope that you will vote for this conference report. Again, I want to thank Chairman SPRATT for all his hard work in getting us to this point.

Mr. HENSARLING. At this time I yield 2 minutes to the champion against pork barrel spending in the United States, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

It was once said of someone who didn't know exactly where he was going that he was traipsing down a flower-strewn path unpricked by thorns of reason. I don't think there's a better description of what this budget is, than that, traipsing down a flower-strewn path unpricked by thorns of reason.

We were just told the other day, the gentleman from Texas mentioned it, that when you include all unfunded liabilities, not just the national debt out there, but all the money that we promise to pay out, that every American citizen owes something like $500,000. Nearly half a million dollars for every person living. Yet, this budget does nothing to change the course of that.

We will be adding a couple trillion dollars every year in fact that this budget is in place. Over the next 5 years we will go from something like $39 trillion to $52 trillion in unfunded liabilities.

I am not here to defend our record as Republicans when we were here. We did terrible, frankly, in terms of reining in spending. We added a new entitlement program, Medicare part D, which Democrats by and large voted against. If you didn't like it, please repeal it now. Some of us on this side didn't either. But it's bankrupting us and we can't continue to traipse down a flower-strewn path unpricked by thorns of reason.

These budgets have consequences, and the consequence here is we are saddling future generations with untold debt, debt that you can't even contemplate, debt that dwarfs most Americans' personal debt, a mortgage that they pay on a house, that they owe to their Federal Government. Yet we still continue to add program after program, new entitlements, new spending.

Just last week, a huge massive bloated farm bill was passed. Just yesterday, we were getting into construction for school facilities. We can't continue to do this.

Please reject this budget.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I always think my friend from Arizona is so rational, and I thought he was today. I always appreciate his remarks. It's a shame that together we have not reached what I think we need to reach, whether it's on entitlements, which are obviously an extraordinary challenge, or on discretionary spending, or on taxes, on revenues, on paying for what we buy.

The flower-strewn path unpricked by reason. Nineteen years of Republican Presidents during my term in the Congress of the United States have presided. They're the one person in the United States of America that can stop spending in its tracks. The only person. Nineteen years of Republican Presidents, $4.13 trillion of deficit spending and $1.68 trillion of that has been in the last 6 years. Eight years under Bill Clinton, $62.9 billion-surplus. That is the 27 years that I have been in the Congress of the United States.

Now you can attribute that to all sorts of things, but I attribute it to the fact that Democrats have taken the position we ought to pay for what we buy and we ought to have responsible budgets. The Republicans have not passed a budget except for once in an election year. If we pass this one, as surely I hope we will, it will be a precedent.

Mr. Speaker, I want to congratulate the chairman of the Budget Committee, JOHN SPRATT. I also want to congratulate the ranking member, who I don't see on the floor, but who is a responsible Member of this body. I disagree with him on some things but he engages in the debate in a responsible way.

I want to thank the members of the Blue Dog Coalition as well for their work, patience, and commitment to passing this budget conference report. This is the first budget adopted in an election year since 2000, the last time we were before this administration, and it is a signal accomplishment of this Congress and a demonstration of our ability to govern effectively.

This conference report is the continuation of the Democratic majority's effort to turn away from this administration's failed policies. In fact, the most reckless fiscal policies in the history of our Nation.

As the father of three grandchildren and as the grandfather of a great-grandchild, I am extraordinarily concerned about that. We have two young women sitting next to my colleague and friend, Congressman ROGERS. I don't know whether they are grandchildren. They are grandchildren. We have put those young children who sit here, these beautiful young women, deeply into debt. This budget is about keeping them out of further debt.

Let's remember, President Bush and the former Republican majorities in Congress turned a projected budget surplus of $5.6 trillion, and was that a real surplus? It was not. It was a projection for 10 years. Nobody really knows what's going to happen in 10 years. But it was a projected surplus of $5.6 trillion, on which the Bush administration relied, and in reliance on it, did some things that were extraordinarily irresponsible.

We are now more than $3 trillion in additional debt in just 6 years. We went from $5.9 trillion of debt to now $9.8 trillion. Almost $4 trillion, which is to say an 80 percent increase in the indebtedness of this Nation in 84 months while the Republicans enjoyed 6 years of hegemony. Total, absolute control.

Yet some of our Republican friends complain, audaciously so, that this budget conference report includes an increase in the debt limit. How soon they forget. They forget or, more accurately, they deliberately ignore that they increased the debt limit four times in 5 years. Under Bill Clinton's Presidency, during his last 4 years the debt was increased not once. Not once. The debt limit increase included in this conference report is a direct result, a direct and predictable result of the fiscally irresponsible, failed policies of the Republican party, policies that could not be changed overnight.

Nevertheless, congressional Democrats have proposed a fiscally responsible conference report that returns our Federal budget to balance by 2012 and abides by the pay-as-you-go budget rules that we reinstated in January, 2007, which were abandoned in 2001. Why? Because you could not and did not have the courage to pay for your tax cuts.

The only way you could pass your reduction of revenues was to waive PAYGO because you did not have the courage of convictions, nor the votes of your conference to cut spending by the amount you cut revenue. To-wit: Exploding debt.

It's a budget that meets the critical needs of our people, making investments to keep America safe, to boost economic growth, and create jobs, to provide tax relief, and to help families struggling in the Bush economy. This budget matches the President's request for defense, while shifting funds to high priorities, such as nuclear nonproliferation programs. It increases homeland security funding over the President's request. And it rejects the President's proposed cuts to first responder-programs, who, in any emergency caused by terrorists or by natural events, will be the first responders.

It increases funding for veterans health care by $3.7 billion, increases funding for renewable energy and energy efficiency initiatives so we can become energy independent, as well as funding for scientific innovation, education, training and social services to grow our economy, create jobs and make the lives of our people better.

Furthermore, it accommodates an immediate and long-term fix to the alternative minimum tax and additional middle class tax relief. Middle class tax relief in this budget.

Finally, this conference report rejects the President's harmful cuts to Medicare and Medicaid, to the Low-Income Home Energy Assistance Program, State and local law enforcement programs, such as COPS, and to Environmental Protection Agency grants to protect public health. It also rejects the President's proposal to increase fees for veterans and military retirees by $18 billion.

Mr. Speaker, the Democrat majorities in this Congress inherited a fiscal debacle last year. Today, through this budget conference report, we continue to address it and to meet the critical priorities of the American people.

This is a budget that we can be proud of. I urge all of my colleagues to vote for fiscal responsibility, vote for the appropriate priorities for our country, vote for a brighter future for our children, vote for the conference report.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds.

I listened very carefully to the distinguished majority leader, who spoke eloquently on deficit spending. He should know much about it since, under his budget, the Federal Government's long-term financial obligations grew by $2.5 trillion last year, and we now have the single largest increase in the national debt.

As I listened carefully to the majority leader, I heard him say much. What I did not hear him deny was that his budget included the single largest tax increase in American history.

Mr. HOYER. Will my friend yield?

Mr. HENSARLING. I would be happy to yield.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HENSARLING. Perhaps the distinguished majority leader could get some additional time on his side.

At this time, Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding. I thank Mr. HENSARLING and the ranking member of the Budget Committee for their yeoman's work on the Republican alternative. I also want to express my admiration for the chairman of the Budget Committee, who I believe to be a sincere man and effective legislator.

I must say that I do love following the distinguished majority leader to the floor. He is, as has been said, an eloquent and effective champion for the Democrat agenda in Congress. But the American people deserve to know this budget puts that agenda in high relief. It is more taxes, more spending, no entitlement reform, and pork barrel spending as usual.

Now let me say Tuesday and Wednesday of this week we were beset by terrible tornadoes. I will be heading back home tomorrow after we finish up business. A military base in my district, 40 buildings compromised, some destroyed; dozens of homes destroyed and compromised through Rush County and Shelby County.

But you know what? I know what Hoosiers are doing today. I know what they are doing. They are grabbing a shovel, they are rolling their sleeves up. Some have been out all night long sacrificially coming alongside their neighbors in a community in crisis and they are cleaning up the mess.

I want to suggest, Mr. Speaker, that we are facing a fiscal crisis in this Nation, and it is a mess of extraordinary proportions: $9.3 billion in national debt, $43 trillion in unfunded obligation in Social Security, Medicare and Medicaid.

Let me say to the distinguished chairman of this committee: There is plenty of blame to go around. I do not take issue with the gentleman's characterization that the national debt grew precipitously under Republican control. Pork barrel spending grew precipitously under Republican control. But that is no excuse. Continuing the argument and the blame game is no excuse for not dealing with the problem in the way that the American people sit down and solve problems, and that is by confronting them head-on and coming together with solutions.

The Democrat budget here is not the solution. More spending, more taxes, pork barrel spending as usual, and not one penny of entitlement reform ignores the problem. It doesn't deal with the problem.

Mr. Speaker, the Republicans in Congress offered an alternative this year that would face this fiscal crisis head on. The American people deserve to know the Democrat budget is not the answer.

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Mr. SPRATT. Mr. Speaker, I yield 1 minute to the distinguished chairman of our caucus, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, to my two former speakers on the Republican side, one who described the Republican stewardship as "terrible," the one thing you can say after 6 years of Republican rule with President Bush is that we will forever be in your debt.

You are right. $3.8 trillion in new debt under your stewardship, and so we are always going to be in your debt. And I just can't you thank you enough on behalf of the American people, because the reason you would use the adjective "terrible" to describe your record is for the fiscal mess you left. And when you describe $9.8 trillion in debt, don't act like, "look mom, no hands." You had something to do with it, 6 years of your control.

This budget is a beginning, because what is a budget? It is a blueprint for the future. And, yes, we will make it. President Kennedy once said, "to govern is to choose." We are making choices here. We are preserving middle class tax cuts and beginning to put our fiscal house in order and investing in education, health care and technology to start to grow the economy back. That works for middle class families.

Under your stewardship, middle class household income shrunk by $1,100. Costs for education, health care and energy went up. This is about turning the country around and changing the direction of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). The Chair would remind Members to please address their remarks to the Chair.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, what this is all about is priorities, that is what budgets are, and when you take a look the priorities in this budget, it is a huge missed opportunity.

I started the beginning of this debate by complimenting the distinguished gentleman from South Carolina for bringing a budget to conclusion, and I really sincerely mean that. I am from Wisconsin. I didn't really know what the definition of a "distinguished southern gentleman" is. I do now know by serving with JOHN SPRATT, and he deserves credit for bringing a budget resolution to the floor in an election year, which is something that is not often done around here. So I sincerely want to compliment the gentleman for that.

But what about the budget we have here being brought to the floor? I see some young people in the audience here, some young people in the well here. I have some young people in my family. I have a daughter who is 6, a son who is 5, and a son who is 3 years old, and by the time my three kids are exactly my age, this Federal Government will be doubling their taxes.

The pathway that we are on right now with the unsustainable fiscal crisis in this country is one in which, instead of taxing 18.3 cents out of every dollar to pay for the Federal Government, which is what we have been doing for the last 40 years, the next generation, my children's generation, when they are raising their kids will be paying 40 cents out of every dollar just to pay for this Federal Government.

We know for a fact that we are shackling the next generation with a mountain of debt and taxes that is unsustainable. We are bequeathing this to the next generation, unless we fix this, unless we step up as every preceding generation has done in this country and make things better.

What does this budget do? Not only in a time of economic recession, not only in a time of $4 gas prices, not only in a time where the grocery bill is twice as high as it was last year, we are raising taxes across-the-board the most we have ever raised them before, taxes on marriage, taxes on having children, taxes on making money, taxes on starting small businesses, taxes on pensions, taxes on retirement. This budget does that. But what is even worse than that is that this budget proposes to increase this debt, this legacy of debt to our children and our grandchildren, by $14 trillion for just two programs alone. It is unconscionable.

Both parties lay blame, but should claim responsibility for getting us to where we are. I am not simply saying here that Republicans have always been pristine and Democrats have always been bad. We got into this together. We are going to have to get out of this together. The problem is, this is no way to go. We shouldn't be doing this to our grandchildren, to our children, to the "X Generation."

That is what this budget does, the largest tax increase in American history, which is going to hurt our economy even further and cost jobs. When you raise taxes, you lower jobs. When you raise taxes, you take money out of paychecks. You hurt families. You don't give them the ability to get going, to succeed. Their paychecks don't get stretched farther, they get stretched shorter.

And when you consign the next generation by simply walking away from the problem and saying to our kids and our grandkids, instead of giving you a $40 trillion debt for Medicare and Social Security, we are going to give you a $54 trillion debt for Medicare and Social Security, each household today, if we want just these two programs to work, would have to set aside $353,000. What this budget says is each household will have to set aside $474,000.

We are abdicating leadership in this budget. It is wrong. What we need to do is come together, both sides, recognize this problem, and realize that the way to prosperity in this country is not to tax our way out of this problem; it is to address this spending problem in this

House, address the culture of earmarks, address the spending that we have here and get it under control so that the next generation can be better off.

That is what my folks told me the legacy of this country is all about. Each generation rises to the challenges in this country and leaves the next generation better off. Well, what we are doing with this budget is we are severing that legacy. We know for a fact, it is guaranteed, it is statistically a truism by all sides of the aisle, we are going to sever that legacy and we are going to give the next generation an inferior standard of living, unless we defeat this budget.

Mr. SPRATT. Mr. Speaker, to close the debate, I now yield the balance of our time to our distinguished Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman, the Chair of the Budget Committee, for yielding, and I thank him for bringing this excellent document to the floor, a budget which will help us protect our country, grow our economy, give middle income tax cuts, and do so in a fiscally sound way.

Mr. Speaker, as we all know, our budget is a statement of our national values. At least it should be. Now for the first time in our New Direction Congress, last year and this year, for 2 years straight, we have put forth a budget resolution, the first time a budget resolution has been put forth in an election year by the Congress since the Republicans took over. Now the Democrats are in charge and we have had 2 years of responsible budgeting.

I listened with interest to our colleagues and their views on this budget. They certainly are entitled to their opinion, but they are not entitled to their own set of facts. I want to just quote from some of the responsible independent budget organizations, some of them conservative-leaning organizations, when it comes to their false claim about this budget increasing taxes.

The Committee for a Responsible Federal Budget says, "The conference agreement does not raise taxes."

The Hamilton Project of the Brookings Institution says very clearly, "The budget would not raise taxes." Indeed, your budget, Mr. SPRATT, indicates that one of your priorities is making up-front cuts in taxes for alternative minimum tax relief that ultimately would be paid for without increasing the budget deficit.

The Center on Budget and Policy Priorities says, "Some claim that the budget plan of the conferees would constitute 'the largest tax increase in history.' This claim is inaccurate. This year's budget plan does not include a tax increase. It actually calls for a $340 billion reduction in revenues."

The problem that our friends on the Republican side have is that these tax cuts are for the middle class, not just for their friends in the upper 1 percent bracket. These tax cuts address the marriage penalty, address the 10 percent tax bracket, address the child tax credit. The middle class and those who aspire to it benefit from this budget.

This is a fiscally sound budget, and for that we are all in Mr. SPRATT's debt. This budget has to be balanced in terms of its spending and its priorities, and, indeed, it is a statement of our values.

I would like to see anyone in this room who supports veterans say they cannot support the budget provisions in this legislation. In this bill, for our veterans it provides an additional $3.7 billion for veterans health care and services, which is why this budget has the strong support of major veterans groups.

When it comes to energy, an issue of major concern to households across America, this budget provides $7.7 billion for renewable energy, energy efficiency and other energy initiatives, which is $2.7 billion more than just last year.

In innovation, let's stop having these stale debates about trade or no trade. Let's educate, innovate, compete and prevail in the global marketplace. This budget provides nearly $2 billion to fully accommodate the commitments made in the America COMPETES Act, which was voted on by an overwhelming number of Republicans to give us a huge vote in the Congress and signed by the President. This is to spur innovation and invest in basic scientific innovation.

Again, by setting the right priorities and making tough choices, our budget also cuts taxes again for the middle class and those aspiring to it and protects 20 million households from the alternative minimum tax.

In any year, creating a budget is a difficult challenge. In an election year, it is even more challenging, because of all of the competing priorities that want to be in the budget. But this year we have a budget that is in balance in terms of its values and is in balance in terms of the track that it puts us on.

Thank you, Mr. SPRATT, for putting us on track, with no deficit, for the budget to be in balance by 2012. It is fully compliant with pay-as-you-go rules. It is a budget, again, of the statement of our values, fiscally responsible, pay-as-you-go. It has tremendous merit, and it should have the support of every person in this body.

I urge a "yes" vote on the budget.

Mr. WOLF. Mr. Speaker, I am deeply disappointed that the FY 2009 budget resolution conference report represents another missed opportunity to address the financial crisis facing our nation. Focusing on these economic challenges, reining in entitlement spending, and curbing Congress's appetite for autopilot spending will take strong bipartisan commitment from both sides of the aisle. Our "long-term" spending crisis has arrived, and our children and grandchildren will bear the burden if Congress does not act.

Dietrich Bonhoeffer, the German theologian who was at the heart of the German resistance against Nazism, said, "The ultimate test of a moral society is the kind of world it leaves to its children."

This Congress is leaving the next generation saddled with $54 trillion in unfunded liabilities and $9 trillion in debt, $1 trillion of which is held by the Chinese. They also face potential loss of our country's triple-A bond rating—as early as 2012, according to Standard & Poor's, or by 2018, according to Moody's Investors Service. This is an economic issue, but also a moral and generational issue.

Representative JIM COOPER and I have been working together with over 100 cosponsors on a solution that would put everything—entitlements and tax policy—on the table in order to turn things around. The Cooper-Wolf SAFE Act would create a bipartisan entitlement review commission, culminating in a required up or down vote by Congress on a legislative proposal born from the commission's work. Mandating action is what makes the SAFE Commission unique.

We had the opportunity in this year's budget process to take the initial steps to get our financial house in order. But again this budget cycle, Congress is choosing to look the other way. I am hopeful that my colleagues will recognize that the budget resolution makes little progress on this pressing issue and join our efforts with the SAFE Commission.

When educating his colleagues in the British Parliament about the horrors of the slave trade in 1789, William Wilberforce said, "Having heard all this you may choose to look the other way, but you can never again say that you did not know."

Not one member of the 110th Congress can say they don't know about the category 5 storm off our shores, which former Comptroller General David Walker says could result in a "tsunami of spending and debt that could swamp our ship of state."

Mr. DINGELL. Mr. Speaker, today I rise in support of 2009 Budget Conference Report. I know many Members here today shared with me the opinion that the President's proposed budget was "dead on arrival." This conference agreement upholds that opinion and goes a step further by rejecting many of the proposed cuts the President suggested in February including his proposal to gut billions of dollars from Medicare and Medicaid.

For the last two years the House has held true to its commitment to American families by increasing funding for domestic priorities such as energy assistance program, state and local law enforcement programs, education, among many others. And while it might be hard for this administration to grasp, this Congress has proposed increases in funding for domestic priorities without increasing our deficit. In fact, this conference agreement will balance the budget by 2012 and provide a surplus of $22 billion in 2012 and $10 billion in 2013.

What I am most pleased about is the commitment this conference agreement makes to areas that are of the most importance to me—

Medicare, Medicaid, education, job-training and Low Income Home Energy Assistance Program, among many others.

Our veterans, many of whom have served multiple tours in Iraq and Afghanistan, will benefit from this budget through a $3.7 billion increase in funding. This is a sharp contrast from what President Bush originally proposed—$18 billion in new fees over five years. These men and women have served our country honorably and with dedication and under no circumstances do they deserve to come home to a fee from our government.

This budget agreement also strives to address rising energy costs. Just this month gas in Romulus, Michigan, located in the 15th District, hit $4 gallon. The ever rising cost of fuel in our country is becoming more and more unmanageable for our families. This budget agreement increases funding for renewable energy and energy efficiency initiatives, while also providing full funding for the Low Income Home Energy Assistance Program which has helped numerous families heat their homes through the winter and cool their homes during the summer. Without a doubt this does not solve our energy problems, however, it does help families whose pocketbooks are already stretched thin.

More importantly, this conference report will provide increased funding that will help prepare our workers to compete in the global marketplace. The America COMPETES Act, which I strongly supported, created a commitment to increase training and funding for math and science education and research. This legislation upholds that commitment. It also increases funding for education that will help to address the rising costs of college tuition and the rigorous standards of No Child Left Behind. A successful workforce depends on access to quality education and this legislation will help our constituents with that.

The Democratic budget provides funding that is crucial for job creation. As we have seen here at home, our economy is heading towards a recession. From 2001–2006 alone, Michigan lost 235,000 jobs, many of them high-paying manufacturing jobs. With the rising unemployment rate, it is clear that we need to invest in our workers and new industries that would promote job creation here at home.

I am again proud to say that this budget proposal will follow through on our commitment to expand children's health insurance coverage by providing a $50 billion increase to the State Children's Health Insurance Program (SCHIP) so that we can provide healthcare to millions more children who otherwise would go uninsured. As we all witnessed last year, the President vetoed legislation expanding SCHIP on two occasions. In my home state of Michigan we have seen the number of uninsured increase to one million Michigan residents. Rather than making healthcare coverage less accessible, Congress must be doing everything it can to ensure that every individual who wants healthcare coverage has the means to get it.

The Democratic budget also rejects the proposed $500 billion in cuts to Medicare and Medicaid proposed by the President. I have long said that this administration neglects our families and his proposal to cut funding from two of our most important healthcare programs is ill-advised. This Congress will not stand for it and this budget will not stand for it.

Mr. Speaker, I know that the budget process is never easy; however, I stand in support of today's conference report with great pleasure. Not only am I pleased that this is the last budget that this Congress will work on with this administration, but I am also pleased that once again Congress has shown that it will not rubberstamp the priorities of this administration.

Mr. CONYERS. Mr. Speaker, today, I rise in support of the S. Con. Res. 70, the conference report to the FY 2009 Budget.

Every day, new reports suggest our economy is slowing. It is imperative that the Congress help Americans during these tough economic times. I am supportive of the Democratic budget because it will expand health care for needy Americans, provide tax relief for the middle class, strengthen safety net programs, and reject the President's draconian funding cuts. In effect, S. Con. Res 70 will lead America in a new direction.

The Bush budget slashes a half trillion dollars from Medicare and Medicaid over the next decade. The Democratic budget rejects the President's proposed cuts to health care, and instead provides program improvements to State Children's Health Insurance Program (SCHIP). Last year, the President twice vetoed legislation that would have expanded this essential program. S. Con. Res. 70 will provide $50 billion for SCHIP, which significantly reduces the number of uninsured children. The Democratic budget further helps Americans with the skyrocketing cost of health care by investments in health information technology and research grants in medical technology.

The Democratic budget provides tax breaks for low- and middle-income families, including an extension of the child tax credit, marriage penalty relief, extension of the 10% individual income tax bracket and an extension of the deduction for state and local sales taxes. S. Con. Res. 70 will also stop the Alternative Minimum Tax from raising taxes on more than 20 million middle-class tax payers.

In this era of globalization, it is crucial that we give our youth the best possible education without burdening them with insurmountable debt. The Bush budget would eliminate important educational programs such as the Thurgood Marshall Legal education, Perkins Loans Cancellations, Mental Health Integration and Reading is Fundamental. In contrast, the Democratic budget provides significant increases to vital programs in education, job training, and social service programs.

Mr. Speaker, my home state of Michigan is facing serious economic challenges, in part due to the President's failed policies. The Democratic budget will offer working families a chance at the American dream. I urge my colleagues to support the resolution.

Mr. HOLT. Mr. Speaker, a budget is a moral document that demonstrates our values and priorities. I want to congratulate Chairman SPRATT for again bringing forth a budget that represents values of which we can be proud. This budget would make real investments in education, hometown security, veterans' programs, healthcare, and research and development while bringing the budget back to surplus by 2012.

I am pleased that this Fiscal Year 2009 budget continues to follow the pay-as-you-go (PAYGO) principle that the House restored at the start of the 110th Congress. This ensures that every new dollar of spending is offset and will not worsen the deficit. Although the budget resolution does not set the taxes or appropriation money, it does lay out the plan for the coming years to spend money and to raise revenues.

The budget would require the Ways and Means Committee to find the savings required to prevent millions of new Americans from having to pay the Alternative Minimum Tax (AMT), which has slowly morphed into a middle-class tax hike. More families in Central New Jersey are affected by the AMT than anywhere else in the country. Last year, Congress prevented nearly 23 million Americans, including more than 88,000 in the 12th Congressional District, from paying the AMT in 2008. Without action on this issue even more Americans would be affected by the AMT in the future.

With the price of oil now over $130 a barrel, this budget would make a significant investment in our Nation's energy future by providing $7.7 billion for renewable energy, energy efficiency, and other energy programs. This is $2.8 billion—or 55 percent—more than the Fiscal Year 2008 budget. In doing so, the budget would reject the President's budget cuts to energy efficiency and renewable energy programs, and instead invest $2 billion in new programs to create "green collar jobs."

Mr. Speaker, this budget honors our commitment to our Nation's children by investing in education. The budget would provide $8.4 billion above the President's request—new funding that could support vital programs like Head Start, special education, school improvement programs, and Title 1. The budget also would help make college more affordable and accessible for students in New Jersey and throughout the country by increasing funding that could support Pell grants, Supplemental Educational Opportunity Grants, and programs that broaden access to Historically Black Colleges and Universities.

Facing difficult and uncertain economic times, this budget would invest in job creation and job training. In addition to investing in programs to create "green collar jobs," we reject the President's cuts to Community Development Block Grants and his proposal to eliminate four job training programs. We also look to a long-term economic growth strategy, one that invests in science and research and development. This budget would support our Innovation Agenda by increasing funding for the America COMPETES Act, which authorized robust funding for research at the National Science Foundation and the Department of Energy's Office of Science.

Our budget also addresses the fact that our Nation has more Americans than ever living without health insurance, including over nine million children. We would include funding to provide up to $50 billion for children's health insurance. This would help insure millions of children. Likewise, our budget recognizes the importance of Medicaid and Medicare and would reject the President's harmful proposal to cut Medicaid by $94 billion and Medicare by $479 billion over ten years.

Mr. Speaker, I'm proud of this budget's commitment to making America more safe and secure. Notably, we would provide additional funding to implement the 9/11 commission recommendations, including required 100 percent screening for shipping and air cargo. We would also place a greater emphasis on funding nuclear nonproliferation programs, one of the most severe threats to our security.

Additionally, we would restore funding for vital first responder programs, including the State Homeland Security Grant Program (cut $705 million), Firefighter Assistance Grants (cut $463 million), Byrne Justice Assistance Grants (eliminated all formula funding), and COPS (cut $599 million).

This budget continues our commitment to fully fund veterans' health care by providing $48.2 billion for 2009, which is $4.9 billion (11.4 percent) more than the 2008 level. In fact, it would provide $3.3 billion more than the President's budget for 2009 and $39 billion more over five years. Consistent with past practice, the President's budget actually cuts funding after the first year. This budget also would allow the Department of Veterans Affairs (VA) to treat 5.8 million patients in 2009, including an estimated 333,275 Iraq and Afghanistan war veterans, many of whom suffer from post-traumatic stress disorder, traumatic brain injuries, or blast-related injuries. Additionally, the budget rejects the health care fee increases imposed by the President's budget, which total $2.3 billion over five years, including a new enrollment fee and pharmaceutical co-payment increases. Finally, this budget increases funding to speed disability claims processing, so that VA can continue to reduce its backlog.

I would like to recognize the budget's impact on voting reform. Implementing a nationwide requirement for independently auditable, and audited, vote counts is a priority of mine. As such, I was deeply disappointed that the President's budget made no request for funding under Title II of the Help America Vote Act. Approximately $560 million of the funding authorized under that Title remains unappropriated, and jurisdictions across the country could use that funding to improve the accuracy, integrity and security of their voting systems, as well as improve the administration of elections generally. Additionally, I was disappointed to see that the President requested only half of what remains authorized to fund disability access grants to ensure polling place accessibility. As we continue to debate the budget, we should address these budget shortfalls.

Mr. Speaker, this budget reflects values for which we can be proud. We reject cuts to important healthcare, education, veterans, and national security programs while maintaining our commitment to fiscal responsibility. By adopting this budget and supporting the designated funding levels throughout the appropriations process, we would be investing in priorities important to our future.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 70, the Fiscal Year 2009 budget resolution.

I want to commend Chairman SPRATT, Ranking Member RYAN, as well as Senators CONRAD and GREGG, for their outstanding work in fashioning a fiscally responsible budget that will improve our Nation's flagging economy and address vital funding priorities.

Many people in Georgia and across the Nation are struggling in these difficult times.

They are struggling with skyrocketing energy costs, especially the high gasoline prices. In some parts of the Georgia's Second Congressional District, the price of a gallon of gas is over four dollars. It is having a ripple effect in many if not all sectors of the economy.

They also are struggling with the rising cost of health care and education. It is especially troubling to me why programs which help low- and middle-income Americans—especially veterans—afford medical care and a college education have been placed on the chopping block by our President over the last 7 years.

They are struggling with the weakening housing market. As many as two million Americans may see their mortgage rates increase in the next two years, with many of them losing their homes as a result of bad lending practices. Tens of millions of homeowners could see the value of their homes—their primary investment—drop in value as well.

America needs to put its fiscal house in order if it wants to retain its competitive edge and remain strong into the future.

I am pleased that the Fiscal Year 2009 budget resolution rejects the President's harmful discretionary spending cuts and makes important investments in veterans' health care, Medicare and Medicaid, affordable housing, education initiatives, our Nation's transportation infrastructure, as well as renewable energy and energy efficiency programs.

As a member of the Blue Dog Coalition, I am especially glad that the budget resolution brings the budget into balance by 2012 and fully complies with the PAYGO rule. It is difficult to believe that over the last 7 years we have gone from a $5.6 trillion surplus to a $3.2 trillion deficit. Our gross Federal debt is approaching $10 trillion dollars—the highest it has ever been in the Nation's history. The amount of this debt that is held by other countries such as China, Japan, and the OPEC nations also has more than doubled since the Bush administration took office in January 2001.

The budget resolution demonstrates that it is possible to fund vital programs, provide middle-income tax relief, eliminate the deficit over the next 5 years, pay down the national debt, and promote economic growth—all in a fiscally responsible manner. I strongly support this conference agreement, and I urge my colleagues to approve it.

Mr. BLUMENAUER. Mr. Speaker, today I rise in strong support of the 2009 Budget Resolution. This legislation strongly reflects the values of Oregonians and Americans across our country and I urge my colleagues to pass the bill.

Today I am especially proud to be a member of the Budget Committee. It is worth noting that this is the first budget passed in an election year since 1998. The new Democratic majority has shown that they are committed to passing a budget despite an uncooperative President. Today's budget agreement is a balanced budget with balanced priorities. We have rejected the President's misguided cuts to programs that serve as a safety net for our most vulnerable citizens; cuts to Medicare, Medicaid, the Low-Income Home Energy Assistance Program, and the Community Development Block Grants.

This budget also recognizes that we must strengthen our middle class, a group that has suffered tremendously over the last 7 years. The budget provides fiscally responsible, deficit-neutral middle income tax relief; including keeping 20 million middle-income households from being hit by the Alternative Minimum Tax. It also extends the child tax credit, marriage penalty relief, and the 10 percent individual income tax bracket.

However, tax relief will do little without reinvestment in the priorities which strengthen our Nation and its citizens. Building our Nation must include a strong commitment to physical infrastructure, human capital, and innovation to keep us competitive globally. This budget does all these things. Recognizing that our current crumbling infrastructure is both structurally unsafe and hindering growth of our economy, the 2009 Budget includes an Infrastructure Reinvestment Reserve Fund to accommodate legislation that would provide robust Federal investment in projects such as rail, bridges, transit, ports, and more. The budget invests in our human capital both by creating a Higher Education Reserve Fund to make college more affordable for families, and by including funding for investment in renewable and energy efficient technologies to train workers in rapidly expanding "green collar" jobs. These investments, along with increased funding for the National Science Foundation and National Institutes of Health keep our Nation on the cutting edge and maintain our position as a global leader.

Today's budget reflects America's priorities in a fiscally responsible way and brings our budget back into balance by 2012, while abiding by pay-as-you go rules. I strongly urge my colleagues to join me today in supporting and passing the 2009 Budget Conference Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the Conference Report to accompany S. Con. Res. 70, Concurrent Resolution on the Budget for Fiscal Year 2009. This Budget Resolution strengthens our economy, restores fiscal discipline, and makes America safer.

A budget is a statement of our priorities. As the only former State schools chief serving in Congress, I am particularly pleased about this measure's provisions for education and innovation. This resolution rejects the President's proposed education cuts and instead provides greater investment in our Nation's schools, including the school construction bonds Chairman RANGEL and I have been working on for nearly a decade and increased Impact Aid for federally impacted local public schools.

As a Member of the Committee on Homeland Security, I am pleased that after 7 years of this administration failing to address fully some of our most pressing security needs, this budget provides the necessary resources to meet critical threats to the Nation. Specifically, this budget resolution rejects the President's proposed cuts to critical State and local law enforcement initiatives, including the State Criminal Alien Assistance Program, Byrne

Grants, and the COPS initiative. I strongly believe that homeland security starts with hometown security and I am pleased that this resolution rejects the President's misguided cuts.

I am also pleased to report that the Fiscal Year 2009 Budget Resolution also makes our Nation's veterans a top priority. This budget is strongly supported by all the major veterans organizations because it provides $3.3 billion more than the President's proposed budget for 2009 and $39 billion more over 5 years. This budget continues our commitment to fully fund veterans' health care by providing an 11 percent increase from last year. This resolution also rejects health care fees and TRICARE enrollment fee increases and includes additional funding to speed the veterans' disability claims process. I am proud to represent thousands of veterans in North Carolina's Second Congressional District, and they deserve a budget that reflects the importance of the sacrifice they have made in serving our country.

Finally, Mr. Speaker, I have become increasingly concerned about the legacy of debt this administration is passing on to future generations. The $5.6 trillion projected surplus that the administration inherited when it took office has been transformed into a $3.2 trillion deficit. More than 80 cents of every dollar of new debt since 2001 is owed to foreign investors, including foreign governments. The high level of indebtedness to foreign investors heightens the American economy's exposure to potential instability or even from financial threat from unfriendly foreign governments, and places additional burdens on our children and grandchildren. It is a massively irresponsibe tax on posterity.

However, this Budget Resolution is a positive step in restoring fiscal responsibility. Using realistic Congressional Budget Office estimates, this budget reaches balance in 2012, remains in balance in 2013, and posts smaller deficits than the President's proposed budget for the next 3 years. In addition, this budget continues the House of Representatives' emphasis on fiscal discipline by following the pay-as-you-go rule.

On behalf of North Carolina's children and working families, I support the Budget Conference Report for Fiscal Year 2009 and urge my colleagues to join me.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report and urge its approval.

It deserves support for many reasons, beginning with its very existence—if it is approved we will have a final budget resolution in an election year for the first time for nearly a decade.

To govern is to choose, and one of the most basic responsibilities for those who want to be entrusted with positions of leadership is to make hard choices. This year, Chairman SPRATT and his Budget Act colleagues—and their counterparts in the Senate—have demonstrated real leadership and have reached agreement on a conference report that will enable us to make the choices needed to keep us on a responsible budgetary path.

This conference report will make it possible for us to provide tax relief for the middle class; make needed investments in energy, education, innovation, and infrastructure; and to properly support our troops and veterans. And it does so while maintaining fiscal responsibility, because it complies with a strong pay-as-you-go rule and makes it possible to return the budget to surplus in 2012 and 2013, without raising taxes.

One of its best features, in my opinion, is the way it encourages investment in new businesses and industries that focus on renewable energy, clean fuel technology, and energy efficiency. This will create jobs, reduce our dependence on foreign energy, strengthen the economy, and ultimately help with high energy costs for consumers.

It also rejects the President's budget cuts to energy programs by providing for significant increases in programs such as weatherization assistance, renewable energy, and energy efficiency; and includes a deficit-neutral reserve fund for energy legislation.

It also will enable us to continue working to retain and expand a skilled, technologically literate workforce and a strong research and development base. It provides for increasing funding for the Department of Education, and the National Institutes of Health. It also allows for more funding for science, space, and technology programs.

In addition, it sets the stage for much-needed investment in our nation's infrastructure, including more than President Bush has proposed for discretionary transportation accounts as well as full funding of Highway and Transit programs as authorized in the highway bill and funding for the Airport Improvement Program. All these are very important for Colorado, where the pressures of population growth have put severe strains on our highways, roads, and airports.

As a Member of the Armed Services Committee, I am particularly glad to be able. to support the conference report because it will enable us to provide the funding we need for national defense and to address the most critical threats facing our nation. It places a higher priority than the President's budget on programs such as Cooperative Threat Reduction and other nuclear nonproliferation programs, and on improving the quality of life for our troops and their families.

The conference report also recognized the need for higher funding levels for homeland security while rejecting the President's proposed cuts in law enforcement, the COPS program, firefighters, and other first responders.

And it takes an important step to help veterans get the quality health care they need and deserve by providing $3.3 billion more in discretionary funding for 2009 than the President's budget and $39 billion more over five years for veterans programs.

Similarly, it strengthens the safety net for those families most in need, allowing for more funding for home energy assistance (LIHEAP), for children's health, for nutrition assistance for women, infants, and children and for the Social Services Block Grant. And it accommodates legislation to reauthorize and expand the trade adjustment assistance program and to improve unemployment insurance.

Finally, Mr. Speaker, it is important to note that despite claims to the contrary, the conference report does not include any tax increases—in fact, it supports significant tax relief, including continued marriage penalty relief, child tax credit, and the 10 percent bracket, and provides for an additional year of tax relief for more than 20 million Americans who would otherwise be subjected to the Alternative Minimum Tax.

Nonetheless, some of our colleagues will object that it does not provide for making permanent all the tax cuts enacted since the Bush Administration took office. I supported some of those cuts—including the 10 percent tax bracket, the increased child credit, and relief from the marriage penalty—all of which should be made permanent, but this conference report is not the place for an all-or-nothing approach to the entire list. We will have time later to consider which of the rest of President Bush's tax cuts should be extended.

Consistent with that more responsible approach, this conference report allows for only a small increase in revenues above the levels assumed in the President's budget—an increase that can be accomplished through closing loopholes that enable some corporations and affluent taxpayers to take advantage of offshore tax havens, and by doing a better job of collecting taxes that are already due under current law.

Mr. Speaker, seven years of fiscal irresponsibility have left a legacy of deficits and debt that it will take time and work to overcome. But the sooner we begin, the sooner we will complete the job of restoring fiscal responsibility and reordering our national priorities—and now is the time to take an essential step forward by approving this conference report.

Mr. OBERSTAR. Mr. Speaker, I am pleased that the conference report on the fiscal year (FY) 2009 Budget Resolution recognizes the importance of meeting our nation's infrastructure investment needs. Adequate investment in our transportation and other public infrastructure is critical to our nation's economic growth, our competitiveness in the world marketplace, and the quality of life in our communities. Despite the importance of these investments, many of our nation's infrastructure needs are going unmet.

Rather than addressing these unmet needs, the administration's FY 2009 budget proposed to cut virtually every infrastructure investment program within the jurisdiction of the Committee on Transportation and Infrastructure, including highways, public transit, airports, Amtrak, wastewater treatment, and water resources development.

In contrast to the harmful cuts proposed by the administration, the conference report before us today fully funds highway, transit, and highway safety programs at the levels originally authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The conference report rejects both the negative $1 billion adjustment for Revenue Aligned Budget Authority, and the administration's proposal to cut highway and transit funding by an additional $1 billion below the authorized levels, which would be detrimental to short-term economic stimulus efforts, as well as long-term economic growth.

For the Airport Improvement Program (AIP), the conference report rejects the $765 million cut proposed by the administration, and instead provides the full amounts authorized in the FAA Reauthorization Act of 2007 (H.R.

2881), as approved by the House last year. Specifically, the conference agreement allocates $3.8 billion for AIP in FY 2008, increasing to $3.9 billion in FY 2009, and to $4.1 billion by FY 2011. This funding will allow the AIP program to keep pace with inflationary cost increases, and begin to address the investment gap in airport safety and capacity needs.

For Amtrak, the conference report rejects the $525 million cut proposed by the administration, which would essentially shut-down our national passenger rail system, and instead increases funding to meet the costs of Amtrak's new labor agreement, pursuant to Presidential Emergency Board 242.

For environmental infrastructure, the conference report rejects the administration's proposed cut to the Clean Water State Revolving Fund (CWSRF) program, the primary Federal program for funding wastewater infrastructure projects throughout the nation. A year ago, the President requested $687.5 million in capitalization grants for CWSRFs for FY 2008. At that time, it was the lowest level requested by any administration since the creation of the program. For FY 2009, the administration requested a pitiful $555 million, a 20 percent cut from last year's appropriation of $689 million. The administration's proposal puts at risk the water quality gains achieved in recent decades, and the conference report correctly rejects this cut.

Finally, the conference report rejects the administration's proposal to cut funding for the Army Corps of Engineers by $845 million in FY 2009, and instead provides increased funding to begin to address the growing backlog of water resources development projects, including those authorized by the Water Resources Development Act of 2007.

I am also pleased that the conference report includes an Infrastructure Investment Reserve Fund, which provides the flexibility necessary to accommodate legislation to increase investment in our nation's infrastructure in FY 2009.

I look forward to working with Chairman SPRATT on continued improvements to our nation's infrastructure, and I urge my colleagues to support the conference report.

Mr. KUCINICH. Mr. Speaker, I rise today in opposition to the FY2009 budget resolution. This budget includes nearly $179 billion to fund the war.

Congress should not in good conscience vote to continue the Administration's illegal occupation of Iraq. The greatest tragedy of this war is the staggering loss of life, starting with the 4,091 brave men and women in U.S. military uniform. Tens of thousands more have been injured. Both of these numbers will continue to rise.

The U.S. policies in Iraq have failed as is evidenced by the fact that close to half of the population is struggling in extreme poverty. Estimates are that 1,000,000 innocent Iraqis have died as a result of the U.S. invasion. A reported 70 percent of Iraqis—nearly three quarters of the population—are without clean water; 80 percent lack effective sanitation; and 90 percent of hospitals lack essential surgical and medical supplies needed for Iraqi health and wellbeing.

Iraq's ability to meet the basic needs of its people is in shambles and our beloved troops remain in harms way. This body should act on the mandate of the American public given last November and bring our troops home now. Instead we continue to forfeit the public's trust with this unrelenting commitment to keep the war going when we have the power to end it. All it requires is a refusal to consider any legislation that contains or implies continued funding for this war.

The grand total for all defense related spending, including war funds and nuclear activities, is $607.8 billion. This is 56% of all discretionary spending in the budget for FY09. In other words, this budget continues the same failed policies that dedicate the majority of tax payer funds to defense spending while hard working Americans continue to struggle to afford basic necessities such as food, health care, homes and good schools for their kids.

The money in this budget that will go to fund war could be used to provide 39,912,404 people with healthcare; it could be used to offer an additional 1,053,429 affordable housing units; it could be used to provide 20,937,104 college level scholarships to the young minds of America. The budget should be reflective of America's priorities, but this budget falls far short of reflecting the priorities of the majority of Americans, so I oppose it.

Ms. LEE. Mr. Speaker, first let me thank Chairman SPLATT for his leadership and for his hard work on this budget. I also want to thank all the staff, especially Tom Kahn and Scott Russell.

They have put together a very good budget that we should all support.

The Democratic budget restores vital funding to programs that will help American families during these difficult economic times.

The Democratic budget rejects the President's cuts to Medicare and Medicaid, rejects his cuts to food assistance and rejects his cuts to higher education.

Our budget will expand children's healthcare, increase support for first responders and for veterans, expand support for renewable energy initiatives and fund new green job training programs.

I'm also very pleased that the budget retains language that I and Republican WOOLSEY worked on with Chairman SPRATT to address the continuing waste fraud and abuse at the Department of Defense.

Again I want to thank and commend Chairman SPRATT for his work on this budget and I urge my colleagues to support it.

Mr. RUSH. Mr. Speaker, I rise today in strong support of S. Con. Res. 70, the Concurrent Budget Resolution Conference Report for 2009. I want to commend Chairman SPRATT for his outstanding work in moving this blueprint for fiscal responsibility to fruition.

This budget is a recipe for fiscal integrity, reaching balance in 2012 while maintaining a smaller deficit in 2009 and over the next 5 years as opposed to the Bush Administration proposal. With the adoption of this budget resolution, this Congress will reject the misplaced priorities of the Administration by restoring funding to vital programs for our Nation's citizens.

Mr. Speaker, as a member of the Energy and Commerce Committee, I have been an ardent supporter of the Low Income Housing Energy Assistance Program, LIHEAP, and I am particularly pleased that this budget takes significant and necessary steps to strengthen the safety-net for those families most in need, including boosting funding for home energy assistance to help millions of low-income families and funding housing assistance for low-income families, the elderly, and the disabled.

I am further pleased that we increase funding to make college more affordable, thereby reversing the Administration's underfunding of education in our Nation. This budget substantially increases veterans' funding, invests in renewable energy and energy efficiency initiatives, provides funding for green collar jobs, rejects the Administration's cuts to Medicare and Medicaid, expands children's health insurance coverage and accommodates additional middle class tax relief.

Mr. Speaker, S. Con Res. 70 will serve as an important guide as we set spending priorities for our Nation over the next few years and I am pleased to join in support of it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report to accompany Senate Concurrent Resolution 70.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1233; adopting House Resolution 1233, if ordered; adopting the conference report to accompany Senate Concurrent Resolution 70; and suspending the rules and passing H.R. 5940.

The first and third electronic votes will be conducted as 15-minute votes. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5540, CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House

Resolution 1233, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 18, as follows:

[Roll No. 380]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—18

Bachus
Bean
Boucher
Campbell (CA)
Capito
Cardoza
Dingell
Fattah
Garrett (NJ)
Gillibrand
Hinchey
Jackson-Lee (TX)
Marshall
Pryce (OH)
Renzi
Rush
Shuler
Wolf

☐ 1237

Messrs. WHITFIELD of Kentucky and MARCHANT changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 13, as follows:

[Roll No. 381]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon

Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bean
Boucher
Brady (TX)
Campbell (CA)
Dingell
Everett
Fattah
Frank (MA)
Jackson-Lee (TX)
Marshall
Pryce (OH)
Rush
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1246

Mr. DOOLITTLE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on Senate Concurrent Resolution 70, on which the yeas and nays were ordered.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 210, not voting 10, as follows:

[Roll No. 382]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bean
Boucher
Campbell (CA)
Everett
Fattah
Jackson-Lee (TX)
Marshall
Pryce (OH)
Rush
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1303

So the conference report was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MARSHALL. Mr. Speaker, on June 5, 2008, I missed the vote on Senate Concurrent Resolution 70. Had I been present, I would have voted "nay."

NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5940, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5940, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 6, not voting 20, as follows:

[Roll No. 383]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Broun (GA)
Coble
Flake
Paul
Poe
Tancredo

NOT VOTING—20

Bean
Boehner
Boucher
Braley (IA)
Campbell (CA)
Conyers
Everett
Fattah
Gohmert
Hall (TX)
Jackson-Lee (TX)
Manzullo
Marshall
Mollohan
Pryce (OH)
Reynolds
Ruppersberger
Rush
Shuler
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1310

Mr. POE changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. BEAN. Mr. Speaker, I was unable to vote on the following rollcall votes: rollcall 380 on ordering the previous question, rollcall 381 on agreeing to resolution H. Res. 1233, rollcall 382 on agreeing to the conference report of S. Con. Res. 70, and rollcall 383 on a motion to suspend the rules and pass H.R. 5940 on Thursday, June 5, 2008. Had I been present, I would have voted "yes" on rollcall 380, "yes" on rollcall 381, "no" on rollcall 382, and "yes" on rollcall 383.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. SARBANES. Mr. Speaker, pursuant to House Resolution 1233, I call up the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1233, the bill is considered read.

The text of the bill is as follows:

H.R. 5540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amending by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 110–677 if offered by the gentleman from Utah (Mr. BISHOP), or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Maryland (Mr. SARBANES) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Speaker, I rise today in support of H.R. 5540, legislation that will reauthorize the Chesapeake Bay Gateways and Watertrails Network which will otherwise expire at the end of 2008.

First, Mr. Speaker, I would like to thank Chairman RAHALL and Chairman GRIJALVA for their leadership in getting this bill to the floor. They've been stalwart advocates in this effort.

The Chesapeake Bay has a tremendous tale to tell.

□ 1315

The Chesapeake Bay Gateways Program connects those who live in the Chesapeake Bay watershed to the natural, cultural and historic resources of the bay, and thereby encourage individual and citizen stewardship of these resources.

I guess the best way to describe the Gateways program is an insurance policy on our larger investment in the Chesapeake Bay. There are three parts to cleaning up the Chesapeake Bay; there is funding, which of course is extremely critical, there is regulatory guidance, and then there is citizen stewardship. Without individual responsibility, without widespread engagement by the 16 million people that reside in the watershed, it would be impossible to achieve and maintain the goal of cleaning up the bay. For a very modest investment, the Gateways program helps to foster the citizen stewardship that will be necessary to advance bay clean-up and maintain the gains that we hope to make.

As many of my colleagues know, the Chesapeake Bay is our Nation's largest estuary. It is a national environmental treasure and an economic catalyst as it pertains to the region's tourism and seafood industries. Unfortunately, as many also know, the bay's health in recent years has been significantly and negatively impacted by multiple factors, such as increased nutrient runoff, chemical contaminants, and other forms of pollution. As a result, there has been a severe deterioration in the bay's water quality in recent years and a rapid loss of living resources and natural habitat.

To combat these trends, in 1983 the Chesapeake Bay Program was created. It is a partnership between the States of Maryland, Virginia and Pennsylvania, the District of Columbia and the Federal Government, which is dedicated to restoring and protecting the bay. I am also committed to reversing these trends and restoring the bay's water quality and natural habitats, and that is why I have introduced this legislation to continually reauthorize the Chesapeake Bay Gateways Network.

The Gateways program is the National Park Service's component of the greater Chesapeake Bay program. The Park Service has entered into a memorandum of understanding under the Chesapeake Bay program that tasks the Park Service with "conserving the Chesapeake Bay's national and cultural heritage for the benefit and enjoyment of future generations." It goes on to say that the Park Service will provide assistance to the bay program through resource planning and grants management, rivers and trails conservation assistance, public education, interpretation, and cooperative heritage planning support.

That is precisely the purpose of the Gateways program. It provides grants and technical assistance to parks, volunteer groups, wildlife refuges, historic sites, museums, and water trails throughout the Chesapeake Bay watershed. It also provides assistance to the critical volunteer groups that have stepped forward to support the Gateway sites.

The network ties these sites together to provide meaningful experiences and to encourage individual citizens to invest their own time and energy in the clean up of the Chesapeake Bay. Since 2000, the network has grown to include 156 gateways in six States and the District of Columbia. That is why the Park Service has repeatedly praised the Gateways program.

In September of 2004, the Service released a special resource study recommending that Gateways be a permanent Park Service program. It goes on to say that an enhanced version of the Chesapeake Bay Gateways Network would be the most effective and efficient way for the National Park Service to help protect and tell the story of the Chesapeake Bay.

In 2005, the White House Conference on Cooperative Conservation recognized Gateways as "a cooperative conservation success story." And therefore, Mr. Speaker, it is critical that we act now to reauthorize this program so that the network and its partners can continue to educate residents of the Chesapeake Bay watershed about the natural, cultural, historic and recreational sites throughout the bay region, and how their communities relate directly to the health of our largest estuary and a national treasure, the Chesapeake Bay.

By maintaining the network and providing access to these sites, we can help develop the next generation of environmental stewards, which is one of the best ways to truly save the bay.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, before I give my opening statement, I would like to yield 3 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. I thank my good friend for yielding.

Mr. Speaker, I rise today to speak on H.R. 5540, the Chesapeake Bay Watertrails Network bill.

While I understand the value of the bill we're discussing today and I commend my colleague, Congressman ROB WITTMAN from Virginia, for the hard work he has done on this bill, his efforts will be all for nothing if we do not address the energy crises we're facing in the United States today.

In my district of coastal South Carolina, my constituents are dealing with the same problems as those who live and work along the Chesapeake Bay. Just as the watermen of the Chesapeake Bay cannot afford to bring their boats out of the dock to catch blue crab due to the all-time-record-high diesel prices, my constituents in our fishing communities cannot bring their shrimp boats on the water to catch shrimp due to the high cost of diesel fuel.

Mr. Speaker, it is irresponsible for our Democrat colleagues to continue obstructing responsible energy legislation that will help our energy crisis from being considered on the floor of the House of Representatives.

Mr. Speaker, we currently depend on foreign—and in many cases unfriendly—nations for over 60 percent of our Nation's energy needs. This is a serious national security concern for my constituents in coastal South Carolina.

On behalf of all the recreational and commercial fishermen, the shrimpers, the tour boat operators, and the recreational boaters in coastal South Carolina, I would like to ask the Democrat majority why we are not voting today on the many pieces of legislation that have been introduced that would open up domestic sources of energy and help them get back on the water immediately?

Mr. SARBANES. Mr. Speaker, it is my pleasure at this time to yield 3 minutes to Representative SCOTT, who is a leader on the Chesapeake Bay Watershed Task Force.

Mr. SCOTT of Virginia. I thank the gentleman from Maryland for his hard work on this bill and for his leadership on the Chesapeake Bay issues.

Mr. Speaker, I rise today in support of H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Reauthorization Act. I commend my colleague from Maryland (Mr. SARBANES) for introducing the bill, which will help further the Chesapeake Bay's restoration.

I serve as cochair of the bipartisan Chesapeake Bay Task Force, and I'm proud to be an original cosponsor of this legislation.

Over 400 years ago, the first permanent English settlers of North America sailed into the Chesapeake Bay and settled on the banks of the James River at Jamestown, Virginia. Although the Chesapeake Bay played a significant role in the founding of this great Nation, the bay is often one of the most overlooked natural and economic estuaries in the United States.

The Chesapeake Bay Watershed touches 41 congressional districts in the States of Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York and the District of Columbia.

Mr. Speaker, I have been actively involved in ensuring that the resources are available to protect and restore the Chesapeake Bay since my days in the Virginia General Assembly. When I served in the Virginia House of Delegates, I was a member of a joint Virginia/Maryland legislative task force that first recommended in 1980 a multi-State commission to address bay issues. And that multi-State commission continues to recognize the Chesapeake Bay as a vitally important regional and national treasure.

H.R. 5540 will reauthorize the Chesapeake Bay Gateways Network, which is the National Park Service component of the greater Chesapeake Bay Program. The goal of this network is to conserve the natural beauty and cultural heritage of the bay for the benefit and enjoyment of future generations through grants, technical assistance to parks, volunteer groups, wildlife refuges, historical sites, museums and water trails throughout the bay watershed. The network ties all of these sites and projects together to actively engage citizens to help clean up the Chesapeake Bay. Since 2000, the network has grown to include 156 gateways in six States and the District of Columbia.

Mr. Speaker, I commend the gentleman from Maryland for his leadership. And I want to take the opportunity to thank our new Virginia colleague, Mr. WITTMAN, for his long-time leadership and activity in Chesapeake Bay issues. I commend the Committee on Natural Resources for reporting the bill favorably to the full House and urge my colleagues to support the bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 6 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. I thank the gentleman.

Mr. Speaker, I rise today on H.R. 5540, permanent authorization for the Chesapeake Bay Gateways and Watertrails Network.

As my colleague pointed out, today's bill would permanently reauthorize these Federal funds and remove the $3 million annual cap.

When we held a hearing on this bill in committee, the administration testified that there have been some successes with this program, and consequently Federal funds are no longer necessary to subsidize this partnership. So I rise with serious concerns over the permanent authorization of this program.

In committee, I offered an amendment that would strike a compromise limiting this authorization to 5 years. Today's legislation, however, proposes to put the taxpayer, including taxpayers in Idaho, on the hook permanently funding this program, and that in spite of the administration's claim that no Federal funds are even needed.

This comes on the heels of the vote of this body we just took approving the largest tax increase in American history, a tax increase of some $683 billion, as well as action raising the national debt to an all-time record high of $10.5 trillion. This, together with skyrocketing fuel prices and increases in fuel cost, has the American taxpayer, the American family, and everyone across this country, including my great home State of Idaho, under a tremendous burden.

Idahoans are considering the reality that they may not have enough money to pay their bills, let alone enjoy the majestic beauty of Idaho's outdoors this summer. Notably, however, this is not a problem limited to weekend excursions or vacations. The price pinch is hitting folks who have a job, but wonder if they can afford the fuel to get to work, those people that have called my office to complain. In addition, schools across this country are cutting programs and moving to four-day school weeks to address rising fuel costs.

People being hit the hardest by these high gas prices don't even drive, they're our parents and our grandparents, those seniors who rely on services like Meals on Wheels to deliver the food they eat each day. In Idaho, it was reported on Tuesday that five volunteers had quit because they couldn't afford the gas they needed to complete their routes and deliver meals to seniors.

This is a moral issue, an issue which for many senior citizens and low-income, hardworking families affects their access to food as well as to education and even doctors. It's time for Congress to act on that moral obligation, to make provision so the needs of the poor and the elderly will be met. It's time for Congress to lift the restrictions on America's energy-rich public lands, to responsibly increase exploration for production of American crude, and to increase American supply and bring down prices of gas and diesel.

Increasing the supply of crude oil and ultimately lowering its price is the single most effective thing Congress can do to lower gas prices. Today, 73 percent of every dollar we pay for gasoline is the price of producing crude oil. Almost two-thirds of it comes from foreign countries, including OPEC nations and dictatorships like Hugo Chavez's Venezuela.

Congress could vote today to unlock huge American onshore oil and natural gas reserves on public lands in the United States. In a study just released by the Bureau of Land Management, while onshore public lands in the United States are estimated to contain 31 billion barrels of oil and 231 trillion cubic feet of natural gas, some 60 percent of these lands are completely closed to leasing because of the actions of Congress.

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Once such example is the oil reserves in Alaska, where in 1980 President Jimmy Carter set aside 2,000 acres specifically for energy production. According to the U.S. Energy and Information Administration, the mean estimate of technically recoverable oil on those section 1002 lands is 10.4 billion barrels. That's more than twice the proven oil reserves in all of Texas and almost half of the total U.S. proven reserves of 21 billion barrels. The recoverable oil within these lands represents a possible 50 percent increase in total U.S. proven reserves.

Congress must act to lift the restrictions on America's energy-rich public lands and increase exploration and production of American crude oil and natural gas. We can do this in an environmentally friendly manner. But we have to act and we have to act now. Of that there can be no dispute.

With those pressing needs before us, why would Congress act on this bill to give a permanent authorization and increase the amount of money to go to the subject of this legislation when the administration has told us that no Federal funds are even needed? Mr. Speaker, we can and we must do better.

Mr. SARBANES. Mr. Speaker, I just want to note a couple of things. First, that this is a bipartisan bill, and I want to salute, as Representative SCOTT did, the partnership of Congressman WITTMAN from Virginia in helping to marshal support for this bill.

I also want to point out that the annual appropriation process will determine the funds that go to support this authorization. Otherwise, the claims that it's sort of breaking through the cap or not are not correct.

Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), who is another leader with respect to the Chesapeake Bay and co-chairs the Chesapeake Bay Watershed Task Force.

Mr. VAN HOLLEN. Mr. Speaker, let me begin by commending my colleague from Maryland (Mr. SARBANES) for taking the initiative on this important piece of legislation and for all his leadership in our effort to clean up the

Chesapeake Bay and to Mr. WITTMAN for joining him in this bipartisan effort.

Before I say a few words about this bill, I do think it's important to point out that this body has now passed numerous pieces of legislation to try to address the energy crisis and the rise in gas prices around this country, including legislation to reduce our dependence on foreign oil by diversifying our energy portfolio. One of the things we passed out of this body to do that was to say we shouldn't be giving taxpayer subsidies, giveaways, to the oil and gas industry at a time when they're already making record profits and Americans are facing record prices at the pump. We should instead be using those resources to invest in renewable energy and energy efficiency. That's the direction this country needs to go.

The President was in Saudi Arabia recently having tea with the leaders of the Saudi Royal Family asking them to reduce prices. They said no. We need a long-term strategy. We passed that out of this House, and, unfortunately, the President said he's going to veto it because he wants to keep giving those subsidies to the oil and gas industry rather than taking a new and different approach to our energy crisis. That's what this House did. Unfortunately, the President continues to block those efforts.

Now, we do need, as a country, to protect our beautiful and vital natural resources like the Chesapeake Bay. The Chesapeake Bay, as my colleague Mr. SARBANES has pointed out, is the Nation's largest estuary. It is a national treasure; it's a natural treasure. And that's what this bill is about because the Chesapeake Bay is currently under assault from a whole host of sources of pollution. Point sources of pollution like the kind of pollution that comes out of a sewage pipe when it's not being adequately treated before it gets into the tributaries, like the Potomac River, the Anacostia River, the Susquehanna River; and nonpoint sources of pollution, the kind of pollution that washes off our driveways from oil dripping from cars or the pollution that comes off of fields that are under agricultural production.

Now, not long ago we passed in this legislature, in this Congress, the farm bill, and that farm bill provided vital additional help to our farmers, who are good stewards of our land. It provided them with vital new tools to help prevent that kind of nonpoint source pollution. And that will give them a vital boost in the years ahead in our effort to clean up the Chesapeake Bay and meet the goals that have been set.

But the other key element to sustain that support is to engage the public. And we mean not just the Department of Agriculture but the other departments and agencies of the United States Government like the Department of Interior and the National Park Service, who has played such an important role in raising the understanding of the public that we all need to be part of this effort to clean up the Chesapeake Bay.

In our State of Maryland, when you go down your roads and you see the systems where the water dumps into the pipes to take it out to rivers, it says this drains into the Chesapeake Bay. We have done a good job of trying to raise that public support. But this system, this whole effort, the Gateways effort that we are talking about in this bill, has also been a vital component of that to let people know what the Chesapeake Bay means to our region and to our country.

And it would be very shortsighted to end this program. What we need to do instead is to say, as has been said by others, that this program has worked in raising that public awareness, enlisting the support of students and adults, young children and senior citizens in this big effort to protect this vital estuary. And this Gateways program has been a very important component in that effort. We need to keep it going, and we need to make it permanent.

I salute my colleague from Maryland, JOHN SARBANES, for his tremendous effort in this region and for reaching out and making this a bipartisan effort along with Mr. WITTMAN, and I urge adoption of this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman from Utah for yielding.

I want to thank the gentleman from Maryland, the other gentleman from Maryland, for working on this project, the Gateways and Watertrails system. It is a system, Mr. Speaker, that provides, as the gentleman from Maryland described, public education about the ecology of the Chesapeake Bay and what an individual can do not only to enjoy the landscape, not only to explore and paddle the landscape, but to understand the landscape.

Now, a lot of discussion here recently has been about energy, fossil fuels, should we drill for more oil? The issue of the Gateways is about education. A quote from Norman Cousins, the editor of the Saturday Evening Post some 30 or 40 years ago, said, "Knowledge is the solvent for danger." So let's focus on a little bit of information, knowledge. The United States can never become energy independent if it continues to be dependent on fossil fuel. There is simply not enough here. We peaked in the 1970s. Energy from fossil fuels has created the situation we now call "climate change" or "global warming." Global warming creates a transition for the Chesapeake Bay. This is not a geologic transition. This is not a natural forces transition from a changing ecology. This is a human-forced transition for the Chesapeake Bay that will continue to degrade the water. What can we do about it? One of the things is a source of education, a source of knowledge.

The Gateways program involves the public in understanding some amazing things. Number one, the geology of the Chesapeake Bay Watershed. Why is the Chesapeake Bay here? Why is the Delmarva Peninsula here? An understanding of how geologic forces created this magnificent estuary over millions of years.

Number two, Gateways helps people understand the ecological evolution of the Chesapeake Bay. Why are there forests here? Why is there a whole range of song birds or water foul or marine life? It is a magnificent place unknown anywhere else on the continent but the Chesapeake Bay. The ecological evolution of the Chesapeake Bay.

And the other thing the Gateways program does is help us understand human history, when the first Native Americans got here about 10,000 years ago, to John Smith 400 years ago, to the transition that we see today in the Chesapeake Bay. The Gateways and Watertrails program is an educational program.

To understand the transition that the bay is now going through is not a geological change. It's not an ecological change. It's that human activity is not compatible with nature's design. And this program helps us understand those views so we can be a part of the solution and not part of the problem.

I urge my colleagues to vote for the bill.

Mr. SARBANES. I want to thank the gentleman from Maryland (Mr. GILCHREST) for his career's work on behalf of the environment and the Chesapeake Bay and thank him for his support.

Mr. Speaker, it is my extreme pleasure now to yield 1 minute to the majority leader, another champion of the Chesapeake Bay.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker and ladies and gentlemen of the House, I had the great privilege of being elected to the Maryland State Senate in 1966. There were two other individuals—there were a lot of other individuals, but there were two other individuals who were elected with me. The other two were elected to the House of Delegates. One of those was BENJAMIN CARDIN, who is now Maryland's junior United States Senator. The other individual elected that had same year was Paul Sarbanes.

Paul Sarbanes served for 4 years, then was elected to the House in 1970, served in the House for 6 years, and in 1976 was elected to the United States Senate. I was in the State Senate and had the privilege of working hard for his election that year. He served longer than any other individual representing our State, and one of the programs that he fostered was the program that we are reauthorizing today.

He can swell with pride not only on the substance of this legislation but also on the fact that his extraordinary son, who now represents a district that he used to represent, the Third Congressional District of our State, is now sponsoring and shepherding this legislation through the House of Representatives.

My colleagues have spoken about the substance of this legislation. John Smith in 1607 came up a bay that was pristine and essentially unspoiled. In the next 400 years, man, in his somewhat irresponsibility, has not husbanded that asset that God gave us as he should or as she should.

This legislation, sponsored by Senator Sarbanes many years ago, now shepherded by his son, Congressman JOHN SARBANES, was an effort to ensure that we understood what Congressman GILCHREST talked about and the importance of this asset we call the Chesapeake Bay, not just to Maryland, not just to Pennsylvania or Delaware or Virginia, but to our country. An extraordinary ecological resource.

So I rise simply not to recite what my colleagues have already recited but to congratulate JOHN SARBANES, to say how proud we are, as I know he is as well, of the extraordinary service given to our State by his father, Senator Paul Sarbanes, the original author of this legislation, and to thank him for carrying this torch forward on behalf of a resource that is priceless, as the ad says.

So I thank him for yielding this time, congratulate him for his efforts, and urge my colleagues to strongly support this legislation.

Mr. Speaker, I rise today to express my strong support for H.R. 5540, legislation introduced by Representative JOHN SARBANES which seeks to permanently reauthorize the National Park Service's Chesapeake Bay Gateways and Watertrails Network Program.

Those of us fortunate to live in this region have been blessed with a multitude of magnificent natural resources, not the least of which is our Nation's largest estuary—the Chesapeake Bay, a body of water that has played such an important role in shaping the cultural, economic, political, and social history of our region.

Unfortunately, the Chesapeake Bay of 2008 is not the pristine body that Captain John Smith first charted on his expeditions some 400 years ago. Indeed, earlier this year, the EPA Chesapeake Bay Program released the Chesapeake Bay 2007 Health and Restoration Assessment which found the overall health of the bay remains significantly impaired.

In the 110th Congress, I have joined with my colleagues in successfully advocating legislation to improve the health of the bay.

We've strengthened the ability of the Army Corps of Engineers to undertake bay oyster restoration, water pollution control, and environmental infrastructure projects in the 2007 WRDA bill. And, we've included approximately $438 million in mandatory funding to help Chesapeake Bay watershed farmers in their ongoing efforts to implement practices to prevent runoff and control shoreline erosion.

H.R. 5540, the legislation we consider today, takes another important step forward in our efforts by permanently authorizing a program that has already done so much to raise awareness of the fragile health of the bay and directly engage our region's citizens and visitors to take an active role in fulfilling our shared goal of restoring the Chesapeake.

The Chesapeake Bay Gateways Network, which includes more than 156 museums, State parks, wildlife refuges and other sites in 6 States and the District of Columbia, was established to link together these wonderful places in the hopes of enabling visitors to better understand and appreciate the role they can play in the bay's survival.

The program enables sites to compete for grant funding—which must be fully matched—for projects that will help conserve, restore and interpret their roles in the bay's natural, cultural, and social history.

The Gateways Program is a critical component to fostering a commitment among our citizens to restore the bay and I encourage my colleagues to join me in supporting this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

So here we are debating a bill under a rule which we all know should have best been under a suspension. It's not a perfect bill. If they accept an amendment later on, it will be a perfect bill. But for any imperfections that are here, this bill has far better drafting, far better intent, far more bipartisanship than perhaps some illogical partisan gamesmanship that produced vociferous debate under suspensions yesterday.

But one would wonder why we are taking time on the floor to consider a bill which was passed out of the Resources Committee by a voice vote and a bill in which I intend to vote in favor? What is it about this bill that is actually so important that we are talking about it rather than other more pressing national issues such as an energy crisis? Why does such a relatively innocuous bill take precedence over finding solutions to gas prices that are now around $4 a gallon and probably going higher?

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It must be that this bill accomplishes something so dramatically important that we are foolish to consider other issues, such as national security or our deepening dependence on foreign oil.

This bill deals with an area that includes no Federal waters. There are no Federal assets that are a part of it. It could easily be done with an inter-local cooperating agreement, which many States in the West use. Instead, the Federal Government is involved in that. Despite that fact, I still intend on voting for this particular bill.

This is a recreational bill. This bill provides moneys for trails, maps, signs, and all the nice things in the quest of healthy outdoor recreation in the Chesapeake Bay region. This program was originally authorized in 1998 as a 5-year program, and then reauthorized for another 5 years in 2002. And now the authorization, not for the program but for the appropriations for this program, are set to expire and the proponents are offering this legislation to authorize funding this program for eternity.

There will be no caps on the funds that can be appropriated for this program, no time limit. Maybe this is such a big priority for the Democratic majority because the National Park Service testified this program has received $7.7 million in earmarks since its creation. Maybe the Democrats wish to preserve a conduit for earmarks masquerading as a recreation bill. This is what takes precedence over national security and the energy crisis here on the floor of the House.

Yet, I don't object to the earmarks that were made for this particular bill, even though some of them are different. Part of the money that goes to this particular bill or has been earmarked in the past has been $20,000 dollars for a Native American interpretive brochure. I don't oppose that. Funds go into this for a Dino-Mania! Camp-In so that people can delve into the world of dinosaurs as your family spends the night in a Virginia Living Museum, explore how big some dinosaurs were, find out what might have caused their extinction, and it also comes with an evening snack and a breakfast.

My favorite, the Tree Spirits. The ancients believed the trees had spirits, and if you look hard enough, you see them in this woody bark. This workshop will focus on the old beliefs to trees, their meaning, their practical purposes. Fathers and sons will join the rangers on a hike as we scavenge the materials to make our own Tree Spirits for you all.

I actually don't object to that. I still intend to vote for this particular bill.

Nature hikes, picnics in the park, learning about ecology are causes to champion, and I'd be happy to support those things, but this bill doesn't solve the major threat to those activities. How will one be able to afford to get to these outdoor locations, enjoy these earmarks when the gas is too expensive to allow them to travel anywhere. At this point, Americans are not working to live, they are working to pay for the gas to get to work and back home. With gas at $4 a gallon, weekend family visits to the Chesapeake are becoming less and less of a possibility.

Unfortunately, our unwillingness to address the dramatic spike in energy prices today hurts American families, not only by putting some recreational activities beyond their reach, but by wrecking the household budget for basics, such as food, electricity, and medicine. Some people talk about our goal should be to get revenge on companies that produce energy, but such a program does not add one barrel of energy to meet the demands of the present time.

The Resources Committee, from which this legislation originated, is the same committee that has jurisdiction over domestic resources, resources on public lands, such as the Outer Continental Shelf and ANWR. It's past time for the Resource Committee to stop in its quest to become merely a "Recreation Committee." This country has locked up more resources in America than other nations have in their entire country. America is blessed with a wealth of natural resources and historically we have had the unique ability to develop and continuously improve the technology needed to use these resources.

We have faced and overcome bigger challenges in the past, but we in Congress must act now to meet the critical energy needs of today. We need to stop creating obstacles to domestic energy production so the American people can get to work and solve the problem. That should be the priority of the people, that should be our priority as well.

I reserve the balance of my time.

Mr. SARBANES. How many minutes remain?

The SPEAKER pro tempore. Both sides have 15 minutes.

Mr. SARBANES. Thank you, Mr. Speaker.

I am gratified that Representative BISHOP intends to vote for the bill. I did want to point out that this is about as far as from an earmark as you can get. The projects under this particular Gateways program are determined at the discretion and based on application to the agency by the National Park Service.

At this time, I would like to yield such time as he may consume to another champion of the Chesapeake Bay and someone who understands the importance of reaching out to partners throughout the watershed, and that is the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank my colleague from Maryland for yielding. I want to thank him for his tremendous leadership, outstanding leadership with regard to such a critical issue.

As I listened to the last speaker from the other side, I could not help but think about how many people in our country simply want to have an opportunity to have a little life brought to their lives. This is not a major measure, but it is one that will bring spice to life.

We are very blessed to have the Chesapeake Bay. We are very blessed to have this program. When you think about my favorite saying, and that is, That we did not inherit our environment from our parents but we borrowed it from our children, I think this program goes a long ways to making sure that we leave an earth better than the one we received when we came upon the earth.

This Gateways program and its reauthorization are very important because through its partners it can continue to educate people about the natural, cultural, historic, and recreational sites throughout the bay region and about how their communities relate directly to the health of our largest estuary and national treasure, the Chesapeake Bay.

And so what will happen as a result of this is that children will have an opportunity to learn about what part the bay plays in their lives and how important it is and, believe it or not, some of them even being exposed to the bay to really understand that it is indeed a very, very wonderful feature of their State and their backyard.

So, again, I congratulate Mr. SARBANES and all of those who have anything to do with making this happen. I think it's very important, as I said before, that we bring spice to the lives of our citizens, and this bill goes a very, very long way in doing that.

Mr. BISHOP of Utah. I am happy to yield 4 minutes to the newest member of the Virginia delegation, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. I'd like to thank the gentleman from Utah (Mr. BISHOP) for yielding time to me on this important issue.

I rise in support of H.R. 5540, legislation to reauthorize the Chesapeake Bay Gateways and Watertrails Network. I represent Virginia's First Congressional District, which is largely defined by the Chesapeake Bay. My constituents live, work, and play in the Chesapeake Bay watershed. My district also includes many components of the Gateways Network, including historic Yorktown, Colonial Williamsburg, historic Jamestown, all the way to Washington's birthplace in Westmoreland County.

This is a fantastic effort here that, as you have heard, was spawned by lots of great ideas and leaders in the past, and one of those that was part of this effort was the late Congresswoman Jo Ann Davis. She did a tremendous amount of work to put together the ideas to help in creating this network. She had a passion for the Chesapeake Bay and all the assets that are there in the Chesapeake Bay and passion to make sure people knew about those so they could appreciate the bay, they could appreciate the culture that it brings to our region, that folks could appreciate the natural resources there, and that they could understand how all of those parts are interrelated to understand the importance of the bay to our region.

The Gateways Network links together over 100 parks, museums, wildlife refuges, and other cultural and historic sites into a comprehensive system so that people can understand it and so that they realize the parts of the things that make the Chesapeake Bay important.

This Gateways program connects visitors with the natural beauty, rich history, and the recreational opportunities there within the Chesapeake Bay watershed. That's extraordinarily important so that folks can make the effort to understand the bay and be part of the effort to preserve and protect the bay.

Mr. Speaker, as you know, my constituents, like everybody else, are dealing with the cost of rising prices for gasoline. These increasing cost are impacting their budgets and cutting into their planned summer vacations. I am strongly in support of this bill. But I do join Mr. BISHOP and many of my colleagues to call on Congress to take action on a comprehensive plan to rein in gas prices.

We should take a number of steps to promote American-made energy. We need to encourage next-generation technologies, we need to promote conservation, we need to look at bridging from the present and the use of fossil fuels to the future. But, let's face it folks, fossil fuels is going to be part of that bridge to the future. So we need to make sure that we have them available for us to get to this next generation of energy.

We need to make sure that we, as part of that, look at our dependence on foreign oil, while keeping in mind the environment that we must protect in all parts of that puzzle in creating a comprehensive energy policy.

Unfortunately, unless gas prices come down soon, I am concerned that families that may want to come to the Chesapeake Bay and enjoy the Chesapeake Bay watershed and enjoy the Chesapeake Bay network may not have the opportunity to do so. That means it's incumbent upon us to put together a responsible, comprehensive energy policy the make sure that folks can indeed enjoy the Chesapeake Bay, enjoy the network that this program provides so they can understand the importance of the different cultural and environmental and economic aspects of the Chesapeake Bay.

So let's not miss this opportunity as we work to extend this particular network system to make sure that we also use this as a conduit to talk about energy policy, energy issues that are important to this Nation and to the Chesapeake Bay. Let's face it, the bay these days is being affected by the impact of man, and energy is part of that. So let's make sure that across the board we address these particular issues and make sure that we provide some relief to our hardworking American families that are dealing with these high energy prices. Again, it needs to be a long-term energy solution to make sure that we are able to address this in a way that is important for our future.

Mr. SARBANES. I want to thank, again, Congressman WITTMAN for his support and his lifelong commitment to the Chesapeake Bay.

Congressman DUTCH RUPPERSBERGER has been a champion of the Chesapeake Bay throughout his career, earlier in his career as county executive for Baltimore County, Maryland, and now as a Congressman from the Second District of Maryland. I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. I thank you for yielding. Congressman SARBANES, thank you for your advocacy. The Chesapeake Bay is so important to our region, to our country.

I do want to respond though to my colleagues on the other side about the issue of oil prices. We are talking about the Chesapeake Bay, which is very important to our country. We all know that the oil prices and energy is a very important issue. Believe me, we have had 8 years trying to deal with that issue. And we will continue to deal with it because we know people are suffering. But we are talking about the Chesapeake Bay today.

The Chesapeake Bay is very important to those of us who live in the Chesapeake Bay. We feel that we are stewards of the Chesapeake Bay. There are 16 million people that live within the watershed of the Chesapeake Bay, and that is very relevant. It's very relevant that we generate millions of dollars in seafood from the Chesapeake Bay. It's very relevant that our citizens who work around and within the Chesapeake Bay are also paid money for their jobs.

But, more importantly, it's also about an issue of the environment too. The watershed. Right now, the Chesapeake Bay is having problems. We have to deal with those problems. This bill is a very important bill because if we don't move forward with this bill, we will not be able to educate our peers, 16 million people who, unfortunately, don't understand that when you pour a toxic substance down the drain, that it could go to the Chesapeake Bay.

We need to educate our farmers to let them know that we need to have no-till farming, make sure that the fertilizer don't go to the Chesapeake Bay and kill the fish and the crabs and the oysters that are generated through the Chesapeake Bay.

So I feel very, very strongly that we need to pass this bill. It's a relevant bill. We will deal with the issue of energy. We need to. We can't keep relying on other countries for our oil. I urge all my colleagues to vote in favor of reauthorizing this critical program to continue and expand the Chesapeake Bay Gateways Network and make sure that the treasures of the Chesapeake Bay are preserved for future generations.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

☐ 1400

Mr. SARBANES. Mr. Speaker, just a couple of other points I wanted to make. First of all, I am pleased to indicate that we have a letter that came to Chairman RAHALL and to Ranking Member YOUNG from the six Governors of the six States that make up the watershed and from the Mayor of the District of Columbia. So that is the Governors of Maryland, Virginia, Delaware, Pennsylvania, New York and West Virginia, and the Mayor of the District of Columbia, who have written to indicate their very, very strong support for this legislation.

JUNE 5, 2008.

Hon. NICK J. RAHALL,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington DC.
Hon. DON YOUNG,
Ranking Minority Member, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RAHALL AND RANKING MEMBER YOUNG: We are writing to express our strong support for H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act.

The Chesapeake Gateways Program ("program") plays a vitally important role in our efforts to restore the Chesapeake Bay by improving public access, enhancing public education, and fostering citizen stewardship of the many natural, cultural and historical resources of the Bay region. Since its establishment in 1998, more than 150 sites and water trails have been designated as Gateways throughout the watershed in Virginia, Maryland, Pennsylvania, Delaware, West Virginia, New York, and the District of Columbia. These Gateway sites are helping to promote a greater understanding and appreciation of the Chesapeake Bay and a greater commitment to the Bay's restoration. The relatively modest federal investment in the program has leveraged substantial matching contributions—both financial and in-kind—from our States, community organizations and other partners. For these reasons, among others, the program was recognized by the White House Conference on Cooperative Conservation in 2005 as a cooperative conservation success story.

However, there is still a tremendous need for improved on-site interpretation, enhanced public access, and additional strategies to engage visitors and residents alike in the Chesapeake Bay restoration and protection effort. In 2004, the National Park Service completed a Chesapeake Bay Special Resources Study which recommended, as its preferred alternative, that the Gateways Program be made permanent and expanded. The Chesapeake Bay Gateways and Watertrail Network Continuing Authorization Act would codify this recommendation as well as enable implementation and fulfillment of the original vision for an expansive Gateways and Watertrails Network. It is critical that the Congress reauthorize this important program and reject efforts to weaken the legislation or sunset the Network. Doing so will pay significant dividends in the years ahead by helping to preserve and enhance our nation's largest estuary.

Thank you for your consideration of this important matter.

Sincerely,

MARTIN O'MALLEY,
Governor, Maryland.
TIMOTHY M. KAINE,
Governor, Virginia.
RUTH ANN MINNER,
Governor, Delaware.
EDWARD G. RENDELL,
Governor, Pennsylvania.
DAVID A. PATERSON,
Governor, New York.
JOE MANCHIN III,
Governor, West Virginia.
MAYOR ADRIAN FENTY,
Mayor, District of Columbia.

Mr. Speaker, I did want to just mention one site, because we talked about the 156 sites and I wanted to bring that to life a little bit. The Patuxent Wildlife Refuge, which is not far from here, located in Maryland between Baltimore and Washington, is the oldest and really only National Wildlife Refuge that conducts wildlife research. It is 13,000 acres. It is the largest contiguous block of forest in the Baltimore-Washington corridor and it is the site of a tremendous amount of environmental education.

Not too long ago we had the opportunity in connection with some other environmental education legislation that I have sponsored to do a field hearing at the Patuxent Wildlife Refuge, and in the morning we had six schools represented from Maryland that came there with busloads of children to participate in activities of environmental education. If you could have seen the look on their faces and how excited they were to be outdoors and engaged in this kind of learning you would have I think been very, very impressed with the resource that exists there.

That is just one site of 156 sites across the bay watershed that are providing a tremendous opportunity to our citizens to connect not just to the environment, but to the heritage and cultural history of this area.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, if you recall back to the movie "The Natural," if you remember there is that one wonderful scene where this mythical team, the New York Knights, have called in a psychologist to talk to the team to try to get them out of their losing slump. And as they are sitting there, talking to these ballplayers he says, "The mind is a strange thing, men. We must begin by asking, what is losing? Losing is a disease that is as contagious as syphilis. Losing is a disease as contagious as the bubonic plague, attacking one, but infecting all. But curable. Now I want you to imagine you are on a vast ocean. You are on a ship at sea gently rocking, gently rocking, gently rocking, gently rocking."

In that scene Roy Hobbs, now in disgust, breaks out of that and leaves this therapy session, because he recognizes that the solution to their losing season is not sitting there talking philosophically about it, but actually going out on the field and doing something.

We today in the issue of energy are in the mode of simply talking about it. All we are doing is coming here and talking about these theoretical approaches, gently rocking, gently rocking. We are talking about building straw men that we can then knock about, whether it is big oil or a so-called bubble, or yesterday someone said the reason we are paying so much at the pump is because of Enron. Ken Lay has somehow reached up from the dead and somehow hiked up the price of gasoline. And our only solution to this entire situation so far is we have passed a piece of legislation that allows lawyers to go out and sue OPEC, in the hopes that maybe they might give us some more energy money.

It is almost as if what we are trying to say is we are going to have everyone sit down and listen to a psychologist that will try and convince us that freezing in the dark can be an enjoyable thing if we just have the right attitude towards it, because losing is simply a mind game and it is contagious.

What Roy Hobbs did is the exact opposite. He left that stuff. He went out on the field, he knocked the cover off the ball, and when they actually started doing something, that is when this mythical New York Knights team started to win.

If we want to solve the problem of energy for American citizens, we have got to stop, quit talking about it and our secret plans and coming up with these mythical enemies which we want to attack, and we simply have to go out and do something. And that means production now. We cannot sit here simply idly by while American people are suffering without actually doing something in reality. And that means yes on conservation, but it also means we have to increase production. If we don't do that, recreational opportunities like this particular bill have no purpose and have no meaning. There is nothing left for them to do.

If I could give a few statements that have been given by people who live in this area and who will be impacted by this particular bill and what they are saying about the energy issues and how it impacts and affects them.

"Repercussions," a quote here, "from the escalating price of fuel are felt everywhere. Sportsfishing is no exception. Neither is the business of chartering, headboating or commercial fishing. The same applies to businesses associated with fishing. One big tackle shop proprietor told the other day, 'I have four people and myself working now and not a single customer in the shop. Haven't seen one in 10 minutes.'"

"Alex DeMetrick reports gas prices are soaring, having an impact on those who depend on boats and the Bay to make a living. Naming a work boat the 'Last Penny,' which may have been a stab at some kind of subtle humor, it is striking a little too close to reality at the fuel docks around the bay as diesel is now at $4.50 a gallon and climbing. 'Gas is doubling and the price of seafood is going down,' said one of the watermen who works there. 'Working the water takes constant moving, but with crabs spotty and fuel high, watermen are trying to conserve. They are hurting us bad,' he says. 'It's almost double in the past year, so it is taking a right good bite out of us,' says another one of the watermen who works there."

Over at Dredge Harbor, New Jersey, another one of those people who work there said high gas prices are also affecting his customers. "Instead of taking four trips down the Chesapeake Bay, they now might take two trips this year, and most of their customers use their boats as homes afloat so they can conserve as much fuel as possible. High prices are somewhat affecting the sales."

Another one of the reports from this area, "Elevated prices are causing some charter fishing captains to want to jump overboard." As one said who owns a yacht yard, he is selling gas for $4.20 per gallon at his fuel dock, and he has noticed fewer and fewer small power boats on the water.

What we are simply doing as we go along with this, there are other people that simply say, "Now I can see no way of getting over the hump of fuel costs. We have got good fishing, but we have fewer and fewer customers. With gas prices going this way, we are simply losing the opportunity of using this resource for the purpose in which it was therefore designed. High costs not only affect the fishing industry on the water, local businesses are also feeling the gas price pinch. A local tackle shop simply said, 'I still got people working there and no one is coming in there.' Gas prices are dipping into his resources and his ability to make a living."

Mr. Speaker, may I inquire how much time I have?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining.

Mr. BISHOP of Utah. One of the things we have to deal with if we are actually going to deal in a proper way with the reauthorization of this entire program is to understand that if we are going to have these types of opportunities, either for people to recreate, people to learn, people to enjoy, people to enhance their entire environment, we have got to be able to get them there. Kind of like today. We seem to be needing to get people up from the White House, in which case they are walking because we can't afford the fuel to put them on buses to get them here. Therefore, things change because of those circumstances, and it is one of those concepts in which we are working.

If we really need to be serious about this, we have to realize that our energy crisis today is limiting the ability to experience this type of an environment, this type of attitude and this process. And if we want to make full use of the Chesapeake Bay resources that are there, we have to make sure that real people have the opportunity of going there and experiencing it. Because when we talk about oil prices, we are not simply talking about some concept, some ethereal project that is out there. We are talking about real people, how they live, how their jobs work, how they get to the chance to recreate and make their lives fuller and better. And that has to be an integral part of this discussion, ought to be an integral part. In fact, it is a more significant part of this discussion on a bill that still is a decent bill that should have been done as a suspension, not as a rule here on the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, a couple of points.

First of all, the gentleman from Utah spoke to the livelihood of people who work on the Chesapeake Bay, but the biggest threat to those who make their living on the Chesapeake Bay is the decline in the health of the Chesapeake Bay and the fisheries in particular that are in the Chesapeake Bay. So if we have the interests of those people at heart, we ought to be committing ourselves wholeheartedly to this continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, because it is designed to enhance and improve and protect over the long term the health of the Chesapeake Bay.

To address another point, one of the reasons that the Democratic majority has been so steadfast in urging the pursuit of alternatives to fossil fuels in terms of energy sources is to reduce our dependence there, which obviously could go a long way towards the concern over fuel prices and gas prices. But another reason is because it will reduce these greenhouse gas emissions, which, again, impact the environment. If we don't take steps to do that, then there is not going to be any environment for us to enjoy.

The Chesapeake Bay Gateways Program, it has been alluded to the fact that this is noncontroversial bill, that it should have come up on suspension. I agree. The minority resisted our desire to have it permanently authorized, and that is why we are in the process we are in today. But that permanent authorization I think is very much a part of the strong statement that we are seeking to make to the citizens in the watershed and to the many millions of visitors who come to the watershed every year, that our national government stands steadfast in this partnership with our citizenry.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, one of the things I would still like to try and reemphasize as we are talking about this particular bill is this bill deals with the reauthorization of the appropriations concept. This is not about cleaning up the environment. Several of the speakers who have spoken today talked about the necessity of environmental protection. This is not the EPA's program. This is a wholly separate issue and a separate concept.

One of the things that we should keep in mind is the purpose and the concept of an authorizing committee, is an authorizing committee should be reviewing what we are trying to do at periodic bases. That is our purpose.

One of the things in this particular bill that is a problem, is problematic to the future, is that it rejects the ability of Congress to take periodic reviews of this particular program. When it was first initiated in 1998, there was a 5-year statute in which we would then review it. In 2002 we reviewed it. We are now looking at a bill that I think we are all going to agree is needed to go forward, but there still should be some kind of review.

It should not be forgotten that when we voted this particular bill in the Resource Committee on a voice vote, there were six other bills at that time similar in scope, similar in fashion, similar in funding, but each of them had a periodic review attached to it. So a bill by Mr. UDALL, a bill by Ms. BALDWIN, a bill by Mr. BILBRAY, by Mrs. BONO MACK and Ms. BORDALLO, all of them had the responsibility of allowing Congress to do what it is supposed to do and try to take some kind of review at regular basic intervals.

That still is the wisest approach to it. It is one of the few flaws that I actually find in this particular bill, and it is one of those flaws that probably should be addressed.

We talked about the kinds of grants that have been awarded in the past. There are $7.7 million worth of earmarks not asked by the agency that have been added to this. We have added grants in certain years that have been, for example, $34,000 for the Chesapeake Bay Marine Museum, $21,000 for the Stratford Hall Plantation; $12,000 for the Mason Neck State Park; and $18,000 for the Annapolis Maritime Museum. I am not objecting to these as being inappropriate. In fact, I could probably argue they were appropriate and they were needful. They are useful. But I am saying that what Congress should do if we actually fulfill our responsibility is make sure that we look at these on a periodic basis, and that should be part of the statute. That is what we commonly do in most pieces of legislation, and it all should be part of this legislation at the same time.

I reserve the balance of my time.

☐ 1415

The SPEAKER pro tempore. The gentleman from Utah has 1 minute. The gentleman from Maryland has 6 minutes.

Mr. BISHOP of Utah. Mr. Speaker, one more time, if we can try and emphasize the point of this.

This is still a decent bill. There are a few flaws, but it is a decent bill and I support it going forward with this particular bill. There are still some changes I would like to see in that bill.

Also, we must realize, though, that if we are talking about the overall use of this bill, we are taking time on the floor when we should be talking about much more significant and vital issues than this particular bill.

Having a rule on this bill is a strange use of the time of Congress, especially when there are much more significant issues that need to be debated and discussed at this particular time. And even though I plan on voting for this bill, it is one of those things that is still sad that we are as a Congress not addressing the core issues for which the people have sent us here and not looking at what should be the core issues for which the people have sent us here.

Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, again, I am gratified the gentleman from Utah plans to vote for this bill. I do note that the reason that we are here, the reason this was under a rule in part was to allow the gentleman to present an amendment, which I guess is going to be coming next.

In terms of safeguards, the appropriations process provides that on an annual basis in terms of looking at the program and deciding what kind of support ought to be given to it. The permanent authorization is about making a statement, making a statement to the citizen partners that we are asking to step up and be part of this effort to preserve the Chesapeake Bay.

The way we are going to save the bay, the way we are going to enhance its health over time is not by turning it over to experts, but by taking ownership at the community level, having every citizen understand what they can do in their own backyard, working with nonprofit groups, working with museums, with wildlife refuges, with historic sites, et cetera, to stake a claim in the future of the bay. And that is what the Chesapeake Bay Gateways program is all about; it is a gateway to this national treasure, 156 sites, 1,500 miles of water trails, and a tremendous investment on the part of ordinary citizens in the future of this national treasure. That is why we sought a permanent authorization. That is why we continue to seek it. That is at the heart of H.R. 5540, and I urge my colleagues to support it when it comes to the vote.

Mr. RAHALL. Mr. Speaker, as Chairman of the Committee on Natural Resources, I would like to commend our colleague, Representative JOHN SARBANES, for his tireless efforts on behalf of the pending legislation.

This bill is a simple, straightforward measure that would permanently authorize the highly successful Chesapeake Bay Gateways and Watertrails Network, which would otherwise expire at the end of this fiscal year.

Over 10 million people each year visit one of the 156 gateway sites supported by this program. They come to kayak or canoe, hike or bike, picnic, hunt or fish or to watch wildlife. Others come to visit the Chesapeake's many maritime museums or to renew their acquaintance with turning points in our Nation's history at sites such as Fort McHenry and Yorktown Battlefield.

Each of those visitors comes away with a strengthened awareness of the crucial role of the Chesapeake in our national story and as the ecological and economic heart of the mid-Atlantic. And that is the goal of the Gateway Network, to renew our connection with that great bay.

The program is so successful that the National Park Service has heaped praise upon it, and the White House, in 2005, declared it to be a "cooperative conservation success story."

Congress originally authorized this program for 5 years, and renewed that short-term authorization in 2002. In 2004, a National Park Service special resource study concluded that a permanent commitment to the program would ensure its long-term viability and enhance the Chesapeake's status among America's national treasures.

Anyone who saw the Washington Post article on Monday knows that the bay's oyster population is in trouble. That situation is both a symptom and one of the causes of the precarious health of the bay. Keeping people connected with and concerned about the Bay is vital to each step in restoring that great estuary—from its headwaters to its oysterbeds.

The Gateways Network does just that. The program is a proven success, and should be permanently authorized. I commend the gentleman from Maryland, a valued member of the Natural Resources Committee, for his advocacy of this measure.

I urge my colleagues to support H.R. 5540.

Mrs. DRAKE. Mr. Speaker, my district is home to many beautiful American treasures and one of them is the Chesapeake Bay. "Save the Bay" is one message that reaches beyond all political boundaries.

Working alongside my longtime colleague and friend Jo Anne Davis in the 109th Congress, we passed legislation to create the Captain John Smith Chesapeake National Historic Trail—which is part of the Chesapeake Bay Gateways and Watertrails Network we are reauthorizing today. As many of you know, this initiative falls under the larger Chesapeake Bay Program, which was created in 1983 to restore and protect the bay.

I am proud to lend my vote in favor of this bill today, however, I would like to call attention to one of the greater matters that this Congress should also be voting on: legislation to help the American people pay for the astounding cost of energy. One example is a comprehensive bill by Representative PETERSON that creates a partnership between energy development and the environment. This bill opens up the OCS for natural gas exploration and uses an estimated $86 billion dollars in royalties for environmental restoration efforts. The Chesapeake Bay Commission estimated that the total cost to restore the Chesapeake Bay is $19 billion. The NEED Act fully funds the Chesapeake Bay restoration effort at $20 billion. This energy bill is another way we can help Save the Bay, and the budgets of American families.

I am an original cosponsor of the NEED Act and I believe it is an example of bipartisan energy legislation. We must all come together in a bipartisan manner to pass legislation that will increase our domestic energy supply and help alleviate soaring prices. I cannot speak for your districts, but families in Virginia's Second District need an energy solution now and it is our job to give them one.

Mr. SARBANES. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I have an amendment at the desk made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 1 offered by Mr. BISHOP of Utah:
>
> Page 2, line 14, insert after "section" the following: "for fiscal years 2009, 2010, 2011, 2012, and 2013".

The SPEAKER pro tempore. Pursuant to House Resolution 1233, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Speaker, the amendment that I proposed here was actually proposed in the committee as well, and it is an amendment which in all sincerity is an effort to try and make a good bill into a very, very good bill. It has no intentions whatsoever of trying to derail the path of successful completion of this particular bill, but actually solve a problem and present a sense of comfort that might not necessarily be there as the bill proceeds to the other body.

We are dealing, obviously, as some people have—not here on the floor, for all of us here on the floor who are Members, but some people have said that this is simply a sunsetting provision. It is not that. This program is not going to be sunsetted. But there is an authorization of appropriations which desperately needs that time to be looked at.

My amendment is designed to bring this bill in line with all the other bills that we have passed out of the Resources Committee this year. Typically in the Resources Committee we review authorizations on specific periods of time. For this reason, I anxiously anticipate the support of Democratic colleagues, because this is good government. It is a fiscally responsible amendment.

My amendment reauthorizes the review of this program after 5 years. This is a compromise between the National Park Service request, which was no authorization at all. They were fine about technical assistance, but they suggested there should be no more grants given to this program, as they said this program has matured enough and don't need any more, and the bill's sponsor who was asking for an eternal unending authorization of appropriations. Five years was good enough the first time this program was authorized, it was sufficient when this program was reauthorized, and it ought to be a sufficient time for Congress not to abrogate our responsibility but do our responsibility to review the programs that we authorize and how they are being funded.

There is a reason we add these positions to bills. As I told you in the committee, the very committee that sent this bill out, there were six other bills in a similar status; and on each of those six bills we put in this process so that the committee could review that authorization and the funding source and what those programs were doing at 5-year intervals. Some bills we have passed out have no time limits, but in every situation they have funding limitations that are put on them. This particular bill in the course it is drafted right now has no funding limitation nor any review process to it. And that is where it can be improved.

There is a reason we add these provisions to bills. Without them, programs have a tendency of languishing, depending upon Federal funds, where we want them to encourage recipients of these funds to use them wisely and to have an incentive to produce results. When programs expire, we have a chance to reevaluate them and conduct this oversight. That is our responsibility as an authorizing committee and as Congress as a whole, and we should not abrogate that responsibility. Without my amendment, we are relinquishing our oversight and leaving it simply to appropriators.

Already this program has received, as I said earlier, $7.7 million in unrequested earmarks. This bill also eliminates the annual cap on the funds that are eligible to be received. I understand that this has been an excellent conduit for earmarks, but let us not lose the fiscal responsibility that we have to do and get away from simply handing out a blank check.

I mentioned earlier parts of the program that are funded, somewhat sarcastically, I admit. They do sound on the surface humorous. I am not opposed to what they are doing; I am not opposed to those programs. I am simply saying that Congress should have the responsibility of looking at those at a regular period. That is our job.

It is nearing impossibility for the average family to drive to any of these recreation areas; much of the responsibility for that lies here in Congress as well. Despite that fact, the other side of the aisle is unwilling to increase oil and gas reductions. I hope they will cut the taxpayers at least a small break by accepting this good government amendment, and allow us to review how the money is spent on a periodic basis as we traditionally do in most bills that come out of this committee.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I claim the time in opposition to the Bishop amendment.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

Mr. SARBANES. Mr. Speaker, the gentleman indicated some anxiety that the program would languish if it was permanently authorized. And I can assure him that this is one program that will not languish, because it has so stimulated the interest and the engagement of so many citizens and volunteer groups across the six States and the District of Columbia that make up the Chesapeake Bay watershed. And that is the point. That is the point of permanently authorizing it, because the citizenry has stepped up and they have shown that they are ready to work in partnership with their national government, and it is time for the national government to make an equally powerful statement to the citizenry that, when it comes to the Chesapeake Bay, we are going to be here as a steadfast ongoing supporter of that partnership.

Gateways has a proven track record. Initially authorized in 1998 and reauthorized in 2002, the Park Service conducted a special resource study on the program in 2004, and it concluded that Gateways should be made permanent and expanded. That is because the program is tested and proven. Park Service has already made the Gateways network a permanent unit of the Park System. Again, another reason it certainly will not languish, and a reason why the kind of oversight that the gentleman from Utah is concerned about will be there in terms of the agency's responsibility.

The appropriations process, which he dismissed as a significant way of overseeing the program and providing scrutiny to it, is there on an annual basis and can certainly serve that purpose.

So it is the essence of this bill in fact that we permanently authorize it, because we want to make the statement to those volunteers and citizens who stepped into this tremendous partnership to preserve the Chesapeake Bay that we understand the commitment they have made, and we are prepared to make an equal commitment from our side.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate one more time the opportunity of talking about this.

It is one of the fundamental elements that we have as the concept of good government that Congress should exercise its right of oversight on programs. Even if we authorize a program, however good it should be, there still should be at a regular basis an oversight. It is not threatening to a program. It is the responsibility of Congress.

We do have a bunch of programs that simply run without that kind of oversight. Some programs whose authorization has lapsed still function on. That is not the concept of good government. We have things especially in our area, Coastal Zone Management, Endangered Species Act whose reauthorization has lapsed, still functions on under their authorization by the appropriators, but it needs to be reviewed by the Appropriations Committee. That is its purpose.

We have some programs that are permanent, that have no oversight whatsoever: Defense, food stamps, child health care, school lunches. But, once again, in each of those areas what Congress should be doing is exercising our responsibility, and simply saying there is nothing that we should pass that shouldn't ask Congress to relook at a bill and relook at a program, and evaluate the essence of that program if it is still the most significant thing we should be doing. Or perhaps our priorities have changed. That should not be seen as an attack on the bill, it should not be seen as something that is negative or unfriendly. It should be seen as something simply as reauthorizing and re-recognizing what we are supposed to be doing. That is our job as representatives of the people, is to constantly be looking at what we have authorized, reevaluate, and reappropriate. And we are doing something in this particular amendment in an effort to do that at a 5-year basis. That is not illogical. In fact, that is the norm. That is rational. That is what usually happens in these particular situations, and it is what should happen in this particular situation. Again, it is nothing again to try to harm the bill in any way; it is simply an effort to try to move us forward to make sure that Congress does its job, and does its job on a regular, appropriate level. That is why we are here. We should not abrogate that responsibility. We should accept that. We should embrace it. And we should try to move forward from that position.

I apologize for trying to elongate this in some particular way. I think I have said repeatedly what the crux of this issue is. This is not a proposition from Liechtenstein; this is simply the concept of, do we periodically review what we authorize. It is a plus thing that we should be doing.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I am new to Congress, but I have already sat through a number of hearings in the Natural Resources Committee where we scrutinize the appropriations requests and presentation of various agencies that are under our jurisdiction. So I have high confidence that the congressional oversight that is needed for this kind of program will be there through the annual appropriation process.

And I say again that this is about making a statement to all of those citizens who stepped forward and have supported the Gateways program, that are there to back these sites, to preserve our environment and the Chesapeake Bay, its heritage, its cultural legacy. And if we vote today as I hope we will, to permanently authorize this program, we will be saying to all of those citizen stewards that we are thankful for the commitment that they are making, and that their national government is ready to step up and make an equal commitment to protecting and preserving the Chesapeake Bay.

I yield back the balance of my time.

☐ 1430

The SPEAKER pro tempore. Pursuant to House Resolution 1233, the previous question is ordered on the bill and on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question is on the amendment offered by the gentleman from Utah.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 178, nays 232, not voting 23, as follows:

[Roll No. 384]

YEAS—178

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Capito
Carney
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Forbes
Foster
Frank (MA)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—23

Blunt
Boehner
Boucher
Campbell (CA)
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
McCotter
McKeon
Pascrell
Pryce (OH)
Putnam
Rodriguez
Rush
Shuler
Tiahrt

☐ 1454

Messrs. TANNER, MURPHY of Connecticut, CANTOR, ABERCROMBIE, COSTELLO, LARSON of Connecticut, SPRATT, Mrs. MALONEY of New York, and Messrs. SAXTON and SCOTT of Georgia changed their vote from "yea" to "nay."

Mr. ISSA changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SALI

Mr. SALI. I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali moves to recommit the bill H.R. 5540 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Section 502(a)(1)(B) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended to read as follows:

"(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay, including educating the public regarding the effect of high fuel prices on access to and use and enjoyment of all present uses of the Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails;".

☐ 1500

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho is recognized for 5 minutes in support of his motion.

Mr. SALI. Mr. Speaker, this motion is a straightforward one and one that I hope we can all support.

Because the underlying bill is a permanent authorization of appropriations for this regional program, it is suitable that the Secretary of the Interior should use some of these funds to help the residents of the Chesapeake Bay better understand exactly how their recreational opportunities, their livelihoods and even their everyday lives are affected by the shocking gas prices affecting the country, prices which have skyrocketed over 71 percent since the current majority was installed in the House of Representatives.

I have read several news reports that show exactly how high boat fuel prices have affected the watermen of the bay. They cannot afford to run their boats to catch seafood we all enjoy. In the meantime, the price of those delicious crabs is climbing almost as fast as gas prices just so these fishermen can make their costs.

While this program creates popular Chesapeake Bay watertrails, tour operators have shuttered their boats because they cannot afford to fill up their tanks. Families are forced to stay home rather than vacationing on the Chesapeake Bay shore to enjoy its historic sites, education programs and Chesapeake Bay gateway sites supported by the authorization in this bill. This is a shame because the area has much to offer.

I wish I could offer a motion to actually decrease these prices, but the majority won't allow a vote on a measure to open up secure, American supplies of oil and natural gas, or oil shale, on our public lands. In the meantime, we are occupying hours of our legislative day with this minor program.

Our constituents, including the millions who live near, use, and enjoy the Chesapeake Bay, deserve better.

Mr. Speaker, we all know that we're going to hear from the other side of this body that there's a problem with this motion being made "promptly." As we also know, the majority controls the work of this committee and schedules the House. Just as they have scheduled this bill today, they can bring this bill back early next week. This motion is made promptly so that, in addition to the matters that are considered within this motion to recommit, that the committee can take up all of the matters and make sure that we have fully addressed all of these issues as they affect the people who live and work in the Chesapeake Bay area.

Mr. SARBANES. Mr. Speaker, I rise to oppose the motion.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, this is an odd motion as you read it and one that I don't think takes full account of how aware people are of the effect of gas prices, which is the issue that the other side has talked about all day. It says that there will be education of the public regarding the effect of high fuel prices. I think the public is fully able to educate itself with respect to that impact.

This is a distraction. It doesn't really connect to the underlying bill. It was not offered in committee. It was not offered as part of the rules process. But more importantly than that, this is styled, as was just indicated, as a "promptly" motion and, therefore, effectively would kill the bill. And I can't imagine why anybody would want to kill this bill.

What this is designed to do is to recognize the incredible commitment that has been made by ordinary citizens on behalf of the Chesapeake Bay. It would reauthorize on a permanent basis the Chesapeake Bay Gateways Program and Watertrails Network, which was first enacted in 1998. This is a successful, efficient and effective program. The White House Conference called it "a cooperative conservation success story."

It includes 156 sites across six States and the District of Columbia, parks, wildlife refuges, museums, historic sites, watertrails, and most importantly, it reaches out to volunteer groups that have stepped forward to take stewardship of the Chesapeake Bay, millions of visitors from around the country and around the world every year.

It's an efficient and effective program, and this reauthorization makes an important statement. And that's why I object to the motion because the "promptly" nature of it would effectively kill this bill, and we need to make a statement now to those citizens that have stepped forward, that just as they have made an important and steadfast commitment to the health of the Chesapeake Bay, so their national government will make a similar commitment to the Chesapeake Bay and the watershed by stepping forward and permanently authorizing this outstanding program.

I urge my colleagues on both sides to vote "no" on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true that if this motion did pass, that this bill could be referred back to the committee or committees of authority and be reported back the next business day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. WESTMORELAND. Thank you.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend with regard to H.R. 3058.

The vote was taken by electronic device, and there were—yeas 181, nays 223, not voting 29, as follows:

[Roll No. 385]

YEAS—181

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—223

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—29

Barton (TX)
Blunt
Boehner
Bonner
Boucher
Camp (MI)
Campbell (CA)
Cantor
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
Langevin
McCotter
McCrery
Pascrell
Pryce (OH)
Putnam
Ruppersberger
Rush
Shuler
Tiahrt
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1522

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 385, I was in an Intelligence committee briefing. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 86, not voting 27, as follows:

[Roll No. 386]

YEAS—321

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick

Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—86

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Cannon
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Lewis (KY)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Reichert
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—27

Blackburn
Blunt
Boehner
Bonner
Boucher
Campbell (CA)
Cantor
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
Linder
McCotter
Pascrell
Pryce (OH)
Putnam
Rangel
Rush
Shuler
Tiahrt
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining on this vote.

☐ 1529

Mr. GARRETT of New Jersey changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC LAND COMMUNITIES TRANSITION ACT OF 2008

The SPEAKER pro tempore (Mr. HARE). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3058, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 3058, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 193, answered "present" 2, not voting 21, as follows:

[Roll No. 387]

YEAS—218

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Regula
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Carney
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi

Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Capuano
Melancon

NOT VOTING—21

Berman
Bonner
Boucher
Campbell (CA)
Cantor
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Jackson-Lee (TX)
LaHood
Linder
Meek (FL)
Pascrell
Pryce (OH)
Rangel
Rush
Shuler
Tiahrt

☐ 1544

Mr. ENGLISH of Pennsylvania changed his vote from "yea" to "nay."

Ms. ROS-LEHTINEN and Mr. CHILDERS changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ELLISON. Madam Speaker, on the afternoon of Thursday June 5, 2008, I have an excused absence to attend my son's school graduation. If I were present, I would have voted "no" on rollcall No. 384 and 385. I would have voted "aye" on rollcall No. 386 and 387.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. I yield to my friend from Maryland, the majority leader, to tell us what we plan to do next week.

Mr. HOYER. I thank the Republican whip for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 9 a.m. for morning hour and at 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension. The final list of suspension bills will be announced by the close of business tomorrow.

We will consider H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008; H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008; and also hope to consider the Iraq-Afghanistan supplemental appropriations bill.

Mr. BLUNT. I thank the gentleman for that information.

On the appropriation bill, supplemental appropriations bill, I think we are getting close to the time that the Pentagon may have to send out furlough notices to civilian employees, and probably beyond the time where they had to start shifting money from other accounts to the Army.

Does my friend believe we will have that bill relatively early in the week, or is your confidence it will just be sometime next week?

Mr. HOYER. I am reasonably confident it will be sometime next week. It is my hope it will be earlier in the week rather than later in the week. But I cannot say that at this point in time. There's still work being done on the bill. Chairman OBEY is working very hard on a draft proposal that can be enacted in a short time frame.

We are aware of the time constraints of which the gentleman spoke. I anticipate we will include a package of items that we believe are a cost of the war, the GI benefits that have been discussed, and also items that address a small number of pressing needs. We are strong believers in PAYGO, as you know, but we understand that we have to deal with the other body and the White House, who has not supported that effort. We are sometimes not in agreement with their position, and we will have to keep working on that issue. I know Mr. OBEY is working hard on that.

Mr. BLUNT. In that regard, has any conclusion been reached or not about whether tax increases similar to the ones that the House sent over to the Senate or other ways to pay for the ongoing expenses of the GI Bill that we all hope that we can arrive at a language on that we can be supportive of will be part of the package, or will the Senate view that there doesn't need to be a pay-for in this package be the prevailing view?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Again, I would reiterate, as you know, we feel very strongly that the new entitlement program for the GIs, which is something we strongly support, but ought to be paid for as a new entitlement so that it does not add to the debt.

The Senate did not agree with that proposition. As a result, that is not in the bill that has come back to us from the Senate. So we are currently trying to figure out what to do on this issue, but we feel very strongly that the GI Bill ought to be adopted one way or the other.

Mr. BLUNT. I thank my friend for that.

On other appropriations bills, you have announced in the press that the Appropriations Committee will begin its subcommittee markups next week. Do we anticipate that some of these appropriations bills would be on the floor this summer, and if so, which ones?

I would yield.

Mr. HOYER. I again thank the gentleman for yielding.

I can't tell you exactly which ones, but I do anticipate there will be appropriations bills on the floor this summer. I don't, at this point in time, have the ability to tell you specifically which ones.

Mr. BLUNT. On gas prices, as I am sure you have noticed, Republicans have been talking about gas prices a lot this week. We'd like to see some legislation scheduled that would allow more exploration, more American security in our energy sector. Is there anything like that scheduled?

Mr. HOYER. Not next week. Although, as you know, we passed a major energy bill last year that was signed by the President that looks to real solutions to the problem of reliance on petroleum products and that is relying on alternative energy sources. We believe strongly on this side of the aisle that both from an environmental standpoint, a global warming standpoint, and an energy independence standpoint that looking to alternatives is absolutely essential.

As you know, gas prices have risen very, very substantially during the course of the last 7½ years. As I have indicated before, during the 8 years of the Clinton Presidency, they rose approximately a nickel a year, from $1.06 to $1.46. Under this administration, they have gone from that $1.46 to now $3.86, $3.90, $4, and over $4.

I know your contention is that it has just been in the last 12 months that this has happened. We disagree with that proposition. It's an interesting proposition to try to sell to the American public. But the bottom line is, frankly, for the last 35 years, since the late seventies when we had the long gas lines, we have not moved to alternative energy sources in the way we should have, in my view, so that we could not be held hostage by some, frankly, who have profit, understandably, in mind, but not necessarily the best interests of our consumers or our country. We support a diversified clean energy portfolio for our country.

I want to make an observation because I have been listening today with interest. You may find this of interest. We have nearly a whole refineries' worth of capacity idle right now. Not for lack of supply, but for lack of use of existing refineries. As a matter of fact, we are at 87 percent, which is about 10 percent below what we usually are over the last 10 years. So for whatever reasons, refiners are now at 10 percent below the capacity they usually are on average over the last 10 years at this time.

Secondly, since 2000, drilling on land has increased dramatically. Your side of the aisle has talked a lot about how we need more capacity to drill. I will tell you that since 2000, drilling on land has increased dramatically, climbing 66 percent. A two-thirds increase. Notwithstanding that increased drilling, gas prices have increased.

In addition to that, I will tell my friend that oil and gas companies hold leases to nearly 68 million acres of Federal land and waters on which they are not producing oil and gas. It is our belief and experts' belief that these 68 million acres of leased but currently inactive Federal lands and waters could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day. That is existing leases on existing land that are not being used today.

As a matter of fact, well less than half of the currently authorized leased land for oil drilling is not being used. It would nearly double if we did that total U.S. oil production and increased domestic natural gas production, by 75 percent. That is without a single new lease or single new drilling authorization being passed.

It would also, of course, cut U.S. oil imports by more than a third and be more than six times the estimated peak production from the Arctic National Wildlife Refuge that is discussed so much on your side of the aisle.

So while we are trying to focus on understanding what effect high prices have today and what manipulation may be going on in the marketplace today that is impacting on prices, we do continue to focus on the long-term solution, which is not, frankly, looking at petroleum products, which are a wasting resource and which will not in your lifetime and my lifetime but in our grandchildren's lifetime not be the source of energy to either power our cars or our economy but alternative sources of energy.

We look forward to working with you on all of those. We believe that there is a lot of excess capacity in refining, excess capacity on leases for oil and for natural gas that currently exists that, for whatever reasons, are not being pursued now.

Mr. BLUNT. I appreciate the gentleman's information on that. I will even be glad to accept some of it. Maybe gasoline was $1.46 in 2000. It had moved almost to $2.50 in the next 6 years. It has gone to $4 in the last 18 months. That is a record we are more than happy to talk about.

In terms of refining capacity, actually we have been bringing refined gas product into the country in recent months. I don't know enough about refineries to know if a 10 percent downage in refineries is normal or not. I do know we haven't built a new refinery since 1976, and a number have closed.

In terms of seeking oil, the Chinese now have an agreement with the Cubans that they can drill for oil 45 miles off our coast. Our companies can't do that. There's tremendous potential, I believe, and I think many of our colleagues on both sides of the aisle do, in the water, in the oil shale, and certainly the gentleman is right, and neither of us want to particularly give away our age in suggesting that that transition that we both anticipate will occur, will not totally occur in our lifetime. Even if we knew what it was right now, the last person will put the last gallon of gas in the last car that burns gas 30 or 40 years after we move toward whatever that next thing is that powers the economy.

We certainly need to encourage getting there, and I think there are many parts to that puzzle, from wind and solar and nuclear and better battery technology. But we firmly believe that you can have impact, and I don't mean we in the royal sense, I mean those of us who have been talking for years about supply, that you can have impact on the world price by just announcing that the United States was going to go after its reserves, known and unknown, and that unknown criteria is much more promising because of recent finds in this entire hemisphere than we would have thought it would have been.

We are eager to enter into that and feel strongly that more supply is part of the important transition to a different energy future, and would like to see legislation on the floor that increases supply.

In terms of legislation, one issue that we have talked a lot about, you and I have worked on, one of my colleagues has worked on a lot, the Foreign Intelligence Surveillance Act, I am going to yield for a moment to my good friend from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I would just like to underscore the seriousness of the Foreign Intelligence Surveillance Act fix. We did it, as the gentleman knows, last August, for a 6-month period of time, the Protect America Act. It was enough bipartisan support that it passed, but it had a 6-month life on it. Since February 16 at 12:01 a.m. we have not had that or similar ability for our intelligence community to act.

While they made some decisions within that 6-month period which carry over to the present time, as the gentleman from Maryland knows, we are up against it with respect to this summer.

□ 1600

I know that the distinguished majority leader announced his hope that we would have some sort of answer on this before Memorial Day. We missed that date. The gentleman knows our position, that a vast majority of Members on this side of the aisle, combined with the Members on your side of the aisle who have publicly said they would support the bipartisan Senate version, would give us that answer today. But I understand that the gentleman is attempting to mollify more Members on his side of the aisle.

So my question would be, can the distinguished majority leader give us some idea of when we might see something on the floor that we might vote on that might in his judgment get enough bipartisan support to pass in the event that you continue not to bring us the Senate bill?

Mr. BLUNT. Reclaiming my time, I yield to my friend.

Mr. HOYER. I thank the gentleman for yielding and I thank the gentleman for his observation and question. While I don't have a date, I do believe that we are making very significant progress. You have heard me quoted as saying that on the floor. I think that has been true for the last, frankly, 4 to 5 weeks, and I really think that everybody who has been addressing has been working in a very forthright, open and conscientious.way to get us to a place where we can have legislation on the floor which will accomplish the objective the gentleman seeks.

I think we are making good progress, and I am therefore hopeful that this will be sooner rather than later. I don't want to set a date. I wanted to do it by Memorial Day. We didn't get there. But we are working very hard, and I am hopeful in the near future we will get there.

Mr. DANIEL E. LUNGREN of California. Will the gentleman further yield?

Mr. BLUNT. I further yield to the gentleman.

Mr. DANIEL E. LUNGREN of California. The distinguished majority leader has indicated we did not have the urgency of passing this because until August of next year it appeared that we had certain protections. We can't articulate what those are here on the floor. So I guess my question would be, does the gentleman expect that we will have it to vote before we leave for our recess in August?

Mr. HOYER. Yes.

Mr. BLUNT. I thank the gentleman.

After next week, we have 2 weeks remaining before our July 4 District Work Period, and I hope we can continue to work together to find a solution to that problem, to get the supplemental on and off the floor in a way that it properly funds the troops, and we get our work done. We will be working together to do that.

ADJOURNMENT TO MONDAY, JUNE 9, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HONORING HOUSE PAGES

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I would ask the pages to come up here and occupy the seats in the Chamber. Anywhere you want, either side. Maybe the next time you occupy that seat, you will be a Member of this body.

Mr. Speaker, I would like to take this opportunity to express my personal gratitude and the gratitude of the entire House to all the pages who have served so diligently in the House of Representatives during the 110th Congress.

This is the 16th Congress that I have served in. I have been Chairman of the Page Board or ranking member for about 20, 23, 24 years. I was appointed by Tip O'Neill. That is probably ancient history to you. That is very recent history to me.

Mr. Speaker, I have attached a list of the fine young people who have served this House as pages and will include their names as part of the CONGRESSIONAL RECORD.

U.S. HOUSE OF REPRESENTATIVES PAGES SPRING CLASS OF 2008

Adriana Daniela Aguilar, TX; Claire Jumanna Ashcraft, CA; Cole Salim Ashcraft, CA; Hannah Elizabeth Barkley, MS; Maurice Patrick Barry, MA; Erika Lauren Bertrand, NE; Amber E. Cassady, TX; Charles E. Coe, PA; John Cowart, FL; Maggie Carlisle Cupit, MS; and Matt Cyr, TN.

Carlos DeLaTorre, TX; Stephanie Diaz, HI; Brandon Estes, FL; Kelly Jo Fuller, GA; Shara Guarnaccia, NJ; Philmon Ghirmai Haile, WA; Jane Elizabeth Hamm, OK; Kathleen Shea Howard, NC; Michael J. Janusa, TX; Evan R. Johnson, IA; and Matt Jolley, UT.

Tara Marie Kelly, MA; Esther Kofman, CA; Satchel Clay Kornfeld, OR; Lauren LaVelle, CA; Thomas Lerum, CA; Brian Licata. NJ; Victoria Linville, TN; Jessica L. Malekos-Smith, CA; Jill E. Marshall, NY and Tara Mason, MO.

Elizabeth Milner, MS; Elizabeth L. Monsma, CA; Tiana Moore, CA; Jesse Mark Neugebauer, NE; Kaleigh Elizabeth Nolan, NY; Courtney Shene Owens, SC; Daniel Pavlovic, CA; Emma Peel, TX; Jacob William Peeples, MA; Ashley S. Pierce, DC; and Wylee M. Price, NM.

Miles Pulsford, KY; Andre Renaldo Fernandez, PR; Elizabeth Ann Reynolds, WA; Yi Ping Caitlin Patricia Roberts, VA; Max D. Robertson, NC; Jason Oliver Roman, NY; Jeffrey P. Schumacher, OH; Lea Shipman, AK; Hannah Leigh Shuman, FL; and Katie Smith, CA.

Feddie Justin Strickland, SC; Lianna Stroster, MI; Alexandria Christian Templeton, AL; Callie Sioux Tysdal, SD; Timothy Wainwright, PA; Megan Walden, CA; Nicki Warner, WV; Gabriel M. Weinstein, MD; Nicole M. Westergaard, IA; and Kiyan H. Williams, NJ.

To the Page Class of Spring 2008—Thank you and good luck!

I am sure you will pick up several copies of that RECORD when you go home.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. This group of young people, who come from all across our Nation, represent what is really good about our country.

To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends and learned the details of how government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and for their energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, Mr. Speaker, they face a challenging academic schedule of classes in the House Page School.

You pages have witnessed the House debate issues of war and peace, hunger and poverty, justice and civil rights. You served this House during a time of war. Many pages have never experienced that. You have seen the awesome responsibility Members of this House have when they vote on that question of war and when they vote on the funding of that war. You have witnessed a great deal of real history.

You have seen Congress at moments of greatness, and you have seen Congress with all its human frailties. You have witnessed the workings of an institution that has endured well over 200 years. No one has seen Congress and Members of the Congress as close up as you have. I am sure that you will consider your time spent in Washington, D.C., to be one of the most valuable and exciting experiences of your lives, and that with this experience you will all move ahead to lead successful and productive lives.

Mr. Speaker, as Chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. You certainly will be missed. Individually and collectively, you are great. I try to walk by the desk and say hello to you. I see you in the hallway carrying flags or whatever your mission may be. But individually and collectively, you are great.

In closing, I would also like to thank the members of the House Page Board who provided such fantastic service to this institution. Myself as Chair; Congressman ROB BISHOP, the Vice Chair; Congresswoman DIANA DEGETTE; Congresswoman VIRGINIA FOXX. One nice thing about the congressional members is we are not only members of the Page Board, but we like one another. We get along really well, and that is very helpful.

We have also the Clerk of the House, Lorraine Miller; we have the Sergeant at Arms, Bill Livingood, as a member; and we have two members who are not directly attached to the House; Ms. Lynn Silversmith Klein, who is the parent of a page, and Mr. Adam Jones, a former page. I want to thank you for your service on the House Page Board. It has been really a great experience for me.

And I want to thank our departing pages. I can really say this: You have influenced us. You have inspired us. We look at you and say most of what we do here is going to affect you more than it affects us. I really have great hope for the future when I look at you. This House I can say because of that is a better House, because of you. I thank you.

I yield first to the Vice Chair of the Page Board, my friend from Utah.

ROB, come forward here.

Mr. BISHOP of Utah. I have to join with Representative KILDEE in thanking you for being here and being part of the system and for the service that you have rendered. I hope it has been profitable for all of you as it has been profitable for us as we benefited from your particular system here, and I hope it also spurs you to have a continued interest in government and in politics. I realize that is not the norm.

When I was born, my father was mayor of the community. I always saw him involved in politics. I thought every family did that. What I found out, quite frankly, is that it is atypical. But what I hope for you is it is not atypical, and this spurs you on to continue to want to study, to participate and be a part of government.

The brilliance of our system of lay government is that common people can come together and you don't have to be trained to do this job. I know the way we do it, you think probably we should be trained. But, at the same time, common people can talk about issues and can make decisions for themselves.

We are both old teachers. As a history teacher, I now get to talk about F–22s and F–35s and public land policy and can do that because that is the way the system is designed. And through all of the flaws and the bumps and the grinds, the bottom line is still our system works.

I encourage you as you go back there to finish your education, become involved in your communities, become involved in your political parties, become involved in the system, and keep that encouragement, that interest alive. The future of this country depends upon you doing that.

So thank you for being here.

Mr. KILDEE. Thank you very much, Mr. BISHOP.

You know, it is interesting. We have friendships across the aisle and we do cooperative things across the aisle. I remember very early in your career here you came up to me and you said, I have an amendment I am going to offer in the Resources Committee, and could I talk to you about it and maybe get your help? I looked at it and it made good sense.

We do that. We do that more than what people realize. I appreciate working with you.

I yield now to the majority leader, Mr. HOYER, the gentleman from Maryland, and a dear friend.

Mr. HOYER. I am pleased to be here with all of you young people.

About, well, 45 years ago I was about 5 years older than you are now and I started working on this Hill for a Member of Congress. His office was on the sixth floor of the Longworth Building. You know enough about our offices to know that he was a junior Member, being placed on the sixth floor of the Longworth Building, those spacious offices that you have visited with various different items from time to time.

I had an opportunity, not as intimately as you have had because I did not have access to the floor as somebody working in an office, but I did have the opportunity to see the Members, to talk to some of the Members, to see what they were doing.

You have had an opportunity that very, very few Americans will ever have. I presume most of you are 16 years of age. Maybe some have reached 17. Maybe some are late 15. In any event, you average 16 years of age. As Mr. KILDEE pointed out, you have seen firsthand the best and the not-so-very best. To that extent, hopefully you have said, you know, they are a lot like us. Sometimes we are really good, and then sometimes not quite as good as we would like to be.

Because you have had this special window on your democracy, we call this the people's House. It is the people's House because every 2 years we have to go back to the people and get their imprimatur. We call it a vote. We have to be rehired. The Founding Fathers established that so we would stay in close touch with the people and reflect their hopes, their aspirations, yes, even their fears, their angst and sometimes their prejudices.

But we are a representative body. And there are too many people frankly around the country who don't have a lot of faith in this body and who don't think it works very well, and they see us on television largely in confrontation. You have seen us more at work and cooperation than sometimes happens on this floor.

So, on behalf of both my friend Mr. BOEHNER and myself and Speaker PELOSI, I would urge you to go home to your respective schools, your respective communities, your respective families, and talk to your peers about your experience. Some of it will be perhaps not quite as positive as some of us would like.

But my experience has been, as President of the Senate when I was in charge of the Page Program in the Maryland State Senate and here, that the overwhelming majority of you will go from this place with a very positive view of how our people work, the passion they bring to their commitment to representing their community, and the integrity they have with respect to the issues that they argue on behalf of.

□ 1615

Do they all believe the same? No. Any more than all of you believe the same. I know there have been no debates in the dorms. I know that all of you have said, yes, we agree 100 percent. And if I thought that, I would think you were a strange group of people indeed.

You have been here at an historic time. Young women, you must be extraordinarily proud of the fact that for the first time in history we have a woman leading this body. Now, we have a woman presiding officer right now, she is from Florida, Ms. CASTOR, but we have a Speaker of the House who is a woman. And African Americans, you must be extraordinarily proud that for the first time in history we have an African American who is the nominee, presumptive, but is going to be the nominee of one of the major parties. And you can also be proud of the fact that we have a gentleman, JOHN MCCAIN, who served his country in war, and served as a prisoner of war for 5 years experiencing very substantial physical abuse, and came back to America as a young man and rose now to be his party's presumptive nominee for President of the United States. What an historic time for you to have served here in the House.

And I say served, because, frankly, the work of this House was facilitated by everything you have done. Sometimes the tasks may have seemed simple, but they were important to us accomplishing the people's business. And so on behalf of Mr. BOEHNER and myself and Mr. BLUNT and Mr. CLYBURN and Speaker PELOSI, I thank all of you for the work you have done, for the kindnesses that you have shown us; and I hope you in turn feel that you have received from us the courtesy and respect you deserve as outstanding representatives of your generation that may in time be referred to as well as one of the greatest generations.

Thank you for your service. God bless and good luck.

Mr. KILDEE. Thank you, Mr. HOYER.

Mr. BISHOP of Utah. Could I also ask that Representative FOXX from North Carolina, who is a member of the board, come and express her opinion as well.

Ms. FOXX. I want to thank my distinguished colleagues for the comments they have made. I agree with them, and I will not repeat the points that they have made in their comments to you.

I often like to look back at what our Founders of this country said about different issues and remind us of the things they brought, because our founders were remarkable people and we are a truly blessed country that they came together at the time that they did.

I want to give you a quote from John Adams who was writing about the importance of civic education in 1787. He encapsulated the idea behind the page program in a very simple but profound sentence on the importance of learning about freedom. He said, "Children should be educated and instructed in the principles of freedom."

Now, I know you all don't consider yourselves children, but I am sure if John Adams had been here, he would say, "Young people should be educated and instructed in the principles of freedom."

The experience of being a page has given you the opportunity to be instructed in the principles of freedom with firsthand experience in the halls of the world's greatest democracy. And that is what the page program is all about. That is one of the reasons I am so honored to serve on the Page Board. Having the fantastic opportunity to interact with you is another reason that I am so honored to serve on the Page Board.

You are an excellent group of young people who, in completing this year's program, are embarking on a lifetime of building on your experiences, learning and working in the Nation's Capital. You have performed extremely important functions for us; but I think one of the most important functions that you perform is simply being here and reminding us every day of the people we are serving, and reminding us that the actions we take are going to affect people like you, young people like you who are growing up in this country.

I do want to mention that I have had the privilege this semester of having a page here, Max Robertson, who is from the Fifth District of North Carolina. And the only reason I call attention to Max is because I think he is a great example of all of you. You are all model citizens, I think, of our country. You are all civic achievers, like Max.

I know that many of you will not want to serve in elective office, but I think all of you will want to be citizens and voters after this experience. I hope that many of you will want to serve in the military, as I know Max has expressed an interest in doing, because that is one of the most sacrificial ways you can serve this country.

All of you, your lives and character are examples of the high caliber of students who serve as House pages. It really has been a delight for me to get to know all of you, to answer questions, to share my opinion with you, and to hear your concerns and your issues about things, because we certainly need to get the feedback that we get from you, too.

I want to congratulate all of you on successfully completing this program, and I want to wish you all the best in all your future endeavors. And I hope that you will not forget your experience here, and that you will stay in touch with us and let us know other successes that you are having and ways that the page program has impacted your life, particularly in positive ways.

I want to thank the chairman, Mr. KILDEE, for his leadership on the Page Board and Mr. BISHOP and all the other folks who are serving on the Page Board for their wisdom and insights, and the opportunity to serve and lend my few talents to that endeavor.

Mr. KILDEE. Much of the joy that I get from serving on the Page Board through the years is the pages. But you have heard the two Republican Members speak, and we indeed are friends and I really enjoy meeting with them. Our meetings, none are bipartisan, they are nonpartisan. The bottom line is you, and they are really friends of mine.

If you will make your concluding remarks, and then I will wrap it up.

Mr. BISHOP of Utah. Just stay involved, stay active, and stay the overachievers you are. Thank you for your service here. We have appreciated you.

Mr. KILDEE. Thank you again for all you have done for us, for enriching this body, for, as I say, making myself a better person, making this body a better body. May the riches of God's blessings go with you as you return home. Thank you very much. God bless you.

RECOGNIZING THE 75TH ANNIVERSARY OF THE DRIVE-IN THEATER

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Madam Speaker, I rise today to recognize the 75th anniversary of the drive-in theater.

On June 6, 1933, Richard Hollingshead, Jr., opened the first drive-in theater in the United States in Camden, New Jersey. Hollingshead's vision of enabling Americans to view movies from the comfort of their spacious cars was mastered through trials on his own driveway where he nailed a bed sheet between two trees and placed a film projector on the hood of his car. From its simple origins, Hollingshead's concept would transform the movie industry and later become a lasting icon of Americana.

Today, there are close to 400 drive-in theaters operating 650 screens in 47 States across the Nation. As summer approaches and evenings become warmer, thousands of families, couples, and groups of friends will gather at drive-ins to enjoy the latest Hollywood blockbusters on the largest movie screens in the theater industry.

Throughout the U.S., moviegoers are rediscovering the pleasures of the all-American drive-in experience, which often includes dining on classic American foods and beverages. My district in eastern Pennsylvania is home to the famous Shankweiler's Drive-In Theater built in 1934. It is the oldest operating theater in the United States. Every summer, many of my constituents flock to local drive-ins like Shankweiler's for an evening.

I ask my colleagues to celebrate the 75th anniversary of the drive-in theater and I encourage all Americans to rediscover their local theaters.

A TEENAGE HERO IN A TIME OF LOSS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, recently communities in North Carolina's Fifth District were hit hard by severe weather in the form of tornadoes. No one was badly injured in the town of Clemmons, North Carolina, when a twister left a trail of destruction leaving several families homeless but thankfully alive. But one young man, Chris Ellis, who is a senior at West Forsyth High School, proved his selflessness and heroism when he rushed to the rescue of his neighbors on Frye Bridge Road in Clemmons.

Risking his own safety, Chris ran to the aid of Amber Parker and her two children who were trapped in the wreckage of their collapsed house. His demonstration of uncommon courage in the face of the awesome power of a tornado is nothing short of inspiring.

Madam Speaker, I hope the example of Chris Ellis is an inspiration to his entire community as they cope with the loss of homes and memories during this difficult time. In times of suffering, it is always encouraging to know there are selfless souls like Chris ready to lend a hand even at their own personal risk.

HIGH FUEL COST CRISIS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Madam Speaker, I rise today, just as many of my colleagues have done, to address the urgent high fuel cost crisis. Yes, Madam Speaker, it is a crisis that is facing all Americans. From the trucker who can no longer afford to operate his rig, to the farmer who must keep the tractors in the barn, or to the small business owner who is being forced to close their doors, the daily commuter, or the general consumer. It is a crisis.

You know, we are being told that we buy petroleum from other countries, oftentimes countries that don't even like us, because many in this country see our resources as a liability, an economic or an environmental hazard. We have got to change that mind set. We must allow ourselves the opportunity to drill on our own land, in ANWR, off our own coastlines. We must increase refining capacity instead of continuing to shut down more factories.

☐ 1630

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CASTOR). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NEWS FROM THE SECOND FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, I bring you news from the second front. The second front, of course, is the border we have, the southern border, where there is a war going on. It's a border war between the United States and those people who wish to enter the United States illegally.

During my travels to the Texas/Mexico border and, really, the southern border with Mexico, I've traveled all the way from San Diego to Brownsville, Texas meeting with the various law enforcement officers. Of course I've met with the Border Patrol, but more recently I've met with the sheriffs along the Texas/Mexico border.

Let me make it clear. The Border Patrol does as good a job as we will let them do. They patrol the first 25 miles inland into the United States. But that's all they patrol. And if an illegal individual, no matter who they are, comes into the United States and gets past that 25-mile marker, it's up to somebody else to patrol that area. And much of that time it's left up to the sheriffs throughout the States of Texas, Arizona, New Mexico and California.

The sheriffs patrol the entire county. And let me give you an example. When a crime is committed in a county, a person calls 911, and 911 transfers them to the Sheriff's Department, not to the Border Patrol, because it's not important at the time where that crime or where that criminal came from.

And many times those criminals are cross-border criminals. They come into the United States from all over the world to commit crimes and then flee back across the southern border. And it's up to the sheriffs to protect the citizens of those counties.

Just to give you an example of a couple of counties, I've visited with Sheriff Arvin West of Hudspeth County. That's way over here in West Texas. That's a county that's the size of Delaware. And Sheriff West, like most of the 16 border sheriffs along the Texas/Mexico border, they look like sheriffs from Texas, they act like sheriffs from Texas. But, to a person, they are relentless in protecting their communities from criminal conduct.

And much of that conduct is the result of the failure of the United States of America to protect the border from people coming into the United States without permission. It is the duty, the first duty of government, to protect us from invasion by any source and by any means, and that includes anyone that comes into this country without permission.

Most recently, I've gone all the way to the other end of Texas, down to Cameron County, Texas where Brownsville is. It's a unique county because most of that county borders water, either the Rio Grande River or the Gulf of Mexico. And I've watched, and I went down with Sheriff Omar Lucio and some of his deputies who also are a relentless bunch of Texas deputy sheriffs trying to protect the border.

He, like Arvin West on the other side don't have a big budget for vehicles. So the way they get vehicles, Madam Speaker, is they have to confiscate the drug dealers' vehicles, those SUVs. And then once those are confiscated, they use those because they don't have enough money to fund their own transportation on the border.

As Sheriff Lucio said, the drug dealers, the drug cartels outman them, they outspend them, and they outgun them. That's because they have more money than we have on this side of the border.

And to give you an example of how the drug cartels work, and how it is very difficult for the sheriffs and the Border Patrol to stop the invasion of the drugs, down here on the Texas/Mexico border, the Rio Grande River is about as wide as this House of Representatives. And planes fly in from Mexico. They fly out into the Gulf of Mexico, come straight in across the Gulf of Mexico and the border of the United States, and they drop their cocaine, marijuana, and then other drug mules pick that up and move that throughout the United States on these interstates that are depicted on this map.

So it's important that we give the border sheriffs the resources that they need. And part of that can come from the Merida Initiative. The administration has offered and is promoting the idea of sending $1.4 billion in equipment and training to the other side of the border, to the Mexican side to fight the drug cartels.

Good intentioned, but in all due fairness, the history of Mexico along the border is not good. There is corruption, and many of the military and the police have started working with the drug cartels, some of whom have been trained in the United States have gone over to the other side. Maybe that money would be better spent if we left it on our side of the border and gave that money to the sheriffs to patrol this entire area.

We should give the sheriffs surplus military vehicles that have come back from Iraq and let them patrol all this area, because you cannot patrol this part of Texas with a Prius. We have to use some type of SUV or pickup truck. And it's important that we do this. The number one duty of government is public safety.

Madam Speaker, June 6, 1944, the anniversary is tomorrow. We sent thousands of Americans over the lands and over the seas to protect the borders of countries that had been invaded. France, Belgium, Czechoslovakia and other nations, and it's the duty of our country to protect us from the invasion coming south of the border.

We should send the military to the southern portion of our border and have the moral will to stop the invasion into the United States.

And that's just the way it is.

NO PICNIC FOR IMPRISONED U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today many Members of Congress and their families will attend the Congressional Picnic hosted by President and Mrs. Bush at the White House.

However, for two imprisoned Border Patrol agents, this day will not be a picnic. Today is day 505 of a terrible injustice in America. Agents Compean and Ramos have been in Federal prison in solitary confinement since January 7 of 2007.

These two U.S. Border Patrol agents were convicted in March of 2006 for wounding an illegal alien drug smuggler from Mexico. The smuggler brought $1 million worth of marijuana across our border into Texas, and the drug smuggler was given immunity by the Federal prosecutor to testify against the two border agents. Since then, the prosecutor's star witness, the Mexican drug smuggler, returned to America with more illegal drugs. He has now been arrested and has pled guilty to four felony counts for smuggling drugs.

Ramos and Compean were doing their job to protect the border and to protect the American citizens. Yet, through a questionable prosecution, the agents were convicted and sentenced to 11 and 12 years in prison.

Many of us in Congress have called on the White House to pardon these two border agents. They are heroes, yet the administration has done nothing to reverse this injustice.

Those of us who have been speaking out on behalf of these agents for more than a year are waiting on the Fifth U.S. Circuit Court of Appeals in New Orleans to render its decision in this case. During an oral argument for their appeal on December 3 of 2007, one of the judges considering the case, Judge E. Grady Jolly said, and I quote the judge, "It does seem to me that the government overreacted here. For some reason, this one got out of hand."

Madam Speaker, I hope that those attending The White House Congressional Picnic have a wonderful time this evening. I'm sure that Agents Compean and Ramos would also like to be home having a picnic with their family.

Madam Speaker, this injustice needs to be corrected. I hope that the American people will continue to care about Compean and Ramos, to let the White House know that these men should be free.

It is my hope and prayer that one day soon, this injustice will be corrected and these two heroes will be home with their families, maybe to have a picnic.

PRAYER TO HONOR THE MEN AND WOMEN OF THE ARMED FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Madam Speaker, there was a time when our national leaders publicly felt the ability to invoke the Creator and invite His blessings on our national causes.

On D-Day, June 6, 1944, President Franklin D. Roosevelt read a nationally broadcast prayer as our troops landed at Normandy. I'm going to read this prayer in the House today, to both commemorate this event and honor the men and women of our Armed Forces.

"Almighty God, our sons, pride of our Nation, this day have set forth upon a mighty endeavor, a struggle to preserve our republic, our religion and our civilization and to set free a suffering humanity.

"Lead them straight and true. Give strength to their arms, stoutness to their hearts, steadfastness to their faith.

"They will need Thy Blessings. Their road will be long and hard, for the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again, and we know that by Thy grace and by the righteousness of our cause, our sons will triumph.

"They will be sore tried by night and by day, without rest until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

"For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise and tolerance and goodwill among all Thy people. They yearn but for the end of battle for their return to the haven of home.

"Some will never return. Embrace these, Father, and receive them, Thy heroic servants into Thy kingdom.

"And for us at home, fathers, mothers, children, wives, sisters and brothers of brave men overseas whose thoughts and prayers are ever with them, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

"Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer as we rise to each new day and again, when each day is spent, let words of prayer be on our lips invoking Thy help to our efforts.

"Give us strength too, strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces.

"And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons, wheresoever they may be.

"And, O Lord, give us faith. Give us faith in Thee, faith in our sons, faith in each other, faith in our united crusade. Let not the keenness of our spirit ever be dull. Let not the impacts of temporary events, of temporal matters of but fleeting moment, let not these deter us in your unconquerable purpose.

"With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country and with our sister Nations into a world unity that will spell a sure peace, a peace invulnerable to the schemings of unworthy men, and a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

"Thy will be done, Almighty God.

"Amen."

□ 1645

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 5, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,918 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution; it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are. And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,918 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 5, 2008, 12,918 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

FAITH IN GOD IS THE FOUNDATION OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Madam Speaker, a deep abiding faith in God, I believe, undergirds and protects this Nation from its very start until today. As you and I tour this Capitol, as you and I work in this Capitol, and as you and I go about the business of the people in this Capitol, there are signs of that deep faith throughout the Capitol. Some are overt, such as the inscription above you that says "In God We Trust," and there are others that aren't quite as overt that are particularly subtle, and it is one of these subtle remembrances and reminders that I want to talk about today.

As you move between the Statuary Hall and the Rotunda, there is a statue of a gentleman named John Muhlenberg. John Muhlenberg's story is what I want to talk about today.

John was a clergyman, a soldier, and a politician. John was a Virginian, and he was a member of the Assembly of Virginia; and he was a witness to the British taking over the armory in Williamsburg and taking the gun powder and the weapons out of that armory. He was incensed that his country, his communities would be attacked by these British soldiers.

So he rode his horse back to his congregation in Western Virginia, and on a

Sunday morning began a sermon, and he spoke from that familiar passage Ecclesiastes 3 in which he said, There is a time for everything and a season for every activity under heaven; a time to be born and a time to die; a time to plant and a time to uproot; a time to kill and a time to heal; a time to tear down and a time to build; a time to weep and a time to laugh; a time to mourn and a time to dance; a time to scatter stones and a time to gather them; a time to embrace and a time to refrain; a time to search and a time to give up; a time to keep and a time to throw away; a time to tear and a time to mend; a time to be silent and a time to speak; a time to love and a time to hate; and a time for war and a time for peace.

He then looked at his congregation, Madam Speaker, and said, This is a time for war. Standing in a pulpit with his clerical robes on, he then removed his robe to display his colonel's uniform and sword. Pastor Muhlenberg then went on to raise the militia of some 300 strong Virginians and fought valiantly in the Revolutionary War on behalf of his country.

In addition to John Muhlenberg, he had a brother named Fredrick Muhlenberg who was also a preacher in New York City. His brother, once understanding what John was doing, wrote to him telling him the error of his ways, that this was not his fight, he should not be participating in it, and to stand down and to leave this matter of a revolution alone.

Fredrick held that position until the Brits burned his church in New York City, and then Fredrick took up arms against the Brits as well. In addition to those feats, Fredrick became the first Speaker of the House of Representatives.

So as you walk between the Statuary Hall and the Rotunda, you will see a statute of John Muhlenberg. He's got clerical robes, and on he's also got a sword; and as you see this statue, be in remembrance of the fact that this was a clergyman who had taken up arms to create and defend this country.

Madam Speaker, I believe that this country should remain with a deep abiding faith in God, and that we should absolutely adhere to the inscription ascribed above your head and that in fact in God we do trust.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 70) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013."

IN HONOR OF THE 2008 DETROIT RED WINGS AND THEIR STANLEY CUP CHAMPIONSHIP

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Madam Speaker, it's with great pride that I rise today to congratulate our Detroit Red Wings on winning this year's National Hockey League championship. It has been 6 long years since the Red Wings have last brought the Stanley Cup back to Hockey Town, which is what we call Detroit in our good seasons, but their hard work and their hard-won victory on defeating the Penguins in six games is the epitome of teamwork at its absolute best. If ever a championship fits the personality of a community, this one does.

This team was about true sportsmanship and selflessness. Every Red Wing could vie for the Most Valuable Player award because each of them played with remarkable fortitude and consistence. Whether Detroit won because of the stepped up play of goalie Chris Osgood, the excellent leadership of the Captain Nicklas Lidstrom (the first European Captain to hoist the Stanley Cup), Henrik Zetterberg's post-season offense led the way (scoring 13 goals in the playoffs), or the tremendous Red Wings bench. They are a true model of what can be achieved with team work: Success.

I am particularly excited that the city of Detroit won this championship at this time. Madam Speaker, during the past few years the Metro Detroit area has lost tens of thousands of manufacturing jobs, some of which will never come back to this great city. The Detroit Red Wings winning this championship has brought back hope and a sense of optimism that Detroit desperately needs. The team's success exemplifies the strength and tenacity both of the Red Wings and of the great citizens of Detroit.

The moral of this championship is that you never now what you can achieve until you try. Go Red Wings.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XXVIII, as a result of the adoption by the House and the Senate of the conference report on Senate Concurrent Resolution 70, House Joint Resolution 92, increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on June 5, 2008.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 60 minutes as the designee of the majority leader.

Ms. BALDWIN. Madam Speaker, I rise tonight one month after our Nation recognized Cover the Uninsured Week to draw attention to a national crisis, and that is the crisis of the uninsured. This crisis affects all Americans, and so for the fifth straight year, I have reserved this hour to highlight the issue of the uninsured.

Madam Speaker, I believe that all Americans have a right to affordable and comprehensive health care. But unfortunately, according to the Census Bureau, 47 million Americans are without health insurance. Millions more encounter a health care system that is inadequate in meeting their basic medical needs because they are underinsured.

According to a recent Commonwealth Foundation study, there are 16 million Americans who are underinsured, meaning their insurance did not adequately protect them against catastrophic health care expenses. That means that 63 million Americans, or one-in-five Americans, have either no health insurance, have only sporadic coverage, or have health insurance coverage that leaves them exposed to high health care costs.

Additionally, even those with health care coverage are faced with rising health care costs. As our economy continues to falter and the price of food and gas rises, high health care costs are straining more and more family budgets. The lack of affordable comprehensive health care affects every congressional district in the Nation.

To highlight this issue and the real impact that is being—that being uninsured has on the lives of Americans, I have reserved this time to share some of the letters that I have read in my office from constituents who have had difficulty in obtaining and affording comprehensive health care coverage.

Too often here in Congress, we speak of health care issues and the antiseptic jargon of policymakers and lawyers. We talk about Medicare Part D and insurance risk pools, but people across America are hurting. And these letters tell their stories in their own words.

I represent a district in south-central Wisconsin, and while the letters I read may be from Wisconsinites, they speak to the difficulties that people all over America face every day.

I'm going to start with a few letters about the ever-increasing price of health care.

Vickie in Beloit, Wisconsin, writes, "I am a 51-year-old woman, and was recently in the hospital. I have no insurance and my bill was almost $22,000. I was unconscious when I was taken there by ambulance, so I didn't know they were going to run all of these tests which were going to be the biggest part of my bill. I really have no idea how I'm going to pay this. I inquired about health insurance about 6 months ago, and it was over $700 a month."

Ross in Wisconsin Dells, Wisconsin, writes to me, "I am 78 years old. My wife is 82. We have Medicare part A, B, and D and supplemental insurance. There is so much that is not covered that we spend ALL our Social Security on medical costs and stuff that Medicare doesn't cover, like hearing aids and dental bills. If we didn't have some income besides our Social Security, we would both be in a nursing home, but I am not sick."

Michael in Poynette, Wisconsin, writes that "I am a Federal employee and a member of the Wisconsin Air National Guard. This past year we were granted a wage increase of roughly 2.3 percent. At the same time, the cost of our Federal Employee Health Benefit Plan benefit increased by up to 44 percent. Along with this, many of the copays also increased. This has put a tremendous strain on my colleagues in the Wisconsin Air National Guard, many who have been deployed three or more times in support of operations throughout the Middle East region."

Ed in Monroe, Wisconsin, writes, "My wife and I live in the gap. Between our Social Security and the disability policy she had, we get too much money to qualify for help, but not enough to really get by. With the donut hole in Medicare D, we would only be able to get my wife's meds for three months if it were not for samples provided by her doctors. Four out of her 10 meds would take 65 percent of our total income if it were not for the help of that doctor. I live with chronic pain because of a cancer treatment, but as the years go by, it helps less and I have other medical problems that are gradually getting worse. I have a wife and a son that I have to take care of because neither can do it all for themselves. I am the one who battles with Social Security and the insurance companies. I have to deal with problems that arise with their medications, their finances and many day-to-day things. Every time I hear a politician talk about cutting Medicare and other programs for the elderly and disabled, it scares me to death because I am just hanging on by a thread."

Glen in Wisconsin Dells, Wisconsin, writes, "My wife and I are retired and are on Medicare and supplemental insurance with drug coverage through my former employer. Our monthly cost for both is about $1,050 a month. With next year's increase, it will take my whole monthly pension to pay for our health insurance. It's like an adjustable rate mortgage that only increases."

Sue in Beloit, Wisconsin, writes, "My husband was diagnosed with lung cancer. After treatment began, we found out that the insurance company had a small loophole for the treatment of cancer. Under our insurance, they have a $13,000 limit per year on radiation and chemotherapy. That amount did not even cover the first treatment of either radiation or chemo. I was not going to have my husband die for lack of treatment, so we started to use our savings and available credit to pay for medical expenses. My husband later died. After having completely depleted our savings and facing insurmountable credit card debt, I had no choice but to file bankruptcy last year."

□ 1700

Michelle in Middleton writes: "My sister had been diagnosed with a possible brain tumor. She has a job with minimal pay and minimal insurance. It pays for the first $1,000 of medical costs per year and then the patient is to pay the next $5,000 before it kicks in again. She cannot afford this. She has already incurred the $1,000 of cost and bills are piling up. She has no idea how she will ever pay for all of the medical care she has needed and the stress is huge. Medical care should be a right of all. We all pay if prevention and early intervention don't happen."

Michelle brings up an important point in her letter because people without comprehensive health insurance are often not getting the care that they desperately need. A recent study released by the Robert Wood Johnson Foundation found that cost prevented 41.1 percent of uninsured adults from seeing a doctor that they needed to see.

Madam Speaker, I'd like to next focus on the connection between employment and health care. Only about 40 percent of businesses who employ low-wage or part-time workers offer health benefits. And at $11,480 per year, the average family's health insurance premium now costs more than a minimum-wage worker makes in a whole year.

And as we all know, the costs of health care are rising far faster than inflation. Between 2000 and 2006, health premiums for employer-sponsored insurance jumped 87 percent, far outpacing inflation's 18 percent overall increase over the same period of time.

Many of my constituents feel trapped. Either they cannot find jobs that offer good health care benefits, or they do have jobs that offer health insurance but they feel that they can't leave those jobs for fear of losing that health insurance.

Lisa in Beloit, Wisconsin, writes me. She says: "My husband and I have been without insurance on and off for the last 8 months. My husband is diabetic and his insulin can run up to $500 a month, not to mention all the other medications he takes. Thank God for the VA and their assistance. So we are managing with his health issues, but I have not had any well-woman checkups in a long time because I either had no insurance or the work I was doing, I couldn't get any time off to go to a doctor. I have made quite a few job changes in the last year to find the right fit for me, and I feel that I have finally found one, but my concern is that why do we have to suffer healthwise? Why do I have to rely on employers for benefits and be at their mercy, employment-wise, in order to obtain health care?"

Carolyn from Madison, Wisconsin, writes: "In 2002, I left my full-time job to pursue my dream of having my own business. Unable to afford COBRA, I looked around for affordable insurance with a high deductible. Imagine my surprise when five companies turned me down because of my controlled hypertension and 30 pounds overweight. I struggled for over a year, paying $150 a month for medication at the pharmacy. I developed extremely painful neuropathy in my feet and was unable to seek medical treatment for the condition because I had no insurance. So I just suffered, and I do mean suffered. After more than a year of endless suffering, I had no choice but to take a part-time job driving a school bus so that I could get health insurance. Eventually I had to give up my business because I no longer had the strength or energy to handle a growing business as well as a part-time job."

Frank in Madison, Wisconsin, writes: "I'm a 42-year-old male who has diabetes. I cannot get private health care coverage due to my illness. Two years ago, I stepped out of a corporate job to start my own business to fulfill a dream. I was not prepared for the fact that I would not be able to purchase a private health care policy for myself, due to my preexisting condition of diabetes. After 2 years of self-employment and lack of adequate health care coverage, I have no choice but to let go of my dream to own my own business and go back to working for a corporation so I can again receive health care coverage."

Bonnie in Janesville, Wisconsin, wrote: "I have, for years, had to be the one in our household, to maintain health insurance because my husband is self-employed. I could not take just any job I wanted. It was so nice when he turned 65 and was able to get Medicare. I was able to take a job that offered a plan for just singles. Since starting this job, I have had significant health issues. I have tried to keep working because I will be unable to find insurance and I can't afford the COBRA payments. I realize that there are people worse off. But I find it so difficult some days to have to come to work; if I work part-time, I would have no insurance to cover my health expenses."

Madam Speaker, the high cost of health care affects employers as well as employees.

Greg in Verona, who owns a small business, wrote me recently. He writes: "Since 1998, we've been providing health care to our employees. Every year, we've had double-digit increases in our costs. This year, the insurance company has informed us that we'll be paying 42 percent more next year, which will lead to one of several eventualities:

"1. We'll have to reduce what we cover as a benefit for our employees and hopefully retain them. Reality is, many will leave and we'll have trouble replacing them.

"2. We'll eat the increase but offer no employee raises for the next 3 years.

"3. We'll raise our prices and force customers to look elsewhere for the services that we currently provide them.

"The very real possibility is we'll end up with some element of all of the scenarios and end up not being able to keep the doors open. Very scary thought when one considers that my business has been around for 55 years."

Madam Speaker, I also get many letters from constituents who are nearing 65 but are not yet eligible for Medicare. I'd like to share some of their stories with you, too.

Daniel in Madison, Wisconsin, writes: "I am close to 57 and the combination of my disability and age are making work more difficult all the time. I have been thinking about retirement, but I found that if I do retire, I would lose my medical assistance that I count on for my medical needs. This is due to the fact that I would receive a small State pension. Pensions are considered unearned income, even though the pension was part of our compensation for working. One cannot have any unearned income and receive medical assistance. This seems very unfair. People with disabilities have a difficult time getting employed if they need benefits. Now I find it's just as hard to stop working and retain the needed medical benefits."

Marilyn in Oregon, Wisconsin, writes: "Tammy, I am writing you this e-mail to let you know how frustrated I am with the health insurance coverage in this country, especially for people over 50. I recently lost my job. I did not reach my retirement age. I was only 2 years away. My husband and I have had to use our life savings to pay $700 a month for health insurance. I just received a letter that the premium is going to go up next year $60 a month. My only choice is to cancel, since we have used up almost all of our savings. My husband and I do not know what to do for health insurance anymore."

Charlotte in Baraboo, Wisconsin, writes: "I am 54 years old and work 40 hours a week. A lot of jobs in our area have health care but might as well not offer any. It is really bad insurance. I know a lot of people in their 50s that have health problems that make it very hard for them to continue working, but they have to in order to have insurance for their health problems. Many of them would like to retire."

Madam Speaker, simply put, our health care system is failing and America knows this. Among the thousands of letters regarding health care that I receive, there is a common thread, a common theme that binds them together; and that common theme is an overwhelming frustration with a system they know just is not working and a call for those of us in Congress to take action.

Here are some more stories. Michael in Burlington, Wisconsin, writes: "My late daughter was diagnosed with lymphangiomatosis and Gorham's vanishing bone disease in March 2005. We found out how much a child with a terminal illness costs a person. My wife and I used every amount of credit and refinanced our house three times just to take care of her. Since her death, the bills mounted so bad that now we will have to file bankruptcy and we have already been foreclosed on our home.

"Secondly, my wife was born with a hole in her heart. In 1972, the doctors repaired the hole. In doing so, through the blood transfusion they gave her hepatitis C. Now she is preexisting at 37 and can't get life insurance and has been repeatedly denied health care coverage. Her mental breakdown because of the death of our daughter left the insurance companies another reason not to let her have health care. This needs to change."

Sherry in Lake Delton, Wisconsin, writes: "I live in a place where most jobs are low quality and low paying and don't offer health insurance benefits. I have had jobs on occasion that have offered insurance, but they have never lasted due to the fact that this area prefers to believe that you are not entitled to a life if you work here. In 1995, I gave birth to my first and only child. In my quest to find employment that would allow me to afford raising my child and pay enough for me to support her without working 18 hours a day, I met my future husband. I was employed when I sustained a work injury that went through on workman's comp. I was left with an injury that was never addressed and bills that workman's comp refused to pay. This injury has prevented me from even applying for better jobs, as the physical pain prevents me from performing many tasks that I have done in the past. My inability to bring a decent income to our home has created major stress on my husband. My marriage is falling apart daily due to health problems and my inability to support my husband. I tried to apply for Badger Care, Wisconsin's Medicaid program, and was told that we slightly exceeded the limits for a family of three, but if I was willing to leave my marriage and my home, that they would be more than happy to give me everything that was available. This just doesn't make any sense."

Cindy from Fitchburg, Wisconsin, writes: "I was in a motorcycle accident in Wyoming in 2004. The driver lost control on a gravel road. I ended up on the bottom of a mountain. I was found unconscious and covered in blood. Unfortunately, the people I was with didn't take me to a hospital. It wasn't until I was driven back to Wisconsin that I was taken to a hospital. When I did go to the hospital, doctors told me I should have died.

"My company where I worked had been sold just prior to this trip to Wyoming. I was supposed to start a new job when I returned. During that transition, I had just a few months without health insurance. I could not afford COBRA at $426 a month along with rent.

"The ER in Wisconsin did a CAT scan and recommended that I follow up with my doctor. At this point, I had problems talking, walking, and was in a great deal of pain. I had to give up my apartment and move in with a friend. I was able to continue my health care with COBRA paying for it with my unemployment. But once my unemployment ended so did my ability to pay for health insurance. My savings and 401(k) are all gone.

"My condition worsened without medical treatment. I had tried to get medical assistance, but was refused because I have no dependents and have not been diagnosed as terminal. I had applied for SSDI, which now takes 2 to 3 years for approval.

"I have been left with no income, unable to work, no insurance, and no home. The doctors told me that it may be possible for me to work again, if I can resume my medical treatments. As of now, I have no chance.

□ 1715

"With private health insurance or universal health care, I may have been taken to the hospital the night of the accident instead of being left to die. I would have gotten the treatment needed to prevent my brain from swelling, which caused further damage I may not have had today.

"If there were a mandatory law that people had to carry vehicle insurance, it might have also helped. If SSDI didn't have a 2 or 3-year waiting list, I may be able to get the health care and finances now for me to get better and return to work. If there were some dollars set aside for people without insurance, would my GP have helped?

"This can happen to anyone at any time. I was a homeowner, I had a professional career, and now I'm left without any help. I thought the United States was the richest Nation in the world. How can a human being be discarded?"

Julie from Beloit, Wisconsin writes, "I was just notified that my insurance company will be raising my house insurance by nearly $100 per year solely based on my credit report. Eight years ago, I had a sterling credit report; in fact, I was able to get a very low interest loan for the house that I bought because of it. Five years ago, I had a medical emergency which caused me to default on two credit cards and to create medical bills I have no hope of ever repaying. I had the choice between buying bandages and ointments, which are not covered by my insurance, for my legs or making my monthly credit card payments. I chose life. For as my doctors told me, I would have eventually lost my legs, if not my life, if I had not sought treatment.

"I know it's legal for insurance companies to do this just as it is legal for businesses to do a credit report on potential employees, but that doesn't mean it's right. I can see the point, to some extent, if poor credit rating were caused by irresponsibility. What I do not get is why people whose sole financial error was to have a health care crisis should be penalized for it.

"It does not take a rocket scientist to see that this will affect the poor, the elderly, and the disabled the most, who are often already either underinsured or uninsured. As for me, I will have to raise my deductible substantially and seriously consider filing for bankruptcy in the hopes of eventually improving my credit rating."

Eva from Madison, Wisconsin writes, "I am contacting you in regards to my desperate need for public health care. I am a grad student. I recently sprained my ankle playing soccer and had to go to the emergency room for x-rays. My bill came out to $1,242.50 because I can only afford a measly insurance that has only catastrophic coverage. This is a ridiculous amount of money for such a visit, and it causes me to consider those less fortunate than me who have even more serious injuries and less familial support. This cost can truly make waves in the lives of people."

Suzanne from Stoughton, Wisconsin writes, "It is time to have the government deal with health care. We are covered under COBRA, which will run out in March. The cost is going from $500 per month to $900 per month. We checked with Blue Cross, and they refused us coverage because of a preexisting condition. They will not even offer a waiver for this preexisting condition. We checked with the Wisconsin State Insurance Program, which will cover us for $1,200 a month. Please let people over 60 buy into Medicare. It is impossible to find a job that offers health insurance."

Silvia from Fitchburg, Wisconsin shared her story with me. Silvia was uninsured when she was hospitalized with the need for an appendectomy. Even after the hospital charity program reduced her bill, she still owed over $11,000 to the hospital. Sometimes bill collectors call her at home five times per day. Silvia chips away at the bills, sending $20 or $50 a month.

Roberta from Janesville, Wisconsin writes, "I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full-time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches, with us owing more money than what needs to be paid. As a result, I will not get a needed medical procedure done.

"Something drastically needs to change in the United States of America where hardworking individuals and families can get the treatment they need without going broke."

Patricia from Madison, Wisconsin writes, "We need to fix health care. I have to choose between food, heat and medications. I have lost 80 pounds because of this. Please help."

Heather from Waterloo, Wisconsin writes, "I am married. And together with my husband I own a home. We live a modest, middle class life, managing to always have what we need, except health care. My husband has excellent health care at his job, but for me to also be covered by his plan we would need to pay nearly $400 per month. That is two-thirds as much as our home mortgage.

"Through school, I have worked less and less in order to maintain health coverage. I have only been able to afford short-term major medical coverage, I am grateful that we can afford this, but it does make a difference. Even now, if I have a sore throat, I will wait a few days to see how I feel. I will wait because if I don't need to go, I certainly need to save the money. This is disturbing to me as a nursing student because I know the importance of early treatment and prevention. And it's upsetting to me as a person because I value my health. It's unacceptable to me as a citizen because I know there are other people just like me who wait and get sicker or can't take the medications that they need."

Brad from Mount Horeb, Wisconsin writes me, "I write you today to urge you to take action on a growing crisis in America, health care. I strongly believe that we need a national health care plan to insure all Americans.

"My major concern with the current system is when people attempt to obtain health insurance, insurance companies refuse them because of past health history. Let's face it, insurance companies are in business to make a profit. The best way to make a profit is to ensure the healthy so that you can minimize the claims you pay out, and not insure those who need medical care or who may potentially need medical care.

"I am 38 years old with a family of four. I currently participate in a health savings account. For all practical purposes, I pay for all of my own medical needs, including the recent birth of our daughter.

"I recently attempted to switch insurance providers. The insurance companies will insure me, but they will not insure my daughter for any type of treatment for her asthma for 3 years, along with no drug coverage for life. The policy I was requesting had a $10,000 deductible, yet they still refused coverage."

Lisa from Madison writes, "I'm a very healthy person, and my husband and children are very healthy. We cannot get insurance. I think everyone should attempt to get an individual health insurance policy just to see how impossible it is. I'm not a risk, really, I am not. I am terrified right now because we are uninsured."

Carol from Madison, Wisconsin writes, "As someone who has had no health insurance at all for 3 years; I can tell you that it was pretty miserable being one of the millions of people in this country without health insurance. Not long ago, my best friend died at age 42 because of ovarian cancer because she did not have health insurance and waited too long to see what was causing all of her symptoms. Yes, people in America actually die from not having health insurance."

Darla from Fitchburg, Wisconsin wrote, "I lost my job because of unpredictable attendance due to my health issues. Upon losing my job, I signed up for COBRA. Last week I received a letter indicating my COBRA eligibility ends soon. In order for me to get health coverage, I would have to work at least 20 hours per week. My physicians believe that would do me more harm than good relating to my health issues.

"If I do not get some kind of health insurance, I will need to stop all treatments, and I have no money to pay for doctor services. My prescription drugs will have to stop, as I will not be able to pay for them either. What can I do?"

Kimberly from Madison writes, "I'm writing today because of my family's frustration and anxiety over health care. Although we hear a lot of rhetoric about making health care more affordable and/or more available for Americans, nothing is happening, at least not soon enough.

"My husband recently started his own business. Obviously it will take some time for his company to see any profits, much less income. In the meantime, we are without health insurance. I am 5 months pregnant, and we have a 2-year-old son. Because of my preexisting condition, we cannot buy affordable health coverage. COBRA would cost us $1,200 per month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.

"As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horror stories about having fewer choices in doctors, longer waiting lists for procedures, and less incentive among doctors and researchers to develop new techniques. But what's most frightening to me is the chance that my son might get sick or my baby might be born with expensive complications while we are uninsured.

"I am not naive. I know that funding public health care is an issue. But is it wise to sacrifice the health and well-being of American citizens to avoid the challenge of implementing a change? I, for one, would be satisfied to pay more for goods and services if I could rest assured that my family's basic health care needs were being met."

David from Cross Plains, Wisconsin writes, "My wife and I have been self-employed for over 18 years and have paid thousands of dollars for health insurance premiums. As of a few months ago, we had to drop out and are now without health insurance. The cost is completely out of reach; in fact, it's nuts. Now that I am 50 years old, it's not a matter of if I will ever have health problems, it's when. Tammy, we will lose everything we have ever worked for. So much for the American Dream. Now we look forward to dying broke and possibly homeless."

Victor from Stoughton, Wisconsin writes, "My wife can only work part-time because of her health. Her employer offers a generic policy that costs $3.97 a week and requires no background check. This policy covers basically nothing. Medical supplies, checkups, doctors visits necessary on a routine basis for my wife to survive are now not covered. My wife is uninsurable because of her health, and we have been turned down for health insurance that we have applied for. We cannot believe that this is happening to us."

Ronald from Deerfield, Wisconsin writes, "I was on COBRA insurance for 3 years, which ended this past fall. I spent from March until September trying to get private insurance, but could not because of my neck injury. I was, in effect, looked at and dismissed by 33 private insurance companies because of my preexisting condition with my neck injury. Just imagine how you would feel after being dismissed by this many companies. I was finally insured through disability and Medicare. The sad reality of it is that if I want to try to work full-time again, I cannot, because in doing so, it would cost me the only insurance option I have left.

"The truth is that many other countries can and do provide equitable health insurance to all of their citizens no matter what preexisting conditions they have or their ability to pay or what income level they have. I believe this country does have top-notch medical facilities, but not decent or equitable insurance for poor and middle-income families."

□ 1730

Susan, from Baraboo, Wisconsin, writes, "I'm writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42, and last September, I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatments. I have been searching for health care everywhere because my COBRA will be going up, and I am on unemployment and am barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer. The high-risk insurance program in Wisconsin is too expensive for me to get coverage since they want 4 months of premiums up front, and they only cover some things. What are single people supposed to do? We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So, when you are working on health care in the House of Representatives, please remember that there are other single people out there also in my shoes. I am at a crossroad because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life."

Janet from Portage, Wisconsin writes, "I have a 53-year-old brother who has psoriasis all over his body and arthritis that is caused by this. Three weeks ago, he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to help him get his shoulder fixed, but after it heals wrong and he is disabled because of it, then there are programs to help him. They will not help get it fixed so he could find a good job. Instead, they would rather support him for the rest of his life instead of trying to help him now."

Gail from Janesville writes, "My husband recently lost his job. He applied for over 100 positions only to be told that he lacked a college degree or he is overqualified or they can only pay $8 an hour. I was diagnosed with breast cancer in June of 1998 and again in 2003. I have gone through breast cancer twice and have undergone a mastectomy and reconstructive surgery. COBRA has run out, and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 years old, and I am 58, and we have no medical coverage. I have looked at every insurance company and get turned down because of my medical history. All our lives we have paid into these insurance companies only to be turned away when we need coverage the most."

Lastly, Madam Speaker, I want to relay a story that was shared with me by Laurie, a fourth grade teacher in Madison, Wisconsin. Laurie recently had a student fall during recess and break his foot. Laurie writes me.

"As he was waiting in extreme pain and cold for the school nurse to get to him, he cried to an assistant, waiting with him, 'I can't go to the doctor. We don't have insurance.'" That a 9- or 10-year-old child should even think something like this is an atrocity.

Madam Speaker, I hope that my colleagues will join me in recognizing that obtaining comprehensive, affordable health care presents a very real challenge for millions and millions of Americans. We can not turn a deaf ear on our constituents' pleas for help. I invite my colleagues to join me in working on this most pressing domestic priority—to provide quality, affordable health care for all Americans.

Thank you, Madam Speaker. I yield back my remaining time.

AMERICAN ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Madam Speaker, I appreciate the recognition and the opportunity to say a few words on the topic that has been talked about here on the floor repeatedly as well as by our constituents on almost a daily basis.

For those of you who may not have heard it originally earlier this morning, I want to harken back once again to that old movie, "The Natural." As you will remember, the fictional team—the New York Knights—in an effort to try and stop their losing streak, brought in a psychologist to speak to them, to the team.

As he was sitting there, talking to them, he simply said, "The mind is a strange thing, men."

We must begin by asking what is "losing." "Losing" is a disease as contagious as syphilis. "Losing" is a disease as contagious as the Bubonic plague, attacking one but infecting all. Now, imagine, if you will, you're on a ship at sea on a vast ocean, gently rocking, gently rocking, gently rocking, gently rocking.

At that stage, Roy Hobbs, not being able to take it anymore, realizing the possibility that actually winning a game has nothing to do with talking to a psychologist or to a psychiatrist at the team meeting but that it has everything to do with performance on the field, just bolted out of the room and ran up there because he couldn't take it anymore.

What Roy Hobbs realized is, if you are going to be successful, it has got to take action. You have to do something. There are too many people on this floor who have been talking and talking about energy. There are too many people who have tried to find scapegoats to blame for the energy situation we are in. They blame Big Oil. They tell you we're in an energy bubble of some kind. Yesterday, someone even suggested that Enron was the reason. The only thing we have done under the auspices of the majority party so far here is allow attorneys to go and sue OPEC countries so they'll give us more oil. Now, that is like talking to them and simply saying, "Lack of energy is a disease."

Imagine you're on a ship, on a vast ocean of oil, gently rocking, gently rocking, but are not doing anything to get the job done. Indeed, if we continue on that pattern, we can be living in reality the words of the book, which are simply "how we get along by freezing in the dark."

See, what Roy Hobbs understood in the movie was that, if you want to win, you don't get there by talking about it. You have to get out and do something. He went out on the field; he was given a chance to play, and he pounded the crap out of the ball. In so doing, he was able to be successful, and the New York Knights started to win, to win more than they ever had again.

One of the things this party is talking about is, if given the chance to play one more time on the field, we will go out there, and we will do things. We will promote action. We will not be satisfied with simply the psychology of saying, "We will freeze in the dark and accept it and be happy about it." We will produce energy to eliminate the need for the consumption. Because you see? It is, indeed, an attitude. Our attitude should be that we are not accepting the status quo and that we are not going to be satisfied until we have a new goal in this country, which is to be energy-secure and energy-independent. That has to be our goal and that we are going to do things now to do it.

I hate to say this, but I am one of those who strongly supports American energy production. There was a time, if you actually admitted that in public, it was kind of like you're in favor of drowning kittens, but with gasoline's now costing $4 a gallon and being likely to rise, people's attitudes have now been changing. Some people used to say, if you were for American energy production, you were merely a shill for Big Oil. Unfortunately, there are still people who are saying that, but that's not the reality.

Who I am fighting for are the people who are being impacted by our energy crisis. I am fighting for the thousands of natural gas users in my home State of Utah who are going to be asked to pay next winter to heat their homes at an increased cost of around 36 percent. It will be the largest increase in their ability to heat their homes in the history of this country.

I am fighting for 1,100 citizens who lost their jobs last week and for the countless others who are going to pay increased ticket prices with the airlines because United Airlines announced it was cutting 1,100 jobs and was removing 100 airplanes from its fleet because it could not contain the spiraling oil fuel prices.

I am fighting for an Ethiopian-born, Washington, D.C. cab driver who for the first time since his kids started school was unable to greet them when they came home from school because, every day, he now has to work 2 hours longer just to make the same daily income he was making before this energy, gas price spiked.

I am fighting for people like Christine of Utah, who is actually selling her plasma now to make ends meet with this high-energy demand.

I am fighting for dozens of citizens in my State who are reportedly selling their jewelry, electronics—even one gold tooth—in order to cover the high cost of gasoline.

I am fighting for a young father in Virginia who was not able to attend his father-and-son outing last month because the cost of the gasoline to go there was too excessive.

I am fighting for the students in Nevada's Clark County School District who are facing a 62 percent budget overrun solely because of the amount of gas it takes to run the school buses in that county's district.

I am fighting for citizens in my home State who choose to risk imprisonment in order to fill up their tanks. One Utah minivan and truck driver, a minivan and truck that belong to the Alpine Medical Equipment Company, had his gas tank drilled, and the sole motive was to steal the gas in his tank. Because of that, there were 30 needy people who did not receive their scheduled deliveries of oxygen tanks, wheelchairs and beds at their homes on that particular day.

Now, to my Democratic colleagues, I want you to notice there was no mention in that litany of people of Exxon or of Shell or of Conoco or of BP or of Chevron or of all of the other Big Oil scapegoats that we often hear about. But let me make no mistake. I do support these entities because I am for a fair and level-headed recognition that our main focus, that our main mission in this country, must be to deliver and to develop cheap, affordable energy for American citizens. They are not public enemy number one nor should we try and push off on scapegoats the inability to do that. We have the ability. We have the resources. That's why we're fighting today, and I will not cower in support of average Americans who need this kind of support.

Now, in so doing, the Western Caucus, of which I am a member, will be introducing a bill that is trying to do what needs to be done, which is to make sure that we have a comprehensive approach to energy development. Conservation is a key element in meeting our energy needs, but that alone will not solve the problem. Production of all means of energy because there is no one, single, silver bullet is a key element. That alone will not meet the needs. Innovation is also needed, innovation in some kind of effort that, when we have the new sources of energy that we can develop, we need to be able to deliver those sources of energy.

So the three elements that have to be in any particular bill and will be in a comprehensive American energy act are the concepts of pushing conservation, of pushing production and of pushing innovation, not necessarily in any particular order. All three of them have to be there if we are ever going to meet the needs of the American people. It has to be there.

There are some who would like to try and single out some particular area. There is a city in France that is kind of going back to the future. In fact, what the city in France did is they got rid of their entire municipal fleet, and instead of their municipal fleet of automobiles, they bought horse-drawn carriages. They are called eco-friendly, horse-drawn carriages. Each one of those fleets costs $17,000. They feature disk brakes, signal lamps, removable seats. That's how they're trying to solve their energy problem.

Now, the only thing I will caution once again, when we try to go backwards into history to try to solve our problems rather than using modern technology, is that, in 1900 in New York City, just before the automobile was introduced and everything was once again with those eco-friendly, horse-drawn carriages, New York City produced 90,000 tons of horse manure every year, not to mention the millions of gallons of horse urine every year. I'm sorry. That had to be disposed of, most of it in the water.

What they found in New York City is that it was impossible to get rid of all of the horse droppings, and therefore, there was on the streets a fine mist, a mist that was always in the air, and there was an endemic tuberculosis problem to the point where environmentalists in New York City, when automobiles were finally introduced, were happy because, for the first time, they could limit the amount of horse-drawn carriages and could actually improve the health of citizens in New York.

□ 1745

Sometimes, trying to go back in history or try to find a cheap, easy way is not the solution. The solution is technology. Technology can present solutions to all of our problems. Sometimes it's a long time in coming, sometimes it comes as rapidly as new cell phone plans.

Consider in 1900 what Jules Vern must have thought as he predicted in the future in his writings. Did he ever realize we would go from radios to iPods, from antibiotics to organ transplants? Do you think he actually envisioned the concept of bottled water? All those things are results of technology.

New technology will allow us to better use our existing energy resources, and that technology, which has to be part of this equation, the innovation part, has to be both in the public and the private sector. We need a major overhaul of the way Washington manages our input. We cannot solve all our problems by bringing in a bunch of experts to sit in a room in Washington. We must reach out with an aggressive national research effort.

One of the reasons we want to produce more energy in the United States is because the royalties we use can, and in this bill, will be funneled back into research so that technology can find even better ways of doing things. We also have to realize that as we are looking for that, it has to be market-driven. We cannot have an over-reliance on old technologies and uneconomical resources simply because they happen to be politically successful here in Washington.

The best way to destroy this effort of using technology is to allow government to pick winners and losers. It has to be done through the concept of the private sector. Federal mandates and massive government programs will not solve the problem. Certainly we will have government-funded labs. But they cannot be the only solution. I do not believe it is the only, nor is it the most practical way of solving our problem. If we want to think of how we can spur on innovation, what we have to do is tap the greatest resource this country has, which is the American people.

Just think of what American people have been able to do in history. In 1784, we invented bifocals, something I still don't use; 1794, the cotton gin, and it changed the world; 1805, Americans invented refrigerators, and the next year, coffeepots; 1837, it was power tools; 1849, the safety pin; 1867, the typewriter, which revolutionized the way information is handled; 1867, it was barbed wire, which enabled us to secure the West. Even more important, and also in 1867, we invented for the first time toilet paper.

In 1888, it was revolving doors. Three years later, it was escalators, which evolved into the Ferris wheel the next year. In 1903, crayons; 1905, windshield wipers; 1930, Scotch tape; 1945, microwaves; 1955, nuclear submarines; 1957, polio vaccine; 1970, optical fiber; 1972, the artificial heart. It continues on and on.

Clearly, a country creative enough to come up with bifocals, the first oil well, the first blue jeans, the first telephone, the first crayon, not to mention airplanes, lasers, computers, everything else, is capable of developing the next source of energy and the technology to develop and deliver that energy.

If we look at history, it's likely that we would have even begun it before we imagined it today. How are we able to do that? By doing what our bill proposes to do and presenting prizes for technological breakthroughs in innovation.

I remind you that the British government offered a prize in 1714 for a device capable of measuring longitude, and John Harrison, a clock maker, got 20,000 pounds for devising the first accurate and durable chronometer that transformed the way we traveled across the oceans. In 1810, the first vacuum-sealed food was produced, after 15 years of experimentation, because Napoleon offered 12,000 Francs as a prize. We still use that technology today.

Will the Speaker be kind enough to tell us how much time remains.

The SPEAKER pro tempore. The gentleman has 45 minutes remaining.

Mr. BISHOP of Utah. In 1909, the first flight across the English Channel was spurred on by a prize from a newspaper. Charles Lindbergh made his flight, nonstop flight from New York to Paris because there was a prize offered. And a $30 billion aviation industry sprang out of that. The British Spitfire, which saved England in the Battle of Britain, was developed as a result of the Snyder Trophy, a prize for technological development.

The United States Government also offers prizes today with its NASA Centennial Challenge Program, and it reaches out to nontraditional sources of innovation in academia, in industry, as well as the public.

Americans have always looked to ourselves for solutions. If we just have the confidence in American ingenuity, American creativity to deal and to overcome our problems and to insist that we do it now, we do not wait, I am confident that we can do that.

As I said, in all sincerity, if we are to solve the problem at the gas pump today, there are three elements that have to be there. We have to be able to produce more, to conserve more, and especially to innovate.

I am happy to be joined by my good friend, the gentleman from Pennsylvania (Mr. PETERSON) and ask him if he would join us and talk about one of these areas which is extremely important to him, and he knows so much about it, that is the production end that has to go along with the increased technology for the innovation, as well as conservation. But without production, we cannot make it fit.

I am sure if we can have one of our good pages bring the easel and the first of the charts here, it can illustrate exactly what we are talking about as we move forward in this particular piece of legislation in an effort to try and make sure that we have a complete and rational policy towards energy production and solving the problems of people; letting them have their lives back with cheap and affordable American energy.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Utah, my good friend, for his wise words on innovation. I think we are going to be forced into innovation. That is good. But I will have to say the current prices of driving a vehicle and heating a home this year in my rural district are going to be prohibitive for some people being able to handle it.

Their budgets are not prepared for the prices. Because as we have felt the oil prices, natural gas only increased marginally last year, but today the price for natural gas out of the ground is $12 and 40-some cents. Last year at this time, it was between $6 and $7. We are approaching a doubling of natural gas prices.

At this time of the year, we don't use a lot of natural gas because we are not cooling much and we are not heating hardly anything. So we have surplus. We are using it for industrial purposes, which is big, and to generate electricity and to run our plants, but we are not using it at the home as much. So this is the time of year we normally put it in the ground.

Last year, we were putting $6 and $7 gas in the ground. This year, it's currently, in the last few months, $11, now $12 gas, and seems to be going up a few pennies every day. So we don't know where that is headed. But the fear is we have a storm in the Gulf, which always interrupts supply, we could have $15, $16 gas, and that would make home heating almost impossible next winter.

Just to share with you, as he was talking about innovation and change, I come from Titusville, Pennsylvania. I live in the little town of Pleasantville, Pennsylvania, 5 miles from there. But I was born 1 mile from Drakes Well, the first oil well in the world. It was drilled in 1859. And I vividly remember as a young boy, down the Oil Creek Valley, a stream called Oil Creek because it always had oil on it because the way oil perked its way out of the ground naturally. So there was oil on that stream.

And when we had the rush of oil, those hills were naked. There was no vegetation. The trees were gone. But today, it's almost like a virgin, beautiful oak-cherry forest. And the streams there, Oil Creek naturally produces both trout and bass, which is not very common. And the brooky trout streams flow into it all the way down. It's a beautiful, pristine area. And nobody did anything. They just left nature purify it. So oil is not the horrible thing. It's a hydrocarbon. It went back to dirt. The trees grew and the streams are pure and wildlife is very abundant.

Now I guess what we want to talk about is production. How did we get to $125 to $135 oil and how did we get to this tremendous price on natural gas? Many years ago, we had a legislative moratorium to lock up the Outer Continental Shelf. Now back then natural gas was $2, oil was $10, and many argued that we shouldn't use ours, we ought to use theirs. Whether that was a wise argument or not, I won't say, but they have won and it has been locked up ever since.

In the early nineties, President Bush I put a Presidential moratorium on top of the legislative moratorium. Now what is a moratorium. The Continental Shelf is from 3 miles offshore. The States control the first 3 miles. Then the Federal Government, we the taxpayers, own the next 200 miles. That is considered our Continental Shelf. And most every country in the world, in fact, every country in the world produces there. Canada produces right above Maine. Canada produces right above the State of Washington, Great Britain produces on their continental shelf; Norway, Sweden, Ireland, New Zealand, Australia. It's just common practice. In fact, everybody gives Brazil great credit for being energy independent, and they give credit for ethanol. Well, ethanol is 15 percent of their energy use. The rest of it, they opened up their Outer Continental Shelf, had a big find out there, and they are now self-sufficient. They don't have to buy from anybody. Wouldn't it be great if America would be self-sufficient?

I think we have a lot more oil than was anticipated in this country. I know we have a lot of natural gas. We are currently importing 17 percent of our natural gas. We wouldn't even have to do that. We get 15 percent from Canada and we get 2 percent from LNG, which is from foreign countries similar to where we buy oil.

So we have locked ours up. Now what does that do? Well, we have locked it up and so we have taken our supply off the market. Now what is this Congress doing to react to that? Two or three weeks ago, we passed a bill, very thoughtful bill. We said, We are going to figure out a way to bring OPEC into court. We are going to bring OPEC to court. We are going to force them to produce for energy so we have more petroleum. Currently, we import 66 percent of our petroleum, about half from that area of the world and about half from Canada and Mexico. So we are going to force them because they are not producing enough. I think Saudi Arabia produces 12 million, I think another one, 7 million; another one, 6 million; another one, 5 million. But someone has determined that is not enough so we are going to have to bring them into court.

Now how you take someone to court for not producing enough oil when we've locked up our Outer Continental Shelf, we've locked up most of Alaska, we've locked up most of the Midwest, now how a country can think that we can sue our neighbors for not selling us enough oil when we have refused to produce our own doesn't make a lot of sense to me.

My taxpayers back home laugh at that when they hear the debate, but it's not funny. But we actually passed a bill to do that, as if it would make a difference. And I don't know what court we would bring it into.

Let's look at our energy use today. We are about 40 percent petroleum, 23 percent natural gas, 23 percent coal, 8 percent nuclear, 2.7 hydro, 2.4 biomass. And this is the one people have not paid a lot of attention to. This is woody biomass. This one has grown measurably in the last few years. Eight hundred thousand Americans use a wood pellet stove today to heat their homes, and that is sawdust compressed. All our dry kilns in the country where we dry our wood uses wood sawdust to heat those rather than buy propane or fuel oil. A lot of factories in the rural areas are using wood waste also.

Mr. BISHOP of Utah. Would the speaker yield for a question?

Mr. PETERSON of Pennsylvania. Surely. Be glad to.

Mr. BISHOP of Utah. It is my understanding that in the natural forests of the United States, owned by the United States, we grow about 40 billion board feet of new growth a year.

Mr. PETERSON of Pennsylvania. Yes.

Mr. BISHOP of Utah. We have about 20 billion board feet of new death a year.

Mr. PETERSON of Pennsylvania. That's right.

Mr. BISHOP of Utah. It's my understanding the Forest Service is only removing about 2 billion, not 20 billion, but 2 billion board feet a year. Is that not a potential plus for it, and is it also not true that this Congress prohibited any new development in that area?

Mr. PETERSON of Pennsylvania. That's one of the problems. Wood waste has great potential. I also have a company in my district that has built a wonderful wood waste boiler. It burns cleaner that natural gas and will burn even green wood, and it burns it cleanly. But the Democrats passed a bill that prohibits wood waste from public land from being utilized. We are not allowed to produce, which makes no public sense.

I don't know who got the theory that letting every tree grow makes sense. When you thin a forest, it grows much faster, which takes CO_2 out of the air. The biggest place to get rid of carbon in the air is plant life for us. And tree growth. Because you lock the carbon up. The log we cut down is carbon. We take it and put a roof on our house or floor in our house or windows in our house or furniture in our house. That is carbon.

☐ 1800

You lock the carbon up. So we have taken it out of the air. Well, by not pruning the forest, your forest becomes like a jungle. It grows very slow, and it dies naturally, which turns to CO_2. As it dies naturally, it turns to CO_2 and emits into the air, just the same as we do when we breathe and when we burn something. So nature itself puts CO_2 back in the air.

But biomass is kind of a sleeper. I think it can do a lot. And if we could unlock the National Forests, if we could start marketing an appropriate amount from the National Forests. You know, 40 percent of America is owned by the government. I don't think people realize that. Almost 50 percent of America is owned by some level of government, when you include counties and State governments.

My State owns about 5 million acres in Pennsylvania. Most States don't have that much forest land. But the whole northern part of Pennsylvania is heavily owned, some by the Federal Government, much by the State, and a lot of that is not marketed adequately either. But when you market a forest adequately, when you prune it adequate, it is sort of like a garden. You prune the old out and you leave the young grow, and it is very healthy for the environment. It is much better for wildlife, and it is certainly better for clean air.

Geothermal, a good form of energy, but it is expensive installation. Wind, solar.

Now, here is the problem we face. How did we get here? I am going to tell you who I blame. I blame Congress. But who influenced Congress? Congress has pressure. Well, there is an organization. I made this statement the other day that Hugo Chavez and the Shah of Iran don't need lobbyists to keep us as a customer. The Democrats and the environmentalists continue to lock up domestic reserves, and that forces us to send billions of dollars over there to buy their oil.

Now, the Sierra Club is number one. They are against oil shale development, they are against coal liquefaction, they are against offshore energy production that I talked about a minute ago.

You have got Greenpeace. They want to phase out all fossil fuels. That means from here up, 86 percent of what we are using today has to go away. That is Greenpeace.

Environmental Defense says power plant smokestacks are public health energy number one. Folks, that is 51 percent of our electricity.

League of Conservation Voters. Coal to liquids. Most of us believe that coal to liquids or coal to gas is our future because we are the Saudi Arabia of coal. And when we learn how to do it, if carbon is the issue, I think we can could learn how to sequester the carbon, right along with the ability to make liquids from coal. Then we wouldn't be buying oil from other countries. We would be using the liquids made from our coal.

Defenders of Wilderness. It says every coastal State is put in harm's way when oil rigs go up in our coastal waters. Well, you know, folks, every country in America produces energy out there and has the rigs out there.

Next Wednesday, we are going to offer this Congress the first real chance we have for production. We are going to be offering offshore production. We are going to have legislation, an amendment to the Interior Committee, that will remove this. In the Interior Committee every year there is legislation that locks up, that says we cannot spend a dollar to lease the Outer Continental Shelf. That is 200 miles offshore.

We are going to remove that from 50 miles out. Now, 50 miles is giving a big cushion. A lot of countries do 20. Some do 25. Most don't do 50. We are going to give 50. Eleven miles is sight, so after 11 miles, it is four times the sight line, more than that, so there will be nothing anybody can see. And every person in the energy business, MMS, that is the minerals and mine management people who manage this program, said that the most environmentally sensitive way to produce energy is offshore. It improves the fishing. It doesn't hurt it. You are not disturbing wildlife. You are not disturbing anything. So offshore energy is our most environmentally friendly way to harvest energy and use it.

So we are going to give this Congress a chance next Wednesday, not the whole Congress, but just the Interior Subcommittee, to remove that moratorium. Then we will have to maintain it in full committee if we win and then maintain it on the floor, and then we will have to deal with the Senate, which is always our tremendous challenge.

So as we go down these, we have these groups, Natural Resource Defense, coal mining. They are opposed to coal mining. They want coal. That is 50 percent of our electric grid.

Center for Biological Diversity. Oil and gas drilling on public lands has devastating effects.

Folks, it is a new era. You talked about technology. We have new technology. We know how to do it right. You drill a 6 inch hole in the ground. With gas, you just let gas out. With oil, you pump out oil. It does not have to be an environmental disaster.

Then Friends of the Earth, the other one, the eighth one, liquid coal is dirty and a costly fuel.

Folks, these eight groups, Sierra Club, Greenpeace, Environmental Defense, League of Conservation Voters, Defenders of Wilderness, Natural Resource Defense Council, Center for Biological Diversity, and Friends of the Earth, those are the people you need to thank for the energy of America being locked up. It is their influence on Congress that has prevented us from a providing energy for America. They are wrong, folks. They need to lose that argument. We need to show them that we can produce energy.

Now, as far as the world is concerned, you know, when it was $2 for gas and $10 for oil, maybe they were right. We should use their's. I remember that argument. Folks, at $125 to $130 a barrel, at $12.50 for natural gas, I think it is time to use ours.

What is the other benefit of using ours? When we produce American energy, the landowner makes money, whether it is the government or a private person. The promoter of the well makes money. The pipeline guy makes money. The driller makes money. The hydrofracking people make money. The processing station, whether it is gas or the refineries for oil, make money. Millions of dollars of wealth are created. Billions of dollars of wealth created. Hundreds of thousands of people have wonderful jobs and can maintain a family and home. So producing our own energy will put a lot of Americans to work, especially in rural America where I live.

Now, they claim, and when you hear all the talk, it is the bottom three that are ready to take over, with geothermal, wind and solar. If we double wind and solar in the next 5 years, we are less than three-quarters of one percent of our energy. We are all for wind. We are all for solar. We are all for geothermal. I led the Hydrogen Caucus 10 years ago. But, folks, we are not there yet.

Now, what can keep us going? Here is what the Energy Department has in their chart. From this middle line towards me is history. That is where we have been. From that middle line out is where the Energy Department thinks we are going to be.

To listen to many people, you would think we are ready. We have been holding back wind and we have been holding back solar and we have been holding back geothermal. We have been holding back hydrogen. We have been holding back electric cars. Folks, nobody is holding anything back. It has to compete. We have spent billions on every one of the new energies. But their projection is that not much is going to change.

I don't quite agree with their chart, because I look for coal to decrease. This administration has not been friendly to coal. This Congress has not been friendly to coal. There have been 50 coal plants turned down in the last 6 months in this country. They will all become natural gas plants. And when you have a power plant and you switch to natural gas, this is going to widen.

Really, that is one of the reasons that we have expensive natural gas in America. Twelve years ago, we didn't use natural gas to make electricity. Only 8 percent of our electricity was made with natural gas. Today, 23 percent of our electricity is made with natural gas, and it has put tremendous pressure on natural gas.

Clean, green natural gas is the fuel that we use to make ethanol, it is the fuel we will use to make hydrogen. It is the fuel we will use as the bridge. A third of our auto fleet could be on clean, green natural gas if it was less expensive.

So I look at natural gas as the savior for us to get us to the new generations of fuels. But in the meantime, we are going to need a lot of oil. We are going to need coal. We are going to need nuclear. The energy bill in 05 gave incentives. It took 10 years to get a permit for a nuclear plant. We now force that to be done in 4. So they say 4 years to build one. So I say with delays and problems, we can build a nuclear plant in 10 years. There are 50 on the drawing board and there are three or four ready to go, and that is because of the 05 Energy Act. But we need all of those 50 on line by 2030 to remain 20 percent of the grid, because electric use is going up so fast.

Folks, the energy problem in America is because of the environmental groups we have decided to stop producing fossil fuels, forcing us to be 66 percent dependent on foreign and forcing us to cause part of the world shortage of petroleum and gas because we don't produce. So I find it very frustrating that here we are today with the highest prices.

One more thing on natural gas. Natural gas is the one fuel that is not a world price. Neither is coal. When oil is $120 a barrel, it is that all around the world. But we have had the highest natural gas prices in America for 8 years.

What does that do to us? That affects the petrochemical companies, the polymers and the plastic companies and the fertilizer companies that use huge amounts. They use it as an ingredient. Polymers and plastic, 45 percent of the cost of making it is natural gas. Fifty-five percent of the cost of petrochemical is natural gas. From 50 to 70 percent of fertilizer cost is natural gas.

Half of our fertilizer plants have left in the last 3 years. We have lost 300,000 polymer plastic jobs in the last 3 years. A great percentage of the petrochemical industry has moved offshore.

Just to show you, our largest chemical company is Dow Chemical. They spoke out the other day about natural gas prices. In 02, they spent $8 billion to purchase natural gas. This year, they will spend $32 billion for natural gas. That is a 400 percent increase.

Now, here are the numbers that are scary. In 02, 60 percent of their revenue and jobs were in America. Today, 34 percent of their revenue and jobs are in America. Where are they? They are in foreign countries, where natural gas is a fraction of what it is here.

Many of the plants I have mentioned, polymers, plastic, steel, aluminum, those plants are moving everywhere because of energy prices. They are building every kind of a plant you can think of down in South America in a place called Trinidad, about a day-and-a-half by ship to here. My prediction is if we don't deal with natural gas prices, bricks and glass, heavy bulky commodities will be produced in Trinidad and be on our shores within a day-and-a-half.

Folks, that is not the America I believe in. If America is going to compete, we have to get gas prices under control. We have to get oil prices under control. We have to have energy that is affordable for Americans to heat their homes. We have to have energy prices that are affordable so companies will want to be here and produce the jobs here. I believe for the first time in the history of America we have to fight to compete with our competitors like China and India. They are huge. They are growing fast. They are building their own energy future.

China will be producing oil 50 miles off the coast of Cuba and 50 miles off the Florida coast, while we prohibit it. Does that make sense? I don't think so. They are going to be working. China, Canada and Spain will all have contracts to produce energy in waters that should be ours, off our coast, because we don't produce there and because it is an equal distance from Cuba.

It is time for this Congress, it is time for this administration, to lead. Recently the President has spoken out three times on offshore. He has never supported offshore production. But he said we should be offshore and onshore producing more energy.

I wrote him a letter 2 weeks ago and put a release out today that says the following: "Mr. President, I commend you for speaking about offshore production of energy. But it seems like if you would lead by removing the presidential moratorium, that is yours, and urging Congress to remove their moratorium so we can start the process." It will take years to get out there. We have to get in a 5-year plan, we have to do the leases, we have to do the environmental impact statements, and then they have to go out and build the platforms and the pipelines and drill. It takes a long time.

Every day we wait we endanger the economic future of America. I think we are almost past the point. We need energy production in America today. Not next year. Today. We need to unlock what this Congress and three presidents have locked up. We need to produce our energy. We need to conserve. We need to use the innovation that my friend talked about a little bit ago.

We need it to do everything we can to produce every form of energy that is available. We need wind, we need solar, and we need to use less. We need to use it more wisely. But, folks, the day is today. We cannot solve this problem with just conservation. We have to produce energy.

I believe if we opened up the Outer Continental Shelf, we would take what we call the fear factor out of the market and we would get Wall Street out of the marketplace and we could drop energy prices 20 to 25 percent. The only other thing you and I can do is to use less and find alternatives. Folks, it is a crisis in America.

I want to thank my friend from Utah and my friend from California who have joined us for the opportunity to share some time with them today.

Mr. BISHOP of Utah. I thank the gentleman from Pennsylvania, who has done a great job in explaining the reality of the situation that we have and the reality of what our future can be if we are willing to take to the field right now and do it. So we are fine.

What we hope to do when we do a comprehensive bill is actually provide 12 steps that will fit what Mr. PETERSON was talking about and the three goals: Increasing our conservation, increasing our production and increasing our innovation.

□ 1815

Those 12 steps are very simple.

First is increasing American natural gas. As Mr. PETERSON just told you, we could heat 100 homes for the next 30 years with the natural gas we have available but not yet developed in this country alone.

Step two, increase American oil resources that we have in this country. We have increased the amount of oil we import seven times since the 1970s, and we decreased our exploration and production of American oil in the 1970s because of American policies, government policies. And the only thing we need to do to increase that so we can recover American oil supply is change American government policies.

Step three, look at coal, American coal. We have 200 to 300 years' worth of coal undeveloped, unsecured in this country.

Step four, develop American oil shale. 70 percent of all the oil shale in the world is in three western States in the United States, where there is more undeveloped oil than underneath the entire country of Saudi Arabia.

Step five, increase affordable and clean nuclear fuel. Since the 1970s, we have had no new nuclear power plant built, while our friends in France in that same time period have built 58 plants. That has to be part of a future solution.

Step six, we have to invest more in renewable sources of energy: Sunlight, wind, rain, tide, geothermal heat. All of those have to be increased. Right now, only about 7 percent of the total energy consumption comes from renewables. We are not going to solve the problem by this source alone; but if we could increase that, double it to 15 percent, 16 percent, 17 percent, we would go a long way toward doing that. And part of the way of doing that is government policy again. When we try to improve our solar and wind power plants, if we would simply extend the investment tax credits by another 5 years we could start moving forward dramatically today in that particular area.

Step seven, greater efficiency and conservation, and especially giving incentives for the government to do that, for individuals, business, as well as government. And the reason I actually put business in there, they are already doing it. The U.S. steel industry today uses 45 percent less energy to produce 1 ton of steel. The U.S. forest and paper industry today uses 21 percent less energy to produce 1 ton of paper. We have the technology to do that. What the American government needs to do is to provide rewards for individuals and the government to do the same thing that the business community has taken on as a means of being profitable.

Step eight, we increase our gasoline refinement capacity. We all know we produce in the United States about 17 million barrels of oil a day, but our consumption need is 21 million barrels of oil today. And we all know we haven't built a new refinery since 1976; and only 23 years ago we had 324 operating refineries, today we have 148 operating refineries. And for those who are operating, they are still only marginal because the market does not bear them. What we have to have is increasing supply of American oil going to American refineries; we need, and this bill calls for, an additional 10 new refineries immediately built on property owned by the Department of Energy to do that part.

Step nine, to adopt common sense regulatory relief. Department of Interior suggests that we have about 80 billion barrels of recoverable oil and natural gas that are locked away because of regulatory controls that Congress has put on those areas. Our need for standards don't have to be sold out, but they need desperately to be reformed simply so we can make decisions faster, because we need relief now, not sometime in the future. That time was long ago. We need it now.

Step ten, we have to improve our transmission and energy infrastructure. We have 5 million miles of electrical distribution lines; we have 1 million miles of natural gas pipelines, and they are incredibly outdated and they do not supply America's needs. We have to improve those. If we are going to improve them with ethanol and we are starting to unload ethanol, we have to have blending terminals. We don't have it. Department of Interior has right now been tasked with trying to develop energy corridors for the future, and there are people trying to stop them from at least identifying where we will have energy corridors for the future. That cannot be. We must identify them, and they must be useable.

Step 11, we have to restore our domestic energy workforce. I hate to say this, but there are 90 percent fewer petroleum engineers and geoscientists who are graduating now than 20 years ago. Unfortunately, our workforce for the future and how we develop technology to innovate is simply not there. We have to provide some incentives, some rewards, some scholarships to develop that workforce. It has to be part of our program.

Finally, step 12, we have to tap American innovation to develop our new energy technologies. And I mentioned how we did that, the same way we have in history: We prepare and provide rewards for people in America who can solve our problems.

Now, as I said, one of the things my party is willing to do is move forward directly on this. Just like Roy Hobbs in The Natural realized sitting there listening to a lecture on the psychology of defeat does not produce a solution. Getting out on the field produces a solution. And what the Republican party wants to do is to get out on the field and make it happen, do the work now. And this comprehensive bill is one of those that have to take place.

We are ready to move forward with an attitude that it can be solved, it must be solved, and we have the capacity to do it. And our goal will be to become energy independent and energy secure now, not in the future, but now, in our lifetime.

I keep coming up here every day looking up at the top of this building with a quote by Daniel Webster up there which simply reads and tries to exhort to us: Let us develop the resources of our land, call forth its power, and see whether we also in our day and generation may not perform something worthy to be remembered.

We have the capacity and the ability to do something worthy to be remembered, and the Republican party wants to get on the playing field to do that. That is our goal, that is our destiny. The American people deserve it. And we can't wait; we have to do it now.

Mr. Speaker, I thank you for your indulgence.

I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

MAN-MADE GLOBAL WARMING

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. First, I would like to identify myself with the remarks that I have just heard from my two colleagues, and congratulate them on presenting to the people the hard facts that have not been faced in this country for over 30 years. And those hard facts are some of the basic reasons that we are in trouble today.

Mr. Speaker, I will preface my remarks tonight, and what I have to say tonight I would like to say totally is in parallel with the spirit of what was just said. But I preface my remarks to underscore, just as my colleagues would underscore their commitment.

While I adamantly reject the man-made global warming theory, I am committed to a clean and healthy environment, to purifying the air, to purifying our water and our soil, all of this for the sake of the people of this planet, especially the children of this planet, and especially my three children, Christian, Tristan, and Anika, and all the children of the world who we hope will receive a world that we hand them that will be a better world, a healthier world. And I have no doubt that unless we thwart the onslaught of the nonsense being foisted upon humankind in the name of man-made global warming, our next generation will be deprived of freedom, prosperity, and a healthy environment.

The radical environmental crusade behind the man-made global warming theory may well be well motivated. Motives and good intentions, however, do not count. What counts are facts. And when it comes to the facts about so-called man-made global warming, the public has been denied an honest debate.

Only 18 months ago, the refrain, "Case Closed, Global Warming is Real," was repeated as if a mantra of some religious sect. It was pounded into the public's consciousness over the airwaves, in print, and even at congressional hearings. This was obviously a brazen attempt to end open discussion and to silence differing views by dismissing the need to take seriously contrary arguments by anyone, no matter how impressive his or her credentials might be, if that person happened to doubt global warming.

Just a short time ago, the Oregon Institute of Science and Medicine, the OISM, released the names of some 31,000 scientists who signed a petition rejecting the claims of human-caused global warming. Of the 31,072 Americans who signed, 9,021 had Ph.D.s; many of the 31,000 signers currently work in climatology, meteorology, atmospheric, environmental, and geophysical studies, astronomical studies, as well as the biological fields that directly relate to the climate change controversy. And note, of the 31,000 signatories, these signers are American scientists.

There are many prominent scientists throughout the world who are stepping up to expose the well-financed propaganda campaign behind the man-made global warming theory. But the views of these American scientists and those of so many scholars and scientists throughout the world don't count. The debate is over. It has been declared over. Al Gore has his Nobel Prize, and the film An Inconvenient Truth has its Academy Award. So shut up, case is closed.

So what is this theory that now is so accepted that no more debate is needed or even tolerated?

Man-made global warming is a disturbing theory that the Earth began a warming cycle 150 years ago that differed greatly from all the other warming and cooling cycles in the Earth's primordial past. And over the life of this planet over the millions of years, there have been many, many such situations of warming and cooling, sometimes lasting 10 years, sometimes lasting hundreds of thousands of years, glaciers that went back and forth.

This warming cycle that we are now talking about and we are being told that it is unlike the warming cycle of all of those past warming and cooling cycles, this one we are told is tied directly to mankind's use of fossil fuels, as of course compared to all the other warming and cooling cycles even before mankind was present on the planet.

Basically, they are saying that our use of fossil fuels, again, basically oil and coal, are causing the Earth's temperature to change; and they are blaming oil and coal, which happen to be fuels that have powered our industries and made modern civilization possible. Fossil fuels, we are told, are rapidly increasing the level of so-called greenhouse gases in our atmosphere, the most prevalent of these greenhouse gases being CO_2, carbon dioxide. This increase in CO_2 we are told causes the warming cycle we are now supposedly experiencing.

This man-made warming cycle, according to the theory, is rapidly approaching a tipping point when the world's temperature will abruptly jump and accelerate with dire consequences, perhaps apocalyptic consequences, for the entire planet. Well, that is basically the global warming theory.

For skeptics of this hypothesis, the consequences of accepting this theory are far more dire than any of the predicted rise in temperature predictions: We will live with the consequences of the social engineering being touted as necessary to prevent man-made global warming.

☐ 1830

It's a package. Accept the man-made global warming theory, and one is expected to accept the controls, regulations, taxation, international planning and enforcement, mandated lifestyle changes, the lowering of expectations, the limiting of consumer choice, and personal as well as family sacrifices that are necessary to save the planet from, well, from us.

It really takes a lot to frighten people into accepting such personal restrictive mandates that would result from implementing a global warming based agenda. People's lives will be changed if we accept this agenda as being real, and if we cave in to this onslaught of propaganda. People's lives will change, but it won't be a change for the better.

For example, jets are considered some of the worst CO_2 polluters, according to the theory. So, how will our lives be different when low-priced airfares are eliminated? Let me repeat that. Low-priced airfares to be eliminated. How will that affect our lives? And how about the restricting the number of flights, themselves? How will that affect our lives?

Oh, I guess we never thought about that. Well, we never thought about that because those clamoring for us to accept the man-made global warming agenda never mentioned the price that we have to pay, not just in dollars, but in the freedom that we have today to make such choices in our lives, choices, for example, when and how many times we should travel with our families and where we should travel.

What we do know about the man-made global warming fanatics is that they don't want us using our cars. They've hidden the fact about the airplane restrictions, but we do know they don't like us in our private cars. Private automobiles will be on the way out. They want us to be regulated into public transportation, and basically, we will have gone out of our cars and have limited air travel.

But don't worry. Don't worry about it because the rich and high government officials will still have private jets, Suburbans and limousines, because they will just buy carbon credits, which Al Gore will arrange for them, and he'll arrange it for them at a tidy profit for himself, of course.

Global warming and global warming predictions appear to be designed to strike fear into the hearts of those malcontents, those of us malcontents who won't willingly accept these mandates and these changes in our lifestyle that will be demanded of us. And who, for example, among us, and we know that there will be people who just won't accept the idea that we have to have higher food prices; or they won't accept the fact that we need less meat in our diet.

That's right. Man-made global warming fanatics want us to change our diet in a big way, not just low price airfare tickets, but our diet.

A 2006 report to the United Nations entitled Livestock's Long Shadow focuses right on the hind parts of cows. Livestock, the report claims, accounts for 18 percent of the gases that supposedly cause the Earth's climate to change, the warming of the Earth's climate. Cows are greenhouse gas-causing machines, according to this report.

Fuel for fertilizer and meat production and transportation, as well as the clearing of fields for grazing, produced 9 percent of the globe's CO_2 emissions, according to the report.

Cows produce ammonia, causing acid rain. And if that's not bad enough, all these numbers that I just mentioned are projected, in this report, are projected in the report's computer models that they will double by the year 2050. So not only is it bad today to eat meat, it's going to be so much worse by 2050, we've got to act now to get meat out of the diet.

Not only are they going to cut our personal transportation, but we can't even stay at home and have a barbecue. Heck, they're not even going to let us have a hamburger.

I'd point out that before the introduction of cattle to the United States, millions upon millions of buffalo dominated the great plains of America. They were so thick that you could not see where the herd began or where it ended. One can only assume that the anti-meat, man-made global warming crowd must believe that buffalo farts have some social redeeming value that's better than the flatulence emitted by cattle.

I have to be very careful about such jokes. I was making light of this supposition at a hearing about a year ago. And I suggested, in jest, that perhaps dinosaur flatulence changed the climate back in those ancient days. Well, it was reported, widely reported as if I was serious, which demonstrates something that we should all understand about the global warming debate.

The global warming debate has been totally dishonest. Anyone who could suggest that I was saying that as a serious matter was either a fool, or was intentionally portraying something that they knew was not to be true.

Yes, what we have here, of course, is steely-eyed fanaticism by those on the other side of this debate, and maybe they can't understand humor when they see it or hear it. Yes, this is an absurd theory to be talking about animal flatulence when we're talking about the future of the planet and the restrictions, massive restrictions on our way of life.

This would be absurd, but the deeper that one looks into this global warming juggernaut, the weirder this movement becomes, and the more denial in it is evident.

Ten years ago, for example, alarmists predicted that by now we would be clearly plagued by surging temperatures. In testimony before Congress 20 years ago, NASA's global warming guru, James Hanson, predicted CO_2 levels would shoot up the global temperatures by more than a third of a degree Celsius during the 1990s.

Well, we were warned that we'd soon be seeing rising sea levels. And you've all seen all of these predictions, rising sea levels, perhaps even our cities under water, drought and famine and increase in tropical diseases. Yeah, an increase in tropical diseases. Of course the only increase in tropical diseases we've seen can be directly traced to the success of environmental extremists in banning DDT, which has resulted in millions of Third World children dying of malaria, something else that they were wrong about.

So what about Hanson's and others predictions of imminent global overheating?

Well, forget case closed. The question needs to be answered. And the answer is that Hanson's and the other predictions have turned out to be dramatically wrong. Temperatures during this last decade rose only one-third of the predicted jump, a modest 0.11-degree change.

Remember, Mr. Hanson has been so arrogant over the years that he has insisted that his opinions be emblazoned on government documents as the official position of NASA, rather than acknowledging that existing other opinions may be worthy of consideration. And now, we are finding out that the predictions made by Mr. Hanson, who doesn't want any other people's opinions even to be considered as part of an official NASA presentation, that this, Mr. Hanson and other self-anointed elitists have been wrong, dead wrong in their predictions of what should be happening right now.

Over the years, we've been led to expect an increased number of even more powerful hurricanes, for example. There would also be drought and melting ice caps. My beautiful Sierra Nevada mountains in California were due to heat up, dry up, brown up and burn, burn, burn, and we've been told this for almost 20 years now.

During the entire Clinton administration, scientists produced study after study predicting the horrific impact of the unstoppable onslaught of man-made global warming, which we were all led to believe by those studies would be overwhelming us right now.

Of course, if there was even a hint that the conclusion of their research wouldn't back up the man-made global warming theory, the scientists and researchers wouldn't get one red cent from the Federal research pool during the Clinton and Gore administration.

In a September 2005 article from Discovery magazine, Dr. William Gray, now emeritus professor of Atmospheric Science at Colorado State University and, more importantly, the former president of the American Meteorological Association, said that he had paid a price for his skepticism of man-made global warming. Quote, "I had NOAA money for 30 years, for 30 some years," Dr. Gray said. "And then, when the Clinton administration came in," and this is still part of the quote, "and Gore started directing some of the environmental stuff, I was cut off. I couldn't get any money, any NOAA money. They turned down 13 straight proposals from me."

Here's from one of America's great, eminent meteorologists, and the Clinton administration just kept turning him down because he had expressed some skepticism about whether man-made global warming was a reality. Dr. Gray made the mistake of being a skeptic about global warming. And however he was skeptic about that, that made him wrong with the Clinton administration.

But he was right about hurricanes which were being blamed on global warming. Remember, we were told that global warming was going to cause more hurricanes. And Dr. Gray, one of the great meteorologists, said there's no reliable data available to indicate increased hurricane frequency or intensity in any of the globe's seven tropical cyclone basins."

So, with that type of skepticism, no matter what his credentials were, no matter how preeminent a scientist and respected scientist he was, he couldn't get a grant during the Clinton/Gore administration. So Dr. Gray was cut off. The predictors of gloom and doom were left to shout out their paranoid nonsense every time a hurricane was detected.

And just recently, one of those shouters, Tom Knutsen, research meteorologist for the National Ocean and Atmospheric Administration, that's NOAA, that's the ones who ended up not being able to give Dr. Gray any research grants, this gentleman, Mr. Knutsen, who was, during that time when Dr. Gray said there wasn't a relationship, he was a hurricane alarmist, suggesting there would be more and more hurricanes because of global warming, has now published a study in the Journal of Native Geoscience admitting that he was wrong.

For the record, he now says his studies indicate that warming is not to blame for more hurricanes, and that warmer temperatures, if they do come, will actually reduce the number of hurricanes in the Atlantic. He unequivocally stated that his most recent finding argues against this notion that we've already seen a dramatic increase in Atlantic hurricane activity resulting from greenhouse warming gases.

So here is a scientist with integrity. Dr. Gray, of course, was punished. He couldn't even get a research grant. But here we have a scientist who did get the grant and made wrong conclusions, but now he's stepping forward because he has integrity, to admit that he was wrong and now he has openly changed his mind.

Unfortunately, such scientific integrity did not always rise to the occasion. Perhaps it's because scientists saw the raw power exercised during the Clinton/Gore administration, which may well revisit us in the next administration if we don't watch out.

But there was raw power being exercised. Al Gore's first act as Vice President was to insist that William Harper be fired as the chief scientist at the Department of Energy. Why? Because he had uttered some words indicating that he was open minded about the man-made global warming theory, just like Dr. Gray.

Well, anybody who talks about that way, off with his head. No more position for you. That was back in 1993, the first year of the Clinton-Gore administration. So for over a decade, all we got was a drum beat of one-sided research setting the stage for a false claim of scientific consensus that we heard 18 months ago. Case closed. Case closed.

☐ 1845

The argument is over. Global warming is real.

How many times did we hear that? Let us remember that refrain and how false it was and how dishonest it was.

Unfortunately, for all of those scientists who went along with the scheme back in the 1990s, now over a decade later there is a big problem. Contrary to what all of those scientists living on their Federal research grants predicted, the world hasn't been getting warmer. In fact, for the last 7 years when we were told there would be this dramatic increase in temperature, there has been no warming at all. Last year was colder, not hotter. Snow levels were high, temperatures have been low, and there are fewer hurricanes.

Furthermore, while there is some melting in the Arctic, which we hear about over and over and over again about the melting in the Arctic, which we need to sort of compensate that and balance that off with the fact that there is an actual ice buildup in the Antarctic, which is almost never stated during those global-warming's-real-the-Arctic-is-melting. What is happening, of course, in the Arctic is probably based—I can't say for certain; we need studies on this—but is probably based on ocean currents. But it is not CO_2-related global warming; otherwise, it would be a global impact on both ends of the planet.

After hearing about the extinction of the polar bear again and again, and it has been drummed into our heads, the polar bear—all of the things about the Arctic out there, showing the poor polar bears. A few weeks ago, we were treated to the spectacle of our government placing polar bears on the Endangered Species List even though almost every article about placing the polar bears on the Endangered Species List contained a caveat that the number of polar bears is actually expanding, and with some of the species of polar bears, it's a dramatic expansion.

There are more, not fewer, polar bears. Let me repeat that so everyone knows. There are more polar bears. Yet we are, because of the onslaught of this global warming nonsense that has colored people's vision by words rather than reality, we put the polar bear on the Endangered Species List even though their numbers are expanding. Unfortunately, the debate is over and the case is closed. So explaining the emerging obvious differences between reality and the theory need not be addressed.

Maybe that's why they kept saying "case closed" because the observable data that was going on was in such contrast to the predictions that were being made, this was the time they had to declare the case was closed or we would basically be able to see with our very eyes the contradiction in what they had predicted.

So what we need to do is to close our eyes, close our eyes and pretend that there are fewer polar bears. That's the way to do it. That's the way we should make policy, according to the scare-mongers. But the case is not closed. The gnomes of climate theory are now coming up with self-serving explanations and verbal maneuvers.

The first attempt to cover their tracks has been slow but ever so clever. The words "climate change" have now replaced the words "global warming." Now, if we accept this, no matter what happens with the global weather pattern, whether it be cooler or hotter for 4 years or 5 years, could be cooler, could be hotter, it will still be presented by the global warming crowd as further verification of human-caused change. Thus, they can claim credit that no matter what happens, no matter what happens in the climate, their predictions are correct because it's climate change now and not global warming, even though for over a decade and a half that was drummed into us that they were so certain that it was going to be global warming.

Well, if we accept this shift of words, we know that we will be in a position now of being unable to intellectually say, well, there's not global warming like you predicted, so we actually are going to oppose and reject the oppressive policies that you are advocating to deal with the issue that you are describing.

But if they use the words "climate change," how are we going to counteract their policy recommendations when now whatever happens to the climate, they can justify it based on climate change? Sorry, fellows. Do you really think the world and the United States is filled with morons? I mean, bait-and-switch is an old game, and we've seen it in car salesmen; and car salesmen, I might add, are paragons of virtue compared to this global warming crowd.

We just need to ask ourselves if a salesman keeps giving a strong pitch and claims something that later is found to be totally wrong, when does one stop trusting him? If he starts playing word games rather than admitting an error, isn't it reasonable to stop trusting him? If his prediction is that, well, this car is going to get 50 miles to the gallon and it only gets 5 miles to the gallon, isn't that really when we should stop trusting that used car salesmen?

Well, yes, Al Gore and Company, we need to let Al Gore and Company know that we have noticed that they are now using the words "climate change" instead of "global warming." And they're not just sort of slipping it in. They are trying to, but we've noticed, and that has important meaning.

In and of itself that is an admission that they were wrong for over a decade in claiming that there would be global warming. Now it's climate change. Every time they use the word, it indicates they were wrong or they were lying before about how absolutely sure they were about what their predictions were and about what all of the statistics and what all of the research indicated. They were either lying or they were wrong. And every time they use the words "climate change," it should reinforce us in understanding they were wrong or they were lying.

Perhaps instead of word games, they need to explain why what is happening in the real world today doesn't match what they all said was going to happen based on their case-closed, man-made global warming is real. Okay. They must realize that someone is bound to notice that last winter was a really cold winter. I mean, it was a cold winter and it has been unusually chilly. And now chilly weather seems to be the norm, and where we've not yet had a full analysis of last year's winter, full winter, and we are looking forward to seeing exactly what a full study of the temperature ranges around the world had for us last winter. According to the global warming crowd, we should have seen a dramatic increase in the temperatures last winter. We will see.

We are now seeing, of course, a beehive of activity. Those federally funded scientists who we mentioned are trying to save a modicum of credibility by readjusting their computers and coming up with some explanations that will keep the man-made global warming theory from being totally rejected but at the same time trying to explain away the current dichotomy between what they said would happen and then what is actually happening.

Some scientists have simply adjusted their computer models and are now claiming that the warming isn't going to happen now, it's going to happen 10 to 15 years from now. Oh. So we can keep giving them their research grants for the next 10 to 15 years and then something else may happen.

In fact, a much-detailed report is now predicting that the temperature of the sea around Europe and North America will slightly cool off in the next decade and the Pacific will be the same in its temperature. One recent article about the shift in scientific position heralded it's a "10-year timeout" for global warming. Well, however, we are warned, however, that after that 10 years, the global warming will start again.

You see, they don't ever have to admit their original theories were wrong. We had one scientist at NOAA who stood up and had the integrity to say, I was wrong. I applaud him for it. These other scientists, we need to take note that they seem to be incapable of suggesting that perhaps the research grants that they took during the Clinton administration had skewed their vision of what the reality was in terms of climate and the world.

To understand all of this nonsense, we need to seriously examine the basic assumptions of this gang of global alarmists who have been pushing this paranoid theory.

They believe excess amounts of man-made CO_2 are being deposited into the air and that this is what causes the greenhouse effect that warms the atmosphere. The carbon footprint that we hear about is referring to the amount of CO_2 released by any specific activity. The CO_2 causes the planet to warm, as we are told, until it reaches that darn tipping point when all hell breaks loose. That's what we're being told. That is the concept that every other extrapolation is based on. But it's wrong. It's dead wrong. It's absolutely wrong. It's based on CO_2 and its impact on the temperature of the planet.

Yet what we find more and more evidence of is that the rise in CO_2 in the past came after the rise in global temperatures. Not before. The increases that there have been in CO_2 on the earth and in the earth's history happened after the earth had warmed, and the scientists are trying to tell us it was the other way around. The reality has been observed in ice cores by prominent scientists, yet this fundamental challenge to the validity of the man-made global warming theory has gone unanswered by those who are screaming that this case is closed and that all discussion is off.

So let's talk about that. Why aren't these scientists like Mr. Hansen and others willing to debate the CO_2 issue? Why is it instead that they simply call names of people who are trying to ask questions and are skeptical about their theories? Well, they just keep repeating "case closed" or attacking not what the presentation of the ideas being presented, but instead attack, for example, myself in some nonsensical way as if I believe dinosaur farts changed the world's climate. That is about as dishonest a debate as you can have, yet we are told the issue of climate change now, global warming, is so important to the future of the world. Well, okay. Let's talk about the CO_2. Let's have a debate on that issue.

To cite one expert's findings, and we will just leave that for the record, Tom Scheffelin of the California Air Resources Board stated on November 5, 2007, that "CO_2 levels track temperature changes between 300 to 1,000 years after the temperature has changed. CO_2 has no direct role in global warming; rather, it responds to biological activity which responds to climate changes."

So what causes this warming in the first place? If it is not the CO_2, all of these people were telling us that it is the CO_2 that's caused the temperature to change and now we're in for it because the levels of CO_2 are going up. Well, what did cause the temperatures to change if it wasn't CO_2?

Well, the best explanation I have heard is activity on the sun, and that would explain why we see parallel temperature trends as those trends that are on earth; we see those same trends going on on Mars and Jupiter. Are these people trying to tell us that they've got a problem with some sort of CO_2 on Jupiter and Mars as they have their changes in the climate that sort of parallel what's going on in the earth? Well, Mars and Jupiter have something in common with us. They're part of our planetary system, and if something is happening on the sun, it will affect them as well as us.

So that, too, is an argument, by the way, that's totally being ignored by the alarmists. After all, what new controls or new taxes or new regulations will they be able to foist on us if it's determined that the sun and not our sports cars are causing the problem of a warmer weather, if there is warmer weather.

☐ 1900

The fact is that man-made global warming and the community that supports man-made global warming are jumping through hoops, bending over backwards, struggling to find one glint of new information to cover for their arrogant attempt to stampede humankind into Draconian policies.

The government-financed man-made global warming propaganda campaign has been, and continues to be, a cacophony of gibberish presented as scientific explanation. I've already given specifics as to what needs to be discussed, and instead, they ignore any type of specific challenge and go to personal attacks.

And their explanations, for example, are left to people like Al Gore, and, let's face it, Al Gore is having a little trouble right now in telling us why his predictions have been wrong.

The CO_2 premise has been based that the whole global warming theory is wrong. Al Gore needs to confront that and argue his case. The methodology, by the way, that has determined "global warming" has been wrong. The observations have been wrong, and let me add, the attempt to shut down the debate has been wrong.

Now, I remember Al Gore labeling me as a Stalinist. He used the word "Stalinist" to refer to me, because when I chaired the Subcommittee on Research and Science in the House, I insisted that both sides be presented and that expert witnesses be expected to address each other's points and contentions. To him, that's Stalinism, and I would suggest that the propaganda campaign of the man-made global warming alarmists has much more in common with Stalinism than does insisting that both sides of the issue be heard at a congressional hearing. One has to really believe that he or she has a corner on the truth to make such a complaint that Stalinism is having both sides presented and addressing each other's points.

Of course, Al Gore's documentary, "An Inconvenient Truth," as suggested by its own title is to be taken as the truth. Well, I won't go into the numerous debatable points and outright errors of that film, but something far worse is uncovered than just the errors of his film. In the pseudoscience and scientific documentary—yes, there were in that documentary, "An Inconvenient Truth," there are numerous film segments of climate and environmental incidents, sort of like National Geographic footage, to add credibility to the alleged scientific points that supposedly were being documented.

Specifically, the film portrays a dramatic cracking and breaking away of a huge portion of the polar icecap. The scene is awesome and somewhat overwhelming and leaves the audience with the feeling that they've witnessed a massive historic occurrence.

Unfortunately, it's all fake. This is not grand, firsthand photographic evidence. It is not National Geographic footage of a huge breaking away of a portion of the icecap. Instead, what the audience is looking at is a great example of special effects. It's not the icecap. It's Styrofoam that you're seeing. That's right, Styrofoam, Styrofoam special effects trying to fool us into thinking we're seeing something happening in the icecap. By the way, isn't Styrofoam an oil-based product? Isn't there some sort of a carbon footprint there?

Well, Mr. Gore has not commented on this depiction. Maybe it is inconvenient for him to comment because it may hurt his credibility. After all, it is not getting warmer, as he predicted, so maybe he has based his theories on a Styrofoam model that doesn't work.

The first time I met Al Gore was in my first term back in 1989–1990. Al Gore, then a United States Senator, marched into the Science Committee room, followed by a platoon of cameras and reporters. He sat in front of our committee demanding that President Bush—that's George W's dad—declare an ozone emergency. And he waved a report in his hand as evidence that there was an ozone hole opening up over the northeast of the United States.

A few days later, the report touted by Senator Gore was found to have been based on faulty data, data collected by one so-called researcher, flying in a single-engine Piper cub with limited technology and no expertise. The emergency declaration the senator called for would have had severe negative economic consequences on the people who live in the northeast part of the United States.

Now, does anyone detect a pattern here? Such scare tactics, Chicken Little-ism, based on false information, of course, isn't new. We have many past examples of this nonsense being portrayed as science.

In 1957, the FDA recalled 3 million pounds of cranberries. I remember as a young person that my mother took the cranberries off the table for Thanksgiving and Christmas and told me because they cause cancer. Well, a few years later, of course, it was admitted it was a total mistake; sorry, it was a mistake. Of course, a tremendous price was paid by a large number of our farmers who went broke.

Then, of course, there was the scare over cyclamate used in everyday items like soda, jams, ice cream. It was very sweet and extremely low in calories. Cyclamate generated enormous profits because it was a product of research by our industry, but then in the early 1970s, the FDA banned cyclamate as a cancer hazard. Well, come to find out, the rats in their study had been force fed the equivalent of 350 cans of soda a day, and only eight of the 240 rats that they crammed all this soda in got sick. It was a faulty test, and eventually, after years, the truth finally prevailed, and it was officially recognized that cyclamate does not cause cancer. Canada, by the way, never banned cyclamate. Our northern buddies, I guess, couldn't get themselves to force feed those rats.

Well, the FDA did take back its negative finding; however, great damage was done. This episode had serious consequences. It was the cyclamate ban that led to the introduction of high fructose corn syrup, with the obesity and the health problems that have come with high fructose corn syrup. So, yes, another scare tactic, another American industry decimated, another rotten theory with unintended consequences foisted upon us.

The next example of fear mongering with pseudo science came on February 26, 1989. On that evening, February 26, 1989, Americans tuned in to "60 Minutes" and heard Ed Bradley say, "The most potent cancer-causing agent in our food supply is a substance sprayed on apples to keep them on the trees . . . " And he goes on to say basically that the children are being put at risk by eating these apples that have alar on them, and that story snowballed out of control. Meryl Streep testified before Congress with all this basically pseudo-scientific nonsense. Parents ended up tossing apples out the window. Schools removed applesauce from the cafeteria, replacing of course the applesauce with more safe and nutritious substances like ice cream and pudding.

There was only one small problem. Alar, which is what was on the apples, didn't cause cancer, and the study that was released was based on bad science. Twenty-thousand apple growers in the United States, of course, suffered enormous financial harm because of this, and of course, when the public was so frightened, the alarmism was noted that it was a very successful tool and people could be scared into accepting policy if we just scared them. People saw that when they saw what a stampede happened because of this one story on alar.

So then comes Three Mile Island, the Three Mile Island incident, the so-called nuclear disaster which ended any expansion of nuclear energy in America. Three Mile Island is the prime example of how devastating pseudo-science scare tactics can be, even if there is no substance to the hysteria. In this case, our country is now heavily dependent on foreign oil, while France has developed a thriving nuclear infrastructure. The French have learned how to reprocess uranium. We have learned how to buy more energy from abroad.

Just remember, Three Mile Island is a nuclear plant where an operational mishap, in which no one was hurt or put in danger, was portrayed as a deadly accident putting millions of people and their lives in jeopardy. Well, no one has yet to show me that one person's life was shortened by the Three Mile Island incident.

Coupled with Jane Fonda's movie called "The China Syndrome," which had just been released, the Three Mile Island incident was a major disaster, a major public relations disaster for the nuclear industry. It was used to terrify the American people into rejecting nuclear energy as a means of producing clean, reliable, domestically fueled electric energy.

Ironically, nuclear power is probably the most effective means of producing power with no carbon footprint, no CO_2. Yet the radical environmentalists still block any attempt to expand the use of nuclear energy, even as we expand our dependency on foreign oil, on oil that is produced by people who hate us. Again, it was a total con job and has had a horrible impact.

And what about that ozone hole over the Antarctic? We were told it would continue to grow and grow and it would take decades to get it under control. Boyce Rensberger, director of the Knight Fellowship at the Massachusetts Institute of Technology, points to evidence that the ozone concentration is a cyclical event, expanding and contracting the ozone throughout the eons of time. It's just part of a natural cycle according to this scientist from MIT.

So here is a scientist from the Massachusetts Institute of Technology telling us the current ozone depletion is simply part of a recurring cycle, not the result of chlorofluorocarbons, as we were told. In layman terms, he's telling us that the gigantic expense of shifting away from aerosol was a waste for America. We're talking about billions of dollars here. The ozone hole closed on its own. It was just part of a cycle. If it wasn't, it would be much different than it is today.

Then there is acid rain, of course. Who can forget the frightening threats that acid rain posed to us just 20 years ago? Acid rain was supposed to decimate our forests, destroy the fresh water bodies, and erode our buildings and sidewalks. Well, whatever happened to acid rain? Well, that theory, too, proved to be an extreme stretch of the truth.

President Reagan was pummeled without mercy for his unwillingness to take monstrously costly action aimed at thwarting acid rain. He insisted on waiting for an in-depth study to be completed, and he was vilified for his insistence on legitimate scientific verification.

Well, a 10-year study by the National Acid Precipitation Assessment Project was submitted to Congress in 1990. It minimized the human impact of acidity of water in the northwest and the northeast of the United States. The issue then died quickly and quietly, and no one ever apologized to Ronald Reagan. We haven't heard about acid rain. If they were right, we should have been hearing about it all this time.

Instead, of course we've been hearing about something else which is much easier to scare people with, global warming. And of course, the last one before global warming that I'd like to mention is the most pitiful of all. Yes, an alarmist scheme which made the cover of Time magazine 30 years ago.

Just 3 decades ago, scientists and politicians were frantic about global cooling. We were told the Earth was entering a new ice age. Unfortunately for the scare mongers, the temperature did not plummet and the oceans did not freeze. In fact, it was getting a bit warmer, and during the 1980s and 1990s it did get a little bit warmer. There was an up-and-down cycle. It happens in the Earth, has always happened.

Well, some of those people, some of those scientists and others who were talking about global warming, well, they've changed their words, and of course, you guessed it, global cooling became global warming. Almost overnight global cooling was rejected, and then there became global warming, and now, of course, global warming is changing to climate change.

□ 1915

So, the scare tactics are nothing new; it's a tried and true method. They've seen it ever since Alar, how people can be stampeded, and then policies can be foisted off on people. Unfortunately, the long-term consequences will be very damaging, very, very damaging for the next generation, just as the instances that I've just described have been damaging for our country. Here, we don't have nuclear energy to help us through this crisis, and we've been left at the mercy of Arab producers of oil, many of whom don't like us and don't like our way of life.

Of course, our kids are being lied to in a big way to make sure they will be able to be fooled in the future, to prepare them to make the sacrifices that are necessary. Well, I often ask students from my district, from southern California, who come here to visit whether they think that 45 years ago, when I went to high school in southern California, whether or not at that time the air was cleaner or dirtier than it is now. A huge percentage of the students from southern California, young kids who I see from my district, in particular, believe that the air quality 45 years ago in southern California was dramatically better than it is today. When I tell them that what they believe is 100 percent wrong, that the air is dramatically cleaner today in southern California, you can see the frustration in their eyes; they have been lied to in a big way.

The big lie their generation has been fed is that the environment is going the wrong way and that they have to give up their freedom, that we have to give up our national sovereignty, and that they have to give up their expectations of certain things in their life because the future is bleak because everything about the environment—the air, the water, the land—are all getting worse when, in fact, there has been tremendous progress made.

And let me tip my hat to the environmentalists on this, and that is, yes, there has been regulation, that some of the cleaning, perhaps most of the cleaning that we've experienced we've seen as a result of the fact that government and liberal Democrats who push some of these reforms got them through and has helped clean the air, the water and the land. And for anyone not to admit that I think would be disingenuous on our part.

But the fact is that our children are now being told that this man-made global warming is going to devastate the whole planet. They might as well not look forward to anything at all unless they buy into all of this agenda, and all of the controls that are being advocated and the bringing down, basically, of their expectations of their life, no travel as much as you—you don't expect low air fares like your parents had. No. Unfortunately, it doesn't get much worse than that when you're telling young people to be that pessimistic.

Dr. John Christy, a professor of Atmospheric Science at the University of Alabama at Huntsville, wrote recently, "I remember as a college student at the first Earth Day being told it was a certainty that by the year 2000 the world would be starving and out of energy." Dr. Christy goes on to say, "Similar pronouncements made today about catastrophes due to human-induced climate change sound all too familiar and are all too exaggerated for me, as someone who actually produces and analyzes climate information."

We are told that polar bears are dying, but of course most populations of polar bears are thriving. We are told that polar ice caps are melting, but the Antarctic ice is actually growing. Hurricane Katrina was supposed to be only the first of many horrendous hurricanes to hit the United States within a few years, all caused by, of course, the warming of the climate, which is, of course, brought on by the CO_2 emissions that we've had from the use of fossil fuels, never mind the fact that a hurricane of equal force to Katrina had actually hit the area 100 years before when there was a lot less CO_2 in the air. And now, of course, since Katrina, totally contrary to the predictions, there hasn't been another strong hurricane season since Katrina, which totally is in contrast to the rhetoric that we heard 2 years ago. But of course we're told, never mind, the case is closed, you can't argue about it anymore.

An honest debate is long overdue, yet we see an attempt to shut down the debate. So what are the issues which need to be addressed in an honest debate? I mentioned a few already. First and foremost, my colleague in the other Chamber, JIM INHOFE, has pointed out that man-made global warming theory, especially the part concerning CO_2 and the so-called "tipping point," is all based on computer models. And computer models are often changed to fit the theory. So let's take a look at the facts, get off of the computer models, and take a look at the facts. Does increased CO_2 come from warming, or is it the other way around? By the way, what I'm told is that the solar activity heats the ocean water somewhat; and cooler ocean water absorbs CO_2, warmer ocean water means that there will be more CO_2 in the air. And if that's not the case, let's debate it, let's find out.

Let's examine the issue of warming itself. The man-made global warming advocates claim that there is a 1.3 degree rise in global temperature since 1850. Yet it's widely known, and right in the hearings on the Science Committee they bring in their charts. Here's the thing in 1850. And here you see up here it's 1.5 degrees warmer now, 150 years later, than it was in 1850.

Well, it is widely known that 1850 marked the end of a 500-year decline in the Earth's temperatures known as the "Mini Ice Age." So if one uses 1850 as a low point, as a baseline, isn't that totally dishonestly magnifying the importance of a 1.3 degree rise in temperature? Right? We're starting from the lowest base. And, by the way, again, that needs to be addressed. I've asked this question numerous times. Global warming alarmists never will confront any of the basic scientific challenges to what they're saying and instead go to ad homonym attacks. Well, people can mention that they think somebody's looney, that's fine, that's all right, as long as we couple it with here is where we disagree, and let's talk about where we disagree. Instead, we've heard, he's looney, case closed. Don't talk about it, shut up, and accept what we have to say.

So, what about the process that collected and analyzed the data which we now are being told supports and proves the man-made global warming theory? The Select Committee on Economic Affairs under the British Parliament had much to say about the methodology about the much-heralded U.N.'s Intergovernmental Panel on Climate Change, or the IPCC, on which much of the man-made global warming theory has been resting on their supposed findings. And the Parliament Commission in Britain said, "We have some concerns," the parliamentary committee reported, "about the objectivity of the IPCC process, with some of its emissions scenarios and summary documentation apparently influenced by political considerations." Shortly after this criticism, Edward Wegman from George Mason University found several problems with the statistical method and peer review process of the IPCC.

At this time, I will place my remaining remarks in the RECORD and I would hope that my colleagues or anyone listening who would like to read this would look into the CONGRESSIONAL RECORD and read the rest of this presentation.

With that said, I appreciate the Chair granting me this hour to talk directly to my colleagues and to the American people, through the CONGRESSIONAL RECORD.

Then, a February 2008 report by Kesten Green and J. Scott Armstrong for the National Center for Policy Analysis found glaring problems in the IPCC's 2007 report.

At a minimum, the IPCC ignored just under half of widely accepted forecasting principles. At worst, they violated over ¾ of those principles. Sterling Burnett of the Washington Times probably sums it up the best: "Several assessments of the IPCC's work have shown the techniques and methods used to derive its climate predictions are fundamentally flawed." How are we supposed to take them seriously in the face of such lunacy? This isn't science. It's comedy.

The National Policy Center was similarly distressed. Its reports on the IPCC found unreliable data and forecasting models, as well as politically motivated forecasters. Peer reviewers of the study were few in number and often had ties to the original authors of the IPCC study. Any academic will tell you that is unacceptable. But nevertheless we are told to sit down and shut up, case closed, game over.

And Al Gore's movie isn't the only example of docudrama presented as gospel truth. As recent as May 5 of this year, the public was treated to yet another example of intentionally distorted visions. I am referring to an NBC program that included a view of the North Pole and the melting of the ice caps. As the reporter speaks, the camera pans over the ice as penguins cling to a small ice patch in the middle of the water. Touches your heart, doesn't it? Well, there is a problem. There are no penguins at the North Pole. Penguins live exclusively in Antarctica, that is the South Pole. But maybe we should give NBC the benefit of the doubt, maybe the penguins moved north. After all, climate change is happening in the South Pole too, except that there the ice is growing, not shrinking. Hmm. Well, that's why we call it "climate change" and not "global warming," I suppose. I might add that NBC has removed the scene from its online video feed.

Carbon dioxide is, in fact, like the penguins. It's being falsely pictured. It is being portrayed as a pollutant; in fact, it makes things grow, and it is not toxic to humans. After all, we exhale it with every breath. In the distant past the earth had much more CO_2 in the air, perhaps as a result of volcanoes, but at that time we had abundant animal life, dinosaurs and lots of plants for them to eat. CO_2 is today pumped into greenhouses to make tomatoes grow bigger and better. Nevertheless, we are now presented with such loony ideas like sequestration or carbon credits that only enrich the alarmists. This is only possible with a public that has been frightened into accepting totally false information about CO_2. Let me state that I do support efforts that reduce pollution, particulates that do have a negative impact on the environment and human health. I support technologies that reduce these materials. If we are to have a debate on saving the environment, that is what we should be focusing on.

Mr. Speaker, this old world has had many cycles of warming and cooling, probably the result of solar activity, perhaps in the distant past volcanoes, the ice caps on Mars and Jupiter go back and forth, just as glaciers have gone back and forth. But such a powerful and mysterious force as the weather can be frightening. We need not be frightened, hoodwinked into giving authority to our own government, much less the U.N. or a global power—the power to control our lives in the name of man-made global warming, or climate change, or whatever they want to call it. Let us not let the alarmists take this country down the wrong path. Let's let the children of this country and planet have the freedom and prosperity we enjoyed, and not give it away to hucksters who would frighten us into giving up our birthright in the name of saving the planet. Sounds noble, but it's just a trick, a hoax. The greatest hoax of all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLISON (at the request of Mr. HOYER) for today after 2 p.m.

Mr. FATTAH (at the request of Mr. HOYER) for today on account of family medical reasons.

Mr. EHLERS (at the request of Mr. BOEHNER) for today after 1:30 p.m. through June 9 on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BALDWIN) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 12.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 12.

Mr. PENCE, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 3, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 1195. To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, June 9, 2008, at 12:30 p.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6948. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

6949. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6950. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6951. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6952. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6953. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6954. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6955. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6956. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6957. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6958. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

6959. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6960. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6961. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2007 through March 31, 2008, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6962. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6963. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6964. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6965. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's strategic plan for fiscal years 2008 through 2013 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

6966. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period of October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6967. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6968. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6969. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6970. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report of audits and investigations conducted during fiscal years 2006 and 2007, pursuant to Section 8(G)(h)(2) of the Inspector General Act of 1978, pursuant to 5 U.S.C. App. 3; to the Committee on Oversight and Government Reform.

6971. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semi-annual report on the activities of the Inspector General for October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6972. A letter from the Chairman, National Credit Union Administration, transmitting the 2007 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1756; to the Committee on Oversight and Government Reform.

6973. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6974. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6975. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

6976. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

6977. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007 through March 31, 2008 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6978. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 2007, through March 31, 2008 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6979. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kingsmill Resort Fireworks Display, James River, Williamsburg, VA. [USCG-2008-0238] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6980. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Anacostia River, Washington, DC [Docket No. USCG-2008-0338] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6981. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC [USCG-2008-0309] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6982. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No. USCG-2008-0284, formerly COTP San Juan 05-007] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Dock 32, Cleveland, OH [USCG-2008-0329] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6984. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Florida [Docket No. USCG-2008-0203] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Anacostia River, Washington, DC [Docket No. USCG-2008-0114] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6986. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo [USCG-2001-9046] (RIN: 1625-AB12) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6987. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Delaware River, Philadelphia, PA [Docket No. USCG-2008-0277] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6988. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Delaware River, Big Timber Creek, Westville, NJ [Docket No. USCG-2008-0278] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6989. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Fourth of July Fireworks Celebration Charles River, Boston, MA. [USCG-2008-0319] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6990. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA, Event — Sacramento International Triathlon [Docket No. USCG-2008-0317] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6991. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, IL 8K Run [USCG-2008-0267] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6992. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charles River, Boston, MA, Larry Kessler 5K Run [USCG-2008-0258] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA, Event — Grand Opening Celebration [Docket No. USCG-2008-0223] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL, Quad City Marathon [USCG-2008-0037] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Chief Counsel, EDA, Department of Commerce, transmitting the Department's final rule — Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision [Docket No.: 05072910-6229-06] (RIN: 0610-AA63) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4179. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes; with amendments (Rept. 110–686). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5909. A bill to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; with an amendment (Rept. 110–687). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5982. A bill to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; with an amendment (Rept. 110–688). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4749. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; with an amendment (Rept. 110–689). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6003. A bill to reauthorize Amtrak, and for other purposes; with an amendment (Rept. 110–690). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions; with amendments (Rept. 110–691 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 5680. A bill to amend certain laws relating to Native Americans, and for other purposes; with an amendment (Rept. 110–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto

Mountains National Monument, and for other purposes; with an amendment (Rept. 110–693). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3022. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; with an amendment (Rept. 110–694). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2632. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; with an amendment (Rept. 110–695). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5938. A bill to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes (Rept. 110–696). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5060. A bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments (Rept. 110–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5569. A bill to extend for 5 years the EB–5 regional center pilot program (Rept. 110–698). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4080. A bill to amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; with an amendment (Rept. 110–699). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act (Rept. 110–700). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1333. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 13, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FALEOMAVAEGA:

H.R. 6191. A bill to amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 6192. A bill to make payments by the Department of Homeland Security to a State contingent on a State providing the Federal Bureau of Investigation with certain statistics, to require Federal agencies, departments, and courts to provide such statistics to the Federal Bureau of Investigation, and to require the Federal Bureau of Investigation to publish such statistics; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN (for herself, Mr. REICHERT, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. NORTON, Mr. CARNEY, Mr. DICKS, and Ms. JACKSON-LEE of Texas):

H.R. 6193. A bill to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes; to the Committee on Homeland Security.

By Mr. PASCRELL (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 6194. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 6195. A bill to authorize the Korean War Veterans Association to establish a commemorative work on Federal land in the District of Columbia near the Korean War Memorial on the Mall to honor members of the Armed Forces who have served in Korea since July 28, 1953; to the Committee on Natural Resources.

By Mr. BERRY:

H.R. 6196. A bill to amend title II of the Social Security Act to provide for Medicare coverage of individuals receiving a heart transplant; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN:

H.R. 6197. A bill to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the "Pickwick Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CLEAVER:

H.R. 6198. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 6199. A bill to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the "Kenneth Peter Zebrowski Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. ENGEL, and Mr. ROTHMAN):

H.R. 6200. A bill to amend the National Trails System Act to provide for a study of the Long Path Trail, a system of trails and potential trails running from Fort Lee, New Jersey, to the Adirondacks in New York, to determine whether to add the trail to the National Trails System, and for other purposes; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself and Mrs. CAPPS):

H.R. 6201. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten; to the Committee on Energy and Commerce.

By Mr. MORAN of Virginia (for himself, Mr. SHAYS, Mr. PAYNE, and Mr. TIERNEY):

H.R. 6202. A bill to promote the well-being of animals held for commercial use by providing such animals protection from cruelty and abuse; to the Committee on Agriculture.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CLAY, Mr. COHEN, Mr. COURTNEY, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. HARE, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. LARSON of Connecticut, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SIRES, Ms. SOLIS, Ms. WATERS, Mr. WATT, Mr. WEXLER, and Mr. WU):

H.R. 6203. A bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. MCCOTTER, and Mr. KILDEE):

H.R. 6204. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. MICHAUD, Mr. KAGEN, Mr. ARCURI, Mr. HARE, Mr. MCGOVERN, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. BRALEY of Iowa, Mr. LANGEVIN, Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. PERLMUTTER, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. COHEN, Mr. HINCHEY, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 6205. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism; to the Committee on Armed Services.

By Mr. MCGOVERN (for himself, Mr. BLUMENAUER, and Mr. ALLEN):

H.J. Res. 91. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians; to the Committee on Foreign Affairs.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. WATSON, Mr. MANZULLO, Mr. HOLT, and Mr. PITTS):

H.J. Res. 93. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. HOLT, Mr. ISRAEL, Mr. COHEN, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. EMANUEL, Mr. BUTTERFIELD, Mr. KILDEE, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LEVIN, Mr. INSLEE, Mr. HILL, Mr. ROSS, Mr. MITCHELL, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. LARSEN of Washington, Mr. HODES, Mr. GONZALEZ, Mr. LAMPSON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. MICHAUD, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. KIND, Mr. BERRY, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. FOSTER, Mr. BOSWELL, Mr. AKIN, Mr. DEFAZIO, Mr. RAHALL, Mr. MEEK of Florida, Mr. ALLEN, Mr. PASTOR, Mr. DOGGETT, Ms. BALDWIN, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Ms. SUTTON, Mr. HARE, Mr. SCOTT of Georgia, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. CLEAVER, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mrs. CAPPS, Mrs. DAVIS of California, and Mrs. BONO MACK):

H. Res. 1242. A resolution honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; to the Committee on Education and Labor.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. MCINTYRE, Mr. FOSSELLA, Mr. ISSA, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. NEUGEBAUER, Mr. ADERHOLT, Mrs. MUSGRAVE, Mr. PICKERING, Mr. BOREN, Mr. HERGER, Mr. KENNEDY, Mr. CAMPBELL of California, Mr. PENCE, Mr. KELLER, Mrs. BACHMANN, Mr. TIAHRT, Mr. LAMBORN, Ms. NORTON, Mr. WALBERG, Mr. MEEK of Florida, Mr. GARRETT of New Jersey, and Mr. MCCAUL of Texas):

H. Res. 1243. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. BLUMENAUER (for himself, Mr. KIND, and Mr. PORTER):

H. Res. 1244. A resolution resolving to address the costly obesity epidemic by identifying opportunities to increase access to and promotion of nutrition, physical activity, and health care in all of Congress's work; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. MCGOVERN, Mr. PAYNE, and Mr. WOLF):

H. Res. 1245. A resolution urging the international community to provide the United Nations-African Union Mission in Darfur with essential tactical and utility helicopters; to the Committee on Foreign Affairs.

By Mr. CONYERS (for himself, Mr. KILDEE, Ms. KILPATRICK, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. WALBERG, Mr. CAMP of Michigan, Mr. ROGERS of Michigan, Mr. LEVIN, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. STUPAK, Mr. EHLERS, and Mr. DINGELL):

H. Res. 1246. A resolution congratulating the Detroit Red Wings for winning the 2008 Stanley Cup Hockey Championship; to the Committee on Oversight and Government Reform.

By Mr. DAVID DAVIS of Tennessee:

H. Res. 1247. A resolution supporting the goals and ideals of "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; to the Committee on Natural Resources.

By Mr. ELLSWORTH (for himself, Mrs. MUSGRAVE, Mr. CHANDLER, Mr. HALL of New York, Mr. ALTMIRE, Mr. KENNEDY, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, Mrs. CUBIN, Mr. SALAZAR, Mr. GRIJALVA, Mr. LAHOOD, Mr. REHBERG, Mr. RENZI, Mrs. TAUSCHER, Mr. VISCLOSKY, Mr. GOHMERT, Mr. SMITH of Washington, Mr. VAN HOLLEN, Mr. DAVIS of Kentucky, Mr. TIAHRT, Mr. SHIMKUS, Mr. THOMPSON of California, Mr. MCCARTHY of California, Mr. STUPAK, Mr. FLAKE, Mr. ROSS, Mr. TANCREDO, Mr. TERRY, Mr. MCINTYRE, Mr. LATTA, Mr. SHULER, Mr. DONNELLY, Mr. SULLIVAN, Mr. MCNERNEY, and Mr. HONDA):

H. Res. 1248. A resolution recognizing the service of the USS Farenholt and her men who served our Nation with valor and bravery in the South Pacific during World War II; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself, Ms. BERKLEY, Mr. CROWLEY, and Mr. HARE):

H. Res. 1249. A resolution urging the Government of the Republic of Iraq to recognize the right of the State of Israel to exist and to establish diplomatic relations with Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAMPSON (for himself, Mr. CULBERSON, Mr. REYES, Mr. ORTIZ, Mr. EDWARDS, Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. HALL of Texas, Mr. SESSIONS, Mr. CARTER, Ms. JACKSON-LEE of Texas, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CUELLAR, Mr. MCCAUL of Texas, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. POE, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. PAUL, Mr. BRADY of Texas, Ms. GRANGER, Mr. BARTON of Texas, Mr. GOHMERT, and Mr. BURGESS):

H. Res. 1250. A resolution honoring the Texas Air National Guard 147th Fighter Wing at Ellington Field for protecting the ports, industries, and people of Southeast Texas upon the retirement of its F-16s and its redesignation as the 147th Reconnaissance Wing; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Ms. ESHOO, Mr. FRANK of Massachusetts, and Mr. WEXLER.

H.R. 138: Mr. GARY G. MILLER of California.

H.R. 139: Mr. MCCAUL of Texas.

H.R. 154: Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. LATHAM, and Mr. SNYDER.

H.R. 245: Mr. DAVIS of Illinois.

H.R. 303: Mr. HARE.

H.R. 432: Mrs. BACHMANN.

H.R. 506: Mr. MCINTYRE.

H.R. 552: Mr. RODRIGUEZ, Mr. BILBRAY, and Mr. FILNER.

H.R. 659: Mr. ENGLISH of Pennsylvania.

H.R. 822: Mr. CARSON.

H.R. 998: Ms. ROS-LEHTINEN, Mr. TIBERI, Mrs. EMERSON, Mr. RAMSTAD, Mr. CASTLE, Mr. SHIMKUS, and Mr. LATOURETTE.

H.R. 1023: Mr. LATTA, Mr. WELLER, Mr. SULLIVAN, Mr. BISHOP of Georgia, and Mr. HODES.

H.R. 1035: Mr. WEXLER.

H.R. 1093: Mr. CARSON.

H.R. 1108: Mr. CANTOR.

H.R. 1134: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1178: Mr. PETERSON of Minnesota.

H.R. 1192: Mr. RODRIGUEZ and Ms. NORTON.

H.R. 1193: Mr. MCINTYRE, Ms. LEE, Mr. YARMUTH, and Mr. BOREN.

H.R. 1232: Mr. CARSON.

H.R. 1474: Ms. CLARKE, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Ms. WOOLSEY.

H.R. 1518: Mr. LEWIS of Georgia.

H.R. 1536: Mr. SESTAK.

H.R. 1540: Ms. LEE.

H.R. 1552: Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, and Mr. MURPHY of Connecticut.

H.R. 1610: Mr. DAVIS of Illinois and Mr. LUCAS.

H.R. 1621: Mr. ABERCROMBIE.

H.R. 1647: Mr. RUSH and Mr. HODES.

H.R. 1655: Mr. KLEIN of Florida.

H.R. 1665: Mr. WAMP.

H.R. 1691: Mr. KIRK and Mr. LEWIS of Georgia.

H.R. 1738: Mr. MOORE of Kansas and Ms. MATSUI.

H.R. 1748: Mr. WOLF and Mr. JOHNSON of Illinois.

H.R. 1755: Mr. ALLEN.

H.R. 1921: Ms. LEE.

H.R. 1940: Mr. SMITH of Nebraska.

H.R. 1941: Mr. MCGOVERN.

H.R. 1983: Ms. SOLIS.

H.R. 1992: Mr. HODES.

H.R. 2047: Mr. SOUDER.

H.R. 2060: Mr. CARSON.

H.R. 2116: Mr. CARSON, Mr. MCHENRY, Ms. MATSUI, and Mr. HAYES.

H.R. 2164: Mr. BOREN.

H.R. 2192: Mr. MICHAUD.

H.R. 2210: Ms. JACKSON-LEE of Texas, Mr. SESTAK, and Mr. RODRIGUEZ.

H.R. 2231: Mr. UDALL of Colorado, Mr. TIM MURPHY of Pennsylvania, Mr. HINOJOSA, Mr. HODES, Mr. CARNAHAN, and Ms. JACKSON-LEE of Texas.

H.R. 2266: Mr. CARSON.

H.R. 2329: Mr. ROSS, Mr. HELLER, Mr. CARSON, and Mr. REHBERG.

H.R. 2407: Mr. BUTTERFIELD.

H.R. 2549: Mr. LEWIS of Georgia.

H.R. 2620: Mr. SPRATT.

H.R. 2762: Mr. LEWIS of Georgia.

H.R. 2820: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2821: Mr. CARSON.

H.R. 2880: Mr. FOSTER.

H.R. 2892: Mr. SCOTT of Virginia.

H.R. 2922: Ms. WATERS, and Ms. MCCOLLUM of Minnesota.

H.R. 2926: Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, and Mr. MORAN of Virginia.

H.R. 2991: Mr. UDALL of Colorado.

H.R. 3024: Mr. UDALL of Colorado, Mr. PERLMUTTER, and Mr. GONZALEZ.

H.R. 3088: Mr. KING of Iowa.

H.R. 3098: Mr. HENSARLING.

H.R. 3140: Mr. WHITFIELD of Kentucky, Mr. LEWIS of Georgia, Mr. GOHMERT, and Mrs. NAPOLITANO.

H.R. 3175: Mr. SARBANES.

H.R. 3186: Mr. SESTAK, Mr. BOREN, and Mr. WOLF.

H.R. 3187: Mr. SIRES, and Mr. SESTAK.

H.R. 3212: Mr. RAHALL.

H.R. 3257: Mr. BOREN.

H.R. 3331: Mr. EMANUEL.

H.R. 3404: Mr. BISHOP of Georgia.

H.R. 3439: Ms. ZOE LOFGREN of California.

H.R. 3440: Mr. SHAYS.

H.R. 3457: Mr. CULBERSON, and Mrs. SCHMIDT.

H.R. 3471: Mr. LOEBSACK.

H.R. 3544: Mr. WELLER.

H.R. 3547: Mr. KING of New York.

H.R. 3660: Mr. LIPINSKI.

H.R. 3770: Mr. LEWIS of Kentucky.

H.R. 3815: Ms. JACKSON-LEE of Texas.

H.R. 3914: Mr. PICKERING and Mr. FLAKE.

H.R. 3934: Mr. RUPPERSBERGER and Mr. UDALL of Colorado.

H.R. 3990: Mr. YARMUTH.

H.R. 3995: Mrs. BIGGERT.

H.R. 4048: Ms. JACKSON-LEE of Texas.

H.R. 4107: Mr. HOLT.

H.R. 4113: Mr. DICKS.

H.R. 4199: Mr. RYAN of Ohio and Mr. HAYES.

H.R. 4218: Mr. PETERSON of Minnesota.

H.R. 4236: Mr. MARIO DIAZ-BALART of Florida.

H.R. 4544: Mr. EDWARDS, Mr. HALL of Texas, Mr. HAYES, and Mr. LEWIS of Georgia.

H.R. 4736: Mr. BROUN of Georgia, Mr. AKIN, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. MARCHANT, Mr. ISSA, Mr. KLINE of Minnesota, Mrs. BACHMANN, Mr. BILBRAY, Mr. GINGREY, Mr. WESTMORELAND, Mr. PITTS, and Mr. SAM JOHNSON of Texas.

H.R. 4836: Mr. CLAY.

H.R. 4900: Mr. DOOLITTLE.

H.R. 5038: Mr. ROTHMAN.

H.R. 5155: Mr. BRALEY of Iowa.

H.R. 5157: Ms. BERKLEY.

H.R. 5174: Mr. ARCURI.

H.R. 5223: Mr. HOLT.

H.R. 5265: Mrs. BONO MACK.

H.R. 5266: Mr. PAYNE.

H.R. 5446: Mr. PETERSON of Minnesota.

H.R. 5469: Mr. SIRES.

H.R. 5488: Ms. NORTON, Mr. RUSH, and Mr. HARE.

H.R. 5546: Mr. INSLEE.

H.R. 5550: Mr. VAN HOLLEN.

H.R. 5559: Mr. TERRY.

H.R. 5560: Mr. ENGEL.

H.R. 5564: Mr. HELLER.

H.R. 5603: Mr. PLATTS.

H.R. 5611: Mrs. BLACKBURN.

H.R. 5626: Mr. HINCHEY.

H.R. 5632: Mr. MELANCON, Mr. GONZALEZ, Mr. INSLEE, and Mr. CHANDLER.

H.R. 5636: Ms. LEE.

H.R. 5637: Mr. COHEN and Mr. PAYNE.

H.R. 5646: Mr. BARRETT of South Carolina.

H.R. 5677: Mr. TAYLOR, Mr. STUPAK, Mr. LINCOLN DAVIS of Tennessee, and Mr. CLEAVER.

H.R. 5698: Mr. WELLER and Mr. BLUMENAUER.

H.R. 5721: Mr. BERRY.

H.R. 5734: Mr. PETERSON of Minnesota.

H.R. 5737: Mr. ROGERS of Kentucky.

H.R. 5746: Mr. LIPINSKI.

H.R. 5748: Mr. GALLEGLY.

H.R. 5759: Mr. HOEKSTRA.

H.R. 5768: Mr. ENGLISH of Pennsylvania.

H.R. 5772: Mr. ELLISON.

H.R. 5774: Ms. SOLIS and Ms. MCCOLLUM of Minnesota.

H.R. 5775: Mr. DOOLITTLE.

H.R. 5805: Mr. SHADEGG.

H.R. 5816: Mr. WAMP.

H.R. 5825: Mr. ALLEN.

H.R. 5842: Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Ms. ZOE LOFGREN of California, and Mr. MCDERMOTT.

H.R. 5843: Mr. MCDERMOTT.

H.R. 5846: Mr. DAVIS of Illinois.

H.R. 5853: Mr. OLVER, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. LYNCH, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. TIERNEY, Mr. CAPUANO, and Mr. JOHNSON of Illinois.

H.R. 5866: Mrs. MYRICK and Mr. ROGERS of Kentucky.

H.R. 5873: Mr. BRADY of Pennsylvania.

H.R. 5882: Ms. ESHOO.

H.R. 5892: Mr. FRANK of Massachusetts, Mr. ALLEN, and Mr. KLEIN of Florida.

H.R. 5898: Ms. BORDALLO, Mr. LATHAM, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, and Mr. NUNES.

H.R. 5901: Mr. AL GREEN of Texas.

H.R. 5914: Mr. AL GREEN of Texas.

H.R. 5925: Mr. BISHOP of New York.

H.R. 5935: Mr. JONES of North Carolina.

H.R. 5943: Mr. PORTER.

H.R. 5949: Mr. GERLACH and Mr. WALSH of New York.

H.R. 5954: Mr. DELAHUNT.

H.R. 5960: Mr. HARE and Mr. KUCINICH.

H.R. 5984: Mr. SMITH of Nebraska.

H.R. 5990: Mr. ROSS and Mr. BISHOP of Georgia.

H.R. 6003: Mr. SNYDER, Mr. RYAN of Ohio, and Mr. CLAY.

H.R. 6023: Mr. ENGLISH of Pennsylvania.

H.R. 6025: Mr. DANIEL E. LUNGREN of California and Mrs. CUBIN.

H.R. 6026: Mr. GARRETT of New Jersey, Mrs. DRAKE, Mr. HOBSON, and Mr. DENT.

H.R. 6029: Ms. SOLIS.

H.R. 6039: Mr. BERMAN.

H.R. 6064: Ms. CASTOR, Mr. KUCINICH, and Mr. INSLEE.

H.R. 6073: Mr. BILBRAY and Mr. PLATTS.

H.R. 6076: Mr. MEEK of Florida.

H.R. 6085: Mr. GOODLATTE, Ms. MATSUI, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CONYERS, Ms. WATERS, Mr. BUYER, Mr. HENSARLING, Mr. CRENSHAW, Mrs. BACHMANN, Mr. SESSIONS, Ms. RICHARDSON, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. JORDAN, Mr. WALBERG, Mr. LATTA, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GINGREY, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. HELLER, Mr. PEARCE, Mr. FORBES, Mr. REICHERT, Mr. BOOZMAN, Mr. LAMBORN, Mr. TOM DAVIS of Virginia, Mr. SHUSTER, Mr. SULLIVAN, Mr. MCCAUL of Texas, Mr. PRICE of Georgia, Mr. BOYD of Florida, Mr. ROYCE, Mr. HERGER, Ms. Linda T. Sánchez of California, Mr. MCNERNEY, Mr. KINGSTON, Mr. WAMP, Mr. ROGERS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. BARRETT of South Carolina, Mr. KUHL of New York, Mr. HOBSON, Mr. RAMSTAD, Mr. CASTLE, Mrs. BIGGERT, Mrs. CAPITO, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Mr. WALDEN of Oregon; Mr. DINGELL, Mr. KILDEE, Mr. COLE of Oklahoma, Mr. BOEHNER, Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. CAMPBELL of California, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. BERMAN, Mr. SHERMAN, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. SKELTON, Mr. FILNER, Mr. REGULA, Mr. WOLF, Mr. BECERRA, and Mr. HONDA.

H.R. 6091: Mr. WEXLER.

H.R. 6092: Mr. WALSH of New York.

H.R. 6093: Mr. MCDERMOTT.

H.R. 6098: Mr. DENT and Mr. PERLMUTTER.

H.R. 6105: Mr. KIRK.

H.R. 6107: Mr. PLATTS, Mr. CANNON, Mr. BOOZMAN, Mr. DENT, Mr. PAUL, Mr. LATOURETTE, Mr. SCALISE, Mrs. BACHMANN, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. NUNES, Mr. BURTON of Indiana, Mr. AKIN, Mr. DREIER, Mr. DAVIS of Kentucky, and Mr. PETERSON of Pennsylvania.

H.R. 6108: Mr. HELLER.

H.R. 6123: Mr. AKIN and Ms. MATSUI.

H.R. 6135: Mrs. BACHMANN.

H.R. 6136: Mrs. BACHMANN.

H.R. 6137: Mrs. SCHMIDT.

H.R. 6138: Mr. CANNON, Mr. HERGER, and Mrs. BACHMANN.

H.R. 6139: Mr. BROUN of Georgia, and Mr. SCALISE.

H.R. 6146: Mr. SCHIFF.

H.R. 6161: Mr. HOEKSTRA.

H.R. 6165: Mr. KING of New York.

H.R. 6180: Mr. PALLONE and Mr. TIERNEY.

H.R. 6187: Mr. DICKS and Ms. LEE.

H.J. Res. 21: Mr. SCALISE.

H.J. Res. 79: Mr. WU and Mr. ELLISON.

H.J. Res. 89: Mr. RENZI, Mr. BISHOP of Georgia, Mr. TIAHRT, Mr. WAMP, Mr. GARY G. MILLER of California, and Mr. MARSHALL.

H. Con. Res. 163: Mr. SNYDER, Mr. WILSON of South Carolina, Ms. SOLIS, and Mr. MELANCON.

H. Con. Res. 244: Mr. MITCHELL and Mr. HILL.

H. Con. Res. 247: Ms. ESHOO.

H. Con. Res. 284: Mr. RANGEL and Mr. CLAY.

H. Con. Res. 296: Mr. CONYERS.

H. Con. Res. 332: Mr. DENT and Mr. WAXMAN.

H. Con. Res. 336: Mr. BISHOP of New York, Mr. KENNEDY, Mr. MCCOTTER, and Mr. LATHAM.

H. Con. Res. 338: Mr. BUTTERFIELD.

H. Con. Res. 341: Mr. CAPUANO, Mr. KING of Iowa, Mr. MORAN of Virginia, and Mr. LIPINSKI.

H. Con. Res. 342: Mr. WELLER, Mr. DOYLE, Mr. MCCAUL of Texas, Mr. MICHAUD, and Mr. SNYDER.

H. Con. Res. 352: Mr. TOWNS.

H. Con. Res. 362: Mr. HARE, Mr. CUELLAR, Ms. SUTTON, Mr. MITCHELL, Ms. SCHWARTZ, Mr. GERLACH, Ms. FOXX, Mr. CLEAVER, Mr. ROSKAM, Mr. SAXTON, Mr. MARCHANT, Mr. SHERMAN, and Mr. SHULER.

H. Con. Res. 364: Mr. CARSON and Mr. MEEKS of New York.

H. Con. Res. 367: Mr. TOWNS, Mr. UPTON, Mrs. EMERSON, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mr. TERRY, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. FERGUSON, Mr. HALL of Texas, Mr. BURGESS, Mr. GINGREY, Mr. DAVID DAVIS of Tennessee, Mrs. BONO MACK, Ms. FALLIN, Mr. FORTENBERRY, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mrs. DRAKE, Mr. EDWARDS, Ms. ESHOO, Mr. ISRAEL, Mr. HOBSON, Mr. KNOLLENBERG, Mr. DAVIS of Alabama, Mr. WU, Mr. PRICE of Georgia, Mr. RUSH, Mr. MORAN of Virginia, Mr. LATTA, and Mr. CROWLEY.

H. Res. 102: Mr. MCHUGH.

H. Res. 123: Mr. HARE.

H. Res. 212: Mr. SESTAK.

H. Res. 241: Mr. CARSON.

H. Res. 322: Mr. SESTAK.

H. Res. 672: Mr. KIND, Mr. MARSHALL, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. HOLDEN, Mr. WOLF, and Mr. BURTON of Indiana.

H. Res. 758: Mr. BROUN of Georgia.

H. Res. 844: Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. JEFFERSON, Ms. WATSON, Mr. SCOTT of Georgia, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. WU, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. CARSON, Ms. LEE, Mr. HARE, Mr. SIRES, Mr. SERRANO, Ms. HIRONO, Mr. HONDA, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. ENGEL, Ms. WOOLSEY, Mr. COHEN, and Mr. LEWIS of Georgia.

H. Res. 881: Mr. ROSS, Mr. SULLIVAN, Mr. CANNON, Mr. AKIN, Mr. KING of Iowa, Mr. NEUGEBAUER, and Mr. GARRETT of New Jersey.

H. Res. 900: Mr. CARSON, Ms. KILPATRICK, Mr. FATTAH, Mr. WATT, and Ms. NORTON.

H. Res. 977: Mr. ROTHMAN.

H. Res. 1008: Mr. GONZALEZ.

H. Res. 1027: Mr. STEARNS.

H. Res. 1051: Mr. BUYER, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. KLINE of Minnesota, Mr. HALL of Texas, Mr. GOHMERT, Mr. PETERSON of Minnesota, Mr. BOUSTANY, Mr. CAMP of Michigan, Mrs. CUBIN, Mr. MCCRERY, Mr. BURTON of Indiana, Mr. LINCOLN DAVIS of Tennessee, Mr. MARCHANT, Mr. ROGERS of Kentucky, Mr. LATTA, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. HOEKSTRA, Mr. DREIER, Mr. INSLEE, Mr. DELAHUNT, Mr. BOREN, Mr. THOMPSON of California, Ms. HERSETH SANDLIN, Mr. CHILDERS, Mr. REHBERG, Mr. WAMP, Mr. CHABOT, Mrs. BONO MACK, Mr. BOEHNER, Ms. FALLIN, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. NUNES, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CAPUANO, Mr. NEAL of Massachusetts, and Mr. BRADY of Texas.

H. Res. 1064: Mr. BURGESS.

H. Res. 1128: Mr. LEWIS of Kentucky.

H. Res. 1160: Mr. EHLERS.

H. Res. 1161: Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. CARSON, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, and Mr. LEWIS of Georgia.

H. Res. 1177: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1179: Mr. LAHOOD, Mr. MCCOTTER, and Mr. BROUN of Georgia.

H. Res. 1191: Mr. KIRK and Mr. AL GREEN of Texas.

H. Res. 1198: Mr. FORTUÑO.

H. Res. 1202: Mr. ROGERS of Kentucky, Mr. KIRK, Mr. BAIRD, and Mr. LUCAS.

H. Res. 1204: Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mrs. CHRISTENSEN, and Mr. BISHOP of Georgia.

H. Res. 1217: Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. MICHAUD, Mrs. MYRICK, Mr. COHEN, Mr. RAMSTAD, and Mr. RUSH.

H. Res. 1219: Mr. WAMP, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. TURNER, Mr. LEWIS of Kentucky, Mr. ROSKAM, Mr. MCHENRY, Mr. MCCOTTER, Mr. TIBERI, Mrs. MUSGRAVE, Mr. BARTLETT of Maryland, Mr. MANZULLO, Ms. FALLIN, Mrs. BACHMANN, Mr. WALDEN of Oregon, Mr. ROGERS of Kentucky, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. BURGESS, Mrs. BLACKBURN, Mr. DOOLITTLE, Mr. WITTMAN of Virginia, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. ALEXANDER, Mr. SCALISE, Mr. BONNER, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. KLINE of Minnesota, Mr. AKIN, Mr. WESTMORELAND, Mr. SALI, Mr. DUNCAN, Mr. LATOURETTE, Mr. SIMPSON, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. POE, Mr. BOUSTANY, Mr. REHBERG, Mr. HELLER, Mr. COLE of Oklahoma, Mr. ROGERS of Michigan, Mr. LATHAM, Mr. MARIO DIAZ-BALART of Florida, Mr. PRICE of Georgia, Ms. BORDALLO, and Mr. SOUDER.

H. Res. 1227: Mr. BISHOP of Georgia.

H. Res. 1237: Mr. CUMMINGS and Mr. HOLT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives that are included in the manager's amendment to H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008."

The Amendment No. ___, to be offered by Mr. OBERSTAR or his designee, to H.R. 6003 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SENATE—*Thursday, June 5, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Steven N. Ailes, Main Street United Methodist Church, Peru, IN.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious God, Lord of all that is good and beautiful and perfect, we come to pray for Your blessing upon this gathering of U.S. Senators. We ask for the guidance of Your holy spirit upon the work they do for this one Nation under God. We pray for Your inspiration in their hearts and minds and souls. We ask for Your grace in their work and deliberation, that this might be an extension of Your sustaining presence in our life together as citizens of heaven and of these United States of America.

While we pray for these elected representatives of our Nation, we remember the families and staff who are such an integral part of their service to our Nation and to the world. May all be touched by Your love and respect for all people; from all nations, in all conditions, in all Your creation.

O Holy God, be with us all in these moments, that our work may be directed by Your peace—a peace that surpasses mere human understanding and encompasses care and compassion for the entire world. May You lead these Your servants with a passion for justice and righteousness, wisdom and insight, mercy and love; with strength to do that which is right and honorable and in accord with Your holy way.

God, bless America, and may Your will be done in this gathering and in our lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding the Senator from Indiana wishes to comment on the chaplain who is kind enough to join us today. I yield to him for that purpose.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. LUGAR. Mr. President, I thank my distinguished colleague.

It is a special privilege to see the Senate open with a prayer today by Rev. Steven Ailes from Peru, IN. Reverend Ailes has served in seven churches in Indiana. He is a civic leader in Peru as president of the Rotary Club and has been the chairman and a member of many foundations. He has brought students to this Capitol from Peru, IN, with regularity.

I have known Reverend Ailes well because of his son Justin who is a distinguished graduate of the University of Indianapolis and who came onto my staff and served for many years as a very able public servant. It has been a privilege to be reunited this morning with Justin and with his dad.

Let me say that Reverend Ailes is a genuine Hoosier, born in Valparaiso, IN. He completed his undergraduate degrees at Lawrence University in Appleton, WI, but came back to Ball State and has served there likewise in addition to these distinguished churches in our State.

I thank the Chair for allowing me to make this special word of greeting and commendation to a very distinguished pastor and a very dear friend. I thank the Chair.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in the place of our leader, Senator REID, who couldn't be with us this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. DURBIN. Mr. President, today following my remarks and the remarks of Senator MCCONNELL, there will be a period of morning business for up to 2 hours with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3044, the Consumer First Energy Act.

Last night cloture was filed on the Boxer substitute amendment to the climate change legislation. Under rule XXII, there is a 1 p.m. filing deadline for first-degree amendments to the Boxer substitute No. 4825. The cloture vote is scheduled to occur tomorrow morning—Friday morning.

At 4 o'clock this afternoon, there will be up to 1 hour for debate on the farm bill, H.R. 6124, prior to a vote. Under an agreement reached last night, Senator DEMINT will control 30 minutes; Senator COBURN, 20 minutes; and Senators HARKIN and CHAMBLISS will control a total of 10 minutes. Therefore, the vote on passage of the farm bill will begin around 5 p.m. today.

MEASURE PLACED ON THE CALENDAR—H.R. 6049

Mr. DURBIN. Mr. President, I understand that H.R. 6049 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DURBIN. Mr. President, I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

ELECTED TO LEAD

Mr. DURBIN. Mr. President, let me say that at this moment we are on

Thursday of this workweek with the possibility and likelihood of a cloture vote tomorrow morning in the Senate. If one looks at the business of the Senate this week, it is a good thing we are not being paid for piecework because we have done so little.

We had an initial motion to go to this climate security bill, which is an important piece of legislation. That was considered early in the week, and then a second measure, which was very brief, on adopting a budget—an important document but one that had already been debated at length many times in this Chamber. We burned 30 hours off the clock in what was requested for a general debate. That, of course, took place, and it was a good debate: a bipartisan effort to explain an important bill involving global warming and carbon pollution which is changing the world we live in.

Then a request was made yesterday by the Republican leader that this bill, the Climate Security Act, be read in its entirety into the RECORD. So for 8 hours, our staff had to stand and read every word of this bill into the RECORD. This bill—the substitute—had been available for days and the concepts behind it for weeks. There was no element of surprise, no necessity for this reading, other than to burn off an entire day in the Senate where little or nothing was accomplished. Now we face virtually the same thing again.

Although 89 percent of the people in America say that global warming is an important issue that should be addressed by the Senate, this week there have been repeated efforts to make sure we never reach that point. Those who oppose this bill should stand and vote accordingly. Those who have amendments should bring them forward. We are still waiting for a list of amendments to the global warming bill from the Republican side. We have given them a list of our amendments, including a bipartisan amendment offered by Senator LUGAR, who just spoke on the floor, and Senator BIDEN. We have tried to engage the minority in a debate on this critically important bill, but instead, they have engaged in delay tactics, including 8 hours wasted in the Senate yesterday reading this bill in its entirety.

We finally adjourned at about 12:15 a.m. this morning to return today. I guess it is the intention of the Republicans to stop us from considering the global warming issue, but that will not stop the dangers being created by global warming in the United States and around the world. If we are truly elected to lead, I cannot understand why the Republican minority will not engage us in a meaningful and honest debate about this bill. That is why we are here. We should be voting on amendments, testing different theories and policies to see what the majority feels in the Senate, but instead, we are caught up in this exercise: 8 hours of reading this bill—a tremendous waste of time and energy that the Senate should have put to more productive purposes.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, since the substitute amendment by Senator BOXER was just given to us at 11 o'clock in the morning, you could argue—almost with a straight face—that reading the proposal was a good idea, but, of course, that was not what it was about. It was somewhat similar to when Senator REID, the now-majority leader, used 9 hours reading chapters from his book back in 2003. In a 9-hour filibuster over judicial nominations, on November 19, 2003, Democratic leader HARRY REID discoursed on the virtues of wooden matches and read chapters from his book about his hometown: "Searchlight: The Camp That Didn't Fail." That was a 9-hour recitation from a book that our good friend the majority leader engaged in on the very subject of judicial confirmations.

Yesterday's tactic of slowing down the Senate obviously is not unique. It was not, however, about trying to confirm a few district court nominations which the majority begrudgingly agreed to last night around 12:00 or 12:30. Rather, it was about the importance of keeping one's word in this body, whether it be a commitment to meet the total number of circuit court confirmations that have occurred in prior Congresses—and we are familiar with what that commitment was; it was to do 17 during this Congress, which has been repeated time and time again; everybody knows what the commitment was—or a commitment to confirm a specific number of circuit court nominations by a specific time; and that was the commitment made back in May by my good friend the majority leader, that we would do three circuit court nominations before the Memorial Day recess. In fact, we did one. Keeping one's word in this body is important.

We are far behind the pace that is necessary for us to reach the goal the majority leader and I set for this Congress. If that weren't troubling enough, what we heard recently by the chairman of the Judiciary Committee are threats to shut down the confirmation process completely. Stop it already. Surely, that is not his plan. So be assured the Republican Conference will continue to make the point that judicial nominations need to be treated fairly and that commitments need to be kept, and we will use the tools available to the minority to do so until that proves to be the case. This is not over, I assure you.

CLIMATE SECURITY ACT

Mr. MCCONNELL. Mr. President, the majority leader said recently that global warming was "the most important issue facing the world today." Let me repeat that: the most important issue affecting the world today. And nearly three-fourths of the Senate thought it was important enough to have a debate on the Senate floor. Seventy-four Senators voted to bring this measure to the floor for debate because they recognized the significance of this issue. Yet the majority is blocking fair consideration.

Instead of allowing a full debate with an open amendment process designed to improve the bill, the majority last night filled the tree. What are they afraid of? Why don't they want to consider amendments to a bill addressing what they call "the most important issue facing the world today"? If it is the most important issue facing the world today, it certainly deserves a lot longer debate than a few days.

At $6.7 trillion, the climate tax bill—which is what we have before us—the climate tax bill is the largest bill we will consider this Congress. As the Wall Street Journal noted, this legislation represents the most extensive—the most extensive—reorganization of the American economy since the 1930s, which is why, of course, I am mystified as to why the Democrats decided to block the consideration of any and all amendments designed to improve this bill: no consideration of gas prices, no consideration of clean energy technology. A bill with such widespread ramifications merits serious, thoughtful consideration and a thorough debate.

A good example of how to handle a bill like this properly, another time when our good friends on the other side were in the majority—and there was a Republican in the White House—when the Senate considered the Clean Air Act amendments in 1990, the process took 5 weeks on the floor. There were about 180 amendments offered. I was here then, and nobody was telling one side or the other what they had to offer. Nobody said you have to show me your amendment first or I will not let you offer it. And 131 of those amendments were ultimately acted upon by the full Senate.

As it currently stands, we would not even spend 5 days on this bill. But we would like to spend more time on the bill and would encourage the majority to open the process. I don't know what they are afraid of. Since when did we descend to the point in this body that we would not let somebody offer an amendment unless they get to read it first? That isn't the way the Senate used to operate. Yet the majority blocked us from offering even one amendment regarding this massive restructuring.

That makes me wonder, why doesn't the majority want a fair debate on this bill? What are we afraid of? If this bill alone will "save the planet," as has been suggested, why are they refusing to allow an open debate or more than 2 days on the bill?

Perhaps they don't want to expose this bill for what it really is: a climate tax. It is a climate tax. This legislation will raise gas prices, electricity prices, diesel prices, natural gas prices, and fertilizer prices. It will also put America at a significant economic disadvantage compared to the rest of the world.

Given that families are already struggling to pay record gas prices—it is nearly $4 a gallon now—Congress should be working to lower gas prices, not increase them.

Republicans are eager to offer amendments to the Boxer climate tax bill to develop clean energy solutions and promote economic growth. In America, we tackle problems like this with technology, not by clamping down on our own economy. If this is a problem—and many of us believe it is—the way to get at it is with technology and then sell it to the Indians and Chinese, who, I assure you, are not going to do this to their own economies. They are going to take advantage of our foolish decision to clamp down our own economy and have jobs exported to China and India.

If the majority is serious about debating this issue, then let's have a real debate, complete with an open amendment process. Don't shut it down after only 1 day.

This is entirely too important to consumers, to our economy, and to the climate to block a thorough consideration.

ONE-YEAR ANNIVERSARY OF THE PASSING OF SENATOR CRAIG THOMAS

Mr. McCONNELL. Mr. President, a year ago yesterday marked the occasion of the loss of our good friend and colleague, Craig Thomas, who was the senior Senator from Wyoming at the time. He lost his battle with leukemia at the age of 74.

Born and raised in Cody, WY, a town named after Buffalo Bill, Craig was brought up on a ranch. He brought those values of America's western small towns to our Nation's Capital.

So the Senator from America's smallest State by population, home to a rugged and independent-minded people, was one of the Senate's leading advocates for a smaller, more efficient, and more responsive government.

Other Senators who got to know Craig found him to be always polite and courteous. Yet that did not make him a pushover. A Marine captain, who rose to that rank from the rank of private, Craig was a man of discipline and a man of principle. He was a perfect fit for the people and the values of his great State.

As accomplished as he was, Senator Thomas was also not afraid to poke a little fun at himself as well. I know he once displayed a series of pictures in his Senate office of himself trying his hand at roping a horse. The pictures depict, one by one, his less than successful attempts, and then his unceremonious fall off his steed and onto the dirt.

Many of my colleagues will remember his subtle sense of humor, his skill at working with others to advance legislation, and his passion for promoting the best interests of Wyoming.

I know my colleagues continue to hold his dear wife Susan, a great friend of all of us, and their four children, Peter, Patrick, Greg, and Lexie, in our thoughts. We still consider them members of our Senate family.

I also know how much Craig would be pleased that Senators MIKE ENZI and JOHN BARRASSO are holding to the high standards he set and making Wyoming proud.

A man of grit and courage, Craig never backed down from a challenge, not even his final struggle with leukemia. Through the end of his life, he represented Wyoming with honor and dignity. Admired by all who knew him, he leaves behind a legacy of legislative accomplishment, as well as a Chamber full of very dear friends in the Senate. We still miss him a lot.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

GLOBAL WARMING

Mr. DURBIN. Mr. President, I want to say a word about the issue of global warming. I notice that my colleagues are waiting to speak in tribute to Craig Thomas, and I will also say a word about that.

I have to agree with Senator REID when he said that global warming is one of the most important issues of our age. I believe he said it was the most important global issue and, of course, we realize whatever our undertaking may be in life, it is of little value if we don't live on a planet that can sustain life. That is what we are worried about—that we have warming and carbon pollution that is changing the planet on which we live.

I cannot think of a more formidable challenge that we have ever faced. That is why we think it is important to move forward with this legislation. The notion that we have blocked all amendments is not true. We have said to the Republicans repeatedly: Provide us with the amendments. Show us what you are going to offer. Here is what we will offer. I think that is a good-faith effort—at least on our side—to try to start this important debate. Yet the Republican side has refused. They took 30 hours of general debate and didn't produce amendments. They asked that this bill be read for 8 hours, and they didn't produce any amendments.

Our fear, of course, is that when the time for actual debate begins, without any indication of what they might offer, we will face the same thing we did on the GI bill. If you recall that legislation, which was to help our returning veterans, it was stopped in its tracks by an amendment offered on the Republican side, with a cloture motion filed. That meant that 30 hours had to be burned off the clock while we waited for the cloture motion to ripen.

Now, that is use of a procedure here which doesn't advance the debate or deliberations. So we asked for assurances from the Republican side. We asked is this going to be a good-faith effort to debate and amend this bill? Will you produce the amendments? They would not. It is clear they don't want to. They are opposed to this bill. We have seen this before. We have had 72 filibusters during this session. We have broken all of the records of the Senate. The Republican minority has stopped us time and again when we have tried to bring up critically important issues for our Nation and the world.

President Bush and the Republicans have dismissed this issue of global warming, and I think that is why many Americans are dismissing their chances of speaking to the needs of this Nation. This is a critically important issue. If this Republican minority will not allow us to reach it, I predict the American voters will have the last words. We will reach this issue. They will demand that we reach this issue.

All of the fear being spread here about change in America is indicative of the problem the Republicans have today. They are afraid of change. Anything that will change things scares them. They don't think America is resilient enough and powerful enough to accept change. They are wrong.

Our Nation desperately wants change, starting in Washington, and rippling across America, to deal with the issues that face us—first and foremost, to bring peace to our Nation, bring our troops home, stabilize and strengthen our economy, and deal with critical issues, such as global warming.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. Yes, I am happy to.

Mr. CORNYN. Mr. President, I just ask the distinguished assistant majority leader if he and the Democratic majority would agree to an amendment designed to help bring down the price of gasoline at the pump for the American consumer, and whether they would agree to allow us to file that amendment, debate that amendment on this bill, and then have an up-or-down vote on the Senate floor?

Mr. DURBIN. My response is that we are on another bill now, while we are waiting for cloture to ripen on the global warming bill. It is our intention to move directly into the debate that you have just indicated. We have to deal with energy pricing in America. If the Republican side is going to offer a good-faith policy amendment to deal with this issue, I am sure that will be appropriate.

Mr. CORNYN. Mr. President, I take it from the answer of the assistant majority leader that his answer is no.

Mr. DURBIN. The answer is yes.

Mr. CORNYN. I take it that they would not allow us to offer an amendment on this bill that would be designed to bring down the price of gasoline at the pump by opening America's natural resources to development and production.

Mr. DURBIN. Mr. President, time and time again we are told by the Republican side, if we could just drill for oil in the Arctic National Wildlife Refuge, all of our prayers would be answered and gasoline would be $1.50 a gallon, people would stop complaining, and the American economy would be back on its feet. It turns out this idea of drilling for oil in ANWR is not the answer to our prayers. For many of us, it is somewhat blasphemous to think we would take a section of land that was set aside by President Eisenhower as a wildlife refuge and say that we are so desperate in America for oil that we are going to change it forever.

It strikes me that we have to look at the reality. Of all the oil reserves in the world, the United States has access in our boundaries, near our shores, to 3 percent of all the oil in the world. We consume 25 percent of the oil in the world. The Republicans believe we can drill our way out—drill in the Great Lakes, drill in the ANWR—and it will all be just fine. We know better. We have to take an honest look at this and realize that drilling in those places will not answer the need.

REMEMBERING SENATOR THOMAS

Mr. DURBIN. Mr. President, I know my colleagues are waiting. I liked Craig Thomas. We served in the House together and in the Senate. When they had his funeral service, I made a point of joining many of my colleagues to make the trip out to his beloved Wyoming to meet his neighbors and supporters and friends and family. It was a wonderful, beautiful service. He was such a quiet and strong man. He and I disagreed on lots of issues, but I respected him so much. I think his real strength was shown in his last battle with leukemia and cancer. Craig kept a smile on his face, despite some very difficult days. His wife Susan at his side out in Wyoming was a reminder that we are really a Senate family.

We can debate issues back and forth, as we just did, but at the end of the day, I think he was a great Senator who served his State well, and it was an honor that I could count him as a friend.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for up to 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans in control of the first 30 minutes and the majority in control of the second 30 minutes.

The Senator from Wyoming is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENZI. Mr. President, 1 year ago yesterday, the State of Wyoming and our Nation lost one of the great cowboys ever to ride this land. On June 4, 2007, Senator Craig Thomas, my senior Senator, my mentor, and most important of all, my friend, lost his battle with leukemia. I still expect to see him come in that door every time we vote and go over to the candy desk and get a piece of candy and come down to the well to visit with me.

I can tell you right now, I feel him over my shoulder saying: You cannot let the Senator from Illinois get away with what he just said. That is what Craig would do. He used to do it from that desk right over there.

Craig would have said that honesty, truth, and promises are virtues of the West. When you promise three circuit court judges, you deliver them. They did not deliver. That is why, yesterday, we weren't able to do the tributes that we are doing today.

When it comes to the global warming issue, he would have said "gotcha" politics doesn't have a place here. But that is what they are doing on issue after issue.

How do you tell it is "gotcha" politics? If it didn't go to committee, it is "gotcha" politics. Oh, yes, they would argue that global warming went to committee. Well, a bill went to committee, but that is not the bill that we have shifted to. We have shifted to one that didn't go to committee. It is full of little landmines. That is not the way we used to do things around here. I know my friend, Craig, would have pointed that out. Both the cowboy and the marine in Craig Thomas would have been forced to point that out—to be honest, get the judges up; be honest, do the bills that go through the committee that everybody has a chance to amend.

As Craig comes through the door, which he does in my mind all the time, I symbolically lift my hat to him, to celebrate the life of a great Senator.

He was raised in Wapiti, WY. That is between Cody and Yellowstone Park. The school he went to now has about an 8-foot fence to keep grizzly bears out. Craig was so tough, they didn't need that fence when he went to school there. He was executive director of the Wyoming Farm Bureau, executive director of the Wyoming Rural Electric Association, he was a small businessman, a State legislator, a Member of the U.S House of Representatives, and a Senator. He was a marine at heart, but he was a cowboy in his soul. He was quiet. He was focused. He was tough. He was a staunch fiscal conservative. His life became a portrait of the American West. He preferred to see the world from the saddle of a horse and from under the brim of his cowboy hat, but he sacrificed much to serve us here.

He was proud of Wyoming and our country, and we in Wyoming were proud to be represented by him. He encouraged vision, Mr. President, and, as you can tell, he still challenges me and, I think, you. The cowboy and marine in Craig made him a fierce fighter on behalf of Wyoming, and he approached his cancer no differently.

I will never forget when I learned about my friend's passing. I was overcome with shock and heartbreak, but I also felt a sense of serenity, knowing that Craig was at peace.

I can tell my colleagues that even a year later, not a day goes by without thoughts of memories of Craig passing my mind. I miss him. I miss him in this Senate Chamber. I miss him on the trail back home in Wyoming. I miss his camaraderie, his friendship, his leadership, and his unwavering commitment to the values and ideals of the people he served.

Although a year has passed since Craig left us, his spirit is alive and it is felt by all of us within this body. Work he championed on behalf of Wyoming residents and all Americans is ongoing today. As a recent example, Craig was a staunch supporter of country-of-origin labeling. He saw it as a vital provision for our State's livestock producers, and I know he would be proud to see COOL finally passed as part of the farm bill. It is something we had been working on together for many years.

Craig's spirit has also been remembered here on the Senate floor with the passage of a resolution designating July 26, 2008, National Day of the American Cowboy. Craig was the driving force behind the recognition of cowboys on a national scale for the past 3 years, and I am proud we have continued that tradition and are following in his footsteps.

Known for his love of the outdoors and the cowboy way of life, Craig's name has been recognized in Wyoming through a number of dedications in the past year. The Department of Interior recently named a large area of public land the "Craig Thomas Little Mountain Special Management Area." Now more than 69,000 acres of land surrounding the majestic Big Horn Mountains will be enjoyed and cherished by generations of Wyoming residents to come.

Also, at Grand Teton National Park in Jackson, the new visitors center now bears his name and will help us always to remember Craig's dedication to the land he loved so much.

His wife Susan, a close friend of mine and Diana's, continues to honor Craig's legacy every day in the work she does as well. She is a champion of the National Capital Chapter of the Leukemia and Lymphoma Society, raising money for research and fighting against the blood cancer that took her husband's life. She also created the Craig and Susan Thomas Foundation. It is a scholarship program for at-risk youth seeking to continue their education at a Wyoming institution of higher learning. Susan, throughout her whole life, worked with at-risk youth and is now continuing it with this memorial. The cause she has taken on embodies everything Craig stood for and believed in. Susan's efforts every day are a tribute to his memory, and that foundation is something in which we all can participate.

Craig was a fine legislator, a dedicated public servant, and above all a kind, humble, and courageous man. With the heart of a marine and the soul of a cowboy, he worked tirelessly and selflessly for Wyoming.

To my colleagues here today, I pray we never forget this man's legacy and the exceptional standard of public service he set for all of us—to serve the people with respect and integrity, always remembering it is of the utmost honor to serve. With a sense of humor, you will recall he always said, "Don't squat with your spurs on," in his trademark western grace. Craig was the modern-day cowboy fighting for the principles that made this country great.

Craig, I will never forget you. You are in my heart every day. We miss you, cowboy. Thank you for everything you have done for Wyoming and this great Nation. Ride on, my friend, ride on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I thank the minority leader, the assistant majority leader, and Wyoming's senior Senator for taking the time to remember a departed friend and an esteemed colleague.

Wyoming's U.S. Senator Craig Thomas passed peacefully June 4, 2007, 1 year ago this week. Craig was surrounded, as always, by his devoted wife Susan, by his family, and by close friends.

Wyoming has lost a great man. We have lost many great men and women over the years, but Craig Thomas leaves behind a legacy equal to all of them. Yet Craig would be the first one to question that praise. Craig would say he was a common man, a typical cowboy who wanted simply to work hard and make a difference for the people of the place he loved. One year later, it is appropriate and right that we remember him again in the Senate and also in our own lives.

Many of my colleagues joined us in my hometown of Casper, WY, to mourn Craig's passing. The words and presence of Senator REID and Senator McCONNELL were especially meaningful to the people of Wyoming. President Bush and Vice President CHENEY each extolled Craig's character and devotion to the Wyoming people and Wyoming places.

But perhaps more to what Craig really meant to the people was the exceptional outpouring of very personal remembrances that followed his passing. In the halls of the U.S. Capitol, elevator operators, cashiers, janitors, office staff—each would say what a wonderful person Craig Thomas was. His staff, many of whom are now serving with me, speak about his kindness and the family character that was the hallmark in his office. It was Craig's nature.

In Wyoming, from all walks of life, so many reflected their experiences with Craig that left each of their lives a little brighter. They recalled his loyalty and his commitment to their future, especially the young people.

In Wyoming, after Craig's passing, folks in each town, in each community talked about the personal loss they felt. They wrote about it in newspapers and in messages left online because Craig gave so much of himself. Craig took time each day, every day to talk to you, to say hello, and not to simply pass by. He saw everyone, whoever you are.

Because he gave his time to Wyoming and to this body and to individuals who needed help, he is remembered. He gave his passion, he gave his leadership, and his tireless energy to make this a better place.

Ronald Reagan said:

> Some people wonder all their lives if they've made a difference. The Marines don't have that problem.

Craig was Wyoming's marine, and we will never need to wonder if he made a difference. Craig Thomas represented honor and dignity. Admired by those who knew him, he has given us a legacy of legislative accomplishment, a brilliant example of what one can do with a life lived with determination, with strength of character, and with vision.

To Lexie, Peter, Greg, and Patrick, and all those amazing grandchildren, we again offer our most heartfelt condolences.

Susan, today, like each day, we remember Craig for the great man he was and what he meant to Wyoming, for what he accomplished and how he did it, for what he taught us and how he touched so many.

Susan has created the Craig and Susan Thomas Foundation. For all of those who miss Craig and want to see the great work in education that she is continuing, I invite you to go to her Web site, thomas-foundation.com. It is important and lasting work in Wyoming that continues the Thomas legacy of making a difference one life at a time.

To my Senate colleagues and to the people of Wyoming, remember—remember that leadership takes courage, as Craig Thomas demonstrated in his remarkable life.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank my fellow Senator from Wyoming for his comments and thank him for the way he has filled in and followed the legacy Senator Thomas began and the work he has done on the issues that were undone when Senator Thomas left us, his work on the Wyoming range and his work on the wild scenic rivers and also on our joint effort to make sure Richard Honecker gets a vote as a judge. That is a nomination Senator Thomas offered well before he left. In fact, he has been waiting around—not that I am keeping track—443 days. There has been no vote on him yet in committee, so we cannot vote on the nomination on the floor. This is an outstanding person, rated highly by everybody and letters of recommendations from both Democrats and Republicans in Wyoming who would really like to have a vote. So his life has been in suspension.

I thank Senator BARRASSO for the work he as done on that issue and the kind words about Senator Thomas, and I thank Senator BARRASSO for filling in.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I miss Craig Thomas. I loved him, and I wish I had told him that more explicitly. He is worthy of the ultimate comment and praise given in my area of the country: He was a good man. And he truly was. He combined strength and genuine modesty. He was wise and insightful on important issues without any show of pride or pomposity. He had integrity. He was a man's man. He was comfortable in his skin. He was a man of courage. Most especially, he was a man of principle, much like one of his heroes, Ronald Reagan.

Craig was truly also a man of the West. It was in his bones. And he had in his very being a love for America and a deep understanding—intellectual and intuitive—of its uniqueness, its exceptionalism, and why this country is so great. He understood that. His love for America caused him to dedicate his life to her, just as our soldiers and his fellow marines place their lives at risk this very moment in service to our country.

I think that is why he undertook as part of his duties on this side to promote a policy principled message each morning in morning business on the floor. He did that for a number of years. He believed we ought to talk about the issues that made America great.

Craig Thomas loved his country, he loved his wife Susan and his family. He loved Wyoming. Truly, he was a good man, and we do indeed miss him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first thank the Senator from Texas for allowing me to very briefly work in here.

It happens that I was elected to the House and then to the Senate at the same time as Craig and Susan Thomas. And you know, sometimes you see someone for the first time and they have, as Senator ENZI pointed out, that infectious smile, and that was Craig. That was Craig. Everyone had to love Craig.

I have thought of him so often during consideration of the bill that is on the floor now. Craig had such convictions, but he never quit smiling. What the guy could do is, he could say the same thing I would say and people would love him, but they wouldn't love me. I don't know how he got by with that, but he did.

I picture him and where he would be today if he were here while we have a bill on the floor that has an increase in gas taxes, $6.7 trillion of increases in taxes over the life of the bill, with job losses to China, and he wouldn't be sitting there, he would be up here. I applaud his replacement, the junior Senator from Wyoming, Senator BARRASSO. Every time I turn around, he is coming down and saying exactly—exactly—what Craig would be saying.

I would say this about Craig Thomas: He was always there at our Senate prayer breakfast every Wednesday morning. He was a Jesus guy, like we are, and so I don't feel the sadness a lot of people do with Craig Thomas, because I can only say right now: Craig, I know you are here with us, and we are going to see you later.

I thank my colleague, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time remains in morning business for this side of the aisle?

The ACTING PRESIDENT pro tempore. The Senator has 11½ minutes in the first 30 minutes.

Mr. CORNYN. I thank the Chair.

Mr. President, I join my colleagues in invoking the memory of Craig Thomas. On our side of the aisle, there was nobody more dependable, more loyal, or more of a team player. Whenever there was an important issue, particularly one concerning Wyoming or concerning energy, he would be down here talking about it and he would be enlightening the debate, and we miss him. I can't help but think he would be down here on this particular piece of legislation, as Senator ENZI has alluded, in talking about what is obviously a game of "gotcha."

CLIMATE SECURITY ACT

Mr. CORNYN. Mr. President, this is a bill where we are actually on our third version, I believe. The fourth version of the bill. I stand corrected by the ranking member of the Environment and Public Works Committee, Senator INHOFE. The last one I saw went from 342 pages to 491 pages. That was the one that was read yesterday. I daresay that not many, if any Senator who is going to be called upon to vote on that legislation, had a chance to read it yet in detail. So I don't think it was a wasted exercise to have the clerk read the bill yesterday to give people a chance to understand what is in it.

When you look at a piece of legislation that comes with a $6.7 trillion pricetag, and one that will raise and not lower the price of gasoline and electricity, will depress the American economy and literally put people out of work, I think we need to know what is in it and we need to debate it. We need to offer amendments to hopefully improve it.

There is not one among us who does not care about the environment. I don't know any person of good will alive who doesn't care about the quality of the air we breathe and the cleanliness of the water we drink. So I think those who would suggest that because there are questions about this huge bill, this huge tax increase, this huge increase in the cost of energy, that if you are asking questions and want to offer amendments to improve it suggests you don't care about the environment is demonstrably false.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will yield.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator CORNYN is a fabulous and important Senator. He knows what has been happening here on all the important issues and he knows the importance of certain actions on the floor.

Senator REID, last night, as I understand it, stood and filled the tree. As I understand it, that impacts directly the ability of persons on this side to freely offer amendments; is that correct, I ask Senator CORNYN?

Mr. CORNYN. Mr. President, I say to the distinguished Senator from Alabama that he is exactly right. To come out here on the floor, as the assistant majority leader has done this morning, and say, Oh, we are interested in full debate and amendments and we regret the delay that occurred yesterday from the reading of the bill, yet at the same time to say no Member of the Senate can offer an amendment because of the actions of the majority leader, unless the majority leader gives the green light, is at odds with that claim. It is not a demonstration, from my perspective, of a desire to have an open debate and an amended process.

Mr. SESSIONS. And so that act was a knowing and deliberate leadership act by the majority leader that fundamentally says unless he approves an amendment, whether it is offered by those who favor the legislation or oppose it, that is a significant event that constricts free amendments on this bill; is that not correct?

Mr. CORNYN. Mr. President, I say to the Senator from Alabama, again he is correct. I think what it demonstrates is that the professed desire to actually do something about this important issue is, in fact, nothing more than a political game. Because I predict what will happen is that because he is blocking any amendments and an open debate about the bill, we will have a vote on the cloture motion, it will fail, and then the majority leader will attempt to pull this bill from the floor and consideration. I hope Members of the Senate will prevent that from happening by denying cloture on any future motions to proceed to other legislation. I think it is important that we have the kind of debate that a bill of this import and this size deserves.

If I can refer my colleagues to this chart, which is produced, I believe, by the U.S. Chamber of Commerce. Senator DORGAN, the Senator from North Dakota, the other day said this bill pales in comparison to "Hillary Care" in terms of its complexity. I remember seeing the charts at the time of the huge bureaucracy that would have been created by that government-run health care system proposed by Senator CLINTON when she was the First Lady of the United States. I think it was back in 1993.

But this chart, produced by the U.S. Chamber of Commerce, reflects all of the regulations and mandates of the Boxer climate tax and it indicates the complexity of what has been proposed here, and why I guess it shouldn't be surprising that the pricetag comes in at $6.7 trillion, and where the Federal Government, through a growth in the bureaucracy, an intrusion in the freedom and lives of the American people and small and large businesses alike, will be the one that will choose the winners and losers in this system, who gets the goodies and who does not; who gets permission to operate their powerplant and who does not. That is why the price of gasoline, that is why the price of electricity is expected to go through the roof as a result of this bill.

I agree with the Senator from Tennessee, Senator CORKER, who called this bill the "mother of all earmarks." There has been a lot of discussion about earmarks here and lack of transparency in the way Congress spends money. Well, this bill, if it is passed and signed by the President of the United States, would empower the Congress to dole out earmarks with a complete lack of transparency, in a way that would allow massive Government intrusion in the free market system. That is why the Wall Street Journal dubbed this bill "the biggest government reorganization of the economy since the 1930s."

The National Association of Manufacturers has estimated the economic impact on my State, the State of Texas. We are fortunate now. While some parts of the country are suffering through a headwind when it comes to the economy, we are doing pretty well, relatively speaking. Unemployment is at 4.1 percent. A lot of new jobs have been created, a lot of opportunity. We have seen a lot of growth in the population because people are moving to where the jobs and the opportunities are. But under the Boxer climate tax bill that we have before us on the floor of the Senate, it is estimated that 334,000 of my constituents would lose their jobs.

Why would they lose their job? Because this bill would be like a wet blanket on the economy, raising electricity prices, raising gas prices on everything from agriculture to small businesses, and it is estimated that it would cost the average Texas household $8,000 in additional costs. Now, that is on top of the $1,400 that most Texas households are currently having to pay because of increased gas prices due to the obstruction of Congress in failing to allow development of American natural resources, an American solution to our energy crisis. It would be a $52 billion loss to the Texas economy. As you see here, it is estimated that electricity prices would go up 145 percent and gasoline prices 147 percent.

I am sorry the assistant majority leader refused to allow us to offer an amendment designed to lower gas prices, because I can't think of any more urgent, any more targeted relief we could offer the American people today than to provide some relief for the pain at the pump. I think that should be our highest priority as we go about the process of developing a clean energy future for this country, as we transition out of an oil-based economy into one for renewable forms of energy and increased nuclear capacity, and one that will improve the climate at the same time.

Mr. INHOFE. Mr. President, will the Senator yield for a quick question? I don't want to use the Senator's time.

Mr. CORNYN. I will yield.

Mr. INHOFE. I want it made clear today, as we go into the debate, that when we look back at the clean air amendments of the 1990s, we had something like 180 amendments considered at that time and we had it on the floor for 5 weeks. This goes much further than those amendments did, and yet they are cutting us off.

Let us make it very clear: The Republicans on this side of the aisle want to debate this bill, want to vote, we want recorded votes on amendments, and we want to vote on the bill itself.

Mr. CORNYN. Mr. President, the distinguished Senator from Oklahoma is absolutely correct. That is why 74 Senators—I believe 74—voted for the motion to proceed, so that we could get on the bill, so we could offer amendments, and we have a list of amendments we wish to offer. We wish to have debate on those amendments because we think the impact of this proposal would be dramatic on the American people and on the economy and would, in all likelihood, not accomplish the goal Senator BOXER professes to want to accomplish.

If in fact we impose this Draconian bureaucracy and this huge expense on the American people, and our competitors in China and India are not going to do it, we are going to put people out of work in Texas while people in China and India are going to continue to do what they are doing now and enjoying the prosperity caused by their access to the energy which they need to grow their economy. This bill would do nothing to impose the same restrictions on them, the same high prices on them that the Congress proposes to impose on the American people, including my constituents.

So rather than increasing gas prices by 147 percent, I would hope our friends on the other side of the aisle would reconsider and let us take up that most urgent issue in the minds of most of our constituents: How do we bring down the price of gas at the pump? I suggest the first thing we should do is take advantage of the natural resources God has given this great country of ours, which Congress has put out of bounds because of the moratorium on that development going back to, I believe, 1982.

Mr. President, I yield the floor

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The first 30 minutes has expired. It is now the majority's time.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ROCKEFELLER. Mr. President, I wish to add my voice of love, respect, and a very deep feeling of comradeship with the good Senator from Wyoming who has died—Senator Thomas. My family has been associated with Wyoming for many years. In a sense, their Senators have been Senators whom we have related to. Senator Thomas, Senator ENZI, now a new Senator, these are people we feel very strongly about. I have particularly strong feelings about both—about Senator ENZI because of his willingness to come to a coal mine in West Virginia and actually write a bill that rewrote 30 years of our mine inspection laws, and Senator Thomas simply because as member of the Finance Committee he was always an even, steady voice—levelheaded. You could trust him. He was totally a man of his word, and I will miss him greatly.

PREWAR IRAQ INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I am pleased to report to the Senate that the Senate Intelligence Committee has completed its review of prewar intelligence related to Iraq. Today the committee filed with the Senate and released to the public the two final reports of what has been called phase 2 of the review. One of these reports examines the public statements of senior policymakers prior to the war and compares those statements to the intelligence that was available to those senior policymakers at the time they made those statements. The second report looks at the intelligence activities of individuals working for the Office of the Under Secretary of Defense Policy.

The first of these reports, report on public statements, has obviously been the most controversial aspect of the committee's work on prewar intelligence. That was inevitable. Much has been said and much has been written since the beginning of the war about how we got into it. In the end, the committee did conclude that the administration repeatedly presented intelligence as fact, when in reality it was unsubstantiated and often contradicted what they were saying, or even was nonexistent.

The committee's July 2004 report found that the prewar assessments on intelligence related to weapons of mass destruction were clearly flawed. There was a 511-page report and it decimated the whole concept of weapons of mass destruction being there. It turned out most of them were left over from the Iran-Iraq war. Nuclear scientists were kept around, but they had nothing to do. People began to draw conclusions. They understood, at some of the highest levels, that this intelligence was there, but they ignored it. The report we are releasing today indicates that many of the public statements of the Bush administration were, in fact, accurate and substantiated by underlying intelligence, even though that intelligence itself was flawed. So we tried to be fair. No one, however, should interpret these findings as vindication of how the administration was using intelligence to sell to the American people and to the Congress the war in Iraq.

This report documents significant instances in which the administration went beyond what the intelligence community knew—well beyond what the intelligence committee knew or believed, most notably on the false assertion that Iraq and al-Qaida had an operational relationship, a partnership, and the manipulative attempt to suggest, inaccurately, that Iraq had any complicity in the attacks of September 11—shockingly wrong statements which were made and made and made.

Many of them obviously were made prior to the State of the Union Address in an attempt to prepare American public opinion. But, on the other hand, many of them continued well afterwards and even until recently. The committee also found that when administration officials were making statements related to weapons of mass destruction, they often spoke in declarative and unequivocal terms that went well beyond the confidence levels reflected in the intelligence community's intelligence assessments and products.

They omitted caveats. In other words, if the Department of Energy and INR in the Department of State, their intelligence wing, disagreed—those were omitted. Anything that didn't agree was omitted, it was ignored. Dissenting views by intelligence agencies were ignored and did not acknowledge significant gaps in what we knew. In other words, they had a message they were driving and they stopped at nothing to do that.

In short, administration officials failed to accurately portray what was known, what was not known, and what was suspected about Iraq and the threat it represented to our national security. When the Nation is weighing the decision to go to war, they deserve the complete and unvarnished truth, and they did not get it in the buildup to the war in Iraq.

Additionally, the committee found instances where public statements selectively used intelligence information which supported a particular policy viewpoint; that is, public statements made by high officials, the highest officials, and at the same time they completely ignored contradictory information that weakened the position which they declared to be the truth. While on its face the statement might have been accurate, it nevertheless presented a slanted picture to those who were unaware of the hidden intelligence. Intelligence is complex. It is an art, not just a science. You have to establish all aspects of what goes into an intelligence product before you can make any kind of a declaration or decision.

In fact, the committee's report cites several areas in which the administration's public statements were not supported by the intelligence, and I very specifically wish to state them now. No. 1, statements and implications by the President and the Secretary of State, suggesting Iraq and al-Qaida had a partnership or Iraq had provided al-Qaida with weapons training were not substantiated by the intelligence. No. 2, statements by the President and the Vice President, indicating Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information. No. 3, statements by President Bush and Vice President CHENEY regarding the postwar situation in Iraq, in terms of the political security, the economics, et cetera, did not reflect the concerns and uncertainties expressed in the intelligence products. The results have been there for us to see. No. 4, statements by the President and Vice President, prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities, did not reflect the intelligence community's uncertainties as to whether such production was ongoing. No. 5, the Secretary of Defense statement that the Iraqi Government operated underground WMD—weapons of mass destruction—facilities that were not vulnerable to conventional airstrikes because they were underground, so deeply buried—that was not substantiated by available intelligence information. No. 6, the intelligence community did not confirm that Mohamed Atta met an Iraqi intelligence officer in Prague in 2001, as the Vice President has repeatedly, repeatedly, repeatedly claimed—and may do so again today. That is terribly important. There was all kinds of information which so totally contradicts that it should be embarrassing, but it was not, and they went ahead and used it. No connection between Mohamed Atta and Iraqi intelligence.

In addition, the administration's misuse of intelligence prior to the war was aided by selective declassification of intelligence reporting. The executive branch exercises the prerogative to classify information in order to protect national security. Unlike Congress, it can declassify information unilaterally, and it can do so with great ease. The administration manipulated and exploited this declassification authority in the lead-up to the war, and disclosed intelligence at a time and in a manner of its choosing, knowing others attempting to disclose additional details that might provide balance or improved accuracy would be prevented from so doing under the threat of criminal prosecution. So they could declassify what they wanted. Nobody else could do anything.

This unlevel playing field allowed senior officials to disclose and discuss sensitive intelligence reports when they supported the administration's policy objectives and keep out of the discourse information that did not support those objectives.

In preparing a report on public statements, the committee concentrated on those statements that were central to the debate over the decision to go to war in 2002–2003. We identified five major policy speeches made by President Bush, Vice President CHENEY, and Secretary of State Colin Powell during this period as the most significant expressions of how the Bush administration communicated intelligence judgments to the American people, to the Congress, and to the international community. Additional statements made by senior administration officials during this same timeframe, containing assertions not included in the major policy speeches, were examined as well and they are part of our report.

To the point: The statements we examined were made by the individuals involved in the decision to go to war and in convincing the American public to support that decision. The committee will be criticized for not examining statements made by Members of Congress. A bipartisan majority of the committee—bipartisan—agreed these statements do not carry the same weight of authority as statements made by the President and others in the executive branch. It was the President and his senior advisers who were pushing the policy of invasion, not the Congress. In addition, Members of Congress did not have—do not have—the same ready access to intelligence as the senior executive branch policymakers. We do not see raw intelligence data. We do not get PDEs. We do not receive the daily briefing and were not briefed every morning by the Nation's senior intelligence officers.

It is important to note we did not receive the October NIE, National Intelligence Estimate, critical to the vote, until 3 days before the Senate was expected to vote. Was that initiated by the administration? No. It was initiated, requested and finally agreed to and then rushed up very quickly because Senator Bob Graham was chairman of the Intelligence Committee at that time, and he asked for it.

As I said, the truth of how intelligence was used or misused is not black and white. Supporters from both sides will point to specific findings in this report to bolster their arguments. I consider that to be evidence that the committee's findings are fair and objective. Our job was to compare statements to intelligence and render a narrow judgment as to whether the statement was substantiated. In those instances where a statement is not substantiated by the intelligence, the committee renders no judgment as to why. All we were interested in was the facts.

The second report we are releasing today deals with operations of the Office of Under Secretary of Defense for Policy. It is a very important report. A February 2007 report from the Department of Defense inspector general addresses many of the issues the committee had originally intended to examine relating to this office. That report concluded that the Policy Office of the Pentagon had inappropriately disseminated an alternative intelligence analysis, drawing a link between Iraq and al-Qaida terrorists—again what the administration wanted—who carried out the attacks on September 11. This hypothesis has been thoroughly examined by the intelligence community and no link was found. That, however, did not stop this office from concocting its own intelligence analysis and presenting it to senior policymakers. The committee first uncovered this attempt by DOD policy officials to shape and politicize intelligence in order to bolster the administration's policy in our July 2004 report and the inspector general's review. Both of these were confirmed.

The committee's own investigation of the policy office's activities had been abruptly terminated by the former chairman of the Intelligence Committee in July of 2004 because the inspector general's report thoroughly covered the issues of alternative analysis when the committee investigation was restarted in 2007, it focused on clandestine meetings between DOD policy officials and Iranians in Rome and Paris in 2001 and 2003.

These meetings were facilitated by Manucher Ghorbanifar, an Iranian exile and intelligence fabricator implicated in the 1986 Iran Contra scandal. During these meetings, intelligence was collected, but it was not shared with the intelligence community. It went right around the intelligence community, including the CIA. They knew nothing about it. George Tenet indicated there was no possible way he knew anything about this.

The committee's findings paint a disturbing picture of Pentagon policy officials who were distrustful of the intelligence community and undertook the collection of sensitive intelligence without coordinating their activities. It was a rogue operation. It went to high levels in the administration; it went right to the National Security Council, totally bypassing all other intelligence agencies. It is infuriating and not the way intelligence should be handled at all.

The actions of DOD officials to blindly disregard the red flags over the role played by Mr. Ghorbanifar in these meetings and to wall off the intelligence community from its activities and the information it obtained were improper and demonstrated a fundamental disdain for the intelligence community's role in vetting sensitive sources.

The committee's 2004 report presented evidence that the DOD policy office attempted to shape the CIA's terrorism analysis in late 2002, and when it failed, prepared an alternative intelligence analysis attacking the CIA for not embracing a link between Iraq and the 9/11 terrorist attacks. So the CIA and the intelligence community were trying to do what they could, and these people were just end-running them because that is what the White House wanted to see. And then, you know, it was a disgrace, an embarrassment to the Nation. The Department of Defense inspector general found himself that these actions were highly inappropriate.

Our most recent report shows that these rogue actions of this office were not isolated. The committee's body of work on Iraq-related intelligence—a series of six reports issued over a 4-year period—demonstrate why congressional oversight is essential in evaluating America's intelligence collection and analytical activities.

During the course of its investigation, the committee found that the October 2002 National Intelligence Estimate on Iraq's alleged weapons of mass destruction was based on stale, fragmentary, and speculative intelligence reports and replete with unsupported judgments. Troubling incidents were reported in which internal dissent and warnings about the veracity of intelligence on Iraq were ignored in the rush to get to war.

The committee's investigation also revealed how administration officials applied pressure on intelligence analysts prior to the war for them to support links between Iraq and the terrorists responsible for the attacks of September 11, none of which existed.

Our investigation detailed how the Iraqi National Congress and Ahmed Chalabi attempted to influence the U.S. policy on Iraq by providing false information through defectors directed at convincing the United States at the higher levels that Iraq possessed weapons of mass destruction and had links to terrorists and how this false information was embraced despite warnings and fabrication.

The committee's investigation also documented for the public how the administration ignored the prewar judgments of the intelligence community that the invasion would destabilize security in Iraq and provide al-Qaida with an opportunity to exploit the situation and increase attacks against U.S. forces during and after the war. After 5 years and the loss of over 4,000 American lives, these ignored judgments were tragically prescient.

Overall, the findings and conclusions of the committee's Iraq investigation were an important catalyst in bringing about subsequent legislative and administrative reforms of the intelligence community so that these mistakes will never be repeated again, hopefully.

In conclusion, it has been a long, hard road for the committee to get to this point. There have been and continue to be a lot of finger-pointing and accusations of partisanship. It is important to remember that this undertaking was a unanimous decision—phase 1 and phase 2—was a unanimous decision of the committee in February of 2004. That it took such a long time to do is another subject. It is also important to remember that the committee adopted these two reports, both reports, by a vote of 10 to 5—in other words, bipartisan.

In undertaking these additional lines of inquiry, the committee acted to tell a complete story of how intelligence was not only collected and analyzed prior to the Iraq invasions but how it was publicly used in authoritative statements made by the highest officials in the Bush administration in furtherance of its policy to overthrow Saddam Hussein and more.

I believe these reports will help answer some of the many lingering questions surrounding the Nation's misguided decision to launch the war in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Pennsylvania.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I have consulted with the Senator from Rhode Island, Mr. WHITEHOUSE, who is next in line, and he has agreed to permit me to—I expected to have 10 minutes at 10:45. Senator WHITEHOUSE has generously permitted me to go ahead for 5 minutes.

I ask unanimous consent that following my 5 minutes, Senator WHITEHOUSE be recognized, and then, as I have already spoken to the Senator from Maryland, Mr. CARDIN, he will be recognized, and then Senator SMITH will be recognized in the regular sequence in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL GRIDLOCK

Mr. SPECTER. I thank my colleagues. I have sought recognition to comment on a couple of subjects. One is the gridlock we are facing now in this body on the issue of judicial confirmations.

It is my hope that we will yet be able to find a formula to break this cycle of gridlock. I have spoken on the subject repeatedly—about the events of the last 20 years, where in the last 2 years of each administration, when the White House is controlled by one party, as was the case with President Reagan in his last 2 years, and the nominations were gridlocked, and slowed down. Similarly, with President Bush the first, the last 2 years were slowed down, and then other devices and procedures were employed during the last 2 years of President Clinton's administration, procedures employed by the Republican caucus. As I have said on a number of occasions, I think the Republican caucus was wrong. I said so, and I voted so, in support of President Clinton's nominations. And now, I think the Democratic caucus is wrong in what the Democratic caucus is doing.

I am not going to get into all of the nuances of the so-called "deal" about the confirmation of three circuit judges before Memorial Day, but that deal could have been accomplished had the judges waiting in line the longest been processed as opposed to judges who had not had their investigations done and had not had their ABA clearances.

But, all of that is prologue, as I see it. During an Judiciary executive committee meeting, before the recess, I said publicly that I hoped to sit down with this chairman to try to work through this. We had a meeting scheduled yesterday, and we are going to sit down this afternoon. So it is my hope we will find a way through this thicket.

I have proposed a protocol where we would have a hearing so many days after a nomination; then so many days later, we would have executive committee action; then so many days later, floor action.

I think it is time that we reexamined the blue slip situation, a concept where an individual who was personally obnoxious to a given Senator was objected to. Well, I have grave questions about that standard for excluding people. I think it ought to be a matter of whether they are publicly obnoxious, but, what we ought to do is we ought to vote; we ought to bring these people to the floor for a vote.

GLOBAL WARMING

Mr. SPECTER. Mr. President, I am sorry to see that the majority leader has filled the tree on the global warming bill. There is no way we are going to move ahead on this legislation, as I have stated before on the floor, if we are not permitted to offer amendments.

I think there is general agreement, although there are still some dissenters, that we need to do something. We have the Warner-Lieberman bill. I think it has objectives which are not technologically obtainable, which are too difficult on the U.S. economy, and have joined with Senator BINGAMAN on alternative legislation.

I ask unanimous consent that the statement regarding a number of amendments which I had proposed to introduce be printed in the RECORD, one on emissions caps/targets, a second on a cost-containment safety-valve amendment, a third on an international competitiveness amendment, and a fourth on process gas emissions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECTER AMENDMENTS TO LIEBERMAN-WARNER BILL

As I stated on the Senate floor on Tuesday, it was my intention to offer amendments;

It is very disappointing that the Majority Leaders has opted to move to cloture on the Boxer substitute without allowing consideration of amendments;

I have played a constructive role in this debate in an attempt to improve the bill and enter into a substantive discussion with my colleagues;

Since there will be no votes on amendments, I will instead file my amendments for public scrutiny until the next opportunity to debate this important issue;

Emissions Caps/Targets Amendment.—This amendment substitutes the Bingaman-Specter emissions caps in place of the Lieberman-Warner caps. I have serious concerns that the emissions limits are not aligned with necessary technologies. If I had a comfort level with the ability of our nation to meet these targets, I could support them, but I remain unconvinced.

Lieberman-Warner	Bingaman-Specter
In 2012, limits to 2005 levels	In 2012, limits to 2012 levels.
In 2020, limits to 15% below 2005 (1990 levels).	In 2020, limits to 2006 levels.
In 2030, limits to 30% below 2005	In 2030, limits to 1990 levels.
In 2050, limits to 71% below 2005	In 2050 calls for at least 60% below 2006 levels, contingent on international effort.

Cost-Containment Safety-Valve Amendment.—This amendment would insert the Bingaman-Specter so-called "safety valve" or Technology Accelerator Payment mechanism into the Lieberman-Warner bill. That provision provides a price-capped option for purchasing emissions allowances from the government when the market price rises too high. Starting at $12 per ton in 2012 and rising 5% over inflation annually, this is an important protection for the economy. I am open to considering a different price level, but it is a fundamentally important provision. If this mechanism is triggered, all of the funds collected through the purchase of allowances would be invested directly in zero- and low-carbon technologies to accelerate our ability to reduce emissions.

International Competitiveness Amendment.—This amendment takes a number of steps to further refine the excellent proposal that was first included in the Bingaman-Specter bill to require purchase of emissions allowances by importers of goods into the U.S. from countries which are not taking comparable action on climate change. The amendment seeks to better define "comparable action." It also makes the effective date for import allowances the same as the effective date for domestic producers (2012). Further, it applies the import allowance program to all countries, including those with "de minimis" emissions levels. Finally, it equalizes the ability of importers to submit foreign credits and allowances to the same 15 percent limit for which domestic producers may use.

Process Gas Emissions Amendment.—This amendment exempts process gas emissions from ironmaking, steelmaking, steel recycling, and coke processes. There are currently insufficient technological options to make virgin steel without emitting carbon dioxide from the use of coal and coke. Therefore, requiring submission of allowances will only raise the cost of domestic steel in a highly competitive and unforgiving global steel market. This will put our industry at a serious disadvantage and likely send jobs overseas actually increasing emissions from steelmaking in non-carbon-reducing nations.

Mr. SPECTER. But there is no way to get 60 votes to impose cloture unless we find a way to allow Senators to offer their amendments.

Finally, I ask unanimous consent that the full text of a floor statement of mine on the New England Patriots videotaping of NFL football games be printed in the CONGRESSIONAL RECORD as if read in full on the Senate floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE FLOOR STATEMENT ON THE NEW ENGLAND PATRIOTS VIDEOTAPING

(By Arlen Specter, June 5, 2008)

With the Memorial Day Recess and the cancellation of my west coast fundraising trip due to my recurrence of Hodgkin's, there was time to review and reflect on the issues and comments on the New England Patriots' videotaping and to prepare a summary for entry into the Congressional Record for future reference.

BACKGROUND: TWO QUESTIONS; NO ANSWERS; NO INITIAL INTENT FOR AN INVESTIGATION

When I made my first inquiry of the NFL on the videotaping, there was no intent to initiate an investigation. After reading about the Patriots' videotaping of the Jets September 9, 2007 game, I wrote Commissioner Roger Goodell by letter dated November 15, 2007, shortly before the Patriots were scheduled to play the Philadelphia Eagles, asking if there had been any evidence of videotaping of the 2005 Super Bowl between the Eagles and the Patriots:

Dear Commissioner Goodell:

With the New England Patriots about to play the Philadelphia Eagles again, as they did in the Super Bowl in January 2005, I would appreciate your advising me what your investigation showed, if anything, on the question of the Patriots stealing Eagles' signals during that Super Bowl game.

I had thought there would be some additional disclosures following your initial sanction on the Patriots and Coach

Belichick, but I did not see anything further so I would like a response on this specific question.

Sincerely,

ARLEN SPECTER.

I received no answer. When I later read about the NFL's destruction of the videotapes, I wrote again by letter dated December 19, 2007:

Dear Commissioner Goodell:

More than a month has passed since I wrote to you on November 15, 2007 concerning the issue of the New England Patriots spying on the Philadelphia Eagles on their 2005 Super Bowl game. I would appreciate a prompt response.

I was surprised to read in the New York Times on December 16th that the NFL had destroyed the tapes on the Patriots spying. Is that true?

The same New York Times story also contained the author's surmising that there was more than one copy because of the general practice of not having a single copy of anything. Was there a second copy? Is it possible to retrieve a copy?

Candidly, the destruction of the tapes is, in my opinion, highly suspicious. I would appreciate your reply as to the scope of your investigation and your findings on the number of times the Patriots spied and on whom.

I share the concern that your treatment of the Patriots and Coach Belichick was insufficient. I would like to know the specifics of the misconduct which you found and your reasons for imposing the penalties which you did.

As I have said on many occasions in the past, including legislation which I have introduced, the NFL has a special duty to the public in light of the antitrust exemption which the NFL enjoys.

I would appreciate a prompt response to the questions posed in this letter and in my prior letter to you.

Sincerely,

ARLEN SPECTER.

Again, I received no answer.

I thought nothing more about the issue until early January 2008 after returning to Washington when I had a casual conversation in the Capitol with New York Times reporter Carl Hulse who covers the Senate. Hulse asked me who I thought would win the Super Bowl and I jokingly replied that it all depended on whether there was cheating. That led to a conversation about the Patriots' videotaping and my unanswered letters. At Hulse's request, I gave him copies of those letters.

I thought nothing more about the matter until the middle of the week before the Super Bowl when I received a call from New York Times sportswriter Greg Bishop. Hulse had given him my letters. I gave him background of my reasons for writing. Bishop then apparently contacted the Commissioner's office on the Thursday before the Super Bowl, prompting Commissioner Goodell to write to me on January 31, 2008:

Dear Senator Specter:

I saw today for the first time your letters inquiring about my investigation into the taping of defensive signals by the New England Patriots. I apologize for not having replied earlier. (I have instructed my staff to contact your office to make sure that you have my best phone and fax numbers for our future communications.)

With respect to the Patriots matter, senior members of my staff conducted detailed, individual interview with Patriots' owner Robert Kraft, Coach Belichick, and other Patriots employees promptly after this matter came to our attention. They reviewed the videotapes and notes made by the Patriots employee who reviewed the tapes on behalf of the club. Following that review, the tapes and the notes were destroyed by our office in order to ensure that they could not be used for any purpose going forward. Our goal was to ensure that the Patriots would not secure any possible competitive advantage as a result of the misconduct that had been identified. The Patriots have separately certified to me in writing that we received all tapes, all notes, and that no other material exists relating to taping of defensive signals.

Our investigation specifically disclosed nothing relating to the stealing of Eagles' signals during the Super Bowl game between the Patriots and the Philadelphia Eagles in 2005. (The two teams had only played one other game against each other in the current decade, a preseason game in the summer of 2003.) We have no reason to believe that the outcome of the 2005 Super Bowl was affected in any way by the improper taping of Eagles' defensive signals.

The discipline I imposed on both the Patriots and Coach Belichick was very substantial. No coach has ever been fined as much as Coach Belichick, and no club has been required to forfeit its first round selection in the college draft for such an on-field violation. I am confident that neither the Patriots, nor any other NFL team, will engage in this type of conduct again.

I believe that I have no more significant responsibility than protecting the integrity of the game and promoting public confidence in the NFL, and that our actions in response to the Patriots' taping was entirely consistent with that responsibility.

Again, I regret not having seen and responded to your questions sooner. As always, I appreciate your interest in the NFL.

Sincerely,

ROGER GOODELL.

The next day, February 1, 2008, there was a headline at the top of the New York Times sports page: "Senator Arlen Specter Wants NFL Commissioner Goodell to Explain the Rationale Behind Destroying Evidence that the Patriots Cheated," followed by text of my letter to Goodell dated November 15, 2007, partial text of my December 19, 2007 letter and a partial text of his reply dated January 31, 2008.

I was then accused of timing the dropping of a bomb on Super Bowl weekend. The fact is that had my earlier letters been answered, the matter would not have achieved such attention.

Those events then led to my meeting with Commissioner Goodell in my Senate office on February 13, 2008, and a series of disclosures far beyond the Commissioner's initial statement at his February 1 news conference: "I believe there were six tapes, and I believe some were from the pre-season in 2007, and the rest were primarily in the late 2006 season," before the Patriots were caught videotaping the Jets on September 9."

THE ANTITRUST EXEMPTION—PUBLIC FINANCING FOR STADIUM CONSTRUCTION

A question is sometimes raised as to Congress's reasons for special attention to the NFL. In part, it is because the NFL has an antitrust exemption enjoyed by few other businesses. The NFL has contracts for broadcast rights with Fox, NBC, CBS and ABC/ESPN to make more than $3.7 billion through 2011. Over the past twenty-five years, the NFL has earned roughly $36.6 billion from its television contracts with broadcast networks.

When I saw what was happening with stadium financing in the 1990's, I introduced the Stadium Financing Act of 1999 (S. 952) on March 19, 1999, requiring the NFL to contribute 10% of the amounts received under the joint agreement for broadcasting rights to finance the construction and renovation of playing facilities. As a matter of basic fairness, the owners should have been paying for their own stadium construction without relying on the public funds desperately needed for so many other purposes. In my opinion, it would have been sound public policy to condition the antitrust exemption on the owners paying for construction costs without relying on taxpayers funds. Under the threat of franchise removal to other cities, NFL teams have extracted enormous public funding.

STADIUMS—PUBLIC CONTRIBUTION (FROM BONDS, TAXES, ETC.)

City	Year opened	Project cost (in millions)	Public contribution (in millions)	Private contribution (in millions)	Lease (years)
Glendale, AZ	2006	$448	$344	$104	30
Philadelphia	2003	512	202	310	30
Detroit	2002	471	125	346	35
Houston	2002	424	309	125	30
Boston	2002	452		*452	25
Seattle	2002	465	296	169	30
Denver	2001	370	229	141	30
Pittsburgh	2001	271	158	123	30
Cincinnati	2000	450	425	25	26
Cleveland	1999	300	212	88	30
Nashville	1999	292	220	72	30
Baltimore	1998	224	200	24	30
Tampa Bay	1998	168	153	15	30
Washington DC	1997	251	71	180	30
Charlotte	1996	250	50	200	31
St. Louis	1995	257	257	0	30
Atlanta	1992	214	214	0	20
Total Public Contribution			$3.46 billion		

*The Commonwealth of Massachusetts contributed $70 million to be repaid over twenty years.

FUTURE PLANS

City	Type	Project cost (in millions)	Public contribution (in millions)	Private contributions (in millions)
Dallas	New Stadium	$650	$325	$325
Indianapolis	New Stadium	500	400	100
Kansas City	Renovation	325	250	75
Minneapolis	New Stadium	675	395	280
New Orleans	Renovation	135		
New York	New Stadium	800		

Source: The Fans, Taxpayers, and Business Alliance For NFL Football in San Diego, available at http://www.ftballiance.org/stadiums/financing.php

A comparable situation exists with respect to Major League Baseball:

NEW STADIUMS IN PROFESSIONAL BASEBALL (1990–2003)

City	Capacity	Year	Real costs (millions)[b]	Percent public	Public cost per Seat	Cost per seat in replaced stadium
Tampa Bay[c,d]	46,000	1990	225.30	100.00	4,699.96	NA
Chicago	44,321	1991	212.50	100.00	4,786.73	142.71
Baltimore	48,000	1992	260.20	96.00	4,560.00	1,498.41
Arlington	49,292	1994	227.74	71.00	3,280.38	588.41
Cleveland	42,400	1994	206.59	88.00	7,287.79	927.43
Denver	50,100	1995	242.93	75.00	3,636.72	NA
Atlanta	49,831	1997	252.13	0.00	0.00	1,910.65
Phoenix[c,d]	48,569	1998	368.70	68.00	5,162.03	NA
Seattle	46,621	1999	535.00	66.66	7,537.10	307.21
Detroit	40,000	2000	300.00	38.00	2,875.00	NA
Houston[d]	42,000	2000	250.00	68.00	4,047.62	4,532.07
San Francisco	41,059	2000	255.00	3.92	243.45	1,993.85
Milwaukee	43,000	2001	394.20	77.50	7,209.30	895.58
Pittsburgh	38,365	2001	252.51	100.00	6,829.14	4,138.97
Cincinnati	42,059	2003	399.08	86.15	6,657.01	3,773.28
Average[e]	44,671	1997	298.06	79.56	5,274.52	1,867.23
Total Public Financing				$ 3.01 billion		

Notes: Data obtained from www.ballparks.com and author's calculations. [a] Current dollars at date stadium opened. [b] Dollars adjusted by BLS inflation factor to represent 2000 dollars. [c] New stadium not replacing an old stadium. [d] Domed or retractable roof stadium. [e] Includes only those stadiums with majority funding, i.e., excluding Atlanta and San Francisco.

Source: Depken, Craig, The Impact of New Stadiums on Professional Baseball Team Finances available at http://www.uta.edu/depken/P/SportsArenas16.pdf

The public contribution for the Philadelphia Phillies stadium which opened in 2004 was $174 million. Nationals Park, in Washington D.C., was completed in 2008 at a cost of $610.8 million and was 100% publicly funded.

THE CONCEALED TAPING AND SPYING WAS DONE ON A WIDESPREAD BASIS

Contrary to Commissioner Goodell's initial statement that: "[W]e think (the taping) was quite limited. It was not something that was done on a widespread basis," the facts demonstrate the opposite. At my meeting with Goodell on February 13, 2008, he dramatically changed the story and conceded that taping began in 2000. Until my meeting with Matt Walsh on May 13, 2008, the only taping we knew about took place from 2000 until 2002 and during the 2006 and 2007 seasons.

That left an obvious gap between 2003 and 2005. In response to my questions, Walsh stated he had season tickets in 2003, 2004 and 2005, and saw Steve Scarnecchia, his successor, videotape games during those seasons including:

The Patriots' September 9, 2002 game against the Steelers.

The Patriots' November 16, 2003 game against the Cowboys.

The Patriots' September 25, 2005 game against the Steelers, which the Steelers won 23–20.

Walsh stated he observed Scarnecchia filming additional Patriots home games, though he could not recall the specific games. Walsh said he did not tell Goodell about the taping during 2003, 2004 and 2005 because he was not asked.

Matt Walsh and other Patriots employees, Steve Scarnecchia, Jimmy Dee, Fernando Neto, and possibly Ed Bailey, were present to observe most, if not all, of the St. Louis Rams walk-through practice in advance of the 2002 Super Bowl, including Marshall Faulk's unusual positioning as a punt returner. David Halberstam's book, The Education of a Coach, documents the way Belichick spent the week before the Super Bowl obsessing about where the Rams would line up Faulk.

Walsh was asked, and he told Assistant Coach Brian Daboll about the walk-through. Walsh said Daboll asked him specific questions about the Rams offense, and Walsh told Daboll about Faulk's lining up as a kick returner. Walsh said Daboll then drew diagrams of the formations Walsh had described. According to media reports, Daboll denied talking to Walsh about Faulk. The NFL has not disclosed the details on Daboll's statements. We do not know what Scarnecchia, Dee, Neto or Bailey did, or what they said if they were interviewed.

The Patriots took elaborate steps to conceal their filming of opponents' signals. Patriots personnel instructed Walsh to use a "cover story" if anyone questioned him about the filming. For example, if asked why the Patriots had an extra camera filming, he was instructed to say that he was filming "tight shots" of a particular player or players or that he was filming highlights. If asked why he was not filming the play on the field, he was instructed to say that he was filming the down marker. The red light that indicated when his camera was rolling was broken.

During at least one game, the January 27, 2002, AFC Championship game with the Steelers, Walsh was specifically instructed not to wear anything displaying a Patriots logo. Walsh indicated he turned the Patriots sweatshirt he was wearing at the time inside-out. Walsh was also given a generic credential instead of one that identified him as team personnel. These efforts to conceal the filming demonstrate the Patriots knew they were violating NFL rules.

While there may have been others, as best as can be determined from the available information, the Patriots taped opponents' signals in the following games:

GAMES FOR WHICH WALSH TURNED OVER TAPES TO THE NFL

September 25, 2000: Miami Dolphins v. New England Patriots

October 7, 2001: Miami Dolphins v. New England Patriots (Offense & Defense)

November 11, 2001: Buffalo Bills v. New England Patriots

December 8, 2001: Cleveland Browns v. New England Patriots

January 27, 2002: Pittsburgh Steelers v. New England Patriots (AFC Championship)

GAMES WALSH FILMED (NO TAPES TURNED OVER)

August 20, 2000: Tampa Bay Buccaneers v. New England Patriots (Preseason)

October 8, 2000: Indianapolis Colts v. New England Patriots

November 5, 2000: Buffalo Bills v. New England Patriots

September 23, 2001: New York Jets v. New England Patriots

September 30, 2001: Indianapolis Colts v. New England Patriots

October 7, 2001: Miami Dolphins v. New England Patriots

October 14, 2001: San Diego Chargers v. New England Patriots

November 11, 2001: Buffalo Bills v. New England Patriots

December 9, 2001: Cleveland Browns v. New England Patriots

GAMES WALSH MAY HAVE FILMED BUT NOT POSITIVE

October 15, 2000: New York Jets v. New England Patriots

August 18, 2001: Carolina Panthers v. New England Patriots (Preseason)

December 22, 2001: Miami Dolphins v. New England Patriots

GAMES WALSH WITNESSED STEVE SCARNECCHIA FILMING

September 9, 2002: Pittsburgh Steelers v. New England Patriots

November 16, 2003: Dallas Cowboys v. New England Patriots

September 25, 2005: Pittsburgh Steelers v. New England Patriots

GAMES FOR WHICH THE PATRIOTS TURNED OVER TAPES TO THE NFL

2006 Season: Games v. New York Jets, Miami Dolphins and Buffalo Bills (unclear on specific dates because each team played two games against the Patriots)

September 9, 2007: New York Jets v. New England Patriots (Estrella caught by Jets)

GAMES THE MEDIA REPORTED THE PATRIOTS TAPED

August 31, 2006: New York Giants v. New England Patriots (Preseason)

September 17, 2006: New York Jets v. New England Patriots

November 19, 2006: Green Bay Packers v. New England Patriots

December 3, 2006: Detroit Lions v. New England Patriots

The Videotaping Had a Significant Impact on the Games

The overwhelming evidence flatly contradicts Commissioner Goodell's assertion that there was little or no effect on the outcome of the games. During his February 1, 2008 press conference, Commission Goodell stated, "I think it probably had a limited effect, if any effect, on the outcome on any game." Later during that press conference, Goodell stated again, "I don't believe it affected the outcome of any games." Commissioner Goodell's effort to minimize the effect of the videotaping is categorically refuted by the persistent use of the sophisticated scheme which required a great deal of effort and produced remarkable results.

The filming enabled the Patriots coaching staff to anticipate the defensive plays called by the opposing team. According to Walsh, he first filmed an opponent's signals during the August 20, 2000 pre-season game against the Tampa Bay Buccaneers. After Walsh filmed a game, he would provide the tape for Ernie Adams, a coaching assistant for the Patriots, who would match the signals with the plays.

Walsh was told by a former offensive player that a few days before the September 3, 2000 regular season game against Tampa Bay, he (the offensive player) was called into a meeting with Adams, Bill Belichick and Charlie Weis, then the offensive coordinator for the Patriots, during which it was explained how the Patriots would make use of the tapes. The offensive player would memorize the signals and then watch for Tampa Bay's defensive calls during the game. He would then pass the plays along to Weis, who would give instructions to the quarterback on the field. This process enabled the Patriots to go to a "no-huddle" offense, which would lock in the defense the opposing team had called from the sideline, preventing the defense from making any adjustments. When Walsh asked whether the tape he had filmed was helpful, the offensive player said it had enabled the team to anticipate 75 percent of the plays being called by the opposing team.

Tampa Bay won the August 20, 2000 preseason game by a score of 31–21. According to the information provided by Matt Walsh, the Patriots used the film to their advantage when the Patriots played Tampa Bay in their first regular season game on September 3, 2000. The Patriots narrowed the spread, losing by a score of 21–16. After the game, Charlie Weis, the Patriots' offensive coordinator, was reportedly overheard telling Tampa Bay's defensive coordinator, Monte Kiffin, "We knew all your calls, and you still stopped us." The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on September 24, 2000, a game the Patriots lost by 10–3.

According to Walsh, when the Patriots first began filming opponents, they filmed opponents they would play again during that same season. The Patriots played the Dolphins again that season on December 24, 2000; they again narrowed the spread, losing by a score of 27–24.

According to Walsh, he filmed the Patriots' game against Buffalo on November 5, 2000, a game the Patriots lost 16–13. When the Patriots played the Bills again that season on December 17, 2000, the Patriots won by a score of 13–10.

During the following season, Walsh filmed the Patriots' game against the Jets on September 23, 2001, a game the Patriots lost by a score of 10–3. When the Patriots played the Jets again that season on December 2, 2001, the Patriots won by a score of 17–16.

The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on October 7, 2001, a game the Patriots lost by 30–10. When the Patriots played the Dolphins again that season on December 22, 2001, the Patriots won by a score of 20–13.

The Patriots filmed opponents' offensive signals in addition to defensive signals. On April 23, 2008, the NFL issued a statement indicating that "Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach." (Emphasis added). However, the tapes turned over by Matt Walsh on May 8, 2008 contain footage of offensive signals. The tapes turned over to the NFL and the information provided by Walsh prove that the Patriots also routinely filmed opponents' offensive signals.

Why did the Patriots videotape signals during games when they were not scheduled to play that opponent during the balance of the season unless they were able to utilize the videotape during the latter portion of the same game? The NFL has not addressed the question as to whether the Patriots decoded signals during the game for later use in that game. Mark Schlereth, a former NFL offensive lineman and an ESPN football analyst, is quoted in the New York Times on May 14, 2008:

> Then why are you doing it against teams you aren't going to play again that season?
>
> Schlereth said that the breadth of information on the tapes—mainly, the coaches' signals and the subsequent play—would be simple for someone to analyze during a game. There are enough plays in the first quarter, he said, to glean any team's "staples," and a quick view of them could prove immediately helpful.
>
> "I don't see them wasting time if they weren't using it in that game," Schlereth said.

Coaches, Players and Sports Commentators/Experts Confirm Videotaping Had a Significant Impact on the Games

Jim Bates, the Miami Dolphins' defensive coordinator in 2001 who stepped down as the Denver Broncos' Assistant Head Coach of defense in January 2008, was referenced and quoted in the Palm Beach Post on May 13, 2008:

> Bates wouldn't declare that the Patriots stole the 2001 AFC East title, but he wasn't afraid to accuse the Patriots of putting the Dolphins at a "tremendous disadvantage" in their critical rematch that essentially decided the division.
>
> "There's only a certain number of plays that truly determine winning and losing," Bates said. "It might come down to five plays. Sometimes it's just one play. A critical play at a critical time to move the sticks and get a first down, it definitely can change the outcome of a game." . . . .
>
> "To know their personnel as soon as they do . . . it's a tremendous advantage," Bates said. "You're not panicking to get players in and out of the game as far as matching up with the offense."

The same Palm Beach Post article referenced comments made by former Dolphins quarterback Jay Fiedler. Although Fiedler contended that stealing offensive signals didn't have much impact on a game, the Post article said that:

> Fiedler, a Dartmouth grad known as a cerebral quarterback, certainly would have welcomed inside information on the opposition's defensive signals.
>
> "That's what you put all the hours of film study throughout the week for," Fiedler said, "to get that little advantage out on the field, to see the little rotations in the defense or how they line up or the alignments to tip off what kind of blitz is coming."
>
> "If the quarterback knows what's coming, he can dissect it at the line of scrimmage. In most cases you're not going to get an advantage, but if there's an exotic blitz coming, then usually there are ways to exploit that."

Commenting on the Patriots' videotaping in a Pittsburgh Post-Gazette sports article "On the Steelers" on May 25, 2008, Ed Bouchette said:

> The practice was unique to Belichick and his crew. Some pro scouts advancing games have told me that they've tried to steal the signals of opposing coaches on the sideline which is as legal as trying to pick up the third-base coaches' signals in baseball. Some say it can help, some say it's futile and wastes time.
>
> "I didn't think it was worth the time and energy you were looking at," said Hal Hunter, who spent 23 years in the league as a coach and pro scout, including four as the Steelers' offensive line coach in the 1980s.
>
> But, if you can set up a sophisticated system like the Patriots had, it was worth it. New England would break down its videotape of the coaches using their hand signals from earlier games and match it with the defense that was used on that play.
>
> Where it helped the most came when they went to their no-huddle offense. Because a defense does not know when the ball will be snapped in the no-huddle, it must call its plays quickly. The quarterback, then, could simply wait until the defense was signaled in and the word was relayed to him by his coaches in his headset what to call against it.
>
> Defenses normally use the same or similar signals from game to game and even year to year under the same coordinators. The reason is simple: It's not as easy to change signals in football as it is in baseball, where the calls are simple. It will confuse the players—the reason for so many of those "miscommunications."

The Pittsburgh Tribune-Review's issue of May 9, 2008 noted the comment of Steelers linebacker Larry Foote who joined the team the season after the 2002 championship game and started against the Patriots when the teams met in a title game three years later. The Tribune-Review said:

> (Foote) believes the Patriots may have gained an advantage by taping signals, but he doesn't know how much.

"If they know our defense, that's a big advantage," Foote said yesterday. "But we don't know the degree of it. We'll never know the degree of it."

In a highly critical article in the St. Louis Post-Dispatch on May 16, 2008 entitled "Getting Tougher to Keep NFL Image Clean," Bryan Burwell asserts that the Patriots had a competitive advantage on their taping, and concludes his column with the question "Who says crime doesn't pay?"

KEY CONCLUSION: NFL INVESTIGATION LACKED CREDIBILITY

The most important conclusion from the NFL investigation is its lack of credibility. This judgment emerged from the NFL's calculated effort to appear objective while pulling its punches and acting only when compelled by public pressure.

(1) Commissioner Goodell's letter to me dated January 31, 2008 stated that my letters of November 15, 2007 and December 19, 2007 had just come to his attention: "I saw today for the first time your letters inquiring about my investigation into the taping of defensive signals by the New England Patriots." The Commissioner's representation that this was the first the NFL had known of my letters was contradicted by an email exchange on January 25, 2008 between NFL counsel and my staffer, Ivy Johnson, that the NFL had received my letters and would reply to them in due course after the Super Bowl.

(2) The Commissioner originally represented in his news conference on February 1, 2008 in advance of the Super Bowl that the taping was limited to the September 9, 2007 game and six other games. Specifically, he stated: "I believe there were six tapes, and I believe some were from the preseason in 2007, and the rest were primarily in the late 2006 season." That representation was flatly contradicted in the meeting of February 13, 2008 between Commissioner Goodell and me where he admitted that the taping had gone on back to the year 2000.

(3) The NFL's judgment on the penalty was not credible—really not rational. The Patriots were caught taping the Jets on September 9, 2007. The Commissioner imposed the penalty on September 13, 2007. The NFL reviewed the tapes for the first time on September 17, 2007. The NFL announced the tapes had been destroyed on September 20, 2007. How could the penalty be rationally imposed before examining the evidence?

(4) The Commissioner's stated reason for destroying the tapes lacks credibility. He said in his January 31, 2008 letter that "the tapes and the notes were destroyed by our office in order to ensure that they could not be used for any purpose going forward. Our goal was to ensure that the Patriots would not secure any possible competitive advantage as a result of the misconduct that had been identified." That objective could have been obtained by storing the tapes in a vault and they would have been preserved for future inspection if the need arose. The NFL would have avoided the inevitable smell of destroying evidence.

(5) Like destroying the tapes, the NFL's destruction of the Patriots' notes of tapings lacks a credible reason—raising the obvious inference that there is something to hide. That applies to all the destruction of notes, but especially to the destruction of notes on the tapings of the Steelers games.

In the AFC Championship game on January 27, 2002, the Patriots defeated the Steelers by a score of 24–17. Hines Ward, Steelers wide receiver, was quoted: "Oh, they knew. They were calling our stuff out. They knew, especially that first championship game (2002) here at Heinz Field. They knew a lot of our calls. There's no question some of their players were calling out some of our stuff." When the Patriots played the Steelers again during their season-opener on September 9, 2002, the Patriots again won, this time by a score of 30–14.

On October 31, 2004, the Steelers beat the Patriots 34–20, forced four turnovers, including two interceptions, and sacked the quarterback four times. In the AFC Championship game on January 23, 2005, the Patriots won 41–27 and intercepted Ben Roethlisberger three times. The Steelers had no sacks that game.

(6) No objective, credible investigation would permit a representative of the subject of the inquiry to be present at the questioning of a key witness. Walsh said that Dan Goldberg, an attorney for the Patriots, was present at his interview and asked questions. With some experience in investigations, I have never heard of a situation where the subject of an investigation or his/her/its representative was permitted to be present during the investigation. It strains credulity that any objective investigator would countenance such a practice. During a hearing or trial, parties will be present with the right of cross-examination and confrontation, but certainly not in the investigative stage with the sensitive questioning of a witness.

COMMENTS (CRITICISM/COMPLIMENTS) ON MY ACTIVITIES

Some newspapers, especially in New England, have been critical of my role, and there were some hostile comments on two radio interviews I volunteered to do on the Dennis and Callahan Show on WEEI (Boston radio) on February 8, 2008 and May 16, 2008, but there were many columns, editorials and letters to the editor supporting my position.

Harvey Araton, writing in the New York Times sports section on May 9, 2008, called me the "crusading Senator Arlen Specter" in a column seeking for the NFL to bar Belichick from coaching the Patriots for one season saying, "One year out. Then let's see Belichick dare spy again in 2009."

In its May 10, 2008 edition, the Pittsburgh Tribune-Review commented about the Steelers organization limiting comment on Spygate, saying:

> Which brings us to Sen. Arlen Specter, a lifetime politician who doesn't have to straddle the Steelers' company line. He refuses to go away and shut up about the New England Patriots videotaping opposing coaches' signals. Bless his heart. The Steelers should be glad they have Specter on their side.

Even the Boston Globe had a favorable comment about me in its May 11, 2008 edition by Mike Reiss captioned "Tale of the Tape Re-Visited": ". . . it would be difficult to argue that (Specter) did not add clarity to the situation."

Fox Sports on May 14, 2008 criticized the NFL's investigation, saying:

> Kudos to the dogged efforts of the media and Pennsylvania Senator Arlen Specter for demanding more on Spygate after Goodell's essentially declared "Mission accomplished."

An article by Jeff Jacobs in the May 13, 2008 edition of the Hartford Courant captioned "Goodell-Walsh Meeting: Only the Truth Will Do":

> . . . but give Specter this much: He did provide some focus, and it was in their meeting Goodell finally confirmed how long Belichick had been videotaping other teams.

As noted by Don Banks in the May 14, 2008 article on Sports Illustrated's website, SI.com:

> I happen to agree with the always-skeptical senior senator from Pennsylvania that NFL commissioner Roger Goodell has an inherent conflict of interest whenever he undertakes to investigate his own league.

The Los Angeles Times edition of May 16, 2008 in a column by Sam Farmer captioned "Arlen Specter Has Good Reason To Keep An Eye On NFL, Spygate" challenged my objectivity and added: "Yes he's a politician. But he could still be right."

The Bradenton Herald in a May 16, 2008 column captioned "NFL Fumbles Again" supported my position saying:

> Again, we stand alongside the senator on his statement: "What is necessary is an objective investigation. And this one has not been objective.
>
> The NFL's stand on this scandal is a self-serving "trust us, we did the right thing."
>
> Would anyone trust the White House with that kind of position? We hold our public officials to high standards, we demand transparency and accountability.
>
> Specter is threatening the NFL's antitrust exemption. With its highly visible and unique position in our culture, the league owes the public transparency and accountability.
>
> This isn't just about sports. This is about truth, justice and the American way.
>
> The NFL doesn't get it—yet.

The Herald added:

> Specter is right on target with his outrage: "That sequence is incomprehensible," he said this week in repeating his criticism of the decision to destroy the materials. "It's an insult to the intelligence of the people who follow it."

In an editorial in Chester, Pennsylvania's Daily Local dated May 17, 2008, captioned "Specter Isn't Accepting Goodell's 'Spygate is Over' Stance," the writer notes:

> Fortunately for the football fan, Arlen Specter continues to refuse to play by those rules. And because he is a U.S. Senator, he has a high-volume microphone of his own.
>
> Roger Goodell does not get to announce when an alleged NFL scandal goes away. The people do, and the people are represented in Congress. That makes Specter correct: The NFL should be open to independent analysis of the possibility of cheating—cheating by certain teams not against other teams, but against the customers, who have the right to expect fair contests.
>
> Goodell may be right. There may be nothing to Spygate.
>
> But Specter is definitely right: It's not Goodell's decision.

The New York Daily News in a column on May 18, 2008 said that it "might not be enough" to conclude with the judgment "Belichick cheated, was punished, humiliated and now his record is tainted." Commenting on my involvement, the New York Daily News said:

> Specter, the Pennsylvania Republican, has endless and admirable energy, especially for a 78 year-old man undergoing chemotherapy treatments for Hodgkin's disease, and he says he is concerned about the integrity of the game.

The May 18, 2008 edition of the New York Times contained an article captioned "Politicians Challenge Integrity of NFL," written by William C. Rhoden, noting:

> Sprawling industries cannot adequately police themselves and Specter, to his credit,

is questioning whether the N.F.L. has properly handled allegations that Belichick had assistants videotape opponents' signals. Specter has called for an independent "objective" investigation into the Patriots' taping practice.

"This one," he said, referring to the NFL's in-house investigation "has not been objective." Specter said Goodell was caught in an "apparent conflict of interest" because the N.F.L. doesn't want the public to lose confidence in the league's integrity.

The conflict isn't "apparent," it's tremendous. The N.F.L. is a multibillion dollar industry that sells itself on fair competition and championships that are won fairly and squarely.

Noting that, "Specter is not an objective party. He has two professional football teams in his state," the Rhoden article continued:

> That being said, the issues he (Specter) raises about the NFL's actions against New England are legitimate. This book has more chapters.
>
> The politics of business and the business of politics usually compromise the sort of fair and honest competition we celebrate in competitive athletics.
>
> What a sad sign of the times: the sports industry has gone so far a field that we need politicians to reel it back in.

While expressing a preference for solutions on "some things that are 'truly problems'," the May 18, 2008 edition of the Chambersburg Public Opinion (Pennsylvania) newspaper said:

> Congress is not getting into football. It has been involved in it because it is required to do so because of the antitrust exemption given to the league by the government.
>
> If the mega-rich owners will give back their antitrust exemptions, pay their fair share of taxes and stop asking taxpayers to pay for their stadiums, they would be able to tell the likes of Specter to go take a ride.
>
> But that is not the case, and is why Specter is within his right to press the issue.

Lee Jenkins, writing in the May 26, 2008, edition of Sports Illustrated, comments:

> It is commendable that Specter, an unabashed Eagles fan, is willing to fight to protect the ethics of competitive athletics.

Jenkins then commented about other areas which might benefit from congressional oversight, saying:

> But Congress could use its power in other areas of sports—by scrutinizing readily available sports supplements that aren't regulated by the FDA, perhaps, or by studying the legality and rationality of using public funds to finance stadiums. There are significant digital-age First Amendment issues relating to how much control leagues have over who covers their games and how the news and images they generate can be used, and there is the wisdom of granting pro leagues antitrust exemptions.

An article in the St. Louis American, dated May 22, 2008, by Mike Claiborne ("NFL Out of Control at the Top, Cheats—and Protects Cheaters"), said:

> . . . the league tried to look the other way as long as they could until Senator Arlen Specter decided he was not satisfied with the answers he had been given.

Noting his preference for more attention to other national problems, Claiborne added:

> I have come to appreciate his tenacity. Now that he has rattled the cage, the league cannot wait to have some games be played so the issue can be moved to the back pages. A little cooperation with their TV partners, and it will be 'Spy-Who?'

Sportswriter Dave Fairbank, writing in the Newport News, Virginia Daily Press on May 24th in a column titled "Sports Need Integrity, or Else," said in part:

> Specter, that dogged, old cancer survivor, thought the NFL's reaction last fall a little too quick, neat and self-serving, so he continued to talk it up and conducted his own inquiry.
>
> He released the findings in a 2,500 word memo 10 days ago, more than seven months after the initial incident that caused all of the hooha. He said Goodell's remarks and the NFL investigation weren't credible. He believes a Mitchell Report-type of investigation is warranted.
>
> You can make the argument that Congress has more pressing business than NFL cheats and sneaks. But where Specter is correct is the point that the NFL ought not to be its own police force in all instances, any more than Big Oil or the Bar Association or the U.S. government.

After saying it was time to move on, a sports column in the Pittsburgh Post-Gazette May 25, 2008, by Ed Bouchette "On the Steelers" said:

> Specter did his job; by raising Cain he rattled the NFL into at least acknowledging the scope of the scandal and forced more details onto the public record.

THE PENALTY

I have not taken issue with the penalty. In my May 14, 2008, news conference, I was asked what punishment the Patriots should have received and I said I would not get into that. I said I wanted to find the facts to deal with the issues for the future.

As noted earlier, Harvey Araton, in the New York Times on May 9, 2008, called for banning Belichick for one year. Similarly, Gregg Easterbrook, writing on ESPN.com on May 17, 2008, called for the suspension of Belichick for at least a year. On the subject of discipline toward Belichick, the May 8, 2008, edition of the New York Daily News in an article by Gary Myers captioned "Double-sided Tape for Bill Belichick" stated:

> It appears that Belichick will escape further discipline from Goodell. That hardly clears him from cheating all these years.

The Seattle Times, in a May 11, 2008, story by Steve Kelley captioned "Belichick's Penalty Should Match Severity of Violations," stated:

> Integrity separates the NFL from the WWE. It is the difference between pro football and pro jai alai.

The toughest position was taken by the Pittsburgh Tribune Review in its May 11, 2008, edition, saying the fines, penalties and even suspension of Belichick were "too lenient" and adding:

> Sadly, "cheating" and "sport" have become synonymous. And if the Patriots have any integrity, they'll fire Belichick. And if the NFL has any guts, it will ban Bill Belichick from the league.
>
> Anything less renders sportsmanship meaningless.

The publicity in exposing Belichick and the Patriots conduct has been a far greater punishment than dollars and draft choices. History will impose the final judgment on the penalty for Belichick and the Patriots.

SOME NFL REFORMS

The disclosure of the Patriots' taping has produced some potential reforms which, if enforced, could improve the integrity of the game.

During their 2008 annual spring meeting earlier this spring, the Commissioner proposed, and the NFL owners accepted, a new policy that requires all club owners, executives and head coaches to certify annually that they have complied with league rules and policies and have reported any violations they know. They also lowered the standard of proof for establishing any violations of league rules to "preponderance of the evidence." Goodell also reserved the right to expand programs and technology to monitor and enforce compliance by, for example, conducting regular spot checks of game-day locker rooms, press boxes, coaches' booths, coach-to-player communications systems, and other in-stadium communications systems.

The NFL had already made changes to the rules prior to the start of the 2007 season. The New York Times suggested those changes were in response to earlier instances when the Patriots were caught filming. According to a May 11, 2008 story in the Times, the 2007 NFL operations manual shows that many of those changes concern policies on the placement of cameras and microphones. The league also mandated that neutral operators, who have not previously worked that team's home games, run the coach-to-quarterback radio systems, as well as game clocks, for playoff games. In addition, the league required that players with radio components in their helmets wear a decal—a lime-green dot—on their helmet. In the manual, the league also promised to make unannounced visits to teams to make sure no one tampered with the radio systems. It would obviously be useful if the NFL and other sports leagues would publicly disclose rules and procedural changes to provide transparency in their operations instead of waiting for leaks and news media ferreting out their private moves which have a public impact with an arguable public right to know.

A THOROUGH, OBJECTIVE, TRANSPARENT INVESTIGATION IS NEEDED

On the totality of the available evidence and the potential unknown evidence, the Commissioner's investigation has been fatally flawed. The lack of candor, the piecemeal disclosures, the changes in position on material matters, the failure to be proactive in seeking out other key witnesses, and responding only when unavoidable when evidence is thrust upon the NFL leads to the judgment that an impartial investigation is mandatory.

There is an unmistakable atmosphere of conflict of interest between what is in the public's interest and what is in the NFL's interest. The NFL has good reason to disclose as little as possible in its effort to convince the public that what was done wasn't so bad, had no significant effect on the games and, in any event, has been cleaned up. Enormous financial interests are involved and the owners have a mutual self-interest in sticking together. Evidence of winning by cheating would have the inevitable effect of undercutting public confidence in the game and reducing, perhaps drastically, attendance and TV revenues.

Commissioner Goodell has conducted a closed door investigation without specifying what key Patriot personnel have said. He gives only generalized statements and those shift with the wind to accommodate changes in the weather. Uniform comments made by the owners raise the obvious implication that they have coordinated their responses and were issuing statements to the news media from talking points which sought to minimize the seriousness of the taping. They all said it had no impact on the games, specified that they were satisfied with the Commissioner's results even though their teams may have been prejudiced and said that they were ready to move on.

The May 16, 2008 story by Sam Farmer of the Los Angeles Times highlighted the credibility issue when decisions are made among 32 owners behind closed doors:

> The NFL is a $6-billion-a-year enterprise. Thanks to Congress, it also enjoys an exemption from antitrust laws, a luxury rarely afforded other businesses. With that comes responsibility, especially when the league's credibility is called into question. Making decisions among 32 owners in closed-door meetings is not always the most forthright way to go about things.
>
> It wasn't so long ago that people wondered why the government should be meddling with the big business of Wall Street. Few people question that now.
>
> A greater degree of transparency is essential the next time a Spygate-type situation arises. That might help stem the flood of rumors, half-truths and outright myths that swirled around the New England story.

Congress conferred an antitrust exemption upon professional sports, including football, because it was viewed as necessary to their ability to organize a successful football league. Over the years, the exemption, which allows the NFL teams to jointly sell their television rights, has yielded incredible profits for the NFL. It has been reported that the NFL will generate $7.6 billion in revenue this season. Congress has provided the antitrust exemption without any guarantee of accountability. In light of the NFL's investigation of the Patriots' taping, I thought it necessary to ask the important questions to determine how widespread a practice taping opponents' signals was and whether more could be done to ensure the integrity of the game.

The public interest is enormous. Sports personalities are role models for all of us, especially youngsters. If the Patriots can cheat, so can the college teams, so can the high school teams, so can the 6th grader taking a math examination. The Congress has granted the NFL a most significant business advantage, an antitrust exemption, highly unusual in the commercial world. That largesse can continue only if the NFL can prove itself worthy. Beyond the issues of role models and antitrust, America has a love affair with sports. Professional football has topped all other sporting events in fan interest. Americans have a right to be guaranteed that their favorite sport is honestly competitive.

It may be that the entire matter will have to percolate for a while. The attention span of the American people, including sports writers, is limited by the rush of ongoing superseding events on compelling national and international issues. Sports fans and others may have lost interest for reasons stated by Dave Fairbank in the Newport News, Virginia Daily Press on May 24, 2008 when he commented on why the public tires of investigations and has not demanded a Mitchell-type inquiry:

> Granted many of you who eyeball pro sports have reached the saturation point. You don't care which baseball players used steroids. You don't want to hear if the Patriots filmed games and tried to steal signals.
>
> You are so over Donaghy and the idea of fixed NBA games. You don't want to know which Olympic athlete tested positive when. You want games. Period. Scores, rivalries, matchups, pennant races, playoff runs.

There are signs bubbling below the surface that potential imminent events could stimulate renewed interest in the NFL's integrity. The NFL is mentioned in investigations of other sports.

The New York Times, on May 25, 2008, sounded an alarm on fixing in sporting contests noting:

> With Internet gambling predicted to surpass $20 billion in 2008, and with illegal wagering accounting for $150 billion in the United States, by some estimates, the temptation for those seeking to influence the outcome of games has never been greater. Now, a raft of gambling scandals in sports, from cricket to soccer and most recently tennis, has raised an uncomfortable question: Are the games we watch fixed?
>
> A report commissioned by the major tennis governing bodies recommended that 45 matches played in the last five years be investigated because betting patterns gave a "strong indication" that gamblers were profiting from inside information. And those matches, the report said, may be only the tip of the iceberg.
>
> Betfair offers betting on major sports based in the United States, like the NFL, the NBA and Major League Baseball. But it does not take any wagers from the United States or China, Japan, Hong Kong or India, places where online gambling is illegal. (Emphasis added.)

In a May 29, 2008 Philadelphia Inquirer article, Phil Sheridan begins with analyzing the basketball scandal involving referee Tim Donaghy and then moves to other sports including the NFL:

> Instead of being critical of an official's call, fans now openly suspect the NBA (and the NHL and the NFL) of dictating the outcomes of postseason games. Instead of trusting in the fundamental integrity of the games, fans have good cause to wonder whether there isn't some secret script.

Within the past week, two major newspapers have carried comments calling for an extended investigation. The May 29, 2008 Philadelphia Inquirer editorial noted its change of position on my activity:

> Sen. Arlen Specter (R., Pa.) criticized the NFL for prematurely shutting down the investigation and destroying any related evidence.
>
> The senator's involvement initially prompted this Editorial Board to conclude that he should be spending his time and taxpayers' money on weightier issues. But, in retrospect, Specter may be on to something.
>
> Given the inherent conflict that the NFL has with its teams—after all, it prospers when they prosper—an independent investigation seems warranted. That's the route the governing bodies of professional tennis took after allegations surfaced regarding match fixing.
>
> An independent review recommended that 45 pro tennis matches played in the last five years be investigated. The review found betting patterns in those matches that showed large wagers had been placed on underdogs, an indication that bettors might have had inside information. The inquiry continues.
>
> Meanwhile, what's most disturbing about the betting and taping scandals in the NBA and NFL is how both of those leagues' commissioners seem more eager to move beyond the controversies than to get to the truth. Independent, thorough investigations are needed to ensure fans of the integrity of the games.

After commenting that I appear vulnerable because Comcast of Philadelphia is at war with the NFL and the Eagles lost the Super Bowl to New England in 2004, Skip Rozin wrote in the May 31, 2008 edition of the Wall Street Journal: "But neither of these facts blunts the point of his (my) inquiry; the NFL seems to beg for intervention." Rozin then references the response to the 1919 World Series White Sox/Black Sox scandal where newly appointed commissioner (formerly federal judge) Kenesaw Mountain Landis banned the eight players involved for life, even though a court found insufficient evidence to convict them. Rozin concluded:

> When steroid abuse recently threatened to turn that same sport and its records into a joke, it took the threat of congressional intervention to force Major League Baseball to act.
>
> Throwing games, taking steroids, spying on opponents—it's all cheating. And any attack on the credibility of the game is a serious threat. The NFL had a chance to act decisively to clean its own house, but it failed to do so, leaving the door open to Congress.

In a March 3, 2008 Philadelphia Inquirer column, Michael Smerconish called Commissioner Goodell's response to the Patriots' videotaping "odd," characterized responses by other franchise owners as "teams seem to be reading from timid talking points . . ." and said "if the NFL appears lax in this matter, it risks being compared to professional wrestling where nothing is 'real'." Smerconish concluded:

> What's needed is (a) truly independent investigation, and (b) an NFL commissioner who is intolerant of cheating—in the mold of baseball commissioner Kenesaw Mountain Landis, who took the helm in 1920 after the Chicago Black Sox scandal—to protect pro football from itself.

After thinking and rethinking this matter, it is hard for me to understand the willingness of the public, the media and even the NFL to accept the status quo. There is no higher value in our society than integrity. Americans' addiction to sports, with the NFL at the top, is based on the excitement generated by the potential for the unexpected great play which can only happen with honest competition from great athletes. The clouds are heavy and getting heavier.

My strong preference is for the NFL to activate a Mitchell-type investigation. I have been careful not to call for a Congressional hearing because I believe the NFL should step forward and embrace an independent inquiry and Congress is extraordinarily busy on other matters. If the NFL continues to leave a vacuum, Congress may be tempted to fill it.

COLLATERAL CONSIDERATIONS: I CHALLENGED THE NFL'S CONDUCT LONG BEFORE COMCAST BECAME A MAJOR PENNSYLVANIA COMPANY

Occasional rumors have been floated to the media that I am motivated to protect Comcast in its battles with the NFL. The solid historical record demonstrates that I have been concerned about the NFL's conduct long before Comcast became a power.

In 1982, I was approached by the NFL to request Senator Strom Thurmond, Chairman of the Senate Judiciary Committee, to have hearings on the proposed move by Al Davis and the Oakland Raiders from Oakland to Los Angeles. I had introduced S. 2821 on August 9, 1982, to prevent a professional football team from leaving a city where it has established ties unless it could not survive as a profitable business. In my statement introducing S. 2821, I said:

This legislation is premised on the judgment that sports fans in a city have a form of a 'proprietary interest' in their team which should preclude the owners from moving the franchise unless it is a failing business. In my judgment, a sports team is "affected with the public interest."

I believe a sports team is different from a regular business entity. If an ordinary business moves away another such business will take its place if a reasonable profit could be made. That is customarily not so with a sports team.

It is my sense that two generations of sport fans still resent the movement of the Brooklyn Dodgers and the New York Giants baseball franchise. Conversely people understood that the necessity for the relocation of the St. Louis Browns and the Philadelphia, and later Kansas City, Athletics.

On August 16, 1982, the Senate Judiciary Committee began hearings on that legislation. The key witnesses were NFL Commissioner Pete Rozelle and Al Davis, owner of the Oakland Raiders.

On January 3, 1985, I introduced S. 172 with the same objective when the Eagles threatened to move to Phoenix. In my floor statement, I said:

> According to media accounts, the estimated cost to Philadelphia taxpayers of the concessions made by the city to retain the Eagles is at least $30 million over the next 20 years. On December 17, [1984,] I wrote to Commissioner Rozelle and stated that the National Football League, rather than the city of Philadelphia, should bear the cost of any concessions which have been made to keep the Eagles in Philadelphia.

Commissioner Rozelle answered on December 19, 1984 without responding to my question concerning the cost of the concessions made by the city of Philadelphia and my belief that such costs should be born by the National Football League.

On March 19, 1987, I introduced similar legislation, S. 782, The Professional Sports Community Protection Act of 1987.

On March 19, 1996, I again introduced similar legislation, S. 1625, The Professional Sports Franchise Relocation Act of 1996.

On March 19, 1999, I introduced the Stadium Financing and Franchise Relocation Act of 1999, S. 952, conditioning the NFL and MLB antitrust exemptions on their paying part of construction costs for new stadiums by requiring the Leagues to deposit ten percent of the amounts received under the joint agreement for the sale or transfer of the rights in sponsored telecasting of games to finance the construction or renovation of playing facilities, upon request of a local governmental entity.

Comcast was not affected by the NFL's antitrust exemption. Paul Tagliabue, attorney for the NFL, appearing with Commissioner Rozelle in the 1982 hearing, confirmed the point that the antitrust exemption did not cover pay and cable when he said:

> [T]he words "sponsored telecasting" in that statute were intended to exclude pay and cable. That is clear from the legislative history and from the committee reports. So, that statute does not authorize us to pool and sell to pay and cable.

COMCAST HAS ONLY IN THE LAST DECADE BECOME A POWERFUL MEGA-CORPORATION

1982

Total Assets: $171,404,000
Total Revenue: $62,838,000
Basic Cable Subscribers: 284,000
Employees: 994

1985

Total Assets: $360,998,000
Total Revenue: $117,312,000
Basic Cable Subscribers: 516,000
Employees: 1318

1987

Total Assets: $1,034,876,000
Total Revenue: $309,250,000
Basic Cable Subscribers: 1,336,000
Employees: 2794

1996

Total Assets: $12,088,600,000
Total Revenue: $4,038,400,000
Basic Cable Subscribers: 4,300,000
Employees: 16,400

1999

Total Assets: $28,685,600,000
Total Revenue: $6,209,200,000
Total Cable Subscribers: 6,200,000
Employees 25,700

2007

Total Assets: $113,400,000,000
Total Revenue: $30,900,000,000
Total Video Subscribers: 24,100,000
Employees: 100,000

MY WORK ON THE PATRIOTS VIDEOTAPING DID NOT INTERFERE WITH OTHER SENATE DUTIES

I take very seriously any suggestion that this matter impacted on my other Senate work. The facts are that the few hours I spent on the NFL issue did not detract from my Senate duties. For twenty-eight years in the United States Senate and before that as Philadelphia's District Attorney, I have established a record of comprehensively covering all my responsibilities.

A few hours were involved in writing an occasional letter, meeting with Commissioner Goodell and Matt Walsh and being interviewed by sports columnists and radio-TV talk show hosts. A listing of some of my Senate activities from October 2007 to May 2008 confirms I was diligent in attending to my Senate duties.

During that period I missed only two votes out of 180 (98.8% attendance). Those two votes were missed on April 4, 2008 when I was getting a PET scan at the Hospital of the University of Pennsylvania.

It is with some reservation that I am inserting this section because it may appear overly defensive. But the facts are the facts and I think the record should be documented on this important issue.

SOME OF MY SENATE ACTIVITIES: OCTOBER 2007—MAY 2008

LEGISLATION

Gas Prices, S. 879—Cosponsored S. 879 with Senator Kohl to take away the OPEC's antitrust protection exemption to increase oil supply thereby reducing the cost of oil at the barrel and gasoline at the pump.

Patent Reform, S. 1145—Cosponsored S. 1145 with Senators Leahy and Hatch to provide comprehensive patent reform.

Climate Change, S. 1766—Cosponsored S. 1766 with Senator Bingaman to provide comprehensive legislation to combat global warming.

Mortgage Default Protection, S. 2133—Introduced legislation to authorize bankruptcy courts to modify the terms of variable rate mortgages, mortgages where there frequently was misrepresentation by leaders and/or misunderstanding by borrowers.

Economic Stimulus Measure, S. 2539—Introduced S. 2539 to give businesses 50% bonus depreciation for purchases made during 2008 and 2009, a modified version of which was included in the 2008 stimulus package.

State Secrets, S. 2533—Cosponsored S. 2533 with Senator Kennedy to require courts to evaluate state secrets claims as a check to avoid potential executive branch abuse.

Terrorist Surveillance Program and DOJ/FBI Oversight—Held extensive oversight hearings with the Attorney General, the FBI director, and the Homeland Security Secretary to provide judicial oversight for wiretapping.

Foreign Intelligence Surveillance—Committee and floor amendment to substitute the U.S. government for the telephone companies to secure judicial review for warrantless wiretapping.

Recidivism Reduction, S. 1060—Cosponsored S. 1060 with Senator Biden which was signed into law by President Bush on April 9, 2008 entitled "Second Chance Act of 2007."

Journalist Protection, S. 2977—Cosponsored S. 2977 with Senator Lieberman to protect American journalists from libel suits brought in foreign countries with less protections of free speech.

Intellectual Property Enforcement, S. 2317—Cosponsored S. 2317 with Senators Leahy and Cornyn to help the Justice Department combat copyright infringements.

Media Shield, S. 2035—Obtained vote of 15-4 in Senate Judiciary Committee on a bill co-sponsored by Senators Schumer and Lugar that provides evidentiary privilege to reporters.

Foreign Maintenance of Aircraft, S. Amdt. 4590—Cosponsored S. Amdt. 4590 with Senator McCaskill to significantly increase government oversight of airline repair work performed abroad.

Alternative Minimum Tax, S. Amdt. 4189—Sponsored S. Amdt. 4189 to eliminate the unfair alternative minimum tax (AMT).

Court Security Improvement, S. 378—Cosponsored S. 378 with Senator Leahy to improve court security. Held hearings and helped pass the bill, which was signed into law by President Bush on January 7, 2008.

APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES & EDUCATION

Nov./Dec. 2007—Helped negotiate a $146 billion FY08 appropriations bill, providing increases for the NIH, CDC, special education, children's graduate medical education, nursing program, mentoring, low income home energy assistance, community health centers, and advance directives.

April 2, 2008—Chaired hearing on the National Labor Relations Board regarding representation elections and initial collective bargaining agreements to safeguard workers' rights.

May 7, 2008—Attended FY 09 Budget Hearing with Labor Secretary Chao to discuss issues of concern to Pennsylvania including funding for mentoring, elimination of the employment service state grants, Job Corps, worker safety fines, and mine safety.

May 2008—Helped negotiate funding in the FY08 Supplemental, including additional $400 million for NIH; $110 million for Unemployment Insurance Administrative Costs; $26 million for CDC; $1 billion for LIHEAP; and to delay SCHIP regulation.

May 1, 2008—Wrote to Andy von Eschenbach, Commissioner of FDA asking for his professional judgment regarding the budget needs of the FDA to protect the public's health resulting in an additional $275 million for the FDA.

JUDICIARY COMMITTEE: OCTOBER 2007 TO MAY 2008

Nominee	Floor statements	Executive Judiciary Committee statements
Leslie Southwick 5th Cir.	Oct 23–24, 2007	
John Daniel Tinder 7th Cir.	Dec. 18, 2007	
David Dugas LA	Feb. 13, 2008	
Robert Conrad 4th Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008 May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.

JUDICIARY COMMITTEE: OCTOBER 2007 TO MAY 2008—Continued

Nominee	Floor statements	Executive Judiciary Committee statements
Peter Keisler D.C. Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008. May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.
Steve Matthews 4th Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008. May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.
Catharina Haynes 5th Cir.	April 10, 2008	
Stanley Thomas Anderson WD TN.	April 10, 2008	
John Mendez ED CA	April 10, 2008	
James Randal Hall SD GA	April 10, 2008	
Brian Stacy Miller ED AR	April 10, 2008	
Stephen Agee 4th Cir.	May 20, 2008	May 15, 2008.
Raymond Kethledge 6th Cir.	May 20, 2008	May 15, 2008.
Helene White 6th Cir.	May 20, 2008	May 15, 2008.

BREAKDOWN IN CONFIRMATION PROCESS

Floor statements	Executive Judiciary Committee statements
	Feb. 28, 2008
March 3, 2008	
March 4, 2008	
April 1, 2008	
	April 3, 2008
April 10, 2008	
April 16, 2008	
	April 24, 2008
May 6, 2008	
	May 8, 2008
	May 15, 2008
May 19, 2008	
	May 22, 2008

Reporter's Privilege—Wrote op-ed on Reporter's Privilege that appeared in the Washington Post on May 5, 2008 and the Philadelphia Inquirer on May 11, 2008.

Rural Violent Crimes—On March 24, 2008, travelled to Rutland, Vermont with Senator Leahy to hold a Senate Judiciary Committee field hearing on "The Rise of Drug-Related Violent Crime in Rural America: Finding Solutions to a Growing Problem."

MENTORING AT-RISK YOUTH

October 15, 2007—Mentoring event with juveniles at the Eagles stadium attended by Jevon Kearse.

November 12, 2007—Hosted "Philadelphia Mentoring Awareness Day" with over 170 Philadelphia elementary school children and professional and former professional athletes.

January 7, 2008—Met at CIGNA headquarters with Philadelphia mentors from Big Brothers Big Sisters program and other mentoring organizations in Philadelphia.

February 4, 2008—Held meeting, site visit, and media availability at the National Comprehensive Center for Fathers with the Rev. Dr. Wilson Goode to promote mentoring initiatives in the Philadelphia region.

February 21, 2008—Met with Mayor Nutter at City Hall regarding crime issues including mentoring and held a media availability to discuss our efforts to support mentoring as a key element in fighting crime.

PENNSYLVANIA TRAVEL

11/05/07—Lehigh Valley, Dauphin County, Cumberland County.

11/12/07—Chester County.

11/16/07—Lehigh Valley, Delaware County.

11/17–18/07—Chester County.

11/19/07—Montgomery County, Delaware County.

11/20/07—Lehigh Valley, Dauphin County, Luzerne County, Lackawanna County.

11/26/07—Allegheny County, Westmoreland County.

11/26/07—Allegheny County.

12/01/07—Montgomery County, Dauphin County.

12/10/07—Dauphin County, Montgomery County.

12/15/07—Bucks County.

01/08/08—Lackawanna County, Dauphin County.

01/14/08—Allegheny County, Westmoreland County.

01/15/08—Allegheny County.

02/04/08—Montgomery County.

02/08–09/08—Dauphin County, Cumberland County.

02/11/08—Lackawanna County, Luzerne County, Dauphin County.

02/18/08—Chester County, Delaware County.

02/19/08—Allegheny County, Washington County.

02/20/08—Allegheny County.

02/21/08—Montgomery County.

02/22/08—Chester County.

02/29/08—Montgomery County.

03/08/08—Montgomery County.

03/10/08—Lackawanna County, Dauphin County.

03/15/08—Delaware County, Montgomery County.

03/16/08—Chester County.

03/17/08—Berks County, Montgomery County.

03/21/08—Chester County.

03/22/08—Lehigh Valley, Luzerne County, Northampton County.

03/27/08—Allegheny County.

03/28/08—Allegheny County, Armstrong County, Delaware County.

03/29/08—Delaware County.

03/31/08—Montgomery County.

04/04/08—Dauphin County, Cumberland County.

04/07/08—Allegheny County.

04/14/08—Lehigh Valley, Dauphin County, York County.

04/18/08—Allegheny County.

04/19/08—Allegheny County.

04/21/08—Bucks County.

VISITS/LEGISLATION ON DEPORTATION OF CRIMINAL ALIENS

Introduced S. 2720 on March 4th to deny visas and foreign aid to countries which refuse to take back their criminal aliens.

VISITS

February 8, 2008 at SCI Camp Hill.

February 11, 2008 at the Luzerne County Prison.

February 18, 2008 at the Chester County Prison.

February 19, 2008 at the Allegheny County Prison.

March 31, 2008 at the Philadelphia County Prison.

April 4, 2008 at the Dauphin County Prison.

FOREIGN TRAVEL

December 22, 2007–January 3, 2008 (Israel, Pakistan, Jordan, Syria; Austria, and Belgium).

Dec. 23–26 (Israel)—Met with Prime Minister Ehud Olmert, President Shimon Peres, Likud Chairman Benjamin Netanyahu, Foreign Minister Tzipi Livni, and Defense Minister Ehud Barak.

Dec. 25 (West Bank)—Met with Palestinian Authority President Mahmoud Abbas, Prime Minister Salam Fayyad, and Chief Negotiator Saeb Erekat.

Dec. 26–28 (Islamabad, Pakistan)—Met with President Pervez Musharraf, chairman of the Joint Chiefs of Staff General Tariq Majid, and Afghan President Hamid Karzai. Scheduled to meet with Pakistan People's Party leader Benazir Bhutto on Dec. 27 at 9 PM—she was assassinated three hours earlier.

Dec. 29–30 (Damascus, Syria)—Met with President Bashar al-Assad, Foreign Minister Walid al-Moualiem, and opposition leader Riad Seif.

Dec. 30–Jan. 2 (Vienna, Austria)—Met with International Atomic Energy Agency (IAEA) Director General Mohammed ElBaradei.

Jan. 2–3 (Brussels, Belgium)—Met with US Ambassador to NATO Victoria Nuland.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Rhode Island is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. WHITEHOUSE. First, let me join in the condolences for our colleague, Senator Thomas.

REMEMBERING SENATOR ROBERT F. KENNEDY

Let me also recognize what for many of us is a sad anniversary of a day when one of America's brightest lights was extinguished and a distinguished Member of this body was lost.

You have heard him described as a good and decent man who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

IRAQ WAR INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, 5 years ago President Bush and this administration misled this country into a war that should never have been waged, a war that has cost our Nation the lives of more than 4,000 courageous men and women, squandered many hundreds of billions of our tax dollars, and diminished the world's faith in our country.

This morning, the Senate Intelligence Committee, led by our distinguished chairman, Senator JAY ROCKEFELLER of West Virginia, released a report confirming what many have long feared: that the Bush administration ignored or swept aside substantial reliable intelligence that portrayed something other than what the President and his political allies wanted America to see.

The decision to take the Nation to war, as Chairman ROCKEFELLER indicated, is among the gravest and most momentous that a leader can make. In our democracy, we expect and deserve to be sure that when our troops are sent in harm's way, when their families are made to watch and wait through sleepless nights, when our security and national welfare is put on the line, that that decision has been taken for the right reasons. This is a sacred compact, an article of faith between our people and our Government.

This administration broke that compact, betrayed that trust. For years, the evidence has been mounting that this administration's reasons for the war were a sham. This week, the President's own former spokesman indicated that the White House ran a "political propaganda campaign" building the case for war.

This morning's report is a chilling reminder of the Bush administration's willingness to overlook or set aside intelligence that does not confirm to its preordained view of the world. Over and over, again the committee documented instances in which public statements by the President, the Vice President, and members of the administration's national security team were at odds with available intelligence information. By leading the American people to believe the situation in Iraq was significantly more drastic than it actually was, the Bush administration took this country into an unnecessary war, a war it still refuses to end.

In a speech in Cincinnati a little over a year after al-Qaida attacked America on September 11, President Bush said:

> We know that Iraq and al-Qaida have had high-level contacts that go back a decade. We have learned that Iraq has trained al-Qaida members in bomb-making and poisons and deadly gasses.

In his 2003 State of the Union Address, a few short weeks before giving the order that began this war, the President said:

> Evidence from intelligence sources, secret communications and statements by people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of al-Qaida.

It was not true. The President of the United States told these things to our people and to the world, and they were false.

According to the report released this morning by our committee:

> Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaida had a partnership or that Iraq had provided al-Qaida with weapons training were not substantiated by the intelligence.

The committee found that multiple CIA reports and a National Intelligence Estimate, released in November 2002, even as the administration was in the drumbeat to war, "dismissed the claim that Iraq and al-Qaida were cooperating partners." It was not true, and yet this President used this claim to convince the American public that there was a link between the Iraqi Government and the terrorists that perpetrated the crimes of September 11, 2001.

Again, in an October 2002 speech in Cincinnati, the President said:

> We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, VX nerve gas. Saddam Hussein also has experience in using chemical weapons. . . .Every chemical and biological weapon that Iraq has or makes is a direct violation of the truce that ended the Persian Gulf war in 1991. Yet, Saddam Hussein has chosen to build and keep these weapons despite international sanctions, U.N. demands, and isolation from the civilized world.

The report concludes:

> Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capabilities and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.

The intelligence community knew Saddam Hussein wanted to be able to produce chemical weapons. It could not, however, confirm President Bush's claim of certainty that Hussein's regime was actually producing chemical weapons. Yet the President made that argument, stirring up unfounded fears among the American people.

This administration not only asserted that Saddam Hussein possessed chemical weapons and intended to use them, the President also said in his speech on October 2002:

> We could wait and hope that Saddam does not give weapons to terrorists, or develop a nuclear weapon to blackmail the world. But I'm convinced that is a hope against all evidence.

He said:

> We cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

Mr. President, again, it was not true. The committee's report states:

> Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information.

At the time of the President's speech, the intelligence community believed Saddam Hussein did not possess nuclear weapons. The President preyed on Americans' fears of a nuclear attack, perhaps the most terrible fear we could have, to bolster his case for an unwarranted war.

Finally, the President led the American people to believe if it came to war in Iraq, America's military would easily help liberate a grateful nation. In Cincinnati, in 2002, he said:

> If military action is necessary, the United States and our allies will help the Iraqi people to rebuild their economy, and create the institutions of liberty and a unified Iraq at peace with its neighbors.

This was the "hope against all evidence."

Analysis by the Defense Intelligence Agency assessed that:

> The Iraqi populace will adopt an ambivalent attitude toward liberation.

That is an understatement.

The CIA wrote, in August 2002, that "traditional Iraqi political culture has been inhospitable to democracy."

According to the committee's report:

> Statements by President Bush and Vice President CHENEY regarding the postwar situation, in Iraq in terms of the political, security, and economic [situation], did not reflect the concerns and uncertainties expressed in the intelligence products.

The view of the President and Vice President that American troops would be "greeted as liberators" did not take into account the complex social, political, and sectarian dynamics at work about which the intelligence community was well aware. Yet this administration still led the American people to believe our troops would be welcomed, that the war would be short, that the burden in lives and dollars would be light, and that victory would be absolute. This delusion has cost our service men and women and our Nation every day since. Once again, it was not true. It just was not true.

If this administration had made the least effort to give an honest review of classified intelligence, it would have been known to be untrue. All too often in these 7 long years we have seen this administration cast aside facts and principles that did not conform with its political aims.

We have seen it attempt to take great institutions of our country—our intelligence community, our Environmental Protection Agency, the Department of Justice—and twist them to its own ends, without due regard for the welfare of the American people. I believe the irresponsibility and mismanagement of this administration will go down in our history as among the darkest moments our Government has witnessed. It rocks the very fiber of democracy when our Government is put to these uses. We do not yet know all the damage that has been done. Yet we hope, through the efforts of this committee and this body, to continue the long and difficult repair work we have begun.

We can look ahead to next January when we in our Nation can begin again with a new administration, an administration that will not break the essential compact of honesty with the American people.

READING IS FUN WEEK

Mr. WHITEHOUSE. Mr. President, let me briefly compliment the Senate staff for their patience and diligence yesterday when put to the task of reading the bill. I know it was Reading Is Fun Week in Rhode Island from May 12 to May 18. I guess the minority found an interesting way of making it "Reading Is Fun Day" in the Senate yesterday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

GLOBAL WARMING

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to put aside our partisan differences. Let's follow the leadership of Senator LIEBERMAN, Senator WARNER, and Senator BOXER and find a way to move forward with the global warming legislation. It is so important to this country.

The scientific information is clear. There is something happening out there. We all know about it. We know the weather changes. We see extreme weather taking place—the droughts, the floods, the impact it is having on our food chain, the drought in Australia with the wheat crop and what it has done with bread prices. In my State of Maryland we see the warming of the Chesapeake Bay and the impact it has on blue crabs with the eelgrass which is critically important for juvenile crabs not being there.

The Governor imposed a restriction on the taking of blue crabs during this season. I could give 100 more examples.

If I can't convince my colleagues on the science, let me refer to an issue on which we can all agree; that is, we need energy independence. Our global warming bill leads us to energy independence. We need energy independence for national security, so we are not dependent upon other countries. We need energy independence so we don't have to wake up every morning to find out what OPEC is doing that affects gasoline prices in the United States. We need energy independence for our environment.

This legislation uses market forces to solve the problem of greenhouse gases. We did that with acid rain, and it worked, far less expensively than the projections, and the benefit ratio to cost was 40 to 1. If we unleash our economy, we can solve this problem.

Let me state the obvious: When we invest in renewables—and this legislation does—we invest in energy efficiency. If we invest in public transportation, we are going to have less use of gasoline by Americans—yes, less use of oil. If we have less use of oil, gasoline prices are going to go down, supply and demand. If we have less use of oil, we are going to be less dependent on other countries. If we use less oil, we control our own economic future.

But this legislation goes further than that, providing assistance for, perhaps, consequences we can't fully understand. So we provide help to heavy industry. Maryland is a proud manufacturing State. It has a great history of manufacturing. I want to make sure Maryland has a future in manufacturing. This legislation deals with that, providing help to our industries. We don't know exactly what impact it is going to have on different constituencies. The legislation provides help for consumers. Just as importantly, this legislation provides that it is deficit neutral; that we will make sure we don't have to borrow more money. In fact, this legislation will mean Americans will borrow less. It is good for our economy.

Another part of this bill I found very helpful and that hasn't received a lot of attention is that we establish a level playing field so if other countries don't put a cap on their carbon emissions, they have to pay a tariff to bring their product to America, so that we don't put American manufacturers, producers, or farmers at a competitive disadvantage.

There is one particular section of this bill I would like to underscore and I am particularly proud of because I introduced the amendment in committee and worked with Senator BOXER, and that is the public transit provisions. It provides over $170 billion during the life of the bill to build stronger public transportation in America. One-third of all CO_2 emissions come from transportation. But in the last 15 years, 50 percent of the increase in our emissions have come from the transportation sector.

The projected growth in the next 30 years of vehicle traffic alone would negate all the benefit from the CAFE standard increases we passed last year if we don't take more aggressive steps to get cars off the road. Public transportation is critically important. It reduces emissions.

People are interested in public transportation. Since 1995, we have seen a 32-percent increase in ridership, 10.3 billion passenger trips in 2007. In the first quarter of this year, there has been a 3.3-percent increase in public transportation. That is 85 million more trips on public transportation. The problem is the physical infrastructure needs attention. The ridership at peak hours is already full. We need greater capacity. We need more efficiency and more economy in the use of public transportation. This legislation provides for it. Of the funds that are provided—the $170 billion plus—95 percent is distributed on the SAFETEA-LU formula; 65 percent for existing systems; 30 percent for new starts; and 5 percent in competitive grants for transportation alternatives and travel demand reduction projects.

It is supported by the American Public Transportation Association, the National League of Cities, and I could add many more.

Mr. President, I strongly support this bill as brought forward by Senator BOXER. I urge my colleagues to support it. I do have amendments to improve it. I hope we will get to amendments. One of my amendments would include the public transportation sector by including metropolitan planning organizations as eligible entities to receive grants under the funding. This builds upon smart growth. Maryland provided leadership nationally on how smart growth can add to our energy independence and a cleaner environment. That experience in Maryland can be used nationwide. My amendment will make funds available for States to move forward for smart growth.

The amendment also provides for transit enhancements, including pedestrian and bicycle infrastructure that would be eligible activities. In Maryland, I am proud of the work we have done in taking funds and building paths for bicycles and pedestrians. The Gwynns Falls Greenway in Baltimore and the Jones Falls Greenway are examples of how we have rehabilitated historical trails where people can walk and bike and add to the quality of life.

Another amendment that I intend to offer will allow for the clean, medium-heavy truck vehicle fleets which are provided for in this bill, funds to help fleets use clean energy but to expand that to public entities—Senator SPECTER and Senator CARPER are joining me on that—that they would qualify. That will help vehicle manufacturers. The coalition that supported the original provision for fleet vehicles—such as Volvo, PowerTran, UPS, Federal Express, and PepsiCo—supports the change I am suggesting.

Lastly, let me point to intercity rail. I will offer an amendment to provide funding for intercity rail. I think it is another way we can get people out of their cars. That is what we have to do if we are going to have a clean environment and be energy independent. The intercity rail is another way we can do it.

Let me make it clear, I hope we get to amendments. Amendments can strengthen this bill. This bill needs to be strengthened. But the bill before us today is a bill that deserves our support. I hope my colleagues will vote in favor of making sure we move forward to enact global warming legislation this year. I urge my colleagues to do that.

HONORING THE LATE SENATOR ROBERT F. KENNEDY

Mr. CARDIN. Mr. President, tomorrow our Nation will mark the 40th anniversary of Senator Robert F. Kennedy's death. In his all too brief lifetime, Robert Kennedy was an icon of the struggle for civil and human rights, social justice, and peace. In the midst of the civil rights movement, the increasingly unpopular war in Vietnam, and the assassination of the Reverend Dr. Martin Luther King, Jr., Senator Kennedy stood as a beacon of hope, inspiring Americans from all walks of life that we could rise above our Nation's struggles. With his death in the early morning of June 6, 1968, America lost a true public servant, a voice for the underprivileged and underserved, and a source of hope during a turbulent time.

My own political career began the year before, in 1967, but for years prior, Robert Kennedy's life had inspired me to seek public office. After managing his brother John's successful 1952 Senate campaign, Robert Kennedy worked briefly on Capitol Hill. He then went on to serve in his brother John's administration as Attorney General, where he was renowned for his diligence, effectiveness, and nonpartisanship. At Justice, he pursued a relentless battle against organized crime, frequently at odds with Federal Bureau of Investigation Director J. Edgar Hoover. During his tenure, convictions of notorious organized crime figures rose eightfold. It was also during this time that Robert

Kennedy moved to center stage in the struggle for civil rights. On May 6, 1961, he visited the University of Georgia, which just months before had admitted its first black students. Kennedy addressed the university's law school, enunciating the administration's position on civil rights, stating:

> We must recognize the full human equality of all our people—before God, before the law, and in the councils of government. We must do this not because it is economically advantageous—although it is; not because the laws of God and man command it—although they do command it; not because people in other lands wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

Robert Kennedy's commitment to promoting African Americans' right to vote, receive an equal education, and equal protection under the law intensified over time. In 1962 he sent U.S. Marshals and troops to Oxford, MS to enforce a Federal court order admitting the first black student, James Meredith, to the University of Mississippi. As Attorney General, Robert Kennedy demanded that every corner of Government begin recruiting realistic levels of blacks and other minorities. He collaborated with Presidents Kennedy and Johnson to create the landmark Civil Rights Act of 1964, and served as one of its most forceful and committed proponents.

In 1964, Robert Kennedy ran for the U.S. Senate, challenging and defeating incumbent Republican Senator Kenneth Keating of New York. As a Senator, Robert Kennedy continued to champion civil rights, human rights, and disenfranchised peoples, both at home and abroad. When few politicians dared to entangle themselves in the politics of South Africa, Senator Kennedy spoke out against oppression and injustice there. His groundbreaking 1966 visit to South Africa helped awaken Americans to the bitter realities of apartheid. During this period, he vociferously opposed the Vietnam war, advocating for increased diplomacy rather than the use of force.

At home in New York, Senator Kennedy initiated a number of projects in the State, including assistance to underprivileged children and students with disabilities. He authored legislation that led to the establishment of the Bedford-Stuyvesant Restoration Corporation, which improved living conditions and brought employment opportunities to economically depressed areas of Brooklyn. Now in its 40th year, the program remains a model for communities across the Nation. This program was part of a broader effort to address the needs of the dispossessed and powerless in America. He sought to bring the facts about poverty to the conscience of the American people, journeying into poor urban neighborhoods, Appalachia, the Mississippi Delta, Indian reservations, and migrant workers' camps.

Senator Kennedy's fervent belief that America could do better compelled him to seek the Democratic Presidential nomination in 1968. The night of June 5 should have been a triumphant one for Robert Kennedy. After winning the California primary by four points, he seemed destined to secure the nomination, standing as a symbol of the hope and change that so many people across the country desperately wanted, but his life was cut short by an assassin's bullet. Coming a mere 2 months after the death of Martin Luther King, Jr., Robert Kennedy's death shocked the Nation.

Early in the afternoon on June 6, 1968, Robert Kennedy's body was flown from California to New York City's St. Patrick's Cathedral for a requiem mass. On Saturday, June 8, a funeral train of 20 cars transported Robert Kennedy's body from New York, through Baltimore, to Washington. Tens of thousands of Americans—some in the press estimated a million people—lined the tracks to pay their respects. Robert Kennedy's casket traveled down Constitution Avenue, past the Justice Department Building that now bears his name, to the Lincoln Memorial and across the bridge to Arlington National Cemetery, where he was buried next to his brother, President John F. Kennedy.

The legacy of Robert F. Kennedy—the passion with which he fought for civil and human rights, and his steadfast dedication to the dispossessed—has lived on in this Chamber for the past 40 years through his brother, our distinguished colleague and friend, Senator TED KENNEDY. We are fortunate indeed that the Kennedy family's selfless service to our Nation has extended to younger generations. In the House of Representatives, I was proud to serve with Robert Kennedy's eldest son, Joe, and his nephew, Patrick. His eldest daughter, Kathleen Kennedy Townsend, served as Maryland's Lieutenant Governor for 8 years. But the Kennedy family's wonderful record of public service is not limited to elective office alone. Think of Joe Kennedy, who founded the Citizens Energy Corporation; or Robert Kennedy, Jr., who established the Waterkeeper Alliance; or Courtney Kennedy Hill, who worked as a representative for the United Nations AIDS Foundation. And I would be remiss not to mention Robert Kennedy's amazing wife, Ethel, widowed at the age of 40 with 10 children and pregnant with another. Her courage and grace are an inspiration to us all.

At Robert Kennedy's request, his grave consists of a plain white cross and a stone slab on which is inscribed a passage from his Day of Affirmation speech to South Africans. It reads:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

We can honor Robert Kennedy, his legacy, and his promise by standing up for an ideal, by acting to improve the lot of others, by striking out against injustice, and by sending forth those ripples of hope our Nation and the rest of the world so desperately need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Oregon is recognized.

Mr. SMITH. I thank the Presiding Officer.

GLOBAL CLIMATE CHANGE

Mr. SMITH. Mr. President, the Senate is engaged this week in a great debate, an important debate, on the vital issue of global climate change. I join that debate in order to find the best and most practical ways to ease our dependence on foreign oil, reduce pollution, and encourage clean energy.

Climate change is real. It is a problem, and it needs our response—for the sake of our economy, our environment, and our national security. Our country's energy future is one of the greatest challenges we will face in the coming decades. Addressing climate change is about what is good and what is right for our country, for our future. It is about how we reduce our reliance on foreign oil, develop a new sector in the American economy that will spur domestic manufacturing, and create millions of new jobs, all while reducing harmful greenhouse gas emissions.

These challenges are too great and the stakes are too high—America cannot take a backseat or sit on the sidelines. We simply must lead on this issue. We must make fundamental changes, and we must start now, today. We put a man on the Moon. We defeated communism. We even created an Internet world. Many thought the Internet was a fad, but look how it has changed our world in a decade. A renewable energy economy can and will do the same thing.

America is an exporter of our thoughts, our ideas, our dreams, our ideals. On the great challenges facing us today, we must reach high, challenge our thinking, and deliver results such as only the American people can deliver.

We are on an upward path with the emergence of green, renewable technologies in the State of Oregon—wind, solar, wave, and geothermal. Today, in Oregon, we are leading the way, from innovative biomass in Umatilla, to geothermal in Klamath Falls, to our long-lived hydropower dams and wind farms in eastern Oregon.

Jobs are being created in Oregon by companies that research and manufacture these new energy sources, boosting our economy, addressing climate change, and cutting our dependence on foreign oil.

Oregon and the Northwest already enjoy one of the best sources of green energy—our hydroelectric dams—a source of 100-percent carbon-free energy. These dams are not only critical to our economy but are a perfect example of existing sources of green energy.

In Oregon, we are leading the way in training the next generation workforce for green-collar jobs. Schools across Oregon—Oregon State University, Oregon Institute of Technology, Lane Community College, and Columbia Gorge Community College—are creating programs that will help supply our State and Nation with a vibrant and skilled workforce to accommodate a future of renewable, independent, and clean energy facilities.

Through a combination of Federal and State tax incentives, Oregon has been able to attract solar panel manufacturers, geothermal developers, fuel cell manufacturers, biomass facilities, and significant wind energy facilities.

Oregon has become a hub of investment in solar facilities. For example, SolarWorld, one of the biggest solar manufacturers on Earth, is investing over $650 million in a manufacturing facility in Hillsboro, Oregon, that will employ over 1,000 people.

As the lead sponsor of legislation to provide for the long-term extension of the investment tax credit for solar and fuel cell facilities, I am encouraged by the investments solar and fuel cell companies are making in Oregon and across the Nation.

We must provide for the extension of these and other renewable energy tax incentives in order to avoid the boom-bust cycle we see in these emerging technologies every time the tax credit is allowed to expire. That is an action we can and should take now that will produce results now.

We must set ourselves on a path to energy independence and reduce our oil consumption. That is why I fought successfully to increase our investment in renewable fuels such as those thriving back in Oregon. That is why Senator OBAMA and I passed a bill to raise the fuel efficiency standards for the first time in two decades for our automobiles in this country.

We have been making small strides. Now we need to make big ones. Renewable energy sources and less oil consumption will benefit not only our environment but our economy and our national security—energy sources, clean ones, produced here at home instead of imported from the Middle East.

The private sector in America is already visionary about a clean, strong economy. We in Congress must help and not hinder. This transformation will not happen overnight, but we can start now. We must start today. Right now, the sources of our fuel-efficient vehicles and renewable energy manufacturing too often come from foreign countries. If we do not take the lead going forward, these foreign countries will. To do so would put our country and our economy behind the eight ball, reliant upon others and not ourselves.

Right now, the world's fossil fuel is controlled by countries such as Iran, Venezuela, and Russia. We cannot let our national security and our economic security be at risk to the whims of rogue governments. Our reliance on foreign oil has gotten us into the entanglements that many of us wish had not happened. By investing in a clean energy future—a skilled green workforce, investment in the next generation of biofuels, the promotion of fuel-efficient transportation—we will depend on ourselves, not on others.

It is also time for America and this Congress to debate the merits of a new system to regulate carbon to reduce greenhouse gases and to reduce this country's carbon footprint. I know we can come together, in this Chamber and with the next President, to practically and effectively reduce the greenhouse gases we emit in this country.

To truly reduce carbon, the response must be global. We have all the tools. We have the will, the technology, the raw resources. It is time to move forward for the sake of our environment, for the sake of our economy, and for the sake of our national security. Success will only be found in setting aside partisan agendas and focusing on common-ground solutions.

Our country can do this, and we must lead. I have great confidence in the will of the American people. They know this must be done. I will help to make sure it is done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank the Presiding Officer for that recognition.

I thank the Presiding Officer in this body for the chance to address an important topic. I am glad we are discussing important topics. It is important we get a chance to bring up these topics. I, similar to many people, have spent a lot of time with experts and a lot of time with people in my State talking about climate change issues and how we can address them. I do not know of any topic that I have actually probably met with more scientists on, more individuals about, than the climate change topic. It is enormous, it is important, and it is something we need to talk about and address.

When traveling across Kansas—we have 105 counties in the State, and I have been to 57 of them now within the last 6 months, going to all 105 of them. We talk a lot about clean energy, and I talk about balancing the three Es—the energy, the environment, and the economy. We have to get these three Es balanced. They are like a cardboard piece balanced on a pencil. You can kind of tilt them a little bit, you can move it a little bit, but you cannot tank it one way or another. You have to move these three together.

Most people across Kansas looking at the issue generally agree with that. I want a clean environment. I want a healthy economy. I want energy sources here at home, and I do not want to pay too much for them. Most people are complaining bitterly today, as well they should be, about the high price of energy. It is way too high: $4-a-gallon gasoline that people are having to pay. It is directly out of their pocketbooks. It is directly impacting their economy.

We are a big energy-using State. We have a lot of manufacturing, agriculture. Diesel fuel is very important to us. It is well over $4 a gallon, getting up to $5 a gallon in some places. This is a very high-energy formula, and the last thing people want today is to increase the cost of energy. At the same time, they recognize we need to deal with the environment, and we have to grow this economy. So I wish to talk about this in the sense of those three Es, being able to balance those together. I think we can and we should do that.

I read a paper recently that talked about the different waves of environmentalism. I thought it was quite good, and I think it is one this body should look at. The title of the paper was "The End of Environmentalism." It was written by a couple of very strong environmentalists. They were talking about what needs to take place now. They were talking about the waves of environmentalism. They were saying the first wave of environmentalism, if I can paraphrase them appropriately, was a conservation wave. The second wave was a regulatory wave. The third wave, that we are in right now, is an investment wave. That is the way you move this forward, through investment and through technology and for us to invest heavily in that next wave of technology, to be able the balance these three Es I talked about—energy, the economy, and the environment. That is the real way forward.

This bill does not get us going forward that way. The key for us to be able to do investment is to be able to have a very robust economy and for people to invest in these next-wave technologies, not to load additional costs onto the system. We can look at the cost of what they are today, and then you can look at the projected cost of what this bill would put on the American public and on the energy economy and, at the end of day, still not produce the sorts of results we need to have of strong key reductions in CO_2 and, at the same time, maintaining the economy and giving us enough energy to be able to move forward.

I would like to point out—and a number of my colleagues have already done this—what this bill will do on driving up the price of electricity. The Energy Information Administration predicts electric prices will be 64 percent higher in 2030 as a result of the bill, fuel prices 53 cents higher by 2030. Actually, I do not think anybody knows, other than they know it will be higher.

But I think the biggest stat came yesterday, for me, from Western Resources. It is a utility in my hometown of Topeka, KS, that provides electricity through much of the State. They are saying, at a $20-a-ton cost for CO_2, that is going to raise their fuel costs. It is going to more than double the cost of their fuel as compared to what they are looking at presently. We are getting the actual statistics. We are going to put that, later, in the RECORD. But this is going to be a dramatic increase in the price of electricity for people in Topeka, KS, and across my State.

We are a strong coal user, using coal out of the Powder River Basin. I think, as we look forward to the future, the answer is not: No, we are not going to use particular types of energy. It is how you use energy and you reduce your CO_2, how you build the next generation of coal-fired plants and reduce the CO_2 footprint.

A very innovative project is being put forward in the western part of my State. There is a coal-fired plant, where they take the C02 stream—because we don't know how to do CO_2 sequestration on a massive scale yet—they take that C02 stream and run it through algae reactors and have the algae harvest, of sorts, the CO_2; and they are building in their biological photosynthesis process and then taking the algae and making biodiesel out of that.

Yes, it is experimental, but it is on a large scale experimental, and it is the sort of thing we ought to be looking to for us to invest in that next wave of environmentalism, being an investment wave, to see if we can make these things work in the interim, where we do not know how we are going to be able to sequester, and we cannot drive up too fast the cost of energy because energy prices are so high right now and people are very sensitive to energy prices, as well they should be. We should be sensitive to their sensitivity of energy prices.

I think the way we move this forward is with innovation and technology and investment rather than loading a lot of cost on a system that, at the end of the day, could well—and in all probability, from some of the projections, will have huge, substantial impacts and, indeed, may well have the adverse impact of driving things overseas. I think there is a lot in this bill that has unpredictable consequences other than, we know, an increased cost in the United States. That piece we do know about. But what will happen? How will industry react to this? Where will it go? We do know costs will go up for American consumers at a time when we can ill afford to do that; at a time when we would be better off taking those increased costs of investment and putting them into the next wave of technology. That is the route forward. That is the route to stabilize. That is the route to move us and to balance the three "e"s in this process as we move forward.

I am going to be putting forward different amendments and proposals to do just that; to see if we can put forward ideas, particularly in the agricultural sector, to help with carbon sequestration projects, to help with ethanol and biodiesel and wind and solar power, soybean and algae as an investment, as a way of storing it through a natural process, but not putting on a hard cap and trade that adds costs in the system. I think that is the sort of pioneering spirit—that is the sort of investment type of way—that we need to go forward.

I am pleased that an amendment I am working on with Senators STABENOW and CRAPO has the backing of the American Farm Bureau on a more robust effort on CO_2 sequestration via agriculture. I think that is a key way we can move forward and have some success.

Finally, I wish to note to my colleagues as well that we are woefully behind on getting judges approved for the circuit court. That was a subject that stalled this body yesterday and I predict to my colleagues that it is going to stall us a lot more if we don't start getting on track to increase the number and get to even a minimal number of circuit court nominees to be approved during the remainder of this Congress. We are at eight for this session of Congress. The low watermark was 15. We are not anywhere near close to getting that. It is a requirement of this body for us to be able to clear judges through who get nominated by the President, and then let's vote up or down one way or the other. Let's consider them and let's get a minimum number. We had an agreement for three by the Memorial Day break. One was approved. There are several highly qualified judges in the system. For us to be able to get our business done, if we are going to get it done, we have to get some of these circuit court judges approved. If we don't, it is going to stall the body and we are going to stall it a lot, until we can get circuit court judges approved in some minimal number.

I know there is a lot of dispute about this. It is a need of this body. We need to do this and if we don't do it, things are going to slow down a lot. They are going to get jammed up a lot and it is going to be early and it is going to be very difficult for us to accomplish any other of our business.

I urge the leadership to come together and let's say: Here is the number we can approve by this date, and let's get that done or there are going to be a lot of things that are going to stop happening in this body until we can get those approved.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. And that we will go on the bill, I understand, around noon?

The PRESIDING OFFICER. The Senator is correct. It will be approximately noon.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, at this time I ask unanimous consent that the three Senators—Senators WARNER, LIEBERMAN, and BOXER—could have 1 hour between 2 and 3.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The senior Senator from Washington State is recognized.

AERIAL REFUELING TANKERS

Mrs. MURRAY. Mr. President, over the years this Congress has spent countless hours fighting for the best and the safest equipment possible for our men and women in the military. Whether it was better weapons or enough body armor, armored humvees, we have all worked tirelessly to make sure our troops around the world have what they need to do their jobs and return home safely to their families.

I come to the floor today because the Pentagon is now on the verge of purchasing the next generation aerial refueling tankers. This is going to be a decision that will cost billions of dollars and affect our service members for decades. But I have serious concerns about the administration's decision to buy these planes from Airbus, a subsidized company that has never produced refueling tankers before. I believe we must again fight to ensure that our troops and taxpayers get the right plane.

Now I am not the only one with these concerns. Because this contest was flawed from the very beginning and the rules were changed throughout, Boeing has filed its first ever protest of the bidding process with the Government Accountability Office. The GAO is now expected to make a ruling in the next few weeks and we are all awaiting their decision. But the GAO investigation has a very narrow scope. The GAO is only allowed to determine whether the letter of the law was followed in the selection process. It cannot look at anything beyond that. So even if it is obvious that the Airbus plane costs more or it has unproven technology, or it doesn't meet the intended mission, the GAO cannot take any action to ensure that the contract is justified or in the best interests of our military, or, in fact, our national security. So I have come to the floor today because I believe that because of the GAO's limited role, Congress must look carefully at whether major Defense acquisitions are in line with the concerns of the American people. We need real answers before we move forward on this contract, and we have to demand that the administration make the case for why we should buy—American taxpayers should buy—an unproven and very costly Airbus tanker.

Let me begin by outlining why I am so concerned. When you examine both of these planes carefully as I have done, it is clear that Boeing's tanker is superior. Yet even though I have asked numerous questions in committee hearings, in letters, in face-to-face meetings in my office, no one—no one—has been able to make the case for why we should buy the Airbus tanker; not the Air Force, not the Pentagon, and not even the Commander in Chief.

Compared to Boeing's tanker, Airbus's A-330 is, we all know, much larger, less efficient, and, in fact, more expensive. It is so big that that plane cannot use hundreds of our current hangars, our ramps, or our runways around the globe. It burns more fuel, and it is going to cost billions of dollars more to maintain over the lifetime of the fleet, yet the Pentagon has not explained why Airbus's plane is the better buy.

The Air Force competition found that the Boeing 767 is more survivable than the A-330. That means it is better equipped to protect our warfighters when they are in harm's way. Yet the Pentagon has not explained why in the world it wants to give the Air Force a plane that doesn't match up. Airbus has never built a refueling tanker. Its technology is unproven, and it is proposing to do some assembly at plants in Alabama that haven't even been built. They don't exist. Yet the Pentagon has not explained why this is a better investment than the plane built by Boeing—the same company, by the way, that has been supplying our tankers for nearly 70 years.

I also have very serious questions about whether we should give a foreign company a multibillion-dollar contract to build a major piece of our military defense. If this contract goes forward, we would be handing billions of dollars in critical research and development funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by American air crews. Let me say that again. If this contract goes forward, we will be handing billions of dollars in critical research in funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by our American air crews. I am talking about airplanes that are the backbone of our entire military strength.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. As long as we control the technology to build these tankers, we control our skies and we control our own security. Yet the Pentagon has not explained why it would let all of this slip away.

Finally, Airbus has always had a leg up on the American aerospace industry because the European Union floods it with subsidies. In fact, our Government has a case pending currently before the WTO accusing Airbus of illegal—illegal—business practices. So I am astounded that our Defense Department has not been able to answer why in the world, when we have a case pending before the WTO accusing Airbus of illegal—illegal business practices, that we would turn around and give them a major Defense contract. It does not make sense.

I am not the only one asking questions. Increasingly, even experts in military contracting are demanding answers too. One of those experts is Dr. Loren Thompson who, according to even the Secretary of our Air Force, was given access to inside information on the decisionmaking process. Dr. Thompson now believes that the contract process had been less than transparent and he recently wrote an article saying that he believes the military has failed to make its case about why it chose the Airbus plane. He wrote that he too wants an explanation for why the military believes the A-330 is superior to the 767, when Airbus's military air tanker is bigger—much bigger—much heavier, untested, and unproven. As he put it last week:

> The service has failed to answer even the most basic questions about how the decision was made to deny the contract to Boeing. . . . The Air Force has some explaining to do.

As I said earlier, despite all of these questions, the GAO is not allowed to dig for these answers. In fact, its role in analyzing this decision is very limited. The GAO can only look at whether the Pentagon followed the letter of the law and regulations that govern the Federal procurement process. It cannot consider the real-world concerns of Congress and the American people. That is our job. The GAO cannot address whether the military made the right decision for our servicemembers. That is our job. That is why Congress has to get involved. It is our job to demand that we get answers to those questions before we go any further with this contract. Congress—us—we, the people—have to ask whether this contract will leave our servicemembers unprotected when they fly a plane. Congress has to ask whether Airbus's plane will cost too much to all of us: to our taxpayers, in military construction, in fuel, in maintenance—serious questions that are our responsibility. Congress has to ask whether our workers and our national economy will suffer if we outsource this major aerospace contract. Finally, Congress—us—all of us—need to decide whether this contract will put our national security at risk. The GAO can't do that. That is our job.

This is a major decision. We are talking about a contract that will cost at least $35 billion and could cost the taxpayers more than $100 billion over the life of these planes in purchasing costs alone. Yet the Pentagon hasn't made a case for why they would choose to buy the Airbus plane. "I don't know" is not an acceptable response when you are talking about billions of taxpayer dollars and the safety of our servicemembers who fly these planes.

We deserve answers. Our taxpayers deserve answers. Our servicemembers deserve answers. I hope our colleagues will stand with me and others and demand that the Defense Department justify this decision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

CLIMATE CHANGE

Mr. THUNE. Mr. President, as the American public observes and listens to the debate on climate change and global warming, I think there are probably three fundamental questions everybody wants answered. The first question is an obvious one, and that is: Is climate change occurring? Is global warming a fact and a reality that we need to deal with? I think you have to assume the answer to that question is yes. There are changes going on in our climate, on our planet, some of which we can explain and some of which we cannot explain.

Honestly, I will use South Dakota as a case in point. We have experienced—probably for the last decade—successive and continuous years of drought. Yet, this year, in May, we had the wettest year in western South Dakota—in Rapid City—ever since they started keeping historical records. So there are changes that occur that have to be viewed in the context of time—not just a decade period but a hundred- or thousand-year period—to determine what are the causes of the changes we are seeing in the climate. We had, in South Dakota, the coldest April this year we have had historically, going back 50 to

100 years, and blizzards into the month of May. So there are a lot of changes that are going on, some of which I think can be explained and some of which cannot be explained. We need to look at them in the broader context of what has happened over a long period of time with respect to our climate.

The second question the American people would ask is this: If, in fact, climate change is occurring—and we assume the answer to that is yes—is human activity contributing to that? If we, again, assume the answer to this question is yes, then we have to get to the next question. I think, frankly, I would answer, if we look at the question of whether human activity is contributing to that, we cannot put our heads in the sand. Obviously, changes are occurring. We assume that the presence of humanity on this planet and some of the things we are emitting into the atmosphere are creating changes. I think we need to acknowledge that.

That leads to the next question that I think has become the focus of the debate in the Senate, and that is this question: If the answer to question No. 1 is yes, it is occurring, and 2, it is occurring at least on some level—and we don't know how to quantify that because of human activity—what are we going to do about it and at what cost? That is really the focal point of the debate in the Senate today.

In my view, there are many problems associated with the bill currently under consideration on the floor of the Senate. First off, it provides a minimal environmental benefit since it is a unilateral solution. China has exceeded us in terms of CO_2 emissions. It will not get them to stop their CO_2 emissions because the United States chooses to implement a cap-and-trade program. So you don't gain environmental benefit. In fact, it could likely have some profound and devastating impacts on our economy.

With regard to the first point about the other polluting countries around the world, this was said recently by President Clinton with regard to the Kyoto protocol. He said that 170 countries signed the treaty, and only 6 out of 170 reduced their greenhouse gases to the 1990 level, and only 6 will do so by 2012 at the deadline.

These countries signed a binding agreement, and yet they are doing really nothing to get back to the goal or targets called for in that protocol.

The Wall Street Journal recently reported that the European Union, which began to operate its cap-and-trade system in 2005, has actually seen carbon dioxide emissions rise by 1 percent per year since that time. Interestingly enough, in the United States, since that same time when Europe implemented their cap-and-trade system, carbon dioxide emissions have actually declined by about 1 percent.

I guess the bigger question here to this last question is, if this is occurring, what do we do about it and at what cost? We have to think long and hard about that in light of some of the things that are occurring in the country. We have $3.99 gasoline and $4.67 diesel. We have had devastating impacts on the economy in the United States as a result of our dependence upon foreign sources of energy. We need to lessen that dependence and look for technologies that will clean up our environment. Imposing an onerous, burdensome system from the top in which we impose a big tax burden on literally every American, because with $3.99 gasoline and all the studies done by the Energy Information Agency—11 studies have been done, all of which have concluded that they will increase gas prices substantially and electricity prices substantially. We have to take a hard look at what the impact will be on our economy.

I understand the time for morning business is going to expire. I would like to address some of those impacts as this debate on the climate change legislation gets underway. If I could wrap up morning business, I would like to continue with the debate on the climate change legislation, if that would be in order.

The PRESIDING OFFICER. The Senator from South Dakota may continue.

Mr. THUNE. Mr. President, I want to start with, regarding these economic impacts, looking generally at the economy.

In the fourth quarter of last year, the economy grew at six-tenths of 1 percent, and in the first quarter of this year it grew at nine-tenths of 1 percent. Some analysts and elected officials are looking at the record-high energy prices, the crisis in the financial services and housing markets, and the recent job losses as signs that we are already in a recession. In the last few weeks, we have seen oil traded at $130 a barrel, which has caused the price of virtually all consumer goods in this country to increase. However, after months of debating high energy prices and a sluggish economy, we are now debating a bill that would actually raise energy prices and slow economic growth. I don't blame my constituents when they wonder how Washington works and complain that Congress seems to be out of touch with their everyday reality.

Over the Memorial Day weekend, millions of families were faced with record-high gas prices. As they planned their vacations to travel to see loved ones, they were met with average gasoline prices that hovered around $4 per gallon.

I point out that as the economy has slowed down, high energy prices have gone up, and the impact it has had on every American family—again, the EIA analyzed this bill on the floor today, and it would project gasoline prices to increase at 21 percent, or higher, in 2020 and 41 percent in the year 2030 under this proposal before us today. The Environmental Protection Agency also looked at the bill and concluded that gas prices would increase over 20 percent by 2030.

As we have debated this bill this week, there has been one particular impact that I think may have been overlooked in the legislation that has been drafted, and that is the impact on our Nation's domestic aviation sector.

Many of my colleagues and consumers in the country have witnessed firsthand in the first few months of this year that the domestic airlines are being crippled by the record price of aviation fuel, which will continue to rise in price under the cap-and-trade structure of this legislation. I will point out headlines of a few articles from yesterday and today: "Continental Airlines to cut 3,000 jobs and capacity"; "Summer airfares double, triple, quadruple"; "United to cut back service, eliminate jobs."

The U.S. airline industry recently sent a letter to all Senators in anticipation of the debate on this climate change legislation we have in front of us today. Here is what it says:

> The proposed bill adds a significant additional increment to the cost of transportation fuel. Assuming that emissions allowances are modestly priced at $25 per metric ton of carbon dioxide equivalents in 2012, when the bill would go into effect, this legislation would add another $5 billion to U.S. airline fuel costs, escalating each year thereafter. Assuming a lower-end estimate in the prices in 2020, a $40 per metric ton CO_2 price, the bill would impose a $10 billion additional fuel tax on the U.S. airlines, again escalating annually thereafter. Such costs will result in further job losses, losses in air services to small communities, and negative economic effects.

I certainly agree we should all be doing more to promote cleaner forms of energy. But the legislation, as drafted, that we have before us today has significant ramifications that I think many individuals haven't fully considered.

I have been a strong supporter of renewable fuels that can be produced in the United States and used in automobiles to reduce our dangerous dependence upon foreign oil. These alternative fuels are not applicable to our Nation's aviation sector. Now, it would be one thing to require sectors of the economy to transition to cleaner forms of energy, but this legislation, as drafted, would have a significant cost on our domestic airlines, which are already being significantly impacted by the record cost of oil, by adding additional costs that will be passed on to the consumer, which, in my opinion, could result in not only fewer people traveling but could bankrupt U.S. air carriers, while at the same time not requiring foreign air carriers to be subject to the same taxes that will be passed along under the cap-and-trade system that is envisioned in this legislation.

So one impact that I don't think has been entered in this debate as heavily as it should have been is the aviation sector of our economy, which is going through tumult and is experiencing economic hardship because of high fuel prices. This would complicate that further, and because they don't have access to using some of the cleaner fuels we are able to run through automobiles, it only worsens the situation they face. That is on top of what we are talking about today in terms of our headlines on job losses, capacity losses, airfares doubling, tripling, quadrupling, and cutbacks in service.

What do we do, then, in response to the question, If this is occurring—climate change—and if human activity is contributing to it, what do we do about it and at what cost? I think there are a lot of things we could and should be doing.

Honestly, irrespective of the answers to the first two questions, we should be making every effort we can to get emissions such as CO_2 out of our atmosphere. We ought to work as hard as we can to do that. Rather than creating a cumbersome new bureaucracy that would increase the price of gasoline, Congress ought to look to lowering gas prices through increased domestic production and refining capacity and investment in alternatives, such as biofuels.

With respect to electricity rates, again, according to the EIA, electricity prices are projected to increase up to 27 percent in 2020 and a 64-percent increase in electricity prices by 2030. Under the bill before us, average annual household energy bills, excluding transportation costs, would be $325 higher in 2020 and $123 higher in the year 2030.

I think there are some really good things that can be done and should be done. We need to start by investing in clean energy. I agree that we need to research and develop a new, reliable low-carbon energy source.

In South Dakota, we have examples of how that works. We are going to be producing a billion gallons of ethanol by the end of this year. New corn-based ethanol plants are producing ethanol with a 20-percent reduction in life-cycle greenhouse gas emissions relative to regular gasoline. In the coming years, we will be producing cellulosic ethanol that will reduce life-cycle greenhouse gas emissions by up to 80 percent. South Dakota also has an abundant source of wind, which is a zero-carbon-emitting source of energy.

A recent DOE study noted that the United States has the ability to meet 20 percent of its generation needs with wind by 2030. We can promote low-carbon energy without destroying jobs. We can do this without raising taxes, and we can do this without raising gasoline prices.

The climate change bill before the Senate puts the cart before the horse. The bill enacts mandates on at least 2,000 entities, and then the Federal Government collects the revenue through annual allowance auctions, and then the Government invests in new technologies. Meanwhile, jobs are lost, our economic growth slows, and family budgets get squeezed. If we are willing to make a bipartisan commitment to research and development of new technologies today, carbon reductions, in the very near future, will be considerably less expensive.

In November of 2007, the Senate Commerce Committee held one of many hearings on clean coal technology, which will play a major role in the future of our Nation's energy portfolio. The nonprofit Electric Power Research Institute, which was represented at that hearing, identified the research and development pathways to demonstrate, by 2025, a full portfolio of economically attractive, commercial-scale, advanced coal power and integrated CCS technologies suitable for use with the broad range of coal types. If we make the commitment today to fund the research, finance the demonstration projects, and fund the loan guarantees first—if we do all those things first—reducing carbon emissions in the future will be far less costly to our economy.

Mr. President, my message to my colleagues is very simply that we need to develop the technology before enacting onerous Government mandates on virtually every single part of our economy. Higher gas prices, higher electricity rates, a shrinking GDP, job losses, and minimal environmental benefit is what will come about as a result of this legislation if enacted.

There is a better way. We ought to be doing everything we possibly can to get CO_2 emissions and other pollutants out of our atmosphere to address the concerns we have about our environment, to be good stewards, to pass on a better world to the next generation, but there is a way we can go about this that is incentive based, that gets away from the heavy-handed, onerous regulations imposed by this bill and the enormous cost that will be imposed on literally every sector of our economy and, most importantly, on the hard-working American families who will be faced with higher prices for gasoline, higher prices for electricity at a time when we should be desperately looking for ways to reduce those prices and to lessen the economic hardship that every family in this country is experiencing.

I hope my colleagues will vote no. I, too, have some amendments to offer to the bill if we get the opportunity to offer the amendments. My understanding is the amendment tree has been filled. That is unfortunate. This is a bill of enormous consequence to this country. Some have described it as the biggest reorganization of the Government since the 1930s. Given the complexities and the enormous impact this would have on Americans' everyday lives, we need to go about this in a way that allows us to have open debate, offer amendments, and improve this bill.

I regret the fact that the Democratic leadership has decided to abandon that open process in exchange for filling the amendment tree and preventing us from having an open debate and considering amendments that actually would protect consumers from higher gas and energy prices that would be the result of this legislation.

If we get to an open process, I hope to have further debate and amendments we can consider.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the time between 3 p.m. and 4 p.m. be under the control of Senator INHOFE or his designee, and that the order with respect to the farm bill be delayed until 4:10 p.m.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't object. For clarification purposes, the 1 hour we have is between what hours?

Mrs. BOXER. Mr. President, 3 and 4.

Mr. INHOFE. And the Senator from California has between 2 and 3. Between now and 2 o'clock is equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. That is the first part. I further ask unanimous consent that the time until 2 p.m. be equally divided—Senator INHOFE between 12 to 1 and Senator BOXER between 1 and 2?

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, that wasn't quite my understanding. I thought we would have that 2-hour period equally divided but not necessarily—going back and forth would be my preference.

Mrs. BOXER. All right, I will say the time until 2 p.m. be equally divided between Senator INHOFE and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3044, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 3044, to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. INHOFE. I suggest the absence of a quorum and ask this time be charged to both sides.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent that Senator KLOBUCHAR be given 15 minutes to open the debate on our side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized for 15 minutes.

Ms. KLOBUCHAR. Madam President, the issue we are addressing this week, global climate change, is a challenge with so many dimensions. Some are moral, some are economic, and some are scientific. I want to spend my first few minutes today talking about the science because we cannot get the policy right unless we get the science right.

I come from a State that believes in science. Minnesota is home to the Mayo Clinic and other great medical institutions. It helped launch the green revolution in agriculture half a century ago. Today it is home to a great research university in the University of Minnesota and high-tech companies such as 3M and Medtronic.

We have brought the world everything from the pacemaker to the Post-it notes. My State believes in science. Over the last few days, we have heard a great deal of debate about the science of climate change. I believe the debate should be over. The facts are in and the science is clear.

The Intergovernmental Panel on Climate Change has concluded that the evidence of global warming is now unequivocal and apparent on every continent of our planet. It is plain in erratic weather patterns, in shrinking wildlife habitat, and the melting of the permafrost.

Just last week, a new report commissioned by the U.S. Department of Agriculture and written by some of our top environmental researchers reached the same conclusion. They wrote:

> There is robust scientific consensus that human-induced climate change is occurring. Observations show that climate change is impacting the nation's ecosystems in significant ways, and those alterations are very likely to accelerate in the future.

The result? Ocean levels are rising, glaciers are melting, and violent weather events are increasing—we have seen some recent ones in my State—and soon entire species will be threatened.

This is not just an environmental danger, it is also an economic danger.

First, we can see what we would predict as we see increases in temperatures in this world. The estimates are that temperatures will go up somewhere from 3 to 8 degrees in the next 100 years. To put it in perspective, it went up 1 degree in the last 100 years. We have already started seeing changes. That doesn't sound like a lot. It has only gone up 5 degrees since the height of the ice age. And the prediction from our EPA is 3 to 8 degrees.

Here we go when we look at the increasing of temperature: A 1-degree increase means increasing mortality from heat waves, floods, and droughts. This is predicted by 2020; a 2-degree increase, millions of people face flooding risk every year; a 3-degree increase, global food production decreases, and so on.

I can tell you in my State people are already seeing these changes. They have seen the economic impacts of these changes. Lake Superior is near its lowest level in the last 80 years, and that is an average. It goes up and down a little. It went up a little, fortunately, this year. But overall, we have seen decreasing levels so that overall it is at its lowest level in 80 years. That has impacted our barges, it has impacted the economy because we need more barges because they are sinking lower. Why is that happening? The ice is melting quicker and so the water evaporates and we see lower levels in places such as Lake Superior.

We also have seen changes for our ski resorts. Overall, when we look at the trends, we have seen decreasing snow which means less money for them. Those are just some small examples of the economic costs of climate change.

We can see that the insured and uninsured costs of weather-related climate change events are going up and up, and we are all paying the price. A problem so serious demands a serious response.

This is a chart showing the weather-related economic losses and how they have increased. Look at the decades from 1960 to 1969, 1970 to 1979, 1980 to 1989, and then look at the last 10 years. These are economic losses. These are the amounts that are insured, and then this is the total of economic losses due to weather-related issues.

A problem so serious as this demands a serious response. I believe that as a Nation, we are up to it. Look at a little history. In the 1970s, after the first OPEC oil embargo caused world oil prices to quadruple, Congress passed the first CAFE standards, fuel economy standards for the Nation's cars and trucks. At first, the skeptics said Congress had overreached and the CAFE standards were unrealistic. Then business put its mind to the challenge. Auto companies developed more efficient engines and lighter automotive components, and they competed to meet customer demand for fuel-efficient cars.

Recently, the National Academy of Sciences estimated that those CAFE standards have now saved our country 2.8 million barrels of oil a day and cut oil consumption by 14 percent annually. With the higher fuel economy standards we adopted last year after many years of inaction to build on that initial CAFE standard, estimates are for an average family, depending on the price of gas, they could save $1,000 a year. We will continue to save, but we must set those standards so we have an example where when those standards were set, business went to the challenge, and we actually saved money.

That is not the only example. In 1987 and 1992, the Government adopted new energy-efficient standards for household appliances. Again, the American business community responded, competing to develop new technologies and energy-efficient products. I call it building a fridge to the next century. Soon you could walk into any appliance store and find efficient ENERGY STAR air-conditioners that give consumers even higher quality but at much lower energy consumption.

Look at this chart on light bulbs. We can see, if every American home replaced just one light bulb with an ENERGY STAR qualified bulb, we could save more than $600 million in annual energy costs and prevent greenhouse gases equivalent to the emissions of more than 800,000 cars.

Now we are starting to develop all kinds of technologies to save money for consumers and make big reductions in carbon emissions. The American Council for Energy Efficient Economy estimates these higher energy-efficient standards saved consumers $50 billion from 1990 to 2000 and will cut U.S. electricity consumption by 6.5 percent within this decade.

What did all of these examples have in common? The public sector and the private sector worked together in a partnership in which each performed at its best. The Government took leadership, set high standards, and provided a nationwide mandatory framework so everyone played by the same rules. Then the private sector responded to that signal using a classic American combination of technological innovation and market competition.

The challenge of climate change presents us with the same opportunity—an opportunity for technology with wind, with solar, with energy efficiency, with the potential of nuclear, and with the potential of clean coal technology. It is a long list with great potential. We must meet this challenge, and we can. If we set standards for the country, the investment, technology, and innovation will follow.

On the Environment and Public Works Committee, my colleagues, Senator BOXER, Senator WARNER, and Senator LIEBERMAN have written landmark legislation to reduce greenhouse gas emissions, and I am proud to be a cosponsor. This measure establishes mandatory economy-wide, science-based limits on carbon dioxide and other global warming gases so we can cut emissions 20 percent by the year 2020 and nearly 70 percent by the year 2050.

To achieve those goals without disrupting our economy, it would establish a market-driven cap-and-trade system that provides economic incentives for reducing emissions. Now, we did the same thing with acid rain years ago and it worked well.

To make this system work, however, we need to have full and accurate information about the sources and amounts of greenhouse gas pollution. That is what I want to take a few minutes to talk about today, because of the fact that this was in the first title of the bill, and one that I authored, along with Senator OLYMPIA SNOWE of Maine.

The famous British scientist, Lord Kelvin, felt the same way about having to measure things before you do anything. He once observed:

> When you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind.

Believe it or not, we don't have full, accurate information on greenhouse gas emissions right now. In fact, I was contacted a few months ago by a National Public Radio reporter who was trying to figure out who was the biggest greenhouse gas emitter in the United States. You would think that would be something that would be easy to find out, but in fact it is not because we don't have the kind of accurate information we need.

The EPA collects a lot of data on energy production and consumption, but the quantity and quality of those data varies greatly across different fuels and different sectors. For example, data on crude oil and petroleum product stocks is collected weekly for selected oil companies, while data on energy use in the industrial sector are collected only once every 3 years through surveys. In some cases, the EPA itself collects the data, while in other cases the data are collected through State and other Federal agencies. Some industries report to the EPA and others report to the Energy Department. Some are reporting every year and some are reporting every 3 years. In short, it is a mishmash.

Last week, the Brookings Institution here in Washington issued its own report on carbon emissions in different cities around the country. They too tried to make a comprehensive study, but they admitted they could only estimate emissions from homes to vehicles, not factories or planes or railroads or government buildings.

Then there are State efforts. Thirty-one States, representing 70 percent of the country's population, have formed a carbon registration system of their own. It is a bipartisan project with support from Governors such as Janet Napolitano of Arizona and Governor Schwarzenegger of California. Together, they recently issued a statement saying,

> The State climate registries are another example of how States are taking the lead in the absence of Federal action to address greenhouse gas emissions in this country.

While these State projects are very well intentioned, they are a poor replacement for a national standard. Remember years ago how Justice Brandeis, in that famous decision, talked about how the States could be "laboratories of democracy"? He talked about how one State could have the courage to move ahead, but I don't think, when he said that, he ever meant inaction by the Federal Government. But that is what we have had in the area of climate change, and that is certainly what we have had in the area of trying to measure what is going on here.

We are never going to make progress against global climate change unless we can answer the question of how much people are emitting with greenhouse gases, where they are emitting them, and until we can give an answer with accurate, complete information.

This problem plagued the European Union 2 or 3 years ago. They actually beat us in establishing a comprehensive cap-and-trade system to cut greenhouse gas pollution. But because they didn't start with a good comprehensive registry of the sources and quantities of greenhouse gas emissions, they miscalculated their initial caps and permits and wound up wasting a lot of money and time before they got their cap-and-trade system right.

That is why Senator SNOWE and I worked together last year to write this legislation, which is the first title of the bill, establishing a greenhouse gas registry. You can see what this means. It is accurate, comprehensive data on carbon emissions. It requires reporting of greenhouse gas emissions to the EPA, it requires third-party verification, it does have exemptions for small businesses—because we don't want to do anything that is too burdensome—and it also makes the data publicly available on the Internet. I think we know how much people are interested in this issue, and they have a right to know about it.

In addition to setting the stage for cap-and-trade solutions to global climate change, one comprehensive national registry, instead of all the States doing their own, would help the States by streamlining administration costs. It would also help business. Before long, they are going to have to start cutting their own greenhouse gas emissions, and they can't make the right investments or adopt the right technologies without having good data on their own carbon emissions. In fact, some of the Nation's leading corporations have endorsed the national carbon registry. They include: Alcoa, Boston Scientific Corporation, General Electric, NRG Energy, Caterpillar, Johnson & Johnson, Pacific Gas and Electric, and many more. These executives have now teamed up with some of the. country's leading environmental groups, including the Nature Conservancy, the National Wildlife Federation, and the National Defense Council, to form the U.S. Climate Action Partnership. They recently issued a statement calling on the Federal Government to quickly enact strong national legislation to require significant reductions of greenhouse gas emissions. They took this historic step because they understood the threat of climate change and they recognized the need for Federal action. These leaders are right. The time has come for us to act.

As I close, I think about the complexities of this historic challenge, and I like to recall a prayer from the Ojibway people of Minnesota. Their philosophy told them that the decisions of great leaders are not made for today, not made for this generation, but for those who are seven generations from now.

That is part of our burden and part of our challenge as we approach this climate change issue. That is why today I urge my colleagues to support cloture on this bill, to not only start measuring what the problem is, but to actually give this country and this world a solution.

Madam President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. MENENDEZ. Would the Senator yield for a moment?

Mr. REED. I will be happy to yield.

Mr. MENENDEZ. Madam President, I ask unanimous consent that after the Senator from Rhode Island concludes his remarks I be recognized next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, reclaiming my time, I am informed that we are attempting to alternate between the Republican and Democratic side, and so I ask unanimous consent that the Senator from New Jersey be the next Democrat to speak, because we are informed somebody is coming from the Republican side.

Mr. MENENDEZ. Madam President, I didn't know we were alternating.

The PRESIDING OFFICER. Is there objection to Senator MENENDEZ following Senator REED?

Mr. REED. Madam President, let me do this. I will accede my position to Senator MENENDEZ to speak, and I ask unanimous consent that I follow the next Republican speaker.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I thank my distinguished colleague from Rhode Island. I have a time pressure, and so I appreciate his courtesy.

I thought this debate would be a watershed moment, a moment when we would finally move beyond Republican attempts to deny that global warming exists. But as this debate has evolved, we see we have not gotten very far. Instead of deny, deny, deny, the Republican playbook has shifted to delay, delay, and delay.

The time to act is actually now. We are not going to be able to transition from a fossil fuel-based economy to a green, renewable energy-based economy overnight, and therefore it is critical that we act as soon as possible to begin this transition.

I thank my colleagues who have worked so hard to get this legislation at least to the floor. The mere fact that we are having this debate gets us closer to actually enacting a policy to cap greenhouse gas emissions.

I do hope that in time we can support much stronger legislation. I have concerns about whether this bill speeds our transition to a carbon-free economy quickly enough because of the cost containment measures and the large numbers of offsets in the bill. I am worried some companies might be able to delay cutting back their emissions for over a decade. I also believe we can go even farther in supporting renewable sources and energy efficiency.

I was hoping I would have the opportunity to offer a few amendments to improve upon this legislation. I certainly want to offer them—we have offered them—and I know we will probably not get to them under the procedures we are in the midst of pursuing, but I think they are markers for the future.

The first amendment I had hoped to offer, along with Senators LAUTENBERG and SANDERS, would have shifted transition assistance funding from big oil to renewable energy generators. At a time of record oil company profits, I do not think we need to allow oil companies to pollute for free, especially when that money could be used to help jumpstart the development of clean, renewable, affordable American energy.

The second amendment I offered, along with Senator SNOWE, would have boosted funding to help developing nations to adapt to changes in the climate they had little to no part in creating in the first place. Making investments to help vulnerable nations isn't just a necessary step to secure an effective international climate treaty, or a way to advance U.S. national security interests, it is a moral imperative.

The third amendment I filed with Senator KERRY would help nations with tropical forests lower their rates of deforestation, a cost-effective way of keeping CO_2 out of the atmosphere. Approximately 20 percent of global greenhouse gas emissions come from deforestation, and if we hope to secure an effective climate treaty, we must be willing to help forested nations create the tools they need to effectively address the problems.

Finally, the fourth amendment I offered, also with Senator KERRY, would require the Government to calculate the cost of inaction on global warming, from the cost of drought to flooding to storm damage. Many of my friends on the other side of the aisle have spent a lot of time this week bemoaning the alleged cost of solving global warming, but they have completely ignored the horrendous cost of ignoring global warming. We need this study so we are not always looking at half the balance sheet on this issue.

Many of my colleagues on the Republican side of the aisle are rejecting out of hand any efforts we might propose. They argue that almost anything will cost too much. They suggest any effort to go green on the scale necessary would be too expensive. Saying we can't invest in renewable energy because there is a dollar figure attached sounds like telling someone with a fatal disease that the cure is too costly, or saying to a crime victim that we can't afford to put police on the streets because it has a cost.

There were some who argued it would be too expensive to reinforce the levees in New Orleans, and when Hurricane Katrina hit, we found out what the true cost of that decision was. We can't fail again to be mindful of the words of John F. Kennedy, when he warned us that "the time to repair the roof is when the sun is shining."

The question isn't whether an investment needs to be made. The question is whether we want to make that investment now, while we can do it safely, gradually, and inexpensively; or later, when we have to make wholesale changes to our economy in a matter of years rather than decades.

In other words, what we are deciding is not whether to put a cap on carbon emissions. The question is whether we do it now or whether we wait. Do we do it now, when it is cheaper to do it and we can set ourselves up to compete with Europe and Japan in creating new technologies, when we can create jobs in the midst of an economic turndown; or do we do it when our hand is forced, when Americans have already felt the catastrophic effects of climate change, when our coasts are flooded, when storm surges damage our houses and droughts threaten our harvests, when the costs become enormous because we have to change so quickly?

It is going to be far harder and far more expensive to have to stop carbon emissions overnight than to do it now. If we want to slash our carbon emissions 80 percent by 2050, we simply cannot wait until 2030 to get started, unless we want to risk the economic and environmental future of this country.

Today, with the rising price of gas we have to pay at the pump, we see the result of waiting to act until disaster strikes. In the 1970s, because of the Arab oil embargo, we drastically improved the fuel efficiency of our passenger vehicles. In 1976, our cars and trucks got 13 miles per gallon. By 1981 our fleet had improved to 21 miles per gallon. From 1981 to 2006, the average fuel economy of our passenger vehicle fleet actually declined to 20 miles per gallon.

If we had been gradually improving efficiency standards instead of waiting for high gas prices to force our hands, we would all be better off today. If we had increased fuel economy a modest 2 percent per year, our new fleet of vehicles would now average 34 miles per gallon.

Astonishingly, if we had followed this course, our current demand for oil would be over one-third less than it is today, down over 2 billion barrels of oil per year. Cumulatively, we would have saved over 30 billion barrels of oil, and 30 billion barrels of oil is more oil than the entire proven oil reserves remaining in the United States. With such a reduced demand for oil, imagine how much less we would be paying for gas today.

Some of my colleagues on the Republican side of the aisle have been suggesting that taxing carbon emissions would cause energy and gas prices to go up. The reality is, anyone can tell you that prices have been going up and that they will continue to go up under the present policy of this administration unless we end our dependence on oil. That means transitioning to free, renewable fuels, such as wind and solar. We do not have to pay Saudi Arabia for the rights to use the Sun to generate power. We don't have to send money to Nigeria for the right to harness the power of wind. The more we improve the technology that can run our renewable fuels, the cheaper every kind of fuel will be.

Solving global warming is not just about protecting us from catastrophic weather and hostile foreign regimes, it is also about jobs. Renewable energy industries are perhaps the single greatest opportunity to create new, good-paying jobs this country has seen in a generation.

If we want to put up millions of solar panels, it is going to take hundreds of thousands of workers to install them, and those jobs are created at home, unlike what happens when we continue to rely on oil, which is that we create jobs in the Middle East, in Nigeria, and Venezuela, to name a few.

I am proud in my home State of New Jersey we are No. 2 in the Nation in terms of solar capacity, behind only California. We have seen new jobs created because of it.

Global warming is a challenge that faces us all. It is a challenge we must face together. It is not enough to sit back and watch as tragic stories unfold, as heat waves and wildfires strike, as we see floods and droughts more severe, hurricanes, species disappearing, ice caps melting, glaciers melting, sea levels rising. It is not enough to sit back and watch because we have a human moral imperative to take action. It is not enough because someday the door on which tragedy knocks could be our own.

Great change always has its opponents. Instead of arguing that we should be innovative, they will argue that we should be afraid; we should do all we can to hold on to the ways of the past instead of having the courage to prepare for the future.

The American people are tired of being told what they cannot achieve, and they are tired of being told they should be satisfied with the status quo. It is time to put aside our fears, unleash our powers of innovation, and rise to meet one of the defining challenges of our time. For this and future generations of Americans, what the Senate decides ultimately is going to determine the course of our country in ways that are so significant—from the course of the environment that we collectively share both in America and across the globe, from the question of economic opportunity, from the question of national security—not depending on the oil of countries that have totally different views and values than we have. That is all wrapped up in the debate and the votes we will be taking.

I hope we have the courage to move in a direction that ultimately meets all of those challenges and that we act as good stewards for future generations of Americans so we can look at this moment and say history will judge us and ultimately will say we did what was our responsibility to do.

I thank my colleague from Rhode Island for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first of all, I note this legislation has nothing to do with ending our dependence on foreign oil. It does have something to do with ending our dependence on oil. In fact, what this legislation would do is make it much more difficult for Americans to enjoy the standard of living we do by making it much more costly to indulge in any consumption of energy in any form, including driving vehicles, including turning on the lights or the air-conditioning in a building. All of these things are deliberately made much more expensive in this legislation—deliberately because the point of it is to make energy consumption so expensive that we will not consume as much of it. That way the Earth will somehow not be warmed as much because we will not be consuming as much energy.

That is the whole point here. It is not about ending our dependence on foreign oil. This legislation has nothing to do with that at all.

People might ask, What is cap and trade? Why are we talking about cap-and-trade legislation? The cap and trade contemplated in this bill has the Federal Government creating something of value—carbon emission allowances—and they are equal to the cap on emissions set by the Federal Government each year. The Federal Government says: Americans, you can only drive so much or you can only consume so much electricity and the people who produce that product are going to have to pay for the right to produce the energy that you are consuming. Then, of course, they are going to pass that cost on to you.

Some of these allocations are to favored groups. Others are auctioned off. But the cost of the allowances is passed on to the consumers, as I said. And these outstanding allowances can be traded. That is why it is called cap and trade. So you have a group of speculators, then, who are able to buy some of the allowances and sell them at a profit, even though they produce nothing of value in the meantime.

While it is referred to as cap and trade, we should appreciate the fact that in reality it is very clearly nothing more than another tax on American consumers. A very good article in the Washington Post by Robert Samuelson points this out. He says:

> The chief political virtue of cap-and-trade . . . is its complexity. This allows its environmental supporters to shape public perceptions in essentially deceptive ways. Cap-and-trade would act as a tax, but it is not described as a tax. It would regulate economic activity, but it is promoted as a "free market" mechanism. Finally, it would trigger a tidal wave of influence-peddling, as lobbyists scramble to exploit the system for different industries and localities.

The Congressional Budget Office itself, the nonpartisan group representing the Congress, acknowledges that businesses would pass on most of the costs imposed by a cap-and-trade system to American consumers. This would amount to a regressive stealth tax that would hit low- and middle-income families the hardest.

What does the proposal cost? According to the Congressional Budget Office, the Boxer substitute amendment before us would take out of the private sector $902 billion between 2009 and 2019. Of that amount, the Boxer substitute manages to spend all but $66 billion—$836 billion of allowances are distributed not only to favored technologies and utilities but also to buy off interests that would use funds in ways that do not decrease carbon, such as for farming practices, endangered species, Indian tribes, State governments, and to other countries for their forests.

The Congressional Budget Office considers the distribution of these free allowances the same as distributing cash, and indeed that is exactly what it is.

Over the longer term, the Environmental Protection Agency projects the amendment would redistribute $6.2 trillion from the private sector to the Federal Government by the year 2050, through these allowance auctions that energy producers and manufacturers would be required to purchase in order to be able to continue their operations—meaning continue to provide energy for us. Another $3.2 trillion would be auctioned off by States and others.

According to the administration, the nearly $10 trillion cost would make this bill the single most expensive regulation in the history of the United States of America.

If a cap-and-trade system like the one in the Boxer substitute is implemented, a number of economists believe it would add significant costs to the production side of the economy and would likely have a severe negative impact on long-term U.S. economic growth, despite having a very modest impact on worldwide carbon levels. The cap-and-trade system is intended by design to raise the cost of gas and electricity, as I said in the very beginning. Raising the cost of gas and electricity will change people's behavior. They will use less energy and, as a result, theoretically emit less carbon. The cap-and-trade program cannot achieve its goals unless it increases the cost of energy, and the proponents do not deny this.

So when you are thinking about the high cost of gasoline today, think about the additional cost that is going to be imposed by this legislation. The proponents say it is going up anyway. You do not have to make it go up more than it would otherwise, and that is what this legislation would do.

The American Council for Capital Formation projects that under this cap-and-trade system, gasoline prices would rise from about $4 a gallon today to $5.33 a gallon by 2014 and $9.01 by the year 2030.

As I noted, businesses would have to pass on most of the costs imposed by a cap-and-trade system to their consumers. One must recognize that the demand for energy is relatively inelastic. In other words, even as prices rise, individuals find it difficult to switch to alternatives. It is very hard to engage in any activity that does not use energy. As a result, individuals would be forced to bear the cost increases imposed by the system. They might use less energy, drive less, live in colder homes during the winter, or turn off air conditioners in the summer. Those are the choices.

When individuals use less energy, they buy less, travel less, and in effect curtail overall economic activity. The gross domestic product of this country would be roughly 1 percent lower at the end of 2014 and 2.6 percent lower by 2030 under this legislation. That is a huge reduction in the economy of the United States and therefore the well-being of the American people. As economic activity slows, employers are not going to hire as many workers. In fact, employers would create 850,000 fewer jobs by 2014, and 3 million fewer jobs by 2030. My home State of Arizona would lose 63,500 jobs by 2023, roughly speaking. Ironically, this bill would become an economic stimulus for China and India, as they would meet the manufacturing demands that we could no longer produce competitively. Perhaps more striking is the cost on American household incomes.

Cap-and-trade legislation would, on average, reduce income adjusted for inflation by $1,000 in 2014 and by $4,000 by 2030. My home State residents in Arizona would see their income fall by $3,400 by 2030.

However, not everyone will bear the same burden. Cap and trade is incredibly regressive in its impact, since low-income households spend a higher fraction of their income on energy. According to the Congressional Budget Office, just a 15-percent cut in carbon emissions would cost low-income households almost twice as much as high-income households. Cap and trade reduces the after-tax income of those in the bottom fifth of the income distribution by 3.3 percent. The top 20 percent of the income distribution would see their disposable income fall by 1.7 percent.

It is important to note that the amendment of Senator BOXER claims that it would reduce carbon emissions by 66 percent by 2050 or more than four times the amount CBO estimated. Of course, we obviously believe that CBO is far more correct in its assessment. But assuming the Senator were correct, then one might expect the amendment to reduce individuals' incomes four times as much as CBO estimated as well.

Think about that—$12,000 to $15,000 reductions in income.

I mentioned before that this creates winners and losers. Part of this is based on the whims of Congress. We would have the authority to make the distinctions that would enable some people to be better off than others.

The amendment before us would redistribute $836 billion of allowances over the 2009-to-2018 period to various special interest groups. Just imagine that, Congress being in charge of redistributing $836 billion. And we are going to do that without any influence of special interests? I think not.

Robert Samuelson noted in the article I quoted from earlier:

> Beneficiaries of the free allowances would include farmers, Indian tribes, new technology companies, utilities and States. Call this environmental pork, and that would be just a start. The program's potential to confer subsidies and preferential treatment would stimulate a lobbying frenzy. Think of today's farm programs and multiple by ten.

The tax-and-spend system, in other words, would create arbitrary winners and losers. Over the life of the bill, it would give away allowances valued at approximately $3.2 trillion for auction by States and other entities.

Let me conclude with this point. While having all of this dramatic negative impact, the benefits are questionable at best. They do not meet any rational cost-benefit analysis. A recent editorial in the Wall Street Journal aptly summed up cap and trade as follows:

> Trillions in assets and millions of jobs would be at the mercy of Congress and the bureaucracy, all for greenhouse gas reductions that would have a meaningless impact on global carbon emissions if China and India don't participate. And only somewhat less meaningless if they do.

So it is doubtful that a cap-and-trade system would actually accomplish the goal of reducing emissions and decreasing global temperatures.

A report released by the EPA indicates that even with a cap-and-trade system in place in the United States, there would still be a net increase in carbon emissions over the next several decades.

Indeed, other cap-and-trade efforts have been unsuccessful. For example, the Kyoto Protocol, an international cap-and-trade system aimed at controlling and reducing greenhouse gases, has largely been considered a failure. The European trading system has not only failed to reduce emissions as contemplated, it has constrained growth in developed countries and has enhanced unrestricted development in countries such as China and India.

So before we sacrifice the U.S. economy and American jobs, we need to quantify the benefits of having a relatively slight reduction in greenhouse gases, and compare it to the huge costs imposed on the U.S. economy and American families.

In sum, the amendment before us would increase energy prices, harm American families, and likely have a negative impact on long-term U.S. growth. Moreover, it is questionable whether the legislation would even make a perceptible dent in carbon emissions and decreasing global temperatures.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Madam President. We are engaged in an extraordinarily important debate here. It is somewhat disappointing that the debate has been shortchanged due to procedural maneuvers by the minority party, which forced the clerk to read the entire bill and forced the majority to file a cloture petition.

I think what Senator KYL and many others have said, I might not agree with, but it is important to have this vigorous debate. I am somewhat disappointed that it has been curtailed.

But now we are engaged in something that will impact this country and generations to come in a significant way. Seldom have we debated such an issue with global ramifications over decades and decades and decades.

We talk about many times the burden that our children and grandchildren will bear as a result of the Federal debt.

But there is an equally daunting burden placed on generations to come if we fail to come to grips with carbon emissions.

Each ton of heat-trapping carbon dioxide that human activity releases into the atmosphere remains there for 100 to 500 years, amplifying the warming effect on our planet, changing the climate, and fundamentally altering ecosystems, landscapes and public health.

The more carbon that is piled onto this ecological debt today, the more drastic the consequences will be in the future. According to the Intergovernmental Panel on Climate Change, the IPCC, the atmospheric concentration of greenhouse gases is now the highest it has been in 650,000 years, and it continues to grow.

With near scientific certainty, the IPCC tells us that the high level of greenhouse gases in the air has led to the increase in global temperatures that has occurred since the beginning of the 20th century. This increase has accelerated in the last 50 years, making the years 1995–2006 the warmest on record. Indeed, global temperatures may now be the hottest observed in the last 1,300 years.

The impacts of climate change are already observable:

Higher ocean temperatures have led to an increase in the number of intense hurricanes in the North Atlantic over the last century.

In Rhode Island's Narragansett Bay, the water temperature has climbed 4 degrees Fahrenheit in the last 40 years, coinciding with declines of winter flounder and lobsters.

Permafrost is thawing and becoming unstable, causing buildings to collapse in the Arctic region.

In 2007, the extent of Arctic sea ice was 23 percent less than the previous all-time minimum observed in 2005.

Snowpack and glaciers are diminishing and are melting earlier in the spring. This, in turn, is causing a decline in the health of rivers and lakes and is threatening habitat for endangered species.

There has been an effect on human health, with increased mortality from extreme heat and changes in infectious disease vectors. For instance, in Rhode Island this has meant an increase in the incidence of tick-borne disease.

The best science tells us that we must begin to curb emissions within the next decade in order to stabilize greenhouse gas concentrations and avoid the catastrophic effects of climate change. If we fail, temperatures will continue to rise with dramatic results:

With an increase of 2 degrees Celsius, millions more people will experience coastal flooding each year.

An increase of 3 degrees will result in the loss of 30 percent of the world's wetlands.

An increase of 1-5 degrees will place 30 percent to 40 percent of species at risk of extinction.

Hundreds of millions of people, including up to 250 million people in Africa, will lose access to reliable water supplies.

But this is not a debate solely about plants and animals. It is not merely about feeling better about how we treat the Earth. At its heart this issue is tied to the fundamental national security challenge of this century, energy and our dependence on imported fossil fuels. Changes to the environment do not occur in a vacuum and will have far-reaching impacts on our national interests and our national security.

The U.S. intelligence community has recognized the threat and is in the midst of conducting a national intelligence assessment on the effect of climate change on our security.

Last year, the CNA Corporation's Military Advisory Board, consisting of 11 former general and flag officers, led by former Army Chief of Staff, GEN Gordon Sullivan, called for action to stabilize global temperatures. They warned:

> Climate change acts as a threat multiplier for instability in some of the most volatile regions of the world. Projected climate change will seriously exacerbate already marginal living standards in many Asian, African, and Middle Eastern nations, causing widespread political instability and the likelihood of failed states.

Just this week, NATO Secretary General Jaap de Hoop Scheffer reiterated that the alliance must prepare for new threats that stem from the impact of global warming, saying: "climate change could confront us with a whole range of unpleasant developments—developments which no single nation-state has the power to contain."

Regrettably, we have already witnessed the political ramifications of climate change. In writing in the Washington Post last summer, U.N. Secretary General Ban Ki-moon noted that "[a]mid the diverse social and political causes, the Darfur conflict began as an ecological crisis, arising at least in part from climate change." As Secretary General Ban notes, a protracted drought, likely brought on by climate change, served to spur conflicts over resources and fuel the hatreds that brought genocide to this region.

With so much at stake, the United States cannot fail to lead. In fact, we have a special obligation. As noted NASA climate expert James Hansen recently wrote, carbon dioxide from the beginning of the Industrial Revolution is still present in the atmosphere today, contributing to the warming our planet is experiencing. He estimates that the responsibility of the U.S. for the level of greenhouse gases is three times greater than any other country.

These are the imperatives that bring us to this debate.

I commend Senator BOXER for her efforts to bring this legislation to the point where it is today. Certainly, there must be compromise on legislation of this magnitude. As we engage in this debate, I want to highlight some areas of concern.

First, we should be setting more aggressive targets for emission reductions so temperature increases are contained within an acceptable range. In that regard, I'm concerned that the bill will reduce emissions, at most, by 63 percent by 2050. The IPCC has estimated that we may need to reduce emissions by as much as 85 percent in order stabilize carbon. Sixty-three percent leaves very little room for error. Given the stakes, I believe we should be setting a higher target. As a cosponsor of the Global Warming Pollution Reduction Act, S. 309, which sets a final reduction target of 80 percent, I believe this is the goal we should set in this legislation. I am pleased to join as a cosponsor of Senator SANDERS' amendment to reach this goal. I am also pleased to join Senators KERRY and FEINSTEIN in their amendment to require a scientific review by the National Academy of Sciences to ensure the goal we are pursuing is sufficient to stabilize carbon concentrations and to require new legislation to be proposed by the President if we are projected to fall short.

Second, because we must ensure that emissions begin to decline no later than 2020, we must implement the carbon cap as quickly as possible. I think we should begin implementation in 2010. Equally important, I have serious concerns about the bill's cost-containment provisions which would allow the auction of allowances borrowed from future years in order to provide additional allowances in early years. Although unlikely, this mechanism creates the potential for a situation in which there could be almost no reduction in U.S. emissions through 2028. Even if it is remote, it's not a possibility we should accept.

Third, we should ensure that the needs of consumers, particularly low-income consumers are recognized in the policy that we enact. I was disappointed to see that auction proceeds that were dedicated to the Weatherization Assistance Program, WAP, and Low-Income Home Energy Assistance Program, LIHEAP, under the committee-reported bill were removed. As this debate progresses, I plan to offer an amendment that will again provide funding for these programs, which not only help consumers pay their energy bills but also make important strides in reducing energy consumption and carbon emissions.

Fourth, I appreciate the steps that are taken to promote and coordinate market oversight among various regulatory agencies, but I am concerned about the capacity of the EPA to lead the effort to provide oversight to a market of this size.

Fifth, we need to make sure that in any climate change bill we address the very real impacts that capping carbon will have on everyday Americans living paycheck to paycheck. That is no small task, but no climate change bill will be a success unless we find a way to provide help to middle class families already struggling in an ever more competitive global economy. They must be afforded the same kind of transition assistance that many on the other side want to provide to carbon emitters.

Make no mistake, addressing climate change will not be easy. It will involve change and sacrifice, but it also offers opportunity and hope. We hold the power to unshackle ourselves from the dangerous energy resources of the fossil age and develop an economy based on new, clean energy sources and technologies. Instead of becoming increasingly beholden to foreign energy suppliers, we have the opportunity to become an exporter of energy technology and to bring light to the 2 billion people in the developing world who lack access to reliable energy. By making the choice to face the reality of climate change, we will help leave the world a better place for our children, grandchildren, and generations to come.

While I hope that we can continue to make improvements to the bill, I believe that this is an essential debate to have.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my friend Senator REED leaves the floor, if I can have his attention, this morning, Senators WARNER, LIEBERMAN, and I and Senator KERRY held a press conference with GEN Gordon Sullivan, whom you mentioned in your remarks, and ADM Joseph Lopez. We had the most extraordinary testimony from them in terms of having to act. It was chilling in a way because they said: You never know something with 100 percent certainty.

They said: But what we learned on the battlefield is if you wait until you have 100 percent certainty, horrible things can happen.

It was chilling. They warned us to act. So I think my friend brought it home this morning with his remarks.

I ask unanimous consent that Senator ALLARD speak off his side's time—how many minutes?

Mr. ALLARD. For 10 minutes.

Mrs. BOXER. This is up to you.

Mr. ALLARD. For 10 minutes.

Mrs. BOXER. And then Senator SANDERS for 7, and then Senator BENNETT for 5, and then Senator BAUCUS for 10. I know Senator CRAIG would like 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, thank you. I am prepared to discuss the Lieberman-Warner climate change bill that was amended by the Boxer amendment. In general terms, I wish to take a moment to discuss climate change because that is obviously the main topic on the floor today. I have concerns about the science that some people are claiming here on the floor of the Senate.

I think that obviously if we are going to have good policy, we have to have good science. But let me say that from the reports I have seen, I think it is unclear as to what the long-range trend is as far as the temperature of the Earth is concerned. I admit that right now we are going through a warming period, but in the last few years we may have cooled a fraction of a degree.

I am recalling when I was in high school in the late 1950s, that we had magazine articles, National Geographic and everyone were writing about how we were into a cold trend, and we were heading toward an ice age.

Now we are heading toward the trend in the headlines where we have global warming. I have listened to some of the comments here on the floor. One comment was that: We are at the highest temperature on record—the problem is, the record we have of the Earth's warming and cooling is a relatively short period of time when you look at the total history of the Earth. If you go back to the year around 1,000, for example, measuring based on some scientific evidence that has been obtained from our polar caps, by going down through the depths of the ice and analyzing it, some scientists have come up with the conclusion that actually it was warmer in the year 1,000 than it is now. You cannot blame that on human action. So the question comes up whether this is a trend, a natural cycle, that happens, that is related to sunspots or volcanic activity or whatever natural phenomena might be happening.

I happen to agree that we probably contribute some to global warming. The question is, how much? That has not been adequately identified either.

I am here to raise some questions. Obviously, if we absolutely know we are headed for catastrophe, the sooner we act, the better. But on the other hand, we don't want to overreact. We could cause problems for the economy and for Mother Earth if we react in the wrong way without having good scientific evidence.

I am rather disappointed we will not have an opportunity to debate and amend this legislation, as we should. No piece of legislation is perfect. Obviously, there needs to be an opportunity for bills to be amended when they come to the floor. I am disappointed the majority leader has filled the amendment tree and filed for cloture, rather than allowing for the full and healthy debate that is such a rich part of the Senate's history.

Since this bill has been introduced, we have record-high gas prices. There is pain at the pump. The common solution we have heard time and time again, whenever we have high petroleum prices, is: You need to raise taxes. You need to limit supply. You need to blame corporations. You need to somehow control international cartels. You can't control what isn't part of America. We can't pass laws and tell them when they can form a cartel and what they can do. It is beyond our reach. But we can take care of corporate misbehavior. We have had hearings time and again trying to blame oil companies for overcharging. Over the years, the conclusion is, there has not been any misbehavior as far as corporations setting prices. They are responding to supply and demand. They are responding to the cost of the product, taking a reasonable profit and putting that product on the market. I happen to believe supply and demand has the greatest impact on our prices at the pump to date.

Obviously, this is not a perfect process. It is not a perfect bill. We need to bring the bill to the floor, provide an opportunity for substitutes to be brought forward, and then an opportunity to amend those. I am disappointed we will not have an opportunity to do that. That seems to be the trend this year. Republicans are not having the opportunity to bring up issues they believe are important on legislation that comes to the floor. That has happened time and again. Then the other side blames Republicans for somehow blocking the process. If you don't have an opportunity to offer amendments to the legislation, that is a serious concern to those of us who have to work in the minority in an institution such as the Senate, where there are specific minority rights.

I would like to address some of the concerns of the Boxer amendment to the Warner-Lieberman climate change bill. My foremost concern is the science on which the entire bill is based. But because the ranking member of the Environment and Public Works Committee has asked us to leave science aside and focus on the legislation itself, I will start there.

Based on many reports I have seen, it is unclear what, if any, effect climate change legislation would have on global temperatures. However, its potential economic impacts are absolutely staggering. The primary tool this bill uses to reduce greenhouse gases is a cap-and-trade program. It should more accurately be called a cap-and-tax program because it is essentially a camouflaged energy tax increase.

Many of the proponents of this bill have said it is just like the program the Government instituted to control acid rain. But unlike sulfur dioxide in the acid rain program, there is no widely deployable control system for CO_2 removal, nor do we expect this equipment to exist in the reasonably foreseeable future. This will result in significant increased cost to electric utilities, their consumers, as well as affected industries and their customers. That is the taxpayers. Thus, the cost of compliance will have a significant negative economic impact on electric consumers statewide and Colorado's manufacturing industries.

A recent study produced by the Heritage Foundation Center for Data Analysis found that enacting this bill would cost Colorado almost 7,000 agriculture-based jobs and over 21,000 manufacturing jobs. That is over 27,000 lost jobs in Colorado alone. The same study found that statewide, Colorado would have a personal income loss of around $2.162 billion.

This bill also contains a provision in section 201 which was originally formulated for the acid rain program. This provision specifically denies that emissions allowances, which will be given out by the Government, are to be considered a property right. The provision also allows the administrator to limit or revoke the allowances at any time. Specifying that allowances are not property is, therefore, the Government's way to avoid a "taking" in the inevitable instance that the administrator does revoke allowances.

How do we justify this? Government enables itself to give a product, sets up a scheme for buying and trading that product but can, at any time and for any reason, revoke that product without compensation. While there is certainly legal precedent, that does not make it right. In my view, this challenges assertions the bill's sponsors are making that their cap-and-trade approach is a market-based one.

I will propose an amendment, if given the opportunity—I filed it by the 1 o'clock deadline—to fix this by specifying that emissions allowances are property rights, and while the Government could still limit or revoke allowances, it would have to compensate the owners of allowances in order to do so. It is only fair that the Government would have to follow the same rules it sets out for industry to follow when buying and selling allowances.

If we allow this legislation to go forward in its current form, we will see energy prices go up. The national cost of gas today averages around $4 a gallon. This will only go up if we pass the climate change bill. Coloradans are currently feeling pain at the pump, but if we pass this bill, they will feel it in their homes also. One of Colorado's municipally owned utility providers has informed me that when this bill takes full effect in 2012, their customers will immediately see their utility bill jump above 25 percent.

Another utility, Tri-State, which provides electric power for 1.2 million rural electric customers in a 4-State area, has projected that their costs to comply with the requirements laid out in this bill will be $12.6 billion in 2012 to 2030. This is based on the assumption that carbon credits would cost $50 per ton.

It is entirely possible that cost projection is very conservative, and these are just rural electric cooperative impacts.

I also have very real concerns related to the fact that anyone—not just covered emitters—can buy, sell, hold, or retire emissions allowances. Anyone with a large enough pocketbook could purchase a significant share of allowances and hold them to push the allowance price up or retire them. That would put our Nation at risk of economic manipulation, should another nation decide to step in and buy those allowances. Additionally, if an investor wants to make a lot of money off of the carbon trading market, they could just purchase and hold those allowances until the price gets high enough to make them want to sell.

In any of these scenarios, the end result will leave the consumers as the ones paying the price.

In closing, I reiterate that this bill is, in my opinion, not the right way to approach the issue of climate change. A far more effective approach would be for the Federal Government to continue to provide incentives for the development of greenhouse gas neutral technologies and technologies that do not produce greenhouse gases. Incentivizing technology development would get us to the same place without the economic hardship that this bill would impose. A good example of doing this has been the significant increases in renewable energy production that have resulted from the production tax credit, clean renewable energy bonds—called CREBs—and with incentives for clean coal technology.

There will, of course, be a need for a larger Federal incentive program in all these areas to move the ball forward, but this will still be at much less cost to consumers than the $325 increase in average annual household energy cost that the Energy Information Administration has projected this bill could bring about.

This is a poorly thought-out piece of legislation. We need to have an opportunity to legislate, to offer amendments, and move forward with this important debate. This is a comprehensive piece of legislation. It is important. It involves lots of Americans. I am disappointed we will not have an opportunity, under the current process, to amend this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 7 minutes.

Mr. SANDERS. Madam President, today we are discussing two issues which, in fact, are related to each other. No. 1 is the outrageously high cost of oil and gas. The second is the planetary crisis we face as a result of global warming. There are some people who think we have to address the price of high oil prices today and not worry about global warming. Some people think we have to worry about global warming and ignore the reality facing millions of people who cannot afford oil and gas. I think we are actually smart enough to walk and chew gum at the same time. We can and must address both these important issues.

My office has recently published a small book. It is called "The Collapse of the Middle Class, Letters from Vermont and America." It talks about what is going on not only in my State but all over this country, where the middle class is declining, people are working longer hours for lower wages, losing health care, pensions, their good-paying jobs. After all that, when you have gas at $4 a gallon at the pump, home heating oil outrageously high, many people throughout the country have now fallen over the economic cliff.

In terms of oil and gas prices, the time is now for the Congress to tell our friends at ExxonMobil and other oil companies enjoying recordbreaking profits—last year ExxonMobil earned more profits than any corporation in the history of the world; last year the head of Occidental Oil, a major oil company, had enough money to provide $400 million in compensation for their CEO—to stop ripping off the American people. It is time for us to pass a windfall profits tax which says: Enough is enough.

But it is not only the oil companies that are ripping off the American people. The other day at the Commerce Committee, there was an important hearing in which George Soros and major economists testified it is not only oil company greed but speculators on Wall Street who are driving prices up, which results, perhaps, in a 35-percent increase in what the price of a barrel of oil should be. We have to deal with that issue as well. This is the so-called Enron loophole. Right now, through hedge funds, through unregulated markets, there is a massive amount of trading on oil futures which is driving up oil prices. We should be regulating that speculation. It should be transparent. In the process, when we do that, as was the case with Enron and electricity, as was the case with propane gas, as was the case with natural gas, if we begin to address speculation in terms of oil futures, we can drive down oil prices.

Bottom line: We have to do that. In my State, as in rural States all over this country, where people are traveling long distances to work, they cannot afford, on limited incomes, to pay $4 for a gallon of gas. When the weather gets 20 below zero in Vermont, people cannot afford to pay twice as much this year as they did a couple years ago for home heating oil. So let us have the courage to take on the speculators. Let us have the courage to take on the oil companies and fight to lower oil and gas prices.

In addition, we can't ignore the crisis in global warming. My friends come to the floor and say: Well, the scientific evidence is not clear.

That is not true. Virtually every leading scientist who knows something about the issue, including the Intergovernmental Panel on Climate Change, has said, with 100 percent certainty, global warming is a reality. In fact, what they have told us is the situation is more dire than they had previously predicted. If we are concerned about the drought we are seeing today which will only get worse, if we are concerned about the hunger we are seeing as a result of that drought which will only get worse, if we are worried about the severe weather disturbances we are seeing right now, if we are worried about flooding, about disease, it is absolutely imperative we address the crisis of global warming and address it now.

Some people say: There may be economic dislocation if we do it. There may be, and we have to address that. But I believe there are enormous economic opportunities. I believe the evidence is clear we can create millions of good-paying jobs as we move toward energy efficiency, as we produce automobiles, not that get 15 miles per gallon but hybrid plug-ins which get 150 miles per gallon, as we rebuild our deteriorating rail system so people do not have to get into a car to go where they want to go but can get on good rail, that we deliver cargo via rail.

There is enormous opportunity not only in terms of energy efficiency, in saving huge amounts of fossil fuel, but also in sustainable energy. I have tremendous optimism in what we can do with the technology that is already on the shelf, not to mention the technology that will be coming in the near future.

In terms of solar thermal plants which are now being built in the southwestern part of this country, as well as all over the world, you have plants, solar thermal plants, that are being built which can provide as much electricity as small nuclear powerplants, with no, or virtually no, greenhouse gas emissions. We are talking about producing 15, 20 or more percent of the electricity the United States needs right from solar thermal plants.

In addition to that, as Germany is doing, as California is now doing, there is tremendous opportunity with photovoltaics. We can put photovoltaics on 10 million roofs in this country. The more we produce, the more the price goes down, and we create jobs in the process.

Wind is the fastest growing source of new energy in the world and in the United States. It is also becoming less and less expensive. I am not just talking about large wind farms in Texas, in the Midwest. We are talking about small wind turbines that can be placed in people's backyards all over rural America.

Geothermal, biomass—there is huge potential. We must go forward for the sake of our kids and our grandchildren.

I thank the Chair.

The PRESIDING OFFICER. The Senator has used 7 minutes.

The Senator from Utah is recognized for 5 minutes.

Mr. BENNETT. Madam President, I thank the sponsors of this legislation and the leadership of the Senate for bringing this debate forward. I think it is warranted. I think the issues are serious. I am not a naysayer who would say that global warming is not taking place or that human beings are not contributing to it.

However, when I start discussing this with my constituents with respect to the present bill, they hit me immediately with one single question: What is it going to cost me?

So before I get into any of the aspects of global warming, I want to answer that question. We know we have had a wide range of costs cited on the Senate floor. They have said the increasing gasoline price will be anywhere from 11 percent to 140 percent. We have heard that the increase in cost to electricity will be anywhere from 44 percent to 500 percent. We have heard that the increase in cost in natural gas as a result of this bill would be anywhere from 35 percent to 87 percent.

I do not want to pick a number between those two wide ranges in each case. I went to Utah, and I went to the Utah Petroleum Association and said: All right, you have looked at this bill. What will this cost Utah motorists if this is passed? Do not give me 2030 estimates. Do not give me numbers that are in a wide range. Tell me, what will drivers in Utah have to pay at the pump if this bill passes?

They gave me a range: somewhere between 32 and 34 additional cents price at the pump. How did they calculate that? They said the total cost to Utah's oil refineries of the bill would be $500 million in the first year of implementation. They can extrapolate that $500 million into the price at the pump.

On electricity, I got a wider range. A Utah company estimated it would have to raise electricity rates somewhere between 100 percent and 500 percent in order to cover the cost of their purchasing the carbon allowances.

So we start with this debate answering the constituent question: What will it cost? These are what it would cost in Utahns approximately 32 to 34 more cents at the pump and somewhere between 100 and 500 percent in their electricity bill.

Now, let's get to the heart of the problem. I would like to make a point I think everybody ignores. This is a global problem, and the bill attempts to solve it with a national solution.

On this chart I have in the Chamber I have two lines. The blue line is the projection of what is going to happen in carbon emissions globally. The red line is what is going to happen in carbon emissions in the United States. You can see, the blue line is going up dramatically, whereas the red line is virtually flat.

Now, if the bill passes, and everything works as its sponsors say it will—everything comes to pass in the best possible way—what will be the impact? The dotted line in red shows what will be the impact in the United States. The dotted line in blue shows what will be the impact globally.

The impact globally will be minimal because increasingly the U.S. share of global emissions is going down. So that is why I am opposed to this bill.

I close with a comment from Daniel Botkin, Ph.D., professor emeritus of the University of California, Santa Barbara. He says in his statement:

> You may think I must be one of those know-nothing naysayers who believes global warming is a liberal plot. On the contrary, I am a biologist and ecologist who has worried about global warming, and been concerned about its effects since 1968. . . .

Then he says:

> I'm not a naysayer. I'm a scientist who believes in the scientific method and in what facts tell us. I have worked for 40 years to try to improve our environment and improve human life as well. . . .

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BENNETT. Madam President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. This is his summary:

> My concern is that we may be moving away from an irrational lack of concern about climate change to an equally irrational panic about it.
>
> Many of my colleagues ask, "What's the problem? Hasn't it been a good thing to raise public concern?" The problem is that in this panic we are going to spend our money unwisely, we will take actions that are counterproductive, and we will fail to do many of those things that will benefit the environment and ourselves.

That is the irrational panic I think we would move to if we do this bill without serious amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Madam President, today, the Senate is addressing the most compelling environmental issue of our time—global warming.

President Teddy Roosevelt once said:

> I recognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.

We all have a basic moral duty: a duty to leave this Earth to our children and our grandchildren in as good a shape or better shape than we found it. We should not rob future generations of a healthy climate and all the benefits that come from it. What will history say about us if we rob future generations of the chance to fish in cold water trout streams or see glaciers in Glacier National Park?

By reasserting America's moral leadership and enacting a cap-and-trade program, we can leave a different legacy. We can protect our outdoor heritage, make our economy more competitive, and create more good-paying jobs.

In Montana, we are already transitioning to a new green economy. We have increased our wind-generating capacity more than seventyfold in the last 2 years. The potential for this clean energy is huge. We can replicate this success with solar, clean coal technology, with carbon capture and sequestration, and other clean forms of energy.

We must begin the process of developing the next generation of energy technologies at home. A cap-and-trade program will spur cleaner technologies and create good-paying jobs.

We already know that a cap-and-trade system can work. It is a market-based solution that harnesses the power of America's ingenuity and entrepreneurship.

In the year 1990, I chaired the conference committee that completed the Clean Air Act amendments designed to address acid rain. At the time, there were a lot of gloom-and-doom predictions about the costs that the Clean Air Act amendments would impose on the economy. Certain industry groups claimed that the Clean Air Act amendments would cost industry more than $5 billion every year. The actual cost to industry was less than one-third of that. And the public benefits of cleaner air have amounted to more than $78 billion a year.

A cap-and-trade system for greenhouse gases will be much more complicated, clearly. But I am confident that by using a market-based solution, we can stop global warming as well.

We have a moral imperative to act. We have no choice. But we must also work to get the policy right. We have no choice there either. This means designing a cap-and-trade system that stops global warming. But it also means doing it in a way that enhances our economic competitiveness, creates good-paying green jobs, and avoids harm to working families.

Setting the cap determines whether we meet our environmental goals. What we do with the money the cap-and-trade program raises will determine whether we enhance our American competitiveness and help working families.

By establishing a cap-and-trade system, we are creating a market for greenhouse gas emissions. Under the cap-and-trade system, emitting greenhouse gases will come at a price. Allowances will govern the right to emit greenhouse gases. The bill before us gives away some of the allowances but auctions others in an auction system. The bill auctions fewer allowances in the earlier years and more in the later years of the program, through the year 2050.

The auctioning of these allowances will generate receipts. According to the Congressional Budget Office, enacting this substitute will generate an additional $902 billion in receipts over the next 10 years—close to $1 trillion.

The bill we are considering allocates the money generated from the auction through a variety of trust funds. There are 15 of them in all. They are directed toward different needs anticipated from dealing with global warming. For example, the bill sets aside funding for such things as wildlife adaptation, creation of a new worker training program, and energy technology.

All of these are worthy causes. But are they the best way to use the receipts in order to increase our competitiveness and help working families? Should we auction all of the allowances, more of the allowances, or fewer? Rather than spending the receipts through the various trust funds, should we return more of the money to the people in tax cuts?

This bill also safeguards American economic competitiveness by requiring importers to buy carbon allowances for products imported from countries that have not made commitments to reduce greenhouse gases. This requirement can serve as an effective incentive for other countries, particularly the rapidly developing economies in China, India, and Brazil to join us in the fight against global warming.

Of course, our trading partners will watch closely any proposal that imposes an assessment on imports. It is important we adopt such measures in a manner that respects international trade rules. The proposal before us has been carefully crafted to take these rules into account.

As a member of the Environment and Public Works Committee, I supported the Lieberman-Warner bill in both the subcommittee and full committee. I believed it was very important to move forward on global warming.

As chairman of the Finance Committee, I have additional responsibilities. Those include directing the revenues generated by the Federal Government, overseeing U.S. trade policy, and helping those displaced by trade to retool and retrain. The bill before us today involves these and many other matters. This is a complex and challenging issue involving many committees within the Congress.

We in the Senate have finally woken up to the moral imperative of addressing global warming. Now we must acknowledge the imperative to get the policy right. I applaud Senator LIEBERMAN, Senator WARNER, and Senator BOXER for bringing this issue before the Senate so we can begin to debate and improve the policy.

I want to continue to work with my colleagues to get it right, as chairman of the Finance Committee, as a member of the EPW Committee, and as a Montanan and a concerned American. We owe it to our children to act and to get it right.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes under the previous order.

Mr. CRAIG. Thank you, Madam President.

Let me recognize at the beginning of my comments that yesterday I was on the Senate floor to talk about the incorporation of good forest policy as it relates to rejuvenating America's forests to increase their capability of sequestration of carbon out of the atmosphere. I said at that time there would be an amendment. That amendment has the cosponsorship of Senators DOMENICI, ALLARD, CRAPO, and BARRASSO and has been filed. It is an important amendment, if we ever get to that phase of this debate, where we will be able to effectively craft and shape a policy for our country.

We deal with striking the international intent within this bill to take our money to help others before we help ourselves. We define biological sequestration. We think that is extremely important because we know how to do that now at the Federal level. It is not the old business-as-usual model; it is establishing a baseline and being able to effectively measure from there. We allow forests to get credits from meaningful sequestration, and I think this is tremendously important to be able to do. It is not about the volume of a stand of timber; it is about the ability of that stand to sequester. If you have 400 trees per acre, you have overpopulated that area by as many as maybe 250 or 300 trees per acre. But that is the measurement of the Boxer amendment. It is absolutely counterintuitive to modern forest science. We change it to where we are and to where we know our forest scientists are today.

We use existing monitoring and measuring tools, which is very important. It is a product of 1992 legislation when we charged the U.S. Forest Service and their laboratories to get at the business of being able to effectively measure. We use internationally recognized sustainable forest management standards. We use RFS and productive tax credits for biomass and biomass removement, and of course we use stewardship contracting, which is critically important.

Let me take the Presiding Officer and those who might be listening today on a very interesting journey that starts at America's gas pump. Let me assume that the Presiding Officer has just driven up to a gas pump somewhere in America. You stick the hose in your car, you activate the pump, you slide your credit card, and you begin to fill. Depending on the size of your vehicle and the price—anywhere from let's say $3.85 a gallon for regular to maybe $4.44 in California—you begin to grow annoyed as the calculator on the pump goes: 35, 40, 45, 50, 55, 60, 65—oops, you have maxed the pump and you have to get more by reactivating the pump to fill your SUV. Your anger is optimal now. You have just paid 100 bucks or somewhere near that, and you have never done that before. You move your view up to the pump and it says "Chevron." It says "Shell." It says one of the major oil companies. You focus your anger on that company and you say: It has to be their fault. They are making record profits. Somehow, there ought to be a way to stop them from doing what they just did to me and my pocketbook and my family's budget.

Let me take you, the consumer, then, a step further and suggest to you that you are part of a problem that has been growing in America for a long while. Your demand for the use of energy has gone nearly straight up over four decades as you have increased your consumption of it. Why? Because the price was reasonable and you enjoyed it. The price was reasonable and your demand went up dramatically, but while that was going on, there were interests at work in our country that said: We are not going to produce any more, we are going to produce less, and we did. So our overall supply began to drop at about the time that our demand began to go up catastrophically. What happened was an interesting scenario.

So now you have hung your hose up from the gas pump, you have just paid

100 bucks, and you are angry as heck. You are part of the demand curve in our supply in our country that is dropping down, and you have just blamed Exxon or Chevron or Marathon or someone because you have spent 100 bucks to fill your SUV and you are not happy.

If you took all of these small companies and blamed them all and said they have to be the problem, they would only represent about 6 or 7 percent of the problem. The problem these companies have is that they are buying a substantial amount of their oil from this side of the chart. They are buying their oil from countries—from countries that don't give a darn about our problems. We have grown so dependent on foreign countries that now some 55 to 60 percent of our consumption comes from them, and we pay a phenomenal amount for it, or should I say you—you, the consumer who has just put up the hose on the gas pump and who has grown angry, wanting to focus your anger on these companies.

Is it Canada you want to blame? Well, let's see now, at $125 a barrel, we are paying Canada $280 million a day. Why should we blame them? They are supplying our needs. There are no gas lines today. There is no diminishment in supply. It is a price problem. Well, then let's blame Saudi Arabia. Oh, yes. They are over here. They are the big boys. The President just went over there, hat in hand, begging that they turn their valves on, and they said: No, Mr. President. Your problem, not ours. You are going to keep buying our oil. You need it. We are paying them $190 million a day. Maybe it is Venezuela, run by a little tinhorn dictator—$160 million a day flowing from our consumers' pocketbooks—or it is Nigeria at $140 million or it is Algeria at $70 million.

The bottom line is, well over $1 billion a day comes right out of the consumers' pocket and goes primarily to one of these companies that buy from one of these countries. They buy the oil at the current world price, and they are allowed to take some profit from it; sure they do. Their profits are record highs because the charges are record highs, and the story goes on and on.

We search to blame. We have little alternative. The business of the oil economy has little elasticity to it. We can't switch over to something else unless we park the SUV and get a bicycle. But you can't haul your kids to the soccer game on a bicycle. You can't haul boxes of groceries home on a bicycle. So the American economy and its consumers are questioning themselves right now, saying: What do we do?

Let me suggest there is somebody to blame besides ExxonMobil and Chevron and Marathon. Why don't you blame the Senate? Why don't you blame the Congress of the United States which, by being subject to environmental pressure over the last 30 years, has largely denied the right of this country to effectively develop its oil reserves and create a less dependent relationship with all of these countries? That is what we ought to be doing, but we are not doing that.

Here is a map of the gulf region of Florida. In this region, we are developing this right now. We have just opened this area after we spent 2 years trying to get it open because politics would not allow us to open it, and we think there are about 2.2 million barrels a day starting in 2012 down here. This is lease sale 181. But over here, there may be as much oil as there was or is here, but this is politically off limits. We can't do it. Why shouldn't the consumers say: Well, what is the politics of it? You are draining my pocketbook dry. Is there value in those politics? Why don't you develop your reserves? Well, Florida, Presidential politics—you name it. Floridians are awfully frustrated by the fact that you might be able to drill there.

This area right down here is the Cuban basin, the northern Cuban basin. Cubans are letting leases out to drill there. The U.S. Geological Survey would suggest that there is some oil there—maybe quite a bit of oil—but we won't get it. It won't traffic through Exxon or Chevron because we have a policy that denies us access to that region of the world because, if you will, of the politics of Cuba, plain and simple.

So here is our problem with that and here is our problem with this interesting picture. We have about 115 billion barrels of reserve in gas, about 29 billion known, about 5 billion undiscovered resources. In gas, we have about 633 trillion cubic feet, 213 trillion known, 419 unknown. Now, that is information that is 20 years old because politically you dare not go out into any of these regions today with the new seismic technology and explore because if you did and you found oil, you might want to drill, and that would be environmentally unacceptable. Oh, how frightening.

I remember a time—and not all do unless you are about my age—come 1969 when there was an interesting oil spill off the coast of Santa Barbara in southern California. It made national headlines because it was one of the first major oil spills that did substantial environmental damage. I have oftentimes referred on the floor to our denial to access the Outer Continental Shelf as the ghosts of Santa Barbara that lurk in this Chamber and hide in the background of environmental arguments. That was Santa Barbara in 1969. But what is fascinating about Santa Barbara is that while we didn't drill offshore Santa Barbara because of a moratorium on the Federal waters, we continued to drill offshore Santa Barbara in the State waters. Today, offshore Santa Barbara, CA, is producing 731,000 barrels of oil a day. They just cut a new deal with some oil companies to drill in this area. Well, why aren't they allowing us to drill offshore further out in the Continental Shelf? Because California doesn't get the money. Oops. Sorry, folks. Money trumped the environment. Remember that. In Santa Barbara today, they are drilling for oil if it is within the 3-mile limit of the shoreline because that is State oil and that is State water. But out in the Federal reserve, Outer Continental Shelf, no, no, no, no, can't do, must not do that, something about a problem.

Well, what the ghost of Santa Barbara and the 1969 oil spill did was shove us into a period of technology unprecedented. Today, we are drilling offshore in the gulf, and the water is so deep that we didn't even imagine a decade ago we could be there. We are doing it appropriately and in a very clean fashion.

So here are the headlines in Los Angeles, April 20, 2008: Santa Barbara approves offshore drilling. Well, what happened to this picture here? What happened in 1969 with this oil rig spilling oil, sea lions dying, fish dying, muck, oily muck along the shoreline? That is Santa Barbara, 1969. We were led to believe they stopped drilling altogether, but they didn't. They just approved new drilling, but it is inside the 3-mile zone.

Now, Californians are selective, apparently, about their environment. If there is money tied to it, well, maybe we can drill, if we get all the money, but if we don't get as much of it, we won't drill offshore. That is the kind of politics that have gone on today.

So remember how I started these comments a few moments ago? You have just driven up to a gas pump, you just stuck the nozzle into the tank of your SUV, you just cranked out 100 bucks of regular at about $4.40 a gallon—in California, because of the boutique fuels of the Clean Air Act—and you have grown angry because somebody was ripping you off, and that somebody had to be an Exxon or a Chevron or a Marathon or someone else. But I hope I have been able to suggest to you some additional knowledge: That they represent maybe 6 percent of world production. It is the petropolitics of the world today where nearly 90 percent of the known oil and the reserves are owned by foreign nations that are sticking it to us, and they are sticking it to us today because of our own interesting greed, because we grew luxuriously fat on cheap energy and we developed cars that take a lot. Now that we can't fill them for 20 bucks and it is costing us 100 bucks, we are angry and we want to blame somebody. Blame Saudi Arabia, blame Venezuela. But how about blaming us here in the Congress, because some of us have tried, but the body politic of

America denied that we should touch our own reserves, develop our own oil, and that we should become dependent upon someone else.

So we have legislation on the floor today that doesn't help that. It creates, in fact, greater dependency. It doesn't move us forward to develop those known reserves. It doesn't allow us to do the geological exploration in the deep waters of the Outer Continental Shelf with the new technologies, in which we will find much more oil than we know is there.

America, blame your Congress—blame your friendly Congressman or your friendly Senator. Ask them how they voted. Ask them how they are going to vote on ANWR, on Outer Continental Shelf, on new development, on new refinery capacity. Oil is not the answer for 50 years from now, but oil is the bridge that gets us from where we are to where we need to be with new technologies. But our lack of foresight, our rush to be green, and our rush to deny the realities of the marketplace has produced the problems we have today, and there are people to blame. We ought to start right here with a Congress that would not listen.

But year after year, while I and others brought ANWR to the floor for a vote, and while we tried to get into the Outer Continental Shelf, politically, it was simply an unpopular thing to do, because some would say this would be the picture. Fellow Senators, this picture I display on the Senate floor is a picture of the past. This is of 1969 Santa Barbara. From that day forward, we began to apply technology to drill heads, to drill rigs, through our capability and talent. When Katrina hit the gulf and hit the coastline of Louisiana, parts of Alabama, Mississippi, and Florida, offshore, not one drop was spilled. Thousands of wells were shut down. Rigs were sent adrift. But what is depicted in this picture did not occur. This will not occur again because of the triple safety devices and all of the kinds of things that have been incorporated as a result of this.

So California today drills happily away within the 3-mile zone, because they get 100 percent. But outside the 3-mile zone, no, no, no, can't touch, might hurt the environment. Shame on us.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Missouri is recognized.

INTELLIGENCE COMMITTEE PHASE II REPORT

Mr. BOND. Mr. President, with some reluctance, I come to the floor today to continue the discussions that were begun this morning about the Intelligence Committee's report that comes out today, called phase II.

I am somewhat embarrassed to have to highlight the partisan divisions and sloppy work of the Intelligence Committee that was discussed here. Back in July of 2004, the Intelligence Committee completed an exhaustive 2-year study of the inadequacies of the intelligence pre-Iraq war. We looked at it. We had hundreds of interviews, brought people in, and looked at all of the documents. Our staff analyzed all of these items and interviewed people. We came to the conclusion that, despite what some people had said, the intelligence prior to the Iraq war was flawed. It wasn't a question of the administration pressuring analysts or the administration misusing intelligence. Those charges were made and they were very volatile. They were all dismissed because the intelligence was bad. We passed the bill out of committee unanimously. It was a true bipartisan work. It stands as a monument to what effective oversight could and should be. It helped reform the intelligence community, to make it better and improve the tradecraft of the analysts, and to inspire more working together.

But today we have regressed significantly. What came out today as the phase II reports were, regrettably, highly partisan. When I became vice chairman of the Intelligence Committee, I had hopes we would be able to put behind us the corrosive atmosphere of partisanship that had taken over in the committee in previous years. I recommended that we work together on phase II to bring it to an end, because most of the work had been done in 2006. The minority asked for extensive analysis and collation and collaboration, and they prepared that. But the offer was rejected by the chairman.

Instead, two reports were written solely by Democratic staffers. No minority staffers participated in the writing of the report. They were shut out, unlike work on the phase I effort. It is an unfortunate example of partisanship being alive and well on the committee.

The report released today is an attempt to score election year points. I would have thought we would quit fighting the 2004 election, but apparently we have not. It violates the committee's nonpartisan principles and rejects the conclusions unanimously reached in previous reports.

I think it is ironic that the majority would knowingly distort and misrepresent the committee's prior phase I findings in an effort to prove that the administration distorted and mischaracterized the intelligence. In contrast, as I said, the phase I report of July 2004 concluded that most of the key judgments in that NIE, National Intelligence Estimate, on Iraq's WMD programs either overstated or were not supported by the underlying intelligence. And the committee found that the Intelligence Committee failed to explain to policymakers the uncertainties behind the judgment. The report made it clear that flawed intelligence—not administration deception—was the basis for policymaker statements and decisions.

Despite the Democrats' political theater on the floor today, none of the facts in the phase II majority reports released today change that conclusion. There is no evidence in the information brought up today that changes the conclusions of the phase I bipartisan 15-to-0 vote.

Now, the reports that came out today ignore the fact that many in Congress—Republicans and Democrats—examined the same intelligence as the Bush administration, and they, too, characterized Iraq as a growing and dangerous threat to the United States.

The public report is replete with examples of statements by the current chairman and by other Democrats. Let me report what was said by the current chairman.

October 10, 2002:

> There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. He could have it earlier if he is able to obtain fissile materials on the outside market, which is possible—difficult but possible. We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction.

He said this also:

> Saddam Hussein represents a grave threat to the United States.

Further on in the statement, he said on October 10, 2002:

> The President has rightly called Saddam Hussein's efforts to develop weapons of mass destruction a grave and gathering threat to Americans. The global community has tried, but has failed, to address that threat over the past decade. I have come to the inescapable conclusion that the threat posed to America by Saddam's weapons of mass destruction is so serious that despite the risks—and we should not minimize the risks—we must authorize the President to take the necessary steps to deal with that threat. . . . There has been some debate over how "imminent" a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated. It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can.

Those were the statements he made on the Senate floor. Frankly, I said many of the same things, because he was looking at the same intelligence I was, the majority of this body was looking at, and the executive branch was looking at when they made the distinction. We decided to support the President to move forward. The intelligence was often flawed, but that was the intelligence we had at the time.

The report we have today was drafted entirely by the majority. The minority was entirely cut out of the process. Even with the majority-only drafted report, the twisted statements of policymakers cherry-picks intelligence and validates what we have been saying for years—that the intelligence was flawed.

No. 2, the statements report excludes intelligence, including instances in which the committee knew that policymakers' statements were fact checked and approved by the IC. For example, the report does not explain that the speech of Secretary of State Powell was not only checked and rechecked by the IC, but that the first draft of the speech was actually written by the CIA. This original draft included text that the majority report claims was "unsubstantiated."

The report does not review any statements of Democrats.

The report distorts the words of policymakers to help make the majority's case.

The majority didn't even seek to interview those whom they accuse of making unsubstantiated statements.

There is a second report, the Rome report, which was totally outside the scope of the committee's authorization. The committee said we will look at the Office of Special Plans and the PCTEG in the Defense Department, with reference to Iraq. The report they put out today has nothing to do with Iraq. It is about an Iranian talking about Iran. The people whom they were talking to were not members of the Office of Special Plans or the PCTEG. It was not an intelligence operation. The United States had been contacted by somebody who wanted to speak to somebody other than the CIA about information he had in Iran. It was found not to be trustworthy or useful, and the National Security Adviser dismissed it and said it requires no further proceeding.

We wasted time, we wasted valuable effort, and we got nothing for it.

I regret to say this has injected partisan politics and does this committee and this body no useful purpose.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 3036

Mr. McCONNELL. Mr. President, I notified the other side that I am going to propound a unanimous consent request to which I think they will object. I didn't want to blindside them. I don't know who on the other side is available.

I see both leaders here. Therefore, I ask unanimous consent that the Senate resume consideration of S. 3036, the Lieberman-Warner climate change bill; that the motion to commit be withdrawn and the pending amendment be temporarily set aside so that I may offer an amendment related to gas prices.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I think it is pretty clear what the picture is here. After trying everything that we could to have a regular debate on this bill, we were turned away at every point.

My memory goes back to yesterday, with the unusual, untoward request and objection that we not be allowed to waive the reading of almost a 500-page amendment. So we spent all day yesterday doing that. I think if my friend is interested in doing something about gas prices, that opportunity will come quickly, because we are going to have to vote Tuesday morning on gas prices. It is a very direct, concise debate on gas prices. I hope we will get support from the Republicans on that issue.

It would seem to me, if they are interested in doing something about gas prices, they would vote cloture on that. If they wish to offer amendments, that is the fine. But with all due respect to my friend, who objected to even committees meeting today—committees meeting today—in addition to having the amendment read——

Mr. McCONNELL. Parliamentary inquiry: Is this an objection or a speech?

Mr. REID. It is both. I object.

The PRESIDING OFFICER. The Senator has reserved his right to object.

Mr. REID. And I object, Mr. President.

The PRESIDING OFFICER. Does the Senator wish for the regular order?

Mr. McCONNELL. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Republican leader does have the floor.

Mr. McCONNELL. I take no pleasure in cutting off my friend, the majority leader. I have the floor, and I propounded a unanimous consent request to which he objects, which is, of course, his right.

Let me make some observations about the amendment I would have offered had I been permitted to.

My good friend, the majority leader, was complaining about the reading of the amendment yesterday. I remind him it did not take nearly as much of the Senate's time as his reading passages from his own book back in 2003, which took up to 9 hours of the Senate's time, that, too, to make a point about the way judicial confirmations were being handled. So it is certainly not unprecedented for Members of the body—not the majority leader, not myself—trying to make points with regard to the displeasure, if you will, in the handling of judicial appointments.

With regard to the amendment I would like to have offered, I ask unanimous consent to have printed in the RECORD the amendment so people will know what I would have offered had I been allowed to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER GASOLINE PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER GASOLINE PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of gasoline to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher gasoline prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a gasoline price increase.

Mr. McCONNELL. Mr. President, obviously, I am disappointed that the majority has objected to allowing this amendment to become pending. Earlier today, the assistant majority leader said we should be voting on amendments. I actually couldn't agree more. In a week in which gas prices have climbed to an all-time high, the Democratic majority in the Senate is pushing legislation that would send them up, at the very least, another 53 cents a gallon.

Since the majority took over Congress 17 months ago, gas prices have gone up $1.66 a gallon. Since the beginning of this year alone, gas prices have gone up nearly a dollar—82 cents. Today, AAA reported a new record-high average gas price nationwide of $3.99 a gallon. All of this is hurting families, workers, truckers, farmers—it is hurting literally everyone. Yet the majority has nothing to say about it. It has done nothing, actually worse than nothing. It has repeatedly blocked efforts to increase production of American energy at home, as recently as last month, when 48 Democratic Senators voted against the American Energy Production Act.

Now, at the beginning of the summer driving season, it offers a bill that would send gas prices up another 53 cents a gallon, for goodness' sake. People in the Commonwealth of Kentucky are paying, on average, $3.92 a gallon this week. They want to know what in the world is going on around here. I am telling them to take a look at what is going on here this very week. I am asking the same question they are: Why on Earth are we considering a bill that would raise gas prices even higher—even higher—than they already are?

Our friends on the other side have no serious plan for lowering gas prices. Indeed, they seem intent on raising them even higher, which is why I have tried offering this amendment as a sort of emergency brake on the majority.

This amendment says that if the Boxer climate tax bill does, in effect, increase gas prices, its provisions shall be suspended.

Let me say that again. This amendment I had hoped to be able to offer and get pending and voted on simply says, in fact, if the Boxer climate tax bill does, in fact, increase gas prices, its provisions shall be suspended. Turn them off and take a time out.

Earlier this week, the junior Senator from Connecticut said the Boxer bill would reduce gas prices. His contention runs counter to every analysis of the bill of which I am aware. But if he is right—if he is right—if the Boxer climate tax bill actually reduces gas prices, then there is no reason not to support my amendment because my amendment would not go into effect—if, in fact, the underlying bill is going to reduce gas prices.

If the Senator from Connecticut is right, then my amendment would not have any effect on the cap-and-trade system outlined in this bill because, of course, gas prices would not be increased by the operation of the bill. If he is wrong, my amendment will protect those who are suffering today from the high price of gasoline.

We should have an opportunity to ask Senators where they stand. Do they believe, as I do, that gas prices are high enough already or do they believe, as the sponsors of this bill do, that gas prices should rise even higher? What are they afraid of? Let's have votes on these amendments. This is the kind of bill, as I have said repeatedly, normally in the Senate would have been on the floor for weeks. This is a big, complicated bill, described by my friend and colleague, the majority leader, as the most important matter for the planet. I think we would all agree that is a big deal.

If this issue is the most important issue confronting the planet, then it is worth more than a few days. If we spent 5 weeks and considered 180 amendments and processed 130 of them on the clean air bill in 1990, this bill is certainly worth a multiweek, multifaceted debate and consideration of amendments without preclearance on both sides.

What has evolved in the course of the last year and a half is the only way you get to offer an amendment around here is if the other side agrees to let you. The majority leader and I have been around the Senate long enough to remember when that was not the way you operated on major bills. We were both here in 1990, when Senator Mitchell was the majority leader. The Democrats controlled the House, controlled the Senate, and there was a Republican in the White House. We were trying to do a clean air bill. We spent 5 weeks on it, considered 180 amendments, passed 130 of them. Nobody was asking permission to offer an amendment. It was a freewheeling, wide-ranging, wide-open debate on an important issue at that time.

This strikes me as very similar in nature to that, and I don't know why we are afraid to spend time on this bill, why we are afraid to have amendments on it. My goodness, filling the tree, filing cloture—it strikes me my good friend, the majority leader, doesn't want anybody to vote on any of the amendments. We wish to go through a kind of 1-week, check-the-box exercise and move on. If this is, indeed, the most important issue confronting the planet, why are we not spending time on it?

So I would have liked to have had a chance to vote on that amendment. It strikes me that if the position of the majority is this bill will not raise gas prices, there would be no particular reason not to adopt it because, at the end of the day, it wouldn't become operative unless gas prices went up. GAO thinks gas prices will go up 53 cents a gallon. I hope this bill doesn't pass, but if it does, I hope they are wrong and that the Senator from California is right. In any event, as a good hedge against further raising gas prices on American consumers, it struck me that the McConnell amendment would be a good way to go.

I regret it will not be possible to offer that amendment. It would have been good for the Senate to have considered and to have voted on this amendment. But apparently that will not be the case today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, look at this picture: My friend is complaining about judges. They did this yesterday because of judges. I gave a speech 7, 8 years ago that lasted 9 hours, so they can now say that is fine, these many years later, we are going to force them to read a bill.

Keep in mind, all you people who are watching, we have the lowest rate in decades, some 30 years, of vacancies in the Federal judiciary. Is it an emergency? Of course not. These lifetime appointments make far more money than the average American.

This judges issue they put into this global warming debate is a diversion. President Bush doesn't acknowledge global warming exists, so it is obvious he is not concerned about global warming.

I so admire a few valiant souls, led by Senator WARNER, on the other side who do believe it is a critical issue. I appreciate their vigilance and their courage for coming forward and supporting us in trying to do something about global warming.

My friend, the Republican leader, is talking about gas prices having gone up while we have been in control of the Senate for less than 18 months. The President of the United States has been in power for 7½ years. Gas prices have gone up 250 percent. Gas prices, since the first of the year, have gone up 82 cents.

This whole argument objecting to committees meeting—when the Republicans were in power, there was not much going on with the committees, no oversight. We are having a little oversight. Maybe that is why they don't want us to do the committee hearings.

This whole issue dealing with global warming—we have a memo of theirs saying they are going to play political games—the whole issue relating to this reminds me of the old-time story where a person kills his parents and then seeks the mercy of the court because he is an orphan. That is what they are doing.

This argument is so transparent. After not having allowed us to do anything on this bill, they suddenly walk out here and say: We have something we would like to amend.

We have tried. We have tried. We have a cloture vote set on this issue. We are going to do it in the morning, to allow us to go forward and debate some amendments. We will see what happens on that vote.

The American people understand what the Republican minority has done to the Senate and to our country. It has even spilled over into the House of Representatives in three special elections. The former Speaker of the House of Representatives, the man Speaker PELOSI replaced, in a heavily Republican district in the State of Illinois, that district went Democratic. Why? Because of this going on.

In Louisiana, a House seat that had been Republican for many years, the Democrats won that seat in a special election. In Mississippi, they appointed a Senator to take Senator Lott's spot. There was a vacancy. A Democrat won that. It is going to continue. The American people see this picture.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, with respect to the judges issue—we are getting things kind of mixed in together—with respect to the judges issue, it was viewed with incredulity the suggestion that somehow reading the amendment yesterday was without precedent. My good friend clearly remembers his reading his own book on the floor of the Senate. According to Senate records, it was nearly 9 straight hours, longer than it took to read the amendment yesterday. Interestingly enough, it had nothing to do with judges. At least reading the amendment yesterday was a way to learn about the Boxer substitute, since we had gotten it about 15 minutes before it was offered.

The fundamental issue on judges is keeping your word around here. Let's not obscure the point. The fundamental issue about judges is, Are you going to keep your word?

At the beginning of this Congress, the majority leader and I agreed we would achieve, working together, the average number of circuit judges of each of the last three Presidents, each of whom, to their regret, ended their terms with the opposition party in the majority. It was not contingent on vacancy rate. There was no discussion of vacancy rate. It didn't have anything to do with anything other than a numerical measurement of success.

When it became clear several months ago that there was no serious effort being made to keep that commitment, we had a conflict here on the floor about another bill. In connection with settling that dispute, the majority leader committed to me that we would do three circuit judges before Memorial Day toward the goal he and I had agreed on earlier. We did one. We did one.

The only way this institution can function is that when we give our word, we ought to keep it.

Now, on a separate track, last night, in connection with a nominations package, the commitment was made to do three district court judges within the next week who are on the calendar right now and have been on the calendar since late April.

So now we have two commitments extant here. We have the commitment at the beginning—well, three actually: the commitment at the beginning of the Congress to reach the average for each of the last three Presidents, which would have been 17; then we had the commitment to do three prior to Memorial Day, only one of which was done; and now last night, in conjunction with a nominations package, we had a commitment to confirm three district court judges who have been on the calendar here in the Senate since late April. And these are typically not even controversial. The chair of the Judiciary Committee was on the floor at the time. So we will see if that commitment is to be kept.

So that is what this is about, Mr. President. It is about keeping your word here in the Senate.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand that the order gave a period from 2 to 3 to the Senator from Virginia, the Senator from California, and the Senator from Connecticut. Am I correct on that?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Recognizing that our leadership had important matters to bring to the attention of the body and that 15 minutes of that time was consumed in that series of important messages, I ask unanimous consent now that the entire calendar of scheduled speeches and so forth be moved ahead 15 minutes to restore our time and thereby extend time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

Mr. President, I wish once again to express my appreciation to the chairman, Chairman BOXER, and my colleague, Senator LIEBERMAN, in the long voyage we have had. Senator LIEBERMAN and I have been working on this for nearly a year, the climate change bill and the security bill, as we call it, and then our chairman eventually joined and the committee acted and the rest is history.

I look upon this as being a very substantial contribution to this continuing debate on this very perplexing but essential subject to be continuously watched here in the United States of America, and the next Congress will take it up, and I think we will have laid a foundation for the future work of the next President and the next Congress—an important foundation. I wish we would have had more debate, but I will not get into the politics of what happened. It is clear to all. But I will say that in the brief period we were on the bill, for example, I did not hear any really substantial debate contesting the fundamental question: Is there adequate science to support—to support—the action by the Congress of the United States and then hopefully the President of the United States to address this issue? That seems to me to be put aside now.

I think we can deduce from this limited debate we have had that each and every Member of this Chamber is genuinely concerned to some degree about the effects of the erratic changes in our climate, in our weather, with the droughts and the floods, the tornadoes, and these other unexplainable variations in the historical—I repeat, the historical—benchmarks of these weather occurrences. So we are moving forward, and that was a very important building stone.

This morning, the chairman and the Senator from Connecticut and, indeed, the Senator from Massachusetts, Mr. KERRY—the four of us joined to introduce two very fine, distinguished, retired four star officers—one a general and one an admiral. They are a part of a team of 11 members.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of all the members of the Military Advisory Board to the Center for Naval Analysis, a national and internationally recognized organization which deals in a nonpolitical way on issues. They put together a very comprehensive report about the national security implications from global climate change.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY ADVISORY BOARD

General Gordon R. Sullivan, USA (Ret.), Former Chief of Staff, U.S. Army; Chairman, Military Advisory Board.

Admiral Frank "Skip" Bowman, USN (Ret.), Former Director, Naval Nuclear Propulsion Program; Former Deputy Administrator-Naval Reactors, National Nuclear Security Administration.

Lieutenant General Lawrence P. Farrell Jr., USAF (Ret.), Former Deputy Chief of Staff for Plans and Programs, Headquarters U.S. Air Force.

Vice Admiral Paul G. Gaffney II, USN (Ret.), Former President, National Defense University; Former Chief of Naval Research and Commander, Navy Meteorology and Oceanography Command.

General Paul J. Kern, USA (Ret.), Former Commanding General, U.S. Army Materiel Command.

Admiral T. Joseph Lopez, USN (Ret.), Former Commander-in-Chief, U.S. Naval Forces Europe and of Allied Forces, Southern Europe.

Admiral Donald L. "Don" Pilling, USN (Ret.), Former Vice Chief of Naval Operations.

Admiral Joseph W. Prueher, USN (Ret.), Former Commander-in-Chief of the U.S. Pacific Command (PACOM) and Former U.S. Ambassador to China.

Vice Admiral Richard H. Truly, USN (Ret.), Former NASA Administrator, Shuttle Astronaut and the first Commander of the Naval Space Command.

General Charles F. "Chuck" Wald, USAF (Ret.), Former Deputy Commander, Headquarters U.S. European Command (USEUCOM).

General Anthony C. "Tony" Zinni, USMC (Ret.), Former Commander-in-Chief of U.S. Central Command (CENTCOM).

Sherri W. Goodman, Executive Director, Military Advisory Board, The CNA Corporation.

STUDY TEAM

David M. Catarious Jr.
Ronald Filadelfo.
Henry Gaffney.
Sean Maybee.
Thomas Morehouse.

Mr. WARNER. Mr. President, I will read first from the statement, and then I will insert the full statement of General Sullivan in the RECORD.

General Sullivan has had a 50-year career, in one way or another—on Active Duty or continuously working—with the U.S. Army. I have known him a long time. I remember him coming to testify before the Senate Armed Services Committee many times in his capacity as the Chief of Staff of the Army. He stated as follows:

> Having said this, I admit I came to the Advisory Board as a skeptic and I'm not sure some of the others didn't as well. After we listened to leaders of the scientific, business, and governmental communities, both I and my colleagues came to agree that global climate change is and will be a significant threat to our national security. The potential destabilizing impacts of global climate change include reduced access to fresh water, impaired food production, health issues, especially from vector and food-borne diseases, and land loss, flooding and so forth, and the displacement of major portions of populations. And overall, we view these phenomena as related to failed states, growth of terrorism, mass migrations, and greater regional and inter-regional instability.

This is a totally pure, nonpolitical assessment of this problem.

How I wish we would have had the opportunity to have had further debate, at which time we could have brought forth other testimony of members of this panel and addressed the security issues. Those were the issues that drew me, this humble Senator, to participate and to devote basically a year of my career with my good friend from Connecticut, both of us members of the Armed Services Committee. It is because of the national security implications.

I would like to read a bit from the testimony of ADM Joe Lopez. Now, I have known Joe Lopez ever since he was a Navy captain, when I was the Secretary of the Navy. He has a remarkable career. He stated as follows:

> National security involves much more than just military strength. National security is affected by political, military, cultural, and economic elements. These elements overlap, to one degree or another, and every major issue in the international arena contains all of them. And climate change has an impact on each of them. This will be particularly more pronounced in the world's most volatile regions, where environmental and natural resource challenges have added greatly to the existing political, economic, and cultural tensions. These instabilities that already exist will create a fertile ground for extremism, and these instabilities are likely to be exacerbated by global climate change.

Again, there is no politics in this. It is a clear statement from a man who has devoted over 40 years of his life to military service for our country, and there are nine others who participated in this panel.

Mr. President, I ask unanimous consent to have printed in the RECORD the statements of General Sullivan and Admiral Lopez.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL SULLIVAN

My name is Gordon Sullivan. I have served America as a soldier since 1955. My last duty position was as Army Chief of Staff—1991 to 1995. I retired from active service in 1995 and have been president of the Association of the United States Army—Army's professional association—since 1998. Thus, I have been in or involved with the Army for over 50 years.

I am here as the chairman of the Military Advisory Board for CNA. The Military Advisory Board consists of retired three- and four-star flag officers from the Army, Navy, Air Force, and Marines.

We were charged with looking at the emerging phenomenon known as global climate change through the prism of our own experience, and specifically looking at the national security implications of global climate change.

Having said this, I must admit I came to the Advisory Board as a skeptic and I am not sure some of the others didn't as well.

After we listened to leaders of the scientific, business and governmental communities, both I and my colleagues came to agree that global climate change is and will be a significant threat to our national security. The potential destabilizing impacts of global climate change include reduced access to fresh water, impaired food production, health issues, especially from vector and food-borne diseases, and land loss, flooding and so forth, and the displacement of major populations. And overall, we view these phenomena as related to failed states, growth of terrorism, mass migrations, and greater regional and inter-regional instability.

The findings of the board are:

First, projected climate change poses a serious threat to America's national security. Potential national threats to the Nation—potential threats to the Nation's security require careful study and prudent planning.

Second, climate change acts as a threat multiplier for instability in some of the most volatile regions of the world.

Third, projected climate change will add to tensions even in stable regions of the world.

Fourth, climate change, national security and energy dependence are a related set of global challenges.

The recommendations of the board are, first, that we cannot wait for certainty. In this issue, there maybe a lack of certainty for some, but there is certainly no lack of challenges. And in our view, failing to act because a warning isn't precise would be imprudent.

Second, the United States should commit to a stronger national and international role to help stabilize climate changes at levels which will avoid significant disruption to global stability and security, and third, we should commit to global partnerships to work in that regard.

Climate change, national security, and energy dependence are all inter-related. Simply hoping that these relationships will remain static is simply not acceptable given our training and experience as military leaders. I think hoping that everything is going to be great probably won't work, at least in our view.

I would say that most of us on the Military Advisory Board were in the military service of the United States of America for over 30 years, most of it during the Cold War. High levels of catastrophe could have occurred if we didn't invest in military preparedness and awareness of the threats we faced.

In conclusion, you never have 100 percent certainty on the battlefield. We never have it. If you wait until you have 100 percent certainty, something terrible is going to happen. As such, now is the time to act on the critical issue of climate change.

ADMIRAL LOPEZ

My name is ADM Joe Lopez and my naval career has included tours as commander-in-chief of U.S. Naval Forces Europe and commander-in-chief, Allied Forces, Southern Europe from 1996 to 1998. I commanded all U.S. and Allied Bosnia Peace Keeping Forces in 1996; and served as deputy chief of naval operations for resources, warfare requirements and assessments in 1994 to 1996.

National security involves much more than just military strength. National security is affected by political, military, cultural and economic elements. These elements overlap, to one degree or another, and every major issue in the international arena contains all of them. And climate change has an impact on each of them. This will be particularly more pronounced in the world's most volatile regions, where environmental and natural resource challenges have added greatly to the existing political, economic and cultural tensions. The instabilities that already exist will create a fertile ground for extremism—and these instabilities are likely to be exacerbated by global climate change.

If you look at the Middle East, it has long been a tinder box of conflict. The natural environment of this region is dominated by two important natural resources—oil because of its abundance, and water because of its scarcity. Climate change has the potential to exacerbate tensions over water as precipitation patterns decrease, projected to decline as much 60 percent in some areas. This suggests even more trouble in a region of fragile governments and infrastructures and historical animosities among countries and religious groups.

Another challenge of climate change is projected sea level rise. Couple this threat with a predicted increase in violent storms and the threat to coastal regions is real. Not only is this a threat to homeland security as a response mechanism, but some of our most critical infrastructure for trade, energy and defense are located on our coasts. A more concrete example of expected sea level rise affecting national security and our strategic military installations can be seen in low-lying islands, such as Diego Garcia, which is a critical base of support for our Middle East operations. Climate change is a "threat multiplier."

These are a few examples of how the expected effects of climate change can lead to increased stress on populations and increased strife among countries. We believe that climate change, national security and energy dependence are a related set of global challenges.

With my remaining time, I'd like to make three observations:

The first is to highlight that link between climate change and energy security. One can describe our current energy supply as finite and foreign. Continued dependence on overseas fossil fuel energy supplies, and our addiction to them, cause a great loss of leverage in the international arena. Ironically, a focus on climate change may actually help us on this count. We should leverage technology and extract and exploit our natural resources including coal to make it safe and environmentally friendly. Nuclear power can be exploited. The Navy has been safely doing this for years. Key elements of the solution set for climate change are the same ones we would use to gain energy security.

Second, this issues is great and the U.S. alone cannot solve it. If we in our Nation do everything right—assuming we know what is right—the hazards of global climate change would not be solved. China and India are integral to the global solution. We must engage them.

My third point: For military leaders, the first responsibility is to fight and win. The highest and best form of victory for one's nation involves meeting the objectives without actually having to resort to conflict. It takes a great deal of investment, planning, strategy, resources and moral courage. But the prevention of conflict is the goal.

Finally, our security revolves around issues that are political, economic, cultural and military in nature. We have concluded that the potential effects of climate change warrant serious national attention. As General Sullivan has mentioned, national security and the threat of climate change is real, and we can either pay for it now, or pay even more for it later.

Mr. WARNER. So Mr. President, there again we have laid another building block, bringing to the attention of the American people their own security here at home, their own armed services who are called upon to address these problems now and in the coming years.

Now, I have no basis and I will not state that the tragic weather change that hit Burma and is taking tens upon tens of thousands of lives should be put in a category now of global climate change, but I do point out that, at this very moment, we still have ships and aircraft and men and women of the U.S. Armed Forces offshore ready to move in with food and supplies and other things.

Our country, almost alone, is the one to which the world turns when there is some sort of a crisis, and it is clear from the statements of these two professionals that many of those crises can be generated by these erratic climate changes.

Mr. President, I wish to yield the floor at this moment to my other colleagues, but I ask unanimous consent to have printed in the RECORD a series of recognitions that the three of us want to state with regard to our staffs and to a number of organizations that have come forward, foremost among them the Pew Center—that was the one that provided us with magnificent books on this—and many others across America that came forward to participate in what we had hoped to be very extensive debate on this issue. Nevertheless, they have laid the foundation, and they will continue to lay a foundation upon which to build and build, until we finally come to grips with a framework of the solutions as to how this Nation is going to lead and deal with the inevitable consequences of these climate changes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, my colleagues and I would not be here today were it not for the incredible input and support from other distinguished colleagues in the Senate, as well as a great deal of organizations and companies that helped shape our bill.

First, I would like to thank our esteemed cosponsors of the Climate Security Act: Senators Dole, Coleman, Collins, Casey, Bill Nelson, Cardin, Klobuchar, and Harkin. Their critical input made the bill what it was.

I would like to thank all the members of the Environment and Public Works Committee, but in particular, Senators Baucus, Carper, Lautenberg, Barrasso and Isakson. Without their help at critical junctures of the legislative process, we would not have moved our bill to this point.

I would be remiss if I did not recognize my dear friends, Senators Bingaman and Specter, whose bill we borrowed heavily from and who highlighted such important issues as cost containment and international competitiveness.

I thank our friends from the Northeast, Senators Kerry and Snowe, who had their own bill that informed our process and who adopted the substitute like it was their own, not only cosponsoring the amendment, but drumming up support every step of the way.

I thank my dear friend, Senator Alexander. While he doesn't support our bill, he has contributed eloquently to the debate.

Before I joined my partner Senator Lieberman, he had a different partner. I must thank Senator McCain, who has been a pioneer on this issue of global climate change.

This effort would not have been possible without my partner and dear friend, Senator Joe Lieberman, and his fine staff, in particular: David McIntosh, Joe Goffman, and Alex Barron. I must thank Rayanne Bostick, who along with Anna Reilly of my staff, helped coordinate so many meetings between myself and the Senator from Connecticut.

I must thank our fearless chairman, Senator Boxer and her staff: Bettina Poirier, Erik Olson, Eric Thu.

I thank the members of my own staff who worked tirelessly on this bill: Carter Cornick, Chris Yianilos, Chelsea Maxwell, John Frierson, Shari Gruenwald, Sandra Luff, Tack Richardson, Mary Holloway, Hughes Bates, Bronwyn Lance Chester, and Jonathan Murphy.

There were also a number of organizations and companies whose input was invaluable to our work. The U.S. Climate Action Partnership members were critical to our efforts. In particular, I highlight: Alcoa, the Pew Center on Global Climate Change, Exelon Corporation, Florida Power and Light, General Electric, the National Wildlife Federation, NRG Energy, BP America, DuPont, PG&E, and the Environmental Defense Fund.

In addition, we received valuable advice from the Nicholas Institute at Duke University and the National Commission on Energy Policy.

If you were one of the numerous witnesses at one of our full committee or subcommittee hearings, whatever your perspective was, you informed the debate, and I thank you.

Mr. President, the problem with naming those who have helped is that you inadvertently leave someone out. I am eternally grateful for all the input we received.

Mr. WARNER. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to thank my friend and colleague from Virginia, Senator WARNER. He is an extraordinary man and a great Senator, and we are going to miss him. I wish I could convince him to run again, but I think it is a little late, probably past the filing dates. But he has been an extraordinary leader in so many ways, particularly on matters of national security.

We first worked together when we cosponsored the resolution authorizing President Bush 41 to go into the gulf war in 1991. We served together on the Armed Services Committee. I have never met a more patriotic American, a more honorable man, and it meant everything to this whole effort when Senator WARNER decided he wanted to be part of the solution to the climate change problem.

I often tease him—but it shows the strength of this man—that on the two times Senator MCCAIN and I introduced an amendment on the floor to do something about global warming, Senator WARNER voted against it. And I was with him one day when somebody in the media said: Why did you change your mind? And he said: Two words—science, grandchildren. That says it all about this great man.

I appreciate what he has just said. Nothing has driven JOHN WARNER's career in the Senate and his service to America over decades more than his commitment to protect our national security. And maybe I should add a third word—science, grandchildren, national security—four words—because it is his understanding that climate change, if we don't do something about it, is going to compromise and threaten the national security of the American people.

This conference we did this morning with General Sullivan and Admiral Lopez I thought was stunning and stirring. These are two people who served their country in uniform for decades. There was not a lot of rhetoric there, just stating the facts. One of them said—I forget which one; it might have been Admiral Lopez—"The best thing you can do if you are a military person is to prevent conflict, prevent war." They see this legislation as a way to do that.

I hope my colleagues consider that. There is so much on the line, with so much work that has been done by so many people. I am not just talking about Senator WARNER and myself and Chairman BOXER, who made all the difference in her leadership. Our staffs, so many people outside the Senate—environmentalists, business leaders, labor leaders, hunters, anglers, leaders in the faith community—representing the public will of the American people, asking us to do something to protect them from global warming and its worst consequences.

The bill we brought forth, the Climate Security Act, none of us will say it is perfect. Of course, it is not. I don't ever remember voting for a perfect piece of legislation. But it is very good. It creates a framework, a structure that will allow our country to begin a decades-long effort. This will go decades and decades to solve this problem. Future Congresses will come back and fix this where it didn't quite work out the way we hoped. We have a lot of mechanisms in here, which we have described earlier, to create fail-safes to protect our economy, our environment, our national security.

With all that on the line, I have to say it is disappointing and frustrating that parliamentary maneuvers and concerns about something totally irrelevant to this once-in-a-career, once-in-a-lifetime opportunity to do something to deal with this extraordinary challenge for our future—that those kinds of irrelevant issues are standing in the way, potentially, of a full debate on this matter.

Tomorrow morning we come to a real turn in the road. I think the question is not whether you think this is a perfect bill but whether you think it is a real good-faith effort to deal with the problem of climate change and whether you want to say, by your vote, that you believe climate change is a real problem and a real threat to our future and you want to be part of a solution to the problem.

Some of my colleagues have said to me today, I wish to be part of the solution to the problem, but I am now blocked from offering amendments. I always said I would vote for the bill if certain amendments were adopted.

That is not literally true. The fact is, as is the regular order in the Senate, if you filed your amendment, as everybody was duly notified, by 1 p.m. today, and cloture is granted tomorrow, that amendment will be fully debated next week and in the days ahead.

But this is a moment to say the Senate is prepared, if not this year then soon, to deal with this very real threat to our environment, our economy, and our national security.

What is the rush, some people may say. Let me quote first from a study by the Environmental Defense Fund that has found that each 2-year delay in starting emissions reductions doubles the annual rate at which we will need to reduce emissions by 2020 in order to ward off a global catastrophe. Because of the way the climate responds to the buildup of greenhouse gases, these gases stay trapped in the atmosphere. That is the whole problem. Then the heat from the Earth, as it bounces up, cannot go anywhere and it stays there and you have the greenhouse effect that is clearly warming the planet.

The truth is, our children and our grandchildren are already going to face, inevitably, consequences of global warming. What we are talking about now is beginning to reduce the greenhouse gases, the carbon pollution that causes the globe to warm, so the consequences that we, our children, our grandchildren and succeeding generations of Americans and people all over the world face are not disastrous or catastrophic, because that is totally within the realm of the possible. Many scientists say it is not only possible, it is probable, if we do not do anything soon. So the longer we wait to start reducing this carbon pollution that is trapped up there, the more sharply we will need to reduce them in order to stay within our emissions budget, you might say.

Let me add, we have received an analysis from an economic modeling firm called On Location. They used the model of the Energy Information Administration of the Department of Energy of the Bush administration on our Climate Security Act. Their analysis asks one simple question: What would happen if we wait 10 years to enact the exact same policies that are involved in the Climate Security Act, the exact same bill, to achieve the same cumulative emissions reductions scientists say are required to protect the climate? The results are striking, unsettling, and I hope motivating for quick action.

Here is what this economic modeling firm found: That waiting 10 years to start on emissions reductions increases the cost of emissions allowances by 15 percent. Listen to this: It doubles the overall cost of global warming to our economy.

Whatever my colleagues are trying to say about the cost of this innovation-driving, market-based entrepreneurial incentive policy, are they prepared to double that number through delay? Are they prepared to saddle the American economy and our progeny with the burden of increasingly severe and essentially irreversible climate impacts?

Finally, I wish to draw the attention of my colleagues to this graph, this chart, this description of what is happening. In previous debates, we have referred to the summer Arctic ice, the polar icecap. When we started in our interest in whether there was global warming and what its consequences might be and whether we should do something about it, that was in the late 1980s and early 1990s. Then-Senator Al Gore, I think, held some of the first hearings on this subject in 1988. Senator KERRY was involved at the time and shortly thereafter. We had to use computer models of projections the way the weather was going to go to see what was happening and what might happen if we allowed the globe to warm. But we now have technology, satellite pictures, and real evidence to show us what impact global warming is having. It is not a theory anymore, it is not a computer model anymore.

In earlier debates, these satellite pictures—this is from 2001—were used. Here is the North Pole at the green spot. The red line on the outside is where the polar icecap was in 1979. The white here is where the polar icecap was in satellite pictures taken in 2003. It is 20 percent less than it was in 1979—20 percent of the polar icecaps in 2003 had already melted away.

If that doesn't begin to stir your concerns enough about what is happening, go over here to the 2007 satellite picture. Again, the exterior red line is where the polar icecaps were in 1979. Look at this. In 5—well, 4 years but let's say 5 because there are parts of those 2 years—in 5 years, the polar icecap has melted away to the point where it is 40 percent less now than what it was in 1979. In 2003, it had lost 20 percent; in 2007, it has lost 40 percent.

I asked the scientific fellow in my office, Alex Barron—I wish to give him credit. I said: So this is now raising the sea levels? He said no. He taught me a lesson. I was one of those who at college took a course called Science for Nonscience Majors, so I am still learning.

He said: No, the ice melts as if it was ice in a glass—it sits as if it was ice in a glass. It has air in it, and when it ultimately melts, because the water is warming, the total amount of water will be about the same because this ice is all in the water, the polar icecap is in the water.

But here are two things. One is, the fact that the icecap is melting obviously shows something is happening there, that the warmth is causing it to melt. But here is the danger. Here is Greenland. There the ice is on land, it is not in the water. I have now been taught, when the polar icecap diminishes by 40 percent, the capacity of the ice—just like wearing a white shirt—to reflect the sunlight and reduce the impact on the temperature diminishes. In other words, the water warms and warms the entire environment and the real danger there is that the ice on land, in Greenland, will begin to melt. When that begins to melt—which the scientists tell us will surely happen unless we reduce the amount of carbon pollution we are putting into the atmosphere—then we are in real danger because then sea levels will begin to rise—some scientists say with a suddenness that will create catastrophic results. I do not know that. But I can tell you some credible scientists have told us that.

While the Senate fiddles, the globe warms. We can have these silly parliamentary debates, and we can get into side partisan fights about nominations, but this process is going on and getting worse, with potentially catastrophic consequences for the United States of America and particularly, of course, as Greenland would melt, to the enormous coastal regions of our country.

There has been a pattern of human behavior in America over the last century. People are moving to the coasts. It is where they want to be. They and their lifestyles are going to be threatened in the most consequential way unless we do something about that.

We have come a long way in this year. I am not ready to give up about the cloture vote tomorrow, but I understand the realities and I urge my colleagues, as they consider how to vote on it, to see this as your opportunity to say—not whether this Climate Security Act is a perfect bill but whether you, No. 1, accept the reality of global warming; No. 2, want to do something about it and believe that a cap-and-trade system—nobody has come out in this debate and offered any other way to do it. As a matter of fact, a lot of our most severe critics have said cap and trade is actually the way to do it, but they don't like this part of the way we have done it or that part of the way we have done it. We welcome that debate. But this is a moment to say whether you want to do something to stop this clear and present danger to the security of the American people or whether you want to continue to fiddle while the globe burns.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 34 minutes remaining.

Mrs. BOXER. I would like to speak for about 20 minutes, and then I would like to yield up to 10 minutes to Senator SALAZAR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Colleagues, let me tell you where we are. Your Environment and Public Works Committee, for the first time, voted out a landmark bill, the Lieberman-Warner bill. We did that after 25 hearings. We had everyone come before us. It was extraordinary. From the leading scientists, to State government officials, to mayors, to business leaders, to folks who run utilities, to religious leaders, it was extraordinary—environmental organizations.

We listened and we asked questions and we voted. Now, the day that Senator WARNER decided he believed part of his legacy on national security had to include global warming, he stepped out and he came to me, after he had already talked to Senator LIEBERMAN, and said: I want to be on this team. He said: I will be with you through thick and thin.

We have had thick and we have had thin. We have had great moments and tough moments. And we are kind of in a tough moment now because we so want to complete work on this bill. It is going to be a very tough road for us to be able to do that.

I went over to my friend, Senator WARNER, and I told him, first of all, what a joy it has been to work with him on this because our lives in the Senate have kind of taken us in different directions. But now, we finally had a chance to work together. You could not have a better colleague. You could not have a more loyal friend. When he says something, he sticks with it.

We have created this troika, a tripartisan troika, which I think has been a very good experience for all of us. I told him, because he has several months remaining in the Senate, that when he leaves, I hope he will become a worldwide spokesperson for action in this area.

There are very few people who bring to the table the national security experience and his new knowledge now that he has absorbed on this issue of global warming or climate change. I do not know if he will do that, but if he does it, I think it is going to make an enormous contribution as Senator LIEBERMAN and I are here battling every day with a new President of the United States to try to get something done. So I hope he will consider that.

So many people did help us. Senator WARNER alluded to our staffs. I want to name a few names now. This is just a few of the people: Bettina and Erik of my staff, David and Joe of Senator LIEBERMAN's staff, and Chelsea and Chris of Senator WARNER's staff, and their staffs that report to them.

There was extraordinary dedication, sleeplessness, early morning phone calls. To get to this point is so difficult. And not one second has been wasted because as we get this landmark bill in place, we will take off where we left, and where we left is just a tremendous amount of knowledge, so many of our Senators getting involved. It has really been a heart-warming experience.

That is why it is tough to get to the point where we are now because we are ready, ready to finish this job, ready to work with our friends. But we are going to try to see how many votes we can get for cloture. We urge our friends and colleagues to please say yes to continuing this important topic.

Senator LIEBERMAN, I think by showing these maps and showing us the ice melt—by the way, many members of our committee, we led a trip to Greenland. Imagine. I say to my friends who might be listening to this, imagine this. An iceberg that is larger than the Senate Chamber, floating, floating toward the ocean. The average age of this iceberg, 9,000 years old. Imagine this. Average age, 9,000 years old. Within 1 year, that iceberg will be nothing but water. And we know what that means. Seas will rise. It is happening faster than we thought.

When we have this debate, our opponents come down, and they do not talk about climate change. They do not talk about it. They haven't challenged us on our basic premise that we have a problem. They switch the topic to what I think is a made-up topic. And it is sad because the Senate deserves more than that.

I don't know how many times I have said it, but I have to say it again because there is a big advertising campaign against what is called the Lieberman-Warner bill. I suppose I am lucky they did not put Boxer in that one. They have said gas prices, because of this bill, are going to go to $8 a gallon, and this morning, $28 a gallon. These people are making things up. These people are making things up. Even the Bush administration, who opposes us, said the worst case scenario is 2 cents a year on the pump for 20 years.

We know because we have done the calculations that the fuel economy bill we passed will offset that increase. So this bill brings no increase. Indeed, this bill will get us off foreign oil, will get us away from big oil. We will have alternatives for once, and we will be free.

We will not have to have our President go to Saudi Arabia and hold hands with the Prince and beg. This is not necessary if we allow technology to move forward. So I am going to show you again. This is annoying that I have to keep doing this, but I think it is important.

In the last 7 years, we have seen gas prices go up 250 percent, 82 cents since January—82 cents.

My friends are coming down here, and suddenly the opponents of the bill are saying: Watch out, gas prices will rise. When truly, honestly, they have not offered anything, in my view, to try and resolve the terrible increases we have seen until now. So let's get rid of that bogus issue.

We are on the precipice. We are on the moment. If we do this bill, we will finally have alternatives to oil, and we will get off our addiction to oil, as the President said we should. We will have cellulosic fuel. We will be able to see new kinds of automobiles. We are really there right now. Senator SANDERS was eloquent today. There is a plug-in hybrid that can get 150 miles to the gallon. That is all going to happen with a bill like this one. I want to thank also the groups that have worked so hard to help us, the environmental groups, the faith-based groups.

I thank right now GEN Gordon Sullivan who came to the press conference that both my colleagues alluded to this morning. I have a copy of his statement. Did you place it in the RECORD, Senator?

Mr. WARNER. Mr. President, I have placed into the RECORD the statement of General Sullivan and Admiral Lopez.

Mrs. BOXER. I would think that General Sullivan's credentials are impeccable. He said: Yes, climate change and national security and energy independence are all interrelated. Simply hoping that these relationships will remain static is not acceptable, given our training and experience as military leaders.

And then he says: Because, as you know, we have been told that the scientists have 90 percent certainty. He addresses that at the end.

He says:

> In conclusion, you never have 100 percent certainty on the battlefield. We never have it. If you wait until you have 100 percent certainty, something terrible is going to happen. As such, now is the time to act on the critical issue of climate change.

Now this did not come from Senator WARNER, Senator LIEBERMAN, Senator BOXER; it did not come from Al Gore; it did not come from Tony Blair—all of whom are fighting hard. This came from a general with years of experience on the battlefield.

We must act now. I think I would like to go to this chart. Waiting 2 years to act will double the annual rate at which we must cut emissions. In other words, you have a problem, and the longer you wait, the harder it is because the carbon goes into the atmosphere and stays there.

So we get further and further behind. Look at this. A May 2008 study by Tufts University economists found that the annual costs of not addressing global warming, not addressing it, by

2100, could be $422 billion in hurricane damage, $360 billion in real estate losses, $141 billion in increased energy costs.

Let me say that again: $141 billion in increased energy costs if we do not do something about it; $950 billion in water costs.

So if we do not act now, it is going to cost us. And we have to devise a way, through cap and trade, which I will not go into the details of, that essentially says: Those who are the biggest emitters will pay for permits to pollute.

What do we do with those funds? I have a chart to show you what we will do with those funds. Most of it goes to the following: tax relief. In the early years, we are concerned that we may see energy, electricity costs go up before we get into the energy efficiency we want.

The next big amount is consumer relief through utilities and State actions. That is second. So when our utility bills start going up, utility companies have the right to write on that bill "credit" so we stay whole.

Deficit reduction, that is another big piece. We wanted it to be deficit neutral. I have to laugh—I think it was Senator KYL and Senator McCONNELL who said this is a tax bill. Let me get this squared away. Our bill is a huge tax cut, huge consumer relief, not a penny of a tax increase.

What else do we do? Workers assistance. We make sure our workers are trained for new jobs. Local government action, they are going to do something. For example, if they are going to take their offices and make them energy efficient, we want to help them.

Low-carbon technology and efficiency, we know what that means. We know the low-carbon energy sources are going to get funds.

Agricultural resources and forestry are going to get funds. National security and international are going to get funds. Transition assistance to emitters. In other words, we say to those who pollute, those who emit: You are going to have to buy permits. But in the beginning, we help them with that.

So, look, about more than half of this goes straight back to the consumers and the other parts go to technology. That is what this bill does.

Why are the opponents of this bill afraid to have a debate? I do not understand it. At first we heard they wanted the debate because they believed they could defeat us if they talked about how this bill would result in higher gas prices.

Frankly, between Senator WARNER, Senator LIEBERMAN, Senator SNOWE, myself, Senator KERRY, the Senators who have been on the floor, I think we definitely debunked that point. We said it is a humpty-dumpty argument. We are right on the precipice of getting off of foreign oil and big oil. We are on the precipice of these new technologies with this bill.

We are on the precipice of moving toward energy independence finally. We have been talking about it since I was a much younger person, and now, finally, we can do it. And what happens. We have to cut the debate short when we are ready to get the job done.

Well, this is a national security issue. It is a religious and moral issue. This is an issue of tremendous import for our grandchildren, for our children. This issue strikes me as one that is a win-win for everyone because when you address global warming and you save the planet, which is what we must do, we finally have the impetus to get to that energy independence. We finally have the impetus to say, you know, we can be controlling, we can be controlling of our own future. It is a great picture for our children to see.

I honestly think if we do nothing, we will be on the wrong side of history. I want to say to my friends in State government, from the east coast to the west coast to the middle of America, keep up what you are doing. You are doing the right thing. You can't wait for us. It may not happen today, but we are catching up with you.

I say to my friends at the Conference of Mayors, Republicans and Democrats and Independents who support this bill: Thank you for your support. Keep on doing what you are doing. You are in the leadership. You are on the ground. We are coming soon. We have two Presidential candidates who care about this issue. When one of them gets to the White House, they will be here negotiating with us. That is going to make a big difference, that is for sure.

I want to close by showing a great chart that says "Yes." This is the moment for us to say yes to energy independence, yes to our children, yes to the science, yes to a diversified energy future, yes to American manufacturing, yes to saving the planet, yes to consumer protection, yes to new technologies, yes to a strong economy, yes to State and local action, yes to public health, yes to tax relief, yes to transit, yes to a level playing field, and yes to American leadership—there are a lot of yeses on here—and, of course, yes on the cloture petition which will allow us to get to the substitute and get to the bill.

I reserve the remainder of my time and turn now to Senator SALAZAR. I thank my colleagues all.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Colorado.

Mr. SALAZAR. Madam President, let me acknowledge the great work of Chairman BOXER and my good friends and colleagues, Senators WARNER and LIEBERMAN. They were two members of the Gang of 14 who brought the Senate back from the brink of disaster, now almost 2 years ago. I admire them as good friends and as people who have helped lead us out of difficult times. Senator BOXER from California is unequaled in terms of her passion for our planet and environment. I appreciate the thoughtfulness, the bipartisan approach they have taken to deal with what is truly one of the central issues of our time.

I want to spend a few minutes, as we come to the end of our debate on global warming, to say how important this issue is for me. When I get up in the morning and I think of my job as a Senator, I think about the major issues we face around the world. We face issues of war and peace and how we have to deal with terrorism. We face the issue of how we deal with energy independence. Many of us here have joined in a bipartisan effort, progressives and conservatives together, an effort we describe as "setting America free." We know the huge issue of health care which confounds and confronts so many people. But among those issues, which are the greatest of our time, is the reality that we are frying our planet, as many people have said. We have not developed a framework to move forward to make sure we save our planet, that we save civilization for our children and grandchildren. The world they know, the planet they will know in 2050 and 2100, when none of us are here, will be the kind of planet where we have preserved what we know as God's creation on Earth.

The importance of this issue is unparalleled. It is something I believe we should be able to move forward with.

I want to illustrate this in a couple of different ways. First, with respect to water, for the State of Colorado and the arid West—and I know in the State of the former Presiding Officer, Nebraska, because we share the South Platte River and its waters—we know the importance of water. Water is the lifeblood of the West. Without water, we know communities and fields will dry up and die. We have seen that happen in many cases around the West.

This is a picture of a place in eastern Colorado where we have had severe drought over the last 7 years. You see what happens to what would have been a great crop of corn which a farmer planted, knowing that he would harvest this crop of corn at some point in time. But because of severe droughts we have had on the eastern plains, this field died. There are so many places in the arid West where that same story could be told.

There are seven States that share the water of the Colorado River. Much of that water is born in my State of Colorado, as the mother of many rivers, including the Colorado River, and places such as Wyoming and Utah. As those seven States, with a population of 30 million people, depend on the flow of water on the Colorado River, we are seeing challenges there that we have never seen before. The flows in the Colorado River for the last several years have been at an all-time low over the last 100 years because of the record drought we are seeing on the Colorado River. Lake Mead, which is one of the controlling vessels on which we depend to regulate the flow of water on the Colorado River, will never fill again. That is what the scientists are telling us today.

So as we look at the reality of water across the West, it is impressive that organizations that are not Democratic or left leaning or so-called environmental organizations are coming to me and saying: You need to do something about global warming. You and the Congress and the new President have to do something about the issue of global warming.

The ski industry in Colorado, in places from Vail to Aspen to Steamboat, is saying: We are concerned about global warming because the snow that is the essence of our having the best ski programs in the entire world is in danger. The water users, the Denver Water Board, the Northern Water Conservancy District, the Southwest Water Conservancy District, are telling us we need to do something about water.

I believe global warming has a lot of different consequences, if it goes unaddressed. I am hopeful this Senate will have the courage to move forward and address the reality of global warming. There is a connection here to our planetary security, but also to our national security in terms of energy. I agree there are some good things we have already done as a Senate in a bipartisan way, under the leadership of Senators BINGAMAN and DOMENICI, with passage of the 2005 act and the 2006 Energy bill and, most recently, with passage of the 2007 Energy Independence and Security Act. The CAFE standards we included in that bill alone will save huge amounts of consumption of fossil fuels and will save us from emitting thousands upon thousands of tons of carbon into the atmosphere. Those are good things that we have done, but our work is far from finished. We must do more.

The way of doing more is by making sure that we put a cap on carbon in the United States. Some people say: How can you do that in the United States, because you can't control China and the fact that they are building a coal-fired powerplant, one a week, or you can't control what is happening in India? But there is a reality for us as Americans: We must lead. We must have the courage to take the first steps so that then the rest of the world will be able to follow us, so we can address the issue of global warming in an effective way.

I don't believe this bill is a perfect bill. I have four or five very important amendments I want to be considered. I could not vote for this bill as it is currently structured, because there are improvements that have to be made. But that is the nature of the legislative process. I would like to have the opportunity to have my colleagues join us in a debate so we could improve upon this bill and make it much better. I will cite three areas where I believe we need to make improvements on this legislation. I have others.

The first is renewable energy. I do not believe the allocation tables included in the Boxer substitute are the allocation tables that are appropriately supportive of a renewable energy future. I have seen a renewable energy revolution taking place in Colorado over the last 3 years, where we are now generating over 1,000 megawatts of electric power from wind, harnessing the power of the Sun, doing things with biofuels we have never done before. I am proud of what is going on in Colorado. I would like to see those allocation tables changed so we put a much greater emphasis on renewable energy.

Secondly, coal for us, in many States, including the West, is very much what oil is to Saudi Arabia. We have vast amounts of coal, not only in my State but obviously to the north in Wyoming and Montana. I believe there is a future for clean coal technologies through the methods of carbon capture and sequestration. Yet it is money that has kept us from moving forward with a demonstration of those projects. That technology shows great promise. It is my hope that we could amend this legislation to move forward with carbon capture and sequestration in a more effective way.

Finally, I do not agree that there is sufficient recognition of the contribution that farmers and ranchers can make with their bioproducts. It is those products that end up consuming the very carbon dioxide we are now emitting into the atmosphere. We need to offer amendments with respect to the agricultural offsets that are included in this bill to make them a much more effective way of helping us address the carbon problem we have.

Let me conclude by saying to my colleagues once again: I have the utmost and greatest respect for my leaders and my role models—JOHN WARNER, JOE LIEBERMAN, BARBARA BOXER—for the work they have done, for having brought us to this point on this legislation. If given the opportunity, and if we can have a robust debate on the floor of the Senate on global warming, we can make this bill a much better bill. We can put the United States in a position of leadership where we address the issue of carbon, we address the issue of global warming, and we save our planet and civilization.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. WARNER. Madam President, I wonder if I might take 3 and my distinguished colleague from Connecticut, the senior partner of this partnership, would have the final few words to say.

I thank our colleague from Colorado. How much I have enjoyed, through the years he has been here, how he has stopped at every opportunity to talk about the land, the farm that is in his family, and his love for the land and the outdoors. He speaks from the standpoint that he has tended that land and loves it. He wants to preserve that land for future generations. I commend him.

This debate has laid strong building blocks for the future. We have worked our way through the issues of the science. We have worked our way through how national security is linked to this subject. We have worked our way through the fact that technology must be encouraged in every possible way to accommodate the capture, transportation, and eventual sequestration of CO_2, this greenhouse gas that is affecting the atmosphere. That technology needs a known, dedicated, constant—underline "constant"—stream of funding. Whatever global climate exchange comes up, eventually the Congress of the United States must put in a clear understanding that we are going to fund and have that funding stream go to provide for the needs of the technology to come up with the answer to this question. Our several States—another building block—each of the States, in its own individual way, is doing things. We commend them. But the United States must step up and lead.

Lastly, we must devise clearly a policy toward other nations in the world—nations we trade with, nations we otherwise have relationships with. We are all in this together. Sharing of the hardships must be common among those nations. We cannot ask the citizens of our Nation to accept a level of sacrifice greater than that which would be accepted by other leading nations of the world.

I am very proud of what has been done. I am humble to have had a small part in laying this foundation.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, again, I thank my friend from Virginia. I get a kick out of him calling me his senior colleague on this matter. We are at least equal. I say to my colleague, I consider you to be the leader because without your decision to be part of the effort to come up with a solution to this problem, this bill would not have moved out of committee. It is the first time ever that has happened. So I thank you for your strong words. I thank you for everything you have done. We are going to keep you in this fight next year. We are going to figure out a way to do it.

I also thank Senator SALAZAR.

Mr. WARNER. Madam President, I say to the Senator, you are the chairman of the subcommittee. Senator BOXER is chairman of the full committee.

Mr. LIEBERMAN. Yes.

Mr. WARNER. I am the ranking member of the subcommittee.

Mr. LIEBERMAN. Only in name. I consider you to be the person who made it possible for us to get where we are.

Madam President, I thank Senator SALAZAR for his statement. I think it perfectly summed up the decision that our colleagues in the Senate are going to have tomorrow on the vote on cloture, because Senator SALAZAR said it: This is a problem. He showed us the concerns he has about the land and water of his beloved State of Colorado and the impact of global warming on those necessary-to-life, fundamental-to-life elements in Colorado.

He also said he basically thinks this is a good-faith approach. He likes the basic architecture of our bill. But he has a lot of things he would like to change about it to make it better. But he is going to vote for cloture tomorrow because he does not want to end the debate. He knows all the amendments filed, as is our rule, prior to 1 p.m. today will come up for debate. They are presumably subject to second-degree amendments as the debate goes on. He does not want the debate to end.

If it ends tomorrow, he wants his last statement this year, by his vote tomorrow, to be that he wants to be part of a solution to the carbon pollution that is warming our globe and a lot of us believe is endangering the future of our country, our people, and the people of the world.

So this is a big problem that requires a big solution. I hate to see it get stopped by small worries. We are here to legislate. We are here to debate. We are here to amend. The body can work its will. If you do not think this is a perfect measure, come on out and make it better. The only way you are going to be able to do that is by voting for cloture tomorrow.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I ask unanimous consent that the speakers during this hour controlled by Senator INHOFE be the following: Senator BUNNING, Senator VITTER, Senator CORKER, Senator SESSIONS, Senator DOMENICI, and Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mrs. BOXER. Madam President, please, this is a parliamentary inquiry and not to be taken away from the time of my friends. I just found out when we did our unanimous consent request it was not clarified that following the Republican side, Senator BOXER or her designee would have 5 minutes, followed by Senator INHOFE or his designee to have 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you.

Mr. INHOFE. Very good.

Then, Madam President, one thing further: The Senator from Kentucky did not mention the times. I want to make sure all of our speakers on our side know we are going to hold them to the times because we have more speakers than we have time. Thank you.

The PRESIDING OFFICER. Is there objection to the request from the Senator from Kentucky?

Without objection, it is so ordered.

The Senator from Kentucky.

Mr. BUNNING. Thank you, Madam President.

I am here on the floor today because this mandatory cap-and-trade bill represents the greatest threat to the American economy I have seen since my fellow Kentuckians first elected me to represent them in 1986. We have had 30 years to address the energy crisis in America. In 1974, we got the first shot across the bow, and the balance of power in the world shifted from the oil consumers to the oil producers. We looked at domestic production and alternative fuels. But when the crash in the 1980s came, so did our investment in future sources.

But what is the biggest achievement of this Congress? Stopping 70,000 barrels of oil from going into the Strategic Petroleum Reserve. We could have had a million barrels a day right now from Alaska if President Bill Clinton had signed our legislation to open ANWR in 1995.

What about the need for clean nuclear energy? Thanks to the majority leader and environmental groups, we have spent decades working on Yucca Mountain and still do not have the waste reserve we need for a strong nuclear energy industry.

The last thing America needs today is another energy mistake.

The reason this climate change legislation is on the floor today is simple: It is fear. The Democrats in Congress want you to be afraid. They want you to be afraid that manmade emissions will cause massive hurricanes, raise sea levels, prolong droughts, and kill off endangered species.

I am not standing here telling you we should not protect the environment or that manmade carbon emissions have not increased. I am telling you that carbon emissions are a function of economic growth and technology. It means jobs, cars, and energy. When I look at these emissions, I do not know what role they play in overall climate change relative to other natural effects such as solar radiation.

For a minute, let's say the carbon issue needs immediate action. What will we get from passing this legislation? If all the world's industrial nations were to completely comply with familiar or similar ambitious goals, the climate change would be seven one-hundredths of 1 degree Celsius cooler in 20 years. Such a small change occurs naturally all the time. From Sun spots to forest fires to volcanic activity, nature does much more on its own day to day.

So what is the point of the climate change bill? The Democrats in Congress want you to pay more for energy so you drive less, buy smaller cars, and use less electricity. They are telling Americans they know better and want the Government to manage their money for the good of the environment.

This bill would raise $5.6 trillion for the Government over the next 40 years. Let me say that again: $5.6 trillion. This money does not magically appear in the Government coffers; it comes out of your pockets. The supporters of this bill will try to tell you it comes from oil companies, utilities, or any number of other people. But they are just straw men. That is not how our economy works. American consumers are going to get stuck with this bill. It means natural gas prices doubling. It means gasoline prices 30 to 40 percent higher—and it costs $4 a gallon for regular unleaded gasoline today—than they would have been. It means electric costs between 40 and 120 percent more.

In my home State of Kentucky, the average family will spend $324 more for electricity every year, $133 more for natural gas, and $397 more for their gasoline. That is per year. So I want everyone in America to take a look at your last month's bills. Can you afford to double your natural gas bills, add a dollar for every gallon of gasoline you buy, and add $50 to the average electricity bill? Many of us cannot do it. Now, think about paying that money every month, every year, for the next 40 years. That is your share of the $5.6 trillion Uncle Sam will take because of this legislation.

What will happen to all of the money you send to us here in Washington? Under this bill, there is a $5.6 trillion cost over 40 years, and the Government will spend it on new programs, $566 billion to the States—back to all 50 States—$237 billion for wildlife, $342 billion to foreign countries—figure that one out. I cannot.

Let me make it clear: Democrats and the environmentalists are trying to scare Americans into adopting legislation that will take money out of their pockets to pay for new Government programs that could decrease global thermal temperatures by seven one-hundredths of 1 degree over 20 years. And these changes are only estimates. They are not backed by conclusive evidence. Respected scientists disagree about the true effect increased emissions will have in coming decades. Just 20 years ago, some of these same scientists came to the Capitol warning us of an ice age. Can you believe that? Twenty years ago.

If this tax-and-spend plan based on incomplete science does not sound bad enough, it only gets worse. Based on several studies, nearly 4 million Americans will lose their jobs because of this legislation. A cap-and-trade program would force many industries, such as steel, automotive, aluminum, cement, and others, to take their jobs to other countries where energy costs are lower and environmental regulations are looser.

Let's look at the airlines as an example of what could happen to American jobs because of this bill. Based on current projections, the airline industry expects to pay $62 billion for jet fuel in 2008. That is $20 billion more than they paid last year, or about a 50-percent increase.

Let's look at this chart I have in the Chamber. In response to this price shift, eight airlines have gone completely out of business in the last 6 months and another is operating in bankruptcy. Eight are out of business. Thirty cities lose service, and 9,000 jobs are eliminated. To make it worse, the Democrats in Congress have stopped efforts to address this crisis in the airline industry.

I have proposed incentives for coal-to-jet-fuel facilities that would produce clean-burning aviation fuel with carbon capture technology at less than half of the current cost of oil: $65 a barrel. If we had invested in alternative jet fuel technology, maybe we could have saved the thousands of jobs that are now in jeopardy.

Think about what you would feel if you were laid off because of high oil prices or if you had to choose between the grocery store and filling your truck with gasoline. Now imagine your congressional representative deliberately voted to make things worse. It is not just about American jobs and dollars and cents. America could bring its greenhouse gas emissions to zero and it would not reverse the growth in worldwide emissions, thanks to rapid expansion in China and India and other developing countries.

The PRESIDING OFFICER. The Senator is notified that he has used 10 minutes.

Mr. BUNNING. Madam President, I ask unanimous consent for 3 more minutes.

Mr. INHOFE. Madam President, I have to object.

I am going to object, as I said earlier, to any of our speakers going over because they would be doing that at the expense of those who have not had a chance to speak. So let me renew that unanimous consent request, that the times for the next speakers will be Senator VITTER for 10 minutes, Senator CORKER for 10 minutes, Senator SESSIONS for 5 minutes, Senator DOMENICI for 15 minutes, Senator INHOFE for 10 minutes, then Senator BOXER for 5 minutes, and Senator INHOFE for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Before the Senator from Louisiana speaks, the Chair wishes to make an announcement.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate having received a message from the House of Representatives, the House has agreed to the conference report to accompany Senate Con. Res. 70. The vote of the Senate taken on June 4, 2008, with respect to this matter, is ratified.

CONSUMERS FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I rise to discuss this very important climate change legislation and amendments I would have brought to the Senate floor for consideration. Now, unfortunately, I said "would have brought" because this entire process has been short-circuited, cut off, blocked by the actions of the distinguished majority leader. I find that very regrettable.

Whatever side of the debate we are on, whatever we think about this bill, it is beyond debate that this is enormously significant legislation that would have dramatic impacts on our economy. I believe it is the most significant bill that would have the most drastic and dramatic impacts on our economy of any since I have come to the Senate, which has only been about 3 years, but we have considered a lot of bills. Yet we are operating, apparently, under a procedure now where not one amendment will be considered before the significant cloture vote tomorrow morning. The distinguished majority leader has filled the amendment tree, so not a single amendment could ever be considered without his acquiescence and consent. That is flat out ludicrous. That is flat out offensive.

I came to the Senate from the House. In doing so, I heard from so many different sources so many stories, so many examples of how the Senate is a place of great unlimited debate; the ability to bring ideas and amendments to the Senate floor on the big issues of the day, in contrast to the House. Unfortunately, our distinguished majority leader has turned that on its head. He has made that exactly the reverse, where debate is completely shut down, where we have no amendments possible to be considered before the cloture vote on the most dramatic and significant bill to impact our economy that I have been able to consider here in the Senate. That is ludicrous.

On this topic, former Vice President Al Gore made a very famous movie: "An Inconvenient Truth." I ask what the distinguished majority leader is afraid of. Why not have a full debate. He seems to be concerned about an inconvenient debate or a series of inconvenient amendments. Again, I express extreme regret that we are having a cloture vote tomorrow morning before a single amendment is called up on the floor to be debated, before there is any opportunity—any security—for amendments to be considered, at least unless they have the majority leader's acquiescence and support.

I would have called up at least three amendments. These three amendments go to the heart of my concerns about the legislation. When I look at virtually all legislation, I look at the costs of the legislation and the benefits, and I ask: Do the benefits outweigh the costs: In this case, I believe the costs are very severe. First, costs relating to gasoline. The Louisianans whom I represent, as Americans are all over the country, are struggling under the weight of enormously high gasoline prices right now. They have risen from about $2.33 when this Congress came into office, to almost $4 at the pump now. Yet this bill could increase that burden significantly by as much as a dollar a gallon. That is a big cost.

I also look at the cost of other energy prices: natural gas prices, electricity prices. Again, that is a big additional cost this bill would be putting on American citizens.

Finally, I look at the cost of shipping more jobs overseas, because this bill would put dramatic onerous controls on American industry, American businesses, and American jobs, but wouldn't do anything comparable with regard to jobs overseas, including China and India. Those are big costs. The benefit? Well, the benefit, I believe, would be slim to none because of the factors I have mentioned, because of what this bill would do to burden our industry, our companies, our jobs. Those jobs would be pushed overseas, largely to countries without these controls—to countries that would not change their policies, that would not follow our lead, particularly China and India.

So what would we do with regard to the global issue of climate change? It is certainly global and not localized. We would be accomplishing virtually nothing.

My amendments, had I been allowed to offer them, would have addressed these onerous costs. First, I would have presented an amendment that said if the price of gasoline at the pump reaches $5 a gallon—forget about $4 where we are already—if it reaches $5 a gallon, then we would allow exploration and activity on our ocean bottoms off our coasts, but only under two conditions: first, if the host State off whose coast that activity would happen would want the activity; the Governor and the State legislature of that State would say yes, we want this activity off our coast, we want to help meet the Nation's energy needs. Secondly, if that happened, that State would get a fair revenue share—37.5 percent—building off the precedent we set 2 years ago with revenue sharing in the Gulf of Mexico; and important Federal programs and important Federal priorities, such as LIHEAP and the Highway thrust Fund and the Adam Walsh Act, would also get guaranteed funding. That is a significant and important amendment that should be part of this debate.

My second amendment would discuss electricity prices, particularly natural gas, and it would say that if natural gas demand went up, if the price went up because of this bill, then again it would pull a trigger and allow that exploration and production on our ocean bottoms off our coasts under the same conditions that I outlined with regard to host States.

Finally, my third amendment would address the significant jobs cost that this bill presents. Natural gas-intensive sectors of our manufacturing industry would be particularly hard hit by this bill. So my amendment, had I been allowed to present it, would have said that we will have annual reports describing whether this bill would displace more than 5,000 employees in natural gas-intensive sectors of the manufacturing industry such as the fertilizer industry, the pharmaceutical industry, the chemical industry. If that happened, if we went over that threshold, then the EPA Administrator, in consultation with the Secretary of Labor, would have to increase the number of allowances necessary to preserve those jobs.

Those are important topics in this debate. Yet they were completely shut out from consideration on the Senate floor. Once again, I have enormous regret and concern for this body based on the precedent the distinguished majority leader has set. This is an enormously important topic and bill, yet not allowing a single amendment to be called up and considered before our vote on cloture tomorrow morning, and filling the amendment tree so not a single amendment could ever be considered without the acquiescence and support of the majority leader himself.

As I said a few minutes ago, Al Gore talked about an inconvenient truth. I believe the majority leader is concerned about an inconvenient debate, inconvenient amendments, but that is exactly what the American people deserve: a full and fair debate and consideration of amendments.

With that, I yield the floor.

Mr. INHOFE. Madam President, I think it is very clear. Our speakers—myself included—all we are asking for is to debate our amendments and get votes on our amendments.

I now yield to Senator CORKER from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, if the Chair could let me know when there is 2 minutes left on my time, I would appreciate it.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CORKER. Madam President, thank you very much for the opportunity to rise and speak about the Climate Security Act. I think all of us realize what is getting ready to happen. Unfortunately, in the morning, there will be a cloture vote and obviously the bill will not have the votes for cloture and it will fail. Hopefully, we will return to a debate on the bill. I think the likelihood of that is very low.

I wish to say that as one Senator who has spent a tremendous amount of time on this issue, I am extremely disappointed in the process we have followed as it relates to this most important piece of legislation. Yesterday at about 11:15, a 492-page amendment was placed on the desk—492 pages. It is 150 pages longer than the original bill. Yet tomorrow we have a cloture vote. I would say that almost no Senator in this building has had the chance to fully read this bill as it now is. So again, the cloture vote will fail tomorrow at about 9 o'clock.

I got up this morning and I turned on the coffee pot early. I read the paper. I rode the elevator down and ran on the Mall and came back, got dressed, got in my car and came to work here, and I realized that every single process I had gone through this morning in some form or fashion would be affected by this bill if it were to pass. This is one of the most important pieces of legislation we have ever debated in this Senate Chamber. The fact that we have allowed such little time for debate, to me, is a tremendous disappointment.

I know many proponents of this bill will say that those who vote against cloture tomorrow will vote against cloture because they do not care about climate change; they do not care about climate security. I can tell my colleagues that in my case, nothing could be further from the truth. Over a year ago, I spent time with JEFF BINGAMAN in Brussels, Paris, and London, meeting with carbon traders, meeting with members of the European Commission, meeting with utilities, meeting with cement manufacturers, meeting with everybody who had a stake in what occurred in Europe when they put this process in place.

This last July, with a group of Senators led by Senator BOXER from California, I went to Greenland and saw firsthand the poster child, if you will, of what we have all been talking about. I met with Danish scientists. I met with scientists from our country. I have read tremendously about this issue throughout the years. Every time I have read a book or a magazine that was a proponent, I read one that was an opponent, if you will.

I have gotten both sides of this issue. Our staff has spent inordinate amounts of time on this. We have offered amendments. I have actually sent a letter to every single Senator in this Chamber with detailed amendments and the background and the reason we were offering them. I have never on this Senate floor used any degree of demagoguery to talk about this issue. I have only spoken about the facts of the policies we are debating.

The reason this bill is going to fail tomorrow is not because of the process. This bill is going to fail because it has serious flaws. Again, the process we went through to get to this point is one that is so inappropriate. Typically, when you have a portion of a bill, for instance, that relates to money, it goes to the Finance Committee. Typically, when you have a portion that relates to energy, it goes to the Energy Committee. That didn't happen. Most people on the EPW Committee itself candidly—as a matter of fact, almost every Member didn't even see this massive bill until it came to the floor yesterday. However, that is not even the reason it is going to fail. That is reason enough, but this bill has serious flaws. We have tried to point that out from day one. We have been totally transparent in the process. We have met with environmental groups that have been so involved in pushing this legislation; we met with their boards and pointed out along the way the three serious flaws we have seen in the bill. Other Senators have wonderful contributions to make to the bill, including Senators DOMENICI, INHOFE, BINGAMAN, and others; they have tremendous contributions to make.

Let me mention the three flaws we have talked about before. No. 1, the proponents of the bill, whom I respect tremendously—and I believe their hearts are in the right place—I thank them and their staffs for the work they have done on this bill because I know they spent a lot of time. Unfortunately, the politics of climate change itself and of solving the environmental problem was not good enough. Instead, the proponents had to take trillions of dollars in the Treasury and then prescribe through the year 2047—and then 3 years after in a different way—how the money was going to be spent. We haven't had a bill such as this since Medicare or Social Security. I don't think we have done something this pervasive that affects everybody in America on a daily basis. Instead of just focusing on the policy and letting the policy of cap and trade work as a potential market system, this bill had to be turned into a huge spending bill on the backs of the American people, driving up energy prices, driving up food prices, driving up clothing prices. Instead of returning that money to the American people, the proponents decided to spend every penny—almost—of the money taken in.

The second thing is, marketable securities, as everybody knows, are created the day this auction process begins. Those marketable securities are called carbon allowances. They are transferred to people in this bill. It is a transference of wealth. It would be like if I had 10 shares of IBM stock and my good friend, JEFF SESSIONS, was over here, and I said, JEFF, I am going to give you these 10 shares of IBM stock; they are worth money and are marketable. He can sell them that day. The policy of focusing on climate wasn't enough. This bill had to take the extra step of not just spending trillions of dollars but also giving trillions of dollars away to people—by the way, this is the best part——

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. CORKER. That has nothing whatsoever to do with emitting carbon. I have no idea why that is done.

Thirdly—and maybe most offensive—this bill sets in place something called international offsets. Others have talked about the burden on U.S. companies competing here if this bill is passed. This bill doesn't just create those burdens, which I acknowledge; it also pays them by allowing them to invest more inexpensively in other countries. I find that reprehensible, and I cannot imagine why any process such as that would be part of this bill.

Most importantly, though these three flaws exist, no doubt, this bill doesn't include an energy title to cause our country to be energy secure. I think we have missed a tremendous opportunity at a time when people have a passion about dealing with the climate in our country. Americans are feeling vulnerable, as they should, as it relates to energy. I think we have missed a tremendous opportunity to bring those two groups together and solve, once and for all, the problems that exist in our country in a meaningful way.

I came to the Senate to work on the big issues of our country. I am very disappointed that we will leave tomorrow having accomplished nothing, having accomplished nothing as it relates to climate, nothing as it relates to energy security, and nothing to ensure that generations who come after us will have a better way of living.

With that, I will close by saying I hope in the very near future we will put aside our differences, and I hope this cloture vote tomorrow will not lock people into places they don't want to be, to show romance, if you will, as it relates to the issue.

I hope that over the course of the next few months, we will be able to come together and do something that is appropriate for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, what is the time agreement?

The PRESIDING OFFICER. The Senator is allocated 5 minutes.

Mr. SESSIONS. I thank the Chair.

Madam President, I appreciate Senator CORKER for his hard work and bringing his capable mind to this incredibly complex piece of legislation. He has been able to explain, in simple language, some of the fundamental flaws that exist. I also agree with him, having traveled my State hard in the last month or two and talking to a lot of people who are concerned about gas prices. They want us to do something. My belief, and what I have said for some time now, is let's get busy and let's do the things that work. Let's not make a mistake and take wrong steps. Let's do things that work.

We need to accelerate biofuels. We have seen progress with wind, and maybe more could be made there. Solar is not right and hasn't proven itself as a major source yet, but maybe we can see that. And there are fuel cells and hydrogen. A lot of things are possible. This past week, I visited a Mercedes plant in Alabama that has a diesel engine that runs 35 to 40 percent better for mileage than a gasoline engine.

I visited, in Huntsville, AL, a plant that incinerates garbage and creates steam to provide to the military base, and it has been doing so since 1984. Yet not another city in Alabama has such a steam plant.

I visited an Alabama power company incinerator, where switchgrass and wood chips are blown in with coal, reducing the amount of coal used, burning more biofuels.

I visited the transport center at the University of Alabama, which is working on a more complete combustion of our fuels, fuel cells, and plug-in hybrids.

I visited Auburn University, where they are converting wood products, biofuels, to gases and then to liquids we can burn in our automobiles.

All that is happening in my State right now. I say, let's get busy and see if we cannot accelerate those things. Let's not create a monumental bureaucracy. As a former U.S. attorney, I am familiar with the Code of Federal Regulations. I am not sure a lot of people are. But this 400-plus page statute that we are about to pass has within it 35 direct requirements that various agencies of the U.S. Government will issue regulations on, and the regulations frequently are far more extensive, more complex, and detailed than the laws we pass. But every business in America will be bound by them. If they violate them, they can be fined $25,000 a day. Somebody will have to enforce them. Who is going to do that? The EPA says they know they will need perhaps 400 new people right off the bat to keep these programs up and going. But the Department of Agriculture, the Department of Treasury, and Department of Commerce have requirements, and they are going to have to have people, among other agencies.

But who will have the most? What area of our economy will be required to hire the most people to comply with these regulations? I submit it is the private businesses that are going to have to hire accountants, technicians, have monitoring stations, hire people to figure out what credits to buy and what credits to sell and try to project the market and see what the future is going to be on credit and where to get these credits. It is going to be an incredibly complex thing.

This 492-page legislation has 35 different specific directions to various agencies to issue regulations.

My time has expired. I thank the Chair and point out that this has huge ramifications throughout our economy. I am pleased to listen to Senator DOMENICI, our fabulous leader for so many years on these issues.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I ask that you advise me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. DOMENICI. I am sorry, but it gets difficult to keep track of the time. I thank the Senate for permitting me to speak a few moments today.

We are just 3 full days into the Boxer bill, and several important questions have arisen. Unfortunately, the majority leader has filled the tree. That sounds like something you do around Christmastime, but that is not what it is. It means last night the majority leader decided this bill, when we return to it—if we do, which I don't think we will—would not be amendable. He has put amendments in every place you could amend so you cannot amend any further. So we would not have a chance to fix this.

So everybody will understand, 3 days for a bill such as this in the Senate is unheard of. This Senator is serving his 36th year and happens to be fortunate that I was here when the Clean Air Act of America was passed. It was a new regime for trying to clean our air. We were on the floor of the Senate, with Ed Muskie as chairman, for 5 weeks. Over 160 amendments were brought up, and over 100 were approved, or voted on. That is debating a bill—not 3 days.

As we consider this bill, we have to ask ourselves if a cap-and-trade regime is our only option, or even our best option, for reaching the bipartisan goal of reducing global greenhouse gas emissions. The Congressional Budget Director recently testified before the Committee on Finance and the Committee on Energy that a carbon tax would be five times more efficient, that a rigid cap-and-trade regime would, conversely, be only one-fifth as effective as a carbon tax. So, obviously, we have set about to do something far more difficult than directly attacking the problem with a carbon tax because we fear it. But the American people should know what we are doing to them, in this roundabout way, is far worse on them, their families, and their future than a carbon tax, which everybody says we should leave alone and forget about.

It is also appropriate to ask how this bill was written and why it has been written several times. The bill leaves us with more questions than answers. One that immediately comes to mind is, why allowances under this bill are not considered property. This bill mandates that entities pay for the allowances. Then it refuses to extend the rights of ownership to those allowances.

The distinguished junior Senator from Tennessee has spoken eloquently about this whole business of allowances and what is wrong with the way we are treating it. He has mentioned, but I mention again, the bill specifically says they are not property rights. Why do you pay for them? If you pay for them, you think you own them. If you don't own them, they are worth nothing because anybody can do what they like with them if they are in a position of authority and you receive nothing. If you try to sell them and an administrator decides you cannot, you have no rights because you don't own anything.

This bill mandates the entities pay for them and, I repeat, refuses to extend the ownership rights. I don't know why this is written this way, but I hope we will have a chance to consider an amendment. Perhaps the Senator from Tennessee would have joined me in an amendment to strike that provision, but we will not have a chance to do that because the leader has filled the tree.

I repeatedly heard false claims that this bill will create a market-basket approach to reduce greenhouse gas emissions. For a marketplace to operate, its participants must own the products they seek to trade. Property is a fundamental right in a well-functioning market. The right of ownership should not rest with the bureaucrats at EPA. It should rest with the purchasers of the allowances.

Additionally, it is not credibly explained how Americans will comply with this bill. There are a number of resources and technologies that can significantly reduce carbon emissions, but often they are not commercially viable or, worse, are blocked from being licensed.

Our Nation currently has 104 nuclear powerplants. According to the EIA, Energy Information Agency, we need to build an additional 264 gigawatts of nuclear capacity by 2050 to comply with this bill. Another Federal agency found that only 44 gigawatts of nuclear would be built and that our needs would, instead, be largely met by 81 gigawatts of coal with sequestration and 61 gigawatts of renewable power. An MIT study found that we would meet our obligations with 236 gigawatts of coal with sequestration. This technology has potential, but it has not yet been commercially demonstrated.

The point I am making is, some of the assumptions as to how we will reach this goal under this bill are stated by the experts in our country that they cannot be achieved because some of the things they expect to use cannot be used or cannot be done.

In the years ahead, will those who now support this bill strongly advocate the construction of the infrastructure and facilities necessary to comply with it?

More than 20 organizations went on record last November in opposition to the National Interest Electric Transition Corridor. These corridors, established in the Energy Policy Act, which we together wrote and passed on the floor of the Senate, are essential to addressing electric transmission constraints or congestion across the country. But an attitude of "not in my backyard" has resulted in vocal opposition in many localities. Yet that would be absolutely necessary for this bill to work.

According to Greenpeace's Web site, carbon capture and sequestration is "an unproven, expensive, and inefficient technology" that taxpayers should not be asked to subsidize. But according to EIA, it is not available. The result is almost a doubling of the negative impacts of economic growth.

As recently as 2005, a leading proponent of this bill said in the Senate:

> Nuclear power is not the solution to climate change, and it is not clean.

Friends of the Earth, a large environmental group active in 70 countries around the world, describes nuclear power as a "false solution" that "is simply a diversion" from the progress of reducing greenhouse gas emissions. The fact is, nuclear power is our only carbon-free source of baseload generation, and the 104 nuclear reactors now in our country around the Nation displace as much carbon dioxide—just this one source of energy—as nearly all the passenger vehicles on the roads of America. That is a pretty good exchange for 104 nuclear powerplants that are old and doing the job.

The opposition to energy infrastructure that we need to reduce greenhouse gas emissions overlooks a fundamental truth that is underscored by nearly every study in this bill. Without these resources and technologies, it will be impossible to meet the targets outlined by this bill. So supporting a cap-and-trade regime is insufficient. The bill's advocates must also pledge to support and work hard for energy infrastructure, which we have just discussed, for years to come.

Perhaps the most important question in considering this bill is whether it will accomplish its stated purpose. Listen carefully. The first stated purpose of this bill is "to establish the core of a Federal program that will reduce the United States greenhouse gas emissions substantially enough to avert the catastrophic impacts of global climate change." First purpose.

The United Nations IPCC—that is the technical hierarchical leader—projects that if the global concentration of greenhouse gas increases by 90 parts per million, global air temperature will rise by roughly 1 degree. These are the projections cited by the advocates of this bill. According to the EPA, however, this legislation would only decrease global concentrations by 7 to 10 parts per million by the year 2050, enough to reduce temperatures by only one-tenth of 1 degree Celsius.

As I stated earlier in this debate, such an increase will fail the test outlined in this bill. Its impact will not be substantial enough to avert a catastrophic impact of global climate change as stated by the proponents of this bill, cited by the advocates of cap and trade, to say it another way.

Their own rhetoric does not match the reality of what this bill would accomplish. The biggest purpose would not even come close to being accomplished. If we did it, it wouldn't come close to what is necessary. I just gave the numbers.

The second stated purpose of this bill is divided into seven subsections. First, it is intended to reduce greenhouse gas emissions while "preserving robust growth in the United States economy." Economic studies across the board have found that this bill fails in this regard. The studies find that this bill will have a negative impact on gross domestic product, our basic test of collective productivity, in the range of trillions of dollars.

Next, the bill is intended to create new jobs in the United States. Why then is so much attention given to retraining assistance for workers in this bill? A study by the SAIC estimated that 3.5 million jobs would be lost by 2030 as a result of this legislation. And there is no credible study that says this bill, on a net basis, will create jobs in America.

Third, this bill seeks to "avoid the imposition of hardship on U.S. residents." Given the projections of lower economic growth and job losses, this is simply not possible.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining.

Mr. DOMENICI. I thank the Chair.

The fourth subsection states that this act is intended to "reduce dependence of the United States on petroleum produced in other countries." Last year, I introduced the American Energy Production Act. I plan to offer this as a complete substitute for this bill. There is no one who could doubt that it would do more to reduce our dependence on foreign oil than this bill.

The fifth states that the act will "impose no net cost on the Federal Government." This stated purpose omits the massive cost that consumers and businesses will incur. The number has been placed at $6.7 trillion, which represents an unprecedented transfer of wealth to be carried out at the discretion of the Federal Government. This is the most expensive authorization bill in my 36 years in the Senate.

Sixth, the bill states that it seeks to "ensure the financial resources provided by the program established by this act for technology deployment are predominantly invested in development, production, and construction of that technology in the United States." Why then does the bill include an entire title for international offsets and allowances? That has been stated by the distinguished Senator from Tennessee eloquently.

Further, uncertainties of numerous kinds remain that I am unsure this act is capable of being administered, but I am not sure exactly how that can be done. CBO estimates an increase of $3.7 billion in discretionary spending at EPA between 2009 and 2018 just to administer this bill—$3.7 billion. That is nearly a 50-percent increase compared to their entire current budget.

This bill would require more than 50 new reports and studies, many of which recur on a monthly, quarterly, or annual basis. It includes directions for 39 new regulations and rulemakings and would establish 56 new program initiatives, funds, and similar Federal entities. This chart behind me shows just how complex this bill would be. I ask that my colleagues look at it because it is accurate.

It should be clear that any reasonable amount of time studying this cap-and-trade proposal leads to more questions than answers. While that may be acceptable for scientific endeavors, it is not a very sound footing for making law.

On a global scale, this bill would provide minimal, if any, environmental benefit by the end of this century. But even to achieve a small reduction here at home, we may subject America's economy, prosperity, and global competitiveness to irreparable harm, while creating greater emissions abroad. The capp-and-trade system envisioned by this bill is simply not the answer we seek for reducing our greenhouse gas emissions. I hope in the future we can move this debate in a direction toward solutions.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding that I have 10 minutes and then the distinguished junior Senator from California will have 5 minutes and then I will have 5 minutes in rebuttal.

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Madam President, please tell me when I have 1 minute.

All Republicans want just one thing, and that is to debate this bill, bring it out in the open, let the light shine on it. Every Republican who has spoken has talked about the various amendments they want. All we want to do is discuss, debate amendments, have recorded votes on the amendments, and then have a recorded vote on final passage. That is a very reasonable request.

The Senator from New Mexico said on a couple of occasions that—referring to the amendments of 1990—there were 180 amendments that were offered at that time in 5 weeks of debate. Now we are talking about 3 days. I don't want anyone walking away when they pull the bill and say the Republicans had anything to do with it because all we want to do is debate it.

One of the amendments I want is to set up a mechanism we put down in a very reasonable way that would protect truckers, small businesses, and farmers from higher diesel prices caused by the Lieberman-Warner bill. I still want that amendment, and I hope there is a change of heart someplace and we will be allowed to do it.

It is important in these last few minutes to talk a little bit about this 53 cents a gallon they have estimated. They have said it is not going to be 53 cents a gallon, but the EIA, the Energy Information Agency, has estimated that it would be 53 cents. But they say we are underestimating. They said first they acknowledge their model does not take into account cost of allowances for refineries, it does not account for more production going overseas, and it does not account for supply-side changes in the market, which means as production costs go up, supply will get tighter. That is a conservative estimate.

Since our junior Senator from California has returned, let me one more time talk about the tax increase. This is a massive tax increase on the American people. At a press conference on June 2, Senator BOXER said this is tax relief. Later on, she said in the same press conference: We also have in this bill a very large piece, almost $1 trillion of tax relief. So when we see some increases in energy costs, we can have tax relief. Then she talks about tax relief.

What does the bill say? The bill says the tax relief referred to is nonbinding; it is sense of the Senate. That just means it is conversation. It says it should be used to protect consumers. It doesn't authorize it, it doesn't direct it, it doesn't provide anything is paid. So what we are talking about is that $800 billion is not going to happen. But assuming it did—that is after we have taxed the American people $6.7 trillion—then we might give them back $800 billion. That means that for every $8 we tax them, we give them back $1.

Next, nuclear. Certainly, the Senator from New Mexico has been a leader on this, and we have talked about trying to get more nuclear energy for quite some time. I will say this about the McCain-Lieberman bill. One of the reasons I don't believe Senator MCCAIN is for this bill is that it doesn't have a nuclear component. His bill had a nuclear component, a recognition that we are not going to solve this problem in this country without a nuclear component. So this bill has no nuclear component.

When you look at other countries, such as France, they get 80 percent of their energy from nuclear energy. We are getting 20 percent. It is clean, abundant, cheap, and safe, and we ought to be doing more of that. I think we are on the road to start doing that, but not in this bill. It is not in this bill.

Next, the gas price, the 53 cents, I would suggest that is not just conservative, it is incredibly conservative because that is assuming 268 new nuclear electric powerplants by 2050. That is assuming we have 268 new nuclear plants. Well, according to the Electric Power Research Institute, and everybody else, the most we could have would be 64. So that is one-fourth the amount. That means the increase in the cost per gallon most likely would be closer to $2 a gallon instead of 53 cents a gallon.

On the $6.7 trillion tax increase, this is one where they say: Well, we are going to give part of this back. Even if they gave back $2.5 trillion over that period of time, this would still be a $4.2 trillion tax increase.

Now, you might say: What is all that money going for? Look behind me. There are 45 new or expanded bureaucracies that would be recorded or be established by this bill. In other words, if we do this bill, yes, we are going to be taxing the American people $6.7 trillion, and it is going to be going toward expanding and creating new bureaucracies—45 of them. I can assure you that none of that money would be returned to the people of Oklahoma.

Now, it is hard to explain what $6.7 trillion means. It has so many zeros, people's heads start to swim. The analysis by Charles Rivers Associates says that each family of four in my State of Oklahoma will have their taxes increased by $3,300 a year—$3,300 a year. That is a massive tax increase. If you go back and look at the last major tax increase we had in this country—it was the Clinton-Gore tax increase of 1993—where the taxes went up, Americans were taxed by some $32 billion. This would be closer to in the trillions. It would be 10 or 12 times more than that.

The last major thing to talk about is jobs. I don't know how anyone can look at this logically and come to the conclusion that this is not going to be the killer for jobs in America. I listened to my friends from Ohio and other States in the Midwest. We in Oklahoma don't really have that much of a problem, but in the manufacturing belt of the Midwest—Ohio, Michigan, Illinois—they are losing their manufacturing jobs. They have lost, by some estimates, up to 25 percent of their manufacturing jobs because we don't have adequate amounts of energy to take care of those things.

Well, this bill, according to the analysis that was done, would increase the loss of jobs in the manufacturing sector by 9.5 percent. In other words, it is not going to lose a few thousand jobs but many thousands. If the manufacturing sector is going to be dropping another 10 percent, it is devastating.

Now, where are these jobs going to go? They are going to go to Mexico and they are going to go to India and China. There are a number of different places they will go. This is the interesting thing—and I think the Senator from Wyoming, Mr. ENZI, gave a speech on this that I thought was very good. In the speech, he talked about what happens when jobs go to China. When jobs go to China, they do not have any emissions restrictions in China, so the problem we will have there is that it is going to increase the amount of CO_2 in the air.

I have agreed going into this debate that we would assume that it is true that manmade gases—anthropogenic gases, CO_2, methane—are a major cause of climate change. I don't believe that is true, but we wanted to assume it because if we didn't do that, this debate would be all about science. We might end up winning the debate but not in the short time the leadership has given us for this bill. So if we were to have the time to do that and to talk about these losses and where these losses are coming from, it would be much more meaningful.

But the bottom line is this: You can't worry about what is going to happen if we lose the jobs without realizing that even if this bill were to pass, it will end up costing the atmosphere. We will end up with a lot more CO_2 being emitted into the atmosphere. It is only logical we are going to lose these jobs to developing nations, some of which I have mentioned, and those developing nations don't have any restrictions on their emissions. So what happens? We pass the bill, emissions increase, and America goes through this economic disaster.

For those reasons, we can't do it, and for those reasons, we are getting all kinds of editorials all around the country saying we can't afford to do it and saying things such as:

> This is easily the largest income redistribution scheme since the income tax.

And saying things such as:

> The only thing it will cool is the U.S. economy.

And saying things such as:

> The Boxer climate tax bill would impose the most extensive government reorganization of the American economy since the 1930s.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. INHOFE. Our only request is to let us debate the bill, debate the amendments, vote on the amendments, and vote on the bill. It is a reasonable request.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. My Republican friends are fierce defenders of the status quo. They are desperate defenders of the status quo. They are clinging to the past and turning away from solving one of the major challenges of our time. All they say is no, no, no, for the status quo. And the reason is they know we are so close with this bill to finally getting us off foreign oil, finally getting us off big oil, and that is whom they defend here every single day.

They talk about working people. When is the last time they stood up and argued in favor of working people? Let me show you the working people who are supporting us.

They stand up: Oh, we are going to lose jobs, lose jobs, lose jobs. It simply isn't true. We have businesses, we have working people. Why don't they go and tell the people who are supporting the Boxer-Lieberman-Warner bill, from the International Union of Operating Engineers, from the building and construction trades, from the Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, from the heat and frost insulators, to the plumbers, to the roofers, to the plasterers, to the painters and the allied trades, to the teamsters and truckdrivers, to the brick layers. They stand here and scare people. These working people know where the jobs are. The jobs lie in the new economy, the new green economy, the economy that gets us off of foreign oil, that gets us off of big oil.

Then they have the nerve to talk about how we are going to raise gas prices. Take a look at what has happened to gas prices since George Bush became President. And what did they ever do about it, Bush and CHENEY? Oh, they were the oilmen and they were going to be able to deal with the oil companies. I will never forget it. Under George Bush, a 250-percent increase, a 250-percent increase in a gallon of gas in the years he has been in office, and all he can do is go to Saudi Arabia and hold hands with the Saudi Prince and beg. It doesn't work. What is going to work is a climate security act such as the one we have before us, and this is the pie chart I can show you.

Look at this. My friend from Oklahoma, he makes up things about this bill. He says it is about raising taxes. That is false. We give back almost $1 trillion in taxes. We give back much more than $1 trillion in consumer relief. All of this yellow is what most of this bill does, and here we invest. We invest in low-carbon technologies so that we can get off oil.

They do not want to get off oil. They have friends in the oil industry. Who do you think is opposing us and making up untruths about our bill? That is what happens. We don't have any tax increases, we have tax cuts.

And then Senator BUNNING says scientists disagree. Yes, there were a few people who still said the world was flat. There are a few people who still say cigarette smoking doesn't cause cancer. But the vast majority of scientists from the IPCC, the most brilliant scientists all over the world gathered, including our own here in America—11 American National Academies of Science say global warming is unequivocal.

You can put your head in the sand. You can divert attention by saying this is a tax when it is not. How do we get the funding? We get it from the largest emitters of greenhouse gas emissions.

I am looking at the Presiding Officer sitting in the chair. She wrote the first section of the bill that deals with a greenhouse gas registry so we can measure that. And what do we say to them? You are going to have to get permits to pollute. Polluters pay. And we help them with that in the early years, and we take that money and we give most of it back to the people, OK? Then the rest of it, the rest of it we put to deficit reduction and investments of technology.

We hear others get up and say: Drill, drill, drill. You can't drill your way out of this problem. I don't want to drill in a wildlife preserve that Dwight Eisenhower, a Republican President, set aside. That is ridiculous. It only has 6 months of oil. It is better to have a long-term solution where we have the alternatives ready, the cars ready, the different fuels ready.

Senator CORKER complains about the process and he complains about the process. I say to Senator CORKER: Vote for cloture. We will have amendments, we will debate the bill, and we will move forward.

So it seems to me we are hearing a lot of falsehoods here. Vote for cloture. Let's get off of big oil and foreign oil.

Let's have a good economic future and solve the crisis of global warming.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I have heard the same thing, and I have a great deal of respect for our chairman of the committee and her people's information. I used to chair that committee when the Republicans were in the majority. We are not a majority now, so it is Senator BOXER. But I wanted to cover the three things she covered.

First, gas prices, that somehow gas prices are not going to be going up as a result of this, and blaming that on the President, the administration, whether it is Cheney-Bush or whoever it is. Let's keep in mind that gas prices went up when the Democrats controlled the House and Democrats controlled the Senate.

Now, if anyone doubts who is at fault for this, go to the Web site for Environment and Public Works, epw.senate.gov, and look it up. What I have done is document the votes all the way back to 1995. Every time we tried to increase the supply of energy in America and every time we tried to increase our refining capacity, it was killed by the Democrats, right down party lines. Look it up. It is there. I have provided it for you so you don't have to find it yourself. It is there.

Now, I don't know how many times I can refute this; the distinguished Senator talks about the fact that she doesn't believe this is a tax increase and it is going to be a tax decrease by almost $1 trillion. It is $800 billion. But let us remember, as I said before, this bill takes $6.7 trillion from Americans in the form of a consumption tax on consumable goods and on energy. Now, the bill says we should give back $800 billion. That means for every $8 we are taxing the American people, we might be giving back $1.

The third thing is on jobs. You know, this is such a logical thing that I don't believe we should have to go into all this. If you do away with energy and dramatically cut energy in America, jobs have to go someplace. It is estimated that almost 10 percent of manufacturing jobs will go overseas. They will be gone.

She talks about the labor unions. Let me read what the labor unions say. The National Mining Association wrote:

> Contrary to representations made of the Boxer substitute, S. 3036 does not provide sufficient funding or incentives for CCS and advanced coal technologies. Under the Boxer substitute, the advanced coal research program proposed is replaced with a kick-start program. In other words, they are opposed to it.

How about United Auto Workers? The last time I checked, that was a union. They said in a letter to her and to me:

> The legislation still contains serious defects that would undermine the environmental benefits while posing a threat to economic growth and jobs. Accordingly, the UAW opposes this bill in its current form. We urge you to insist that the legislation must be modified to correct for these defects.

That is the UAW.

Again, the last thing the distinguished Senator said is we need to get to final passage, we need to pass this thing. I only hope that the Democratic majority of the Senate will let us vote on amendments and let us vote on final passage. If we take this bill down, I don't know who you want to point a finger at, but I am standing here right now begging with the leadership, let us debate the amendments and let us debate final passage, let us have public record votes on the amendments and votes on the bill so the light will shine brightly and everyone will know who is responsible if this bill goes down.

I yield the remainder of my time and yield the floor.

Mrs. BOXER. Madam President, I have a unanimous consent request that I may have printed in the RECORD a statement of Senator BARACK OBAMA which says if he were able to be present, he would vote to invoke cloture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Madam President, I will not be present for tomorrow's cloture vote on the substitute amendment to the climate change bill (S. 3036). However, were I able to be present, I would vote to invoke cloture. Thank you.

Mr. SPECTER. Madam President, I seek recognition to announce that due to my chemotherapy treatment in Philadelphia tomorrow, I will necessarily be absent from the expected cloture vote to end debate on the Boxer substitute to the Lieberman-Warner Climate Security Act, S. 3036. If I were present, it would be my intention to oppose cloture at this time.

As I stated earlier today on the Senate floor, I am sorry to see that the majority leader has filled the so-called amendment tree on the global warming bill, thereby blocking all amendments. This is the 12th time he has employed this legislative tactic in the 110th Congress. It is a sad state of affairs in the U.S. Senate when we take up legislation on such a pressing matter as global climate change and 4 or 5 days later find ourselves being asked to end debate when the debate hasn't even begun in earnest.

I was looking forward to really focusing my attention and that of my colleagues on the very crucial issues that are part of this extremely complex bill. As I have said repeatedly, I believe we need to take action on global warming, and I have felt this way for many years. In 2001, Senator COLLINS and I wrote to President Bush recommending that he re-engage in the Kyoto process because the U.S. should lead on this issue and have a seat at the international table.

My commitment to fighting global warming is also evidenced in the work I have done with the chairman of the Senate Energy and Natural Resources Committee, Senator BINGAMAN. During the energy bill debate of 2005, we offered the Bingaman-Specter sense-of-the-Senate amendment that put the Senate on record for the first time supporting mandatory climate change legislation—a 54 to 43 vote. In the intervening years, we worked diligently to craft a bill that balanced the concerns so many of our colleagues have had on both sides of the aisle. Our Low Carbon Economy Act, S. 1766, would establish mandatory emissions caps while protecting the economy and encouraging international action. Whatever eventually passes Congress and is signed into law will have to meet these difficult tests.

We have spent this week debating whether to proceed to the Lieberman-Warner bill. Many Senators filed amendments starting Wednesday afternoon, which was the first opportunity to do so. I filed four substantive amendments today. However, despite the repeated urging of Senators, including me, the majority leader decided to fill the so-called amendment tree, which has the practical effect of blocking any amendments from being officially offered, debated, and voted on the Senate floor. This has set up a scenario where Senators are being asked to vote for cloture—to end debate—on the underlying Boxer substitute without ever having the opportunity to amend it. This begs the question of whether the Boxer substitute is so perfect that nothing in its 492 pages should be scrutinized—or whether more pages should be added.

This kind of process puts Senators in a difficult position. I have stated my desire to pass legislation combating global warming. I represent a State with 12 million people and a very diverse electorate and economy. There are many Pennsylvanians who would like me to vote for the Lieberman-Warner bill. There are also many who want me to oppose it. I have met with citizens, companies, faith leaders, sportsmen, conservationists, environmentalists, union officials, and others who have expressed a broad range of opinions. What I have tried to do is take all of these concerns and work with my colleagues such as Senator BINGAMAN to craft sound public policy that exerts U.S. leadership in tackling the very real environmental problems we are facing, but also recognizes the uncertainty with creating the Nation's first economywide cap-and-trade program.

On Monday, June 2, I presented a detailed floor statement on my past activities on climate change and on my concerns with the Lieberman-Warner bill. Some of the questions and concerns I raised included whether the Lieberman-Warner emissions caps are technologically attainable, whether the bill adequately protected the economy, whether the bill strongly adequately addressed the competitiveness of domestic manufacturers, and whether the bill fairly treats process gas emissions from steel production, to which there are no alternative methods. I filed four amendments dealing with these issues, but, again, none of my amendments nor any others will be permitted by the majority. Now, it is important to note that I am not set in stone on anything. I am open to rethinking my position on various elements of a climate change bill. I also think I deserve the opportunity to state my case and have my opinion and ideas considered.

Given the current legislative situation and lack of proper consideration of this incredibly important legislation, I do not support the effort to invoke cloture on the substitute at this time. I commit to continuing to work with my colleagues to find a solution to the very serious issue of climate change. We should be acting with the speed and deliberation that this massive yet essential undertaking deserves.

Mr. CONRAD. Madam President, I would like to briefly discuss the Climate Security Act and indicate how I would vote if I were going to be present for tomorrow's cloture vote.

There can be no question that climate change is real. The scientific consensus is clear. Human activity is increasing the concentration of greenhouse gasses in the atmosphere, warming the planet, melting the polar ice caps, and causing severe weather events across the globe. The effects that we have seen to date are small in comparison to what scientists say are the likely consequences of continued warming. These developments have very serious implications for this country, and for the world.

We need only to look to the droughts in my part of the country over the last few years or the increased frequency and ferocity of severe weather events across the country to see the very real effects of global climate change.

We have an obligation to current and future generations to take meaningful action to reduce our emissions of greenhouse gasses, and I very much appreciate the efforts of Senator LIEBERMAN, Senator WARNER, and Senator BOXER to address this issue.

However, this is a very complicated piece of legislation that will have far-reaching effects on our economy, our competitiveness, and the economic security of the people I represent. It is critically important that we understand these effects and ensure that we have minimized the economic costs of the bill.

Our economy depends on affordable, reliable, and abundant sources of energy. Whether that means renewable sources of power like wind, solar, and biomass, or power derived from natural gas, petroleum, or coal, we have a responsibility to ensure that our businesses, manufacturers, and households have access to energy sources at reasonable costs. We rely on energy in almost everything we do in the course of a day, from turning on the light in the morning, to driving our cars to work, to cooking our dinner at the end of the day. During my time in the Senate, I have remained committed to keeping energy costs affordable for all North Dakotans and all Americans.

The bill before us could reduce the affordability of these sources of energy. Over time, it will require companies that produce and use natural gas, petroleum, and coal to acquire credits for each ton of greenhouse gas emissions for which they are responsible. According to estimates from the Department of Energy's Energy Information Agency, the cost of allowances will range from approximately $20 in 2012 to between $60 and $80 in 2030 for each ton of emissions. I am very concerned about what these costs will mean for consumers in my state, where over 90 percent of our electricity comes from coal.

I am also concerned about the effects of these cost increases on our international competitiveness. In the absence of a binding international agreement, other nations that are leading emitters of greenhouse gasses will not be subject to strict emissions controls. We would risk putting U.S. manufacturing—which relies on affordable energy—at a significant competitive disadvantage with the rest of the world. We have already witnessed the loss of jobs to manufacturers in Mexico and China. I recognize and appreciate that the authors of this bill have sought to address competitiveness concerns. But we must do more.

Unfortunately, the tactics of some of our colleagues have made it impossible to have a full debate on these issues. There will be no opportunity to offer amendments that would address these concerns and improve the bill. I will be necessarily absent tomorrow for a long-planned and critically important meeting with senior Air Force leadership at Minot Air Force Base in my state. However, if I were here, I would have no choice but to oppose cloture.

This legislation will not be the final word in the Senate on this subject. As this debate resumes, we need to continue working for a solution that carefully balances the need for action with the concerns about the impact on our economy and our competitiveness. We need to carefully consider impacts on States with energy dependent economies, such as North Dakota. We need to carefully consider the impact on different types of energy and make sure we do not put some forms of energy—such as lignite coal, which is the leading source of power in my State—at an unfair disadvantage. We need to carefully weigh the impacts that any plan will have on energy consumers. And we need to make sure this legislation is part of a global effort, so that countries such as China do not derive an unfair competitive advantage from our action. I very much hope to be a part of finding innovative and creative solutions that achieve this necessary balance.

Getting climate change legislation right will require an enormous amount of additional, careful work. I look forward to working with Senators BOXER, LIEBERMAN, and others to address this very real problem.

Mrs. FEINSTEIN. Madam President, I would like to explain the purposes of the amendment I have filed today with Senators KLOBUCHAR and SNOWE to the greenhouse gas registry provisions of the Climate Security Act.

This amendment attempts to clarify the relationship between the greenhouse gas registry provisions in the Climate Security Act, and existing law requiring greenhouse gas reporting. The existing law is a provision that I included in the fiscal year 2008 omnibus appropriations legislation, Public Law 101-161.

The fiscal year 2008 omnibus appropriations legislation requires the Administrator of EPA to do the following:

> publish a draft rule not later than 9 months after the date of enactment of this act, September 26, 2008, and a final rule not later than 18 months after the date of enactment of this act, June 26, 2009, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.

Thus, under existing law, by June 2009, EPA must publish a final rule requiring mandatory reporting of greenhouse gas emissions.

Sections 101 and 102 of the Climate Security Act build on these provisions in existing law. The Administrator of EPA must complete a new rulemaking within 2 years of enactment of the Climate Security Act.

As clarified in my amendment, this new rulemaking shall establish a Federal greenhouse gas registry that "builds upon the regulations completed pursuant to [existing law]."

The new regulations will make "changes necessary to achieve the purposes described in section 101," which includes the substantive requirements for the new registry set forth in section 102(c).

Finally, the new regulations will "require emission reporting to begin no later than calendar year 2011." This final provision acknowledges that emission reporting will likely begin in 2010 under existing law, given that the Administrator must complete regulations by June 2009 requiring mandatory emission reporting. Emission reporting that is fully consistent with the provisions of the Climate Security Act will then begin no later than 2011.

I would like to thank Senators KLOBUCHAR and SNOWE for their dedicated leadership in support of the greenhouse gas registry provisions in this bill. It is a pleasure to work with them on this issue.

Mr. ROCKEFELLER. Madam President, I wish to take a few moments to discuss an amendment I have filed to the underlying Boxer substitute amendment to the Lieberman-Warner climate change bill.

I feel very strongly that, in any responsible attempt to address the very real threat of global climate change, one of the very first orders of business must be to ensure that our economy comes out of the process as strong or stronger after the enactment of carbon constraints as beforehand. Our economy, as I have said many times since coming to the U.S. Senate, is inextricably tied to coal. Some may not appreciate it still, or may let it slip to the back of their minds until another tragedy in the coalfields, but the fact is, coal provides about half of all of our electricity. Some months a little more, and some months a little less. But in almost every scientific or economic analysis I have seen, our dependence on coal to keep our economy functioning is going to continue to increase—and this is true even under the aggressive approach of the climate change bill before us.

That projected growth in the use of coal probably is a function of long-term economic growth and the relative difficulty and high cost of building generation alternatives. Coal can provide us with many decades—some experts say many centuries—of cheap, reliable, domestic energy. But as this country moves to address climate change, as I fervently believe we must, the future for coal—and I reiterate, the health of the American economy—depends on the ability of our electric utilities to use coal in a cleaner way than ever before, which includes capturing and permanently storing carbon emissions.

This is why I am proposing an amendment that will dramatically increase in the size and the scope of the carbon capture and storage, CCS, programs already underway in the Department of Energy. It is my goal with this provision—which will authorize $650 million for CCS research, development, and deployment through the end of fiscal year 2014—that a program already underway, but plagued by much-lower funding that is really required, can move beyond the baby steps currently being taken, and move us closer to a day when coal can deliver on the promise those of us in West Virginia and other coal states have always understood it to have.

But my CCS amendment neither begins nor ends with merely increasing funding of current R&D programs. In fact, while I have no doubts about the quality of the work being done by fossil fuel researchers at West Virginia's National Energy Technology Laboratory and their scientific collaborators at West Virginia University, Marshall University, and other fine schools around the country, I am not convinced the bureaucratic nature of DOE is the right or only environment in which to make the best use of the science to bring about the cost-effective, commercial-scale CCS, technologies we know we need. I believe that the men and women working in our National Labs can produce great results, but my grave concern is that government tends to move slowly and simply cannot afford to wait the several decades that are anticipated by the current technology roadmap. That is why I am proposing an additional—and I believe, transformational—means at arriving at commercial-scale CCS much more rapidly.

The cornerstone of this amendment is the creation of a nearly $20 billion quasigovernmental corporation, which I am calling the Future Fuels Corporation. The Future Fuels Corporation is intended to push the environmentally responsible use of coal for electricity and the production of carbon products—transportation fuels and industrial inputs—in a process called "polygeneration," while also moving us further and faster toward a time when commercially viable CCS technologies make using coal, our most abundant domestic fuel source, no more environmentally worrying than deriving electricity from the wind or the sun.

What separates the Future Fuels Corporation from other CCS research and demonstration projects, those underway or new programs being proposed as part or in reaction to the underlying bill, is that when the corporation comes into being it will be funded by the Federal Government, but run by an independent board of directors, each of whom is an energy expert in his or her own right. These experts will be nominated by the President, confirmed by the Senate, but responsible to the taxpayers for realizing the goals of the Future Fuels Corporation without the heavy hand and bureaucratic meddling that can be the unfortunate byproduct of the program administration of any government agency. The Future Fuels Corporation will have to deliver results. The scientists and researchers brought onboard the Future Fuels Corporation will carry out their activities with a "do it right, but do it fast" business mindset, and not the measured academic pace of traditional R&D programs that could keep important CCS developments from being realized as fast as we need to have them up and running.

I am firm in my belief that the United States must do something significant to slow and ultimately reverse the carbon-induced climate change that an unimpeachable scientific consensus shows us is already happening. We must not hesitate to engage internationally, and when we do, the effort cannot be allowed to let off the hook developing nations that are fast becoming significant sources of atmospheric carbon. Our action must be scientifically justified, but must always acknowledge the economic implications for workers in carbon-intensive industries, and for the poor and middle class families who will find it even harder to pay their bills when carbon constraints raise energy prices. Similarly, we cannot exacerbate the competitive advantage enjoyed by manufacturers in foreign countries. We must aggressively enforce our own trade laws, and address the fact that many of our trade competitors do not regulate carbon.

I have serious reservations about the underlying bill. The President quickly issued a veto threat. For myself, I will continue to support procedural votes to keep this debate moving forward, but let me be clear—I cannot support the bill in its current form. My amendment will improve the bill, but I believe the need for major, urgent, front-loaded CCS research, development, and deployment transcends the bill before us. I intend to bring it back on other legislation moving in the future, and we should not hesitate to act on CCS as soon as possible, regardless of the outcome of this debate.

Mr. GRAHAM. Madam President, over the past 5 years there has been a sea-change in the way we talk about climate change. I was hoping that this debate would serve as an opportunity to constructively discuss the issue. Unfortunately, we are unable to offer amendments or probe into the contents of this legislation. That is a real missed opportunity and I will be forced to oppose cloture.

Make no mistake about it; the Senate needs to discuss climate change. We need an in-depth debate about climate change legislation which will have profound environmental and economic impacts. Senators must be able to offer amendments in order to improve the legislation. That last time the Senate considered legislation with as broad an environmental scope, the Clean Air Act, we spent a total of 5 weeks debating the bill and took close to 180 votes. With this legislation, we are taking less than a week and voting on zero amendments.

I applaud the work that Senators WARNER and LIEBERMAN have done on this issue. The bill certainly advances the climate issue and they deserve our appreciation. This legislation marks a truly comprehensive effort to address this issue.

Despite their best intentions, the Boxer substitute amendment that is on the floor right now has some provisions that are troubling and omits important solutions to climate change that need debate.

Of particular concern to me was the inclusion of a provision in the legislation that limited the number of credits rural electric co-ops were eligible to receive. These credits were further narrowed by a pilot program that diverted 15 percent of the remaining credits to co-ops in Virginia and Montana. Co-ops and municipal power generators must be treated equitably with investor owned utilities, IOUs. In 2005, we passed an energy bill that left out co-ops and municipals from seeing the benefit of a nuclear production tax credit and federal loan guarantees. We need to be sure climate legislation does not do the same.

Additionally, the legislation that we are debating has no references to nuclear power. I had planned to address this through the amendment process but unfortunately, we were unable to advance the debate on this bill. However, make no mistake, if we are to seriously address climate change, nuclear must be part of the solution. The founder of Greenpeace, Dr. Patrick Moore, said it best:

> Nuclear energy is the only large-scale, cost-effective energy source that can reduce these emissions while continuing to satisfy a growing demand for power. And these days it can do so safely.

When it comes to climate change legislation, I am not a scientist and I don't pretend to be. So instead of focusing on the science of the issue, I would like to focus on what I know. And that is: we have an obligation to limit what we emit into the atmosphere.

Additionally, there is growing alarm over the national security implications of climate change. From scarcity of food to increasing energy dependence, the imperative to address this issue is growing. We need to use climate change legislation as a driver for the new technologies that will enable us to break free from dependency on foreign energy sources.

There is a lot of concern over the economic impact of climate change legislation. This is an important debate. We have to be honest; addressing this issue will have a significant cost and significant benefits associated with it. However, I do believe that we can craft legislation that can achieve our goals in a manner that benefits both our environment and our economy.

Manufacturers of components for nuclear power plants, windmills, and solar power are looking to Washington to ascertain what the market will be for their products. Climate change legislation can send the signals to the market that will foster innovation and drive technology development; especially in the area of nuclear power.

Ultimately the Senate will come together in the next few years to thoughtfully address this issue. I look forward to being a part of that debate, and a part of the solution.

● Mrs. CLINTON. Madam President, the scientific consensus is clear: strong and swift action to reduce greenhouse gas emissions is needed to prevent catastrophic effects of climate change. That is why the debate this week in the Senate about the cap-and-trade bill crafted by Senators BOXER, LIEBERMAN and WARNER is so important. This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers that the clean energy industry will demand. I congratulate Chairman BOXER for moving this bill to the floor. It is a first step toward Congress enacting a cap-and-trade bill as part of a broad, comprehensive effort to combat global warming and reduce our dependence on foreign oil, including aggressive steps to improve energy efficiency and deploy renewable energy that will benefit our economy and help create millions of new jobs. I believe that we can and should make this bill even stronger, and I hope that we can do that as we continue to consider the bill. For now, we need to move forward on this important legislation. That is why I would vote for cloture on this legislation if I were able to be present in the Senate for the vote. The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.●

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. What is the present business before the Senate?

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6124, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

Mr. CHAMBLISS. Madam President, I believe under the unanimous consent, Senator HARKIN and I have 10 minutes equally divided, Senator COBURN has 20 minutes, Senator DEMINT has 30 minutes; is that correct?

The PRESIDING OFFICER. I believe the Senator is correct.

Mr. CHAMBLISS. At this time I believe Senator COBURN requests the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I appreciate the cooperation of Senator HARKIN and Senator CHAMBLISS on allowing us to have some discussion on the farm bill. The attempt was made to pass this by unanimous consent. Unanimous consent means that every Senator in the body agrees with the bill, agrees it should be passed, agrees it should not be amended, and should not be debated.

I will offer no amendments in working with Senator CHAMBLISS and Senator HARKIN. However, I think it is very important, especially in light of the recent WTO ruling which allows Brazil to administer approximately $5 billion in punitive penalties on American products going to Brazil because we are WTO noncompliant. I come from a farm State and I want to tell you I think this bill is not good for my farmers. As a matter of fact, I know it is not good for my farmers, especially when we think out in the distance.

Input costs have more than doubled for production agriculture in this country and the assumption—not implicitly, but nevertheless in this bill is the assumption of good prices in the future. Anybody who has been around farm community for any period of time recognizes that farm prices are erratic. My thoughts are what do we have in the farm bill when corn prices are back at $3 a bushel, when wheat prices are back at $2.50 or $3 a bushel, and when soybeans are back down at $5 a bushel with input costs doubled? What we have done is we have cut $3.5 billion from the commodity title in this program.

The one thing that WTO says is compliant is direct payments. We have cut them by $313 million. I don't want farmers to get anything if they don't need it, but food is important to us and I do not disagree that we will use agriculture to help us in our energy needs. But I think in the long run we have not done what we need to do for the American farmer.

More importantly, and this is not to degrade the very hard work that was done by the Agriculture Committee and the conference committee, is that we have missed an opportunity to be good stewards with Americans' money. How can that be so? One is the bill extends ethanol provisions as livestock producers and consumers are struggling to pay for higher feed costs. It takes 2 pounds of feed to gain a pound of weight in a chicken. It takes 4 pounds of feed to gain a pound in a hog. So the input costs on food have risen dramatically.

We didn't eliminate the import duty on ethanol. If we think ethanol is an important aspect of our freedom in terms of energy independence, why do we have an import duty on ethanol coming into this country? Why did we not fix the dollar blending for biofuels, biodiesel? Now large quantities are coming into this country. A small quantity of diesel is being blended to it, they are collecting $1 from the Federal Government and shipping the biodiesel fuel to Europe where they can get more money for it. What in fact we did not eliminate is the subsidy to European biodiesel in this bill.

This is basically a food bill, it is not an agricultural bill. Madam President, 73 percent of this bill goes for food and there are absolutely no metrics on what we are doing in terms of our food programs. There is no measurement, there are no performance indicators, there are no qualifications as to are we meeting the needs? Is the money we are spending accomplishing our goal? We have no metrics in that. There are none.

The bill steals money, much to the chagrin of the leaders in the Senate, for true agricultural programs and puts it into things that are not agricultural at all. We took $250 million in an earmark in this bill for the Nature Conservancy to buy land in Montana for one person. We are constructing a Chinese water garden in Washington, DC, in the Arboretum, from a gift from the Chinese—but now we are going to pay for it. We are spending $3.7 million in a noncompetitive grant for the University of the District of Columbia to upgrade agriculture and food science facilities. Granted, it is a land grant college. Why should not it have to compete? How do we know that is the best place to spend the $3.75 million?

We are spending money, at a time we are going to come close to a $1 trillion deficit, on historic barn preservation? We are going to preserve falling-down barns at the time we add $3,000 per man, woman, and child in this country to their debt? We create a farm and ranch stress assistance network. After this bill they are going to need it. They are going to need it—especially if crop prices fall. The safety net is gone.

We have the highest prices historically we have ever had for asparagus and yet we put $15 million for asparagus prices from 3 years ago in this bill.

We have $50 million for the Sheep Industry Improvement Center that has two employees in Washington, DC. It halts a previous law that was going to privatize the center.

We also have a wonderful study to study methane release from livestock operations. I would like for us to know, in the natural physiologic condition of cattle, how we are going to eliminate flatulence? How we are going to spend money? We know it is there. We know how much is there based on how many head of cattle there is. We are going to spend money to study it.

More importantly, this bill offends one of the most cherished beliefs of farmers and ranchers, and that is property rights—a guaranteed right in this country is put at risk under this bill. In addition to the $250 million for the Nature Conservancy to buy more land, this bill authorizes the Community Enforced and Open Space Conservation Program, which will give grants to local governments—Federal money; we don't have it but we are going to give grants—and tribes, to buy up private forest land and put it into the hands of the Government. We are not going to have an option. We are going to let the Government agency give grants and we are going to take land away from private landowners. That is what we are going to do. That is ultimately what will happen.

We added 100 million acres in Government land in the last 5 years in this country. We added 100 million acres. What was the purpose for this? The guise of protecting water supply, hunting opportunities and, in the bill itself, preventing obesity. We are going to prevent obesity by buying land.

Finally, the bill fails to rein in the USDA. It is the fifth largest corporation in the world. It has 115,000 employees—11,000 here in DC. We are still going to have a top-heavy bureaucracy and we are going to spend money on the bureaucracy instead of on the production of food, efficiency in the farm, and guaranteeing that Americans will have a safe and secure food supply.

This is not to denigrate my colleagues. Most of this they didn't agree with. They had to trade to keep a halfway commonsense bill, so I don't want Senator HARKIN or Senator CHAMBLISS to think—and I know through my conversations with them that this is stuff they had to swallow, coming out of a conference committee. This bill was never going to be easy. Yet after nearly 2 years of debate, Congress is going to pass a bill that fails to prioritize agricultural spending in any meaningful way and what I believe, and it is my opinion, that what in the future will be is life very much more difficult for the American farmer and rancher.

Mr. DEMINT. Madam President, in a few minutes the Senate will once again vote on a farm bill that expands the Federal Government's management of farm and food programs while spending over $600 billion during the next 10 years. I do not want to diminish in any way all the hard work of my Republican and Democratic colleagues and their very capable staff, but I rise today to ask my fellow Senators to stop and think about what we are doing to our country—not go just with this bill but what we have done as a Congress and as a Federal Government over the last few decades.

The farm bill is a symptom of a bigger problem. We are often so focused on specific problems and issues and legislation that we fail to see the cumulative effect of our work over many years. We can start with what we have done to our culture and the character of our people. For several decades, this Congress and our courts have turned right and wrong upside down and encouraged all kinds of costly and destructive behavior. Our welfare programs have encouraged an epidemic of unwed births that cost our country over $150 billion a year and is the major contributor to child abuse, crime, poverty, and school dropouts.

Our courts have ruled that pornography, abortion, and gay marriage are constitutional rights. The Federal Government has expanded casino gambling by legalizing it on Indian reservations, even in States where gambling is illegal. All these decisions and policies have proved destructive and costly to our country.

The Federal Government's attempts to manage America's institutional services and economy have been equally devastating: Over the past 10 years, while I have been in the House and the Senate, I have seen this Congress attempt to manage many aspects of our lives and our economy.

I will start with education. The quality of American education has declined since the 1970s, when the Federal Department of Education was established. By the year 2000, when President Bush took office, our Government-run education system was clearly not preparing our children to compete in the global economy.

No Child Left Behind expanded the Federal role and Federal spending even more. But there has been little discernible progress. We see some progress in charter schools and specialty schools and other types of schools that break away from the Federal mold.

But this Congress continues to restrict the flexibility of States and the freedom of parents to choose a school that works for their children.

We should also talk about what this Congress and the Federal Government has done to our health care system. Medicare and the Government fixed-rate system control virtually all the health care in America today. A few years ago, this Congress decided to add prescription drug coverage to Medicare, even though the program was already going broke.

Now, the program is hopelessly underfunded, and we continue to cut what Medicare pays doctors and hospitals to see our senior citizens. The problem is fewer and fewer doctors want to see Medicare patients because they lose money when they treat them. So they charge their patients with private insurance more so fewer Americans can afford private insurance.

And fewer and fewer students are going into medicine because it is clear they are not going to be paid enough to make a decent living. So we now expect and predict a physician shortage crisis as millions of baby boomers are retiring. The solution for us is to make sure every American has an insurance plan they can afford and keep, not to try to manage health care from Washington.

Social Security is another example of Government mismanagement. Instead of saving the taxes we take from workers for Social Security, Congress has spent every dime, trillions of dollars. Now, in less than 10 years, Social Security taxes will not be enough to pay benefits to seniors. Congress refuses to even talk about it.

Let's not forget what the Federal Government has done to our energy situation in this country. Congressional attempts to manage America's energy industry have been disastrous. To supposedly protect the environment, the Democrats shut down the development of new nuclear powerplants back in the 1970s. So America burns a lot more coal, while other countries expanded nuclear and reduced their coal consumption.

Now, the Democrats want to add huge taxes on coal to protect the environment, while still stalling development of nuclear generation. Go figure. Two years ago, in the name of the environment, this Congress mandated a massive increase in the use of ethanol and gasoline. Since then, the price of gasoline has nearly doubled and food prices have increased dramatically around the world.

Why do I mention all these things that do not appear to relate to the farm bill? I do it to remind my colleagues and all Americans that this Congress cannot manage any aspect of our country, and it is not intended to. Our job is to create a framework of law where freedom can prevail.

Instead, we attempt to manage where we cannot, and there is no evidence we have ever created any program that effectively or efficiently managed any aspect of the American economy or any aspect of our lives. Why do we continue to produce these massive Government programs and spend trillions of dollars with the pretense that they will actually work and make America better?

This Congress reminds me of Steve Urkel from the 1990 sitcom series "Family Matters." Steve and his clumsiness regularly created a disaster wherever he went. He would always turn around and look at the destruction he caused and ask innocently: Did I do that?

Well, colleagues, when you look at the price of gasoline, the condition of our economy and our culture, the answer is: Yes, you did do that.

America is the greatest Nation in the world. We have been blessed in ways other nations can only dream of. Yet our future is uncertain. We face deficits as far as the eye can see. We are staring down the barrel of a looming financial crisis that threatens to bankrupt our country. Yet we continue to spend money like there is no tomorrow.

If action is not taken soon, we will reach a tipping point in our two major entitlement programs, Social Security and Medicare, in which the programs will pay out more money than they take in.

Our national debt is over $9 trillion today. And still, Washington will spend over $25,000 per household this year. We are hopelessly addicted to spending. It is no wonder Congressional approval numbers continue on a downward spiral. Nobody trusts us anymore, and, frankly, we do not deserve the trust of the American people because we continue to blindly spend their hard-earned tax dollars while racking up hedge debts for our children and grandchildren that they will be forced to repay.

Now, here we are again, taking a brief break from the climate tax bill that would cost the American people trillions of dollars to reconsider another big-spending boondoggle. The farm bill which weighs in at over $600 billion over the next 10 years, is chock-full of pork and excessive subsidies for favored and special interests groups.

The bill has numerous wasteful spending provisions. I will name a few: New programs for Kentucky horse breeders, Pacific Coast salmon fishermen, and spending to help finance the dairy industry's "Got Milk?" campaign, so we should see more commercials soon.

It increases the price supports for the sugar industry and guarantees 85 percent of the domestic sugar market at these guaranteed prices. There is a $257 million tax earmark for the Plum Creek Timber Company, which is the Nation's largest private landowner, and a multibillion dollar company with a market capitalization in excess of $7 billion. They are better off than we are as a government.

The language requires the U.S. Forest Service to sell portions of the Green Mountain National Forest exclusively to the Bromley Ski Resort. There is $1 million for the National Sheep and Goat Industry Improvement Center; politically targeted research earmarks for agricultural policy research centers at specific universities instead of allowing all universities and colleges to fairly compete for funding based on merit.

According to Citizens Against Government Waste, this farm bill includes $5.2 billion annually in direct payments to individuals, many of whom are no longer farming, without any regard to prices or income, 60 percent of which go to the wealthiest 10 percent of recipients.

From where I stand, this bill looks like another big-spending Washington, DC, giveaway to special interests. Do we not understand the mess we are in?

Total Government spending has now reached more than one- third of America's economy. U.S. tax rates keep getting more burdensome. Our top corporate tax rate and income tax rate is 35 percent, while Europeans are undercutting American companies by lowering their rates significantly.

Recently, a front-page article in USA Today found that American taxpayers are on the hook for a record $57.3 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs.

USA Today's analysis went on to point out that this is nearly $500,000, $½ million, for every American household. When obligations of State and local governments are added, the total rises to $61.7 trillion, or $531,000 per household. That is more than four times what Americans owe in personal debt such as mortgages.

While we are spending and taxing our way to reelection, many of our global competitors are lowering their tax rates and streamlining their economies. Countries such as Ireland are lowering their tax rates and encouraging economic growth within their borders.

As a result, they are growing their economies and creating jobs. And we wonder why we are falling behind? We are falling behind because of political mismanagement. This is what happens when politicians think more about their next election than they do about the next generation. When this happens, it becomes all about us and not about the American people.

This big-spending farm bill is a perfect example of this kind of political mismanagement. The leadership of this Congress was in such a hurry to pass a big-spending giveaway to special interests that they actually violated the Constitution to do it. Even a schoolchild knows the Constitution requires the House and the Senate to pass the same bill and then present it to the President for his signature.

But, apparently, the Constitution is not as important to some as passing a $600 billion spending bill. The farm bill that was presented to the President for his signature or veto was not the bill passed by the House of Representatives and the Senate.

The bill Congress voted on differed materially from the version that was presented to the President. It contained a whole additional title, spanning 35 pages, dealing with international aid shipments and foreign trade. Quite simply, what the President vetoed and what the House and the Senate held a veto override vote on was not the bill Congress passed. It, therefore, failed the requirements of the Constitution and could not be treated as law. That is why we have this new bill on the floor today.

Regardless of the reasons for this constitutional, I will not say crisis, but mess, the fact is an officer of the House and an officer of the Senate usurped the will of the two bodies and materially changed the content of legislation.

Even worse, by holding a veto override, Congress attempted to make a bill it never passed the law of the land. This is why I voted "present" on the farm bill. Once we were aware of the mistake, we should have stopped and passed a temporary extension. This abuse of power or sloppiness may only be the consequence of incompetence, but if we do not draw the line in the sand and demand that our bills meet constitutional requirements, what will stop even greater, and possibly even more malicious, abuses of power?

The Senate needs to reject this bill, pass a year-long extension of the farm bill, and go back to the drawing board so the policy and the process are something we can be proud of and that will truly strengthen our Nation.

We must come to grips with the fact that our actions are hurting the American people. We cannot continue to spend and spend and expect our economy to remain strong and free. Already our spending is catching up to us. I hope we will think long and hard about our actions. What we are doing will hurt future generations.

I urge my colleagues to vote against the bill. I ask unanimous consent to have printed in the RECORD some information regarding enrollment and the problems we have been having with getting our bills sent to the President in the correct order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: House Republican Members.
Fr: Roy Blunt.
Dt: May 22, 2008.
Re: The Democrat Majority's Farm Bill Foul Up.

We all know that mistakes happen, but it is how you respond to a mistake once you are aware of it that matters. The attached memo outlines some of the most disturbing aspects of how the Democrat Leadership is handling the enrollment errors surrounding the Farm Bill.

What Did They Know, When Did They Know It, and What Did They Do About It?:

It appears the Democrat Leadership was informed by the Office of the Law Revision Counsel and the Committee on Agriculture that the bill sent to and vetoed by the President was erroneous PRIOR to consideration of the veto override.

Despite this knowledge and despite requests from staff from the Republican Leader's office, the Democrat Leadership proceeded with the veto override of a bill they knew was not the bill passed by both Houses of Congress.

Importantly, there were opportunities to correct the enrollment error consistent with past practice and in a constitutionally sound manner if the Democrat Leadership had not rushed ahead with the veto override. Once they moved forward, however, they foreclosed those opportunities.

When confronted on the House Floor by the Republican Leader, Whip, and Rules Ranking Member, the Majority Leader defended the Leadership's actions and professed a constitutional theory that so long as both the House and Senate had passed the same language, it didn't matter whether or not the Speaker sent the whole bill passed by the House and Senate or simply parts of it to the President.

The Dangers of the Democrats' New Theory:

Under the theory espoused by the Majority Leader, the Speaker of the House can simply pick and choose (either overtly or as a result of a mistake made by an enrolling clerk) which parts of final bills to send to the President. If she is uncomfortable with a provision that was included as part of a compromise, she could in theory exclude it from the bill when she sends it to the President.

Importantly, the Speaker's decision to omit language if challenged by Members of the House through a question of privilege, can simply be tabled by the majority.

Who Pressured the Enrolling Clerk to Quickly Complete the Enrollment:

In a memo prepared by the House Clerk on May 21, 2008, the Clerk asserts that part of the mistake was a result of a ten-year-old flawed enrolling process, yet she goes on to state that "During a review of this process, Enrolling Division staff expressed a concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process." Who pressured the enrolling staff?

To: Hon. Nancy Pelosi, Speaker;
Hon. John Boehner, Republican Leader;
Hon. Steny Hoyer, Majority Leader.
Form: Lorraine C. Miller, Clerk.
Re: Farm Bill Omission.
Date: May 21, 2008.

Today's issue with H.R. 2419, Food Conservation and Energy Act of 2008, was the result of a ten year old flawed enrolling process. The process did not validate the parchment copy of the bill against the Committee Conference Report.

Normally when a bill is received by the Enrolling Division in multiple sections from a Committee, it is assembled, printed on regular white paper and proofed against the original Committee Conference Report. Once the bill has been reviewed it goes through an electronic conversion process and is printed on parchment paper but not compared to the Committee Conference Report again. We believe that Title III was dropped during the conversion process.

The current process of proofing the white paper copy was adopted ten years ago as a cost saving measure due to the high cost of parchment paper. That process has been rescinded effective immediately. We are instituting a new process whereby we will proofread the parchment copy of the bill against the Committee Conference Report instead of the white paper copy. This procedure will eliminate potential issues with the document conversion process. We have begun a review of the electronic conversion process to insure that problems are identified early.

During a review of this process, Enrolling Division staff expressed a concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process. In order to effectively move the enrolling process of bills, we strongly urge that all communication is funneled through the Speaker's Office, thus allowing the Enrolling Division to have an orderly process.

We are working diligently to make sure it will not happen again.

[From Roll Call, June 5, 2008]

FARM BILL GLITCH STALLS HOUSE

(By Steven T. Dennis)

Two days before the Memorial Day recess, the House devolved into chaos Wednesday night over a technical error in the way the farm bill was sent to President Bush, who vetoed it on Wednesday morning.

According to House Majority Leader Steny Hoyer (D–Md.), the enrolling clerk inadvertently omitted the entire Title III section of the bill after the House and Senate had both passed it, but before it was sent to the president.

The mistake was not noticed by lawmakers or President Bush until after he had vetoed it. The House proceeded to override Bush's veto, 316–108, late on Wednesday.

But House GOP leaders quickly objected, raising constitutional issues and harkening back to Democratic protests over a $2 billion enrolling error in the Deficit Reduction Act signed by Bush in 2006. That action resulted in a slew of lawsuits.

House Agriculture Chairman Collin Peterson (D-Minn.) said he hoped his bill would avoid that fate.

"There better not be any damn lawsuits. I'm tired of it," he said of the bill.

But Republicans were not so sanguine, with House Minority Leader John Boehner (Ohio) saying he might even make a motion to vacate the override vote.

"What's happened here raises serious constitutional questions," Boehner said. "I don't know how we can proceed with the override as it occurred."

"Nor do I think we should proceed with some attempt to fix it until such time as we understand what happened, what are the precedents of the House and how do we move forward," Boehner said.

Hoyer suggested that leadership from both sides of the aisle meet to hammer out a compromise with the current farm bill expiring on Thursday and a one-week recess set to start Friday night.

Noting that Title III was not controversial, Hoyer suggested that the House take it up under suspension of the rules on Thursday and then send it on to the president. He did not see any constitutional issues at first glance, the Democrat noted, because both the House and Senate passed an identical farm measure.

But House Minority Whip Roy Blunt (R-Miss.) contended that a president could not selectively veto portions of a bill, and said such a move raised all kinds of constitutional questions.

"The concept that we can start sending bills over piecemeal . . . is a flawed concept," Blunt said.

Blunt later told reporters that the House and Senate should redo the farm bill in its entirety to avoid legal problems.

"I'd like to see a farm bill pass that no judge can say is not the farm bill," Blunt said.

Boehner conceded that mistakes happen, but said that the House should not have moved forward with an override vote once the mistake became clear.

"In deference to all Members, we could have waited before consideration of the override so all Members could understand what they're dealing with," Boehner said.

Peterson learned of the glitch late Wednesday, after President Bush vetoed the bill.

"For some reason, the machine didn't print it out and nobody noticed it," Peterson said. Peterson said he was told the president's staff noticed the error after he vetoed it.

Title III of the farm bill, dealing with trade and foreign aid provisions, was omitted as a result.

Peterson said that they had asked the Parliamentarians if they could simply re-enroll

> the bill and send it to the president, but the Parliamentarians objected.
>
> "After all I've been through, I thought, 'What can happen today?' Peterson said.
>
> Peterson predicted that the provision on its own would still have enough support to override a veto, although he held out hope that Bush might sign it.

Mr. DEMINT. Mr. President, the Constitution requires Congress to observe certain processes to make statutory law. Contrary to the apparent assumption of some in this body, Congress does not possess the power to intentionally ignore requirements provided in the Constitution's text. Article I, Section 7, prescribes a bicameral requirement to present a bill to the President. H.R. 2419, as enrolled, did not pass both chambers of Congress.

The House and Senate passed Farm Bill included Title III. A clerical error omitted the entirety of Title III in the enrolled bill presented to the President. The bill sent to the President, no matter the significance of the error, did not receive the consent of both chambers of Congress, and therefore fails to fulfill the necessary predicate to presentment contained in the Presentment Clauses of Article I. In fact, the measure sent to the President does not qualify as a "bill" at all under Article I, Section 7. I implore the President to disregard H.R. 2419 as an unconstitutional measure, without the status of law.

Despite the dubious status of the Farm Bill, the Majority Leader assured the Senate that:

> We have a good legal precedent going back to a case . . . in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

The Majority Leader alluded to Marshall Field & Co. v. Clark, in which the Supreme Court announced the "enrolled bill rule," to assuage any constitutional consternation held by Senators. However the Senator from Nevada mischaracterizes the Supreme Court's ruling in Marshall Field, as the decision relates only to the:

> . . . nature of evidence upon which a court may act when the issue is made as to whether a bill, originating in the house of representatives or the senate, and asserted to have become a law, was or was not passed by congress.

The Marshall Field Court did not adjudicate the constitutionality of an improperly enrolled bill, but rather only reached the question of justiciability. The Court did not find the issue of constitutionality justiciable. Marshall Field merely expressed the Supreme Court's deference to a "coequal and independent" department's internal authentication processes. A bill signed by the Speaker of the House and the President of the Senate, "in open session . . . is an official attestation by the two houses" that a bill received the consent of both chambers for the purpose of justiciability.

Marshall Field received renewed attention in recent years as courts grappled with circumstances similar to those presented by the Farm Bill. The Deficit Reduction Act of 2005 generated litigation that challenged the Act's constitutionality because "it did not pass the House in the form in which it was passed by the Senate, signed by the President, and enrolled as a Public Law." The litigation did not provide any ruling on the merits; the "enrolled bill rule" promulgated in Marshall Field precluded the district courts from any examination of "congressional documents . . . to ascertain whether the language in the enrolled bill comport[ed] with versions that appear in legislative sources which precede[d] enrollment." The "claim of unconstitutionality for a violation of Article I, Section 7, 'is not legally cognizable where an enrolled bill has been signed by the presiding officers of the House and Senate as well as the President.'"

The judiciary's reluctance to entertain the merits of claims under Article I, Section 7 does not bar members of the House and Senate from consideration thereof. President Jackson explicated the authority of each branch to interpret the Constitution independently:

> The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution . . . It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both.

Upon election and in cases of subsequent reelection, every Member of Congress swears allegiance to the Constitution of the United States in an Oath. Members "solemnly swear . . . [to] support and defend the Constitution . . . [to] bear true faith and allegiance to the same . . . and . . . [to] well and faithfully discharge the duties of the office" to which elected. The Oath of Office imposes an obligation on Members of Congress to interpret the Constitution and act within its framework.

The Presentment Clauses of the Constitution require the assent of both chambers for each bill presented to the President. Article I, Section 7, Clause 2 provides:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated . . .

Article I, Section 7, Clause 3 elaborates:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States . . .

The two clauses stipulate "the exclusive method for passing federal statutes." Bills enrolled and presented to the President must have received the assent of both the House and Senate, irrespective of authentication by the Speaker of the House and the President of the Senate.

So we've had bicameralism without presentment for the engrossed bill. And we've had presentment without bicameralism for the enrolled bill. Neither is sufficient. Contrary to the position of the Speaker of the House and the Senate Majority Leader, authentication of an invalid bill does not displace the bill's nugatory status; the signatures of the Speaker of the House and President of the Senate do not represent the will of the House and Senate and fall short of the bicameral requirement in the Presentment Clause. Congress may not jettison or suspend disagreeable parts of the Constitution. The Bill, as presented to the President, did not receive the consent of both chambers. As such, the bill is null and void, for it does not meet the requirements set forth in the Constitution. Shall this Congress crucify the Constitution on the cross of agribusiness?

Mr. DURBIN. Mr. President, for consideration of this version of the farm bill, I reference and reiterate the statements I made for the RECORD regarding the farm bill's nutrition assistance title when the Senate overrode the President's veto.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I am sorry we have to be back on the floor again with the farm bill. I was hoping we might have a voice vote, since we have all voted on this twice before; I am sure no votes would change.

But I did wish to at least explain for the RECORD and for Senators why we are here. Now, the Senator from South Carolina talked about the missing title, and how it rendered the veto override process unconstitutional.

Well, I am as upset about it as anyone else. I know Senator CHAMBLISS is too. We are all upset about this. But let me try to put it in perspective as to what happened. The House passed a bill, we passed a bill. We got to conference. We worked it all out.

It went to the enrolling clerk in the House. How this happened I don't know. But somehow the enrolling clerk, in enrolling it, dropped title III. There are 15 titles to this bill. One title was left out. For some reason no one caught it. So the bill was held by the enrolling clerk for 3 or 4 days. The President was overseas. He came back on Monday night, on May 19th I believe, and the enrolling clerk then sent the bill down to the White House the next day. The White House didn't catch it either. The President vetoed the bill, sent it back down to the Hill. It was only then, before it came up for a veto override in the House, that it was realized that one title was missing. I don't believe there was any maliciousness to this. Nothing was materially changed. When the Senator from South Carolina spoke about this problem, it sounded as if there was some underhanded effort to materially change the bill. That was not the case. It was simply a mistake the enrolling clerk made. Again, why that happened and how, there has been a lot of talk about that. I don't know. I am fairly convinced that it was an inadvertent clerical error.

Secondly, I want to correct one other misstatement by the Senator from South Carolina. When we overrode the President's veto on 14 of the 15 titles, the Parliamentarian basically told us that those titles did become law. They are the law of the land. So 14 of the 15 titles are law. What is not law is title III that was left out. It was decided that rather than only taking up title III and passing it, we would take the whole bill back, include title III in it, as it was before, and send it back to the President. That is what we have before us. We have before us basically exactly what we voted on before, no changes. It is exactly what we voted on before in the conference report on May 15. I wanted to make that clear, that nothing has been changed. It is the same exact bill on which we had 81 votes in the Senate; 81 Members voted for the conference report that is exactly what we have before us today.

I wanted to take a couple minutes to underscore the critical importance of doing this and enacting the missing title. The other titles are law. It is critical that we enact title III which covers trade and international food aid programs. These provisions not only reauthorize but they reform a lot of our programs. As we speak, an emergency summit on the consequences of high food prices organized by the Food and Agricultural Organization of the United Nations is wrapping up in Rome. The specific food aid programs authorized in this title are the title II Food for Peace program; the Food for Progress program; the McGovern-Dole Food for Education Program; and the holding of food stocks for emergency purposes under the Bill Emerson Humanitarian Trust.

Although authority for most of these programs expired on May 23, a short-term lapse, as I have talked with the U.S. Agency for International Development, does not cause serious problems. A longer lapse, however, would impede our ability to provide food aid. The new trade title needs to be enacted for these programs to be operational again. Right now, according to the USAID administrator, we cannot enter into any new agreements for assistance under the title II program. USAID has identified need for emergency assistance in Ethiopia and Somalia, and recently finalized a deal with North Korea for proper oversight of food aid provided to that country. None of these activities can move forward until we enact the trade title into law. USAID wants to provide additional food aid under title II to the people of Burma in the aftermath of the cyclone, but they can't do that until we enact this title. Were an event, God forbid, of the magnitude of the 2004 East Asian tsunami to occur or an earthquake or some other natural disaster, the United States Government would not be able to respond immediately with food aid unless we pass this title. That is why it is so important that we do this.

I might also add that the Government Accountability Office had given us numerous recommendations for reforming our food aid programs. I won't go through all of those, but there were three basic recommendations needing statutory changes. All three of those are addressed in the trade title. All in all, the provisions of this title are noncontroversial and needed to ensure the continuity of U.S. food aid and trade promotion programs.

I hope we can complete this debate and get this title enacted into law as soon as possible.

I thank so much my colleague and friend from Georgia, Senator CHAMBLISS, for all his hard work on this bill. It has been a long grind, but we have a good bill. We have a farm bill that is supported by every major farm organization in the country, a bill that is supported by emergency food groups, the food banks, the religious groups. This was a broadly supported bill. It is a good bill. It is good for our States. It is good for our farmers and ranchers. It is good for the people of America. I thank Senator CHAMBLISS for all his hard work in bringing this bill to fruition.

To all Senators, I apologize that we have to be back here again. As I said, this was a mistake made by the clerk in the House, not by the Senate. Therefore, we have to be here again.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Georgia.

Mr. CHAMBLISS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. CHAMBLISS. I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator CHAMBLISS for this minute. I thank the chairman of the committee as well for his leadership in bringing this bill back because of the unfortunate clerical error made in the House that necessitates it. I wanted to report briefly to our colleagues on the budget circumstances, because we have seen misreporting in the press, and it needs to be made abundantly clear the budget circumstance we face.

The conference report on the Food, Conservation, and Energy Act that was overwhelmingly supported on a bipartisan basis in both the House and Senate is fully paid for over both the 5- and 10-year periods. That is not my determination; that is the determination of the Congressional Budget Office. They say over the first 5 years, it saves $67 million; over 10 years, it saves $110 million. The farm bill is fully pay-go compliant. It is fully paid for. It does not add a dime to the debt. The bill is identical to the conference report already passed and scored by CBO. The spending contained in the original bill has already been assumed. Therefore, this legislation has no additional cost.

I urge my colleagues to support this legislation. We have passed it overwhelmingly before. I wanted to make certain that this is in the RECORD so it is understood that this bill is fully paid for. It adds nothing to the debt.

Again, I thank our colleagues: the chairman of the committee, for his vision and leadership; and to our very able ranking member, the Senator from Georgia, who has been such a rock as we have gone through this process. We appreciate so much what they have done. This is good for the country.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, here we are, as Senator HARKIN said, back again for one more vote on the farm bill. As I told my colleagues at lunch today, I wish I thought this would be the last one. We may have one more, if the President vetoes this bill. We may be back here again. But what a great opportunity it has been to work with Chairman HARKIN and Senator CONRAD, who is my dear friend. We became much closer friends during this process because we spent a lot more time together than we did with our spouses as we got through final negotiation. What great assets they have been for American agriculture.

I appreciate my colleague from South Carolina and my colleague from Oklahoma. I told them to come down and talk about anything they wanted to. They talked about the same things we have talked about over the last three debates on this bill. Is this a perfect bill? It absolutely is not. Farm bills are always massive pieces of legislation. It is a 5-year bill. It spends $600 billion over 10 years. I had my staff check, though, and while I appreciate the comments of the Senator from South Carolina, the 2002 farm bill spent $800 billion over 10 years. So we are $200 billion below the 2002 farm bill on a 10-year basis.

Again, it is not perfect. But what it does do is provide a school lunch program to needy kids as well as kids who can afford to pay. We are providing food stamps to people in this country who would go hungry otherwise. We are providing a food bank supplement to our food banks around the country that provide such great, valuable services to hungry people in America. We are providing the right kind of tax incentives in the form of reforming the Endangered Species Act in a positive way. We have been trying to reform the Endangered Species Act in all of my 14 years in Congress. This is the first time we have been able to do it. We did it with 250 organizations supporting it. We have good tax provisions that allow the perpetuation of land so it can't be developed forever. My children and my grandchildren will have the ability to enjoy farmland in my part of Georgia that they might otherwise not have the opportunity to enjoy.

So is it a perfect bill? No. Do we provide a safety net for farmers? You bet we do. Prices are not always going to be high. We depend today on foreign imports of oil for 62 percent of our needs. We can never, ever afford to depend on importing food into this country in the same percentage that we import oil today.

While it is not a perfect bill, while there are things that, if I had to write it by myself, I might not have written it this way, overall it is a very good piece of legislation. It covers a broad swath of America, from farming to hunger to conservation to measures involving good tax policy.

With that, I ask for passage of this bill. On behalf of Senator DEMINT, who is not here—and I know a lot of my folks would like to have a voice vote, but because I know Senator DEMINT wants the yeas and nays, unfortunately, I will have to ask for the yeas and nays on behalf of Senator DEMINT and ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. Mr. President, first of all, let me just speak as a conservative as we address the farm bill. First of all, I have been ranked as the most conservative Member, so I don't think I should have to prove my credentials.

Here is one of the things that people should understand: They should understand that the vote today on the farm bill was not a vote on this farm bill or another farm bill; it was a vote on this farm bill or reauthorizing the 2002 farm bill.

A couple of things that are in here that people should know in a conservative way are, No. 1, under the previous farm bill that would have been reauthorized, a farmer could be making up to $2.5 million and still get subsidies. This takes it down to a half million.

Secondly, the three-entity rule is out in this farm bill. Previously, someone could be claiming these benefits under three different farms; now they can't do that. So there are many reasons to vote for this bill other than those things that people have been talking about during the debate. I believe that is a conservative vote.

I yield the floor.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 6124) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massacusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 15, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—77

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Warner
Wicker
Wyden

NAYS—15

Bennett
Coburn
Collins
DeMint
Domenici
Ensign
Hagel
Hatch
Kyl
Lugar
Murkowski
Reed
Sununu
Voinovich
Whitehouse

NOT VOTING—8

Biden
Byrd
Clinton
Gregg
Kennedy
McCain
Obama
Webb

The bill (H.R. 6124) was passed.

Mr. CHAMBLISS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. REID. Mr. President, it appears at this time, for the knowledge of all Senators, we are going to try to have a vote as early in the morning as possible on cloture on the global warming bill. Unless someone has some real concerns, we will probably try to do it around 9 o'clock in the morning so people can leave at a relatively early time tomorrow. That should be the only vote we are going to have. We were going to try to do a judge, but the committee's meeting was objected to today, so I didn't believe that was appropriate.

So we are going to do the vote in the morning, and we will have a couple of votes Tuesday morning. Monday is a no-vote day. Hopefully, tomorrow we won't be in too late, but we will be here as late as anyone wants to be here to talk about anything they want.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE SECURITY ACT

Ms. MURKOWSKI. Mr. President, I stand this evening to speak about the Boxer substitute to the Warner-Lieberman carbon cap-and-trade bill. I have had an opportunity for several days now to hear discussion from both sides. I think coming from a State such as Alaska where we can see the effects of climate change on the ground in my home State, it is a very important issue for me, and so I feel compelled to share with my colleagues some of my thoughts about what we are seeing up north.

We appreciate that there is not quite a consensus in Alaska about what is causing the change we are seeing. Most Alaskans, however, do seem to agree that something is happening. We are seeing a change in the north, and we have been seeing it for a period of decades. The results are having a significant impact on the lifestyle of Alaskans.

One of the things we are seeing in a northern State, an arctic State such as Alaska is that our winters are warmer.

We are seeing breakup come earlier in the spring, although this spring it has been actually extra snowy, so it is tough to say that it is always that way, but we are seeing breakup coming earlier. Our summers seem to be hotter. The storms we are seeing, particularly along the coastline, are stronger. We are seeing a migration. We are seeing wildlife habitation and migration patterns that are different. The oceans, the lakes, the river ice—we are seeing this form later in the year. We are also seeing that it forms and it is weaker than we have seen. It is melting sooner in the spring. We are seeing permafrost thawing in some places. All of this has an impact on hunting, on fishing, on the roads as we travel, certainly, on the construction that is underway in the State, and sometimes on our very way of life.

Last week, the National Science and Technology Council released its latest assessment of what has been happening due to climate change. While this report has already been mentioned by several on this floor already, I wish to concentrate on its findings for Alaska. In that report, it finds that temperatures in the State of Alaska have increased 3 to 5 degrees Fahrenheit on average, and in the winters, what we are seeing is that the winters are 7 to 10 degrees warmer over the past 50 years. That warming has a number of impacts.

Mr. President, these are important for all Members to hear. When we talk about the ice in the Arctic sea icepack, the pack ice up north has shrunk by an area which is twice the size of Texas. This reduction in the ice has occurred since 1979. So within this time period, about 30 years, we have seen an area shrunk that is twice the size of Texas. Between the years 2005 and 2007, 23 percent more of the ice has melted. More important, what we are seeing is that the thick, multiyear ice has been steadily thinning, having reduced by about 3 feet from 1987 to 1997, which means more of the Beaufort Sea is open by late summer, which increases the danger of the coastal erosion from the storms. More troubling, it helps to warm the water and thus the environment even more.

We have nearly a dozen coastal villages in the State of Alaska that need major assistance. In some cases, it is more than assistance in shoring up an eroding coastline, it is relocation of whole villages to higher ground. This is at a cost of hundreds of millions of dollars per village. Ask the residents of villages such as Shishmaref, Kivalina, Unalakleet, and Newtok—to name four—about the changes they have witnessed in the climate over the past two decades. We are seeing that on the coastline.

The report says the permafrost base in Alaska has been thawing at a rate of up to 1.6 inches a year since 1992. This thawing of the permafrost impacts the base for roads, pipelines, houses, sewer lines, and other surface features. We also know our lakes are drying up. This is probably because the permafrost that holds their water is melting.

We know the Alaskan tree line is creeping northward, moving about 6 miles over several decades. The Federal report, while it predicts more summer precipitation in Alaska, also predicts more summer heat. That is increasing the threat of Alaska wildfires, increasing the threat of high stream temperatures that could harm our salmon, and increasing the threat of new types of diseases entering Alaska.

Scientists who have worked on the U.N. Intergovernmental Panel on Climate Change believe the ultimate cause is an increase in manmade carbon dioxide and other so-called greenhouse gases added to the atmosphere since the dawn of the industrial revolution.

Yet there is also a great deal of natural variation—Mother Nature at play here—which affects the Earth's climate. In April, the Journal of Nature printed a study suggesting that rising atmospheric temperatures are slowly, and perhaps have already stopped, rising—at least temporarily—and may remain that way for up to 7 more years as the natural variation cycle toward colder weather masks the heat.

It may seem counterintuitive to be arguing that climate change is intensifying after a very cold and snowy winter in Alaska. But I look at climate change legislation as an insurance policy, as a policy to take action to cut carbon emissions where we can, without harmful costs to our economy and way of life.

The fact that I am a cosponsor of the Bingaman-Specter carbon cap-and-trade bill is proof that I am willing to take action but not necessarily action at any price. I am not afraid of a cap-and-trade system, but let's make sure we have it right.

I do support the cap-and-trade concept because I believe it offers the opportunity to reduce carbon, at the least cost to society. The signal about future prices sent to electric powerplant operators will hopefully stimulate spending on low- and zero-carbon renewable energy plants now.

A price signal will make gasification technology more attractive as a means of producing petrochemicals for the future. It will spur research and new technology to allow for the commercial-scale plants needed to capture and store carbon underground. I believe a price signal will also generate new technology and new jobs—hopefully, more than will be lost in fossil industries and from an overall slowdown in the economy caused by the potentially high cost of industry buying carbon emissions at auctions and passing the costs on to each one of us.

When you listen to all the suggestions and ideas out there, you may think: What is it I am looking for in a perfect carbon bill? I guess my perfect bill would set a price signal only high enough to encourage technological change but without driving the poor and lower to middle-income Americans into a state where they cannot afford to get to work or they have to make choices between paying the heating bill or setting food on the table.

My perfect carbon bill would "front-load" the research and technology costs, with the Federal Government picking up a large share of that initial tab, until we perfect that new technology that permits the new energy sources to come on line at only slightly higher costs—prices high enough to encourage energy efficiency and conservation but not so high as to fundamentally alter American society.

My perfect carbon bill would set up clear procedures to help finance that new technology and development. Senator DOMENICI has proposed a clean energy bank concept. This is not included in this measure, but it helps to set up those procedures that can allow us to move this technology forward.

It would encourage all low- and zero-carbon technology, especially nuclear power, which is the only technology we have today at scale that can provide baseload power economically without carbon.

A perfect carbon bill, for me, would set the guidelines for carbon reductions but only standards that we have the technology to meet. It would not set unreasonable, early guidelines simply to punish the carbon emitters. It would have a workable "safety valve" to ease the regulations, if technology cannot come through quickly enough with means for our society to meet the lower carbon standards at a reasonable price. This is where—when you look at the Bingaman-Specter bill and the safety valve they have incorporated in that legislation—it provides for a level of assurance in terms of how bad is the situation going to be in terms of the cost and the impact to the industry. You kind of want to know how bad the bad is going to be so you have a level of certainty.

My perfect bill would generate enough revenue to help States and local governments deal with the costs of adaptation. If the scientists are right on this, the carbon that we have and are going to continue to release into the atmosphere until the new technology can come on line is going to continue to increase for a number of years. There will be costs that come with that.

In Alaska, the University of Alaska's Institute of Social and Economic Research has estimated that Alaska's governmental infrastructure—the roads, villages, ports, runways, and the schools—are already facing about $3 billion of damage due to coastal erosion and melting permafrost. They anticipate that tally, that cost, will rise to $80 billion by 2080, just for the governmental structures. Only the Federal Government has the resources to meet those types of costs.

I believe the substitute we have before us is making a major mistake in cutting the funding for the Low-Income Home Energy Assistance Program and in cutting funding for the State-Federal weatherization programs that promote energy conservation. When you look at the current substitute—and I have issues in many areas—these two are ones I am not able to reconcile why, as we are trying to help people around the country deal with high energy costs, we would remove funding for LIHEAP and the weatherization programs.

I am also concerned that the substitute's cost-containment mechanisms are not flexible enough to keep companies from having to bid up the price of auction allowances. That will hurt average Americans who cannot afford the current price of energy, much less the future price of energy.

People around the country are hurting when they go to the pump, when they heat their homes, when they have to fill up with home heating fuel. We don't need to be adding more to their costs unnecessarily.

Regardless, for any climate bill we enact to make a difference, it is going to require that China, which has overtaken America as the world's leading carbon emitter, and India, along with the developing world, participate too. If they are not participating and working with us, the U.S. economy is going to become less competitive, and we will have spent money without any necessary benefits to the global environment. So we have to be in partnership on this initiative.

Already on the floor, we have heard about the varying computer models. They are all over the board. They say the average American will pay either $446, $739 or $1,957 more per household for energy in 2020 or $1,257, $4,377 or $6,750 more come 2030 or 2050. You look at it, and you are almost embarrassed to tell your constituent the range is somewhere between $446 per household by 2020 or close to $2,000 per household. We don't know. We simply don't know. My constituents say: LISA, you have to do better than that. You have to give me some idea because, right now, in Aniak, that village's people are paying $5.53 for their gasoline. It went up this week because the spring barge came in. I am going to say to them we have this legislation that will help reduce emissions in this country, we think, if other nations participate, but I don't know how much it will cost you or how high gas is going to go in Aniak. Right now, you are paying $6.50 for diesel. I have to be able to provide more to my constituents than that.

What is important is for the Senate to take its time to understand what the Boxer substitute would do and, perhaps, think more about what would work at the least cost and would actually make a difference in the world's climate. The more I look at it, the more I think the original Bingaman-Specter bill, with changes, is worthy of renewed consideration.

I said in a speech last week at home in Alaska that never before have Members of Congress been asked to take action on a bill that could have such a profound effect on our country, with so much difference of opinion about how much this bill is going to cost, and whether it will actually be worth the amount the American consumer will pay because of it. We have to be able to demonstrate that these are the ranges and this is the benefit so Americans can understand what we are doing.

How much this bill will cost Americans is purely dependent upon the forecasts, and the Congressional Research Service said in testimony before the Energy Committee a couple weeks ago that all these forecasts should be viewed with "attentive skepticism," especially in the outyears. That is an interesting way to put it. But whether this bill will cost $3.3 trillion until 2050, as the bill's sponsor said last week, or more than twice that amount that other models predict, we know this bill will be the most expensive and complex measure ever before considered by any government on the planet.

I do know that, even though my constituents want us to do something in Congress, they are going to want it to be something that works. I don't want to support a bill until I am convinced that measure offers the best possible chance of protecting against climate change impacts but at the least possible cost, while still stimulating new technology—which will make the difference—that is the ultimate solution to carbon emission reductions.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am glad the Senator from Alaska came to speak because she is at ground zero, and she explained that what is happening in her State is very serious. She knows it. She is close to it. Where I simply don't agree with her is she says our bill is going to lead to higher gas prices. We are back to that same old-same old stuff. The fact is—I will reiterate it; I have said it so much, it is probably extremely boring to those who have listened to me, but I will say it again—President Bush sent down a veto promise on this bill, and in it he said gas prices are going to go up 50 cents over the 20-year period. That is 2 cents a year. That is 12 percent over 20 years. What he didn't say is that because we passed fuel economy standards, all that is offset for our people because the fuel economy standards are going to mean you actually can go farther on a gallon of gas. So there is no increase in gas prices.

As a matter of fact, what is going to happen is, we are going to get the alternatives we need. Senator MURKOWSKI's people, my people, Senator WARNER's people, Senator REID's people, and Senator SCHUMER's people at the end of the day are going to say: Thank goodness, we are finally off foreign oil; we don't have to be dependent on a President—this one or the next one—going to Saudi Arabia and begging. That is the whole point of the bill.

The whole point of the bill is to get those technologies, and the bill essentially does this. We say to the people who are emitting carbon: You have to buy permits to pollute. We take half that money—more than half of it goes back to consumers through a tax cut or through the utility companies that give you credit right on your bill.

This is a good bill. This is a bill that will create jobs. This is a bill that will create the technologies.

Senator WARNER got into this whole issue because his legacy is national security. Our leaders tell us we have to act now. To have people come to this floor with a bogus argument that makes no sense is unfortunate. If we vote cloture on this bill, we will be able to amend it and move forward.

I wish to show how many people are supporting us and the groups that are supporting us. We hear a lot of my Republican friends say: We are going to lose jobs. Yes, the miners came out with a statement. They said the bill needed work. So did the UAW, the bill needed work. And we are open to that. Senator WARNER and I, Senator LIEBERMAN, and Senator KERRY said we are ready to meet with our colleagues and fix the bill. But oh, no, all they want to do really is drive this bill off the floor.

I have a list of working people who endorse this bill. So don't come here, I say to my colleagues—Senator MURKOWSKI didn't do this, but others have done it—and say, oh, we are going to lose jobs. You tell that to the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. Tell that to the insulators and the allied workers. Tell that to the shipbuilders. Tell that to the bricklayers. Tell that to the elevator constructors. Tell that to the painters. Tell that to the plasterers. Tell that to the journeymen. Tell that to the sheet metal workers, the teamsters, the operating engineers, and the building and construction trades. They all see what this bill will mean. It means building a new infrastructure for a new day with new energy.

The faith communities are supporting us. I am so grateful to them. It is as if I prayed for help and they came forward—the Evangelical Environmental Network and the Evangelical Climate Initiative, U.S. Conference of Catholic Bishops, National Council of Churches, Religious Action Center of Reform Judaism, Jewish Council of Public Affairs, the Interfaith Power and Light Campaign. Why? Because they feel so strongly that the planet is threatened and God's creation is threatened.

We cannot wait forever. We do not have a perfect bill. We want to get it started, and we cannot. It is a very sad state of affairs.

I will be happy to yield to my friend.

Mr. WARNER. Mr. President, I thank the Senator.

I would just like to say to my distinguished colleague from Alaska, we had a number of conversations in the course of the deliberation on this bill. I first want to say this colleague worked very hard and very conscientiously. There are honest differences of opinion on this subject. Her State, which she is so proud to represent, is quite unique. It has been severely affected by what I believe are some manifestations of climate change that are somewhat unique and without precedent. But I think in this instance, I say on behalf of my colleague, this is a decision where people of good intentions can have different views.

All I know is this colleague worked very hard to deliberate through her thinking process. I will be gone, but I will have to leave it to her, being in a leadership position next year one way or another, hopefully one of the most powerful Senate committees. I know she will apply the same amount of careful thought and consideration when that committee—I believe it is Energy; am I not correct? I am certain it will have a major role and voice in collaborating with the Committee on Environment and Public Works.

I yield the floor. I wanted to make that observation.

Mrs. BOXER. Mr. President, I reclaim my time. I thank my colleague. Yes, I have had wonderful conversations with the Senator from Alaska. The reason there is a bit of frustration in my voice is because I don't think we have much time to waste. I am very worried about delaying. I look forward to working with my colleague from Alaska.

I want to put into the RECORD also the businesses that support our bill just as it is: Alcoa, Avista, Calpine, Constellation Energy, E2, Entergy Corporation Exelon Corporation, Florida Power and Light, General Electric, National Grid, NRG Energy, PG&E, Public Service Enterprise Group.

We have broad support of governments: the U.S. Conference of Mayors; the National Association of Clean Air Agencies; Climate Communities, which is a national coalition of cities, towns, counties, and other communities.

The people in the cities, the counties, and the States, I want to send them a message today: Don't lose heart if we don't win this vote tomorrow. We are building support. We are building support in the community, we are building support in the Senate, and the next President of the United States, regardless of whether it is Senator McCAIN or Senator OBAMA, supports global warming legislation.

So my friends on the other side of the aisle can say no, no, no, status quo, status quo, and they may win the day. But at the end of the day, they will not win because 89 percent of the people of America want us to tackle this problem.

Let's take a look at what the scientists are telling us. Eleven national academies of science, including the U.S. National Academies of Science, concluded that climate change is real. It is likely that most of the warming in recent decades can be attributed to human activities. The Nobel Prize-winning IPCC concluded in 2007 that global warming is unequivocal; there is a 90-percent certainty that humans have caused it.

Today, Senator WARNER, Senator LIEBERMAN, and I had an amazing press conference with a former general and a former admiral. It was really something to hear them. They said some chilling things in this global warming debate. When they ended it, they said: When we are out on the battlefield, we cannot wait for 100 percent certainty. The scientists have given us 90 percent certainty. You wait, you are going to face danger, trouble, horrible things can happen. They look at it as a campaign to stop something quite dangerous.

Let's look at the human health impacts, I thank my friend, Senator NELSON, who is in the chair, for all the work he has done on this issue. His magnificent State is another place which is ground zero. I flew with my friend—first of all, we went to the Everglades. It was an extraordinary experience and one which I shall never forget. We went with my spouse and Senator NELSON's spouse. We went through this gift from God, which is what the Everglades is. It is impossible to describe. It is like a river of grass. That is what it is called, a river of grass. A remarkable place. When we went up in our helicopter and flew over the State, I held my breath. This magnificent State. But if those sea levels rise? There cannot be enough protection. We couldn't do it. So we have to stop the problem, and that is what the Boxer-Lieberman-Warner bill does.

Look at the human health impacts of global warming in North America: increase in the frequency and duration of heat waves and heat-related illness; increase in waterborne disease from degraded water quality. Why? Because certain amoebas and bacteria can live in warmer waters. As a result, these are new kinds of creatures. We had a child in Lake Havasu get an infection in one of these warmer waters. The infection went to the brain. This is the kind of thing the Bush administration health officials are telling us.

Dr. Julie Gerberding came before our committee. It was mind boggling what she was telling us we can expect. By the way, unfortunately, a lot of her statement was redacted. Even though it was redacted, it was powerful. She basically was saying to us: Please act now.

Increased respiratory disease, including asthma and other lung diseases from increased ozone and smog, and the children and the elderly are especially vulnerable. I say to my brothers and sisters, men and women of the Senate, children and the elderly are vulnerable. This is America. We take care of the most vulnerable. They cannot do this.

We all believe in our great economic system, the free-enterprise system. There are certain things our Government has to do, which is to make sure people can have healthy lives. Part of it is that the planet be healthy. We have to act now.

I will conclude my remarks in the next 2 minutes and then will yield to my colleague for 2 minutes to do a quick Executive Calendar.

I want to talk about job growth because, again, we heard all along: Oh my goodness, this bill is going to kill job growth. In California, we have a law like this. It has done wonders. For example, we have 450 new solar energy companies. As we see a decline in the housing area—and I know my friend in the chair has seen this in Florida—a lot of the workers who would have been laid off are being grabbed up and going to work in these solar energy companies. We are so fortunate we had that, in a way, a safety net. People are so excited.

If you come to California, if you go to the Silicon Valley, the entrepreneurs there want to invest in new technologies. They will not do it until there are laws in place because they need certainty.

I will close with this: A study of the impacts of my State's law says there will be 89,000 new jobs created by 2020. There are more than 450 solar companies—I mentioned that—hiring electricians, carpenters, and plumbers. And the top manufacturing States for solar are Ohio, Michigan, California, Tennessee, and Massachusetts. That is interesting because we are seeing these new manufacturing jobs being created across America.

In closing, I will show my favorite chart of all and the one I want to end with. Let's say yes for once around this place. Let's say yes to something good, to a clean energy future, to clean green jobs, to science, to clean air, to saving the planet, to consumer protection, to a big tax cut, to a strong economy, and to the Boxer-Lieberman-Warner bill.

I thank you so much, Mr. President, and I really do thank you for your leadership in Florida and here as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the distinguished presiding officer.

Mr. President, I, once again, recognize the strong leadership given by the distinguished Senator from California on this legislation. It comes from the heart and a strong conviction that she thinks we are doing the right thing, and I am pleased to be a part of the team that helped engineer getting this bill prepared and to the committee and to the Senate floor.

And I don't fear the consequences of the vote tomorrow. No one can predict what it will be, but I think both of us will walk out with a sense of satisfaction we did our best. It may well be we will go on next week. Time will tell, subject to this vote tomorrow. As we say in the Navy: Well done, sir.

EXECUTIVE SESSION

NOMINATION OF STANLEY A. McCHRYSTAL TO BE LIEUTENANT GENERAL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 599; that the nomination be confirmed, the motion to reconsider be laid upon the table, no other motions in order, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stanley A. McChrystal

Mr. WARNER. I thank the distinguished Presiding Officer, a member of the Senate Armed Services Committee. This nomination is for General McChrystal. General McChrystal is well-known to many of us in the Senate. I recall very vividly the period when our Nation was building its force structure to go into the situation in Iraq. And putting aside all of the honest debate on that decision to go in, I think the professional soldiers like McChrystal did their job.

McChrystal used to come every morning that the Senate was in session, at 8 o'clock, and brief Senators in S. 407. I know the Presiding Officer was there on a number of occasions. He was accompanied by COL Bill Caniano, who is currently on my staff, and they answered the questions, kept the Senate informed as to the buildup of that operation as our forces built up tempo and moved into the Iraq situation. A very fine officer.

He has been in Iraq now—well, I don't think you add up the number of tours because he has basically been there almost constantly over 2½ years; one of the longest serving members, whether it is a general officer or a private, in the Iraq theater. He has distinguished himself particularly on his initiatives to take on al-Qaida at any place, at any time of day or night, and to do the very best to eliminate that threat to not only the U.S. forces, Iraqi forces, but the Iraqi people who were brutally treated by that organization. And to the extent that we have reduced that situation of al-Qaida's capabilities in Iraq today, and also Afghanistan—this officer goes back and forth between those two theaters—then it is, I would say, with a sense of humility he would say: I think I have done my best.

I am very pleased the President recognized his outstanding career, that he has been nominated now to become the chief of staff for the Chairman of the Joint Chiefs of Staff in operating that very essential part of the defense complex in the Department of Defense.

I thank the Senators, I thank the leadership, the Democratic leadership, particularly Senator DURBIN, who worked on it, and Senator LEVIN; and on this side, the Senator from Alabama, Mr. SESSIONS, and others who worked with me on this nomination during the course of last night's deliberations on a variety of matters on the Senate floor.

I thank the Presiding Officer, and I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that we now proceed to a period of morning business in which Senators may speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

IOWA TORNADO

Mr. GRASSLEY. Mr. President, I probably will not be more than 10 minutes, but I appreciate the will of the Senate if I need a few more minutes.

Today, I pay tribute to the victims of the devastating tornado that ripped through northeast Iowa a week ago Sunday. This would have been Memorial Day weekend. That is a weekend that traditionally offers a thank-you to veterans who have given their lives. It is a time of backyard barbecues, and in the Midwest it is when swimming pools open for business. But late afternoon on May 25, 2008, Mother Nature unleashed a tragic beginning to a summer vacation. It was a kind of natural disaster that makes people realize the perils of pettiness and appreciate what really matters the most.

A history-making twister produced winds in excess of 200 miles per hour. It tore across Butler County—that is my home county—Black Hawk County, Delaware County, and Buchanan County. It paved a 43-mile path of destruction. The severe storm system virtually ripped the town of Parkersburg in half. It destroyed 22 businesses, leveled 222 homes, and damaged 408 others in a community of only 2,000. The storm system injured 70 individuals. The fatalities attributed to the tornado have now risen to eight Iowans.

But the statistics don't do justice to the heartbreak and to the hurt. Natural disasters have wrought havoc on humanity since the beginning of time. In recent years, the 2004 tsunami in Southeast Asia claimed more than 100,000 lives and displaced millions of victims from their homes. In September 2005, a category 5 hurricane ravaged the American gulf coast, causing $11.3 billion in damages. Last year, in Greensburg, KS, a tornado leveled the entire community of 1,400, causing an estimated $267 million in damage. The financial estimate of damage from the May 25 tornado in my home area from storms and flooding hasn't been calculated yet, but the pricetag will not do justice to the heartbreak and to the hurt.

Whether it is an earthquake, a hurricane, or a tornado, a natural disaster leaves behind massive debris and destruction. The physical and financial tolls shouldered by the victims arguably pale compared to the emotional scars and personal losses left in the aftermath of a killer natural disaster.

This tornado was what they call an F–5 tornado, the worst they get. It struck terror into the hearts and minds of northeast Iowans over Memorial Day weekend, and it also hit close to home as well. From the lawn on my farm near New Hartford, I watched what I thought was nothing but a dark storm cloud blackening the sky as the tornado made its way across Butler County from Parkersburg—population, as I said, about 2,000—to my hometown of New Hartford, population 600.

It was the first F–5 tornado to strike Iowa since 1976, so tornadoes like this don't happen every day in our State. Maybe they do in Oklahoma, but they do not every day in my State. And it happened to be the deadliest tornado in the State since the 1968 tornado in Charles City, IA. I believe that tornado claimed about 13 lives compared to the 8 so far here.

In some ways, the storm may serve as a wake-up call to those of us who have become somewhat complacent about severe weather warnings. The day after the storm, I visited with residents of Parkersburg and New Hartford and toured the damage, along with Senator HARKIN and Governor Culver, and Congressman BRALEY was there. It was an unimaginable scene.

In Parkersburg, the tornado ripped apart the Aplington-Parkersburg High School. This is a picture of that devastating damage. It will cost $14 million to rebuild. Thank God they were well insured, I have been told. I haven't heard that directly but indirectly.

It destroyed the Parkersburg City Hall, crushed the town's only gas station, and crumbled the grocery store. If you watched CNN yesterday, you were able to find some pictures from the cameras that guard the bank during the night and over the weekend, and you saw, before they went blank, sucking everything up. And you know where a lot of those bank papers landed, and a lot of pictures from various homes? In Prairie Du Chien, WI, 100 miles away. And those people in Prairie Du Chien, we are told by television, are collecting all those valuables and are someday going to bring them back to Parkersburg, IA.

In the afternoon of this tragedy, seven people sought refuge and survived by going to a produce cooler in one of the restaurants there. That is just one example of what people do. So more life could have been taken. I have been told by some people that as the Weather Bureau or the government agencies that measure this stuff and tracked the storm, that this damage to 220 homes in Parkersburg, IA, could have been done in just a few seconds, like 20, 30 seconds. Some people on the scene said it had to be less than 45 seconds. But in just a few minutes or a few seconds, whatever you want to say, a mile-wide tornado wiped away a lifetime of treasured belongings, furniture, and family memorabilia. There are no parts of homes sitting around. There is only sticks sitting around, and a lot of that landed in farm fields miles away. There are uprooted trees. There is not a tree with a leaf, maybe a limb or two. The trunk maybe still stands, or maybe the trunk is down. We have mangled vehicles. Some people didn't know where their vehicle ended up. Maybe today they do, but they didn't a week after the storm, they told me. It killed a lot of livestock in the rural areas, ripped away roofs and walls, mowed down neighborhoods, shredded solidly built homes like toothpicks, and knocked out the city's infrastructure.

I saw this debris. I am told that there were 60,000 tons in Parkersburg alone left behind in the wake of the tornado. I suppose that is a rough guesstimate, but the people who know about the tragedy know how to estimate some of this stuff. This picture of the high school, once again, probably isn't the best picture I could produce about how much of a wilderness the southern half of this small town is, and I don't think this captures the wreckage, but it is a small glimpse. It is nearly inconceivable to understand the awesome force of Mother Nature.

Thankfully, the resiliency and the compassion of human nature also has proven that it can withstand floods and droughts and famines, and so it shall be in my home State. After seeing the devastation firsthand, it still made me wonder that the fatalities have thus far been kept in single digits considering that 70 people were hospitalized. And I commend the emergency preparedness plans put into action by city and county authorities and during the storm. The civil defense people came from the adjoining counties without hardly even being called to come. They knew we needed help. And thanks to the warning systems, countless lives were saved.

In fact, rising above the call of duty, volunteer firefighters in my hometown of New Hartford raced up and down the streets after the power had gone out alerting people with their vehicle sirens, just to show their commitment to letting everybody know that just a few minutes away was a terrible weapon of destruction.

Exactly 1 week after the storm blazed its trail through the region, I returned to Parkersburg. I am pleased to report relief and recovery efforts underway. I saw fire departments coming up to serve the community and the surrounding communities from 100 miles away—the suburbs of Des Moines, IA, is an example.

I hope you know there is a great deal of resilience in the people of Parkersburg and New Hartford. Like a beacon of hope, I want to show you where people were, what they were doing 6 days after this tornado hit through. This doesn't give justice to all the debris that still has not been picked up, but there were people constructing new buildings right away. Except for a generation of trees being gone—because 25 years from now you will be able to go down this 43 miles and you are going to know where this tornado went—except for that, Parkersburg and these other communities will be back in a few months. I give this as evidence of the resilience of the people, only 6 days after this damage took place.

The cleanup operation, of course, will take a long time. Bulky machinery will do the heaviest lifting. That is after people have an opportunity to paw through all of the strewn things that are there, so they can take out some of their valuables in the sense of remembrances—pictures, photographs, maybe some important documents they might find. There may be some of those important documents up in Prairie Duchene.

The scoreboard for this high school ended up 70 miles in Decorah, IA, as an example. Maybe it was part of the scoreboard, but this tells you how it is.

It is going to take countless hours of manpower to orchestrate this massive undertaking to get the job done. The seemingly impossible task is being made possible, thanks to the tireless commitments of Butler County's first responders, administrators, emergency crews, and legions of volunteers, but in addition to my county, counties around it. You can't believe the number of trucks that came in Sunday to haul away debris, as an example.

We have had the donation of food, water, clothing, and other supplies poured into the tornado-ravaged region. I wish to mention a few notable examples of neighbors and strangers lending a hand during the recovery week. There is no count of construction crews and heavy equipment volunteers coming in from as far as Tennessee. I have thanked Senator CORKER I have not thanked Senator ALEXANDER yet, for people coming all way from Tennessee with very heavy equipment. People who were cleaning up from tornadoes in Oklahoma the night before spent the night on the road to come up and help people in Parkersburg, IA.

Separately, we had a group of traveling volunteers known as the Massage Emergency Response Team from California—people who are physical therapists who came in to rub the backs of people working day and night. They offer assistance to those who need stress and tension relief from their recovery work.

We had a group of 90 high school students, mostly football players from the Catholic high school, Dowling, in Des Moines, traveling 100 miles to help with the recovery work at the Aplington-Parkersburg High School athletic fields. If you want to know how this little town of 200 is proud of its football team, this little town has four NFL players, right now—I mean not right now today playing football, but still signed up. These Dowling High School people pitched in to rake up glass and debris.

The Salvation Army has set up mobile canteens serving 1,000 hot meals each day to the Parkersburg residents and relief residents, and in New Hartford as well. And the Red Cross, as you would expect because of their good reputation, was immediately on the job and is still present.

The tornado, storm, and flood damage over Memorial Day weekend in Iowa has received Federal declaration of disaster assistance, and people have come in from FEMA, from Sacramento, CA; from Pennsylvania and from New

Jersey; maybe from a lot of other places that I had a chance to meet on that Sunday afternoon. So the Federal people are working well, as they should.

Residents in these communities will need help rebuilding and I know Iowans appreciate that help. So I am here to say thank you to everybody.

I listed only a few people. If I knew everybody who was helping out, there wouldn't be any help there. You can't keep on top of everybody who is stressing out. When I was in church in Cedar Falls, IA, one Sunday we had people there from North Carolina—Franklin Graham. We had people there from the Billy Graham organization in Minneapolis.

Looking out across the countryside near my home, our corner of the world looks turned upside down. Utility polls, shingles, siding, insulation, uprooted trees are strewn across the farm fields. The cleanup will take time, but I know Iowans are in this for the long haul. I and other Grassleys were fortunate in this damage, because I live 1½ miles south of where the tornado went through on a farm. My son and grandson farm with me. They live a mile and a half north of where the tornado went through. I thank God for that.

We lost friends. A person named Norman who worked at the New Hartford grain elevator will not be there because he was killed in this tornado. So Norman, who always greeted us when we would go to the elevator to unload our grain in the fall—his friendly face will be missed.

The outpouring of support from neighbors, friends, and strangers from near and far has given a jump-start to the necessary healing process. It underscores the decency of human nature rising above catastrophic forces of Mother Nature. The selfless sacrifice by literally scores of heroes will help mend the immeasurable heartbreak and hurts that I saw during my visits to these communities.

I say with gladness in my own heart, the F5 tornado did not extinguish the hope and pride of residents of the midwestern communities who call Parkersburg, New Hartford, Hazleton, and Dunkerton home.

I suppose maybe it is a little bit ambitious on my part to take the floor of the Senate to acknowledge this and to praise the Lord for what can be done now, and the people who have not been hurt. I suppose every one of my colleagues, particularly in the tornado channel that I most often hear about, of Kansas, Oklahoma, Arkansas, Kentucky, Tennessee, and I guess yesterday damage around here as well—maybe every Senator could tell the story I tell. But, frankly, tornadoes are not as common in my State as they are in these other States and there is a lesson to be learned from this. There is an appreciation to be learned from it. We all ought to remember how lucky—and then we need to remember how unlucky—some people and families are, in our daily life.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I too ask unanimous consent that I might be allowed to speak for as much time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN SPIRIT

Mr. ENZI. Mr. President, I will want to sympathize with the Senator from Iowa, Senator GRASSLEY. Two weeks before Hurricane Katrina, a tornado came through the town of Wright, WY, which is 30 miles south of the town I live in. It happened to be during a recess so I got to go out there and see what had happened and see what kind of response there was and see what the Government is supposed to do and what they do do. What I was most impressed with is the spirit of community, the way the people got right after it and started cleaning up and helping each other out. People poured in from towns and other States to help.

It is a great country we live in, where people will do that and help out where it isn't any concern of theirs. But they recognize that is what we do in America. I think that is a difference from many other countries, too. I appreciate your sharing that with us.

CLIMATE CHANGE

Mr. ENZI. Mr. President, I rise to discuss the legislation we have been debating and that we are going to be precluded from debating, should cloture happen tomorrow. The reason I say precluded from debating is we are not being allowed to do any amendments. The whole stage has been set: One amendment so far; it is a take-it-or-leave-it amendment. My experience in the 11½ years I have been around here is that bills that come to us that way do not pass.

That is what the whole Senate was designed for, to see that take-it-or-leave-it stuff doesn't make it through here, that the opinions of 100 people get to be reflected in legislation. The longer we are here, the quicker we think we ought to be able to get bills done. The longer we are here, the more complicated the issues. This is a very complicated issue. There are things people are doing. There are things people need to be doing. But to make it very prescriptive and to not allow the opinions of 100 people who could point out some of the flaws and some ways it could be better is wrong.

The majority leader and a number of Members on the other side have called climate change the "greatest environmental threat facing our world." I am not hearing big arguments against that. But if that is the case, we should put our heads together and come up with a plan to protect us from this massive threat. We should spend time amending it, ironing out any problems, and determining what we will have to pay.

There is a huge disconnect in America, thinking that we can solve this problem and it will not cost the consumer anything. We are actually promulgating that myth here, now. I heard the fuel economy we are going to get is going to offset any of the costs. I know a few guys out there who are getting ahold of me on a regular basis because they drive trucks. They do contract work. I am pretty sure they didn't put a little clause in there that gave them a fuel escalation break. Some of the big companies might have thought of that. The little companies didn't. So far as I can tell, they are not planning on trading that truck in for a more fuel-efficient truck because they can't afford to do that. New trucks cost more money. They have a contract that limits what they can do. So the offset is not going to pay to the person who is paying the bill. It may go to somebody else.

We do need to encourage better mileage. We need to encourage less travel—although somebody the other day pointed out to me that if we have less travel—for instance, if I rode my bike back and forth from home to work, although I usually walk, that consumes calories. And to replace those calories, I have to eat food. And that food probably is transported in somehow, so I am still adding to the climate problem. It is not solving it just by doing some alternatives. I hadn't thought about that.

But what I am talking about tonight is that the debate has been shut down; the amendment tree has been filled. That means a little parliamentary procedure around here has already put some amendments, with relatively insignificant changes in them, so nobody else can bring up an amendment and have it voted on. It is getting to be a very common thing around here.

Now, I understand partly why it is being done. The majority has had two people out on the Presidential campaign trail, and now Senator KENNEDY is not able to be with us. That is the loss of three votes. It is a 51-to-49 Senate. So I sympathize with the leader in trying to control votes when some of the people are not here, because with our one Presidential candidate gone and three of their people gone, it winds up with a tie. I have noticed the Vice President usually votes with me.

But what we are trying to do, I think around here, is get bills done and get them done in a logical process and actually finish them. But I do not think that is what we are doing. The amendment tree got filled. The greatest threat of our time, the greatest deliberative body is not allowed to deliberate, to be deliberative. Something is wrong with that picture.

Now, I have some amendments that are important. I think they are important to anybody who might be listening, especially my colleagues. Do not think that not paying attention to or being interested in politics is going to shield anyone from the consequence of this bill if it were to pass. It could change our way of life. The bill is going to cost money, and you have a right to know how much it is going to cost you.

I filed an amendment that requires utilities to include on the bill they send you, the consumers, the amount it is costing to comply with this legislation.

I would like to take a look at a part of the bill that is very significant for Wyoming residents; that is the coal portion. Coal is our Nation's most important and abundant energy source. Wyoming's coal is the cleanest coal in the Nation. We ship to every State in the Nation.

They mix it with their coal to meet the clean air standards. I want the lights to stay on in Wyoming and the rest of the Nation. California relies heavily on electricity from Wyoming. Without coal, that is not going to happen.

Now, China understands energy. China understands that the future economy of the world depends on energy. They have already bought all the oil supply, they have bought up gas supplies, they are in the process of buying up coal supplies.

How do I know about that? They are buying coal in Campbell County, WY, and shipping it to China. Now, a lot of it is in the test burn stage, and I suspect they may be burning that in the powerplants right around Beijing, which will clean their air for the Olympics.

I do not know how long the contracts are, and I do not know how expensive it will be. But I suspect that coal will be sold, and I know, by the way, because of rotation of the Earth, the direction the wind blows. The powerplants in Wyoming do not put anything in California, but the powerplants in China, of which they are building one a week, it takes longer, but they are opening one a week, that air will blow to California. China is not going to be part of this.

I have had an opportunity to sit down with some of the Chinese delegation who are at the global warming conferences. They do point out they are a developing nation. I have asked them, as a developing nation, is there any point in the future at which they would do something to cut down their pollution? They have assured me they will always be a developing nation and will always come under those provisions. So do not count on China to help out in this.

Now, I filed another amendment with my colleagues from Missouri, Ohio, and Oklahoma that is an approach to making cleaner coal. I have also cosponsored another amendment with my fellow Senator from Wyoming, an amendment, that was filed by Senator DORGAN from North Dakota taking another approach to greening up coal so we can more efficiently harness its power while minimizing its impact on the environment.

I have cosponsored multiple approaches because it is vital we improve the bill by improving the way we use coal. Half our electricity comes from coal. There is no short-term substitute for coal. We need to come together and come up with a real solution, hopefully one that does place a little bit of confidence in the ingenuity of the American people.

If there is a problem, they can solve it; not always immediately and not always without some kind of incentive. There are a number of ways of providing that incentive. We have not gotten to discuss those, and the majority is not going to let us do that today. I cannot even call up my amendments to let other Members debate them because the majority leader has used a parliamentary tactic to prevent us from offering changes to this bill.

The majority leader has decided we cannot fully debate what he calls the greatest environmental threat facing the world. Is he serious? Well, I am. But apparently the proponents of this bill are not. If they were, they would be working to come up with a solution to this problem rather than playing another inning of "gotcha" politics.

This is a complex piece of legislation. I am not sure anybody knows exactly how it works. The bill we originally talked about came through committee. The substitute we are doing now did not come through committee, so it hasn't had the same look everything else had.

Anytime we go to a bill that hasn't been through committee and we invoke cloture so amendments cannot be done, the bills do not make it here. I appreciate my colleagues' approach on that. I have seen it happen, though, regardless of who was in the majority. That is the way it works. People get upset when they cannot do amendments.

Now, I do know people who buy coal from my State say this bill will be a real punch in the gut. I do know the vast majority of studies say this bill will take money out of your pocket because you will have to pay higher energy prices. These are issues that need to be addressed. But we are not being allowed to address them. There is this sudden urgency that if it does not pass this week, the world will not exist next week. I think that is a lit bit of an exaggeration.

I have a list of people who were supporting this legislation apparently as it is. I think they were generally supporting the concept of cleaning up the environment. But I did notice the list of supporters included those who have figured out a way to make some money off this. That is how it works in America. But it does leave out those who are currently having a job in these areas.

Now, it is baffling to me that we are being precluded, that it is being cut off early. I hope my Senate colleagues will not do that. When the Senate considered the Clean Air Act amendments in 1990, and it was very important for them to consider that, because prior to that time we had a one-size-fits-all approach in the United States. It needed to be corrected.

Those clean air amendments of 1990 passed, and they made corrections to it. They made a system that worked, or at least worked better. There is no such thing as perfect legislation. We spent 5 weeks on the bill. There were 180 amendments that were considered, and 130 were processed.

Usually, we are asked if we cannot get our amendments down to two or three or five. No, you cannot. The reason you cannot is that if you have a series of amendments that deal with the smaller topics, people understand them better.

You will have one section 3 people will object to, another one 11 people will object to, another one 4 people will object to, and pretty quickly you are at 51. It is a pretty good philosophy if you do not want an amendment to pass, you cram them all together, so you can generate enough animosity over each of the parts so it adds up to 51 votes against and it never makes it.

On the other hand, if you are serious about making changes, then you do it such as we did with—I was not here at that time—the Clean Air Act of 1990, where there were 180 amendments and 130 were processed.

We have been debating this bill for less than a week at this stage, with lots of interruptions. We have considered exactly one amendment, and that is the substitute amendment from the Democratic chair of the committee that dramatically changes the bill from what came out of committee.

That is not the way to conduct business in the Senate. It is not the way to get anything done. But, then again, that is probably apparent that if there was a real desire to get something done, this bill would be debated in the regular order.

When the Senate was less polarized, it was because there was more debating in the regular order. The bill we were debating had gone through committee, S. 2191; but the bill S. 3036 did not. I do not know anyone who believes this bill is going to be signed into law. I am not even sure anybody wants it signed into law considering the process it is going through.

I think it is an effort by the majority saying: Oh, woe is us. We need to have

60 on our side of the aisle so we can cram these ideas down the other side's throat. That is not the Senate. The majority, in fact, is saying, until we have 60 votes on our side, we are not going to let anything pass. They take this approach, even though the energy crisis is the main concern of the American people.

Oh, but that is right, this bill is not going to do anything for energy prices, particularly in the short run. I am disappointed with the situation the majority leader has put the Senate in today that will actually happen tomorrow morning—it is happening at 9 o'clock—which means there is going to be debate before the vote, it will be rather limited, probably between the two leaders.

I do not think this bill is ready for debate, so I voted against proceeding to this bill. However, now that we are on the bill, we do have to consider its merits. That is what I have done on all this. That is why I filed two amendments to it. Unfortunately, we are not truly debating the bill because the parliamentary procedure, the parliamentary tactics are going to cut off all the amendments.

Oh, there will be some conversation about how there will be 30 hours to do things after cloture is done. I follow the proceedings around here. Now, you can stall through 30 hours and make sure not a single vote happens. So anybody who votes for cloture means voting to preclude amendments, and anybody who says: Oh, there will be an open debate on it and an opportunity for amendments, ought to check the history on this and see if they have actually talked to anybody who would allow that to happen because it will be a new one on me.

So the whole purpose right now is to do "gotcha" politics, avoid the committee to bring it to the floor, have a motion to proceed introduced on Friday, we vote on Monday followed by 30 hours, while we are waiting for people to show up to vote during the week because they are out on the campaign trial, and then filing a final cloture motion to make it be a one-size-fits-all, take-it-or-leave-it bill.

I think it is very unfortunate that we have come to this point. I will oppose further tactics designed to shut Senators out in the cold while the proponents are inside making their own global warming plan.

The "take it or leave it" has never been a successful approach around here. I am willing to bet it will not be a successful approach tomorrow.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from California.

Mrs. BOXER. Mr. President, I listened to my friend from Wyoming, and I will tell anyone who was listening, first, he says the bill is not ready for debate. Now he wants to debate.

You know, my friend voted not to go to the bill in the first place. He does not want a global warming bill, neither do most of the people on that side of the aisle, with some exceptions.

Their answer is: No, no, no, no, status quo. That is why they keep losing seats all around the country. Now, 89 percent of the people want us to take up this legislation. Now, you can say you are against this for technical reasons and procedural reasons. I wish to talk about that, I do, because our leader went to the Republican side and said: We are ready to come up with a good plan to move forward on this bill. And he said to the other side: Let's start off with doing two amendments a side.

No, that wasn't good enough.

OK. Let's make an agreement for 3 amendments, 10 amendments, germane amendments. No. It was obvious from the start. No. Well, we think it is time to say yes, to stand and tackle the problem of global warming. They do not think it is time.

I don't think they will ever think it is time.

What is really remarkable is that the States out there have started. The western Governors have gotten together. They have signed a western climate initiative. Why? The American West is heating up more rapidly than the rest of the world. That is where my friend comes from. I didn't hear him talk about global warming. I heard him talk a lot about China. I don't know what he was saying, whether he is so happy that China keeps building these dirty coal plants. I will tell him, the people of China can't breathe. There was a whole series about this. We want to have a clean coal future. That is why the Boxer-Lieberman-Warner bill invests heavily in clean coal. We understand there is 200 years worth of coal in America, and we want to make sure we get the technologies moving. That is why we want this bill, so we get to the day where we can have clean coal.

I want to tell my friend, he got up and criticized the way this bill was handled and the rest. I wish to speak about what we have done on our committee.

The Presiding Officer serves on that committee and is an active member who has supported even stronger legislation than this. We are getting attacked because they say it is too strong. The bottom line is—my friend will attest because he was part of this—we had 25 hearings, one of which I remember well which he chaired, since the day I took the gavel, inclusive. The bill was written in the subcommittee. The bill was worked on. It got to the full committee. I remember my friend in the chair was not happy with the bill in the subcommittee. He worked very hard. We changed it. Yes, we changed it, because that is what legislating is about. There isn't one person in this Chamber who has all the answers. I certainly don't. This has to be a collaborative approach.

Then a wonderful thing happened. Senator JOHN WARNER said: I am breaking the stalemate. I have kids. I have grandkids. I am a national security expert. The national security people are saying we need to do something about global warming. It is going to be one of the biggest causes of wars in the future. This is a big issue. Senator WARNER came and said he wanted to work with us. That meant we could get legislation out of the committee. Senator BAUCUS comes from a huge coal State. He took the lead in the coal provisions. We worked very hard.

When the bill came out of the full committee, we took it to our colleagues in the Senate. We did an unprecedented thing. We had open hearings for every Senator. I don't know if Senator ENZI came to any of those. Maybe he did. My staff is sitting here next to me. No, he didn't. I remember Senator BENNETT came. I remember many Senators came. They asked the experts the questions. We had the IPPC, the leading experts. We had the Bush administration come to talk about public health problems. We opened a transparent process to all. We asked Senators: Can I come to your office? I went to probably 30 offices. Senator LIEBERMAN did. Senator WARNER did. Anyone who wanted it did. Transparent. What do you need? What do you think? How can we do this better? How can this work? That is the way legislation ought to be done. That is what leadership is.

This is a tripartisan piece of legislation—a Democrat, a Republican, and an Independent. I will say this: When you say no to this and when you divert attention to gas prices, which have gone up 250 percent under George Bush—250 percent—and when you say this bill is going to make it worse, you don't really know what you are talking about because if you look at the modeling that was done—and George Bush confirmed this—the modeling says under a worst-case scenario, gas will go up 2 cents a gallon per year for 20 years. It is a 12-percent increase attributable to this bill which we know will be entirely offset by the fuel economy. In other words, that 2 cents will be offset by the fuel economy bill. So this bill will lead to lower gas prices. Why? Because it will spur technology. That is the point of the bill.

If we could look at the pie chart, what you see is that most of the money that is generated in this bill from the permits bought by the 2,100 biggest emitters of carbon goes to tax relief for our people, consumer relief for people, deficit reduction, more than half, and the rest goes to investments. A little bit goes to help the emitters in the early years. The rest goes to national security, and international agricultural resources and forestry, low-carbon technology efficiency, and local government action. We want to help local governments. That is why the U.S. Conference of Mayors has endorsed this bill.

I have to say, what amazes me about what I hear from the other side is there is nothing about the issue of global warming or climate change. You don't hear anything, very little except from the supporters of our bill. Senator SNOWE, Senator WARNER, yes, we hear from them. But for the most part, we have heard no words that let us understand where we can sit down and talk.

As far as China is concerned, to hold them up as some kind of model, if that is what my friend was doing, let me say that I don't want to be a party to it. I want to be a party to leading China, leading India, leading the world, not following countries where the people are so sick they can't even breathe. That is not what we want. We heard the same thing when we passed the Clean Air Act, Safe Drinking Water Act, the Clean Water Act, the Endangered Species Act—this is the end of the world. They made all kinds of excuses why we should not act.

Tomorrow, we have a chance. I hope we will get a good vote. I don't know what we will get. But I do want to put into the RECORD some very important letters from our colleagues.

First, I am very touched to tell my colleagues that we have a letter from Senator KENNEDY. I am so happy to say that. It reads:

> DEAR CHAIRMAN BOXER: I commend you and Senator Lieberman and Senator Warner for your leadership on the Climate Security Act. At long last, significant legislation long needed to address this growing crisis is ready for Senate action, and I wish very much that I could be there for this landmark debate.
>
> Regrettably, I'm unable to participate, but I hope my colleagues will support the Act by voting for cloture, as I would if I were able to do so.
>
> With respect and appreciation and all great wishes,
>
> Sincerely,
>
> EDWARD M. KENNEDY.

TED, if you or your family is watching, we received this letter with such pride. We thank you so much, and we send you our heartfelt prayers and hopes for a speedy recovery. We miss you so much.

I ask unanimous consent to have printed in the RECORD a letter from Senator BIDEN:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SENATE,
> *Washington, DC, June 5, 2008.*
>
> Senator BARBARA BOXER,
> *Chairman, Committee on Environment and Public Works,*
> *U.S. Senate, Washington, DC.*
>
> DEAR CHAIRMAN BOXER: As we discussed, I regret that a longstanding speaking commitment will cause me to be absent for the scheduled cloture vote on your substitute amendment to S. 3036, the Lieberman-Warner Climate Security Act.
>
> I write to make it clear for the record that, had I been present, I would have cast my vote in support of cloture.
>
> Sincerely,
>
> JOSEPH R. BIDEN, Jr.,
> *U.S. Senator.*

Mrs. BOXER. We thank Senator BIDEN. I again thank Senator OBAMA. He sent a similar letter that he would, if he were here, vote for cloture. And a beautiful statement from Senator CLINTON from which I will read in part:

> . . . I would vote for cloture on this legislation if I were able to be present in the Senate. . . .The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.

Continuing from her letter:

> This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers whom the clean energy industry will demand.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> M. President, the scientific consensus is clear: strong and swift action to reduce greenhouse gas emissions is needed to prevent catastrophic effects of climate change. That's why the debate this week in the Senate about the cap-and-trade bill crafted by Senators Boxer, Lieberman and Warner is so important. This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers that the clean energy industry will demand. I congratulate Chairman Boxer for moving this bill to the floor. It's a first step toward Congress enacting a cap-and-trade bill as part of a broad, comprehensive effort to combat global warming and reduce our dependence on foreign oil, including aggressive steps to improve energy efficiency and deploy renewable energy that will benefit our economy and help create millions of new jobs. I believe that we can and should make this bill even stronger, and I hope that we can do that as we continue to consider the bill. For now, we need to move forward on this important legislation. That's why I would vote for cloture on this legislation if I were able to be present in the Senate for the vote. The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.

Mrs. BOXER. She congratulates us on the bill. It is with great pride that I add these letters to Senator OBAMA's letter.

I do hope my colleagues will give us a "yea" vote. We know that under the rule, we can have amendments. Absolutely, we can. We hope we will get a good cloture vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I compliment the Senator from California for her leadership on the Environment Committee and on this important legislation. It is time to face up to it. One cannot find a more critical environmental issue facing this Senate, our country, or our world than fighting global warming. We need legislation that faces this problem head-on. Inaction here endangers our children, our grandchildren, and future generations who can never understand the opposition and unwillingness of the Senate to deal with this problem. Yet, as we stand here now, Senators on the other side of the aisle are filibustering this legislation. We are losing precious time. The patient is sick, and we have to start providing the meds. We have already lost over 7 years under a President who has ignored science and questioned the very existence of global warming. We have seen other Members of this body do the same thing, even calling global warming a hoax.

As we sit here and wait for leadership from our President and from this Congress, our world is literally paying the price. As temperatures rise, our world suffers. In the United States, the glaciers in Glacier National Park are shrinking. The park's largest glaciers are one-third of their 1850s grandeur. The oceans are being altered. Ocean levels are rising, threatening coastlines far across the globe and here at home, including, in my State, the New Jersey seashore, where the very survival of the State's residents is at stake. Defense experts see security risks from global warming. A Pentagon report says that large populated countries could become nearly uninhabitable because of rising seas. Megadroughts could affect the world's breadbaskets, such as America's Midwest, and future wars could be fought over the issue of mere survival in this new climate.

The American people sent us here to take real action and to confront these problems. We need to take some bold steps to reduce greenhouse gas emissions to match the research of the world's best scientists. This bill would be a critical step forward. It would reduce emissions by 15 percent by the year 2020 and by nearly 70 percent by the year 2050.

It will do so by placing a cap on our emissions and giving industry the flexibility it needs within a cap-and-trade system. We already know that a cap-and-trade system works. We used it in the 1990s to successfully combat acid rain, and we should be doing the same thing now to fight global warming.

I ask my colleagues, please join us in taking this landmark step forward, and do not let politics interfere with our obligation to protect our families.

As we move forward, we have to listen to those scientists who dedicate their lives to the pursuit of fact and truth, not raw politics. We have to make sure scientists in our country can freely do their work and tell the truth to the American people without having their research suppressed—suppressed—by a President and an administration with a political agenda.

President Bush, his administration, and many here in Congress have squandered precious years, ignoring the reality of global warming. Even worse, they hindered and outright suppressed, as I mentioned, the work of Government scientists who were sounding the alarm about global warming's effect on our planet and all of us who inhabit it.

The United States is expected to be a leader in the world. Yet, while the 2,500 scientists from 113 countries were collaborating on the most recent United Nations Intergovernmental Panel on Climate Change report on global warming, the President of the United States was still unwilling to hear the truth.

The Intergovernmental Panel on Climate Change report found that:

> Warming of the climate system is unequivocal.

And human activity is to blame.

Beyond the importance of what the report said is the fact that the report relied on uncensored, unaltered science to say so. In contrast to the integrity and accuracy of the IPCC report, the Bush administration has censored the conclusions of the U.S. scientists to advance a political agenda. The administration has blocked or delayed the release of Government reports on global warming. It has deleted key words such as "global warming" from public documents. And it has denied scientists the ability to freely discuss their conclusions with the public.

Mr. Phil Cooney, the former Chief of Staff for the White House Council on Environmental Quality, was one of the architects of this campaign of scientific suppression.

Mr. Cooney—not a scientist—weakened or edited out scientific judgments from Federal climate change reports. These changes made the threat of global warming seem less serious. In the 2002 climate change report "Our Changing Planet," the original text read, "Earth is undergoing a period of relatively rapid change." Mr. Cooney changed that to, "Earth may be undergoing a period of rapid change"—totally altering the significance of this statement. Mr. Cooney later left the administration to go to work for ExxonMobil.

In 2006, 13 other Senators joined me in asking the inspectors general of NOAA and NASA—both agencies—to investigate the Bush administration's suppression of science on global warming. The report from NASA just came out this week and found that political appointees in NASA's press shop had manipulated the work of scientists. The inspector general stated that political appointees at NASA had "reduced, marginalized, or mischaracterized climate change science made available to the general public."

It is incredible to believe. It is simply unacceptable for the greatest democracy in the world to stifle the findings of scientists for political and ideological reasons. It is common sense to listen to the best scientists in the world and to act on their research. And their research is telling us that global warming is getting worse and it is time for us to act.

It is disappointing beyond words that our colleagues on the other side of the aisle are preventing us from moving forward with this bill. In this place—the Senate—and at this time, some Members of the Senate are putting special interests and politics ahead of the safety and well-being of our people. We have to act now, and this bill is the right place to start. We dare not let this time pass without action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

THANKING THE SENATE PAGES

Mr. REID. Mr. President, today is the last day of service for our current page class. On behalf of all Senators, I thank them for the job they do every day for us—running these documents all over the Capitol, rushing around here to make sure amendments are filed appropriately and, for me, often filing cloture motions. They do a lot. The glass of water I have here, as for every Senator, they know whether they want sparkling water, water with ice, cold water, warm water.

These are wonderful, intelligent young men and women. It would have been a wonderful experience to be a page when I was a boy. I hope my vision of the time they have had is appropriate in that they really do have the time I think they are having.

They have seen this body, the greatest deliberative body in the history of the world, debate some very difficult issues. They have seen us succeed at times, maybe not succeed at other times. But I hope they always believe we approach our job with sincerity, of having different views but always striving to make our country stronger.

It is lost on no one that more than a few of our Senators who have served here and served in the House have been pages. Chris Dodd from Connecticut was a Senate page. I talked to him about it today. That was the beginning of his career.

Mr. President, I have in my office right across the hall pictures of my two first grandchildren—two beautiful little girls, little babies. They could not sit up. They were so small, they were propped up against something. One of them was born in September and the other was born in November. Ryan and Mattie—beautiful little babies. But I have in front of that picture a picture of my two oldest grandchildren in their Senate page uniforms. They were Senate pages. Being Senate pages changed their lives, and I am not exaggerating. It was a wonderful experience for my two grandchildren.

I hope the experience for every one of these pages is half as good as for my granddaughters. When I say it changed their lives, I am not joking. Take Ryan as an example. She did not read newspapers. She was not really interested in what was going on in Government. But she now is. She reads, watches the news, and sees people come through the Senate whom she used to work with.

It does not hurt my feelings—and it should not hurt the other 98 Senators—to accept the proposition that their favorite Senator is ROBERT BYRD. Now, ROBERT BYRD is frail and not as strong and vigorous as he was when I first came to the Senate. But the pages, when my granddaughters were here, voted for which Senator they liked most, and it was ROBERT BYRD.

Well, I am confident that as a result of these young men and women being here, they will have a new enthusiasm for public service. I know the Presiding Officer and I believe in government. Government is good. When people are in trouble, where can you go for help? Mr. President, 9/11 said you can look to your God, whoever that might be, you can look to your family, and you can look to government. There are very few places to go other than that. And for government, we need good people, in appointive office and in elective office. I do not think there is a higher calling than public service. I personally feel so fortunate every day to be a public servant. Do we make all the money that people can make on the outside? No. But we make enough money. We make plenty of money. So I hope these young men and women find ways, big and small, to serve and honor the country that we love and they love.

I have the honor in the morning of being able to speak at the pages' graduation. I look forward to doing that. I am going to do that at 10 o'clock in the morning.

But, Mr. President, for today, I wish to enter the names of all of this semester's pages in the RECORD in honor of their service. The first two names I read off tonight are a couple Nevadans: Danae Moser, Sparks, NV; Andrew Solomon, Gardnerville, NV. Alyssa Abraham, Franklin, TN; Brittany Ashenfelter, Redfield, IA; Joanna Beletic, Arlington, VA; Genny Beltrone, Great Falls, MT; Andrew Carter, Madison, WI; Christopher Cary, Parkville, MO; Phoebe Chaffin-Busby, Little Rock, AR; Allie Dopp, Bountiful, UT; Ronson Fox, Waipahu, HI; Jennifer Goebel, Plano, TX; Adrienne Gosselin, Nashua, NH; Mary Margaret Johnson, Madison, MS; Taylor Johnson, Orrington, ME; Jocelynn Knudsen, Missoula, MT; Olivia Konig, Great Falls, VA; James Lee, Fairfax, VA; Ashley Lewis, Canton, MI; Mark Loose, Anderson, IN; Joshua Moscow, Lexington, KY; Danae Moser—again, I repeat in alphabetical order—Sparks, NV; Hamid

Nasir, Anchorage, AK; Evan Nichols, Eaton Rapids, MI; Cody O'Hara, Florence, KY; Reed Phillips, Alexander City, AL; Augusta Rodgers, Winona, MN; Sarah Rosenberg, Chicago, IL; Brandon Skyles, Buckley, WA; Andrew Solomon—I repeat—Gardnerville, NV; Jacob Waalk, Monroe, LA; Ryan Wingate, Montpelier, VT.

I look forward to seeing these fine young men and women at 10 o'clock in the morning, Mr. President.

REMEMBERING SENATOR VANCE HARTKE

Mr. KERRY. Mr. President, it is a privilege today to submit to the RECORD an essay by Jan Hartke, my friend and the son of our late colleague, Senator Vance Hartke of Indiana.

William Butler Yeats famously wrote: "my glory was I had such friends." To know Vance Hartke as a cherished friend, as an ally to all who are not just unashamed but actually proud to seek peace, as a fellow Navy man, and particularly as a mentor, protector, and champion for those of us who returned from Vietnam to oppose the war—really, that was all the glory or honor any of us ever really need or deserve.

Vance's passing hit me like a punch to the gut; I was driving in New Hampshire in July of that long hot summer of 2003, in the middle of a Presidential campaign, when the jarring news came to me—and brought back memories of my earliest years as an antiwar activist, and of a public servant who shared our cause and our concerns. Then and throughout his life, Vance was compelling in the absolute sincerity of his character. He was spurred to soul-searching by America's disastrous intervention in Vietnam. He found himself asking, as many now ask of Iraq, not just "How do we end this war?" but "How do we learn from our mistakes and end the mindset that got us into war?"

It was a profound moral compass that led Senator Hartke to work with Senators Mark Hatfield, Jennings Randolph, Sam Nunn, and Spark Matsunaga on legislation to found the U.S. Institute of Peace, whose continued work studying conflict and building understanding has become a testament to the nobility of Vance's aspirations and the life he lived in support of them.

With the groundbreaking of a beautiful new building, the organization built to house Senator Hartke's ideas finally has a home worthy of its founder.

Here, for the Senate RECORD, is a powerful essay—which captures Vance's vision as only his son could—in honor of this historic event.

I ask unanimous consent to have the essay to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW PEACE BUILDING ON NATION'S MALL

A new building dedicated to international peace will begin to rise in Washington, D.C. between the Lincoln Memorial and the Kennedy Center at the northwest corner of the National Mall during a groundbreaking ceremony on June 5, 2008. President Bush and Speaker Pelosi will offer remarks.

The building will house the U.S. Institute of Peace (USIP), with its headquarters and public education center, an idea whose roots can be traced back to President George Washington and the framers of the U.S. Constitution.

The building will not be a monument to an individual or commemorate a significant event in our nation's history. Rather, it will be a place where the hard work of peace goes on, where globally recognized experts on conflict resolution will seek ways to prevent accidental and unnecessary wars, limit their scope and severity, and identify and facilitate exit strategies. The USIP building will symbolize America's most cherished ideal—enduring peace on earth.

The design of this historic building by world-renowned architect, Moshe Safdie, is in perfect harmony with its noble purpose. From its imaginative white roof shaped like the wings of a dove, to its open and transparent glass atrium, the USIP building seems infused with the hope and promise and work of peace.

The idea for the USIP arose during the Vietnam War, when Senator Vance Hartke tried to make the case to his friend, President Johnson, that the war was a terrible mistake, based on a misinterpretation of history, culture, and geopolitics. Unfortunately, President Johnson interpreted his dissent as disloyalty to him and his Administration. Nor did the other institutions make the case for peace. Even the State Department was for war.

At that point, Senator Hartke realized that something was missing from the Nation's decision-making apparatus on the great issues of war and peace. He saw the need for a non-partisan entity with analytical depth and institutional heft whose sole mandate was to advance the cause of peace. Joined by Senator Mark Hatfield, they introduced legislation that laid the cornerstone for the eventual creation of the USIP.

The legislation was moved forward through a commission headed by Senator Spark Matsunaga, whose members were appointed by President Carter. Public hearings were held across the country. The upshot was that experts from a wide variety of fields were offended by the notion that the search for peace was wishful thinking and futile. With a sweeping charter, the bi-partisan legislation was passed and signed into law by President Reagan in 1984.

"The somewhat radical notion underlying USIP's creation," Corine Hegland wrote in a perceptive article in the National Journal," was that the science of peace could be studied, refined, and taught in much the same manner as military skills and strategies had been consciously honed for centuries."

"We got it wrong after 9/11," as USIP's Executive Vice-President Patricia Thomson sees it. "We restructured our homeland-security institutions, but we should have restructured our foreign-policy institutions." The current work of the USIP still encompasses basic research but increasingly its storehouse of best peace practices has been used and applied in countries around the world, wherever hot spots flare. USIP's Chairman, Robinson West, and President, Richard Solomon, have mobilized their staff of 142 employees to rethink conflicts with a bold view toward preventing and ending them.

The body of work of USIP shows an evolving institution whose basic values lie at the heart of civilization, whether it is recruiting statesmen like Lee Hamilton and James Baker III to lead the Iraq Study Group, or the efforts to implement the Dayton Peace Accords led by former Chairman Chester Crocker.

Forty years after he envisioned the creation of USIP, Senator Hartke's challenging and prophetic words still ring true: "I have the unshakable conviction that we have it within our power to end this war (Vietnam) and the syndrome of war itself. . . . For in the end, it is the dreamer who is the greatest realist."

MILLENNIUM CHALLENGE CORPORATION FUNDING

Mr. GREGG. Mr. President, I had the fortunate opportunity to travel to Africa and South America over the Easter recess, and I want to take a moment to share some of my observations with my colleagues.

Mali receives significant U.S. foreign assistance totaling $45 million in fiscal year 2007, $55 million in fiscal year 2008—and $461 million in Millennium Challenge Corporation, MCC, funding.

While Mali appears headed in the right direction, I worry that the MCC is going down the wrong path, specifically by funding a $90 million renovation project for Bamako airport's runway and terminal. I understand that this project may have been formulated through a consultative process, but it seems to me that it should be funded through the African Development Bank or by private investment. I expect the MCC to justify to the State, Foreign Operations Subcommittee the necessity for U.S. taxpayers to fund the airport project, and to consult on the reprogramming of funds required by the derailed $90 million industrial park project.

The funding disparity and contrast between our traditional development agency—the U.S. Agency for International Development, USAID—and the MCC was glaring in Mali. Where USAID—could benefit from a slight increase in overall funding, the MCC was struggling to determine how best to reprogram $90 million. I am very concerned that MCC may not live up to its billing as a more effective aid delivery program, and its deep pockets may create unintended opportunities for corruption.

I had the opportunity to visit the U.S. Embassy and learned of the loss of air conditioning for a lengthy period of time which was a burden to American and local staff. This is not the first time I've heard of problems at our newly built embassies, and I encourage the State Department to make sure that no patterns exist at these facilities because of subpar contractors or equipment.

Like Mali, Nigeria receives significant U.S. assistance primarily through a new initiative, the President's Emergency Plan for AIDS Relief, PEPFAR. Assistance in fiscal year 2007 totaled $350 million and $491 million in fiscal year 2008, of which $282 million and $410 million are for HIV/AIDS activities, respectively.

On paper, Nigeria is wealthy country with significant oil reserves, and, we were told, an estimated $57 billion in an excess crude account. Corruption is unfortunately a cancer that stymies development and political progress in that country; Transparency International's Corruption Perception Index, 2007, ranks Nigeria 147th out of 179th.

Nigeria is a PEPFAR focus country, with a 3.9 percent prevalence rate among adults. Given Nigeria's significant natural resources, it is imperative that the AIDS Coordinator begin a process of transitioning from U.S. to Nigeria-funded programs. America can help the Government of Nigeria spend its health dollars, but I question the efficacy of U.S. funding for HIV/AIDS programs in that country. I will have more to say on this issue when the Senate considers the reauthorization of PEPFAR, perhaps later this year.

Namibia is also a PEPFAR focus country, and received $86.9 million in fiscal year 2007 and $103 million in fiscal year 2008 for HIV/AIDS programs. Unfortunately, other programs for Namibia, specifically support for democracy activities, has been in steady decline over the past few fiscal years and is being zeroed out. Given that the ruling SWAPO party is no longer a monolith, and splinter parties are forming, the Administration's reduction in assistance to Namibia may be ill timed and ill advised.

My staff and I are exploring ways to ensure that sufficient funding exists for non-HIV/AIDS programs for Namibia, including immediate support for domestic election monitoring activities in that country, and like Nigeria, I encourage PEPFAR personnel to explore sustainment strategies for U.S.-funded HIV/AIDS programs.

I am also concerned that the United States is not supporting enough exchange programs with countries in Africa. I intend to increase these programs in upcoming appropriations bills.

South Africa is also a PEPFAR focus country and received $398 million in fiscal year 2007 and $547 million in fiscal year 2008 HIV/AIDS funding. South Africa is running a budget surplus—in this case totaling $2.4 billion.

I am very pleased that our U.S. Ambassador understands the need for South Africa to assume greater financial responsibility for HIV/AIDS programs, and it is unfortunate that certain South Africa government officials have not been aggressive in addressing this issue. Any future support for HIV/AIDS programs in South Africa should be conditioned on the development and implementation of sustainment strategies to ensure that the Government of South Africa assume the care for its infected populations.

Crime remains a significant challenge to everyone in South Africa, and given the increased personnel requirements associated with PEPFAR, it may make sense to allow the use of PEPFAR funds for administrative and operational expenses at the U.S. Embassy, including for security purposes. New initiatives create increased desk and office space needs, and I've asked my staff to take a closer look at this issue in anticipation of marking up the fiscal year 2009 State, Foreign Operations Appropriations bill.

I also intend to continue to work with Secretary of State Rice on resolving travel issues impacting members of the Africa National Congress, which is an unnecessary irritant in U.S.-South African relations.

Finally, although Argentina is not a major recipient of U.S. foreign assistance—some $2 million was provided in fiscal year 2008—relations between our countries have been historically good. I encourage my colleagues to continue to follow counterdrug and counterterrorism developments in that country—and region.

ILLEGAL LOGGING

Mr. BURR. Mr. President, the extension of the Lacey Act within this legislation to cover imported timber and wood products sends a strong signal that the U.S. Congress is serious about supporting the President's Initiative Against Illegal Logging.

The practice of illegal logging—both in the United States and abroad—is a deplorable act that poses environment threats as well as threats to legitimate businesses that operate within the rule of law.

It is crucial, that as this legislation is implemented, a clear distinction be drawn between "innocent" owners in the supply chain who in good faith trade in wood products that they believe to be legally harvested abroad, and those who knowingly traffic in illegal material.

It is the concern of Congress that this line be clearly drawn when prosecutions occur under this act.

Therefore, I support the provision included in this act that places the burden of proof in civil forfeiture cases on the government, as provided by the Civil Asset Forfeiture Reform Act.

ADDITIONAL STATEMENTS

TRIBUTE TO RALPH JACKMAN

• Mr. SANDERS. Mr. President, it gives me great pleasure to bring to the attention of the Nation, and my colleagues in this body, the remarkable career of Ralph Jackman of Vergennes, VT, who has served that small city as its volunteer fire chief for the past 54 years. While it is difficult to confirm this fact definitively, it is my understanding that Ralph Jackman is the longest serving fire chief in the history of this country. This historic longevity of service is deserving of celebration, as is the quality of leadership he has brought to his community, his State and this Nation.

In much of rural America, volunteer firefighters are not just first responders, but the heart of their communities, an essential part of the glue that holds those communities together.

Everywhere across America, young people hear, and for decades have heard, the call to serve their communities; everywhere across America, and most certainly in Vermont, they answer that call at an early age. Like so many volunteer firefighters, Ralph joined his department when he was in his early twenties.

In 1953, at the age of 30, Ralph Jackman was named chief of the Vergennes Fire Department. He has served in that capacity for over half a century, protecting the citizenry and their property in this city near Lake Champlain. In large part owing to Mr. Jackman's leadership, the department was able to successfully upgrade its fire station, recruit many new members and acquire the large array of vehicles, equipment, and apparatus that his fire department needed.

Testimony to his leadership are the positions he has held and the honors he has received: two-time past president of the Vermont State Firefighters Association, past president of the Addison County Firefighters Association, ACFA, the Robert B. King Fire Chief of the Year and as the Frances J. Shorkey Fire Chief of the Year.

Today, even though he is in his eighties, Ralph Jackman continues to serve as the active fire chief in Vergennes and manages all the day-to-day operations of the department.

Not content with his service as a firefighter, and desiring to serve further, in addition to his role as fire chief, Ralph Jackman answered his Nation's call: he is a World War II veteran, and served in the Army Reserves from 1946 to 1972. He is also a member of the American Legion Post 14, continues to serve as Vergennes fire warden, and has been a member of the Rotary Club for 55 years. He has also been an organizer for Meals-On-Wheels.

I am proud of the work that Chief Jackman has done for the city of Vergennes, the State of Vermont and for the spirit of public service and volunteerism in this country. Mr. Jackman's dedication to his family, to his fellow volunteer firefighters, the fire service, and to the people of his community is worthy of commendation, and today I commend him in the highest terms.●

A TRIBUTE IN MEMORY OF JIM McCRINDLE

● Mr. MARTINEZ. Mr. President, it gives me great pleasure to recognize a dedicated public servant and a patriotic American from my home State—Mr. James "Jim" McCrindle. Jim passed away on June 1, but his legacy lives on through all that he accomplished and all those he touched.

In 1961, Jim immigrated to America from Ayr, Scotland, to pursue an education and earn his piece of the American dream. He joined the U.S. Army in 1962 and attained the rank of specialist five.

Following his military service, Jim began serving our Nation in a different capacity through his involvement in the Department of Defense's Morale, Welfare & Recreation, MWR, services and programs. His work helped to enhance the lives of these employees by promoting fitness, good health, and camaraderie.

Jim went on to fulfill his goal of receiving an education by attaining a degree in hospitality management from Cornell University. He would use these skills to support the soldiers he greatly respected and admired.

Throughout his life, Jim strived to bring comfort to members of our armed services. Among his many accomplishments, he managed the Armed Forces Recreation Center—Europe, helped to plan and execute the Department of Defense's R&R program during Operations Desert Shield and Desert Storm, and was instrumental in the development of Shades of Green—a Walt Disney World Resort for members of our military.

Jim served as the hotel's manager and helped it to achieve great success. Since its opening in 1995, Shades of Green has routinely achieved one of the highest occupancy rates of any American hotel.

Jim managed Shades of Green up until his passing early this month. It was truly his pride and joy, and was one of his many contributions to our Nation. I applaud his steadfast commitment to improving the lives of others. On behalf of Florida and the people of the United States, I would like to honor this great American for reminding us all of what makes our Nation great.●

CONGRATULATING THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

● Mr. BUNNING. Mr. President, I would like to congratulate the American Business Women's Association, ABWA, which will be holding their 2008 National Women's Leadership Conference in Covington, KY. For nearly 60 years the ABWA has identified and addressed the needs of working women. Local ABWA chapters continuously contribute to the professional development of their members through educational programs, along with charitable opportunities, networking, and scholarships. The national scholarships sponsored by ABWA have helped thousands of women meet their educational goals.

With several Kentucky and Ohio chapters and networks sponsoring this year's conference, over 1,000 women from around the country are expected to attend. In addition to meeting distinguished speakers, members will attend seminars and workshops on professional development, industry trends and techniques to improve their job skills.

By improving the lives of women for more than a half century, the American Business Women's Association has proven itself to be an exemplary professional development organization. I congratulate the ABWA for its success in supporting the dreams of working women and welcome their national conference to Kentucky.●

CONGRATULATING CARRIE LIERL

● Mr. BUNNING. Mr. President, today I congratulate Ms. Carrie Lierl on placing first in Kentucky for the 21st annual National Peace Essay Contest State-level competition. Sponsored by the United States Institute of Peace, the National Peace Essay Contest asks American high school students to write an analytical essay on a topic chosen by the Institute's board of directors. This year's topic was on the relationship between natural resources and international conflict. An independent panel of experts judges each essay and a winner is chosen from every state, plus one from U.S. territories and one from among American students living abroad.

In addition to placing first in Kentucky, Carrie will receive a $1,000 college scholarship and is currently competing for national scholarship awards of up to $10,000. On June 22, 2008, Carrie will join fellow essay winners from around the country in an all-expense paid weeklong seminar in Washington, DC, to participate in embassy briefings, and conflict resolution simulations, while meeting with officials from Congress, Federal agencies, and experts and practitioners from various organizations.

Ms. Lierl has proven herself to be an exemplary student, representing the Commonwealth of Kentucky at the 2008 National Peace Essay Contest. I look forward to seeing all that she will accomplish in the future.

CONGRATULATIONS TO SHAWNEE MISSION NORTH NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS

● Mr. ROBERTS. Mr. President, I wish today to recognize the Naval Junior Reserve Officer Training Corps, NJROTC, of Shawnee Mission North High School in Overland Park, KS, for their outstanding performance in the 2008 NJROTC Nationals competition. For 3 consecutive years, the Shawnee Mission North NJROTC, under the leadership and guidance of Chief Warrant Officer 4 Dennis C. Grayless, USMC (Ret) and Chief Petty Officer Christopher W. Neven, USN (Ret), has qualified to compete in the prestigious NJROTC National Academic, Athletic and Drill Championship hosted by the Navy League of the United States at the Pensacola Naval Air Station, Pensacola, FL. The NJROTC Nationals, or "Navy Nationals" as it is affectionately referred to by the participants, is the most comprehensive test of overall JROTC training and performance in existence today. The Nation's finest NJROTC units from each of the 11 Navy Areas participate in this two-day academic, athletic, and drill competition. There is no competition in JROTC that provides a more comprehensive test of program quality.

Earlier this year, the Shawnee Mission North team was recognized as the Area 9 Most Outstanding Unit after sweeping the NJROTC Area 9 Championship Drill Team Competition. The team placed first in armed exhibition, unarmed exhibition, armed regulation, unarmed regulation, push-ups, curl-ups/sit-ups and in the 16 x 100 shuttle relay. While they placed second in the competition for Color Guard, 8 x 200 oval relay, academics, and personnel inspection. As 2008 Area 9 Regional Champion, the team qualified to return to the Navy Nationals for the third consecutive year.

At the 2008 national competition, the Shawnee Mission North team placed first in the Nation in the Armed Regulation Drill and finished seventh in the overall competition. Cadet Dylan Warnick received individual honors by finishing third in the Nation in the male curl-up/sit-up competition by completing 320 cadenced curl-ups/sit-ups in 5 minutes. Cadet Bethany Krzesinski received individual honors by finishing sixth in the Nation in the female curl-up/sit up competition by completing 268 cadenced curl-ups/sit-ups in 5 minutes. While Cadet Michael Hoffman received individual honors by tying for fifth in the Nation in the male push-up competition by completing 114 cadenced push-ups in 5 minutes.

As reflected in the success achieved by the Shawnee Mission North NJROTC unit, it is apparent the breadth and depth of commitment, dedication, hard work, resolve and motivation each member of this team possesses. The Shawnee Mission North NJROTC unit has been recognized as a Naval Honor Unit (1992–1999), a Naval Distinguished Unit (2000, 2007, 2008), recipient of the Unit Achievement Award (2003), a Chief of Naval Education and Training Unit (1988, 1989), the 2007 National Academic, Athletic and Drill Champions, and the 2008 Area 9 Most Outstanding Unit. Five of its graduating cadets have enlisted into the U.S. Armed Forces; one has been awarded an NROTC scholarship to attend Purdue University; and two cadets from the junior class have been accepted into the 2008 summer semester at the U.S. Naval Academy, Annapolis, MD.

Mr. President, I ask my distinguished colleagues in the Senate to join me in recognizing and congratulating the Shawnee Mission North Naval Junior Reserve Officer Training Corps 2008 National Championship Team: Sara Atwood, Michael Barr, Jessie Biggs, Andrew Boyce, Amiee Busch, Robert Byrd, Matthew Carlyon, Bryan Chapple, Faith Cole, Amanda Fuller, Tyler Gearin, Darrell Hayes, Joshua Hoffman, Michael Hoffman, Alisyn Katsantones, Stacey Kennedy, Bethany Krzesinski, Lauren Lawson, Megan Lawson, Shelby McIntosh, Justin Manford, Kyle Middaugh, Timothy Oehlert, Philip Park, Brandon Patrick, Aaron Patterson, Jeremy Payne, Jersey Payne, Devin Root, Niklas Rueter, Djourdan Stephens, Aliana Swiercinsky, Brandon Ware, Dylan Warnick, Gregory Wynn, and Rachel Yearsley.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

H.R. 5599. An act to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

H.R. 5669. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

H.R. 5972. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 311. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority.

At 5:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 92. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1343. To amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3712. To designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5599. An act to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building"; to the Committee on Environment and Public Works.

H.R. 5669. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 5972. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; to the Committee on Rules and Administration.

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6049. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 92. A joint resolution increasing the statutory limit on the public debt.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6519. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Project Design and Cost Standards for the Section 202 and Section 811 Programs" (RIN2502–AI48) received on June 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6520. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Wayne County Area" (FRL No. 8576–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6521. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Virginia: Final Authorization of State Hazardous Waste Management Program Revision; Withdrawal of Immediate Final Rule" (FRL No. 8574–7) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6522. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019" (FRL No. 8575–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6523. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District" (FRL No. 8567–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6524. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate hurricane and storm damage reduction alternatives for Port Monmouth, Middletown Township, Monmouth County, New Jersey; to the Committee on Environment and Public Works.

EC–6525. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization Program" (RIN1651–AA72) received on June 3, 2008; to the Committee on Finance.

EC–6526. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Final Report to Congress on the Evaluation of Medicare Disease Management Programs"; to the Committee on Finance.

EC–6527. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the Secretary's recommendation to continue a waiver of application of a section of the Trade Act of 1974 with respect to Belarus; to the Committee on Foreign Relations.

EC–6528. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Community Food and Nutrition Program for fiscal years 2004 and 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6529. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Kellex/Pierpont facility in Jersey City, New Jersey, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Horizons, Inc. facility in Cleveland, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from SAM Laboratories to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6532. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Hanford Nuclear Reservation in Richland, Washington, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6533. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from Nuclear Materials and Equipment Corporation facility in Parks Township, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6534. A communication from the Assistant General Counsel for Regulatory Services, Office of Management, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Demands for Testimony or Records in Legal Proceedings" (RIN1880–AA83) received on June 3, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6535. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6536. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6537. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–399, "Pre-k Enhancement and Expansion Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6538. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–400, "Dr. Vincent E. Reed Auditorium Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6539. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–387, "Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–357. A resolution adopted by the Metropolitan King County Council of the State of Washington supporting the withdrawal of federal appropriation for the Airbus tanker; to the Committee on Armed Services.

POM–358. A joint resolution adopted by the House of Representatives of the Northern Marianas Commonwealth Legislature expressing its support for Resolution number 80 of the Legislature of Guam; to the Committee on Energy and Natural Resources.

POM–359. A letter from a private citizen relative to funding of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

POM–360. A resolution adopted by the New Britain Common Council of the State of Connecticut opposing the continuation of the Iraq war; to the Committee on Foreign Relations.

POM–361. A resolution adopted by the Caribbean and North American Area Council of the World Alliance urging Congress to end the U.S. economic blockade of Cuba; to the Committee on Foreign Relations.

POM–362. A concurrent resolution adopted by the Senate of the State of Mississippi urging Congress to support the passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 556

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to counties and school districts with national forest lands located within the county boundaries; and

Whereas, 33 counties have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these counties have United States National Forests within its boundaries and have received critical funds for roads and schools based on revenues generated from these forests; and

Whereas, the payments provided to these counties have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural Schools and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-Determination Act will significantly contribute to the local economy of these counties by providing the necessary funds for schools and roads, which is vital for sustained economic development; and

Whereas, these counties depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these counties will lose critical funding that it has received for decades:

Now, Therefore, be it

Resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we, the members of the Legislature of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi counties may continue to adequately maintain the roads and schools and sustain economic development in the state.

Be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the Mississippi congressional delegation, and that copies be made available to members of the Capitol Press Corps.

POM-363. A resolution adopted by the Senate of the State of Michigan urging Congress to enact the Clean Boating Act of 2008; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 179

Whereas, in September 2006 the U.S. Northern District Court Court of California issued a ruling that required the Environmental Protection Agency (EPA) to regulate ballast water discharges. Ocean-going vessels moving from port to port are largely responsible for the spread of aquatic invasive species through the discharge of ballast water. Although intended to address only ballast water discharges from ocean-going vessels, the court ruling encompassed all discharges from all vessels, including recreational boats. Under the ruling, all vessels would be required to have a federal permit for discharges to the water beginning September 2008; and

Whereas, recreational boat discharges are already regulated under numerous federal and state laws. Non-polluting, incidental discharges such as weather deck runoff, grey water, uncontaminated bilge water, and engine coolant water should not require a federal permit. These discharges occur during the normal operation of a recreational vessel and are completely different from the discharges of a commercial ship that were intended to be affected by the District Court ruling; and

Whereas, with almost 1 million registered recreational boats, Michigan is one of the top boating states in the nation. With 40,000 square miles of Great Lakes waters and thousands of inland lake boating opportunities, boating is one of the largest outdoor recreational activities in which our residents take part. Requiring Michigan recreational boat owners to obtain the federal discharge permit will be a huge economical burden and inconvenience to Michigan boat owners; and

Whereas, Congress has before it the Clean Boating Act of 2008 (S. 2766), which will restore the 35-year-old EPA exemption for these non-polluting discharges from recreational vessels. Immediate action on S. 2766 will prevent owners of small, recreational boats from having to purchase the same, expensive discharge permits required of commercial vessels beginning in September, and

Whereas, it is critical that owners and operatores of recreational boats must continue to abide by Michigan Department of Natural Resources' recommendations for the proper treatment of their vessels, including voluntary practices such as a thorough washing of their vessels when moving from one body of water to another to minimize the risk of the spread of invasive species; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Clean Boating Act of 2008; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-364. A resolution adopted by the Legislature of the State of Utah urging U.S. withdrawal from the Security and Prosperity Partnership of North America; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America with the nations of Mexico and Canada on March 23, 2005;

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the United States Constitution and the national independence of the United States and would imply an eventual end to national borders within North America;

Whereas, on March 31, 2006, a White House news release confirmed the continuing existence of the SPP and its "ongoing process of cooperation";

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new North American Free Trade Agreement (NAFTA) superhighway: "[U]nder this new 'partnership,' a massive highway is being planned to stretch from Canada into Mexico, through the state of Texas.";

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP and North American Union process, such as the "open borders" vision of the SPP, eminent domain takings of private property along the planned superhighways; and increased law enforcement problems along those same superhighways: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the United States Congress, and Utah's congressional delegation, to use all of their efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America. Be it further

Resolved, That the House of Representatives urges Congress to withdraw the United States from any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as described in this resolution. Be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all members of Congress by electronic means.

POM-365. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 68

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the "stroke belt"; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, in recent years, less than one-half of the graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination. Now, therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-366. A resolution adopted by the Senate of the State of Pennsylvania urging the federal government to take the steps necessary to provide needed short-term and long-term financial assistance to students so they may repay their student loans; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 289

Whereas, there is a student loan funding crisis that began with the recent sub-prime mortgage meltdown and subsequent turmoil in the capital markets; and

Whereas, these far-reaching economic problems have now given rise to a new bond market crisis, which is further compounding the funding problem for many lenders; and

Whereas, as a result, student loan providers throughout the national are exiting the $50 billion Federal Family Education Loan Program (FFELP), while others are being forced to curtail their activity, seriously jeopardizing the funding plans of millions of American students; and

Whereas, eighty percent of today's college students depend on FFELP to help them pay for school; and

Whereas, without access to sufficient funding, millions of students will not be able to pay for their college education; and

Whereas, the result could be devastating for students and families, with additional consequences for the higher education community and the Commonwealth of Pennsylvania's economy; and

Whereas, the Pennsylvania Higher Education Assistance Agency (PHEAA) has experienced "failed auctions" in the troubled bond market for the first time in its history, substantially increasing its cost of borrowing and putting its ability to fund additional student loans at risk; and

Whereas, the focus is first and foremost to protect the interests of families residing in this Commonwealth, but everyone must understand that this is a national problem that requires a national solution; and

Whereas, without decisive Federal intervention, the resulting financial stress placed on students and families could be disastrous; Therefore, be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania call for immediate action from the United States Secretary of the Treasury, the United States Secretary of Education, the chairman of the Federal Reserve Board and the president of the Federal Home Loan Bank of Pittsburgh to use all means and authorities available to them to provide needed short-term and long-term financial assistance to assure the availability of student loans to students and families of this Commonwealth; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Treasury, the United States Secretary of Education, the chairman of the Federal Reserve Board and the president of the Federal Home Loan Bank of Pittsburgh and the presiding officer of each house of Congress and to each member of Congress from Pennsylvania.

POM–367. A resolution adopted by the House of Representatives of the State of Maine urging Congress to enact legislation to ensure health care for all. to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, every person in Maine and in the United States deserves access to affordable, quality health care: and

Whereas, there is a growing crisis in health care in the United States of America, manifested by rising health care costs, increased premiums, increased out-of-pocket spending, the decreased competitiveness of our businesses in the global economy and significant worker layoffs; and

Whereas, most health insurance access is provided through employment, and health insurance premiums have grown 4 times faster than worker earnings over the last 6 years; and

Whereas, Maine ranks 5th in the nation in access to health care and 2nd in quality and is committed to maintaining access to affordable, quality health care for all Maine people and all Americans; and

Whereas, forty-seven million Americans lack health insurance, with 129,000 people in Maine without health insurance; and

Whereas, even those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

Whereas, those without health insurance suffer higher rates of mortality and a decreased quality of life; and

Whereas, access to consistent, preventive health care saves lives and dollars; and

Whereas, one-half of all personal bankruptcies are due to illnesses or medical bills; and

Whereas, the complex, fragmented and bureaucratic system for financing and providing health insurance consumes approximately 30% of United States health care spending; and

Whereas, access to affordable health care will improve the competitiveness of businesses and the viability of our health care providers; now, therefore, be it

Resolved, That we, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge and request that the United States Congress enact legislation to ensure the availability of health care for all Americans that guarantees quality, affordable health care coverage for every American; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3179. A bill to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments (Rept. No. 110–344).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence:

Special Report entitled "Whether Public Statements Regarding Iraq by U.S. Government Officials were Substantiated by Intelligence Information" (Rept. No. 110–345). Additional and Minority Views.

By Mr. ROCKEFELLER, from the Select Committee on Intelligence:

Special Report entitled "Intelligence Activities Relating to Iraq Conducted by the Policy Counterterrorism Evaluation Group and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy" (Rept. No. 110–346). Minority View.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 2355. A bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes (Rept. No. 110–347).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mr. GREGG):

S. 3084. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, and Mr. CRAIG):

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 3086. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3087. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 3089. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON):

S. 3090. A bill to provide for adequate oversight and inspection by the Federal Aviation Administration of facilities outside the United States that perform maintenance and repair work on United States commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. MARTINEZ, and Mr. CASEY):

S. 3091. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Ms. MIKULSKI):

S. 3092. A bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 3093. A bill to extend and improve the effectiveness of the employment eligibility confirmation program; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER):

S. 3094. A bill to amend the National Trails System Act to provide for a study of the Long Path Trail, a system of trails and potential trails running from Fort Lee, New Jersey, to the Adirondacks in New York, to determine whether to add the trail to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 3095. A bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation

Iraqi Freedom and to other residents of rural areas, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S.J. Res. 38. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of a Deputy United States Trade Representative; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. LEVIN, Mr. OBAMA, Mr. REID, Ms. STABENOW, and Mr. BROWNBACK):

S. Res. 584. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. MENENDEZ, Mr. SHELBY, Mrs. DOLE, and Mr. HATCH):

S. Res. 585. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mr. MCCAIN):

S. Res. 586. A resolution congratulating the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Softball Championship; considered and agreed to.

By Mr. DEMINT (for himself and Mr. HATCH):

S. Res. 587. A resolution declaring June 6, 2008, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 771

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 911

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1125

At the request of Mr. WICKER, his name was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1314

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1314, a bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

S. 1390

At the request of Mr. WICKER, his name was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2123

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2347

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 3047

At the request of Mr. KERRY, his name was added as a cosponsor of S. 3047, a bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives.

S. 3063

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3063, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 3068

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3068, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Texas (Mr.

CORNYN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4822

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4822 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4823

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4823 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4825

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4825 proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4833

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4833 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4836

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4836 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4838

At the request of Mr. SANDERS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 4838 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4839

At the request of Mr. SANDERS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4839 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4844

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4844 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4853

At the request of Mr. BARRASSO, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 4853 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4855

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4855 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4856

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 4856 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4857

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4857 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. ENZI), the Senator from Virginia (Mr. WEBB), the Senator from North Dakota (Mr. CONRAD), the Senator from Ohio (Mr. BROWN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4857 intended to be proposed to S. 3036, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, and Mr. CRAIG):

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TESTER. Mr. President, I rise today to introduce the Cooperative Watershed Act of 2008 with my colleagues Senators CRAPO, BAUCUS and CRAIG.

This is an important piece of legislation because it deals with being good caretakers of our water.

Water is life. It is as simple as that folks. If we do not manage what we have, well then people are going to be in trouble. In Montana, we are currently suffering through almost a decade of drought, and with growing demand, increased pollution, and a changing climate, our water resources will only become more stressed in the coming years.

Now folks in Montana are not the type to sit back and wait for someone else to come along and fix a problem for them. No, folks in Montana have long since started coming together to form local groups to ensure their water resources are properly managed. These groups consist of irrigators, farmers, environmental groups, scientists, and governmental officials all working together. Unfortunately, these groups often are limited by a lack of funding for projects and a full time administrator. These groups hold so much potential, but are being held back by the simple lack of funding. That is why I, along with Senators CRAPO, BAUCUS, and CRAIG, have introduced the Cooperative Watershed Act of 2008.

The Cooperative Watershed Act of 2008 sets up a granting program under the Department of the Interior to help local stakeholders come together and form or expand watershed-wide management groups that can cooperatively manage their local water resources. The funds in this bill will help these groups build the capacity to act as grassroots, nonregulatory entities to address local water availability and quality issues within a watershed.

By getting all the different stakeholders involved in the management process, these groups will help reduce the need for Federal regulation and litigation, and result in the best overall use of the available, and often limited, water supply. Make no mistake, in Montana we understand that local stakeholders are in the best position to manage their own resources, but Federal support must play a role in helping them establish the capacity to do so.

Now in granting funds, this bill takes into account that different strokes are needed for different folks. To accommodate the varying stages of development of different groups, the grant program is divided into three phases: an initial planning phase to help new groups form and begin to formulate ideas and project proposals, a pilot project phase to help semi-established groups gain the capacity to conduct projects and studies, and an implementation phase to help fully formed and functioning groups undertake large-scale, multi-year projects.

Montana has been a leader in implementing water resources planning on a watershed scale for years, and the funding provided in this bill will allow Montanans and other interested States to increase their capacity to effectively manage their vital water resources as we move into the future.

Mr. President, I ask by unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cooperative Watershed Management Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) AFFECTED STAKEHOLDER.—The term "affected stakeholder" means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term "grant recipient" means an eligible management entity that the Secretary has selected to receive a grant under section 3(c)(2).

(3) MANAGEMENT GROUP.—The term "management group" means a self-sustaining, cooperative watershed-wide management group that—

(A) is comprised of each affected stakeholder of the watershed that is the subject of the management group;

(B) incorporates the perspectives of a diverse array of stakeholders;

(C) is designed to be carried out as a grassroots, nonregulatory entity to address local water availability and quality issues within the watershed that is the subject of the management group; and

(D) is capable of managing in a sustainable manner the water resources of the watershed that is the subject of the management group and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts.

(4) PROGRAM.—The term "program" means the cooperative watershed management program established by the Secretary under section 3(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, which shall be known as the "cooperative watershed management program", under which the Secretary shall provide grants to eligible management entities—

(1) to form a management group;

(2) to enlarge a management group, of which the eligible management entity is a member; or

(3) to conduct 1 or more projects in accordance with the goals of a management group, of which the eligible management entity is a member.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an eligible management entity shall be comprised of each affected stakeholder of the watershed that is the subject of the eligible management entity, including to the maximum extent practicable—

(1) representatives of private interests, including representatives of—

(A) hydroelectric production;

(B) livestock grazing;

(C) timber production;

(D) land development;

(E) recreation or tourism;

(F) irrigated agricultural production; and

(G) the environment;

(2) any Federal agency that has authority with respect to the watershed, including not less than 1 representative of—

(A) the Department of Agriculture;

(B) the Department of the Interior; and

(C) the National Oceanic and Atmospheric Administration;

(3) any State or local agency that has authority with respect to the watershed; and

(4) any member of an Indian tribe that owns land within the watershed or has land in the watershed held in trust.

(c) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process under which each eligible management entity may apply for a grant under this section; and

(B) criteria for consideration of the application of each eligible management entity.

(2) APPLICATION PROCESS.—To be eligible to receive a grant under this section, an eligible management entity shall submit to the Secretary an application in accordance with the application process and criteria established by the Secretary under paragraph (1).

(d) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary shall comply with paragraph (2).

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—During the first phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant during the first phase shall use the funds—

(I) to establish or enlarge a management group;

(II) to develop a mission statement for the management group; and

(III) to develop project concepts.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the first phase, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the year following the year during which the determination was made.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive grant funds during the second phase described in subparagraph (B) until the date on which the Secretary determines that the management group established by the grant recipient is—

(I) fully formed, including the drafting and approval of articles of incorporation and bylaws governing the organization; and

(II) fully functional, including holding regular meetings, having reached a consensus on the mission of the group, and having developed project concepts.

(B) SECOND PHASE.—

(i) IN GENERAL.—During the second phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $1,000,000 each year for a period of not more than 4 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant under the second phase shall use the funds to carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second phase, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the year following the year during which the determination was made.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive grant funds during the third phase described in subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement with respect to each year of the second phase; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), during the third phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to achieve an appropriate increase in an economic, social, or environmental benefit that could not otherwise be achieved by the grant recipient through the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant under the third phase shall use the funds to carry out not less than 1 watershed management project of the grant recipient.

(3) PERMISSIVE USE OF FUNDS.—A grant recipient that receives funds through a grant under this section may use the funds—

(A) to pay for—

(i) the administrative costs of the management group of the grant recipient;

(ii) the salary of not more than 1 full-time employee of the management group of the grant recipient; and

(iii) any legal fees of the grant recipient arising from the establishment of the management group of the grant recipient;

(B) to fund—

(i) studies of the watershed that is managed by the management group of the grant recipient; and

(ii) any project—

(I) described in the mission statement of the management group of the grant recipient; and

(II) to be carried out by the management group of the grant recipient to achieve any goal of the management group;

(C) to carry out demonstration projects relating to water conservation or alternative water uses; and

(D) to expand a management group that is established by the grant recipient.

(4) REQUIREMENT OF CONSENSUS OF MEMBERS OF MANAGEMENT GROUP.—A management group of a grant recipient may not use grant funds for any initiative of the management group unless the group reaches a consensus decision.

(e) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of any activity of a management group of a grant recipient relating to any use required under subsection (d)(2)(A)(ii) shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the costs of any activity of a management group of a grant recipient relating to a watershed management project described in subsection (d)(2)(B)(ii) shall not exceed 60 percent of the total costs of the watershed management project.

(B) LIMITATION.—To pay for any costs relating to administrative expenses incurred for a watershed management project described in subsection (d)(2)(B)(ii), a management group of a grant recipient may use grant funds in an amount not greater than the lesser of—

(i) $100,000; or

(ii) 20 percent of the total amount of the Federal share provided to the management group to carry out the watershed management project.

(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the costs of any activity of a management group of a grant recipient relating to a watershed management project described in subsection (d)(2)(C)(ii) shall not exceed 50 percent of the total costs of the watershed management project.

(B) LIMITATION.—To pay for any costs relating to administrative expenses with respect to a watershed management project described in subsection (d)(2)(C)(ii), a management group of a grant recipient may use grant funds in an amount not greater than the lesser of—

(i) $100,000; or

(ii) 20 percent of the total amount of the Federal share provided to the management group to carry out the watershed management project.

(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind contributions.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a management group of a grant recipient first receives funds through a grant under this section, and annually thereafter, in accordance with paragraph (2), the management group shall submit to the Secretary a report that describes, for the period covered by the report, the progress of the management group with respect to the duties of the management group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain a degree of detail that is sufficient to enable the Secretary to complete each report required under subsection (g), as determined by the Secretary.

(g) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) the manner by which the program enables the Secretary—

(A) to address water conflicts;

(B) to conserve water; and

(C) to improve water quality; and

(2) each benefit that is achieved through the administration of the program, including, to the maximum extent practicable, a quantitative analysis of each economic, social, and environmental benefit.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

By Mr. DURBIN:

S. 3086. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Credit Card Fair Fee Act of 2008. This legislation will provide fairness and transparency in the setting of credit card interchange fees. This bill is companion legislation to a bipartisan bill introduced in the House of Representatives by Chairman JOHN CONYERS of the House Judiciary Committee and Representative CHRIS CANNON. The Conyers-Cannon bill currently has an additional 19 Democratic and 16 Republican cosponsors.

This legislation is supported by the Merchants Payments Coalition, a coalition of retailers, supermarkets, convenience stores, drug stores, fuel stations, on-line merchants and other businesses. The coalition's member associations collectively represent about 2.7 million stores with approximately 50 million employees.

Interchange fees may not be well known to most Americans, but they should be. Last year, U.S. retailers, and by extension their customers, paid approximately $42 billion in interchange fees to the banks that issue credit cards. The billions that are paid in interchange fees each year significantly cut into the profit margins of retailers and pinch the pocketbooks of consumers. And neither retailers nor consumers have a say in how these interchange fees are set within the Visa and MasterCard systems, which together account for over 70 percent of the credit and debit card market. The current lack of meaningful competition, negotiation and transparency in the setting of interchange fees represents a market failure, one that affects every American retailer and every American consumer.

My legislation takes a measured approach to address this market failure. My bill would identify credit and debit card payment systems that have significant market power, and would permit the retailers who use those systems to collectively negotiate with the providers of the systems over the fees for system access and use. If the retailers and providers are unable to agree voluntarily on a consensus set of fees, the bill would direct an impartial panel of judges to consider the two parties' fee proposals, and to select the proposal that most closely reflects what a hypothetical perfectly competitive market would produce. As I will discuss further below, this approach will protect retailers and consumers by preventing credit card companies from using their market power to charge unreasonable fees through an unfair process.

So what are interchange fees, and why do they pose a problem? Whenever a consumer uses a credit or debit card to make a purchase from a retailer, the banks and credit card companies involved in the transaction charge a number of fees that are passed on to the retailer and ultimately to the consumer. The interchange fee is one such fee. It is a fee charged by the card-issuing bank to the retailer's bank.

Here is an example of how an interchange fee is charged. When a consumer buys $100 in goods from a retailer using a Visa or MasterCard, the retailer first submits the transaction information to the retailer's bank (the "acquiring bank"). The acquiring bank submits this information, via the Visa or MasterCard network, to the bank that issued the card to the consumer, the issuing bank. The issuing bank either authorizes or denies the transaction. If the transaction is authorized, the issuing bank sends to the acquiring bank, via the Visa or MasterCard network, the purchase amount minus an interchange fee that is retained by the issuing bank.

As a result of the interchange fee and other processing fees imposed upon the retailer by the acquiring bank, collectively, these fees are known as the "merchant discount fee," the retailer typically only receives approximately

$97.50 out of the $100 sale. In order to cover this cost and continue to make a profit, retailers typically raise the retail price of their goods, meaning that consumers must pay more regardless of whether they pay with cash or plastic.

Visa and MasterCard set the interchange fee rates for all the banks and all the retailers that participate in the Visa and MasterCard systems. Those interchange rates are frequently charged as a percentage of the sale amount plus a flat fee; for example, an interchange fee might equal 1.75 percent + 20 cents per transaction. The interchange fee rate varies for certain types of Visa and MasterCard cards and transaction categories, and is typically higher for cards that involve rewards programs for cardholders.

What is the rationale for assessing interchange fees? According to Visa, MasterCard, and the banks that issue them, these fees are used to pay for important functions within the credit and debit card systems. For example, interchange fees can be used to cover the costs of processing and authorizing credit card transactions, including the costs of ensuring data security and safeguarding against fraud. Interchange fees can also help protect an issuing bank from the risk that a consumer may not pay his or her credit card bill, which would leave the issuing bank on the hook for the amount that it gave to the acquiring bank at the time of a credit card transaction.

In addition to covering these costs and risks, interchange fees have been used to generate income for issuing banks. This income can be retained by the issuing banks as profit, or can be devoted to other uses such as consumer marketing campaigns or rewards programs for certain cardholders.

In addition to the benefits that interchange fees provide for issuing banks, Visa, MasterCard and their participating banks argue that interchange fees have also provided benefits to retailers and consumers by helping to make credit and debit card transactions more efficient and more prevalent. Visa, MasterCard and the banks claim that the growing use of credit and debit cards saves retailers from certain expenses involved with transacting business with cash or checks. They also claim that their cards bring benefits to consumers, including extra convenience, the availability of short-term credit, and rewards programs that are offered to some cardholders.

It is clear that interchange fees do play an important part in the credit and debit card systems, and that overall these systems have created efficiencies and benefits for banks, merchants and consumers. However, it is also clear that those who must ultimately pay interchange fees—retailers and their consumers—have no say in negotiating how much the interchange fees should be. As a result, interchange fees are being set at rates that would not be agreed upon in a competitive market, and that may favor banks to the detriment of merchants and consumers.

Why are retailers unable to negotiate changes in Visa's and MasterCard's interchange fee rates? There are several reasons. First, because of Visa's and MasterCard's market power, the overwhelming majority of American retailers have no choice but to accept Visa and MasterCard as a method of payment. Credit and debit cards are currently used for over 40 percent of all transactions in the U.S., and that percentage is increasing, in part due to extensive marketing by the card companies and the banks. Visa and MasterCard control over 70 percent of the market for credit and debit cards. Most retailers simply cannot survive unless they agree to accept those cards.

Second, within an electronic payment system the only party with whom retailers are able to negotiate effectively is the retailer's acquiring bank, and interchange fees are not covered in those negotiations. In their efforts to obtain retailers' business, including the business of processing the retailers' credit card transactions, acquiring banks will negotiate and compete over many of the component fees that make up the merchant discount fee. However, the interchange fee is typically by far the largest component of the merchant discount fee, and acquiring banks do not negotiate with retailers on interchange rates nor do they compete to offer retailers lower interchange rates. Instead, interchange rates are set by Visa and MasterCard, who claim that their rates are set without the involvement of the banks. Accordingly, the acquiring banks tell their retailer customers that the interchange rate component cannot be negotiated or reduced below the level set by Visa and MasterCard.

The interchange fee thus serves as a de facto price floor for the overall merchant discount fee—a floor that is fixed in a nontransparent, nonnegotiable fashion by card companies with significant market power. Although I have asked the credit card companies on several occasions for information that would help me understand the cost components that contribute to their interchange rates, it is still unclear how much profit margin is built into that floor. The margin may be significant, and as long as issuers and acquirers are happy with it, there is no incentive for card companies to help merchants and consumers by reducing it. Additionally, it should be noted that many if not most acquiring banks also serve as issuing banks, and therefore have almost no incentive to compete to lower the interchange rates that they themselves receive. Because the acquirers and issuers are often the same banks, no one negotiates with issuers about interchange fees on the retailers' behalf, and the retailers are left to negotiate for themselves.

Third, while some retailers may try to negotiate directly with Visa or MasterCard to lower the interchange fee component of their merchant discount fees, most retailers have no leverage in these negotiations since at the end of the day they will likely have to agree to accept Visa and MasterCard in order to stay in business.

As a result of this vast disparity in negotiating power, Visa and MasterCard can essentially impose interchange rates upon retailers and those retailers have no choice but to accept them. Furthermore, Visa and MasterCard also frequently impose take-it-or-leave-it contractual terms and conditions on retailers, such as acceptance rules that require retailers to honor all cards issued by that credit card company, even if the card is a rewards card with a higher interchange rate.

Because there is no competition and no real retailer negotiation involved in the setting of interchange fees, it is not surprising that interchange fees are being charged at levels that would not be agreed upon in a fair and competitive market. This has been demonstrated in a number of ways.

For example, as economies of scale and advances in technology have brought down the cost of credit card transaction processing in recent years, normal market pressures would suggest that interchange rates would have similarly decreased. But as noted in a March 29, 2008 Wall Street Journal editorial, "The Visa interchange fee has increased over the past decade to 1.76 percent from an average of 1.5 percent. Economies of scale should be driving fees down, as in most other service-fee industries." In March 2006, the American Banker reported that "according to the credit card industry newsletter The Nilson Report, interchange rates for Visa and MasterCard International have risen steadily every year since 1997."

Also, interchange fees continue to be charged as a percentage of the sale price, so even though the cost of processing a $1 credit card transaction is comparable to processing a $1,000 transaction, the interchange fee paid on that $1,000 sale is much higher and much more lucrative for the issuing bank.

Additionally, Americans are paying higher interchange fees than are consumers in other countries who use the same Visa and MasterCard cards. According to a report by the Federal Reserve Bank in Minneapolis, U.S. interchange fees average around 1.75 percent, while in other industrialized countries such as Britain interchange fees typically average around 0.7 percent.

In 2001, the total amount of interchange fees collected in the U.S. was $16.6 billion. By 2007, that amount grew to approximately $42 billion, an increase of over 150 percent since 2001. What are banks doing with the tens of billions of dollars they are collecting in interchange fees each year? There is a serious lack of transparency on this issue, but one study indicates that only around 13 percent of collected interchange fees are devoted to covering the cost of processing credit card transactions. According to this study, the majority of the collected fees went toward profits for the issuing banks, rewards programs that benefit mostly affluent cardholders, and marketing campaigns.

Visa and MasterCard and the banks that use them argue that their interchange fee rates are set at levels that best balance benefits and costs to card issuers and to merchants. If the card companies and the banks truly believe that interchange fee rates are already set at a level that is fair to merchants, it seems they should have no objection to formalizing a process for setting interchange rates that is fair and transparent and that gives merchants a legitimate voice in the process.

That is what the Credit Card Fair Fee Act would do. This legislation would apply to widely-used credit and debit card systems. Recognizing that these electronic payment systems have become nearly as important to our consumer economy as cash and that most retailers cannot stay in business without accepting them, the bill would ensure that retailers have access to these electronic payment systems at fair rates and terms.

Under the bill, if any electronic payment system has significant market power, i.e., 20 percent or more of the credit and debit card market, retailers would receive limited antitrust immunity to engage in collective negotiations with the providers of that electronic payment system over the fees and terms for access to the system.

The bill would establish a mandatory period for negotiations between the retailers and providers over fees and terms. If the negotiations between the retailers and providers do not result in an agreement, the matter would be brought before a panel of expert Electronic Payment System Judges, who would be appointed by the Department of Justice Antitrust Division and the Federal Trade Commission.

These Judges would conduct a period of discovery during which information about fees, terms, and market conditions for electronic payment systems would be disclosed. At the end of the discovery period, the Judges would order a mandatory 21-day settlement conference to facilitate a settlement between the retailers and electronic payment system providers. If the settlement conference failed to result in an agreement, the Judges would conduct a hearing where each side would present their final offer of fees and terms. The Judges would then select the offer of fees and terms that most closely represented the fees and terms that would be negotiated in a hypothetical perfectly competitive market where neither party had market power.

After choosing between the two offers put forth by the parties, the Judges would enter an order providing that these fees and terms would govern access to the electronic payment system by the merchants for a period of 3 years, unless the parties supersede this agreement with a voluntarily negotiated agreement. Decisions by the Judges would be appealable to the D.C. Circuit Court of Appeals.

The Credit Card Fair Fee Act is modeled after the Copyright Royalty and Distribution Reform Act of 2004, which created a similar system for the use of copyrighted music works.

Credit card companies and banks may claim that this legislation involves government price setting, but this is not the case. This legislation does not permit the government to establish on its own accord what the fees and terms for retailer usage of credit card systems ought to be. Rather, it sets up a process whereby retailers would be able to make their case as to what fees and terms are fair, and if the retailers and credit card providers fail to agree voluntarily on those fees and terms, independent judges would evaluate the parties' offers and select the offer that most closely resembles what the result would be in a fair and competitive market. In contrast, currently Visa and MasterCard can use their overwhelming market power to establish non-negotiable interchange fees and terms, and retailers are forced to abide by these fees and terms or else be denied access to payment systems that account for a huge percentage of all U.S. transactions. This type of unaccountable fee-setting runs far more risk of harm for retailers and consumers.

Under my legislation, if the credit card companies and the banks are able to persuade the Judges that current interchange rates are justifiable, then the rates would remain as they are today. If, on the other hand, the retailers are persuasive in arguing that current interchange rates cannot be justified by competitive market dynamics, then the Judges would likely rule that alternative interchange rates would better represent the result of a perfectly competitive market. In either case, at a minimum the interests of retailers and consumers would be much better represented in this fundamentally important market.

My legislation represents a measured approach to addressing the current market failure with interchange fee-setting. Other countries have addressed the problem of unfair interchange fees through far more drastic solutions. For example, Australia has imposed a system of direct regulation of interchange fees through its central bank, and Mexico's central bank has negotiated rate reductions with the card companies. My legislation represents a middle ground between the current flawed system and these aggressive foreign regulatory frameworks.

In short, the Credit Card Fair Fee Act would address the market power imbalance between retailers and credit card companies in setting interchange fee rates. It would create a forum where these fees can be fairly negotiated by parties with equal bargaining power. It would ensure that interchange fees and terms are fair to both banks and retailers. And if retailers are able to negotiate interchange rates that reduce the transaction cost of doing business with plastic, it would be beneficial to consumers as well.

How do we know that retailers will not just pocket any savings they get through any reduction in interchange fees that they are able to negotiate? We know because unlike the credit card interchange rate-setting process, the retail industry is highly competitive, and that competition is largely based on price.

Also, sometimes we hear the banks and card companies argue that if interchange fees are reduced, they will have to raise fees and penalties on cardholders to make up for the revenue shortfall. If these companies stand by this argument, I would expect them to stand by its converse and reduce their cardholder fees and penalties whenever their interchange fee collections increase. However, interchange fee collections have increased 150 percent since 2001, and we have seen no corresponding decrease in fees and penalties imposed upon all cardholders. Unless you are one of the small percentage of cardholders with a current balance, no annual fees, and a lavish rewards program, your issuing bank is probably taking two bites at your wallet—one with interchange fees and one with the fees on your statement.

The Credit Card Fair Fee Act will protect consumers and retailers by preventing credit card companies from using their market power to charge unreasonable fees through an unfair process. This is important legislation, and I urge my colleagues to support its passage.

By Ms. SNOWE:

S. 3087. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would expand and strengthen the guaranteed home loan program administered by the Department of Veterans' Affairs. This action is particularly timely given the many readjustment challenges faced by our veterans and their families in this time of war, challenges that have been compounded for veterans by the current subprime mortgage market crisis and credit crunch. Mr. President, this legislation is intended to be the companion legislation to H.R. 4884, Helping Our Veterans Keep Their Homes Act of 2008, introduced in the House by Chairman FILNER of the House Veterans' Affairs Committee.

For some time, we have heard from many veterans that the current structure of the VA Home Loan guarantee program has not been responsive to the needs of veterans in today's market. For example, the current home loan limit is $417,000. Unfortunately, in many states with the largest population of veterans, reservists, and active duty personnel, the average home price is well above the national average and above the current loan ceiling. In contrast, the Federal Housing Authority home loan program constrains the loan dollar value by State and county. I strongly believe that veterans and service members should not be penalized for geographic differences in the housing market—particularly when, for many, where they live is not of their own choosing but directed by the military organization in which they are serving in the defense of the Nation.

We have also learned that for veterans and lenders, the VA loan process can be costly, both with respect to personal finance and time. The fees that are required for participation in the program impose costs on the veteran and family that reduce the financial attractiveness of the VA loan. In fact, it has been suggested that those fees, the bureaucratic red-tape, and the loan dollar value constraints that I previously noted, contributed to the conditions that resulted in far too many veterans being steered toward subprime loans in the first place.

Equally disturbing are reports that veterans and reservists did not have access to prime rate loans because of the tumult created in their lives due to repeated deployments to Iraq, Afghanistan, or both. Unbelievably, despite their wartime service, these patriots were assessed to have less than the desired level of personal financial stability sought by prime rate lenders and received low credit scores. With access to prime loans limited, subprimes became an option of necessity for many veterans.

What has become a point of frustration for veterans now trapped in the mortgage debacle is that the guaranteed home loan program is limited in its ability to provide relief for veterans who have fallen victim to unscrupulous lenders who prey on military families.

Given the sacrifices of our veterans and their families, and the disruption in their lives created when they patriotically answer their Nation's call to service, we must do better by our veterans by providing a readjustment benefit that reflects the realities of today's housing market. The legislation that I am introducing today would provide for the following: (1) increase the maximum home loan guarantee amount to $729,750; (2) decrease the equity requirement to refinance a home loan; (3) require the VA Secretary to review and streamline the process of using a guaranteed home loan to purchase a condominium; (4) eliminate the home loan funding fees; (5) reduce the home loan refinance fees to one percent; (6) extend the adjustable rate mortgage demonstration project to 2018; (7) extend the hybrid adjustable rate mortgage demonstration project to 2012; (8) raise the maximum loan guarantee for refinancing a home to $729,750; and (9) authorize the VA to offer a 30 percent guaranty for loans made on homes determined by VA and HUD to be affordable housing.

Clearly, this is the right thing to do. I should note that this legislation is supported by the veterans' services organizations, including the Veterans of Foreign Wars and the American Legion. I sincerely hope that my colleagues will join me and offer their support for this important legislation.

By Mr. WYDEN:

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce two bills to protect two unique places in the high desert of Central and Eastern Oregon as wilderness. These areas both reflect the wild, rugged beauty that makes Oregon's terrain east of the Cascade Mountains so incomparable.

The first bill I am introducing, the Oregon Badlands Wilderness Act of 2008, S. 3088, would designate as wilderness almost 30,000 acres of the area known as the Badlands. The Badlands consists of high desert that is located just 15 miles east of Bend, Oregon, and straddles the Deschutes-Crook county border. The Badlands is made up of pockets of soft sand, lichen-covered lava flows and 1,000-year-old ancient junipers. It is home to pronghorn, deer, and elk.

The effort to protect the Badlands was led by a Bend schoolteacher, Alice Elshoff, in the 1980s. According to an article about Ms. Elshoff's efforts, "Huge chunks of basalt rock jut out of the soft desert sand like blisters that burst from within the earth. Twisted juniper trees, some hundreds of years old, seem to desperately cling to the jagged rock formations. And beneath the trees and nearly hidden in narrow hideaways among the rocks are faint red drawings, messages left by prehistoric Indians who called this rugged part of the world home. This is the Badlands."

In addition to its natural attributes, many Bend business leaders understand that an Oregon Badlands Wilderness adds to the area's national reputation as a hub for diverse outdoor recreation. In the Bend area, people can enjoy almost any outdoor activity—boating, biking, skiing, horseback riding, hunting, riding off-road vehicles and hiking. Within roughly an hour's drive of Bend, there are more than 400,000 acres of public lands available to motorized recreation—and I look forward to continuing to work with the Central Oregon off road and snowmobile communities. The region's diverse recreational options are a true example of multiple use. Into that mix we now add the peace and solitude of a wilderness recreation experience. These kinds of diverse recreational opportunities and scenic natural areas are part of what has attracted companies and new residents to the Bend area and, with them, booming economic development. According to the 2007 article in The Economist entitled "Booming Bend," "Fabulous scenery attracts people with fabulous amounts of money." To sum it up, people seek places to live and work with the kind of high quality of life the Bend area can offer. The natural beauty and recreational opportunities of an area like Bend propel this growth.

The Bend community has been talking about protecting the special place known as the Badlands for many years. Volunteers have been working with long-time Oregon ranchers, notably Bev and Ray Clarno, whose family has worked the land for generations, along with conservationists, irrigators, and more than 200 local businesses to gain protection for the Badlands as wilderness.

This designation is also a tribute to a remarkable young woman, Rachel Scdoris, who grew up driving and training her sled dog team through this area—and the bill provides that she may continue doing so for as long as she chooses. Ms. Scdoris is legally blind, and she recently completed in her third Iditarod sled dog race.

This wilderness designation has been a long time in coming; it has been over two decades since the BLM began reviewing which lands should be considered candidates for wilderness. From that time forward, BLM has repeatedly concluded that the Badlands should be protected as Wilderness. It is time to make it happen. This unique part of the Oregon high desert needs to be permanently protected for generations to come.

The second bill I am introducing is the Spring Basin Wilderness Act of

2008, S. 3089. This region is further east and even more remote than the Badlands. Spring Basin is one of Central Oregon's premier wild areas. Overlooking the John Day Wild and Scenic River, the rolling hills of Spring Basin burst with color during the spring wildflower bloom. It boasts canyons and diverse geology that offers recreational opportunities for hikers, horseback riders, hunters, botanists, and other outdoor enthusiasts. The area is important habitat for populations of Mule Deer and Rocky Mountain Elk, as well as many bird species. To preserve this natural treasure, my bill would designate approximately 8,600 acres as the Spring Basin Wilderness.

During the past several years, many community leaders and adjacent landowners have approached me advocating for Wilderness designation for this spectacular land that borders the Wild and Scenic John Day River and the nearby John Day Fossil Beds. The area is known across Oregon for its profusion of spring wildflowers. The Confederated Tribes of Warm Springs, local landowners, the County Commission and the Federal Bureau of Land Management all support Wilderness designation for Spring Basin. In fact, Spring Basin was recommended to Congress as a wilderness area by the Bureau of Land Management in 1989. Protecting this scenic jewel will add to Oregon's treasured wilderness and the unique recreational opportunities it provides.

I want to express my thanks to all the volunteers and supporters who have worked tirelessly to protect this area and reached out to diverse community groups to build support. I also want to thank the Confederated Tribes of the Warm Springs for their engagement and support. The Confederated Tribes of the Warm Springs own and manage approximately 30,000 acres of adjacent land that they manage to the north and east of Spring Basin. The Tribes manage these lands for the improvement of fish and wildlife habitat and I look forward to working with them to implement this legislation.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 3088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Badlands Wilderness Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain Bureau of Land Management land in central Oregon qualifies for addition to the National Wilderness Preservation System;

(2) 1 of the chief economic assets of the central Oregon region is the rich diversity of available recreation, with the region offering a wide variety of multiple-use areas for skiing, biking, hunting, off-highway vehicle use, boating, and other motorized recreation;

(3) there are over 400,000 acres of public land near Bend, Oregon, available for off-highway vehicles and other motorized recreation uses;

(4) motorized recreation users in central Oregon should continue to have access to an abundance of land managed, in part, for their use;

(5) the proposed Oregon Badlands Wilderness would increase the offerings in the region by making an additional 30,000 acres in central Oregon available for wilderness recreation and solitude; and

(6) certain land exchanges that would consolidate Federal land holdings within or near to the proposed wilderness to enhance wilderness values and management are in the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to designate the Oregon Badlands Wilderness in the State of Oregon; and

(2) to authorize, direct, and facilitate several land exchanges to consolidate Federal land holdings within or near the Oregon Badlands Wilderness.

SEC. 3. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Central Oregon Irrigation District, which has offices in Redmond, Oregon.

(2) LANDOWNER.—The term "Landowner" means Ray Clarno, a resident of Redmond, Oregon.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Oregon.

(5) WILDERNESS.—The term "Wilderness" means the Oregon Badlands Wilderness designated by section 4(a).

(6) WILDERNESS MAP.—The term "wilderness map" means the map entitled "Badlands Wilderness" and dated June 4, 2008.

SEC. 4. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 29,837 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, is designated as Wilderness and as a component of the National Wilderness Preservation System, to be known as the "Oregon Badlands Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(4) GRAZING.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, and the maintenance of facilities in existence on the date of enactment of this Act relating to grazing, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of the Wilderness adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(6) TRIBAL RIGHTS.—Nothing in this Act—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963); or

(ii) any other rights of an Indian tribe; or

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963)—

(i) within the boundaries of the Wilderness; or

(ii) on land acquired by the United States under this Act.

SEC. 5. SCDORIS CORRIDOR.

(a) EXISTING USE.—

(1) IN GENERAL.—Subject to subsection (b), the route depicted on the wilderness map shall be included in a corridor with a width of 25 feet to be excluded from the Wilderness to accommodate the existing use of the route for purposes relating to the training of sled dogs by Rachael Scdoris.

(2) INCLUSION IN WILDERNESS.—On final and total termination of the use of the route for the purposes described in paragraph (1), the corridor described in that paragraph shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(b) INTERIM MANAGEMENT.—Except as provided in subsection (a), the corridor shall otherwise be managed as wilderness.

(c) WITHDRAWAL.—Subject to valid existing rights, the corridor described in subsection (a)(1) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 6. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land identified as the Badlands wilderness study area has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 7. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the Landowner offers to convey to the United States all right, title, and interest of the Landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 240 acres of non-Federal land identified on the wilderness map as "Clarno to Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 245 acres of Federal land identified on the wilderness map as "Federal Government to Clarno".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 564 acres of non-Federal land identified on the wilderness map as "COID to Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 686 acres of Federal land identified on the wilderness map as "Federal Government to COID".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) the Secretary making a cash equalization payment to the owner of the non-Federal land;

(ii) the owner of the non-Federal land making a cash equalization payment to the Secretary; or

(iii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(ii) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(2) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, or other valid encumbrances in existence on the date of enactment of this Act.

(f) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 16 months after the date of enactment of this Act.

S. 3089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spring Basin Wilderness Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) FAMILY TRUST.—The term "family trust" means the Bowerman Family Trust, which is the owner of the land described in section 4(d)(2)(A).

(2) KEYS.—The term "Keys" means Bob Keys, a resident of Portland, Oregon.

(3) MCGREER.—The term "McGreer" means H. Kelly McGreer, a resident of Antelope, Oregon.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Oregon.

(6) TRIBES.—The term "Tribes" means the Confederated Tribes of the Warm Springs Indian Reservation, with offices in Warm Springs, Oregon.

(7) WILDERNESS MAP.—The term "wilderness map" means the map entitled "Spring Basin Study Area with Exchange Proposals" and dated May 22, 2008.

SEC. 3. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 8,661 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Spring Basin Wilderness".

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of domestic livestock in the Wilderness shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));

(B) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617); and

(C) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) ACCESS TO NON-FEDERAL LAND.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall provide reasonable access to non-Federal land within the boundaries of the Wilderness.

(5) STATE WATER LAWS.—Nothing in this section constitutes an exemption from State water laws (including regulations).

(6) TRIBAL RIGHTS.—Nothing in this section—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963); or

(ii) any other rights of an Indian tribe; or

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963)—

(i) within the boundaries of the Wilderness; or

(ii) on land acquired by the United States under this Act.

SEC. 4. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS INDIAN RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 3,635 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from the CTWSIR to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 3,653 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to CTWSIR".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If McGreer offers to convey to the United States all right, title, and interest of McGreer in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to McGreer all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from McGreer to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 325 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to McGreer".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If Keys offers to convey to the United States all right, title, and interest of Keys in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Keys all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 181 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Keys to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 183 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Keys".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the family trust offers to convey to the United States all right, title, and interest of the family trust in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the family trust all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 34 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Bowerman to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Bowerman".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) the Secretary making a cash equalization payment to the owner of the non-Federal land;

(ii) the owner of the non-Federal land making a cash equalization payment to the Secretary; or

(iii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(ii) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—As a condition of the conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(2) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, or other valid encumbrances in existence on the date of enactment of this Act.

(h) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 16 months after the date of enactment of this Act.

By Mr. GRASSLEY:

S. 3093. A bill to extend and improve the effectiveness of the employment eligibility confirmation program; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I am introducing legislation to reauthorize and expand the E-verify program, a web based tool run by the Department of Homeland Security for employers across the country. Known as the Basic Pilot Program since its inception in 1996, E-verify provides employers with a process to verify the work eligibility of new hires. This program is set to expire in November of this year.

The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States and required employers to examine the identity and work eligibility documents of all new employees.

Employers are required to participate in a paper-based employment eligibility verification system, commonly referred to as the I–9 system, in which they examine documents presented by new hires to verify identity and work eligibility, and complete and retain I–9 verification forms. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met its document review obligation. However, the easy availability of counterfeit documents and fake identifications has made a mockery of the law.

In 1996, Congress authorized the Basic Pilot Program to help employers verify the eligibility of their workers. Participants in this program electronically verify new hires' employment authorization through the Social Security Administration and, if necessary, the Department of Homeland Security databases.

The Basic Pilot was authorized in 5 States until an expansion of the program was agreed to by Congress in 2003. Now, all States and all employers can take advantage of this voluntary and free program.

The bill I am introducing today isn't broad expansion of the current program, which I would like to see done. I attempted to revamp E-verify in 2006 and 2007 when the Senate debated a comprehensive immigration bill. During those debates, I offered amendments to require all businesses to use E-verify rather than maintaining it as a voluntary system. Over time, I would like to see this tool as a staple in the workforce. My legislation today doesn't go that far.

My amendment in 2006 and 2007 also would have changed the verification and appeal procedures, and would have improved the ability of the Federal Government to go after employers who knowingly hire illegal aliens.

While I hope that the Congress can one day address these issues, my priority this year is the reauthorization of the E-verify program. We must not let it expire. Employers rely on it, and we must not pull the rug from under them in their attempt to abide by the law.

My legislation would extend the program indefinitely. There's no reason that we should allow this to expire in 1, 5 or 10 years. It should only expire when Congress feels the need to terminate it. Right now, over 61,000 employers use the program. That number is likely to grow, and they need to be able to know that Congress isn't going to let this program die.

Another provision in my bill would require all contractors of the U.S. Government to use E-verify, even though they have the authority to do so today. Under the original statute in 1996, the Federal Government—including the Executive and Legislative Branches—must comply with the terms and conditions of E-verify. I added this provision because I don't like the progress I am seeing from the administration to require contractors to use the program.

In August of this year, Secretary Chertoff announced a series of reforms to address border security and immigration challenges that our country faces. One of the 26 proposed reforms was to require Federal contractors to use the basic pilot program.

Specifically, Secretary Chertoff said that "the Administration will commence a rulemaking process to require all federal contractors and vendors to use E-Verify, the federal electronic employment verification system, to ensure that their employees are authorized to work in the United States." I firmly believe that the Federal Government ought to lead by example, and they shouldn't wait for my bill to become law.

My bill would also allow employers to check the status of all employees, not just new hires. Since the system is voluntary, businesses should be able to use E-verify to check the work eligibility of all their employees. They would alert the Department of Homeland Security of their desire to check all employees and be required to do the checks not later than 10 days after. If an employer wants to make sure his or her labor force is lawful, or legally allowed to work in the United States, he or she should be afforded that right. Also, the Department of Homeland Security should be able to require repeat offenders of immigration law to check the status of all employees, not just new hires. My legislation would require certain employers to use E-verify if the Security has reasonable cause to believe that the employer has engaged in the hiring of undocumented workers. This provision will help us hold employers accountable.

My bill would require more information sharing between the agencies at the Department of Homeland Security. Citizenship and Immigration Service, the agency in charge of service and benefits for immigrants, runs the program. However, Immigration and Customs Enforcement has the duty to enforce immigration laws and conduct worksite enforcement. I fear that the two agencies don't communicate enough, especially when it comes to this program. While CIS will provide ICE information about employers who use E-verify upon request, this should be an automatic process. The enforcement agency is better equipped to go after those who hire illegal aliens, and they should have access to such information, including those businesses that receive final non-confirmations through the system. My bill would require CIS to report monthly to ICE.

Finally, as a Senator from a State with many rural communities, I have heard small businesses say they want a system that works and is easy to use. Many towns in Iowa and across the country want to be able to use E-verify but may not have access to computers or the Internet. The Citizenship and Immigration Service has made strides to help businesses learn the system and accommodate their lack of access. As we continue to ramp up the program and potentially make it a requirement for all employers, I would like to see the Federal Government reach out to rural areas and figure out a way to make this work. My bill would authorize the Director of U.S. CIS to establish a demonstration program that assists small businesses in verifying the employment eligibility of their newly hired employees.

In conclusion, I cannot stress enough the importance of making sure E-verify remains intact and operating for employers across the country. We need to reauthorize the program this year so that businesses can continue to abide by our immigration laws. I urge my colleagues to join me in this effort.

By Mr. BAUCUS:

S. 3095. A bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom and to other residents of rural areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, an Iraq veteran named Travis Williams told his story at a field hearing in Great Falls, Montana last summer. After graduating from Capitol High School in Helena in 2002, Travis quickly joined the Marine Corps. Travis was deployed to Iraq in 2005. He served in Al Anbar province.

Like thousands of other American men and women in uniform, Travis served nobly and with honor under the most difficult of circumstances. He experienced the horrors of combat. He lost numerous friends. And he saw unspeakable violence.

Travis testified that after months of combat, his emotions seemed to dull or shutdown. As he later learned, he was experiencing a normal reaction to a highly abnormal situation. His reaction was a defense mechanism that allowed him to continue to operate in a combat zone. His mind was finding a way to keep going. Thousands of marines, soldiers, airmen and seamen have experienced this phenomenon.

Travis testified that when he arrived home it seemed "surreal." He felt more out of place in his own home than he did in Iraq. Travis isolated himself from his friends. He was frequently drunk and angry. Looking back, he understands that he was on what he called the "path to destruction."

One day, Travis received a phone call from Deb McBee. Deb is a veteran's service officer from the Military Order of the Purple Heart. Deb had heard about Travis' experiences in combat. She recommended that he visit the VA clinic to seek help. Travis took her advice. The VA referred Travis to a veteran's liaison for the Western Montana Mental Health Clinic.

Travis connected immediately with his mental health counselor. The counselor was also a veteran who understood the nightmare of combat and the loneliness of coming home. Over time, the counselor helped Travis to get back on track. Before long, Travis was enrolled in a pre-med program and had overcome many of the feelings of anger and loss he had felt before.

I begin with Travis' story because it offers hope. But it offers hope amid a very dark picture facing our veterans. A recent study by the RAND Corporation revealed that American veterans are facing a crisis of epic proportions. RAND estimates that around 300,000 service members suffer from post-traumatic stress disorder—also known as PTSD—or major depression. And 320,000 individuals reported experiencing probable traumatic brain injury during deployment.

The RAND study found that only 53 percent of service members with post-traumatic stress disorder or depression have seen a doctor or mental health provider in the past year. Of those who had a mental disorder and sought care, about half received only "minimally adequate" treatment.

Tragically, on any single day, on average, 18 veterans commit suicide. More than one out of five of those vets were patients undergoing treatment by the VA. Think of it: Today, 18 veterans are liable to commit suicide.

The VA has responded to this crisis with numerous initiatives that offer hope to thousands of veterans. This year, the VA will spend more than $3.5 billion for mental health services. Some of these funds will be invested in a new mental health inpatient ward in Helena, Montana. Over the last several years, the VA has opened up hundreds of new rural health clinics. Today, there are more than 700 of these clinics providing health care to our Nation's veterans. Montana has recently received two new rural health clinics in Lewistown and Cut Bank. The VA is making great strides.

But we need to do more. Thousands of veterans still remain out of reach.

The VA has undertaken an aggressive campaign to make mental health care services available to veterans living in rural areas. But thousands of Americans returning from Iraq and Afghanistan live hundreds of miles away from the health care that they need.

The Veteran's Affairs Office of Policy Analysis and Forecasting counts 118,685 registered highly-rural veterans in America. Of these, only 39,158 live within 2 hours of a VA medical center. Thousands of veterans returning from Iraq and Afghanistan often have to choose between a day-long trip to the VA or no care at all. In my home state of Montana 32,404 rural veterans are enrolled in the VA healthcare system. Over 10,000 of those veterans must drive more than an hour and a half to reach a VA hospital. And thousands of those veterans must drive over two hours both ways. In times of crisis, two hours is much too far to drive.

Research conducted by the Department of Veterans Affairs shows that veterans residing in rural areas are in poorer health than their urban counterparts. Nationwide, one out of every five veterans enrolled in VA health care lives in a rural area. Providing quality health care in a rural setting has proved to be a daunting challenge. Limited numbers of doctors and long highways make inadequate access to care all too common.

But let me return to Travis Williams' story. The key lesson of Travis' story is that getting the right care to veterans is all about teamwork. It wasn't just the VA that saved Travis. It wasn't just professional mental health counselors alone. It wasn't just veterans' service organizations. Travis' willpower alone was not sufficient to get him through the hard times. It was all of those things. All of those factors working together helped Travis to get away from a life of anger and despair, and back to a life full of meaning and purpose.

Teamwork is what the Relief for Rural Veterans Act is all about. The bill would enable small rural hospitals, mental health service providers, and other rural providers to work together to respond to the needs of veterans in crisis. States could apply for funding to increase their capacity to deliver mental health services by using state-of-the-art technology such as tele-health and tele-psychiatry.

More specifically, my bill will give the Secretary of Health and Human Services authority to award grants under the Medicare Rural Hospital Flexibility Program. The Medicare Flex Program has a successful 10-year history of strengthening the rural healthcare infrastructure. Under this new authority, States can apply for grants to increase the capacity of rural providers to provide mental health services to veterans and other rural residents. The bill would authorize an additional $100 million for this new authority for 2 years.

The Medicare Flex Program is a good way to improve health care services in rural America. It has provided grants to States to develop State rural health care plans. It supports conversion of eligible small rural hospital facilities to critical access status. It supports rural emergency medical services. And it fosters rural health care network development. It makes sense to expand this program to include mental health services needed by veterans in crisis.

Research conducted by the University of Maine found that small rural hospitals are playing a major role in providing emergency health care services to veterans. They are filling a critical gap in caring for veterans in crisis.

But the Federal Government has not thus far provided funds to help rural hospitals to perform this task. The grants authorized in my bill could support crisis intervention services and other health care services needed by Iraq and Afghanistan veterans. My bill will focus upon those veterans who live far from VA facilities. It could provide relief for veterans who have to drive hours to receive emergency mental health care.

An additional benefit of these grants is that all rural residents, regardless of whether they are veterans or not, would be able to take advantage of the increased capacity of their small rural hospitals to deliver improved healthcare services.

Iraq and Afghanistan Veterans of America and the National Alliance on Mental Health Care have endorsed this bill.

The RAND study I mentioned earlier concluded that we need a major national effort to improve the capacity of the mental health system to care for veterans. The report stated that the effort must include the military, veterans, and civilian healthcare systems.

This bill is one answer to that call. This bill is a way to approach the problems facing our veterans from a new perspective. The philosophy behind the bill is that all agencies that can lend a hand to our veterans should do so. The challenges facing our Nation's veterans are too large for the VA to handle on its own.

Researchers estimate that PTSD and depression among returning service members will cost the Nation as much as $6.2 billion in the 2 years following deployment. That's an amount that includes both direct medical care and costs for lost productivity and suicide. Investing in more high-quality treatment could save close to $2 billion within 2 years by substantially reducing those indirect costs.

Last month, Chairman BOB FILNER said this about the crisis facing our veterans: This is not a crisis that only concerns numbers. This is a matter of life and death for the veterans for whom we are responsible.

I urge the VA to continue its efforts to extend its reach into rural areas. I applaud the nation's thousands of volunteers who serve our Nations' veterans. And I offer this legislation as one way to begin a new approach to help those who have sacrificed so much in the name of duty, honor, and country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Relief for Rural Veterans in Crisis Act of 2008".

SEC. 2. EXPANSION AND EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) IN GENERAL.—Section 1820(g) of the Social Security Act (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

"(6) PROVIDING MENTAL HEALTH SERVICES AND OTHER HEALTH SERVICES TO VETERANS AND OTHER RESIDENTS OF RURAL AREAS.—

"(A) GRANTS TO STATES.—The Secretary may award grants to States that have submitted applications in accordance with subparagraph (B) for increasing the delivery of mental health services or other health care services deemed necessary to meet the needs of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in rural areas (as defined for purposes of section 1886(d) and including areas that are rural census tracks, as defined by the Administrator of the Health Resources and Services Administration), including for the provision of crisis intervention services and the detection of post-traumatic stress disorder, traumatic brain injury, and other signature injuries of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for referral of such veterans to medical facilities operated by the Department of Veterans Affairs, and for the delivery of such services to other residents of such rural areas.

"(B) APPLICATION.—

"(i) IN GENERAL.—An application is in accordance with this subparagraph if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing the assurances described in subparagraphs (A)(ii) and (A)(iii) of subsection (b)(1).

"(ii) CONSIDERATION OF REGIONAL APPROACHES, NETWORKS, OR TECHNOLOGY.—The Secretary may, as appropriate in awarding grants to States under subparagraph (A), consider whether the application submitted by a State under this subparagraph includes 1 or more proposals that utilize regional approaches, networks, health information technology, telehealth, or telemedicine to deliver services described in subparagraph (A) to individuals described in that subparagraph. For purposes of this clause, a network may, as the Secretary determines appropriate, include Federally qualified health centers, rural health clinics, home health agencies, community mental health clinics and other providers of mental health services, pharmacists, local government, and other providers deemed necessary to meet the needs of veterans.

"(iii) COORDINATION AT LOCAL LEVEL.—The Secretary shall require, as appropriate, a State to demonstrate consultation with the hospital association of such State, rural hospitals located in such State, providers of mental health services, or other appropriate stakeholders for the provision of services under a grant awarded under this paragraph.

"(iv) SPECIAL CONSIDERATION OF CERTAIN APPLICATIONS.—In awarding grants to States under subparagraph (A), the Secretary shall give special consideration to applications submitted by States in which veterans make up a high percentage (as determined by the Secretary) of the total population of the State. Such consideration shall be given without regard to the number of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in the areas in which mental health services and other health care services would be delivered under the application.

"(C) COORDINATION WITH VA.—The Secretary shall, as appropriate, consult with the Director of the Office of Rural Health of the Department of Veterans Affairs in awarding grants to States under subparagraph (A).

"(D) USE OF FUNDS.—A State awarded a grant under this paragraph may, as appropriate, use the funds to reimburse providers of services described in subparagraph (A) to individuals described in that subparagraph.

"(E) LIMITATION ON USE OF GRANT FUNDS FOR ADMINISTRATIVE EXPENSES.—A State awarded a grant under this paragraph may not expend more than 15 percent of the amount of the grant for administrative expenses.

"(F) FINAL REPORT.—Not later than 1 year after the date on which the last grant is awarded to a State under subparagraph (A), the Secretary shall submit a report to Congress on the grants awarded under such subparagraph. Such report shall include an assessment of the impact of such grants on increasing the delivery of mental health services and other health services to veterans of the United States Armed Forces living in rural areas (as so defined and including such areas that are rural census tracks), with particular emphasis on the impact of such grants on the delivery of such services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom, and to other individuals living in such rural areas.".

(b) USE OF FUNDS FOR FEDERAL ADMINISTRATIVE EXPENSES.—Section 1820(g)(5) of the Social Security Act (42 U.S.C. 1395i–4(g)(5)) is amended—

(1) by striking "beginning with fiscal year 2005" and inserting "for each of fiscal years 2005 through 2008"; and

(2) by inserting "and, of the total amount appropriated for grants under paragraphs (1), (2), and (6) for a fiscal year (beginning with fiscal year 2009)" after "2005)".

(c) EXTENSION OF AUTHORIZATION FOR FLEX GRANTS.—Section 1820(j) of the Social Security Act (42 U.S.C. 1395i–4(j)) is amended—

(1) by striking "and for" and inserting "for"; and

(2) by inserting ", for making grants to all States under paragraphs (1) and (2) of subsection (g), $55,000,000 in each of fiscal years 2009 and 2010, and for making grants to all States under paragraph (6) of subsection (g), $50,000,000 in each of fiscal years 2009 and 2010, to remain available until expended" before the period at the end.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 584—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISOTRY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. DURBIN (for himself, Mr. LEVIN, Mr. OBAMA, Mr. REID, Ms. STABENOW, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 584

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Mr. DURBIN. Mr. President, today I am pleased to introduce with Senator LEVIN a resolution recognizing the historical significance of Juneteenth Independence. Day.

Two years after President Lincoln's Emancipation Proclamation and months after the end of the Civil War, many African-Americans were still being denied the freedom that had been won. Juneteenth commemorates June 19, 1865, the day Union soldiers arrived in Galveston, Texas, to announce that the Civil War had ended and ensure that the slaves were free. African-Americans who had been enslaved began celebrating June 19 the following year as the anniversary of their emancipation, the day their dreams of freedom became reality.

As Americans, we can't afford to forget the lessons learned from slavery and that terrible stain on our nation's history. Juneteenth reminds us to stay vigilant in our efforts to secure equal opportunity for all Americans to keep working for justice. Justice is true freedom and equality for all citizens, regardless of race, religion, or ethnic background.

I thank Senators OBAMA, REID, STABENOW, and BROWNBACK for joining Senator LEVIN and me in recognizing historic Juneteenth Independence Day. I encourage my colleagues to support this important resolution.

SENATE RESOLUTION 585—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself, Mr. MENENDEZ, Mr. SHELBY, Mrs. DOLE, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 585

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 54,000 in 2008, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 186,320 in 2008, and an estimated 28,660 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 586—CONGRATULATING THE ARIZONA STATE UNIVERSITY WOMEN'S SOFTBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I SOFTBALL CHAMPIONSHIP

Mr. KYL (for himself and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 586

Whereas, on June 3, 2008, the Arizona State University women's softball team (in this preamble referred to as the "ASU Sun Devils") won the 2008 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the women's softball team of Texas A & M University by a score of 11 to 0;

Whereas that victory marks the first championship title for the ASU Sun Devils;

Whereas the ASU Sun Devils now hold the Women's College World Series record for the largest margin of victory in a championship game;

Whereas the ASU Sun Devils beat opponents by a combined score of 24 to 2 in 5 Women's College World Series wins and completed the season with 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason; and

Whereas ASU Sun Devils pitcher Katie Burkhart finished with 5 wins and 53 strikeouts in the Women's College World Series and earned Most Valuable Player honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Women's Softball Championship; and

(2) recognizes the players, coaches, and support staff who were instrumental in that achievement.

SENATE RESOLUTION 587—DECLARING JUNE 6, 2008, A NATIONAL DAY OF PRAYER AND REDEDICATION FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES AND THEIR MISSION

Mr. DEMINT (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 587

Whereas public prayer and national days of prayer are a long-standing American tradition to bolster national resolve and summon the national will for victory;

Whereas the Continental Congress asked the colonies to pray for wisdom in forming a nation in 1775;

Whereas Benjamin Franklin proposed that the Constitutional Convention begin each day with a prayer;

Whereas General George Washington, as he prepared his troops for battle with the British in May 1776, ordered them to pray for the campaign ahead, that it would please the Almighty to "prosper the arms of the united colonies" and "establish the peace and freedom of America upon a solid and lasting foundation";

Whereas President Abraham Lincoln, in declaring in the Gettysburg Address that "this nation, under God, shall have a new birth of freedom", rededicated the Nation to ensuring that "government of the people, by the people, for the people, shall not perish from the earth";

Whereas, as 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944 (D-Day), President Franklin Delano Roosevelt went on the national radio to lead the Nation in prayer for their success;

Whereas, in his D-Day radio prayer, President Roosevelt did not declare a single day of special prayer, but instead compelled all Americans to "devote themselves in a continuance of prayer";

Whereas the words of President Roosevelt calling on all Americans to "devote themselves in a continuance of prayer" for American soldiers, sailors, airmen, and Marines in harm's way are just as appropriate today as they were in June 1944;

Whereas, with our troops once again facing danger abroad and the Nation looking for support here at home, the time is ripe to once again heed the words and prayerful wisdom contained in the D-Day radio address of the 20th century's greatest Democrat president as he implored the Nation: "as we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts";

Whereas more than 300,000 men and women of the United States Armed Forces are deployed worldwide today;

Whereas about 200,000 of these troops are engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies;

Whereas more than 4,500 brave Americans have been killed, and over 42,000 have been wounded, while fighting the War on Terror;

Whereas, because the War on Terror will be long and hard, because success is not likely to come with rushing speed, and because the sacrifice will continue to be immeasurable in human terms, it is appropriate to make the anniversary of D-Day, June 6, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

Whereas the D-Day radio address of President Roosevelt is the inspiration and model for this annual national day of prayer and rededication: Now, therefore, be it

Resolved, That—

(1) June 6, 2008, will be a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

(2) in encouraging our fellow Americans to join us in this national day of prayer and rededication for our troops and their mission, by reflecting on President Roosevelt's D-Day radio prayer, as follows:

"My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest — until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them — help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.".

Mr. DEMINT. Mr. President, I rise to speak on a resolution I have submitted today that declares June 6 a national day of prayer and rededication for the men and women of the U. S. Armed Forces and their mission.

As my colleagues know, when 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944, President Franklin Roosevelt went on national radio to lead the Nation in prayer for their success.

With over 300,000 men and women of the U.S. Armed Forces deployed worldwide today, and many of these troops directly engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies, President Roosevelt's words calling on all Americans to "devote themselves to a continuance of prayer" for American soldiers, sailors, airmen, and marines in harm's way are as appropriate today as they were in June of 1944.

It is appropriate to make every anniversary of D-day, June 6, a national day of prayer for the men and women of the U.S. Armed Forces.

Now I will read President Roosevelt's D-day radio prayer:

My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home— fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

Mr. President, I hope the Senate will take up this resolution and make June 6 a national day of prayer for our Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4863. Mr. CORKER (for himself, Mr. SANDERS, Mrs. MCCASKILL, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table.

SA 4864. Mr. CORKER (for himself, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4865. Mr. MENENDEZ (for himself, Ms. Snowe, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4866. Mrs. MURRAY (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4867. Mr. KERRY (for himself, Ms. Snowe, Mr. Inouye, Mr. Stevens, Mr. Lautenberg, Ms. Cantwell, Mr. Carper, Mr. Nelson, of Florida, Mr. Rockefeller, Ms. Klobuchar, Mr. Durbin, and Mr. Warner) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4868. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4869. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4870. Mr. LAUTENBERG (for himself, Mrs. Boxer, Mr. Lieberman, and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4871. Mr. LAUTENBERG (for himself and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4872. Mr. ALEXANDER (for himself and Mr. Martinez) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4873. Mr. CHAMBLISS (for himself and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4874. Mr. DOMENICI (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4875. Mr. DOMENICI (for himself and Mr. Corker) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4876. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4877. Mr. CASEY (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4878. Mr. ROBERTS (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4879. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4880. Mr. WARNER (for himself, Mr. Lieberman, Mr. Carper, Mrs. Dole, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4882. Mr. SPECTER (for himself, Mr. Brown, Mr. Levin, Ms. Klobuchar, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4883. Mr. SPECTER (for himself, Mr. Coleman, Ms. Klobuchar, Ms. Stabenow, and Mr. Casey) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4884. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4885. Mr. ISAKSON (for himself and Mr. Graham) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4886. Mr. GRAHAM (for himself and Mr. Isakson) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4887. Ms. COLLINS (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4888. Mr. INHOFE (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4889. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4890. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4891. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4892. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4893. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4894. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4895. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4896. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4897. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4898. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4899. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4900. Mr. SALAZAR (for himself, Mrs. Dole, and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4901. Mr. SALAZAR (for himself, Mr. Barrasso, and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4902. Mr. REID (for Mr. Kennedy) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4903. Mr. WARNER (for himself, Mr. Lieberman, Mrs. Dole, and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4904. Mr. REED (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4905. Mr. CARPER (for himself and Mr. Lautenberg) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4906. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4907. Mr. CARPER (for himself, Mr. Gregg, Mrs. Feinstein, Ms. Collins, and Mr. Sununu) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4908. Mr. CARPER (for himself, Mr. Alexander, Mrs. Boxer, Ms. Collins, Mr. Biden, Mr. Gregg, Mr. Cardin, Mr. Sununu, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4909. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4910. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. Boxer (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4911. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4912. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4913. Mr. SMITH (for himself and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. Boxer (for herself, Mr. Warner, and Mr. Lieberman) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4914. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4915. Mr. REID (for Mrs. Clinton) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4916. Mr. WYDEN (for himself, Mr. Bingaman, Mr. Domenici, Mr. Johnson, Mr. Thune, Mr. Salazar, Mr. Smith, Mr. Barrasso, Mr. Enzi, Mrs. Feinstein, Mr. Crapo, and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4917. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4918. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4919. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4920. Mr. REID (for Mr. BYRD (for himself, Mrs. MURRAY, Mr. DORGAN, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, and Ms. MIKULSKI)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4921. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4922. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4923. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4924. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4925. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4926. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4927. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4928. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4929. Mr. SMITH (for himself, Mr. WYDEN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4930. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4931. Mr. INHOFE (for himself, Mr. VITTER, Mr. CRAIG, Mr. DEMINT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4932. Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BARRASSO, Mr. ALLARD, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4933. Mr. CRAIG (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4934. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4935. Mr. CARDIN (for himself, Mr. ALEXANDER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4936. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4937. Mr. CARDIN (for himself, Mr. CARPER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4938. Mr. CARDIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4939. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4940. Mr. SMITH (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4941. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4942. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4943. Mr. BOND (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4944. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4945. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4946. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4947. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4948. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4949. Ms. STABENOW (for herself, Mr. CRAPO, Mr. BROWNBACK, Mr. SALAZAR, Mrs. DOLE, Mr. JOHNSON, Mr. CONRAD, Ms. KLOBUCHAR, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4950. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. WYDEN, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4951. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4952. Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4953. Mr. MCCONNELL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4954. Mr. JOHNSON (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4955. Mr. DORGAN (for himself, Mr. WARNER, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4956. Mr. ENZI (for himself, Mr. BOND, Mr. INHOFE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4957. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4958. Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4959. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4960. Mr. VITTER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4961. Mr. VITTER (for himself, Mr. CRAIG, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4962. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4963. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4964. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4965. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4966. Mr. BROWN (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4967. Mr. BROWN (for himself, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4968. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4969. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4970. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4971. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4972. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4974. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4975. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4863. Mr. CORKER (for himself, Mr. SANDERS, Mrs. MCCASKILL, Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, lines 20 and 21, strike "sections 1313(a) and 1314(b)" and insert "section 1313(a)".

On page 78, lines 4 and 5, strike "international allowances under section 322 and".

Beginning on page 112, strike line 3 and all that follows through page 116, line 16.

On page 150, strike lines 15 through 23 and insert the following:

(3) Increase the quantity of offset allowances

Beginning on page 424, strike line 4 and all that follows through page 425, line 25, and insert the following:

SEC. 1311. SENSE OF SENATE REGARDING ENCOURAGEMENT OF INTERNATIONAL EFFORTS TO REDUCE GREENHOUSE GAS EMISSIONS FROM DEFORESTATION.

(a) FINDINGS.—The Senate finds that—

(1) tropical deforestation accounts for 20 percent of the global total of human-caused greenhouse gas emissions each year;

(2) efforts to greatly reduce global tropical deforestation are important to stabilizing global atmospheric greenhouse gases at levels that would avoid dangerous anthropogenic interference with the climate system;

(3) the Federal Government supports efforts to preserve and restore global forest ecosystems as part of a coordinated effort to respond to global warming;

(4) notwithstanding the desirability of reducing tropical deforestation as part of a global warming program, there remain a large number of unresolved issues surrounding the validity of international offsets as a means for ensuring actual reductions in emissions of greenhouse gases;

(5) the integrity of the emission reductions required under the domestic cap-and-trade program under this Act would be strengthened if international forestry projects were not pursued as offsets; and

(6) it is desirable to create a global funding stream sufficient to reduce global deforestation rates.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in recognition of the importance of international forest protection to stabilizing global climate, Congress should develop a mechanism to encourage international efforts to reduce greenhouse gas emissions from deforestation.

On page 426, line 10, strike "sections 1313 and 1314" and insert "section 1313".

Beginning on page 430, strike line 1 and all that follows through page 437, line 16.

SA 4864. Mr. CORKER (for himself, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 16 and 17, insert the following:

(11) CLIMATE TAX REFUND FUND.—The term "Climate Tax Refund Fund" means the fund established by section 581.

On page 159, strike lines 3 through 18 and insert the following:

The Administrator shall deposit the proceeds from each cost-containment auction in the Climate Tax Refund Fund for use in accordance with section 584.

On page 161, lines 11 and 12, strike "Change Worker Training and Assistance" and insert "Tax Refund".

On page 161, line 16, strike "Change Worker Training and Assistance" and insert "Tax Refund".

On page 161, line 24, strike "Change Worker Training and Assistance" and insert "Tax Refund".

In the heading of the right column of the table contained on page 162, after line 17, strike "Change Worker Training and Assistance" and insert "Tax Refund".

In the left column of the table that appears on page 163, before line 1, strike "2059" and insert "2050".

On page 163, lines 4 and 5, strike "Change Worker Training and Assistance" and insert "Tax Refund".

Beginning on page 163, strike line 6 and all that follows through page 164, line 20.

Beginning on page 164, strike line 21 and all that follows through page 183, line 3.

On page 201, line 22, strike "Change Consumer Assistance" and insert "Tax Refund".

On page 202, strike lines 3 and 4 and insert the following:

(b) and (c) and in addition to other auctions conducted pursuant to this Act, to raise funds for deposit in the Climate Tax Refund Fund, for each of calendar

On page 202, line 11, strike "Change Consumer Assistance" and insert "Tax Refund".

In the heading of the right column of the table contained on page 203, after line 2, strike "Change Consumer Assistance" and insert "Tax Refund".

On page 204, lines 1 and 2, strike "Change Consumer Assistance" and insert "Tax Refund".

On page 204, strike lines 3 through 14 and insert the following:

SEC. 584. USE OF AMOUNTS IN CLIMATE TAX REFUND FUND.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED COUPLE.—The term "qualified couple" means a married couple the combined annual income of which does not exceed $300,000.

(2) QUALIFIED INDIVIDUAL.—The term "qualified individual" means an individual the annual income of whom does not exceed $150,000.

(b) REIMBURSEMENTS.—The Administrator shall establish, by regulation, a program under which, for each of calendar years 2012 through 2050, the Administrator, in consultation with the Secretary of the Treasury, shall use amounts deposited in the Climate Tax Refund Fund for the calendar year to provide to qualified couples and qualified individuals reimbursement in an amount described in subsection (c).

(c) AMOUNTS.—For each calendar year described in subsection (b), the amount of reimbursement paid to each qualified couple and each qualified individual shall be determined proportionately, based on the total amount in the Climate Tax Refund Fund for the calendar year.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS.

(a) AUCTION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall auction 13 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall auction 13.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Climate Tax Refund Fund, for use in accordance with section 584.

On page 217, strike lines 8 through 16 and insert the following:

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with the table contained in paragraph (2).

On page 217, line 19, strike "allocate to States described in" and insert "auction under".

In the heading of the right column of the table contained on page 217, after line 21, strike "allocation among States relying heavily on manufacturing and on coal" and insert "auction".

Beginning on page 218, strike line 1 and all that follows through page 222, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 222, strike line 8 and all that follows through page 223, line 11, and insert the following:

SEC. 611. MASS TRANSIT.

(a) AUCTION OF ALLOWANCES.—In accordance with subsections (b) and (c), for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Beginning on page 224, strike line 1 and all that follows through page 228, line 25, and insert the following:

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

On page 240, strike lines 5 through 17 and insert the following:

(a) IN GENERAL.—In accordance with subsection (b), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, deposit the proceeds of the auction in the Climate Tax Refund Fund, for use in accordance with section 584.

On page 241, strike lines 6 through 21 and insert the following:

(a) AUCTION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with paragraph (2).

(2) PERCENTAGES FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 241, after line 21, strike "State leaders in reducing greenhouse gas emissions and improving energy efficiency" and insert "auction".

Beginning on page 242, strike line 1 and all that follows through page 249, line 9, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section in the Climate Tax Refund Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

SEC. 621. AUCTION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the per-

In the heading of the right column of the table contained on page 250, after line 2, insert "auction to" after "Percentage for".

Beginning on page 250, strike line 3 and all that follows through page 267, line 11, and insert the following:

SEC. 622. USE OF PROCEEDS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to this subtitle, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 267, strike line 16 and all that follows through page 268, line 19, and insert the following:

SEC. 631. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (b), for each of calendar years 2012 through 2050, the Administrator shall auction a percentage of emission allowances established for the calendar year pursuant to section 201(a) to raise funds for deposit in the Climate Tax Refund Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a)(1), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

In the heading of the right column of the table contained on page 268, after line 19, strike "for Fund".

Beginning on page 269, strike line 1 and all that follows through page 279, line 14, and insert the following:

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 283, strike line 14 and all that follows through page 292, line 16, and insert the following:

SEC. 801. AUCTIONS.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall auction 6.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall auction 3.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 292, strike line 22 and all that follows through page 302, line 22, and insert the following:

SEC. 901. AUCTIONS.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall, in accordance with paragraph (2), auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall, in accordance with paragraph (2), auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall, in accordance with paragraph (2), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 303, strike line 2 and all that follows through page 304, line 7, and insert the following:

SEC. 911. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 304, strike line 11 and all that follows through page 307, line 9, and insert the following:

SEC. 1001. AUCTIONS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 330, strike line 8 and all that follows through page 332, line 9, and insert the following:

SEC. 1101. AUCTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 332, strike line 12 and all that follows through page 338, line 5, and insert the following:

SEC. 1111. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 338, strike line 7 and all that follows through page 340, line 21, and insert the following:

SEC. 1121. AUCTIONS.

(a) AUCTIONS.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall auction 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 352, strike line 21 and all that follows through page 354, line 9, and insert the following:

SEC. 1201. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with subsections (b) and (c), for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(2) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

In the heading of the right column of the table contained on page 355, after line 2, strike "for funds".

Beginning on page 356, strike line 1 and all that follows through page 381, line 9.

Beginning on page 438, strike line 6 and all that follows through page 442, line 2, and insert the following:

SEC. 1321. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), for each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 442, strike line 7 and all that follows through page 443, line 16, and insert the following:

SEC. 1331. AUCTION.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (b), for each of calendar years 2012 through 2050, the Administrator shall auction a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this subsection, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

(b) PERCENTAGE FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 443, after line 16, strike "for Fund".

Beginning on page 444, strike line 1 and all that follows through page 456, line 23.

Beginning on page 457, strike line 1 and all that follows through page 458, line 5, and insert the following:

TITLE XIV—ADDITIONAL AUCTIONS FOR CLIMATE TAX REFUND FUND

SEC. 1401. ADDITIONAL AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with subsections (b) and (c), a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Climate Tax Refund Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each of calendar years 2012 through 2050, the quantity of emission allowances auctioned pursuant to subsection (a) shall be the quantity represented by the percentages specified in the following table:

In the heading of the right column of the table contained on page 458, after line 5, strike "Deficit Reduction" and insert "Climate Tax Refund".

On page 459, strike lines 1 through 7 and insert the following:

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 478, strike line 19 and all that follows through page 481, line 3, and insert the following:

Subtitle A—Additional Auctions for Climate Tax Refund Fund

SEC. 1701. AUCTIONS.

(a) FIRST PERIOD.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2027, the Administrator shall auction, to raise funds for deposit in the Climate Tax Refund Fund, 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that is 3 years after the calendar year during which the auction is conducted.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, to raise funds for deposit in the Climate Tax Refund Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of the calendar year; and

(ii) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

SA 4865. Mr. MENENDEZ (for himself, Ms. SNOWE, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, line 21, strike "2 percent" and insert "1.5 percent".

On page 198, between lines 16 and 17, insert the following:

(c) LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561(a) under this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) in the case of calendar year 2012, $100,000,000,000; and

(2) in the case of each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index) since calendar year 2012.

On page 443, after line 16, strike the table and insert the following:

Calendar year	Percentage for auction for Fund
2012	1.5
2013	1.5
2014	1.75
2015	1.75
2016	1.75
2017	1.75
2018	2
2019	2
2020	2
2021	2
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	6
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	7
2040	7
2041	7
2042	7
2043	7
2044	7
2045	7
2046	7
2047	7
2048	7
2049	7
2050	7.

SA 4866. Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 8 and 9, insert the following:

PART I—CLIMATE CHANGE WORKER TRAINING AND ASSISTANCE

On page 181, line 14, insert "and" at the end.

On page 181, strike lines 17 through 19 and insert "ties."

On page 183, between lines 3 and 4, insert the following:

PART II—WORKFORCE EDUCATION

SEC. 538. CLIMATE CHANGE WORKFORCE EDUCATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Climate Change Workforce Education Fund".

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days before, the beginning of each of calendar years 2012 through 2050, the Administrator shall, for the purpose of raising funds to deposit in the Climate Change Workforce Education Fund, auction a quantity of emission allowances established for that year pursuant to section 201(a) in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Climate Change Workforce Education Fund
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	2
2025	2
2026	2
2027	2
2028	3
2029	3
2030	3
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3.

(c) DEPOSITS.—Immediately upon receipt of proceeds from auctions conducted under subsection (b), the Administrator shall deposit all of the proceeds into the Climate Change Workforce Education Fund.

(d) USE OF FUNDS.—

(1) DEFINITION OF CLIMATE CHANGE EDUCATION.—In this subsection, the term "climate change education" means formal and informal learning at all levels about the relevant relationships between dynamic environmental and human systems exemplified by climate change.

(2) USE OF FUNDS.—Subject to the availability of appropriations, funds made available annually under this section shall be allocated to relevant Federal agencies to implement climate change education and related grantmaking programs, with a priority on funding programs authorized by Congress at the maximum authorization.

Strike the table on page 458, following line 5, and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	4.75
2013	4.75
2014	4.75
2015	5.50
2016	5.75
2017	5.75
2018	5.25
2019	5
2020	6
2021	7.5
2022	6.75
2023	7.75
2024	8.75
2025	8.75
2026	10.75
2027	10.75
2028	9.75
2029	10.75
2030	10.75
2031	15.75
2032	13.75
2033	13.75
2034	12.75
2035	12.75
2036	12.75
2037	12.75
2038	12.75
2039	13.75
2040	13.75
2041	13.75
2042	13.75
2043	13.75
2044	13.75
2045	13.75
2046	13.75
2047	13.75
2048	13.75
2049	13.75
2050	13.75.

SA 4867. Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Ms. CANTWELL, Mr. CARPER, Mr. NELSON of Florida, Mr. ROCKEFELLER, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —CLIMATE CHANGE RESEARCH

SEC. —000. TABLE OF CONTENTS

The table of contents for this division is as follows:

Sec. —000. Table of contents.

TITLE I—GLOBAL CHANGE RESEARCH IMPROVEMENT

SUBTITLE A—GLOBAL CHANGE RESEARCH

Sec. —111. Amendment of Global Change Research Act of 1990.
Sec. —112. Changes to findings and purpose.
Sec. —113. Changes in definitions.
Sec. —114. Change in committee name and structure.
Sec. —115. Change in National Global Change Research Plan.
Sec. —116. Integrated Program Office.
Sec. —117. Budget coordination.
Sec. —118. Research grants.
Sec. —119. Evaluation of information.
Sec. —120. Repeal of obsolete provision.
Sec. —121. Scientific communications.
Sec. —122. Aging workforce issues program.
Sec. —123. Authorization of appropriations.

SUBTITLE B—NATIONAL CLIMATE SERVICE

Sec. —131. Amendment of National Climate Program Act.
Sec. —132. Short title; table of contents.
Sec. —133. Purpose.
Sec. —134. Definitions.
Sec. —135. National Climate Service.
Sec. —136. Reauthorization.

SUBTITLE C—TECHNOLOGY ASSESSMENT

Sec. —141. National Science and Technology Assessment Service.

SUBTITLE D—CLIMATE CHANGE TECHNOLOGY

Sec. —151. NIST greenhouse gas functions.
Sec. —152. Development of new measurement technologies.
Sec. —153. Enhanced environmental measurements and standards.
Sec. —154. Technology development and diffusion.
Sec. —155. Authorization of appropriations.

SUBTITLE E—ABRUPT CLIMATE CHANGE

Sec. —161. Abrupt climate change research program.
Sec. —162. Purposes of program.
Sec. —163. Abrupt climate change defined.
Sec. —164. Authorization of appropriations.

TITLE II—CLIMATE CHANGE ADAPTATION

Sec. —201 Short title.
Sec. —202. Amendment of National Climate Program Act.
Sec. —203. Definitions.
Sec. —204. National climate program elements.
Sec. —205. National climate strategy.
Sec. —206. Coastal and ocean adaptation grants.
Sec. —207. Authorization of appropriations.

TITLE III—OCEAN ACIDIFICATION

Sec. —301. Short title; table of contents.
Sec. —302. Purposes.
Sec. —303. Interagency committee on ocean acidification.
Sec. —304. Strategic research and implementation plan.
Sec. —305. NOAA ocean acidification program.
Sec. —306. Definitions.
Sec. —307. Authorization of appropriations.

TITLE I—GLOBAL CHANGE RESEARCH IMPROVEMENT

SEC. —101. SHORT TITLE.

This title may be cited as the "Global Change Research Improvement Act of 2008".

SUBTITLE A—GLOBAL CHANGE RESEARCH

SEC. —111. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. —112. CHANGES TO FINDINGS AND PURPOSE.

Section 101 (15 U.S.C. 2931) is amended to read as follows:

"SEC. 101. PURPOSE.

"The purpose of this title is to provide for the continuation and coordination of a comprehensive and integrated United States observation, research, assessment, and outreach program which will assist the Nation and the world to better understand, assess, predict, mitigate, and adapt to the effects of human-induced and natural processes of global change.".

SEC. —113. CHANGES IN DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 2921) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) CLIMATE CHANGE.—The term 'climate change' means any change in climate over time, whether due to natural variability or as a result of human activity.";

(3) by striking "Earth and Environmental Sciences" in paragraph (2), as redesignated and inserting "Global Change Research";

(4) by striking "Federal Coordinating Council on Science, Engineering, and Technology;" in paragraph (3), as redesignated, and inserting "National Science and Technology Council established by Executive Order 12881, November 23, 1993.";

(5) by striking paragraph (4), as redesignated, and inserting the following:

"(4) GLOBAL CHANGE.—The term 'global change' means human-induced or natural changes in the global environment (including climate change and other phenomena affecting land productivity, oceans and coastal areas, freshwater resources, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of Earth to sustain life."; and

(6) by striking "National Global Change Research Plan" in paragraph (5) and inserting "National Global Change Research and Assessment Plan".

(b) STYLISTIC CONFORMITY.—Section 2 (15 U.S.C. 2921) is further amended—

(1) by striking "As used in this Act, the term—" and inserting "In this Act:";

(2) by inserting after the designation of paragraphs (2), (3), (5), (6), and (7), as redesignated—

(A) a heading, in a form consistent with the form of the heading of this subsection, consisting of the term defined by such paragraph; and

(B) "The term"; and

(3) by striking the semicolon at the end of paragraphs (2), (3), and (5), as redesignated, and inserting a period; and

(4) by striking "thereof; and" in paragraph (6), as redesignated, and inserting "thereof.".

SEC. —114. CHANGE IN COMMITTEE NAME AND STRUCTURE.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking "EARTH AND ENVIRONMENTAL SCIENCES." in the section heading and inserting "GLOBAL CHANGE RESEARCH.";

(2) by striking "Earth and Environmental Sciences." in subsection (a) and inserting "Global Change Research.";

(3) by striking "under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651)" in subsection (a);

(4) by redesignating paragraphs (14) and (15) of subsection (b) as paragraphs (15) and (16), respectively, and inserting after paragraph (13) the following:

"(14) the National Institute of Standards and Technology of the Department of Commerce;";

(5) by striking the last sentence of subsection (b) and inserting "The representatives shall be the Deputy Secretary or the Deputy Secretary's designee (or, in the case of an agency other than a department, the deputy head of that agency or the deputy's designee).";

(6) by striking subsection (d) and inserting the following:

"(d) SUBCOMMITTEES AND WORKING GROUPS.—The Committee may establish such additional subcommittees and working groups to carry out its work as it sees fit."; and

(7) by striking "and" after the semicolon in subsection (e)(6); and

(8) by redesignating paragraph (7) of subsection (e) as paragraph (8) and inserting after paragraph (6) the following:

"(7) work with appropriate Federal, State, regional, and local authorities to ensure that the Program is designed to produce information needed to develop policies to reduce the impacts of global change; and".

SEC. —115. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 104. NATIONAL GLOBAL CHANGE RESEARCH AND ASSESSMENT PLAN.";

(2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively, and inserting before subsection (b), as redesignated, the following:

"(a) STRATEGIC PLAN; REVISED IMPLEMENTATION PLAN.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2009 and submit the plan to the Congress within 1 year after the date of enactment of the Global Change Research Improvement Act of 2008. The strategic plan shall include a detailed plan for research, assessment, information management, public participation, outreach, and budget and shall be updated at least once every 5 years.";

(3) by inserting "and Assessment" after "Research" in subsection (b), as redesignated;

(4) by striking "research." in subsection (b), as redesignated, and inserting "research and assessment.";

(5) by striking "this title," in subsection (b), as redesignated, and inserting "the Global Change Research Improvement Act of 2008,";

(6) by inserting "short-term and long-term" before "goals" in paragraph (1) of subsection (c), as redesignated;

(7) by striking "usable information on which to base policy decisions related to" in paragraph (1) of subsection (c), as redesignated, and inserting "information relevant and readily usable by local, State, and Federal decisionmakers, as well as other end-users, for the formulation of effective decisions and strategies for measuring, predicting, mitigating, and adapting to";

(8) by inserting "development of regional scenarios, assessment of model predictability, assessment of climate change impacts," after "predictive modeling," in paragraph (2) of subsection (c), as redesignated;

(9) by striking "priorities;" in paragraph (2) of subsection (c), as redesignated, and inserting "priorities and propose measures to address gaps and growing needs for these activities;"

(10) by striking paragraphs (6) and (7) of subsection (c), as redesignated, and inserting the following:

"(6) make recommendations for the coordination of the global change research and assessment activities of the United States with such activities of other Nations and international organizations, including—

"(A) a description of the extent and nature of international cooperative activities;

"(B) bilateral and multilateral efforts to provide worldwide access to scientific data and information, and proposals to improve such access and build capacity for its use; and

"(C) improving participation by developing Nations in international global change research and environmental data collection;

"(7) detail budget requirements for Federal global change research and assessment activities to be conducted under the Plan;

"(8) include a process for identifying information needed by appropriate Federal, State, regional, and local decisionmakers to develop policies to plan for and address projected impacts of global change;

"(9) identify and sustain the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observation systems that may be needed to ensure adequate data collection and monitoring of global change;

"(10) identify existing capabilities and gaps in national, regional, and local climate prediction and scenario-based modeling capabilities for forecasting and projecting climate impacts at local and regional levels, and propose measures to address such gaps;

"(11) describe specific activities designed to facilitate outreach and data and information exchange with regional, State, and local governments and other user communities;

"(12) identify and describe ecosystems and geographic regions of the United States that are likely to experience similar impacts of global change or are likely to share similar vulnerabilities to global change; and

"(13) include such additional matter as the Committee deems appropriate.";

(11) by striking paragraphs (1) and (2) of subsection (d), as redesignated, and inserting the following:

"(1) Global and regional research and measurements to understand the nature of and interaction among physical, chemical, biological, land use, and social processes responsible for changes in the Earth system on all relevant spatial and time scales.

"(2) Development of indicators, baseline databases, and ongoing monitoring to document global change, including changes in species distribution and behavior, changes in oceanic and atmospheric chemistry, extent of ice sheets, glaciers, and snow cover, shifts in water distribution and abundance, and changes in sea level.";

(12) by adding at the end of subsection (d), as redesignated, the following:

"(6) Address emerging priorities for climate change science, such as ice sheet melt and movement, the relationship between climate change and hurricane and typhoon development, including intensity, track, and frequency, decreasing water levels in the Great Lakes, and droughts in the western and southeastern United States.

"(7) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities and the private sector.";

(13) by striking "and" in paragraph (2) of subsection (e), as redesignated;

(14) by striking paragraph (3) of subsection (e), as redesignated, and inserting the following:

"(3) combine and interpret data from various sources to produce information readily usable by local, State, and Federal policymakers, and other end-users, attempting to formulate effective decisions and strategies for mitigating and adapting to the effects of global change; and";

(15) by adding at the end of subsection (e), as redesignated, the following:

"(4) establish a common assessment and modeling framework that may be used in both research and operations to project, predict, and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes."; and

(16) by striking subsection (f), as redesignated, and inserting the following:

"(f) NATIONAL RESEARCH COUNCIL EVALUATION.—

"(1) REVIEW OF STRATEGIC PLAN.—The Chairman of the Council shall enter into an agreement with the National Research Council under which the National Research Council shall—

"(A) evaluate the scientific content of the Plan;

"(B) provide information and advice obtained from United States and international sources, and recommended priorities for future global and regional climate research and assessment; and

"(C) address such other studies on emerging priorities as the Chairman determines to be warranted.

"(2) ADDITIONAL NATIONAL RESEARCH COUNCIL STUDIES.—The Chairman shall execute an agreement with the National Research Council—

"(A) to examine existing research, potential risks (including adverse impacts to the marine environment), and the effectiveness of ocean iron fertilization or other coastal and ocean carbon sequestration technologies; and

"(B) to identify domestic and international regulatory mechanisms and regulatory gaps for controlling the deployment of such technologies and provide recommendations for addressing such regulatory gaps.".

SEC. —116. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) by inserting before subsection (b), as redesignated, the following:

"(a) GLOBAL CHANGE RESEARCH COORDINATION OFFICE.—

"(1) IN GENERAL.—The President shall establish a Global Change Research Coordination Office. The Office shall have a director, who shall be a senior scientist or other qualified professional with research expertise in climate change science, as well as experience in policymaking, planning, or resource management, and a fulltime staff. The Office shall—

"(A) manage, in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

"(B) ensure that the activities and programs of each Federal agency or department participating in the Program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

"(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the strategic and implementation plans for the Program;

"(D) review, solicit, identify, and arrange funding for partnership projects that address critical research objectives or operational goals of the Program, including projects that would fill research gaps identified by the Program, and for which project resources are shared among at least 2 agencies participating in the Program;

"(E) review and provide recommendations, in conjunction with the Committee, on all annual appropriations requests from Federal agencies or departments participating in the Program;

"(F) provide technical and administrative support to the Committee;

"(G) serve as a point of contact on Federal climate change activities for government organizations, academia, industry, professional societies, State climate change programs, interested citizen groups, and others to exchange technical and programmatic information; and

"(H) conduct public outreach, including dissemination of findings and recommendations of the Committee, as appropriate.

"(2) FUNDING.—The Office may be funded through interagency funding in accordance with section 631 of the Treasury and General Government Appropriations Act, 2003 (Pub. L. 108–7; 117 Stat. 471).

"(3) REPORT.—Within 90 days after the date of enactment of the Global Change Research Improvement Act of 2008, the Director of the Office of Science and Technology Policy shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology on the funding of the Office. The report shall include—

"(A) the amount of funding required to adequately fund the Office; and

"(B) the adequacy of existing mechanisms to fund the Office."; and

(3) by striking "Committee." in paragraph (2) of subsection (c), as redesignated, and inserting "Committee and the Global Change Research Coordination Office.".

SEC. —117. BUDGET COORDINATION.

Section 105 (15 U.S.C. 2935), as amended by section —116 of this division, is further amended by striking subsection (d), as redesignated, and inserting the following:

"(d) CONSIDERATION IN PRESIDENT'S BUDGET.—

"(1) IN GENERAL.—Before each annual budget submitted to the Congress under section 1105 of title 31, United States Code, the President shall, in a timely fashion, provide an opportunity to the Committee and the Global Change Research Coordination Office to review and comment on the budget estimate of each agency and department involved in global change research in the context of the Plan. The Committee and the Global Change Research Coordination Office shall transmit a report containing the results of their reviews to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology no later than the date on which the President submits the annual budget to the Congress under section 1105 of title 31, United States Code.

"(2) PROGRAM ITEMS.—The President shall submit, at the time of the annual budget request to Congress, an integrated budget plan that would consolidate and highlight Program priorities and include a description of those items in each agency's annual budget which are elements of the Program.".

SEC. —118. RESEARCH GRANTS.

Section 105 (15 U.S.C. 2935), as amended by sections —116 and —117 of this division, is further amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) RESEARCH GRANTS.—

"(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being adequately addressed by Federal agencies. In the list, the Committee shall identify the appropriate agency to lead the such areas of research funded under paragraph (3)(A).

"(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

"(3) FUNDING THROUGH NSF.—

"(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

"(B) AUTHORIZATION.—For fiscal year 2009 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $30,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.".

SEC. —119. EVALUATION OF INFORMATION.

Section 106 (15 U.S.C. 2936) is amended—

(1) by striking "**SCIENTIFIC**" in the section heading;

(2) by striking "On a periodic basis (not less frequently than every 4 years), the Council, through the Committee, shall prepare and submit to the President and the Congress an assessment" and inserting "On a periodic basis (not less frequently than every 4 years), the President shall submit to Congress a single, integrated, comprehensive assessment";

(3) by striking "and" after the semicolon in paragraph (2); and

(4) by striking "years." in paragraph (3) and inserting "years; and"; and

(5) by adding at the end the following:

"(4) evaluates the information being developed under this title, considering in particular its usefulness to local, State, and national decision makers, as well as to other stakeholders such as the private sector, after providing a meaningful opportunity for the consideration of the views of such stakeholders on the effectiveness of the Program and the usefulness of the information.".

SEC. —120. REPEAL OF OBSOLETE PROVISION.

Section 108(c) (15 U.S.C. 2938(c)) is amended by striking "stratospheric ozone depletion or".

SEC. —121. SCIENTIFIC COMMUNICATIONS.

The President shall establish guidelines and implement a plan that requires the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the Environmental Protection Agency, the National Science Foundation, and other Federal agencies with scientific research programs to adopt policies that ensure the integrity of scientific communications. Such policies shall include provisions regarding the approval of final text and communications, and enable scientists to disseminate research results and freely communicate with the Congress, the media, and colleagues in a timely fashion.

SEC. —122. AGING WORKFORCE ISSUES PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration shall implement a program to address aging work force issues in climate science, global change, and other focuses of NOAA research that—

(1) documents technical and management experiences before senior employees leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. —123. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purpose of carrying out this title such sums as may be necessary for fiscal years 2009 through 2013. Of the amounts appropriated for that fiscal year period—

(1) $4,000,000 shall be made available to the Global Change Research Coordination Office through the Office of Science and Technology Policy for each of such fiscal years; and

(2) such sums as may be necessary shall be made available to—

(A) the National Oceanic and Atmospheric Administration for each of such fiscal years;

(B) the National Science Foundation for each of such fiscal years;

(C) the National Aeronautics and Space Administration for each of such fiscal years; and

(D) other Federal agencies participating in the Program, to the extent funds remain available after the application of paragraph (1) and subparagraphs (A), (B), and (C) of this paragraph, for each of such fiscal years.

SUBTITLE B—NATIONAL CLIMATE SERVICE

SEC. —131. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. —132. SHORT TITLE; TABLE OF CONTENTS.

Section 1 of the Act (15 U.S.C. 2901 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'National Climate Service Act of 2008'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.
"Sec. 3. Definitions.
"Sec. 4. National Climate Program.
"Sec. 5. National Climate Service.
"Sec. 6. Contract and grant authority.
"Sec. 7. Annual report.
"Sec. 8. National strategic plan for climate change adaptation.
"Sec. 9. Ocean and coastal vulnerability and adaptation.
"Sec. 10. Authorization of appropriations.

SEC. —133. PURPOSE.

Section 3 (15 U.S.C. 2902) is amended by striking "man-induced climate processes and their implications." and inserting "human-induced climate processes and their implications and to establish a National Climate Service that will advance the national interest and associated international concerns in understanding, forecasting, responding, adapting to, and mitigating the impacts of natural and human-induced climate change and climate variability.".

SEC. —134. DEFINITIONS.

Section 4 (15 U.S.C. 2903), as amended by section —103 of this division, is amended to read as follows:

"SEC. 4. DEFINITIONS.

"In this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

"(2) ADVISORY COUNCIL.—The term 'Advisory Council' refers to the Climate Services Advisory Council.

"(3) CLIMATE CHANGE.—The term 'climate change' means any change in climate over time, whether due to natural variability or as a result of human activity.

"(4) COASTAL STATE.—The term 'coastal state' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

"(5) DIRECTOR.—The term 'Director' means the Director of the National Oceanic and Atmospheric Administration's National Climate Service.

"(6) GLOBAL CHANGE RESEARCH PROGRAM.—The term 'Global Change Research Program' means the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

"(7) PROGRAM.—The term 'Program' means the National Climate Program.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

"(9) SERVICE.—The term 'Service' means the National Oceanic and Atmospheric Administration's National Climate Service.".

SEC. —135. NATIONAL CLIMATE SERVICE.

The Act is amended by striking sections 7 and 8 (15 U.S.C. 2906 and 2907, respectively) and inserting after section 5 the following:

"SEC. 6. NATIONAL CLIMATE SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the National Oceanic and Atmospheric Administration a National Climate Service not later than a year after the date of the enactment of the Global Change Research Improvement Act of 2008. The Service shall include a national center and a network of regional and local facilities for operational climate monitoring and prediction.

"(2) DUTIES.—The Service shall produce and deliver authoritative, timely and usable information about climate change, climate variability, trends, and impacts on local, State, regional, national, and global scales.

"(3) SPECIFIC SERVICES.—The Service, at a minimum, shall— ,

"(A) provide comprehensive and authoritative information about the state of the climate and its effects, through observations, monitoring, data, information, and products that accurately reflect climate trends and conditions;

"(B) provide predictions and projections on the future state of the climate in support of adaptation, preparedness, attribution, and mitigation;

"(C) utilize appropriate research from the United States Global Change Research Program activities and conduct focused research, as needed, to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy, planning, and decision making;

"(D) utilize assessments from the Global Change Research Program activities and conduct focused assessments as needed to enhance understanding of the impacts of climate change and climate variability;

"(E) assess and strengthen delivery mechanisms for providing climate information to end users;

"(F) communicate climate data, conditions, predictions, projections, indicators, and risks on an ongoing basis to decisionmakers and policymakers, the private sector, and to the public;

"(G) coordinate and collaborate on climate change, climate variability, and impacts activities with municipal, state, regional, national and international agencies and organizations, as appropriate;

"(H) support the Department of State and international agencies and organizations, as well as domestic agencies and organizations, involved in assessing and responding to climate change and climate variability;

"(I) establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, ocean and coastal observing systems, and modeling capabilities to monitor, measure, and verify greenhouse gas levels, dates, and emissions throughout the global oceans and atmosphere; and

"(J) issue an annual report that identifies greenhouse emission and trends on a local, regional, and national level and identifies emissions or reductions attributable to individual or multiple sources covered by the program established under subparagraph (I).

"(b) ACTION PLAN.—Within 1 year after the date of enactment of the Global Change Research Improvement Act of 2008, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology a plan of action for the National Climate Service. The plan, at a minimum, shall—

"(1) provide for the interpretation and communication of climate data, conditions, predictions, projections, and risks on an ongoing basis to decision and policy makers at the local, regional, and national levels;

"(2) design, deploy, and operate an adequate national climate observing system that closes gaps in existing coverage;

"(3) support infrastructure and ability to archive and quality ensure climate data, and make federally-funded model simulations and other relevant climate information available from the Global Change Research Program activities and other sources (and related data from paleoclimate studies).

"(4) include a program for long-term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and model simulations;

"(5) establish—

"(A) a national coordinated computing strategy, including establishing a new, or supplementing support for existing, national climate computing capability to provide dedicated computing capacity for modeling and forecasting, scenarios, and planning resources, and a regular schedule of projections on long- and short-term time horizons over a range of scales, including regional scales; and

"(B) a mechanism to allow access to such capacity by the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and National Science Foundation sponsored researchers;

"(6) improve integrated modeling, assessment, and predictive capabilities needed to document and predict climate changes and impacts, and to guide national, regional, and local planning and decision making;

"(7) provide a system of regular consultation and coordination with Federal agencies, States, Indian tribes, non-governmental organizations, the private sector and the academic community to ensure—

"(A) that the information requirements of these groups are well incorporated; and

"(B) timely and full sharing, dissemination and use of climate information and services in risk preparedness, planning, decision making, and early warning and natural resources management, both domestically and internationally;

"(8) develop standards, evaluation criteria and performance objectives to ensure that the Service meets the evolving information needs of the public, policy makers and decision makers in the face of a changing climate;

"(9) develop funding estimates to implement the plan; and

"(10) support competitive research programs that will improve elements of the Service described in this Act through the Climate Program Office within the Service headquarter function.

"(c) COORDINATION WITH THE USGCRP.—The Service shall utilize appropriate research from Global Change Research Program activities to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy and decisions. The Service shall provide appropriate information about the current and future state of the climate and its impacts that are useful for research purposes to relevant Global Change Research Program activities. The Director of the Service will serve as a liaison to the Global Change Research Program and a member of the Global Change Research Program should serve on the Advisory Council.

"(d) DIRECTOR.—The Administrator shall appoint a director of the Service, who shall oversee all processes associated with managing the organization and executing the functions and actions described in this Act. The Director will serve as a liaison to the Global Change Research Program to ensure the transition of research into services and to provide services to meet the needs of research.

"(e) NATIONAL CLIMATE SERVICE ADVISORY COUNCIL.—The Administrator shall, in consultation with the chairmen and ranking minority party members of the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology, and the National Academy of Sciences, appoint the membership of a National Climate Service Advisory Council composed of 15 members, with members serving 4-year terms and include a diverse membership from appropriate Federal, State and local government, universities, non-government and private sectors who use climate information and cover a range of sectors, such as water, drought, fisheries, coasts, agriculture, health, natural resources, transportation, and insurance. The Council shall advise the Director of the Service of key priorities in climate-related issues that require the attention of the Service. The Council shall be responsible for ensuring coordination across regional and national concerns and the assessment of evolving information needs.

"SEC. 7. CONTRACT AND GRANT AUTHORITY.

"Functions vested in any Federal officer or agency by this Act or under the Program may be exercised through the facilities and personnel of the agency involved or, to the extent provided or approved in advance in appropriation Acts, by other persons or entities under contracts or grant arrangements entered into by such officer or agency.

"SEC. 8. ANNUAL REPORT.

"The Secretary shall prepare and submit to the President and the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology, as part of the annual report to meet the requirements of section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(8)), a report on the activities conducted pursuant to this Act during the preceding fiscal year, including—

"(1) a summary of the achievements of the National Climate Service during the previous fiscal year; and

"(2) an analysis of the progress made toward achieving the goals and objectives of the Service.".

SEC. —136. REAUTHORIZATION.

Subsection (a) of section 11 (15 U.S.C. 2908), as redesignated and amended by section —105 and —107 of this division, respectively, is amended to read as follows:

"(a) NATIONAL CLIMATE SERVICE.—There are authorized to be appropriated to the Secretary to carry out sections 6, 7, and 8 of this Act—

"(1) $300,000,000 for fiscal year 2009;
"(2) $350,000,000 for fiscal year 2010;
"(3) $400,000,000 for fiscal year 2011;
"(4) $450,000,000 for fiscal year 2012; and
"(5) $500,000,000 for fiscal year 2013.".

SUBTITLE C—TECHNOLOGY ASSESSMENT

SEC. —141. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

"SEC. 701. ESTABLISHMENT.

"There is hereby created a Science and Technology Assessment Service which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

"The Service shall consist of a Science and Technology Board which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

"The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

"Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

"(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

"(2) the Board; or

"(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

"The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

"SEC. 706. AUTHORITY.

"The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

"(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

"(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

"SEC. 707 BOARD.

"The Board shall consist of 13 members as follows—

"(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

"(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

"(3) the Director, who shall not be a voting member.

"SEC. 708. REPORT TO CONGRESS.

"The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

"SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.".

SUBTITLE D—CLIMATE CHANGE TECHNOLOGY

SEC. —151. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and".

SEC. —152. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from sequestration, agriculture, forestry, and other land use practices;

(2) noncarbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. —153. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases.

"(b) RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to develop and provide standards, measurements, and innovative technologies for reducing greenhouse gas emissions in existing industries;

"(C) to develop and provide standards, measurements, measurement tools, and calibrations that will enhance and promote remote sensing technologies;

"(D) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(E) to develop and provide standards, measurements, measurement tools, calibrations, data, models, and other innovative technologies to support the validation and accreditation of a greenhouse gas trading industry;

"(F) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases, including the development of measurement tools and standards to validate and accredit a carbon offset industry; and

"(G) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases.

"(c) NATIONAL MEASUREMENT LABORATORIES.—

"(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

"(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.”.

SEC. —154. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 380,000 small business manufacturers.

SEC. —155. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this title and section 17 of the National Institute of Standards and Technology Act, as added by section —153 of this title, $15,000,000 for each of fiscal years 2009 through 2013.

SUBTITLE E—ABRUPT CLIMATE CHANGE

SEC. —161. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

SEC. —162. PURPOSES OF PROGRAM.

The purposes of the program are—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate such mechanisms into advanced geophysical models of climate change; and

(4) to test the output of such models against an improved global array of records of past abrupt climate changes.

SEC. —163. ABRUPT CLIMATE CHANGE DEFINED.

In this title, the term “abrupt climate change” means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

SEC. —164. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2013, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required by section —161 of this title.

TITLE II—CLIMATE CHANGE ADAPTATION

SEC. —201. SHORT TITLE.

This title may be cited as the “Climate Change Adaptation Act”.

SEC. —202. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. —203. DEFINITIONS.

Section 4 (15 U.S.C. 2903) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) COASTAL STATE.—The term ‘coastal state’ has the meaning given that term by section 304((4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).”.

SEC. —204. NATIONAL CLIMATE PROGRAM ELEMENTS.

Section 5 (15 U.S.C. 2904) is amended to read as follows:

“SEC. 5. NATIONAL CLIMATE PROGRAM.

“(a) ESTABLISHMENT.—There is hereby established a National Climate Program.

“(b) PROGRAM ELEMENTS.—

“(1) IN GENERAL.—The Program shall include—

“(1) a strategic planning process to address the impacts of climate change within the United States; and

“(2) a National Climate Service to be established within the National Oceanic and Atmospheric Administration.

“(c) DUTIES.—The President shall—

“(1) develop the 5-year plans described in section 9;

“(2) define the roles in the Program of Federal officers, departments, and agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, State, and Transportation, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Council on Environmental Quality, the National Science Foundation, and the Office of Science and Technology Policy; and

“(3) provide for Program coordination.”.

SEC. —205. NATIONAL CLIMATE STRATEGY.

The Act is amended—

(1) by redesignating section 9 as section 11; and

(2) by inserting after section 8 the following:

“SEC. 9. NATIONAL STRATEGIC PLAN FOR CLIMATE CHANGE ADAPTATION.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall provide to the Congress a 5-year national strategic plan to address the impacts of climate change within the United States. The President shall provide a mechanism for consulting with States and local governments, the private sector, universities, and other nongovernmental entities in developing the plan. The plan shall be updated at least every 5 years.

“(b) CONTENTS OF PLAN.—The plan shall, at a minimum—

“(1) identify existing Federal requirements, protocols, and capabilities for addressing climate change impacts on federally managed resources and with respect to Federal actions and policies;

“(2) identify measures to improve such capabilities and the utilization of such capabilities;

“(3) include guidance for integrating the consideration of the impacts of climate change on Federally-managed resources, and in Federal actions and policies, consistent with existing authorities;

“(4) address vulnerabilities and priorities identified through the assessments carried out under the Global Change Research Act of 1990 and this Act;

“(5) establish a mechanism for the exchange of information related to addressing the impacts of climate change with, and provide technical assistance to, State and local governments and nongovernmental entities;

“(6) recommend specific partnerships with State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

“(7) include implementation and funding strategies for short-term and long-term actions that may be taken at the national, regional, State, and local level, taking into account existing planning and other requirements;

“(8) establish a process to develop more detailed agency and department-specific plans;

“(9) identify opportunities to utilize observations from both ground-based and remote sensing platforms and other geospatial technologies to improve planning for adaptation to climate change impacts;

“(10) identify existing legal authorities and additional authorities necessary to implement the plan;

“(11) identify existing high resolution elevation data and bathymetric data and develop a prioritized plan for filling existing gaps; and

“(12) include appropriate steps for partnerships with international organizations and foreign governments on international activities to address climate change impacts, including the sharing of technical assistance and capacity-building expertise..

“(c) INTERIM ACTIVITIES.—Nothing in this section shall be construed to prevent any Federal agency or department from taking climate change impacts into account, consistent with its existing authorities, before the requirements of this section are implemented. Federal agencies are encouraged to take climate change into account under all existing relevant authorities to the maximum extent practicable and consistent with those authorities.

“(d) COORDINATION.—The President shall ensure that the mechanism to provide information related to addressing the impacts of climate change to State and local governments and nongovernmental entities is appropriately coordinated or integrated with existing programs that provide similar information on climate change predictions.

“(e) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section supersedes any Federal authority in effect on the date of enactment of the Climate Change Adaptation Act or creates any new legal right of action.

“SEC. 10. OCEAN AND COASTAL VULNERABILITY AND ADAPTATION.

“(a) COASTAL AND OCEAN VULNERABILITY.—

“(1) IN GENERAL.—Within 2 years after the date of enactment of the Climate Change Adaptation Act, the Secretary shall, in consultation with the appropriate Federal, State, and local governmental entities, coordinate and support regional assessments of the vulnerability of coastal and ocean areas and resources, including living marine resources, to hazards associated with climate change, and ocean acidification including—

“(A) variations in sea level including long-term sea level rise;

“(B) fluctuation of Great Lakes water levels;

“(C) increases in severe weather events;

“(D) natural hazards and events including storm surge, precipitation, flooding, inundation, drought, and fires;

“(E) changes in sea ice;

“(F) changes in ocean currents impacting global heat transfer;

“(G) increased siltation due to coastal erosion;

“(H) shifts in the hydrological cycle; and

“(I) alteration of ecological communities, including at the ecosystem or watershed levels.

“(2) FACTORS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

"(A) observed and projected physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, coral reef bleaching, impacts on food web distribution, impacts on marine habitat and ecosystem productivity, species migration, species abundance and distribution, and changes in marine pathogens and diseases;

"(B) social and cultural impacts associated with threats to and potential losses of housing, communities, recreational opportunities, aesthetic values, and infrastructure; and

"(C) economic impacts on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

"(3) Updates.—The Secretary shall update such assessments at least once every 5 years.

"(b) Coastal and Ocean Adaptation Plan.—The Secretary shall, within 3 years after the date of enactment of the Climate Change Adaptation Act, submit to the Congress an agency-specific plan under section 9(b). The plan shall include a national coastal and ocean adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal and ocean impacts associated with climate change, ocean acidification, and sea level rise. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels and shall take into account the results of the regional assessments to be conducted under subsection (a), the work of the Global Change Research Program, and recommendations of the National Science Board in its January 12, 2007, report entitled *Hurricane Warning: The Critical Need for a National Hurricane Research Initiative* and other relevant studies, and not duplicate existing Federal and State hazard planning requirements. The Plan shall include both short- and long-term adaptation strategies and shall include, at a minimum, recommendations regarding—

"(1) Federal flood insurance program modifications;

"(2) areas that have been identified as high risk through mapping and assessment;

"(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, infrastructure planning, and zoning;

"(4) land and property owner education;

"(5) economic planning for small communities dependent upon affected coastal and ocean resources, including fisheries;

"(6) coastal hazards protocols to reduce the risk of damage to lives and property, and reduce threats to public health and a process for evaluating the implementation of such protocols;

"(7) strategies to address impacts on critical biological and ecological processes, giving a priority to the most vulnerable natural resources and communities;

"(8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration and other Federal agencies, as appropriate;

"(9) a plan for additional observations, research, modeling, assessment and information products, environmental data stewardship, and development of technologies and capabilities to address such impacts;

"(10) a plan for data archive and access, and processes for sharing data and information for addressing such impacts;

"(11) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts;

"(12) partnerships with States and non-governmental organizations;

"(13) methods to mitigate the impacts identified, including habitat protection and restoration measures; and

"(14) funding requirements and mechanisms.

"(c) Technical Planning Assistance.—The Secretary, through the National Oceanic and Atmospheric Administration and in coordination with other Federal agencies with existing authorities concerning hazard mitigation planning, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional coastal and ocean assessments and the coastal and ocean adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.".

SEC. —206. COASTAL AND OCEAN ADAPTATION GRANTS.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by added at the end the following:

"SEC. 320. CLIMATE CHANGE ADAPTATION PLANS.

"(a) Grants.—The Secretary shall provide grants of financial assistance to coastal states with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

"(b) Allocation of Funds.—The Secretary shall distribute grant funds under subsection (a) among coastal States in accordance with the formula established under section 306(c) of this Act, adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

"(c) Plan Content.—In order to receive financial assistance under this section, a plan must be approved by the Secretary, and be consistent with and further the goals of the coastal and ocean adaptation plan to be developed pursuant to section 10 of the National Climate Program Act, and be consistent with such State's coastal management program.

"(d) State Hazard Mitigitation Plans.—Plans developed by States pursuant to this section shall be consistent with State hazard mitigation plans developed under State or Federal law.".

SEC. —207. AUTHORIZATION OF APPROPRIATIONS.

Section 11 (15 U.S.C. 2908), as redesignated by section —105 of this division, is amended—

(1) by inserting "(a) National Climate Service.—" before "There are authorized"; and

(2) by adding at the end thereof the following:

"(b) National Strategy.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated for each of fiscal years 2009 through 2013 $25,000,000 to carry out section 9.

"(c) Coastal and Ocean Assessments.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated to the Secretary $75,000,000 for each of fiscal years 2009 through 2013 to carry out section 10(a).

"(d) Coastal and Ocean Adaptation Plan.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated for each of fiscal years 2009 through 2013 $150,000,000, of which 75 percent shall be for State plans.".

TITLE III—OCEAN ACIDIFICATION

SEC —301. SHORT TITLE.

This title may be cited as the "Federal Ocean Acidification Research And Monitoring Act of 2008" or the "FOARAM Act".

SEC. —302. PURPOSES.

The purposes of this title are to provide for—

(1) development and coordination of a comprehensive interagency plan to monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration;

(2) assessment and consideration of regional and national ecosystem and socio-economic impacts of increased ocean acidification, and integration into marine resource decisions; and

(3) research on adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. —303. INTERAGENCY COMMITTEE ON OCEAN ACIDIFICATION.

(a) Establishment.—

(1) In general.—The President shall establish or designate an interagency committee on ocean acidification.

(2) Membership.—The committee shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as the President considers appropriate.

(3) Chairman.—The committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full committee to address issues that may require more specialized expertise than is provided by existing subcommittees.

(b) Purpose.—The committee shall oversee the planning, establishment, and coordinated implementation of a plan designed to improve the understanding of the role of increased ocean acidification on marine ecosystems.

(c) Reports to Congress.—

(1) Strategic research and implementation plan.—The committee shall submit the strategic research and implementation plan established under section —304 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources.

(2) Triennial report.—Not later than 2 years after the date of the enactment of this Act and every 3 years thereafter, the committee shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the committee under section —304 and recommendations for future activities, including policy recommendations developed as part of this research.

SEC. —304. STRATEGIC RESEARCH AND IMPLEMENTATION PLAN.

(a) IN GENERAL.—Within 18 months after the date of enactment of this Act, the committee shall develop a strategic research and implementation plan for coordinated Federal activities. In developing the plan, the committee shall consider reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research and Resources Advisory Panel, the Joint Subcommittee on Ocean, Science, and Technology of the National Science and Technology Council, the Joint Ocean Commission Initiative, and other expert scientific bodies and coordinate with other relevant Federal interagency committees.

(b) SCOPE.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification that will affect marine ecosystems and to assess the potential and realized socio-economic impact of ocean acidification, including—

(A) effects of atmospheric carbon dioxide on ocean chemistry;

(B) biological impacts of ocean acidification, including research on—

(i) species, including commercially and recreationally important species, protected, endangered, or threatened species, and ecologically important calcifiers that lie at the base of the food chain; and

(ii) physiological changes in response to ocean acidification;

(C) identification and assessment of ecosystems most at risk from projected changes in ocean chemistry, including—

(i) coastal ecosystems, including Great Lakes ecosystems;

(ii) coral reef ecosystems, including deep sea coral ecosystems; and

(iii) polar and subpolar ecosystems;

(D) modeling the changes in ocean chemistry driven by the increases in ocean carbon levels, including ecosystem forecasting;

(E) identifying feedback mechanisms resulting from the ocean chemistry changes such as the decrease in calcification rates in organisms;

(F) socio-economic impacts of ocean acidification, including commercialiy and recreationally important fisheries and coral reef communities; and

(G) identifying interactions between ocean acidification and other oceanic changes including those associated with climate change;

(2) establish, for the 10-year period beginning in the year it is submitted, goals, priorities, and guidelines for coordinated activities that will—

(A) most effectively advance scientific understanding of the characteristics and impacts of ocean acidification;

(B) provide forecasts of changes in ocean acidification and the consequent impacts on marine ecosystems; and

(C) provide a basis for policy decisions to reduce and manage ocean acidification and its environmental impacts;

(3) provide an estimate of Federal funding requirements for research and monitoring activities; and

(4) identify and strengthen relevant programs and activities of the Federal agencies and departments that would contribute to accomplishing the goals of the plan and prevent unnecessary duplication of efforts, including making recommendations for the use of observing systems and technological research and development.

(c) CONSULTATION.—In developing the plan, the committee may consult with the academic community, States, industry, environmental groups, and other relevant stakeholders.

SEC. —305. NOAA OCEAN ACIDIFICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to implement activities consistent with the strategic research and implementation plan developed by the committee under section —304 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global ocean observing assets and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) national public outreach activities to improve the understanding of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification research and monitoring with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based grant process that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title on such terms as the Secretary deems appropriate.

SEC. —306. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term "committee" means the interagency committee on ocean acidification established or designated by the President under section —303(a)(1).

(2) OCEAN ACIDIFICATION.—The term "ocean acidification" means the change in ocean chemistry that is driven by the increase in ocean carbon levels, and the uptake of chemical inputs from the atmosphere, including anthropogenic carbon dioxide.

(3) PROGRAM.—The term "Program" means the National Oceanic and Atmospheric Administration Ocean Acidification Program established under section —305.

(4) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. —307. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $10,000,000 for fiscal year 2009;

(2) $15,000,000 for fiscal year 2010;

(3) $20,000,000 for fiscal year 2011;

(4) $25,000,000 for fiscal year 2012; and

(5) $30,000,000 for fiscal year 2013.

(b) ALLOCATION.—Of the amounts appropriated to the National Oceanic and Atmospheric Administration under subsection (a) for each fiscal year—

(1) 40 percent shall be available to, and retained by, the National Oceanic and Atmospheric Administration for use in carrying out its responsibilities under this title; and

(2) 60 percent shall be transferred by the National Oceanic and Atmospheric Administration in equal amounts to—

(A) the National Science Foundation;

(B) the National Aeronautics and Space Administration;

(C) the United States Fish and Wildlife Service; and

(D) the United States Geological Survey.

(3) Of the amounts made available to carry out this title for any fiscal year, the Secretary, and other departments and agencies to which amounts are transferred under paragraph (2), shall allocate at least 50 percent for competitive grants.

SA 4868. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 284, line 7, strike "States as a reward" and insert "States, and the Department of Housing and Urban Development for use in carrying out the HOME Investments Partnership Program established under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.),".

On page 285, between lines 3 and 4, insert the following:

(c) ALLOCATION TO HUD.—The Administrator shall transfer 20 percent of emission allowances established pursuant to section 801 to the Secretary of Housing and Urban Development for use in carrying out the HOME Investment Partnership Program established under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq.), for each of calendar years 2012 through 2050, for activities that directly increase the energy efficiency in units assisted with funds made available under this title, including increased insulation, air sealing, high performance windows, duct sealing, high-efficiency heating and cooling equipment, high-efficiency domestic water heating equipment, high-efficiency lighting systems and improved controls, high-efficiency appliances and renewable energy systems (such as photovoltaic systems), among other purposes as determined by the Secretary of Energy in consultation with the Secretary of Housing and Urban Development.

On page 285, line 4, strike "(c)" and inset "(d)".

SA 4869. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 17 through 22 and insert the following:

(1) USE OF INTERNATIONAL ALLOWANCES.—

On page 78, line 19, strike "(3)" and "(2)".

On page 78, line 25, strike "paragraph (2)" and insert "paragraph (1)".

On page 79, lines 3 and 4, strike "notwithstanding paragraph (1),".

On page 79, line 24, strike "(2)" and insert "(1)".

On page 80, line 1, strike "(4)" and insert "(3)".

On page 80, line 9, strike "within the limitation under paragraph (1)".

SA 4870. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle E—Aviation Sector

SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on greenhouse gas emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(2) other appropriate Federal agencies and departments.

SA 4871. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION.

(a) SHORT TITLE.—This section may be cited as the "Protect Science Act of 2008".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Scientific research and innovation is a principal component to American prosperity.

(B) There have been numerous cases where Federal scientific studies and reports have been altered by political appointees and Federal employees to misrepresent or omit information.

(C) Political interference has also resulted in—

(i) the censorship of scientific information and documents requested by Congress;

(ii) the delayed release of Government science reports; and

(iii) the denial of media access to scientific researchers.

(D) Such political interference with science in the Federal agencies undermines the credibility, integrity, and consistency of the United States Government.

(2) PURPOSE.—The purpose of this section is to protect scientific credibility, integrity, and communication in research and policymaking.

(c) PROHIBITION OF POLITICAL INTERFERENCE WITH SCIENCE.—

(1) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"§ 7354. Interference with science

"(a) DEFINITIONS.—In this section—

"(1) the term 'censorship' means improper prevention of the dissemination of valid and nonclassified scientific findings, including directing others to do so;

"(2) the term 'political appointee' means an individual who holds a position that—

"(A) is in the executive branch of the Government and requires appointment by the President, by and with the advice and consent of the Senate;

"(B) is within the Executive Office of the President;

"(C) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

"(D) is a Senior Executive Service position as defined under section 3132 (2) of title 5, United States Code, and not a career reserved position as defined under paragraph (8) of that section; or

"(E) is in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations;

"(3) the term 'scientific' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering; and

"(4) the term 'tampering' means improperly altering or obstructing so as to substantially distort, or directing others to do so.

"(b) IN GENERAL.—A political appointee may not engage in any of the following:

"(1) Tampering with the conduct or findings of federally funded scientific research or analysis.

"(2) Censorship of findings of federally funded scientific research or analysis.

"(3) Directing the dissemination of scientific information known by the directing political appointee to be false or misleading.

"(c) ENFORCEMENT.—A political appointee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

"(d) REGULATIONS.—The Office of Government Ethics may issue regulations implementing this section.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, is amended by inserting after the item relating to section 7353 the following:

"7354. Interference with science.".

(d) PUBLICATION REQUIREMENT RELATING TO SCIENTIFIC STUDIES AND REPORTS.—

(1) DEFINITIONS.—In this section:

(A) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(B) SCIENTIFIC.—The term "scientific" means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering.

(C) POLITICAL APPOINTEE.—The term "political appointee" means an individual who holds a position that—

(i) is in the executive branch of the Government and requires appointment by the President, by and with the advice and consent of the Senate;

(ii) is within the Executive Office of the President;

(iii) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(iv) is a Senior Executive Service position as defined under section 3132 (2) of title 5, United States Code, and not a career reserved position as defined under paragraph (8) of that section; or

(v) is in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 48 hours after an agency publishes a scientific study or report, including a summary, synthesis, or analysis of a scientific study or report, that has been modified to incorporate oral or written comments by a political appointee that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall—

(i) make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public—

(I) the final version by the principal scientific investigators before review;

(II) the final version as published by the agency; and

(III) a version making a comparison of the versions described under subclauses (I) and (II), that identifies—

(aa) any modifications; and

(bb) the text making those modifications;

(ii) identify any political appointee who made those comments; and

(iii) provide uniform resource locator links on that website to both versions and related publications.

(B) PRINTED PUBLICATIONS.—The head of each agency shall ensure that the printed publication of any summary, synthesis, or analysis of a scientific study or report described under subparagraph (A) shall include a reference to the website described under that paragraph.

(3) FORMAT AND EASE OF COMPARISON.—The versions of any study or report described under paragraph (2) shall be made available—

(A) in a format that is generally available to the public; and

(B) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 versions.

(e) STATE OF SCIENTIFIC INTEGRITY REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General shall submit a report to Congress on compliance with the requirements of section 7354 of title 5, United States Code, (as added by subsection (c) of this section) and section (d) of this section.

SA 4872. Mr. ALEXANDER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 21, strike line 24 and all that follows through page 22, line 4.

On page 22, line 5, strike "(G)" and insert "(F)".

On page 22, line 9, strike "(H)" and insert "(G)".

On page 22, line 14, strike "(I)" and insert "(H)".

On page 65, line 13, strike "use" and insert "manufacture".

On page 65, line 16, insert "refined or" before "manufactured".

SA 4873. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER FARM FUEL PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER FARM FUEL PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Agriculture, in consultation with the Secretary of Energy, the Secretary of Transportation, and the Administrator, shall determine whether implementation of this Act has caused the average retail price of fuel used to plant, manage, harvest, dry, or transport agricultural crops to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher farm fuel prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a farm fuel price increase.

SA 4874. Mr. DOMENICI (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Energy Production Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendment.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 111. Definitions.
Sec. 112. Leasing program for land within the Coastal Plain.
Sec. 113. Lease sales.
Sec. 114. Grant of leases by the Secretary.
Sec. 115. Lease terms and conditions.
Sec. 116. Coastal Plain environmental protection.
Sec. 117. Expedited judicial review.
Sec. 118. Rights-of-way and easements across Coastal Plain.
Sec. 119. Conveyance.
Sec. 120. Local government impact aid and community service assistance.
Sec. 121. Prohibition on exports.
Sec. 122. Allocation of revenues.

Subtitle C—Permitting

Sec. 131. Refinery permitting process.
Sec. 132. Removal of additional fee for new applications for permits to drill.

Subtitle D—Restoration of State Revenue

Sec. 141. Restoration of State revenue.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Definition of renewable biomass.
Sec. 202. Advanced battery manufacturing incentive program.
Sec. 203. Biofuels infrastructure and additives research and development.
Sec. 204. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 205. Study of diesel vehicle attributes.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Clean coal-derived fuel program.

Subtitle C—Oil Shale

Sec. 221. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

Sec. 231. Procurement and acquisition of alternative fuels.
Sec. 232. Multiyear contract authority for the Department of Defense for the procurement of synthetic fuels.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: "not later than 90 days after the date of enactment of the American Energy Production Act of 2008"; and

(3) by inserting after clause (i) (as so designated) the following:

"(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

"(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

"(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.".

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.—

"(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

"(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

"(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

"(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the

Federal Register on January 3, 2006 (71 Fed. Reg. 127).

"(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

"(ii) revenues from civil penalties;

"(iii) royalties taken by the Secretary in-kind and not sold;

"(iv) revenues generated from leases subject to section 8(g); or

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

"(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

"(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

"(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to new producing States in accordance with paragraph (2); and

"(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

"(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

"(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

"(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

"(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

"(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

"(5) AUTHORIZED USES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

"(ii) Mitigation of damage to fish, wildlife, or natural resources.

"(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

"(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

"(v) Planning assistance and the administrative costs of complying with this section.

"(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

"(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

"(A) be made available, without further appropriation, in accordance with this subsection;

"(B) remain available until expended; and

"(C) be in addition to any amounts appropriated under—

"(i) other provisions of this Act;

"(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

"(iii) any other provision of law.

"(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

"(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

"(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.".

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as the "1002 Coastal Plain Area" on the map.

(2) FEDERAL AGREEMENT.—The term "Federal Agreement" means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development. production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental-requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the "Coastal Plain Local Government Impact Aid Assistance Fund" (referred to in this section as the "Fund").

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the "Governor") shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term "refiner" means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term "refinery" means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term "refinery" includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term "refinery expansion" means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term "refinery permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) Streamlining of Refinery Permitting Process.—

(1) In general.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) Authority of administrator.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) Agreement by the state.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) Deadlines.—

(A) New refineries.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) Expansion of existing refineries.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) Federal agencies.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) Judicial review.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) Efficient permit review.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) Severability.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) Savings.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) Consultation with local governments.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) Effect on local authority.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) Fischer-Tropsch Fuels.—

(1) In general.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) Guidance and technical support.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) Requirements.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) Reports.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading "Management of Lands and Resources" under the heading "Bureau of Land Management" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking "to be reduced" and all that follows through "each new application,".

Subtitle D—Restoration of State Revenue

SEC. 141. RESTORATION OF STATE REVENUE.

The matter under the heading "Administrative Provisions" under the heading "Minerals Management Service" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking "Notwithstanding" and all that follows through "Treasury.".

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

"(I) Renewable biomass.—The term 'renewable biomass' means—

"(i) nonmerchantable materials or precommercial thinnings that—

"(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

"(aa) to reduce hazardous fuels;

"(bb) to reduce or contain disease or insect infestation; or

"(cc) to restore forest health;

"(II) would not otherwise be used for higher-value products; and

"(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

"(aa) where permitted by law; and

"(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

"(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(I) renewable plant material, including—

"(aa) feed grains;

"(bb) other agricultural commodities;

"(cc) other plants and trees; and

"(dd) algae; and

"(II) waste material, including—

"(aa) crop residue;

"(bb) other vegetative waste material (including wood waste and wood residues);

"(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

"(dd) food waste and yard waste.".

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term "advanced battery" means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the "Assistant Administrator"), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Clean Coal-Derived Fuels for Energy Security Act of 2008".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of clean coal-derived fuel (in billions of gallons):
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410r. Multiyear contract authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

"(b) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410r. Multiyear contract authority: purchase of synthetic fuels.".

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4875. Mr. DOMENICI (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, strike lines 6 through 13 and insert the following:

(c) LEGAL STATUS OF EMISSION ALLOWANCES.—Noth-

SA 4876. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE XVIII—CLEAN ENERGY INVESTMENT BANK

SEC. 1801. SHORT TITLE.

This title may be cited as the "Clean Energy Investment Bank Act of 2008".

SEC. 1802. DEFINITIONS.

In this title:

(1) BANK.—The term "Bank" means the Clean Energy Investment Bank of the United States established by section 1803(a).

(2) BOARD.—The term "Board" means the Board of Directors of the Bank established under section 1804(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term "Clean Energy Investment Bank Fund" means the revolving fund account established under section 1806(b).

(4) COMMERCIAL TECHNOLOGY.—The term "commercial technology" means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term "eligible project" means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term "investment" includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 1803. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the "Clean Energy Investment Bank of the United States," which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this title.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this title; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) REPAYMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this title.

SEC. 1804. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as "independent directors"; and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(7) TRAVEL EXPENSES.—An independent director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(c) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this title; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 1805. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this title.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this title—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 1806. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1805 shall not exceed a total amount of $100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the "Clean Energy Investment Bank Fund" (referred to in this section as the "Fund").

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1805 (other than subsections (c) and (d) of section 1805) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 1805 (other than subsections (c) and (d) of section 1805) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 1807. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this title.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 1805(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this title in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 1805) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this title.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 1805 shall be transferred by the Bank to the respective credit program accounts.

SEC. 1808. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 1805, including those under title XVII of the Energy Policy Act of 2005 (42 U. S.C. 16511 et seq.), shall be transferred to the Board.

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs

and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1809. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 1810. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

SEC. 1811. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) BANK.—The term 'Bank' means the Clean Energy Investment Bank of the United States established by section 1803(a) of the Clean Energy Investment Bank Act of 2008.".

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking "Secretary" each place it appears (other than the last place it appears in section 1702(a)) and inserting "Board".

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking "SECRETARY" and inserting "BANK"; and

(B) in the heading for paragraph (3), by striking "SECRETARY" and inserting "BANK".

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1809(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 1812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4877. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 3___. SENSE OF SENATE REGARDING THE POTENTIAL IMPACT OF CLIMATE CHANGE ON THE GLOBAL FOOD CRISIS.

(a) FINDINGS.—The Senate finds that—

(1) the costs of addressing climate change will only increase the longer the causes of climate change are not addressed;

(2) the consequences of climate change will include major storms and weather-related disruptions, increased wildfires, and loss of food crops;

(3) the Secretary of Agriculture has determined that climate change is already affecting water resources, agriculture, land resources, and biodiversity, and will continue to do so;

(4) a leading cause of the ongoing global food crisis is heightened volatility in climate conditions leading to extended droughts around the world, particularly in Australia; and

(5) the consequences of increased food prices have already resulted in hunger and political unrest in many parts of the world.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is in the interest of the United States to address in a serious manner the consequences a warming climate will have on global food production; and

(2) as the United States assesses the costs of climate change, the potential of harmful impacts on global crop harvests and resulting food security crises should be fully considered.

(c) REPORT.—Not later than December 31, 2008, the President shall submit to Congress a report that assesses the specific impact of weather-related events on the global food crisis that emerged during the first 180 days of 2008.

SA 4878. Mr. ROBERTS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 5___. GUARANTEED PROTECTION OF AMERICAN AGRICULTURAL PRODUCERS FROM HIGHER FERTILIZER PRICES CAUSED BY THIS ACT.

This Act shall not take effect until the date on which the Secretary of Agriculture, after consultation with the Administrator, determines that the implementation of this Act will not cause the retail price of fertilizer to increase more than 20 percent during the period of effectiveness of this Act.

SA 4879. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Amend the title so as to read; "A bill to promote the energy security of the United States, and for other purposes.".

SA 4880. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. CARPER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, strike line 15 and insert the following:

(c) EDUCATION AND TRAINING.—For each

Beginning on page 181, strike line 1 and all that follows through page 183, line 3, and insert the following:

SEC. 536. EDUCATION AND TRAINING.

(a) DEFINITION OF APPLICABLE PERIOD.—In this section, the term "applicable period" means—

(1) each 5-year period during the period beginning on January 1, 2012, and ending on December 31, 2047; and

(2) the 3-year period beginning on January 1, 2048, and ending on December 31, 2050.

(b) USE OF FUNDS.—Of amounts made available under section 534(c) for the calendar years in each applicable period—

(1) the Secretary of Energy shall use such amounts for each applicable period as the Secretary of Energy determines to be necessary to increase the number and amounts of nuclear science talent expansion grants and nuclear science competitiveness grants provided under section 5004 of the America COMPETES Act (42 U.S.C. 16532); and

(2) of the remainder—

(A) 50 percent shall be allocated to the Secretary of Labor, in consultation with nuclear energy entities and organized labor, for use for each applicable period to expand workforce training to meet the high demand for workers skilled in nuclear power plant construction and operation, including programs for—

(i) electrical craft certification;

(ii) preapprenticeship career technical education for industrialized skilled crafts that are useful in the construction of nuclear power plants;

(iii) community college and skill center training for nuclear power plant technicians;

(iv) training of construction management personnel for nuclear power plant construction projects; and

(v) regional grants for integrated nuclear energy workforce development programs; and

(B) 50 percent shall be made available to the Secretary of Education for use for each applicable period to support climate change policy and science education in the United States.

On page 292, strike line 22 and insert the following:

SEC. 901. FINDINGS; SENSE OF SENATE.

(a) FINDINGS.—Congress finds that—

(1) more than 40 years of experience in the United States relating to commercial nuclear power plants have demonstrated that nuclear reactors can be operated safely;

(2) in 2007, nuclear power plants produced 19 percent of the electricity generated in the United States;

(3) nuclear power plants are the only baseload source of emission-free electric generation, emitting no greenhouse gases or criteria pollutants associated with acid rain, smog, or ozone;

(4) in 2007, nuclear power plants in the United States—

(A) avoided more than 692,000,000 metric tons of carbon dioxide emissions; and

(B) accounted for more than 73 percent of emission-free electric generation in the United States;

(5) a lifecycle emissions analysis by the International Energy Agency determined that nuclear power plants emit fewer greenhouse gases than wind energy, solar energy, and biomass on a per kilowatt-hour basis;

(6) construction of a new nuclear power plant is estimated to require between 1,400 and 1,800 jobs during a 4-year period, with peak employment reaching as many as 2,400 workers;

(7)(A) once operational, a new nuclear power plant is estimated to provide 400 to 600 full-time jobs for up to 60 years; and

(B) jobs at nuclear power plants pay, on average, 40 percent more than other jobs in surrounding communities;

(8) revitalization of a domestic manufacturing industry to provide nuclear components for new power plants that can be deployed in the United States and exported for use in global carbon reduction programs will provide thousands of new, high-paying jobs and contribute to economic growth in the United States;

(9) data of the Bureau of Labor Statistics demonstrate that it is safer to work in a nuclear power plant than to work in the real estate or financial sectors;

(10) while aggressive energy efficiency measures and an increased deployment of renewable generation can and should be taken, the United States will be unable to meet climate reduction goals without the construction of new nuclear power plants;

(11) modeling conducted by the Environmental Protection Agency and the Energy Information Administration demonstrate that emission reductions are greater, and compliance costs are lower, if nuclear power plants are used to provide a greater percentage of electricity;

(12) the United States has been a world leader in nuclear science; and

(13) institutions of higher education in the United States will play a critical role in advancing knowledge about the use and the safety of nuclear energy for the production of electricity.

(b) SENSE OF SENATE REGARDING USE OF FUNDS.—It is the Sense of the Senate that Congress should stimulate private sector investment in the manufacturing of nuclear project components in the United States, including through the financial incentives program established under this subtitle.

SEC. 902. DEFINITIONS.

On page 293, line 10, strike "and".

On page 293, line 13, strike the period and insert "; and".

On page 293, between lines 13 and 14, insert the following:

(D) establishing procedures, programs, and facilities to achieve American Society of Mechanical Engineers certification standards.

On page 294, strike lines 3 and 4 and insert the following:

(A)(i) emits no carbon dioxide into the atmosphere; or

(ii) is fossil-fuel fired and—

(I) emits into the atmosphere not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide from the unit that is geologically sequestered); or

(II)(aa) uses subbituminous coal, lignite, or petroleum coke in significant quantities; and

(bb) meets the emission performance standard promulgated pursuant to subsection 1012; and

On page 294, strike lines 7 through 12 and insert the following:

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term "zero- or low-carbon generation technology" means—

(A) a technology used to create zero- or low-carbon generation, including—

(i) a technology referred to in section 832(a); and

(ii) nuclear power technology; or

(B) any other technology relating to a low- or zero-carbon activity that meets the requirements of this subtitle.

SEC. 903. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND.

On page 294, line 16, strike "903" and insert "904".

On page 297, line 5, strike "904" and insert "905".

On page 297, line 7, strike "903" and insert "904".

On page 297, line 10, strike "905" and insert "906".

On page 297, line 14, strike "904" and insert "905".

On page 297, line 18, strike "906" and insert "907".

On page 297, line 19, strike "906" and insert "907".

On page 298, line 4, strike "907" and insert "908".

On page 298, line 17, strike "909" and insert "910".

On page 299, line 16, strike "908" and insert "909".

On page 301, line 11, strike "909" and insert "910".

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed by

him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 9 and 10, insert the following:

(50) TAP.—The term "TAP" means the technology accelerator payment determined under section 202(a)(2).

On page 31, line 10, strike "(50)" and insert "(51)".

On page 31, line 14, strike "(51)" and insert "(52)".

Beginning on page 65, strike line 3 and all that follows through page 66, line 19, and insert the following:

SEC. 202. COMPLIANCE OBLIGATION.

(a) SUBMISSION OF ALLOWANCES OR TAP PRICE.—

(1) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the owner or operator of a covered entity shall submit to the Administrator—

(A) an emission allowance or an offset allowance for each carbon dioxide equivalent of—

(i) non-HFC greenhouse gas that was emitted by that covered entity in the United States during the preceding calendar year through the use of coal;

(ii) non-HFC greenhouse gas that will be emitted through the use of petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity;

(iii) non-HFC greenhouse gas, that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity, in each case in which the non-HFC greenhouse gas is not itself a petroleum- or coal-based gaseous fuel or natural gas;

(iv) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity; and

(v) non-HFC greenhouse gas that will be emitted—

(I) through the use of natural gas that was, during the preceding calendar year, processed in the United States by that covered entity, imported into the United States by that covered entity, or produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by that covered entity and not reinjected into the field; or

(II) through the use of natural gas liquids that were, during the preceding year, processed in the United States by that covered entity or imported into the United States by that covered entity; or

(B) a payment equal to the amount of the applicable TAP price in lieu of submission of 1 or more required emission allowances or offset allowances, to be used by the Administrator in accordance with paragraph (3).

(2) DETERMINATION OF APPLICABLE TAP PRICE.—The applicable TAP price per allowance shall be—

(A) for calendar year 2012, $12 per metric ton of carbon dioxide equivalent emitted by a covered entity; and

(B) for each subsequent calendar year, an amount equal to the product obtained by multiplying—

(i) the TAP price established for the preceding calendar year, increased by 5 percent; and

(ii) the ratio that—

(I) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the most recent 4-calendar quarter period for which data is available; bears to

(II) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the 4-calendar quarter period immediately preceding the period referred to in subclause (I).

(3) USE OF TAP PRICE PAYMENTS.—

(A) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall transfer to the Climate Change Technology Board established by section 431 an amount equal to the total amount of TAP price payments received by the Administrator under paragraph (1)(B) for that calendar year.

(B) USE BY BOARD.—The Climate Change Technology Board shall use amounts transferred to the Board under subparagraph (A) to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

On page 67, lines 4 and 5, strike "paragraph (2) nor paragraph (5) of subsection (a)" and insert "clause (ii) nor clause (v) of subsection (a)(1)(A)".

On page 67, line 18, strike "subsection (a)(2)" and insert "subsection (a)(1)(A)(ii)".

On page 68, line 14, strike "(a)" and insert "(a)(1)(A)".

On page 70, line 7, strike "(a)" and insert "(a)(1)(A)".

On page 70, lines 15 and 16, strike "paragraph (2), (3), or (5) of subsection (a)" and insert "clause (ii), (iii), or (v) of subsection (a)(1)(A)".

On page 71, line 3, strike "(a)(2)" and insert "(a)(1)(A)(ii)".

SA 4882. Mr. SPECTER (for himself, Mr. BROWN, Mr. LEVIN, Ms. KLOBUCHAR, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 382, strike line 24 and all that follows through page 385, line 10, and insert the following:

(4) COMPARABLE ACTION.—The term "comparable action" means any greenhouse gas regulatory programs, requirements, and other measures adopted by a foreign country that, in combination, are comparable in effect to actions carried out by the United States, such that, on a countrywide basis, the measures mandate and achieve a percentage reduction (or limitation on increase, as appropriate) of greenhouse gas emissions in the foreign country, as compared to the greenhouse gas emissions of the foreign country during calendar year 2005, that is substantially equivalent to the percentage reduction (or limitation on increase, as appropriate) in United States emissions mandated and achieved under this Act, as compared to the greenhouse gas emissions of the United States during calendar year 2005.

On page 386, strike lines 16 through 20 and insert the following:

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term "indirect greenhouse gas emissions" means any emissions of a greenhouse gas—

(A) resulting from the generation of electricity that is consumed during the manufacture of a good; or

(B) directly or indirectly associated with the production of any input used in the manufacture of a good.

On page 388, strike lines 3 through 18.

On page 388, line 19, strike "(15)" and insert "(14)".

On page 392, strike lines 4 and 5 and insert the following:

would otherwise be excluded under subparagraph (B) of section 1306(b)(2); and

On page 398, strike lines 8 through 10.

On page 398, line 11, strike "(5)" and insert "(4)".

On page 398, line 13, strike "(6)" and insert "(5)".

On page 399, line 24, strike "2013" and insert "2011".

On page 400, line 1, strike ", and the extent to which,".

On page 400, strike lines 4 through 12 and insert the following:

the foreign country.

On page 400, strike lines 16 and 17 and insert the following:

list pursuant to subparagraph (B) of section 1306(b)(2) for that calendar year.

On page 403, line 12, strike "third" and insert "first".

Beginning on page 403, strike line 18 and all that follows through page 405, line 7, and insert the following:

(2) EXCLUDED LIST.—The Commission shall identify and publish in a list, to be known as the "excluded list", the name of—

(A) each foreign country determined by the Commission under section 1305(a) to have taken action comparable to that taken by the United States to limit the greenhouse gas emissions of the foreign country; and

(B) each foreign country identified by the United Nations as among the least-developed developing countries.

On page 405, line 20, strike "2014" and insert "2012".

On page 413, strike lines 1 through 13 and insert the following:

(A) the national greenhouse gas intensity rate for each category of covered goods of each covered foreign country for the compliance year, as determined by the Administrator under paragraph (3); and

(B) the allowance adjustment factor for the industry sector of the covered foreign country that manufactured the covered goods entered into the United States, as determined by the Administrator under paragraph (4).

On page 414, lines 1 and 2, strike "for the category of covered goods if" and insert "in relation to goods".

Beginning on page 415, strike line 24 and all that follows through page 416, line 19, and insert the following:

(5) ANNUAL CALCULATION.—The Adminis-

On page 417, line 3, strike "(7)" and insert "(6)".

On page 417, line 10, strike "(8)" and insert "(7)".

On page 417, strike lines 17 through 20 and insert the following:

category of covered goods that are manufactured or processed in more than 1 foreign country.

On page 417, strike lines 21 through 23 and insert the following:

(B) REQUIREMENTS.—Except as provided in subparagraph (C), the procedures established

On page 418, strike line 1 and insert the following:

(i) to determine, for each covered

On page 418, strike line 11 and insert the following:

(ii) of the international reserve

On page 418, line 20, strike "clause (i)" and insert "subparagraph (B)".

On page 419, line 2, strike "clause (i)" and insert "subparagraph (B)".

On page 419, line 9, strike "clause (i)" and insert "subparagraph (B)".

On page 421, between lines 19 and 20, insert the following:

(3) LIMITATION.—Notwithstanding any other provisions of this Act, the quantity of foreign allowances and foreign credits submitted by a United States importer pursuant to this subsection shall not exceed 15 percent of the quantity of allowances that the importer is required to submit pursuant to subsection (d).

On page 422, line 5, strike "2013" and insert "2011".

On page 422, line 11, strike "2017" and insert "2015".

SA 4883. Mr. SPECTER (for himself, Mr. COLEMAN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 6 and 7 and insert "uses more than 5,000 metric tons of coal (except for coal or coke used in ironmaking, steelmaking, or steel recycling processes, or coal used to produce coke for ironmaking, steelmaking, or steel recycling processes) in the United States;".

On page 21, strike line 21 and insert "or gaseous fuel (except for gaseous fuel produced in ironmaking, steelmaking, or steel recycling processes), the combustion of which will,".

On page 65, strike line 11 and insert "the preceding calendar year through the use of coal (except for coal or coke used in ironmaking, steelmaking, or steel recycling processes, or coal used to produce coke for ironmaking, steelmaking, or steel recycling processes);".

On page 65, strike line 15 and insert "gaseous fuel (except for gaseous fuel produced in ironmaking, steelmaking, or steel recycling processes) that was, during the preceding calendar".

SA 4884. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 201 and insert the following:

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish a quantity of emission allowances for each of calendar years 2012 through 2050, as follows:

Calendar Year	Quantity of emission allowances (in millions)
2012	6,652
2013	6,592
2014	6,533
2015	6,474
2016	6,416
2017	6,358
2018	6,301
2019	6,245
2020	6,188
2021	6,097
2022	6,006
2023	5,915
2024	5,823
2025	5,732
2026	5,550
2027	5,367
2028	5,184
2029	5,002
2030 and each calendar year thereafter through calendar year 2050	4,819

SA 4885. Mr. ISAKSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—HOMESTEAD OPEN SPACE PRESERVATION AND CONSERVATION

SEC. ___1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Paul Coverdell Homestead Open Space Preservation and Conservation Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. ___2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Tax and economic policies have for a sustained period of time inadvertently created financial difficulties for our Nation's farming and ranching families that, among other negative impacts, has forced a significant number of them to liquidate their land holdings.

(2) This has particularly been the case in areas surrounding growing urban centers and resort destinations.

(3) This has fragmented many of our Nation's large landscapes and disrupted many communities that historically derived their cultural and economic identities from the land.

(4) The impact of this has been to deprive many areas of open green space, which in turn has not only negatively affected our human settlements through the resulting sprawl, but has also dramatically reduced the amount of sustaining habitat for our natural communities of plants and animals.

(b) PURPOSE.—The purpose of this title is to provide an economic mechanism that will restore and conserve our Nation's natural estate in the form of forests, farms, ranches, and wetlands while protecting our waterways and our forests and open space in a manner that keeps them subject to private ownership and supportive of our surviving but threatened natural communities of plants and animals.

SEC. ___3. QUALIFIED CONSERVATION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30D. QUALIFIED CONSERVATION CREDIT.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter, in the case of a qualified conservation organization, the amount of the taxpayer's qualified conservation expenditures for the taxable year.

"(b) QUALIFIED CONSERVATION EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation expenditures' means the sum of the qualified conservation organization's—

"(A) acquisition costs, plus

"(B) reserve funds.

"(2) ACQUISITION COSTS.—The term 'acquisition costs' means the sum of—

"(A) the lesser of—

"(i) the total of the amounts that a qualified conservation organization paid during the taxable year to acquire qualified real property interests exclusively for conservation purposes, or

"(ii) the aggregate appraised value of the qualified real property interests referred to in clause (i), plus

"(B) so much of the transaction costs reasonably incurred during the taxable year in connection with the acquisition of qualified real property interests as do not exceed 2 percent of the amount determined in subparagraph (A).

"(3) RESERVE FUNDS.—

"(A) IN GENERAL.—The term 'reserve funds' means amounts permanently set aside by a qualified conservation organization as an endowment to fund the future costs of enforcing and maintaining qualified real property interests acquired by the qualified conservation organization exclusively for conservation purposes.

"(B) ENDOWMENT.—The term 'endowment' means a restricted fund held in a segregated account, the income and realized appreciation of which may be expended solely for the purposes designated under this section, and which may be invested solely in qualified investments (as defined in section 501(c)(21)(D)(ii)).

"(C) LIMITATION.—The amount of reserve funds which may be taken into account under paragraph (1)(B) for the taxable year shall not exceed 8 percent of the acquisition costs for that taxable year.

"(c) QUALIFIED CONSERVATION ORGANIZATION.—For purposes of this section, the term 'qualified conservation organization' means, with respect to any taxable year—

"(1) an organization which—

"(A) is described in section 170(h)(3),

"(B) has been in existence for at least 2 calendar years immediately before the taxable year, and

"(C) was organized to serve primarily conservation purposes (as defined in section 170(h)(4)),

"(2) a limited partnership, all the general partners of which are organizations described in paragraph (1), or

"(3) a limited liability company, all the managers of which are organizations described in paragraph (1), with respect to which neither the seller of the qualified real property interest nor any party related or subordinate to the seller (within the meaning of section 672(c)) would be a disqualified person (as defined in section 4946) if the organization were a private foundation.

"(d) QUALIFIED REAL PROPERTY INTEREST.—For purposes of this section, the term 'qualified real property interest' has the meaning given such term by section 170(h)(2)(C).

"(e) EXCLUSIVELY FOR CONSERVATION PURPOSES.—For purposes of this section, the term 'exclusively for conservation purposes' has the meaning given such term by section 170(h)(5), except that an acquisition shall not be treated as exclusively for conservation purposes unless the instrument conveying the qualified real property interest expressly provides that the conservation purposes may be enforced by both the attorney general of the State in which the real property is located and the qualified conservation organization.

"(f) APPRAISED VALUE.—For purposes of this section, the term 'appraised value' means the fair market value as determined by a qualified appraisal (as defined in section 155(a)(4) of the Deficit Reduction Act of 1984).

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) shall not exceed the taxpayer's liability for income tax (including unrelated business income tax) for the taxable year.

"(h) LIMITATION ON AGGREGATE CREDIT ALLOWABLE WITH RESPECT TO ACQUISITIONS OF QUALIFIED REAL PROPERTY INTERESTS LOCATED IN A STATE.—

"(1) CREDIT MAY NOT EXCEED CREDIT AMOUNT ALLOCATED TO ACQUISITION OF QUALIFIED REAL PROPERTY INTEREST.—

"(A) IN GENERAL.—The amount of the credit determined under subsection (a) for any taxable year with respect to the acquisition of any qualified real property interest shall not exceed the conservation credit dollar amount allocated to such acquisition under this subsection.

"(B) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under subparagraph (A) only if it is made not later than the close of the calendar year in which the qualified real property interest is acquired.

"(C) ALLOCATION REDUCES AGGREGATE AMOUNT AVAILABLE TO AGENCY.—Any conservation credit dollar amount allocated to the acquisition of any qualified real property interest for any calendar year shall reduce the aggregate conservation credit dollar amount of the allocating conservation credit agency for such calendar year.

"(2) CONSERVATION CREDIT DOLLAR AMOUNT FOR AGENCIES.—

"(A) IN GENERAL.—The aggregate conservation credit dollar amount which a conservation credit agency may allocate for any calendar year is the portion of the State conservation credit ceiling allocated under this paragraph for such calendar year to such agency.

"(B) STATE CEILING INITIALLY ALLOCATED TO STATE CONSERVATION CREDIT AGENCIES.—Except as provided in subparagraphs (F) and (G), the State conservation credit ceiling for each calendar year shall be allocated to the conservation credit agency of such State. If there is more than 1 conservation credit agency of a State, all such agencies shall be treated as a single agency.

"(C) STATE CONSERVATION CREDIT CEILING.—The State conservation credit ceiling applicable to any State for any calendar year shall be an amount equal to the sum of—

"(i) the lesser of—

"(I) an amount equal to the aggregate annual credit multiplied by a fraction, the numerator of which is the amount of land located in such State that is either used for agricultural purposes or constitutes private forest land and the denominator of which is the amount of land in all States that is either used for agricultural purposes or constitutes private forest land, or

"(II) an amount equal to 4 percent of the aggregate annual credit for that year,

"(ii) the amount (if any) allocated under subparagraph (F) to such State by the Secretary,

"(iii) the amount of the State conservation credit ceiling returned in the calendar year, plus

"(iv) the amount (if any) allocated under subparagraph (G) to such State by the Secretary.

"(D) AGGREGATE ANNUAL CREDIT.—For purposes of subparagraph (C)(i), the aggregate annual credit is determined in accordance with the following table:

"For the calendar year ending:	**The aggregate annual credit is:**
December 31, 2009	$4,000,000,000
December 31, 2010	$4,500,000,000
December 31, 2011	$5,000,000,000
December 31, 2012	$5,500,000,000
December 31, 2013	$6,000,000,000

"(E) STATE CONSERVATION CREDIT CEILING RETURNED.—For purposes of clause (iii), the amount of State conservation credit ceiling returned in the calendar year equals the conservation credit dollar amount previously allocated within the State to any proposed acquisition of a qualified real property interest which is not acquired within the period required by the terms of the allocation or to any proposed acquisition of a qualified real property interest with respect to which an allocation is canceled by mutual consent of the conservation credit agency and the qualified conservation organization receiving the allocation.

"(F) UNUSED AGGREGATE ANNUAL CREDIT.—Any portion of the aggregate annual credit for a calendar year that is not allocated to a State's conservation credit ceiling because of the 4 percent limitation under subparagraph (C)(i)(II) shall be allocated by the Secretary among the remaining States, subject to such 4 percent limitation, in proportion to their respective land used for agricultural purposes and private forest land.

"(G) UNUSED CONSERVATION CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

"(i) IN GENERAL.—The unused conservation credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

"(ii) UNUSED CONSERVATION CREDIT CARRYOVER.—For purposes of this paragraph, the unused conservation credit carryover of a State for any calendar year is the excess (if any) of the State conservation credit ceiling for such year (as defined in subparagraph (C)) over the aggregate conservation credit dollar amount allocated by such State for such year.

"(iii) FORMULA FOR ALLOCATION OF UNUSED CONSERVATION CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The Secretary shall determine the formula for allocating the unused conservation credit carryovers among the qualified States for a calendar year. In the determination of such formula, the Secretary shall assure that each qualified State in a calendar year shall receive some allocated amount of the unused conservation credit carryover for that year but that such carryovers shall otherwise be allocated among the qualified States in a manner that best realizes the purpose of this section.

"(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

"(I) which has adopted a statewide conservation plan designed to preserve the natural estate in the form of forests, farms, ranches, and wetlands located within the boundaries of that State,

"(II) which allocated its entire State conservation credit ceiling for the preceding calendar year, and

"(III) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii).

"(H) SPECIAL RULE FOR STATES WITH CONSTITUTIONAL HOME RULE CITIES.—For purposes of this subsection—

"(i) IN GENERAL.—The aggregate conservation credit dollar amount for any constitutional home rule city for any calendar year shall be an amount which bears the same ratio to the State conservation credit ceiling for such calendar year as—

"(I) the land used for agricultural purposes and private forest land within a 25-mile radius of such city, bears to

"(II) the land used for agricultural purposes and private forest land in the entire State.

"(ii) COORDINATION WITH OTHER ALLOCATIONS.—In the case of any state which contains 1 or more constitutional home rule cities, for purposes of applying this paragraph with respect to conservation credit agencies in such State other than constitutional home rule cities, the State conservation credit ceiling for any calendar year shall be reduced by the aggregate conservation credit dollar amounts determined for such year for all constitutional home rule cities in such State.

"(iii) CONSTITUTIONAL HOME RULE CITY.—For purposes of this subparagraph, the term 'constitutional home rule city' has the meaning given such term by section 146(d)(3)(C).

"(I) STATE MAY PROVIDE FOR DIFFERENT ALLOCATION.—Rules similar to the rules of section 146(e) (other than paragraph (2)(B) thereof) shall apply for purposes of this paragraph.

"(J) LAND USED FOR AGRICULTURAL PURPOSES AND PRIVATE FOREST LAND.—For purposes of this paragraph—

"(i) LAND USED FOR AGRICULTURAL PURPOSES.—The term 'land used for agricultural purposes' means the number of acres classified as land in farms in the 1997 Census of Agriculture conducted by the United States Department of Agriculture.

"(ii) PRIVATE FOREST LAND.—The term 'private forest land' means the number of acres classified as private forest land in the 1997 Forest Inventory and Analysis conducted by the United States Forest Service, excluding any acres so classified therein that are also included as land in farms in the 1997 Census of Agriculture described in clause (i).

"(K) SECRETARY.—For purposes of this paragraph, the term 'Secretary' means the Secretary of Agriculture and the Secretary of the Interior, acting pursuant to jointly established rules and procedures.

"(3) SPECIAL RULES.—

"(A) INTERESTS MUST BE LOCATED WITHIN JURISDICTION OF CREDIT AGENCY.—A conservation credit agency may allocate its aggregate conservation credit dollar amount only with respect to acquisitions of qualified real property interests located in the jurisdiction of the governmental unit of which such agency is a part.

"(B) AGENCY ALLOCATIONS IN EXCESS OF LIMIT.—If the aggregate conservation credit dollar amounts allocated by a conservation credit agency for any calendar year exceed the portion of the State conservation credit ceiling allocated to such agency for such calendar year, the conservation credit dollar amounts so allocated shall be reduced (to the extent of such excess) for acquisitions of qualified real property interests in the reverse order in which the allocations of such amounts were made.

"(4) CONSERVATION CREDIT AGENCY.—For purposes of this subsection, the term 'conservation credit agency' means any agency authorized to carry out this subsection.

"(i) REGULATIONS.—Except as provided in subsection (h)(2)(K), the Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.

"(j) TERMINATION.—Subparagraph (A) of subsection (h)(1) shall not apply to any amount allocated after December 31, 2013.".

(b) RECOGNITION OF GAIN.—Section 1001 (relating to determination of amount of and recognition of gain or loss) is amended by adding at the end the following new subsection:

"(f) QUALIFIED REAL PROPERTY INTERESTS.—Gain shall be recognized on the sale of a qualified real property interest (as defined in section 30D(d)) to a qualified conservation organization (as defined in section 30D(c)) exclusively for conservation purposes (as defined in section 30D(e)) only to the extent that the amount realized on the sale exceeds the taxpayer's adjusted basis in the entire property to which the qualified real property interest relates.".

(c) BASIS ADJUSTMENT.—Section 1016 (relating to adjustments to basis) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) ADJUSTMENTS TO BASIS OF CERTAIN REAL PROPERTY.—If the taxpayer has sold a qualified real property interest in a transaction to which section 1001(f) applies, then the taxpayer's basis in the remaining property shall be reduced (but not below zero) by the amount realized on the sale.".

(d) CONFORMING AMENDMENTS.—

(1) PASSIVE LOSS RULES INAPPLICABLE.—Section 469(d)(2)(A)(i) is amended to read as follows:

"(i) subpart D (other than section 30D) of part IV of subchapter A, or".

(2) UNRELATED BUSINESS INCOME TAX.—Section 511(a)(1) is amended by striking "section 11." and inserting "section 11, less any credits to which the organization is entitled under section 30D.".

(3) DENIAL OF CHARITABLE CONTRIBUTION DEDUCTION.—Section 170(e) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULE FOR CONTRIBUTIONS OF INTERESTS IN QUALIFIED CONSERVATION ORGANIZATIONS.—No deduction shall be allowed for the contribution of an interest in a qualified conservation organization (as defined in section 30D(c)) that has acquired 1 or more qualified real property interests in transactions to which section 30D applies.".

(4) CLASSIFICATION AS PARTNERSHIP.—Section 761(a) is amended by adding at the end the following new sentence: "Such term also includes an organization described in either section 30D(c)(2) or section 30D(c)(3).".

(5) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. Qualified conservation credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SA 4886. Mr. GRAHAM (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___NUCLEAR ENERGY

Subtitle A—Financial Incentives

SEC. ___01. INVESTMENT TAX CREDIT FOR NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) the nuclear power facility construction credit.".

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

"SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

"(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

"(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

"(2) COORDINATION WITH SUBSECTION (c).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer, to the extent any amount so taken into account under subsection (c) has not been required to be recaptured under section 50(a).

"(c) PROGRESS EXPENDITURES.—

"(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, no earlier than the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility, and

"(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, no earlier than the taxable year in which such expenditures are paid.

"(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

"(A) COMPONENT PARTS, ETC.—Notwithstanding that a qualified nuclear power facility is a self-constructed facility, property described in paragraph (3)(B) shall be taken into account in accordance with paragraph (1)(B), and such amounts shall not be included in determining qualified nuclear power facility expenditures under paragraph (1)(A).

"(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer ,shall not be treated as an amount expended for such facility.

"(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

"(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the excess of—

"(I) the product of the overall cost to the taxpayer of the facility or component of a facility, multiplied by the percentage of completion of the facility or component of a facility, less

"(II) the amount taken into account under paragraph (1)(B) for all prior taxable years as to such facility or component of a facility.

"(ii) CARRYOVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the amount allowed by clause (i), then the amount of such excess shall increase the amount taken into account under paragraph (1)(B) for the succeeding taxable year without regard to this paragraph.

"(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

"(E) DETERMINATION OF OVERALL COST.—The determination under subparagraph (C) of the overall cost to the taxpayer of the construction of a facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

"(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

"(i) the taxable year in which the facility is placed in service, or

"(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility or for any taxable year thereafter.

"(3) SELF-CONSTRUCTED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'self-constructed facility' means any facility if, at the close of the first taxable year to which the election in this subsection applies, it is reasonable to believe that more than 80 percent of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

"(B) TREATMENT OF COMPONENTS.—A component of a facility shall be treated as not self-constructed if, at the close of the first taxable year in which expenditures for the component are paid, it is reasonable to believe that the cost of the component is at least 5 percent of the expected cost of the facility.

"(4) ELECTION.—An election shall be made under this subsection for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear facility (as defined in section 45J(d)(2))—

"(A) which, when placed in service, will use nuclear power to produce electricity,

"(B) the construction of which is approved by the Nuclear Regulatory Commission on or before December 31, 2013, and

"(C) which is placed in service before January 1, 2021.

Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.

"(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

"(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount paid, accrued, or properly chargeable to capital account—

"(i) with respect to a qualified nuclear power facility,

"(ii) for which depreciation will be allowable under section 168 once the facility is placed in service, and

"(iii) which is incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

"(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2008, to the extent that, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that such expenditures will constitute more than 20 percent of the total qualified nuclear power facility expenditures.

"(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

"(A) IN GENERAL.—Except for sales or dispositions between entities which meet the ownership test in section 1504(a), for purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease, with respect to the taxpayer, to be a qualified nuclear power facility as of the date on which the taxpayer sells, disposes of, or cancels, abandons, or otherwise terminates the construction of, the facility.

"(B) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases, with respect to the taxpayer, to be a qualified nuclear power facility by reason of subparagraph (A) and work is subsequently resumed on the construction of such facility the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

"(e) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section to the extent not inconsistent herewith.".

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.".

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting "or paragraph (2) of section 48C(b)" after "paragraph (2) of section 47(b)";

(ii) inserting "or section 48C(b)(1)" after "section 47(b)(1)"; and

(iii) inserting "or facility" after "building".

(d) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ", and"; and

(3) by inserting after clause (iv) the following new clause:

"(v) the basis of any property which is part of a qualified nuclear power facility under section 48C.".

(e) DENIAL OF DOUBLE BENEFIT.—Subsection (c) of section 45J of the Internal Revenue Code of 1986 (relating to other limitations) is amended by adding at the end the following new paragraph:

"(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of ½ or a fraction—

"(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

"(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

"(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

"(iii) the aggregate amount of subsidized energy financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

"(iv) the amount of any other credit allowable with respect to any property which is part of the facility, and

"(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

"Sec. 48C. Nuclear power facility construction credit.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___02. 5-YEAR ACCELERATED DEPRECIATION FOR NEW NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting ", and"; and

(3) by adding at the end the following new clause:

"(vii) any qualified nuclear power facility described in paragraph (1) of section 48C(d) (without regard to the last sentence thereof) the original use of which commences with the taxpayer.".

(b) CONFORMING AMENDMENT.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting "and not described in subparagraph (B)(vii) of this paragraph" after "section 1245(a)(3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___03. CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

"SEC. 48D. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is certified under subsection (c) and—

"(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(D) which is placed in service on or before December 31, 2015.

"(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to the rules of section 48(a)(4) shall apply for purposes of this section.

"(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(c) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT AND QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT CERTIFICATION.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for property eligible for credits under this section as part of either a qualifying nuclear power manufacturing project or as qualifying nuclear power manufacturing equipment. The total amounts of credit that may be allocated under the program shall not exceed $100,000,000.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.".

(b) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ", and"; and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) the qualifying nuclear power manufacturing credit.".

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code, as amended by this Act, is amended—

(A) by striking "and" at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting ", and"; and

(C) by inserting after clause (v) the following new clause:

"(vi) the basis of any property which is part of a qualifying nuclear power manufacturing project or qualifying nuclear power manufacturing equipment under section 48D.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

"Sec. 48D. Qualifying nuclear power manufacturing credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which begins after the date of enactment of this Act; or

(2) which is acquired by the taxpayer on or after such date and not pursuant to a binding contract which was in effect on the day prior to such date.

SEC. ___04. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS.—Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7); and

(2) by inserting after paragraph (3) the following:

"(4) FULL POWER OPERATION.—The term 'full power operation', with respect to a facility, means the earlier of—

"(A) the commercial operation date (or the equivalent under the terms of the financing documents for the facility); and

"(B) the date on which the facility achieves operation at an average nameplate capacity of 50 percent or more during any consecutive 30-day period after the completion of startup testing for the facility.

"(5) INCREASED PROJECT COSTS.—The term 'increased project costs' means the increased cost of constructing, commissioning, testing, operating, or maintaining a reactor prior to full-power operation incurred as a result of a delay covered by the contract, including costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (including idle time), increased general and administrative costs, and escalation costs for completing construction.

"(6) LITIGATION.—The term 'litigation' means any—

"(A) adjudication in Federal, State, local, or tribal court; and

"(B) any administrative proceeding or hearing before a Federal, State, local, or tribal agency or administrative entity.".

(b) CONTRACT AUTHORITY.—Section 638(b) of the Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is amended by striking paragraph (1) and inserting the following:

"(1) CONTRACTS.—

"(A) IN GENERAL.—The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover at any 1 time a total of not more than 12 reactors, which shall consist of not less than 2 nor more than 4 different reactor designs, in accordance with paragraph (2).

"(B) REPLACEMENT CONTRACTS.—If any contract entered into under this section terminates or expires without a claim being paid by the Secretary under the contract, the Secretary may enter into a new contract under this section in replacement of the contract.".

(c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42. U.S.C. 16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) COVERAGE.—In the case of reactors that receive combined licenses and on which construction is commenced, the Secretary shall pay—

"(A) 100 percent of the covered costs of delay that occur after the initial 30-day period of covered delay; but

"(B) not more than $500,000,000 per contract.

"(3) COVERED DEBT OBLIGATIONS.—Debt obligations covered under subparagraph (A) of paragraph (5) shall include debt obligations incurred to pay increased project costs.".

(d) DISPUTE RESOLUTION.—Section 638 of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

"(f) DISPUTE RESOLUTION.—

"(1) IN GENERAL.—Any controversy or claim arising out of or relating to any contract entered into under this section shall be determined by arbitration in Washington, DC, in accordance with the applicable Commercial Arbitration Rules of the American Arbitration Association.

"(2) TREATMENT OF DECISION.—A decision by an arbitrator shall be final and binding, and the United district court for Washington, DC, or the district in which the project is located shall have jurisdiction to enter judgment on the decision.".

SEC. ___05. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by adding at the end the following:

"(6) PROJECT COST.—The term 'project cost' means all costs associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, startup, shakedown, and financing of a facility, including reasonable escalation and contingencies, the cost of and fees for the guarantee, reasonably required reserve funds, initial working capital, and interest during construction.".

(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) sufficient amounts have been appropriated to cover the cost of the guarantee;

"(B) the Secretary has—

"(i) received from the borrower payment in full for the cost of the obligation; and

"(ii) deposited the payment into the Treasury; or

"(C) any combination of subparagraphs (A) and (B) that is sufficient to cover the cost of the obligation.

"(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c (b)) shall not apply to a loan guarantee made in accordance with paragraph (1).

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee—

"(A) 100 percent of the obligation for a facility that is the subject of a guarantee; or

"(B) a lesser amount, if requested by the borrower.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

Subtitle B—Other Programs

SEC. ___11. NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16272(c)) is amended by adding at the end the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

"(A) $159,600,000 for fiscal year 2009;

"(B) $135,600,000 for fiscal year 2010;

"(C) $46,900,000 for fiscal year 2011; and

"(D) $2,200,000 for fiscal year 2012.".

SEC. ___12. NEXT GENERATION NUCLEAR PLANT PROJECT.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through "The Secretary" and inserting the following:

"(a) ESTABLISHMENT AND OBJECTIVE.—

"(1) ESTABLISHMENT.—The Secretary"; and

(B) by adding at the end the following:

"(2) OBJECTIVE.—

"(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means a technology relating to any nongreenhouse gas-emitting alternative to the burning of fossil fuels for commercial applications using process heat to generate electricity, steam, hydrogen, and oxygen for activities such as—

"(i) refining;

"(ii) converting coal to synfuels and other hydrocarbon feedstocks; and

"(iii) desalination.

"(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

"(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users, as projected for the 40-year period beginning on the date of enactment of this paragraph."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "licensing," after "design,";

(B) in paragraph (1), by striking "942(d)" and inserting "952(d)"; and

(C) by striking paragraph (2) and inserting the following:

"(2) shall be used to demonstrate the capability of the nuclear energy system to provide—

"(A) high-temperature process heat to be used for the production of electricity, steam, and other heat transport fluids; and

"(B) hydrogen and oxygen, separately or in combination.".

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) INTERACTION WITH INDUSTRY CONSORTIUM.—Any activity carried out under the Project by the industry consortium established under subsection (c) shall be carried out pursuant to a financial assistance agreement between the Secretary and the industry consortium.";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) LEAD LABORATORY.—

"(A) IN GENERAL.—The Idaho National Laboratory shall—

"(i) be the lead National Laboratory for the Project; and

"(ii) collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.

"(B) PARTNERSHIP AGREEMENT.—

"(i) IN GENERAL.—The Secretary shall offer to enter into a partnership agreement with an entity or group of entities in the private sector under which the entity or group of entities shall assume responsibility for the management and operation of the Project.

"(ii) REQUIREMENT.—The partnership agreement under clause (i) shall contain a provision under which the entity or group of entities in the private sector may enter into contracts with entities in the public sector for the provision of services and products to that sector that represent typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality."; and

(B) in paragraph (2)(A)—

(i) by striking "The Idaho National Laboratory" and inserting "The entity or group of entities referred to in paragraph (1)(B), acting through the Idaho National Laboratory pursuant to the partnership agreement entered into under that paragraph,"; and

(ii) by inserting "licensing," after "design,"; and

(3) by adding at the end the following:

"(c) INDUSTRY CONSORTIUM.—

"(1) ESTABLISHMENT.—The entity or group of entities referred to in subsection (b)(1)(B), acting through the Idaho National Laboratory pursuant to the partnership agreement entered into under that subsection, shall establish an industry consortium, to be composed of representatives of industrial end-users of electricity, steam, hydrogen, and oxygen.

"(2) DUTIES.—The industry consortium shall assume responsibility for management, development, design, licensing, construction, and initial operation of the Project, using commercial practices and project management processes and tools.".

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting "transportation and" before "conversion";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and hydrogen" and inserting ", steam, hydrogen, and oxygen"; and

(ii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ", through a competitive process,";

(ii) in subparagraph (C), by striking "reactor" and inserting "energy system";

(iii) in subparagraph (D), by striking "hydrogen or electricity" and inserting "energy transportation, conversion, and"; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(D) by striking "The Project shall be" and inserting the following:

"(1) IN GENERAL.—The Project shall be"; and

(E) by adding at the end the following:

"(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary."; and

(3) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

"(E) INDUSTRY CONSORTIUM.—The industry consortium established under section 642(c) may enter into any necessary contracts with the Federal Government or entities in the international industrial sector for research and development, design, licensing, construction, and operating activities, services, and equipment."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) review program plans for the Project prepared by the Office of Nuclear Energy, Science, and Technology and progress under the Project on an ongoing basis, in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c); and"; and

(ii) in subparagraph (D)—

(I) by striking "On a determination" and inserting the following:

"(i) IN GENERAL.—On a determination";

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(A)"; and

(bb) by striking "subsection (b)(2)" and inserting "subsection (b)(1)(B)"; and

(III) by adding at the end the following:

"(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c).".

SEC. ___13. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) nuclear utility and nuclear energy product and service industries.";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) WORKFORCE TRAINING.—

"(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary, shall promulgate regulations to implement a program to provide grants to enhance workforce training for any occupation in the workforce of the nuclear utility and nuclear energy products and services industries for which a shortage is identified or predicted in the report under subsection (b)(2).

"(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, including organized labor organizations and multiemployer associations that jointly sponsor apprenticeship programs that provide training for skills needed in those industries.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretary and the Secretary of Education, $20,000,000 for each of fiscal years 2008 through 2015 to carry out this subsection.".

SEC. ___14. INTERAGENCY WORKING GROUP TO PROMOTE DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the competitiveness of the United States nuclear energy products and services industries;

(2) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(3) to facilitate the export of United States nuclear energy products and services;

(4) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(5) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(7) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an interagency working group (referred to in this section as the "Working Group") that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(2) COMPOSITION.—The Working Group shall be composed of—

(A) the Secretary of Energy (or a designee), who shall serve as Chairperson of the Working Group; and

(B) representatives of—

(i) the Department of Energy;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Treasury;

(v) the Department of State;

(vi) the Environmental Protection Agency;

(vii) the United States Agency for International Development;

(viii) the Export-Import Bank of the United States;

(ix) the Trade and Development Agency;

(x) the Small Business Administration;

(xi) the Office of the United States Trade Representative; and

(xii) other Federal agencies, as determined by the President.

(c) DUTIES OF WORKING GROUP.—The Working Group shall—

(1) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(A) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(B) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(C) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(2) not later than 180 days after the date of enactment of this Act, identify—

(A) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(i) the capacity of the companies to produce or provide nuclear energy products and services; and

(ii) exports of nuclear energy products and services; and

(B) administrative or legislative initiatives that are necessary —

(i) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(ii) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(3) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under paragraphs (1) and (2), including recommendations for new legislative authority, as necessary; and

(4) encourage the agencies represented by membership in the Working Group—

(A) to provide technical training and education for international development personnel and local users in other countries;

(B) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) to develop nuclear energy projects in foreign countries;

(D) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(d) PERSONNEL AND SERVICE MATTERS.—The Secretary of Energy and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group, with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $20,000,000 for each of fiscal years 2009 through 2012.

SEC. ___15. NUCLEAR POWER TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund to be known as the "Nuclear Power Technology Fund" of which funds shall be made available to carry out the purposes of section ___16 (relating to spent fuel recycling).

SEC. ___16. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FACILITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling; and

(C) community support.

(c) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SA 4887. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—COMMERCIAL TRUCK FUEL SAVINGS DEMONSTRATION PROGRAM

SEC. 1801. FINDINGS.

Congress finds that—

(1) diesel fuel prices have increased more than 50 percent during the 1-year period between May 2007 and May 2008;

(2) laws governing Federal highway funding effectively impose a limit of 80,000 pounds on the weight of vehicles permitted to use highways on the Interstate System;

(3) the administration of that provision in many States has forced heavy tractor-trailer and tractor-semitrailer combination vehicles

traveling in those States to divert onto small State and local roads on which higher vehicle weight limits apply under State law;

(4) the diversion of those vehicles onto those roads increases fuel costs because of increased idling time and total travel time along those roads; and

(5) permitting heavy commercial vehicles, including tanker trucks carrying hazardous material and fuel oil, to travel on Interstate System highways when fuel prices are high would provide significant savings in the transportation of goods throughout the United States.

SEC. 1802. DEFINITIONS.

In this title:

(1) Commissioner.—The term "Commissioner" means the Commissioner of Transportation of a State.

(2) Covered interstate system highway.—

(A) In general.—The term "covered Interstate System highway" means a highway designated as a route on the Interstate System.

(B) Exclusion.—The term "covered Interstate System highway" does not include any portion of a highway that, as of the date of the enactment of this Act, is exempt from the requirements of subsection (a) of section 127 of title 23, United States Code, pursuant to a waiver under that subsection.

(3) Interstate system.—The term "Interstate System" has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. 1803. WAIVER OF HIGHWAY FUNDING REDUCTION RELATING TO WEIGHT OF VEHICLES USING INTERSTATE SYSTEM HIGHWAYS.

(a) Prohibition Relating to Certain Vehicles.—Notwithstanding section 127(a) of title 23, United States Code, the total amount of funds apportioned to a State under section 104(b)(1) of that title for any period may not be reduced under section 127(a) of that title if a State permits a vehicle described in subsection (b) to use a covered Interstate System highway in the State in accordance with the conditions described in subsection (c).

(b) Combination Vehicles in Excess of 80,000 Pounds.—A vehicle described in this subsection is a vehicle having a weight in excess of 80,000 pounds that—

(1) consists of a 3-axle tractor unit hauling a single trailer or semitrailer; and

(2) does not exceed any vehicle weight limitation that is applicable under the laws of a State to the operation of the vehicle on highways in the State that are not part of the Interstate System, as those laws are in effect on the date of enactment of this Act.

(c) Conditions.—This section shall apply at any time at which the weighted average price of retail number 2 diesel in the United States is $3.50 or more per gallon.

(d) Effective Date and Termination.—This section shall not remain in effect—

(1) after the date that is 2 years after the date of enactment of this Act; or

(2) before the end of that 2-year period, after any date on which the Secretary of Transportation—

(A) determines that—

(i) operation of vehicles described in subsection (b) on covered Interstate System highways has adversely affected safety on the overall highway network; or

(ii) a Commissioner has failed faithfully to use the highway safety committee as described in section 1805(2)(A) or to collect the data described in section 1805(3); and

(B) publishes the determination, together with the date of termination of this section, in the Federal Register.

(e) Consultation Regarding Termination for Safety.—In making a determination under subsection (d)(2)(A)(i), the Secretary of Transportation shall consult with the highway safety committee established by a Commissioner in accordance with section 1805.

SEC. 1804. GAO TRUCK SAFETY DEMONSTRATION REPORT.

The Comptroller General of the United States shall carry out a study of the effects of participation in the program under section 1803 on the safety of the overall highway network in States participating in that program.

SEC. 1805. RESPONSIBILITIES OF STATES.

For the purpose of section 1803, a State shall be considered to meet the conditions under this section if the Commissioner of the State—

(1) submits to the Secretary of Transportation a plan for use in meeting the conditions described in paragraphs (2) and (3);

(2) establishes and chairs a highway safety committee that—

(A) the Commissioner uses to review the data collected pursuant to paragraph (3); and

(B) consists of representatives of—

(i) agencies of the State that have responsibilities relating to highway safety;

(ii) municipalities of the State;

(iii) organizations that have evaluation or promotion of highway safety among the principal purposes of the organizations; and

(iv) the commercial trucking industry; and

(3) collects data on the net effects that the operation of vehicles described in section 1803(b) on covered Interstate System highways have on the safety of the overall highway network, including the net effects on single-vehicle and multiple-vehicle collision rates for those vehicles.

SA 4888. Mr. INHOFE (for himself and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER DIESEL PRICES CAUSED BY THIS ACT.

(a) Determination of Higher Diesel Prices Caused by This Act.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of diesel to increase since the date of enactment of this Act.

(b) Administrator Action.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher diesel prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a diesel price increase.

SA 4889. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 224, line 16, strike "65" and insert "39".

On page 226, line 11, strike "30" and insert "18".

On page 227, line 5, strike "5" and insert "3".

On page 228, strike line 13 and insert the following:

(j) Grants for Traffic Congestion and Bottleneck Relief Projects.—

(1) In general.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 40 percent shall be distributed to State governmental authorities to assist in reducing highway traffic congestion, through—

(A) programs to alleviate traffic congestion at documented highway bottlenecks; and

(B) programs to deploy systemic improvements to reduce traffic congestion.

(2) Use of funds.—A State governmental authority shall use funds received under paragraph (1) for—

(A) construction of new roadway or bridge capacity, including single-occupancy vehicle lanes;

(B) technology applications; and

(C) operational improvements.

(3) Terms and conditions.—Funds provided under this subsection shall be subject to the terms and conditions applicable to allocations of funds under section 103 of title 23, United States Code.

(4) Cost share.—The Federal share of the cost of an activity funded under this subsection shall not exceed 80 percent.

(k) Condition for Receipt of Funds.—To be eli-

SA 4890. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—RENEWABLE ENERGY STANDARD

SEC. 1801. RENEWABLE PORTFOLIO STANDARD.

(a) In General.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) Definitions.—In this section:

"(1) Base amount of electricity.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding incremental hydropower).

"(2) Distributed generation facility.—The term 'distributed generation facility' means a facility at a customer site.

"(3) Existing renewable energy.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(b) of the

Energy Policy Act of 2005 (42 U.S.C. 15852(b)), landfill gas, or municipal solid waste.

"(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

"(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

"(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

"(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(6) INCREMENTAL HYDROPOWER.—

"(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

"(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

"(C) MEASUREMENT.—Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

"(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

"(i) solar, wind, or geothermal energy or ocean energy;

"(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

"(iii) landfill gas;

"(iv) incremental hydropower; or

"(v) municipal solid waste; and

"(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

"(i) the additional energy above the average generation during the 3-year period ending on the date of enactment of this section at the facility from—

"(I) solar or wind energy or ocean energy;

"(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

"(III) landfill gas;

"(IV) incremental hydropower; or

"(V) municipal solid waste; and

"(ii) incremental geothermal production.

"(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

"(b) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

"(2) MINIMUM ANNUAL PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	Minimum annual percentage:
2010	2
2011	4
2012	6
2013	8
2014	10
2015	11
2016	12
2017	13
2018	14
2019	15
2020	16
2021	17
2022	18
2023	19
2024	20.

"(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of this subsection by—

"(A) submitting to the Secretary renewable energy credits issued under subsection (c);

"(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (h)); or

"(C) conducting a combination of activities described in subparagraphs (A) and (B).

"(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a renewable energy credit trading program under which each electric utility shall submit to the Secretary renewable energy credits to certify the compliance of the electric utility with respect to obligations under subsection (b).

"(2) ADMINISTRATION.—As part of the program, the Secretary shall—

"(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

"(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

"(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (i);

"(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section;

"(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

"(F) ensure that, with respect to a purchaser that as of the date of enactment of this section has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy.

"(3) DURATION.—A credit described in subparagraph (A) or (B) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

"(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (b) may transfer the credits to another electric utility in the same utility holding company system.

"(5) DELEGATION OF MARKET .FUNCTION.—The Secretary may delegate to an appropriate entity that establishes markets the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

"(d) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (b) shall be subject to a civil penalty.

"(2) AMOUNT OF PENALTY.—Subject to paragraph .(3), the amount of the civil penalty shall be equal to the product obtained by multiplying—

"(A) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); by

"(B) the greater of—

"(i) 2 cents (adjusted for inflation under subsection (h)); or

"(ii) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) MITIGATION OR WAIVER.—

"(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (b) for reasons outside of the reasonable control of the utility.

"(B) REDUCTION.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (b).

"(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

"(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

"(1) IN GENERAL.—Not later than December 31, 2008, the Secretary of the Treasury shall establish a State renewable energy account in the Treasury.

"(2) DEPOSITS.—

"(A) IN GENERAL.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established under paragraph (1).

"(B) SEPARATE ACCOUNT.—The State renewable energy account shall be maintained as a separate account in the Treasury and shall not be transferred to the general fund of the Treasury.

"(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

"(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

"(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

"(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) to State programs to stimulate or enhance innovative renewable energy technologies.

"(f) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

"(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

"(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) in Hawaii.

"(h) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary shall adjust for United States dollar inflation (as measured by the Consumer Price Index)—

"(1) the price of a renewable energy credit under subsection (c)(2); and

"(2) the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

"(i) STATE PROGRAMS.—

"(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (d)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section.

"(2) COORDINATION.—The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility subject to the requirements of this section that is also subject to a State renewable energy standard receives renewable energy credits in relation to equivalent quantities of renewable energy associated with compliance mechanisms, other than the generation or purchase of renewable energy by the electric utility, including the acquisition of certificates or credits and the payment of taxes, fees, surcharges, or other financial compliance mechanisms by the electric utility or a customer of the electric utility, directly associated with the generation or purchase of renewable energy.

"(B) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

"(j) RECOVERY OF COSTS.—

"(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

"(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(k) WIND ENERGY DEVELOPMENT STUDY.—The Secretary, in consultation with appropriate Federal and State agencies, shall conduct, and submit to Congress a report describing the results of, a study on methods to increase transmission line capacity for wind energy development.

"(l) SUNSET.—This section expires on December 31, 2040.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

"Sec. 609. Rural and remote communities electrification grants.

"Sec. 610. Federal renewable portfolio standard.".

SA 4891. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Sense of the Senate Regarding Excessive Big Oil Chief Executive Officer Compensation

SEC. 1771. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national average price for a gallon of gasoline has increased from the price of $1.47 per gallon during the week President George W. Bush took office in January 2001 to, as of the date of enactment of this Act, an all-time high of approximately $4.00 per gallon;

(2) the price of a barrel of oil has increased during the administration of George W. Bush, from $30.63 in January 2001 to as high as $135 in May 2008;

(3) the average household with children will spend approximately $5,030 on transportation fuel costs in 2008, an increase of 164 percent or $3,127 more than 2001 transportation fuel costs;

(4) while the price of gasoline has continued to skyrocket, median household income, adjusted for inflation, has declined by $982 from $50,566 in 2000 to $49,584 in 2006, making it harder for families of the United States to afford the basic necessities of life;

(5) while the price of gasoline has continued to skyrocket, 36,500,000 citizens of the United States lived in poverty during 2006, an increase of 4,900,000 above the 2000 level, the year before President Bush took office;

(6) 63 percent of respondents of a March 2008 Gallup Poll stated that high gasoline prices have caused hardships for the respondents;

(7) according to a Gallup Poll carried out on June 3, 2008, 55 percent of the citizens of the United States stated that they are worse off financially than the prior year, marking the first time in the 32-year history of the Gallop Poll that more than 50 percent of the respondents of that question provided a negative assessment;

(8) while the citizens of the United States continue to pay record-breaking prices at the gas pump, the chief executive officers of big oil companies have been rewarded with excessive retirement and annual compensation packages;

(9) in 2005, Lee Raymond, the former chief executive officer of Exxon-Mobil, received a total retirement package of at least $398,000,000, among the richest compensation packages in United States corporate history;

(10) in 2006, Ray Irani, the chief executive officer of Occidental Petroleum (the largest oil producer in the State of Texas), received over $400,000,000 in total compensation, 1 of the largest single-year payouts in United States corporate history;

(11) in 2007, David J. O'Reilly, the chief executive officer of Chevron, received $34,610,000 in total compensation;

(12) in 2007, Rex Tillerson, the chief executive officer of ExxonMobil, received $21,000,000 in total compensation;

(13) in 2007, Jim Mulva, the chief executive officer of ConocoPhillips, received $15,100,000 in total compensation; and

(14) in 2007, Bob R. Simpson, the chief executive officer of XTO Energy (1 of the largest independent oil and gas producers in the United States), received $72,700,000 in total compensation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that at a time during which the citizens of the United States continue to pay record-breaking prices for gasoline, chief executive officers of big oil companies should not receive for total annual compensation an amount greater than $5,000,000.

SA 4892. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Margin Level for Crude Oil

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

"(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

"(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

"(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product refined from the crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.".

SA 4893. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

"(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

"(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

"(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product refined from the crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.".

SEC. 1772. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

"(j) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (h), agreements, contracts, or transactions, including futures, swaps, and derivatives transactions that serve a price discovery function for energy commodities delivered in the United States, that are facilitated or transacted on any contract market or electronic trading facility that is regulated by a foreign regulatory agency, shall—

"(A) register as a designated contract market pursuant to section 4(a); and

"(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

"(2) REGISTRATION.—A contract market or electronic trading facility that is subject to paragraph (1) shall register with the Commission not later than 180 days after the date of enactment of this subsection.

"(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after this date.".

SEC. 1773. CONFLICTS OF INTEREST IN COMMODITIES MARKETS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 1772) is amended by adding at the end the following:

"(k) CONFLICTS OF INTEREST IN COMMODITIES MARKETS.—

"(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that (with respect to a commodity that is traded on or subject to the rules of a board of trade by any covered person)—

"(A) prohibit the crude oil research division of the covered person that is responsible for predicting the price of crude oil from any communications between the division and energy traders;

"(B) prohibit energy traders from conducting transactions that relate to the energy infrastructure of the covered person;

"(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person;

"(D) prohibit investment banks from owning energy commodities;

"(E) require investment banks to disclose income from oil and gas trading activities;

"(F) prohibit investment banks from having an interest in an energy exchange;

"(G) prohibit United States investors from trading on an unregulated exchange; and

"(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

"(2) PENALTY.—An individual or entity that (as determined by the Commission or the Securities and Exchange Commission, as appropriate) repeatedly violates an applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.".

SA 4894. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

"(j) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (h), any contract market or electronic trading facility that is regulated by a foreign regulatory agency and that facilitates, or on which is transacted, any agreements, contracts, or transactions, including futures, swaps, and derivatives transactions, that serve a price discovery function for energy commodities delivered in the United States, shall—

"(A) register as a designated contract market pursuant to section 4(a); and

"(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

"(2) REGISTRATION.—Each contract market and electronic trading facility that is subject to paragraph (1) shall register with the Commission not later than 180 days after the date of enactment of this subsection.

"(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after the date of enactment of this subsection.".

SA 4895. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. CONFLICTS OF INTEREST IN COMMODITIES MARKETS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

"(j) CONFLICTS OF INTEREST IN COMMODITIES MARKETS.—

"(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that (with respect to a commodity that is traded on or subject to the rules of a board of trade by any covered person)—

"(A) prohibit the crude oil research division of the covered person that is responsible for predicting the price of crude oil from any communications between the division and energy traders;

"(B) prohibit energy traders from conducting transactions that relate to the energy infrastructure of the covered person;

"(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person;

"(D) prohibit investment banks from owning energy commodities;

"(E) require investment banks to disclose income from oil and gas trading activities;

"(F) prohibit investment banks from having an interest in an energy exchange;

"(G) prohibit United States investors from trading on an unregulated exchange; and

"(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

"(2) PENALTY.—An individual or entity that (as determined by the Commission or the Securities and Exchange Commission, as appropriate) repeatedly violates an applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.".

SA 4896. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL COMMISSION ON ENERGY POLICY AND GLOBAL CLIMATE CHANGE.

(a) ESTABLISHMENT.—There is established a commission, to be known as the "National Commission on Energy Policy and Global Climate Change" (referred to in this section as the "Commission").

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine all aspects of the national energy situation and related policies in order to develop a comprehensive, economy-wide policy approach to energy issues;

(2) to examine relevant data relating to global climate change, including impacts of human activities; and

(3) to report to Congress and the President the findings, conclusions, and recommendations of the Commission for legislation to establish a comprehensive national energy policy that ensures national energy security and significantly reduces greenhouse gas emissions in order to address global climate change without damaging the economy.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be jointly appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives, who shall serve as Chairperson of the Commission;

(B) 1 shall be jointly appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, who shall serve as Vice-Chairperson of the Commission;

(C) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Environment and Public Works of the Senate;

(D) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives, in consultation with the Select Committee on Energy Independence and Global Warming of the House of Representatives;

(E) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate;

(F) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Commerce of the House of Representatives;

(G) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate;

(H) 1 shall be jointly appointed by the Chairpersons and Ranking Members of the Committees on Science and Technology and Transportation and Infrastructure of the House of Representatives;

(I) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(J) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture of the House of Representatives;

(K) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Finance of the Senate; and

(L) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—

(A) POLITICAL PARTY AFFILIATION.—An appointment of a member of the Commission under paragraph (1) shall be made—

(i) without regard to the political party affiliation of the member; and

(ii) on a nonpartisan basis.

(B) NONGOVERNMENTAL APPOINTEES.—A member appointed to the Commission under paragraph (1) shall not be an officer or employee of—

(i) the Federal Government; or

(ii) any unit of State or local government.

(C) SENSE OF CONGRESS REGARDING OTHER QUALIFICATIONS.—It is the sense of Congress that members appointed to the Commission under paragraph (1) should be prominent, nationally recognized United States citizens, with a significant depth of experience in professions such as governmental service, science, energy, economics, the environment, agriculture, manufacturing, public administration, and commerce (including aviation matters).

(3) DEADLINE FOR APPOINTMENTS.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission as soon as practicable, and not later than 60 days, after the date on which all members of the Commission are appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting under subparagraph (A), the Commission shall meet at the call of—

(i) the Chairperson; or

(ii) a majority of the members of the Commission.

(5) QUORUM.—7 members of the Commission shall constitute a quorum.

(6) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

(d) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study and evaluate relevant data, studies, and proposals relating to national energy policies and policies to address global climate change, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure relating to—

(i) domestic production and consumption of energy from all sources and imported sources of energy, particularly oil and natural gas;

(ii) domestic and international oil and gas exploration, production, refining, and pipelines and other forms of infrastructure and transportation;

(iii) energy markets, including energy market speculation, transparency, and oversight;

(iv) the structure of the energy industry, including the impacts of consolidation, antitrust, and oligopolistic concerns, market manipulation and collusion concerns, and other similar matters;

(v) electricity production and transmission issues, including fossil fuels, renewable energy, energy efficiency, and energy conservation matters;

(vi) transportation fuels, biofuels and other renewable fuels, fuel cells, motor vehicle power systems, efficiency, and conservation; and

(vii) nuclear energy, including matters relating to permitting, regulation, and legal liability;

(B) examine relevant data relating to global climate change and the national and global environment, including—

(i) the impacts on the global climate system and the environment of human activities, particularly greenhouse gas emissions and pollution; and

(ii) the consequences of global climate change on humans and other species, particularly consequences to the national security, economy, and public health and safety of the United States;

(C) identify, review, and evaluate the lessons of past energy policies, energy crises, environmental problems, and attempts to address global climate change;

(D) evaluate proposals for energy and global climate change policies, including proposals developed by Members of Congress, congressional Committees, relevant Federal, regional, and State government agencies, nongovernmental organizations, independent organizations, and international organizations, with the goal of expanding those proposals to develop a blueprint for comprehensive energy and global climate change legislation; and

(E) submit to Congress and the President the reports required under subsection (h).

(2) RELATIONSHIP TO EFFORTS OF CONGRESS.—The Commission shall—

(A) review the information compiled by, and the findings, conclusions, and recommendations of, congressional Committees of relevant jurisdiction; and

(B) based on the results of the review, pursue any appropriate inquiry that the Commission determines to be necessary to carry out the duties of the Commission under paragraph (1).

(e) POWERS.—

(1) IN GENERAL.—

(A) RULES.—The Commission may establish such rules relating to administrative procedures as are reasonably necessary to enable the Commission to carry out this section.

(B) HEARINGS AND EVIDENCE.—

(i) IN GENERAL.—The Commission or any subcommittee or member of the Commission may, for the purpose of carrying out this section—

(I) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission determines to be appropriate; and

(II) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission determines to be necessary.

(ii) PUBLIC REQUIREMENT.—In accordance with applicable laws (including regulations) and Executive orders regarding protection of information acquired by the Commission, the Commission shall ensure that, to the maximum extent practicable—

(I) all hearings of the Commission are open to the public, including by—

(aa) providing live and recorded public access to hearings on the Internet; and

(bb) publishing all transcripts and records of hearings at such time and in such manner as is agreed to by the majority of members of the Commission; and

(II) all findings and reports of the Commission are made public.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) on agreement of the Chairperson and Vice-Chairperson of the Commission; or

(II) on the affirmative vote of at least 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph may be—

(I) issued under the signature of the Chairperson of the Commission (or a designee who is a member of the Commission); and

(II) served by any individual or entity designated by the Chairperson or designee.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed individual or entity resides, is served, or may be found, or to which the subpoena is returnable, may issue an order requiring the individual or entity to appear at a designated place to testify or to produce documentary or other evidence.

(ii) FAILURE TO OBEY.—

(I) IN GENERAL.—A failure to obey the order of a United States district court under clause (i) may be punished by the United States district court as a contempt of the court.

(II) ENFORCEMENT BY COMMISSION.—In the case of failure of a witness to comply with a subpoena, or to testify if summoned pursuant to this paragraph—

(aa) the Commission, by majority vote, may certify to the appropriate United States Attorney a statement of fact regarding the failure; and

(bb) the United States Attorney may bring the matter before the grand jury for action in accordance with sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.).

(3) CONTRACTING.—To the extent amounts are made available in appropriations Acts, the Commission may enter into contracts to assist the Commission in carrying out the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) TREATMENT.—Information provided to the Commission under this paragraph shall be received, handled, stored, and disseminated by members and staff of the Commission in accordance with applicable law (including regulations) and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services to assist the Commission in carrying out the duties of the Commission under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in subparagraph (A), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support as the head of the department or agency determines to be appropriate.

(6) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(7) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property only in accordance with the ethical rules applicable to congressional officers and employees.

(8) VOLUNTEER SERVICES.—

(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use the services of volunteers serving without compensation.

(B) REIMBURSEMENT.—The Commission may reimburse a volunteer for office supplies, local travel expenses, and other travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(C) TREATMENT.—A volunteer of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission, for purposes of—

(i) chapter 81 of title 5, United States Code;

(ii) chapter 11 of title 18, United States Code; and

(iii) chapter 171 of title 28, United States Code.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(D) STATUS.—The executive director and any employee (not including any member) of the Commission shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2009, and thereafter as the Commission determines to be appropriate, the Commission shall submit to Congress and the President an interim report describing the findings and recommendations agreed to by a majority of members of the Commission during the period beginning on the date on which, as applicable—

(A) all members of the Commission are appointed under subsection (c); or

(B) the most recent interim report was submitted under this paragraph.

(2) FINAL REPORT.—Not later than 18 months after the date on which all members of the Commission are appointed under subsection (c), the Commission shall submit to Congress and the President a final report establishing a plan for development of legislation for a comprehensive national policy relating to energy security that—

(A) addresses global climate change; and

(B) describes the findings and recommendations agreed to by a majority of members of the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until the later of—

(1) the date on which the funds are expended; or

(2) the date of termination of the Commission under subsection (j).

(j) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date on which the final report is submitted under subsection (h)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 60-day period described in paragraph (1), the Commission may conclude the activities of the Commission, including—

(A) providing testimony to appropriate committees of Congress regarding the reports of the Commission; and

(B) publishing the final report of the Commission.

SA 4897. **Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:**

Beginning on page 377, strike line 21 and all that follows through page 379, line 8, and insert the following:

(a) IN GENERAL.—Of the amounts made available annually under section 1231(b), 15 percent shall be allocated to the Secretary of Commerce for use in funding adaptation activities to protect, maintain, and restore coastal, estuarine, Great Lakes, and marine resources, habitats, and ecosystems, including activities carried out under—

(1) the coastal and estuarine land conservation program;

(2) the community-based restoration program;

(3) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), subject to the condition that State coastal agencies shall incorporate, and the Secretary of Commerce shall approve, coastal zone management plan elements that are—

(A) consistent with the National Wildlife Adaptation Strategy developed by the President under section 1222(a), as part of a coastal zone management program established under this Act; and

(B) specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of—

(i) global warming; and

(ii) where practicable, ocean acidification;

(4) the Open Rivers Initiative;

(5) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(8) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); and

(9) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

(b) REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS PROGRAM.—Of the amounts made available annually under section 1231(b), 2 percent shall be allocated to the Secretary of Commerce for use in funding activities through the Regional Integrated Sciences and Assessments program of the Department of Commerce, including the development of climate mitigation and adaptation decision support systems and tools for regional, State, and local decision-makers and policy planners.

SA 4898. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 36, line 14 and all that follows through page 41, line 8, strike "Administrator" each place it appears and insert "Secretary of Energy".

Beginning on page 142, strike line 9 and all that follows through page 147, line 20 and insert the following:

Subtitle D—Climate Change Technology Initiative

SEC. 431. ESTABLISHMENT.

There is established, within the Department of Energy, a Climate Change Technology Initiative.

SEC. 432. PURPOSE.

The purpose of the Climate Change Technology Initiative shall be to advance the purposes of this Act by using the funds made available to the Secretary of Energy under titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

SEC. 433. DISTRIBUTION OF FUNDS.

The Secretary of Energy shall have the authority to distribute funds made available to the Secretary under this Act.

SEC. 434. NOTIFICATION OF DISTRIBUTION OF FUNDS.

(a) ADVANCE NOTIFICATION.—Not later than 60 days before distributing any funds made available under this Act to the Secretary of Energy, the Secretary shall—

(1) publish in the Federal Register a detailed notification of the distribution; and

(2) provide a detailed notification of the distribution to—

(A) the President; and

(B) each committee of Congress with jurisdiction over an activity that would be funded under the distribution.

(b) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Energy shall submit to Congress a report describing, with respect to amounts obligated by the Secretary under this Act for that fiscal year—

(1) the actual amounts obligated during that fiscal year;

(2) the purposes for which the amounts were obligated; and

(3) the balance, if any, of amounts that—

(A) were obligated during that year; but

(B) remain unexpended as of the date of submission of the report.

SEC. 435. REVIEWS AND AUDITS BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct periodic reviews and audits of the efficacy of the distributions of funds made by the Secretary of Energy under this Act.

On page 283, lines 18 and 19, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 284, lines 2 and 3, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 285, line 3, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 285, lines 17 and 18, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 286, lines 3 and 4, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 286, lines 17 and 18, strike "Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy," and insert "Secretary of Energy, in consultation with the Administrator,".

On page 286, line 23, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 288, lines 1 and 2, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 288, lines 10 and 11, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 288, lines 17 and 18, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 289, line 7, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 289, lines 23 and 24, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 290, lines 5 and 6, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 290, lines 11 and 12, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 291, lines 5 and 6, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 291, lines 13 and 14, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 297, lines 15 and 16, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 297, line 21, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 298, lines 5 and 6, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 298, lines 20 and 21, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 299, line 4, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 299, lines 7 and 8, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 301, lines 6 and 7, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 301, lines 14 and 15, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 302, lines 3 and 4, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 304, strike lines 4 through 7.

On page 305, lines 7 and 8, strike "Climate Change Technology Board established by section 431 (referred to in this subtitle as the 'Board')" and insert "Secretary of Energy".

Beginning on page 305, line 10, and all that follows through page 306, line 3, strike "Board" each place it appears and insert "Secretary of Energy".

On page 333, lines 21 and 22, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 334, lines 3 and 4, strike "Climate Change Technology Board established by section 431" and insert "Secretary of Energy".

On page 334, lines 25 and 26, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 335, lines 15 and 16, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 337, lines 1 and 2, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 337, lines 6 and 7, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 337, lines 11 and 12, strike "Climate Change Technology Board" and insert "Secretary of Energy".

On page 480, lines 23 and 24, strike "the Board, or the Climate Change Technology Board" and insert "or the Board".

SA 4899. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, after line 21, strike the table and insert the following:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	0
2013	0
2014	0
2015	0
2016	0.25
2017	0.25
2018	0.55
2019	0.75
2020	1
2021	1
2022	5.5
2023	5.75
2024	6.0
2025	6.25
2026	6.5
2027	6.75
2028	7
2029	7.25
2030	7.5
2031	8.5
2032	9.5
2033	9.5
2034	9.5
2035	9.5
2036	9.5
2037	9.5
2038	9.5
2039	9.5
2040	9.5
2041	9.5

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2042	9.5
2043	9.5
2044	9.5
2045	9.5
2046	9.5
2047	9.5
2048	9.5
2049	9.5
2050	9.5.

On page 290, lines 6 and 7, strike "4 percent" and insert "5.6 percent".

On page 294, line 20, strike "1.75 percent" and insert "3.25 percent".

On page 303, line 5, strike "0.25 percent" and insert "0.75 percent".

On page 458, after line 5, strike the table and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	6.15
2013	6.15
2014	6.15
2015	6.90
2016	7.15
2017	7.15
2018	7.65
2019	7.4
2020	8.4
2021	9.9
2022	8.75
2023	9.75
2024	10.75
2025	10.75
2026	12.75
2027	12.75
2028	12.75
2029	13.75
2030	13.75
2031	19.75
2032	17.75
2033	17.75
2034	16.75
2035	16.75
2036	16.75
2037	16.75
2038	16.75
2039	16.75
2040	16.75
2041	16.75
2042	16.75
2043	16.75
2044	16.75
2045	16.75
2046	16.75
2047	16.75
2048	16.75
2049	16.75
2050	16.75

SA 4900. Mr. SALAZAR (for himself, Mrs. DOLE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, strike lines 14 through 19 and insert the following:

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for—

(A) distributing solely among rural electric cooperatives, in addition to any other allowances that rural electric cooperatives are eligible to receive, the quantities of emission allowances represented by percentages in the following table; and

(B) deducting those quantities from the percentages specified in the table under section 551(b):

Calendar year	Percentage for distribution among rural electric cooperatives
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	1
2019	1
2020	1
2021	1
2022	0.75
2023	0.75
2024	0.75
2025	0.75
2026	0.5
2027	0.5
2028	0.5
2029	0.25
2030	0.25

SA 4901. Mr. SALAZAR (for himself, Mr. BARRASSO, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, strike lines 4 through 8 and insert the following:

(A)(i) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enactment of this Act; or

(ii) in the case of a fossil fuel-fired electricity generator that was placed in service during the 3-year period ending on the date of enactment of this Act, the quantity of carbon dioxide equivalents emitted by the facility during normal operations exclusive of start-up testing, outages, and related operations, on an annual equivalent basis; by

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SA 4902. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 125, the following:

SEC. 126. RESEARCH ON THE HEALTH EFFECTS OF CLIMATE CHANGE.

Title III of the Public Health Service Act is amended by inserting after section 317S (42 U.S.C. 247b-21) the following:

"SEC. 317T. IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

"(a) EXPANSION OF RESEARCH WITHIN CDC.—The Secretary, acting through the Centers for Disease Control and Prevention, shall, to the extent that amounts are appropriated under subsection (b)—

"(1) provide funding for research on the health effects of climate change;

"(2) develop additional expertise in the prevention and preparedness for the health effects of climate change;

"(3) provide technical support to State and local health departments in developing preparedness plans, and communicating with the public relating to the health effects of climate change; and

"(4) develop training programs for public health professionals concerning the health risks and interventions related to climate change.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out activities under subsection (a) in each of fiscal years 2009 through 2013.".

Add at the end of title VI, the following:

Subtitle E—Partnerships To Improve the Public Health Response to Climate Change

SEC. 641. PARTNERSHIPS TO IMPROVE THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States for activities carried out in response to the impacts of global climate change, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with subsection (a) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	0.5
2013	0.5
2014	0.5
2015	0.5
2016	0.5
2017	0.5
2018	0.5
2019	0.5
2020	0.5
2021	0.75
2022	0.75
2023	0.75
2024	0.75
2025	1
2026	1
2027	1
2028	1
2029	1
2030	1
2031	1
2032	1
2033	1
2034	1
2035	1

Calendar year	Percentage for auction for Deficit Reduction Fund
2036	1
2037	1
2038	1
2039	1
2040	1
2041	1
2042	1
2043	1
2044	1
2045	1
2046	1
2047	1
2048	1
2049	1
2050	1.

(c) DISTRIBUTION.—The emission allowances available for allocation under subsection (b) for a calendar year shall be distributed among the States in proportion to the population of each such State.

(d) USE OF EMISSION ALLOWANCES OR PROCEEDS.—

(1) IN GENERAL.—During any calendar year, a State receiving emission allowances under this section shall use the emission allowances (or proceeds of the sale of those emission allowances) only for projects and activities to plan for and address the impacts of climate change on public health.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities to—

(A) develop, improve, and integrate disease surveillance systems to respond to the health-related effects of climate change;

(B) develop rapid response systems for extreme weather events;

(C) identify and prioritize vulnerable communities and populations and actions that should be taken to protect them from the health-related effects of climate change;

(D) study and develop communication methods and materials to determine the most effective ways to communicate with individuals and communities concerning potential threats, protective behaviors, and preventive actions relating to climate change;

(E) pursue collaborative efforts to develop community strategies to prevent the effects of climate change;

(F) train or develop the public health workforce to strengthen the capacity of such workforce to respond to, and prepare for, the health effects of climate change; and

(G) carry out other activities determined appropriate by the Secretary of Health and Human Services to plan for and address the impacts of climate change on public health.

(3) COORDINATION.—In carrying out this subsection, a State shall coordinate with the Administrator and the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, an efficient and effective use of emission allowances (or proceeds of sale of those emission allowances) allocated under this section.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the State has failed to use in accordance with subsection (d) by not later than 5 years after the date of receipt of the emission allowances from the Administrator.

(f) USE OF RETURNED EMISSION ALLOWANCES.—The Administrator shall, in accordance with subsection (c), distribute any emission allowances returned to the Administrator under subsection (e) to States other than the State that returned those allowances to the Administrator.

(g) REPORT.—

(1) IN GENERAL.—A State receiving allowances under this section shall annually submit to the appropriate committees of Congress and the appropriate Federal agencies a report describing the purposes for which the State has used—

(A) the allowances received under this section; and

(B) the proceeds of the sale by the State of allowances received under this section.

(2) DEFINITION.—As used in this subsection, the term "the appropriate committees of Congress" shall include the Committee on Health, Education, Labor and Pensions of the Senate.

In section 1223(a)(1)(B), insert "public health," after "climate change,".

In section 1223(b)(1)(A), insert "public health," after "ecosystems,".

In section 1402(c), strike the table and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	5.25
2013	5.25
2014	5.25
2015	6.
2016	6.25
2017	6.25
2018	6.75
2019	6.5
2020	7.5
2021	8.75
2022	8
2023	9
2024	10
2025	9.75
2026	11.75
2027	11.75
2028	11.75
2029	12.75
2030	12.75
2031	18.75
2032	16.75
2033	16.75
2034	15.75
2035	15.75
2036	15.75
2037	15.75
2038	15.75
2039	15.75
2040	15.75
2041	15.75
2042	15.75
2043	15.75
2044	15.75
2045	15.75
2046	15.75
2047	15.75
2048	15.75
2049	15.75
2050	15.75.

In section 1601(b)(1), strike "and" at the end.

In section 1601(b)(2)(F), strike the period and insert "; and".

In section 1601(b), add at the end the following:

"(3) provide recommendations for the design and integration of public health systems that can recognize and respond to the health effects of climate change, particularly emerging and reemerging communicable diseases.".

In section 1602, amend the section heading to read as follows:

SEC. 1602. AGENCY RECOMMENDATIONS.

In section 1602, add at the end the following:

(f) RECOMMENDATIONS ON IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.—Not later than January 1, 2013, the Secretary of Health and Human Services shall submit to Congress legislative recommendations based in part on the most recent report submitted by the National Academy of Sciences pursuant to section 1601(b)(3).

In section 1603(b)(4), strike "and" at the end.

In section 1603(b), insert after paragraph (4) the following and redesignate accordingly:

"(5) the Secretary of Health and Human Services; and".

SA 4903. Mr. WARNER (for himself, Mr. LIBERMAN, Mrs. DOLE, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, strike lines 8 through 13 and insert the following:

(a) DECLARATION.—

(1) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(2) INCREASE IN PRICE OF TRANSPORTATION FUEL.—In making a determination under paragraph (1), any increase in the price of transportation fuel that the President determines to be attributable to the implementation of this Act may serve as the basis for an emergency declaration under that paragraph if the increase amounts to a national security, energy security, or economic security emergency, as determined by the President.

SA 4904. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 192, strike line 13 and all that follows through page 193, line 8, and insert the following:

SEC. 551. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of fossil fuel-fired electricity generators in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for distribution among fossil fuel-fired electricity generators (in millions)
2012	713.8735
2013	700.7704
2014	687.5436
2015	674.4405
2016	648.4032
2017	623.0108
2018	582.9819
2019	522.2118
2020	451.9791
2021	373.1201
2022	264.9938
2023	216.3391
2024	160.0451
2025	146.4000
2026	32.8593.

SEC. 552. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2026, among owners and operators of individual fossil fuel-fired electricity generators in the United States, the emission allowances allocated for that year by section 551.

On page 195, line 1, strike "2029" and insert "2026".

Beginning on page 196, strike line 18 and all that follows through page 197, line 8, and insert the following:

SEC. 561. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities that manufacture petroleum-based liquid or gaseous fuel in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for refiners of petroleum-based fuel (in millions)
2012	79.3193
2013	77.8634
2014	76.3937
2015	74.9378
2016	73.0595
2017	71.2012
2018	33.7961
2019	32.1361
2020	30.1319
2021	27.6385
2022	23.5550
2023	21.1063
2024	17.7828
2025	16.7314
2026	5.7147.

Beginning on page 198, strike line 19 and all that follows through page 199, line 8, and insert the following:

SEC. 571. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of—

(1) natural gas processing plants in the United States (other than in the State of Alaska);

(2) entities that produce natural gas in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State; and

(3) entities that hold title to natural gas, including liquefied natural gas, or natural-gas liquid at the time of importation into the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for natural-gas processors (in millions)
2012	29.7447
2013	29.1988
2014	28.6477
2015	28.1017
2016	27.3973
2017	26.7005
2018	25.3470
2019	24.1021
2020	22.5990
2021	20.7289
2022	17.6663
2023	15.8297
2024	13.3371
2025	12.5486
2026	4.2860.

Beginning on page 202, strike line 24 and all that follows through the table on page 203, preceding line 3, and insert the following:

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—The quantities of emission allowances allocated for each calendar year pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for energy consumers (in millions)
2012	202.1250
2013	212.5875
2014	208.5750
2015	218.2400
2016	227.3325
2017	235.9350
2018	256.8500
2019	301.8000
2020	295.4400
2021	289.0200
2022	329.7700
2023	322.3500
2024	359.8400
2025	351.3600
2026	385.7400
2027	417.9000
2028	407.3000
2029	436.2600
2030	463.2000
2031	443.6250
2032	429.0000
2033	414.5000
2034	432.0000
2035	416.2050
2036	400.5450
2037	384.7500
2038	369.0900
2039	353.4300
2040	337.6350
2041	321.9750
2042	306.3150
2043	290.5200
2044	274.8600
2045	259.0650
2046	243.4050
2047	227.7450
2048	211.9500
2049	196.2900
2050	180.4950.

Beginning on page 204, strike line 22 and all that follows through page 206, line 21, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION ENTITIES, LIHEAP PROGRAM, AND WEATHERIZATION ASSISTANCE PROGRAM.

(a) ALLOCATION AND RESERVATION.—

(1) LDC ALLOCATION.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate among local distribution companies and natural gas local distribution companies the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

Calendar year	Allowances for LDC's electricity (in millions)	Allowances for LDC's natural gas (in millions)
2012	548.6250	187.6875
2013	552.7275	184.2425
2014	542.2950	180.7650
2015	531.9600	177.3200
2016	521.5275	173.8425
2017	511.1925	170.3975
2018	500.8575	166.9525
2019	490.4250	163.4750
2020	480.0900	160.0300
2021	469.6575	156.5525
2022	459.3225	153.1075
2023	448.9875	149.6625
2024	438.5550	146.1850
2025	428.2200	142.7400
2026	428.6000	150.0100
2027	410.1611	143.5564
2028	392.2148	137.2752
2029	345.1889	120.8161
2030	328.8148	115.0852
2031	319.4100	70.9800
2032	308.8800	68.6400
2033	298.4400	66.3200
2034	288.0000	64.0000
2035	277.4700	61.6600
2036	267.0300	59.3400
2037	256.5000	57.0000
2038	246.0600	54.6800
2039	235.6200	52.3600
2040	225.0900	50.0200
2041	214.6500	47.7000
2042	204.2100	45.3800
2043	193.6800	43.0400
2044	183.2400	40.7200
2045	172.7100	38.3800
2046	162.2700	36.0600
2047	151.8300	33.7400
2048	141.3000	31.4000
2049	130.8600	29.0800
2050	120.3300	26.7400.

(2) LIHEAP/WAP RESERVATION.—Not later than 330 days before the beginning of each of

calendar years 2012 through 2050, the Administrator shall reserve for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

Calendar year	Allowances for LIHEAP (in millions)	Allowances for Weatherization Program (in millions)
2012	259.8750	115.5000
2013	255.1050	113.3800
2014	250.2900	111.2400
2015	245.5200	109.1200
2016	240.7050	106.9800
2017	235.9350	104.8600
2018	231.1650	102.7400
2019	226.3500	100.6000
2020	221.5800	98.4800
2021	216.7650	96.3400
2022	211.9950	94.2200
2023	207.2250	92.1000
2024	202.4100	89.9600
2025	197.6400	87.8400
2026	192.8700	85.7200
2027	188.0550	83.5800
2028	183.2850	81.4600
2029	178.4700	79.3200
2030	173.7000	77.2000
2031	133.0875	8.8725
2032	128.7000	8.5800
2033	124.3500	8.2900
2034	120.0000	8.0000
2035	115.6125	7.7075
2036	111.2625	7.4175
2037	106.8750	7.1250
2038	102.5250	6.8350
2039	98.1750	6.5450
2040	93.7875	6.2525
2041	89.4375	5.9625
2042	85.0875	5.6725
2043	80.7000	5.3800
2044	76.3500	5.0900
2045	71.9625	4.7975
2046	67.6125	4.5075
2047	63.2625	4.2175
2048	58.8750	3.9250
2049	54.5250	3.6350
2050	50.1375	3.3425.

(b) DISTRIBUTION.—

(1) LOCAL DISTRIBUTION ENTITIES.—

(A) IN GENERAL.—For each calendar year, the emission allowances allocated under subsection (a) for local distribution entities shall be distributed by the Administrator to each local distribution entity based on the proportion that—

On page 206, strike line 22 and insert the following:

(i) the quantity of electricity or natural

On page 207, strike line 7 and insert the following:

(ii) the total quantity of electricity or nat-

On page 207, strike line 15 and insert the following:

(B) BASIS.—The Administrator shall base the

On page 207, line 18, strike "paragraph (1)" and insert "subparagraph (A)".

On page 207, between lines 21 and 22, insert the following:

(2) DISTRIBUTION TO LIHEAP AND WAP.—With respect to the allowances reserved under subsection (a)(2) for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), as specified in the table contained in subsection (a)(2), the Administrator shall—

(A) auction the allowances in accordance with the procedures described in section 582(b); and

(B) transfer the proceeds of the auctions of the allowances for low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) to the Secretary of Health and Human Services and the Secretary of Energy, respectively, for use in carrying out those programs.

Beginning on page 210, strike line 22 and all that follows through page 211, line 3.

On page 211, line 4, strike "(IV)" and insert "(II)".

On page 211, strike lines 10 and 11 and insert the following:

(III) includes energy efficiency and other pro-

Beginning on page 211, strike line 18 and all that follows through page 212, line 14, and insert the following:

(C) DEVELOPMENT.—A local distribution entity may develop an assistance program under this paragraph—

(i) in consultation with appropriate State regulatory authorities; or

(ii) for the purpose of supplementing an existing low-income consumer assistance plan of the entity.

On page 214, line 5, strike "issuing rebates" and insert "creating incentive programs".

Beginning on page 214, strike line 14 and all that follows through page 215, line 9, and insert the following:

(B) MINIMUM PERCENTAGE REQUIREMENT.—Each local distribution entity shall use not less than 30 percent of the proceeds of from the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

On page 216, line 12, strike "rebates" and insert "incentives".

SA 4905. Mr. CARPER (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 352, between lines 16 and 17, insert the following:

Subtitle E–Intercity Passenger Rail Service Enhancement

SEC. 1151. INTERCITY PASSENGER RAIL FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a Fund to be known as the "Inter-city Passenger Rail Fund".

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days after, the beginning of each calendar year from 2012 through 2050, the Administrator, for the purpose of raising funds to deposit into the Intercity Passenger Rail Fund, shall auction .5 percent of the emission allowances established for that year pursuant to subsection (a) of section 201.

(c) USE OF THE FUND.—The Fund shall invest in capital projects of the National Railroad Passenger Corporation, States, and localities—

(1) to develop and expand Amtrak routes and corridors throughout the United States;

(2) to construct, purchase, replace, or improve passenger rail-related infrastructure, including locomotives, rolling stock, stations and facilities;

(3) to improve or expand passenger rail service and infrastructure capacity; and

(4) to promote or improve intercity rail passenger service reliability, convenience, and on-time performance.

(d) TREATMENT OF AMOUNTS IN THE FUND.—Amounts in the Fund—

(1) may be used only for the purposes described in this section;

(2) shall be in addition to the amounts made available through any other appropriations for any fiscal year, and

(3) shall remain available until expended.

SA 4906. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 611 and insert the following:

SEC. 611. TRANSPORTATION ALTERNATIVES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the "Transportation Alternatives Fund" (referred to in this section as the "Fund").

(b) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, for the purpose of raising funds to deposit in the Fund, 10 percent of the emission allowances established pursuant to section 201(a) for each calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) GRANTS.—The Secretary of Transportation (referred to in this section as the "Secretary") shall use amounts in the Fund to provide grants to States and metropolitan planning organizations for use in accordance with this section.

(d) USE OF FUNDS.—

(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—

(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period beginning on the date of enactment of this Act by reducing vehicle miles traveled in the jurisdictions of the States and metropolitan planning organizations; and

(B) carry out activities to achieve that goal through the integration into the long-term transportation plans of the State or metropolitan planning organization of a verifiable transportation carbon reduction plan that includes investment in—

(i) new or expanded transit projects eligible for assistance under chapter 53 of title 49, United States Code;

(ii) new or expanded intercity passenger rail service, including the development of intercity corridor service, elimination of rail capacity restrictions, purchase of rolling stock, and provision of more reliable and convenient intercity rail passenger service;

(iii) sidewalks, crosswalks, bicycle paths, pedestrian signals, pavement marking, traffic calming techniques, modification of public sidewalks to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and other strategies to encourage pedestrian and bike travel;

(iv) infill, transit-oriented, or mixed-use development;

(v) intermodal facilities, additional freight rail, or multimodal freight capacity;

(vi) carpool or vanpool projects;

(vii) updates to zoning and other land use regulations;

(viii) transportation and land-use scenario analyses and stakeholder engagement to support development of integrated transportation plans;

(ix) improvements in travel and land-use data collection and in travel models to better measure greenhouse gas emissions and emissions reductions;

(x) updates to land use plans to coordinate with local, regional, and State vehicle miles traveled reduction plans; and

(xi) the transportation control measures described in section 211 of the Clean Air Act (42 U.S.C. 7545).

(2) TRANSPORTATION CARBON REDUCTION PLANS.—A State or metropolitan planning organization shall submit to the Administrator and the Secretary—

(A) by not later than December 31, 2012, a transportation carbon reduction plan developed under paragraph (1)(B); and

(B) every 3 years thereafter, any updates to that plan, as necessary.

(3) COORDINATION.—A State or metropolitan planning organization shall develop the plan required under this section in coordination with, as applicable—

(A) the public and stakeholders, including by providing—

(i) periods for public comment;

(ii) exercises involving identifying and projecting forward trends to examine possible future developments that could impact driving trends and carbon emissions from the transportation sector;

(iii) access to latest models; and

(iv) multiday, open, collaborative design sessions that include stakeholders and the public in a collaborative process with a series of short feedback loops to produce 1 or more feasible plans under this section;

(B) each other State or metropolitan planning organization subject to the jurisdiction of the State or metropolitan planning organization; and

(C) State and local housing, economic development, and land use agencies.

(4) CERTIFICATION.—Not later than 180 days after the date of receipt of a transportation carbon reduction plan under paragraph (2), the Administrator and Secretary shall—

(A) review the plan; and

(B) certify that the plan is likely to achieve the goal described in paragraph (1)(A).

(e) DISTRIBUTION OF FUNDS.—The Secretary, in coordination with the Administrator, shall establish a formula for the distribution of grants under this section that—

(1) reflects—

(A) the quantity of carbon reduction expected by each plan; and

(B) the cost-per-ton of those reductions;

(2) ensures that at least 50 percent of amounts in the Fund are used to implement plans developed by metropolitan planning organizations; and

(3) provides early action credits for States and regions that implement plans to reduce carbon from the transportation sector by reducing vehicle miles traveled prior to participation in the program under this section.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity carried out under a plan under this section shall be 20 percent.

(g) STUDY.—Not later than 1 year after the date of enactment of this Act, to maximize greenhouse gas emission reductions from the transportation sector—

(1) the National Academy of Sciences Transportation Research Board shall submit to the Administrator and the Secretary a report containing recommendations for improving research and tools to assess the effect of transportation plans and land use plans on motor vehicle usage rates and transportation sector greenhouse gas emissions; and

(2) the Comptroller General of the United States shall submit to the Administrator and the Secretary a report describing any shortcomings of current Federal Government data sources necessary—

(A) to assess greenhouse gas emissions from the transportation sector; and

(B) to establish plans and policies to effectively reduce greenhouse gas emissions from the transportation sector.

(h) TECHNICAL STANDARDS.—Not later than 2 years after the date of enactment of this Act, based on any recommendations contained in the reports submitted under subsection (g)(1), the Administrator and the Secretary shall promulgate standards for transportation data collection, monitoring, planning, and modeling.

(i) REPORT.—Not later than December 31, 2015, and every 3 years thereafter, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the aggregate reduction in carbon emissions from transportation expected based on plans under this section;

(2) changes to Federal law that could improve the performance of the plans; and

(3) regulatory changes planned to improve the performance of the plans.

SA 4907. Mr. CARPER (for himself, Mr. GREGG, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In section 552, strike subsection (b) and insert the following:

(b) CALCULATION.—

(1) DEFINITIONS.—In this subsection:

(A) FOSSIL FUEL-FIRED ELECTRIC GENERATOR.—The term "fossil fuel-fired electric generator" means any electric generating facility that—

(i) combusts fossil fuel, alone or in combination with any other fuel, in any case in which the quantity of fossil fuel combusted comprises, or is projected to comprise, more than 20 percent of the annual heat input of the electric generating facility, on a Btu basis, during any calendar year; and

(ii) has commenced operation prior to the date of enactment of this Act.

(B) INCREMENTAL NUCLEAR GENERATION.—The term "incremental nuclear generation" means, as determined by the Administrator and measured in megawatt hours, the difference between—

(i) the quantity of electricity generated by a nuclear generating unit during a calendar year; and

(ii) the quantity of electricity generated by the nuclear generating unit during the calendar year of enactment of this Act.

(C) NEW ELECTRIC GENERATING ENTRANT.—The term "new electric generating entrant" means—

(i) a fossil fuel-fired electric generator that—.

(I) has a nameplate capacity of greater than 25 megawatts;

(II) produces electricity for sale; and

(III) commences operation after the date of enactment of this Act;

(ii) with respect to incremental nuclear generation, a nuclear generating facility that uses nuclear energy to produce electricity for sale; and

(iii) a renewable energy unit that—

(I) produces electricity for sale; and

(II) commences operation after the date of enactment of this Act.

(D) RENEWABLE ENERGY UNIT.—The term "renewable energy unit" means an electric generating facility that uses solar energy, wind, incremental hydropower, biomass, landfill gas, livestock methane, ocean waves, geothermal energy, or fuel cells powered with a renewable energy source.

(2) ALLOCATION METHODOLOGY.—

(A) FOSSIL FUEL-FIRED ELECTRIC GENERATORS.—In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent 3-calendar year period for which data are available, updated each calendar year and measured in megawatt hours.

(B) NEW ELECTRIC GENERATING ENTRANTS.—In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 551 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(3) SENSE OF SENATE REGARDING FUTURE ALLOCATIONS.—It is the sense of the Senate that if the Administrator establishes a cap and trade program for any additional pollutant for electric generating facilities, the allocation methodology for the program should be based on the annual quantity of electricity generated by the electric generating facility during the most recent 3-calendar year period for which data are available, updated each calendar year and measured in megawatt hours.

SA 4908. Mr. CARPER (for himself, Mr. ALEXANDER, Mrs. BOXER, Mr. COLLINS, Mr. BIDEN, Mr. GREGG, Mr.

CARDIN, Mr. SUNUNU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XVII, add the following:

SEC. 1752. INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR

"SEC. 701. DEFINITIONS.

"In this title:

"(1) AFFECTED UNIT.—

"(A) MERCURY.—The term 'affected unit', with respect to mercury, means a coal-fired electric generating facility (including a cogeneration facility) that—

"(i) on or after January 1, 1985, served as a generator with a nameplate capacity greater than 25 megawatts; and

"(ii) produces electricity for sale.

"(B) NITROGEN OXIDES.—The term 'affected unit', with respect to nitrogen oxides, means a fossil fuel-fired electric generating facility (including a cogeneration facility) that—

"(i) on or after January 1, 1985, served as a generator with a nameplate capacity greater than 25 megawatts; and

"(ii) produces electricity for sale.

"(C) SULFUR DIOXIDE.—The term 'affected unit', with respect to sulfur dioxide, has the meaning given the term in section 402.

"(2) COGENERATION FACILITY.—The term 'cogeneration facility' means a facility that—

"(A) cogenerates—

"(i) steam; and

"(ii) electricity; and

"(B) supplies, on a net annual basis, to any utility power distribution system for sale—

"(i) more than ⅓ of the potential electric output capacity of the facility; and

"(ii) more than 219,000 megawatt-hours of electrical output.

"(3) FOSSIL FUEL-FIRED.—The term 'fossil fuel-fired', with respect to an electric generating facility, means the combustion of fossil fuel by the electric generating facility, alone or in combination with any other fuel, in any case in which the fossil fuel combusted comprises, or is projected to comprise, more than 20 percent of the annual heat input of the electric generating facility, on a Btu basis, during any calendar year.

"(4) NEW UNIT.—The term 'new unit' means an affected unit that—

"(A) has operated for not more than 3 years; and

"(B) is not eligible to receive nitrogen oxide allowances under section 703(c)(2).

"(5) NITROGEN OXIDE ALLOWANCE.—The term 'nitrogen oxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of nitrogen oxides during or after a specified calendar year.

"SEC. 702. NATIONAL POLLUTANT TONNAGE LIMITATIONS.

"(a) SULFUR DIOXIDE.—The annual tonnage limitation for emissions of sulfur dioxide from affected units in the United States shall be equal to—

"(1) for each of calendar years 2012 through 2015, 3,500,000 tons; and

"(2) for calendar year 2016 and each calendar year thereafter, 2,000,000 tons.

"(b) NITROGEN OXIDES.—

"(1) DEFINITIONS.—In this subsection:

"(A) ZONE 1 STATE.—The term 'Zone 1 State' means the District of Columbia or any of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

"(B) ZONE 2 STATE.—The term 'Zone 2 State' means any State within the 48 contiguous States that is not a Zone 1 State.

"(2) APPLICABILITY.—

"(A) ZONE 1 PROHIBITION.—

"(i) IN GENERAL.—Beginning on January 1, 2012, it shall be unlawful for an affected unit in a Zone 1 State to emit a total quantity of nitrogen oxides during a year in excess of the number of nitrogen oxide allowances held for the affected unit for that year by the owner or operator of the affected unit.

"(ii) LIMITATION.—Only nitrogen oxide allowances allocated under paragraph (3)(A) shall be used to meet the requirement of clause (i).

"(B) ZONE 2 PROHIBITION.—

"(i) IN GENERAL.—Beginning on January 1, 2012, it shall be unlawful for an affected unit in a Zone 2 State to emit a total quantity of nitrogen oxides during a year in excess of the number of nitrogen oxide allowances held for the affected unit for that year by the owner or operator of the affected unit.

"(ii) LIMITATION.—Only nitrogen oxide allowances allocated under paragraph (3)(B) shall be used to meet the requirement of clause (i).

"(3) LIMITATIONS ON TOTAL EMISSIONS.—

"(A) ZONE 1 LIMITATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances for emissions of nitrogen oxides from affected units in the Zone 1 States in an annual tonnage limitation equal to—

"(i) for each of calendar years 2012 through 2015, 1,390,000 tons; and

"(ii) for calendar year 2016 and each calendar year thereafter, 1,300,000 tons.

"(B) ZONE 2 LIMITATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances for emissions of nitrogen oxides from affected units in the Zone 2 States in an annual tonnage limitation equal to—

"(i) for each of calendar years 2012 through 2015, 400,000 tons; and

"(ii) for calendar year 2016 and each calendar year thereafter, 320,000 tons.

"(c) MERCURY.—The emission of mercury from affected units shall be limited in accordance with section 704.

"(d) REVIEW OF ANNUAL TONNAGE LIMITATIONS AND MERCURY EMISSIONS REQUIREMENTS.—

"(1) DETERMINATION BY ADMINISTRATOR.—Not later than 10 years after the date of enactment of this title and every 10 years thereafter, the Administrator shall determine—

"(A) after considering impacts on human health, the environment, the economy, and costs, whether 1 or more of the annual tonnage limitations should be revised; and

"(B) whether the mercury emission requirements under section 704 should be revised in accordance with the risk standards described in section 112(f)(2).

"(2) DETERMINATION NOT TO REVISE.—If the Administrator determines under paragraph (1) that no annual tonnage limitation or mercury emission requirement should be revised, the Administrator shall publish in the Federal Register—

"(A) a notice of the determination; and

"(B) the reasons for the determination.

"(3) DETERMINATION TO REVISE.—If the Administrator determines under paragraph (1) that 1 or more of the annual tonnage limitations or mercury emissions requirements should be revised, the Administrator shall publish in the Federal Register—

"(A) not later than 10 years and 180 days after the date of enactment of this title, proposed regulations implementing the revisions; and

"(B) not later than 11 years and 180 days after the date of enactment of this title, final regulations implementing the revisions.

"(4) ADMINISTRATION.—The duty of the Administrator to make a determination under paragraph (1) shall be—

"(A) considered to be a nondiscretionary duty;

"(B) enforceable through a citizen suit under section 304; and

"(C) subject to rulemaking procedures and judicial review under section 307.

"(5) REQUIREMENT.—No revision of an annual tonnage limitation or mercury emission requirement under this subsection shall result in a limitation or emission requirement that is less stringent than an existing applicable requirement under this title.

"(e) REDUCTION OF EMISSIONS FROM SPECIFIED AFFECTED UNITS.—Notwithstanding the annual tonnage limitations and mercury emissions requirements established under this section, the Federal Government or a State government may require that emissions from a specified affected unit be reduced.

"(f) GENERAL ENFORCEMENT.—

"(1) IN GENERAL.—It shall be unlawful for any individual or entity subject to this title to violate any requirement or prohibition under this title.

"(2) TREATMENT OF EXCESS EMISSIONS.—In calculating any penalty for violation of this title, each ton of emissions of sulfur dioxide, nitrogen oxides, or mercury emitted by a covered unit during a calendar year in excess of the allowances held for use by the covered unit for the calendar year shall be considered to be a separate violation of the applicable limitation under this title.

"(g) EFFECT ON EXISTING LAW AND REGULATIONS.—

"(1) IN GENERAL.—Except as expressly provided in this title, nothing in this title—

"(A) limits or otherwise affects the application of any other provision of this Act or any regulation promulgated by the Administrator under this Act; or

"(B) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

"(2) EXCEPTION.—Notwithstanding paragraph (1)—

"(A) the provisions of the rule promulgated by the Administrator known as the 'Clean Air Interstate Rule' (70 Fed. Reg. 25162 (May 12, 2005)) (or any successor regulation) providing for the establishment of an annual emissions cap and allowance trading program for oxides of nitrogen and sulfur dioxide shall terminate on January 1, 2012; but

"(B) any provision of the rule described in subparagraph (A) (or a successor regulation) relating to the establishment of a seasonal ozone pollutant cap-and-trade program for nitrogen oxides shall remain in full force and effect.

"SEC. 703. NITROGEN OXIDE TRADING PROGRAM.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish for affected units in the United States a nitrogen oxide allowance trading program.

"(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) shall establish requirements for the allowance trading program under this section, including requirements concerning—

"(A)(i) the generation, allocation, issuance, recording, tracking, transfer, and use of nitrogen oxide allowances; and

"(ii) the public availability of all information concerning the activities described in clause (i) that is not confidential;

"(B) compliance with subsection (e)(1);

"(C) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (e); and

"(D) excess emission penalties under subsection (e)(4).

"(3) MIXED FUEL, COGENERATION FACILITIES AND COMBINED HEAT AND POWER FACILITIES.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to ensure the equitable issuance of allowances to—

"(A) facilities that use more than 1 energy source to produce electricity; and

"(B) facilities that produce electricity in addition to another service or product.

"(b) NEW UNIT RESERVES.—

"(1) ESTABLISHMENT.—For each calendar year, based on projections of electricity output from new units, the Administrator, in consultation with the Secretary of Energy, shall by regulation establish a reserve of nitrogen oxide allowances to be set aside for use by new units in Zone 1 States, and a reserve of nitrogen oxide allowances to be set aside for use by new units in Zone 2 States, that is not less than 5 percent of the total allowances allocated to affected units for the calendar year.

"(2) UNUSED ALLOWANCES.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall reallocate, to all affected units, any unused nitrogen oxide allowances from the new unit reserve established under paragraph (1) in the proportion that—

"(A) the number of allowances allocated to each affected unit for the calendar year; bears to

"(B) the number of allowances allocated to all affected units for the calendar year.

"(c) NITROGEN OXIDE ALLOCATIONS.—

"(1) TIMING OF ALLOCATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate nitrogen oxide allowances to affected units.

"(2) ALLOCATIONS TO AFFECTED UNITS THAT ARE NOT NEW UNITS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances to—

"(A) each affected unit in a Zone 1 State that is not a new unit; and

"(B) each affected unit in a Zone 2 State that is not a new unit.

"(3) QUANTITY TO BE ALLOCATED.—

"(A) ZONE 1 STATES.—For each calendar year, the quantity of nitrogen oxide allowances allocated under paragraph (2)(A) to affected units that are not new units shall be equal to the difference between—

"(i) the annual tonnage limitation for emissions of nitrogen oxides from affected units specified in section 702(b)(3)(A) for the calendar year; and

"(ii) the quantity of nitrogen oxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

"(B) ZONE 2 STATES.—For each calendar year, the quantity of nitrogen oxide allowances allocated under paragraph (2)(B) to affected units that are not new units shall be equal to the difference between—

"(i) the annual tonnage limitation for emissions of nitrogen oxides from affected units specified in section 702(b)(3)(B) for the calendar year; and

"(ii) the quantity of nitrogen oxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

"(4) ADJUSTMENT OF ALLOCATIONS.—If, for any calendar year, the total quantities of allowances allocated under paragraph (2) are not equal to the applicable quantities determined under paragraph (3), the Administrator shall adjust the quantities of allowances allocated to affected units that are not new units on a pro-rata basis so that the quantities are equal to the applicable quantities determined under paragraph (3).

"(5) ALLOCATION TO NEW UNITS.—

"(A) METHODOLOGY.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances to new units.

"(B) QUANTITY OF NITROGEN OXIDE ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of nitrogen oxide allowances to be allocated to each new unit based on the projected emissions from the new unit.

"(6) ALLOWANCE NOT A PROPERTY RIGHT.—A nitrogen oxide allowance—

"(A) is not a property right; and

"(B) may be terminated or limited by the Administrator.

"(7) NO JUDICIAL REVIEW.—An allocation of nitrogen allowances by the Administrator under this subsection shall not be subject to judicial review.

"(d) NITROGEN OXIDE ALLOWANCE TRANSFER SYSTEM.—

"(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1) shall—

"(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any nitrogen oxide allowance before the calendar year for which the allowance is allocated;

"(B) provide that unused nitrogen oxide allowances may be carried forward and added to nitrogen oxide allowances allocated for subsequent years; and

"(C) provide that unused nitrogen oxide allowances may be transferred by—

"(i) the person to which the allowances are allocated; or

"(ii) any person to which the allowances are transferred.

"(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances are transferred under paragraph (1)(C)—

"(A) may use the nitrogen oxide allowances in the calendar year for which the nitrogen oxide allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (e)(1); or

"(B) may transfer the nitrogen oxide allowances to any other person for the purpose of demonstration of that compliance.

"(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

"(4) PERMIT REQUIREMENTS.—An allocation or transfer of nitrogen oxide allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

"(e) COMPLIANCE AND ENFORCEMENT.—

"(1) IN GENERAL.—For calendar year 2012 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator a quantity of nitrogen oxide allowances that is equal to the total tons of nitrogen oxides emitted by the affected unit during the calendar year.

"(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring—

"(A) operation, reporting, and certification of continuous emissions monitoring systems to accurately measure the quantity of nitrogen oxides that is emitted from each affected unit; and

"(B) verification and reporting of nitrogen oxides emissions at each affected unit.

"(3) REPORTING.—

"(A) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of nitrogen oxides carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

"(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

"(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of nitrogen oxides from each affected unit.

"(4) EXCESS EMISSIONS.—

"(A) IN GENERAL.—The owner or operator of an affected unit that emits nitrogen oxides in excess of the nitrogen oxide allowances that the owner or operator holds for use for the affected unit for the calendar year shall—

"(i) pay an excess emission penalty determined under subparagraph (B); and

"(ii) offset the excess emissions by at least an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

"(B) DETERMINATION OF EXCESS EMISSION PENALTY.—The excess emission penalty for nitrogen oxides shall be equal to the product obtained by multiplying—

"(i) the number of tons of nitrogen oxides emitted in excess of the total quantity of nitrogen oxide allowances held; and

"(ii) 2 times the average price of a nitrogen oxide allowance for the Zone and calendar year in which the excess emissions occurred, as determined by the Administrator.

"(C) TREATMENT.—An excess emission penalty under subparagraph (A)(i)—

"(i) shall be due and payable without demand to the Administrator, in accordance with applicable regulations promulgated by the Administrator, by not later than 18 months after the date of enactment of the Lieberman-Warner Climate Security Act of 2008; and "(ii) shall not diminish the liability of the owner or operator of the affected unit with respect to any fine, penalty, or assessment applicable to the affected unit for the same violation under any other provision of this Act.

"SEC. 704. MERCURY PROGRAM.

"(a) DEFINITION OF INLET MERCURY.—In this section, the term 'inlet mercury' means the quantity of mercury found—

"(1) in the as-fired coal of an affected unit; or

"(2) for an affected unit using coal that is subjected to an advanced coal cleaning technology, in the as-mined coal of the affected unit.

"(b) ANNUAL LIMITATION FOR CERTAIN UNITS.—On an annual average calendar year basis with respect to inlet mercury, an affected unit that commences operation on or after the date of enactment of this title shall be subject to the less stringent of the following emission limitations:

"(1) 90 percent capture of inlet mercury.

"(2) An emission rate of 0.0060 pounds per gigawatt-hour.

"(c) ANNUAL LIMITATION FOR EXISTING UNITS.—An affected unit in operation on the date of enactment of this title shall be subject to the following emission limitations on an annual average calendar year basis with respect to inlet mercury:

"(1) CALENDAR YEARS 2012 THROUGH 2015.—For the period beginning on January 1, 2012, and ending on December 31, 2015, the less stringent of the following emission limitations:

"(A) 60 percent capture of inlet mercury.

"(B) An emission rate of 0.02 pounds per gigawatt-hour.

"(2) CALENDAR YEAR 2016 AND THEREAFTER.—For calendar year 2016 and each calendar year thereafter, the less stringent of the following emission limitations:

"(A) 90 percent capture of inlet mercury.

"(B) An emission rate of 0.0060 pounds per gigawatt-hour.

"(d) AVERAGING ACROSS UNITS.—An owner or operator of an affected unit may demonstrate compliance with the annual average limitations under subsections (b) and (c) by averaging emissions from all affected units at a single facility.

"(e) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring—

"(1) operation, reporting, and certification of continuous emission monitoring systems to accurately measure the quantity of mercury that is emitted from each affected unit; and

"(2) verification and reporting of mercury emissions at each affected unit.

"(f) REPORTING.—

"(1) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of mercury carried out by the owner or operator in accordance with the regulations promulgated under subsection (e).

"(2) AUTHORIZATION.—Each report submitted under paragraph (1) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

"(3) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emission of mercury from each affected unit.

"(g) EXCESS EMISSIONS.—

"(1) IN GENERAL.—The owner or operator of an affected unit that emits mercury in excess of the emission limitation described in subsection (b) or (c) shall pay an excess emission penalty determined under paragraph (2).

"(2) DETERMINATION OF EXCESS EMISSION PENALTY.—The excess emission penalty for mercury shall be an amount equal to $50,000 for each pound of mercury emitted in excess of the emission limitation described in subsection (b) or (c), as pro-rated for each fraction of a pound.".

SEC. 1753. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

"SEC. 417. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

"(a) DEFINITIONS.—In this section, the terms 'affected unit' and 'new unit' have the meanings given the terms in section 701.

"(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

"(c) NEW UNIT RESERVE.—

"(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

"(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

"(A) not later than June 30, 2009, the quantity of allowances required to be held in reserve for new units for each of calendar years 2012 through 2015; and

"(B) not later than June 30, 2015, and June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

"(3) ALLOCATION.—

"(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating sulfur dioxide allowances to new units.

"(B) NO JUDICIAL REVIEW.—An allocation of sulfur dioxide allowances by the Administrator under this paragraph shall not be subject to judicial review.

"(d) EXISTING UNITS.—

"(1) ALLOCATION.—

"(A) REGULATIONS.—Not later than 2 years after the date of enactment of this section, subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.

"(B) REQUIRED ELEMENTS.—The regulations shall provide for—

"(i) the allocation of allowances on a fair and equitable basis between affected units that received allowances under section 405 and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same or similar allocation methodology as was used under section 405; and

"(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a).

"(2) TIMING OF ALLOCATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances to affected units.

"(3) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.".

(b) DEFINITION OF ALLOWANCE.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

"(3) ALLOWANCE.—The term 'allowance' means an authorization, allocated by the Administrator to an affected unit under this title, to emit, during or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).".

(c) EXCESS EMISSIONS.—Section 411 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651j) is amended by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The owner or operator of a new unit or an affected unit that emits sulfur dioxide in excess of the sulfur dioxide allowances that the owner or operator holds for use for the new unit or affected unit for the calendar year shall—

"(1) pay an excess emission penalty determined under subsection (b); and

"(2) offset the excess emissions by at least an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

"(b) DETERMINATION OF EXCESS EMISSION PENALTY.—

"(1) IN GENERAL.—The excess emission penalty for sulfur dioxide shall be equal to the product obtained by multiplying—

"(A) the quantity of sulfur dioxide emitted in excess of the total quantity of sulfur dioxide allowances held; and

"(B) 2 times the average price of a sulfur dioxide allowance for the calendar year in which the excess emissions occurred, as determined by the Administrator.

"(2) TREATMENT.—An excess emission penalty under paragraph (1)—

"(A) shall be due and payable without demand to the Administrator, in accordance with applicable regulations promulgated by the Administrator, by not later than 18 months after the date of enactment of the Lieberman-Warner Climate Security Act of 2008; and

"(B) shall not diminish the liability of the owner or operator of the affected unit with respect to any fine, penalty, or assessment applicable to the affected unit for the same violation under any other provision of this Act.".

(d) TECHNICAL AMENDMENTS.—

(1) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(A) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. prec. 7651) is amended by adding at the end the following:

"Sec. 417. Revisions to sulfur dioxide allowance program.".

SA 4909. Mr. SCHUMER submitted an amendment intended to be proposed by

him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XIII, add the following:

SEC. 1308. TRANSITION TO COMPARABLE ACTION IN EXPORT COUNTRIES.

(a) FINDING.—Congress finds that the purposes described in section 1302 can be achieved while maintaining the growth and volume of United States exports of carbon-intensive manufactured goods, particularly to countries that have not yet adopted comparable action to regulate greenhouse gas emissions.

(b) DEFINITIONS.—In this section:

(1) CURRENTLY OPERATING FACILITY.—The term "currently operating facility" has the meaning given the term in section 542(a).

(2) DIRECT EXPORT.—The term "direct export" means a product manufactured in an eligible manufacturing facility and shipped to a destination outside of the customs territory of the United States without further processing.

(3) ELIGIBLE MANUFACTURING FACILITY.—The term "eligible manufacturing facility" has the meaning given the term in section 542(a).

(4) INDIRECT EXPORT.—The term "indirect export" means a product manufactured in an eligible manufacturing facility and further processed in the United States prior to shipment outside of the customs territory of the United States.

(c) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, to owners and operators of eligible manufacturing facilities, international reserve allowances established under section 1306.

(d) INDIVIDUAL ALLOCATIONS TO CURRENTLY OPERATING FACILITIES.—Under the system described in subsection (c), the quantity of international reserve allowances distributed by the Administrator for a calendar year to the owner or operator of a currently operating facility that received emission allowances under section 542(e) shall be a quantity equal in value to the product obtained by multiplying—

(1) the product obtained by multiplying—

(A) the sum of the annual direct and indirect emissions for the most recent year used in the calculation under section 542(d)(2)(A); and

(B) the average value of the emission allowances allocated to the owner or operator of the currently operating facility under section 542(e); and

(2) the proportion that—

(A) the value of production by the current operating facility that is used for direct export and indirect export during the calendar year immediately preceding the calendar year of the distribution; bears to

(B) the total value of production by the current operating facility during the calendar year immediately preceding the calendar year of the distribution.

(e) DEFICIENCY.—If, for any calendar year, there is an insufficient number of international reserve allowances established under section 1306 available for distribution to meet the requirements of the system described in subsection (c), the Administrator shall distribute in lieu of those international reserve allowances a comparable quantity of emission allowances not otherwise sold or distributed under title V.

(f) EXPORT COUNTRIES.—In completing any calculations under the system described in subsection (c), the Administrator shall take into consideration—

(1) exports of currently operating facilities to all foreign countries for each of calendar years 2012 and 2013; and

(2) exports of currently operating facilities only to foreign countries that have not adopted a program to limit greenhouse gas emissions for each of calendar years 2014 through 2030.

(g) LIMITATION ON QUANTITY FOR DISTRIBUTION.—The quantity of allowances distributed to the owner or operator of a currently operating facility for a calendar year pursuant to this section shall be limited so as to ensure that, for the calendar year, the sum of the value of the allowances so distributed and the value of the allowances allocated pursuant to section 542(e) shall not exceed the product obtained by multiplying—

(1) the emissions of the currently operating facility for the most recent year used in the relevant calculation under section 542(d)(2)(A); and

(2) the average value of the emission allowances allocated to the owner or operator of the currently operating facility under section 542(e).

SA 4910. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —AVIATION AND INTERCITY TRANSPORTATION

SEC. —001. DEVELOPMENT OF ALTERNATIVE FUELS FOR AIRCRAFT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall research and develop viable alternative fuels whose usage results in less greenhouse gas emissions than existing jet fuel for commercial aircraft.

(b) PLAN.—Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop a research and development plan for the program described in subsection (a), containing specific research and development objectives and a timetable for achieving the objectives; and

(2) submit a copy of the plan to Congress.

SEC. —002. AIRCRAFT ENGINE STANDARDS.

Section 44715(a) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) To relieve and protect the public health and welfare from aircraft noise, sonic boom, and aircraft engine emissions, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Environmental Protection Agency as deemed necessary, shall prescribe—

"(A) standards to measure aircraft noise and sonic boom;

"(B) regulations to control and abate aircraft noise and sonic boom; and

"(C) emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare."; and

(2) indenting paragraphs (2) and (3) 2 em spaces from the left margin.

SEC. —003. AIRCRAFT DEPARTURE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public use airports under which the Federal Aviation Administration shall test air traffic flow management tools, methodologies, and procedures, as well as other operational improvements that will allow the agency to better supervise aircraft on the ground, reduce the length of ground holds and idling time for aircraft, and promote reduction of carbon emissions of aircraft and at airports.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure of the and the Senate Committee on Commerce, Science, and Transportation a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated environmental and economic benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. —004. STUDY OF AVIATION SECTOR EMISSIONS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research, and surveys to determine the existing best

practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emissions reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Administrator of the Environmental Protection Agency; and

(2) other appropriate Federal agencies and departments.

SEC. —005. INTERCITY PASSENGER MOBILITY STUDY.

Within 1 year after the date of enactment of this Act, the Secretary of Transportation, through the Office of Climate Change and Environment, and in coordination with the Federal Railroad Administration and other relevant modal administrations at the Department, shall complete a study to assess the impact on transportation-related emissions of developing or expending frequent and reliable intercity passenger rail transportation services in appropriate intercity travel markets of 500 miles or less. The study shall include an estimate of the potential effects of new or improved intercity passenger rail service on transportation energy consumption, carbon and other air emissions, infrastructure needs, system capacity, and congestion within such markets and shall include an estimate of the costs and benefits to the federal government, intercity passenger rail providers, and other transportation modes, as appropriate, of such an enhancement of intercity passenger rail service. The Secretary shall transmit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. —006. IMPROVEMENTS TO OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

Section 102(g) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) ASSESSMENT OF FEDERALLY FUNDED MAJOR TRANSPORTATION INVESTMENTS.—

"(A) Beginning 1 year after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Office shall perform, or require the performance of, a climate-change impact assessment for each new federally-funded or federally-administered transportation infrastructure or operations project that—

"(i) receives more than half of its annual or total funding from Department of Transportation; and

"(ii) will receive more than $500,000,000 in total Federal funding.

"(B) The assessment shall include—

"(i) an estimate of the projected impact of the project or program on global climate change and carbon emissions; and

"(ii) a rating for the project based on its projected impacts.

"(C) The Office shall make each assessment available to the public in a timely manner. The Secretary shall ensure that assessments performed pursuant to this paragraph are used by the Department when completing any relevant cost/benefit or other appropriate project analysis.

"(4) COORDINATION WITH OTHER AGENCIES.—The Secretary, through the Office, shall coordinate with the National Institute of Standards and Technology, and any other relevant Federal agencies to assist in the development of climate change-related standards that affect the collection of data, assessment, or development of mitigation or adaptation strategies in the transportation industry, such as carbon accounting standards.".

SA 4911. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 209, strike line 20 and all that follows through page 213, line 8.

On page 213, lines 22 and 23, strike "subparagraph (B)" and insert "subparagraphs (B) and (E)".

On page 214, strike lines 1 through 13 and insert the following:

(i) to fund cost-effective energy-efficiency, demand response, low-emission and high-efficiency distributed generation and distributed renewable generation programs for all fuels and energy types, or for customer-located renewable energy supplies, in the residential, commercial, and industrial sectors under the oversight of the regulatory agencies of local distribution companies;

(ii) if a local distribution company does not administer energy-efficiency programs under the supervision of a regulatory agency, to provide assistance to the appropriate State energy officer, regulatory agency, or third-party selected by the regulatory agency for use in accordance with this section; and

(iii) in the case of a non-regulated local distribution entity, such as a municipal utility, to fund cost-effective energy-efficiency, demand response, low-emission and high-efficiency distributed generation programs, and distributed renewable generation programs, for the residential, commercial and industrial consumers served by the non-regulated local distribution entity, subject to the approval of the appropriate State or local government official.

On page 215, between lines 22 and 23, insert the following:

(E) EXCEPTION.—During the 5-year period beginning on the date of enactment of this Act, if infrastructure and vendors are not available to cost-effectively implement expanded programs described in clauses (i) and (ii) of subparagraph (A), a local distribution company receiving allowances under this section, in instances determined to be appropriate by the regulatory agency with jurisdiction over the local distribution company, may provide limited rebates for customers, giving priority to low-income customers.

On page 216, strike lines 8 through 14 and insert the following:

(C)(i) how, and to what extent, the local distribution company used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation; and

(ii) the quantity of energy saved or generated as a result of energy-efficiency, demand response, and distributed generation programs supported by sales of emissions allowances, including a description of the methodologies used to estimate those savings.

SA 4912. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 198, line 16.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar Year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	5.5
2013	5.75
2014	5.75
2015	6
2016	6.25
2017	6.5
2018	6
2019	7
2020	7
2021	7
2022	8
2023	8
2024	9
2025	9
2026	10
2027	11
2028	11
2029	12
2030	13
2031	14
2032	14
2033	14
2034	15
2035	15
2036	15
2037	15
2038	15
2039	15
2040	15
2041	15
2042	15
2043	15
2044	15
2045	15
2046	15
2047	15
2048	15
2049	15
2050	15.

On page 204, between lines 2 and 3, insert the following:

SEC. 584. USE OF FUNDS.

(a) IN GENERAL.—Subject to section 585, of amounts deposited in the Climate Change Consumer Assistance Fund under section 583, the Administrator shall use—

(1) of the proceeds from the auction of the initial 14 percent of the percentage of emission allowances auctioned under section 582 for each calendar year—

(A) not less than 50 percent to provide assistance to low-income households under the program described in subsection (b); and

(B) not less than 50 percent to provide an earned income tax credit in accordance with subsection (c); and

(2) the remaining proceeds from auctions under section 582 to carry out other tax initiatives to protect consumers, especially consumers in greatest need, from increases

in energy and other costs as a result of this Act in accordance with subsection (d).

(b) PROGRAM FOR OFFSETTING IMPACTS ON LOWER-INCOME AMERICANS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means—

(i) the Administrator of the Environmental Protection Agency; or

(ii) the head of a Federal agency designated by the Administrator for the purposes of this subsection.

(B) ELDERLY OR DISABLED MEMBER.—The term "elderly or disabled member" has the meaning given the term in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(C) GROSS INCOME.—The term "gross income" means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014).

(D) HOUSEHOLD.—The term "household" means—

(i) an individual who lives alone; or

(ii) a group of individuals who live together.

(E) POVERTY LINE.—The term "poverty line" has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

(F) PROGRAM.—The term "Program" means the Climate Change Rebate Program established under paragraph (2).

(G) STATE.—The term "State" means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands; and

(vii) the United States Virgin Islands.

(H) STATE AGENCY.—

(i) IN GENERAL.—The term "State agency" means an agency of State government that has responsibility for the administration of 1 or more federally aided public assistance programs within the State.

(ii) INCLUSIONS.—The term "State agency" includes—

(I) a local office of a State agency described in clause (i); and

(II) in a case in which federally aided public assistance programs of a State are operated on a decentralized basis, a counterpart local agency that administers 1 or more of those programs.

(2) CLIMATE CHANGE REBATE PROGRAM.—The Administrator shall establish and carry out a program, to be known as the "Climate Change Rebate Program", under which, at the request of a State agency, eligible low-income households within the State shall be provided an opportunity to receive compensation, through the issuance of a monthly rebate, for use in paying certain increased energy-related costs resulting from the regulation of greenhouse gas emissions under this Act.

(3) ELIGIBILITY.—The Administrator shall limit participation in the Program to—

(A) households that the applicable State agency determines meet the gross income test and the asset test standards described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014); and

(B) households that do not meet those standards, but that include 1 or more individuals who meet the standards described in section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114).

(C) LIMITATION.—The Administrator shall establish additional eligibility criteria to ensure that—

(i) only United States citizens, United States nationals, and lawfully residing immigrants are eligible to receive a rebate under the Program; and

(ii) each household does not receive more than 1 rebate per month under the Program.

(4) MONTHLY REBATE AMOUNT.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The rebate available under the Program for each month of a calendar year shall be established by the Energy Information Administration, in consultation with other appropriate Federal agencies, by not later than October 1 of the preceding calendar year.

(ii) LIMITATION.—The aggregate amount of rebates distributed in any given year shall not exceed the amount described in subsection (a)(1).

(iii) SHORTAGE.—If the amount described in subsection (a)(4) is inadequate to provide monthly rebates to all eligible households, the Administrator shall devise an equitable proration to ensure that all eligible households receive the same portion of the full rebate the eligible households would have been eligible to receive if adequate funds had been provided

(B) METHOD OF CALCULATION.—With respect to the calculation of a monthly rebate under this paragraph—

(i) the maximum monthly rebate provided to a household during any calendar year shall be equal to 1/12 of the projected average annual increase in the costs of goods and services for that calendar year that results from the regulation of greenhouse gas emissions under this Act, taking into consideration—

(I) the size of the household; and

(II) direct and indirect energy costs for consumers in the lowest-income quintile that is affected by the regulation of greenhouse gas emissions, net of the effect of any projected increase in Federal benefits resulting from higher cost-of-living adjustments based on higher energy-related costs;

(ii) each quintile referred to in clause (i)(II) shall—

(I) be based on income adjusted to account for household size; and

(II) represent an equal number of individuals; and

(iii) the amount shall be adjusted by household size, except that the same maximum rebate shall be—

(I) provided to households of 5 or more individuals; and

(II) based on the average cost increases for households of 5 or more individuals.

(C) GREATER THAN 130 PERCENT OF POVERTY LINE.—A household with a gross income that is greater than 130 percent of the poverty line shall not be eligible for a monthly rebate under this subsection.

(5) DELIVERY MECHANISM.—An eligible household shall receive a rebate through an electronic benefit transfer or direct deposit into a bank account designated by the eligible household.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The State agency of each participating State shall assume responsibility for—

(i) the certification of households applying for monthly rebates under this subsection; and

(ii) the issuance, control, and accountability of those rebates.

(B) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—Subject to such standards as shall be established by the Administrator, the Administrator shall reimburse each State agency for a portion, as described in clauses (ii) and (iii), of the administrative costs involved in the operation by the State agency of the Program.

(ii) INITIAL 3 YEARS.—During the first 3 fiscal years of operation of the Program, the Administrator shall reimburse each State agency for—

(I) 75 percent of the administrative costs of delivering monthly rebates under this subsection; and

(II) 75 percent of any automated data processing improvements or electronic benefit transfer contract amendments that are necessary to provide the monthly rebates.

(iii) SUBSEQUENT YEARS.—During the fourth and subsequent years of operation of the Program, the Administrator shall reimburse each State agency for 50 percent of all administrative costs of delivering the monthly rebates under this subsection.

(C) TREATMENT.—

(i) NOT INCOME OR RESOURCES.—The value of a rebate provided under the Program shall not be considered to be income or a resource for any purpose under any Federal, State, or local law, including laws relating to an income tax, public assistance programs (such as health care, cash aid, child care, nutrition programs, and housing assistance).

(ii) ACTION BY STATE AND LOCAL GOVERNMENTS.—No State or local government a resident of which receives a rebate under the Program shall decrease any assistance that would otherwise be provided to the resident because of receipt of the rebate.

(c) SENSE OF CONGRESS REGARDING EARNED INCOME TAX CREDIT.—It is the sense of Congress that—

(1) the amounts described in subsection (a)(1)(B) should be used to enhance the earned income tax credit under section 32 of the Internal Revenue Code of 1986 to assist lower-income workers to afford the energy-related costs associated with the regulation of greenhouse gas emissions; and

(2) the Administrator should structure the Climate Change Rebate Program under subsection (b) in a manner than ensures that the program phases out for eligible households that receive an enhanced earned income tax credit as described in this section.

(d) SENSE OF CONGRESS REGARDING ADDITIONAL TAX POLICIES.—It is the sense of Congress that any additional amounts in the Climate Change Consumer Assistance Fund should be used to fund other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act.

On page 204, line 3, strike "**584**" and insert "**585**".

On page 204, strike lines 8 through 14.

SA 4913. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX CREDIT FOR GREEN ROOFS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Green roofs reduce storm water run off.

(B) Green roofs reduce heating and cooling loads on a building.

(C) Green roofs filter pollutants and carbon dioxide out of the air.

(D) Green roofs filter pollutants and heavy metals out of rainwater.

(E) Construction of green roofs has the potential to reduce the size of heating, ventilation, and air conditioning equipment on new or retrofitted buildings resulting in capital and operational savings.

(F) Green roofs have the potential to reduce the amount of standard insulation used.

(G) After installation, green roofs can reduce sewage system loads by assimilating large amounts of rainwater.

(H) Green roofs absorb air pollution, collect airborne particulates, and store carbon.

(I) Green roofs protect underlying roof material by eliminating exposure to the sun's ultraviolet radiation and extreme daily temperature fluctuations.

(J) Green roofs reduce noise transfer from the outdoors.

(K) Green roofs insulate a building from extreme temperatures, mainly by keeping the building interior cool in the summer.

(2) PURPOSE.—The purpose of this section is to encourage the construction of green roofs thereby—

(A) reducing rooftop temperatures and heat transfer; decreasing summertime indoor temperatures;

(B) lessening pressure on sewer systems through the absorption of rainwater;

(C) filtering pollution – including heavy metals and excess nutrients;

(D) protecting underlying roof material;

(E) reducing noise;

(F) providing a habitat for birds and other small animals;

(G) improving the quality of life for building inhabitants; and

(H) reducing the urban heat island effect by decreasing rooftop temperatures.

(b) GREEN ROOFS ELIGIBLE FOR ENERGY CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a qualified green roof (as defined in section 25D(d)(4)(B)).".

(2) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) of such Code is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) so much of the credit determined under section 46 as is attributable to the credit determined under section 48, and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

(c) CREDIT FOR RESIDENTIAL GREEN ROOFS.—

(1) IN GENERAL.—

(A) ALLOWANCE OF CREDIT.—Section 25D(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified green roof property expenditures made by the taxpayer during such year.".

(B) LIMITATION.—Section 25D(b)(1) of such Code (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $2,000 with respect to any qualified green roof property expenditures.".

(C) QUALIFIED GREEN ROOF PROPERTY EXPENDITURES.—Section 25D(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED GREEN ROOF PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified green roof property expenditure' means an expenditure for a qualified green roof which is installed on a building located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GREEN ROOF.—The term 'qualified green roof' means any green roof at least 40 percent of which is vegetated.

"(C) GREEN ROOF.—The term 'green roof' means any roof which consists of vegetation and soil, or a growing medium, planted over a waterproofing membrane and its associated components, such as a protection course, a root barrier, a drainage layer, or thermal insulation and an aeration layer.".

(D) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) of such Code (relating to maximum expenditures) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of any qualified green roof property expenditures.".

(2) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 25D of the internal Revenue Code of 1986 is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(B) CONFORMING AMENDMENTS.—

(i) Section 23(b)(4)(B) of the Internal Revenue Code of 1986 is amended by inserting "and section 25D" after "this section".

(ii) Section 24(b)(3)(B) of such Code is amended by striking "and 25B" and inserting ", 25B, and 25D".

(iii) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25D".

(iv) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25D".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(B) APPLICATION OF EGTRRA SUNSET.—The amendments made by clauses (i) and (ii) of paragraph (2)(B) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SA 4914. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NUCLEAR POWER PLANTS

SEC. 1801. CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by striking subsection (b) and inserting the following:

"(b) ISSUANCE OF LICENSES.—

"(1) IN GENERAL.—After a public hearing under section 189a.(1)(A), the Commission shall issue to the applicant a combined construction and operating license, if—

"(A) the application contains sufficient information to support the issuance of a combined license; and

"(B) the Commission determines that there is reasonable assurance that the facility—

"(i) will be constructed; and

"(ii) will operate in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

"(2) INCLUSIONS.—The Commission shall identify in the combined license—

"(A) each inspection, test, and analysis (including as applicable to emergency planning) that the licensee shall be required to perform; and

"(B) the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility—

"(i) has been constructed; and

"(ii) will be operated in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

"(3) ACTION BY COMMISSION.—

"(A) IN GENERAL.—After issuing a combined license under this subsection, the Commission shall—

"(i) ensure that each required inspection, test, and analysis is performed; and

"(ii) prior to operation of the applicable facility, issue a determination that those requirements have been met.

"(B) NO HEARING REQUIRED.—Except as otherwise provided in section 189a.(1)(B), a determination of the Commission under this paragraph shall not require a hearing.

"(4) NEW LICENSING GOALS.—For each 6 successful issuances by the Commission of licenses under this subsection, not later than 180 days after the date on which the final such license is issued, the Commission shall publish a report, including recommendations, that describes—

"(A) potential impediments or improvements that could enhance the regulatory review process for licensing of constructing new civilian nuclear power plants;

"(B) workforce and technology needs of the Commission; and

"(C) requirements that would be required for the Commission to safely license at least 6 new nuclear plants per year through 2050.".

SEC. 1802. HEARINGS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking "a.(1)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(a) HEARINGS; REVIEW.—

"(1) HEARINGS.—

"(A) PARTIES.—

"(i) IN GENERAL.—In any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or 188, the Commission shall—

"(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

"(II) admit any such person as a party to the proceeding.

"(ii) NO REQUEST.—

"(I) IN GENERAL.—In the absence of a request by a person described in clause (i), the Commission may issue a construction permit, an operating license, or an amendment to a construction permit or an amendment to an operating license without a hearing by publishing in the Federal Register a notice of the intended issuance not later than 30 days before the date of issuance.

"(II) EXCEPTION.—The notice requirement under subclause (I) shall not apply with respect to any application for an amendment to a construction permit or an amendment to an operating license on a determination by the Commission that the amendment involves no significant hazard consideration.".

SEC. 1803. SENSE OF SENATE.

It is the sense of the Senate that the Nuclear Regulatory Commission should be given all necessary funding and assistance required by the Commission to meet the increasing demand of license applications before the Commission.

SA 4915. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike lines 11 through 16 and insert the following:

(10) CARBON DIOXIDE EQUIVALENT.—The term "carbon dioxide equivalent" means, for each HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor, the quantity of the HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor that the Administrator determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

On page 31, between lines 18 and 19, insert the following:

(52) TROPOSPHERIC OZONE PRECURSOR.—The term "tropospheric ozone precursor" means each of the oxides of nitrogen, nonmethane volatile organic hydrocarbons, methane, and carbon monoxide.

On page 41, strike lines 11 through 17 and insert the following:

(a) PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Administrator shall by regulation establish and carry out a program under which the Administrator shall provide grants to entities in the United States for—

(A) the purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles; and

(B) the purchase and installation on existing medium- and heavy-duty diesel commercial vehicles or commercial nonroad equipment of diesel particulate filters that are verified by the Administrator or the California Air Resources Board, based on demonstrated reductions of black carbon emissions from those diesel vehicles or nonroad equipment.

(2) NO DUPLICATE ASSISTANCE.—No entity receiving grants for diesel retrofits under this Act or any other Federal program shall receive payment under this subsection for emission reductions for the same diesel engine.

Beginning on page 41, strike line 20 and all that follows through page 42, line 22, and insert the following:

(1) only a purchaser of a hybrid commercial vehicle weighing at least 8,500 pounds, or a diesel particulate filter installed on a commercial diesel vehicle weighing at least 8,500 pounds or installed on a piece of nonroad equipment with an engine rating of at least 75 horsepower, shall be eligible for grants under subsection (a);

(2) the purchaser of a qualifying hybrid vehicle or verified diesel particulate filter shall have certainty, at the time of purchase, of—

(A) the amount of the grant to be provided; and

(B) the time at which grant funds shall be available;

(3) the amount of —

(A) the grant provided under subsection (a)(1)(A) shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant; and

(B) the grant provided under subsection (a)(1)(B) shall increase in direct proportion to the reduction in black carbon emissions from the retrofit of a qualifying diesel vehicle or nonroad equipment with a verified diesel particulate filter to be purchased using funds from the grant;

(4) the amounts made available to provide grants under subsection (a)(1) shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

(A) adequate availability of grant funds for different categories of commercial vehicles; and

(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

(5) the amount provided per grant under subparagraph (A) or (B) of subsection (a)(1) shall decrease over time to encourage early purchases of qualifying commercial hybrid vehicles or verified diesel particulate filters, respectively.

On page 43, strike lines 1 through 5 and insert the following:

(d) TERMINATION OF AUTHORITY.—

(1) HYBRID FLEETS.—The program established under subsection (a)(1)(A), and all authority provided under that subsection, terminate on the date on which the clean medium- and heavy-duty hybrid fleets program is established under section 1103.

(2) BLACK CARBON EMISSIONS.—The program established under subsection (a)(1)(B), and all authority provided under that subsection, terminate on the date on which the diesel engine black carbon emission reduction program is established under section 527.

On page 43, line 10, insert ", the reduction of black carbon emissions," after "sustainable economic growth".

On page 45, line 1, strike "greenhouse gas emission mitigations" and insert "greenhouse gas or black carbon emission mitigations, as applicable".

On page 45, lines 7 and 8, strike "greenhouse gas emission mitigations" and insert "greenhouse gas or black carbon emission mitigations, as applicable".

On page 46, line 25, insert "or black carbon" after "greenhouse gas".

On page 48, line 10, insert "and black carbon" after "greenhouse gas".

On page 48, line 13, insert "and black carbon" after "greenhouse gas".

On page 48, line 20, insert "and black carbon" after "greenhouse gas".

On page 50, line 9, insert "and black carbon" after "greenhouse gas".

On page 51, line 13, insert "and black carbon" after "greenhouse gas".

Beginning on page 60, strike line 6 and all that follows through page 61, line 18, and insert the following:

SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON, METHANE, AND TROPOSPHERIC OZONE PRECURSOR EMISSIONS.

(a) STUDY.—The Administrator shall conduct a study of black carbon, methane, and tropospheric ozone precursor emissions, including—

(1) an identification of—

(A) the major sources of black carbon, methane, and tropospheric ozone precursor emissions in the United States and throughout the world, and an estimate of the quantity of emissions, and effects on the climate caused by the emissions, from those sources;

(B) key outstanding research questions that constrain the ability to provide the information described in subparagraph (A), including the development of a 2-year research plan and recommendations for funding; and

(C) the most effective and cost-effective strategies for additional domestic and international reductions in black carbon, methane, and tropospheric ozone and the likely climate benefits of each of those reductions, including—

(i) ways to expand the effectiveness of the existing "methane-to-markets" program;

(ii) regulatory strategies to reduce methane emissions from major sources, including landfills, coal mines, combined animal feeding operations, pipelines, and rice cultivation;

(iii) the latest scientific information and data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(iv) carbon dioxide equivalency factors for black carbon classified by specific black carbon sources, and the establishment of such factors pursuant to section 202(*l*);

(v) carbon dioxide equivalency factors for precursors of tropospheric ozone, and establishment of those factors pursuant to section 202(*l*);

(vi) eligible diesel and other direct emission control technologies that remove black carbon effectively;

(vii) full lifecycle and net climate impacts of installation of diesel particulate filters on existing diesel on- and off-road engines, including verification of those lifecycles and impacts; and

(viii) diesel and other direct emission control technologies, operations, or strategies that remove or reduce black carbon, including estimates of costs and effectiveness; and

(2) recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce black carbon, methane, and tropospheric ozone precursor emissions;

(B) actions that the Federal Government could take to encourage or require additional black carbon, methane, and tropospheric ozone precursor emission reductions; and

(C) the development of a climate-beneficial tropospheric ozone reduction strategy, and a description of the relationship of that strategy to the ozone reduction strategy in effect as of the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 71, between lines 14 and 15, insert the following:

(l) DETERMINATION OF CARBON DIOXIDE EQUIVALENTS FOR GREENHOUSE GASES, BLACK CARBON, AND TROPOSPHERIC OZONE PRECURSORS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall determine the carbon dioxide equivalent for—

(1) each HFC and non-HFC greenhouse gas; and

(2) black carbon and tropospheric ozone precursor, if the Administrator first determines that equivalents can be established with reasonable scientific certainty.

On page 80, line 14, insert "and black carbon" after "greenhouse gas".

On page 80, line 21, insert "and black carbon" after "greenhouse gas".

On page 80, strike lines 23 through 25.

On page 81, line 1, strike "(4)" and insert "(3)".

On page 81, line 4, strike "(5)" and insert "(4)".

On page 81, line 5, insert "and black carbon" after "greenhouse gas".

On page 81, line 7, insert "and" after the semicolon.

On page 81, strike lines 8 and (9) and insert the following:

(5) with respect to offsets from agricultural, forestry, or other land use-related projects—

(A) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(B) establish procedures for project initiation and approval, in accordance with section 304;

(C) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(D) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(E) assign a unique serial number to each offset allowance issued under this section.

On page 81, strike lines 10 through 17.

On page 85, strike lines 10 through 12 and insert the following:

(D);

(F) reductions in black carbon emissions from heavy-duty diesel engines and diesel nonroad equipment operating in the United States, if the Administrator has made a determination of the carbon dioxide equivalent for black carbon under section 202(*l*); and

(G) any other category proposed to the Administrator by petition.

On page 86, line 11, strike "include" and insert "with respect to agricultural, forestry, or other land use-related offset projects, include".

On page 91, line 12, insert "for agricultural, forestry, or other land use-related offset projects" after "issue a methodology".

On page 112, between lines 2 and 3, insert the following:

SEC. 312. BLACK CARBON REDUCTION OFFSET PROJECTS.

Offset projects described in section 302(b)(2)(F) shall not be subject to sections 304 through 310.

On page 159, line 5, strike "The Administrator" and insert "Beginning in calendar year 2020, the Administrator".

On page 159, between lines 18 and 19, insert the following:

(c) REDUCING BLACK CARBON AND METHANE EMISSIONS OVER THE SHORT TERM.—

(1) REDUCTION OF BLACK CARBON EMISSIONS FROM DIESEL ENGINES.—

(A) IN GENERAL.—The Administrator shall use a portion of the proceeds from each cost-containment auction for each of calendar years 2013 through 2019 to carry out the program established by the Administrator under subparagraph (B).

(B) PROGRAM.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall by regulation establish a program to achieve real, verifiable, additional, permanent, and enforceable reductions in emissions of black carbon from diesel engines on heavy-duty vehicles and nonroad equipment in the United States.

(ii) REQUIREMENTS.—

(I) IN GENERAL.—Subject to subclause (II), the regulations promulgated under clause (i) shall provide for full or partial payment to individual entities for verified costs of installation of diesel particulate filters that are verified by the Administrator or the California Air Resources Board.

(II) NO DUPLICATE ASSISTANCE.—No entity receiving emission allowances for black carbon reductions or diesel retrofits under this Act or any other Federal program shall receive payment under this subsection for black carbon emission reductions or retrofits for the same diesel engine.

(2) REDUCTION OF METHANE AND NON-DIESEL BLACK CARBON EMISSIONS.—The Corporation shall use a portion of the proceeds from each cost-containment auction for each of calendar years 2013 through 2019 to carry out a program that shall, by regulation, be established by the Administrator to achieve real, verifiable, additional, permanent, and enforceable reductions in emissions of methane and black carbon from sources other than diesel engines.

On page 196, line 21, strike "2 percent" and insert "1 percent".

On page 352, between lines 16 and 17, insert the following:

Subtitle E—Reducing Black Carbon Emissions From Diesel Engines

SEC. 1141. ALLOCATION.

Not later than April 1 of the year immediately following the determination by the Administrator of the carbon dioxide equivalent for black carbon pursuant to section 202(*l*), and annually thereafter through 2017, the Administrator shall allocate 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the following calendar year for real, verifiable, additional, permanent, and enforceable reductions in emissions of black carbon from heavy-duty diesel engines and nonroad diesel equipment in the United States that are achieved through the use of—

(1) diesel particulate filters that are verified by the Administrator or the California Air Resources Board; or

(2) other emission reduction methodology that the Administrator determines will provide an equal or greater reduction in diesel black carbon emissions.

SEC. 1142. DISTRIBUTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program that includes a system for distributing to individual entities the emission allowances allocated under section 1141, based on verified reductions in black carbon emissions.

On page 438, line 10, insert ", the reduction of black carbon emissions," after "sustainable economic growth".

SA 4916. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. JOHNSON, Mr. THUNE, Mr. SALAZAR, Mr. SMITH, Mr. BARRASSO, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRAPO, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, strike lines 10 and 11 and insert the following:

United States.";

(3) by striking subparagraph (L) (as redesignated by paragraph (1)) and inserting the following:

"(L) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

"(i) nonmerchantable materials, precommercial thinnings, or invasive species from National Forest system land and public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 17902)) that—

"(I) are byproducts of preventive treatments that are removed (such as trees, wood, brush, thinnings, chips, and slash)—

"(aa) to reduce hazardous fuels;

"(bb) to reduce or contain disease or insect infestation; or

"(cc) to restore ecosystem health;

"(II) would not otherwise be used for higher-value products; and

"(III) are removed in accordance with—

"(aa) applicable law and land management plans; and

"(bb) the requirement for old-growth maintenance, restoration, and management direction of subsection (e)(2) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and the requirements for large-tree retention of subsection (f) of that section; or "(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(I) renewable plant material, including—

"(aa) feed grains;

"(bb) other agricultural commodities;

"(cc) other plants and trees; and

"(dd) algae; and

"(II) waste material, including—

"(aa) crop residue;

"(bb) other vegetative waste materials (including wood waste and wood residues);

"(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

"(dd) food waste and yard waste."; and

(4) by striking subparagraph (O) (as redesig-

SA 4917. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 4 and 5, insert the following:

(10) Municipal solid waste.

SA 4918. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 459, strike lines 1 through 7 and insert the following:

SEC. 1403. DEPOSITS.

Except as provided in section ___01(b), the Administrator shall deposit all proceeds of auctions conducted pursuant to section 1402, immediately on receipt of those proceeds, in the Deficit Reduction Fund.

SEC. 1404. DISBURSEMENTS FROM FUND.

No disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

TITLE ___FUEL ASSISTANCE FUND

SEC. ___01. FUEL ASSISTANCE FUND.

(a) In General.—There is established in the Treasury of the United States a fund, to be known as the "Fuel Assistance Fund".

(b) Deposits.—The Administrator shall deposit such proceeds of auctions conducted pursuant to section 1402 as may be necessary to provide sufficient funds for the purposes of subsection (c).

(c) Disbursements.—The Administrator shall, without further appropriation, transfer such funds from the Fuel Assistance Fund to the Highway Trust Fund and the Airport and Airways Trust Fund as are necessary to equal the reduction in revenues transferred to such Trust Funds resulting from the operation of section ___02.

SEC. ___02. RATE REDUCTION IN FEDERAL MOTOR FUEL EXCISE TAXES EQUIVALENT TO INCREASE IN MOTOR FUEL PRICES RESULTING FROM THIS ACT.

The Administrator of the Energy Information Administration shall determine and report to the Secretary of the Treasury on a quarterly basis any necessary reduction in the rates of tax under sections 4041 and 4081 of the Internal Revenue Code of 1986 equivalent to the estimated increase in prices in the motor fuels subject to such rates of tax resulting from the operation of this Act for such quarter. Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury shall by regulation provide for such quarterly reductions through the use of floor stock refunds and floor stock taxes.

SA 4919. Mr. GOLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, strike lines 14 through 19 and insert the following:

(1) In general.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for distributing solely among rural electric cooperatives (in addition to allowances made available to rural electric cooperatives under subsection (a) and subtitle A of Title VI), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for each of calendar years 2012 through 2030.

SA 4920. Mr. REID (for Mr. Byrd (for himself, Mrs. Murray, Mr. Dorgan, Mr. Leahy, Mr. Durbin, Mrs. Feinstein, and Ms. Mikulski)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, strike beginning with line 1 through page 144, line 21, and insert the following:

SEC. 434. CONGRESSIONAL OVERSIGHT OF BOARD EXPENDITURES.

(a) Budget Requests.—In each annual request for appropriations by the President, the Office of Management and Budget shall identify the portion thereof intended for the support of the board established by section 432 and include a statement by such board—

(1) showing the amount requested by the board in its budgetary presentation to the Office of Management and Budget; and

(2) an assessment of the budgetary needs of the board.

(b) Direct Transmittal to Congress.—The board established by section 431 shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communications by the board established by section 431 with Congress, or a committee or Member of Congress, about the information.

On page 145, line 17, strike "436" and insert "435".

On page 163, line 2, insert "(A) In General.—" before "The".

On page 163, after line 5, insert the following:

(b) Treatment of Proceeds.—Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under this section—

(1) shall be credited as offsetting collections to carry out activities authorized under section 534;

(2) shall be available for expenditure only to pay the costs of carrying out the programs under section 534; and

(3) shall be available only to the extent provided, for in advance in an appropriations Act.

On page 164, line 2, strike "further appropriation or".

On page 164, line 12, strike "further appropriation or".

On page 164, lines 19 and 20, strike "further appropriations or".

On page 224, strike lines 6 through 11 and insert the following:

(f) Treatment of Proceeds.—Notwithstanding section 3302 of title 31, United States Code, all proceeds collected under section 611—

(1) shall be credited as offsetting collections to carry out the grants described in subsections (g) through (i);

(2) shall be available to the Secretary of Transportation for expenditure only to pay the costs of carrying out the grants described in subsections (g) through (i);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 225, line 16, strike "Administrator" and insert "Secretary of Transportation".

On page 228, line 24, strike "Administrator" and insert "Secretary of Transportation".

On page 241, after line 4, insert the following:

(c) Use of Funds.—Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 613—

(1) shall be credited as offsetting collections to carry out section 614;

(2) shall be available for expenditure only to pay for the costs of carrying out the activities described in section 614(d);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 264, line 14, strike "Amounts" and insert "Notwithstanding section 3302 of title 31, United States Code, amounts".

On page 264, strike lines 21 through 25 and insert the following:

7403, 7601(d)) shall be—

(1) credited as offsetting collections to carry out the program under subsection (b);

(2) shall be available for expenditure only to pay the costs of carrying out the program under subsection (b) in accordance with the purposes described in paragraph (2) of subsection (b);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 270, line 15, strike "Deposits" and insert "Notwithstanding section 3302 of title 31, United States Code, deposits".

On page 270, line 21, strike "needs; and" and insert "needs;".

On page 270, strike lines 22 through 25 and insert the following:

(B) shall be credited as offsetting collections to carry out the purposes of the Land and Water Conservation Fund;

(C) shall be available only to the extent provided for in advance in an appropriations Act; and

(D) shall remain available until expended.

On page 271, lines 1 and 2, strike "deposited in" and insert "appropriated from".

On page 271, line 3, strike "(1)" and insert "(2)".

On page 297, strike lines 11 through 18 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 903—

(1) shall be credited as offsetting collections to carry out section 906;

(2) shall be available for expenditure only to pay the costs of carrying out section 906;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 304, strike lines 5 through 7 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 911—

(1) shall be credited as offsetting collections to carry out subtitle B or section 5012 of the PACE-Energy Act (42 U.S.C. 16538);

(2) shall be available for expenditure only to pay the costs of carrying out subtitle B or section 5012 of the PACE-Energy Act (42 U.S.C. 16538);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 305, strike lines 6 through 15 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds under section 1002—

(1) shall be credited as offsetting collections to carry out the Kick-Start Program under section 1005;

(2) shall be available for expenditure only to pay the costs of carry out the Kick-Start Program under section 1005;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 333, strike lines 18 through 24, and insert the following:

Notwithstanding section 3302 of title 31, United States Code, all proceeds collected under section 1112—

(1) shall be credited as offsetting collections to carry out awards described in section 1115;

(2) shall be available for expenditure only to pay the costs of carry out the awards described in section 1115;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 356, line 10, strike "Amounts" and insert "Notwithstanding section 3302 of title 31, United States Code, amounts".

On page 356, strike lines 13 through 21 and insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

(4) shall be used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of the Interior (referred to in this section as the "Secretary") for normal, nonemergency wildland fire suppression activities.

On page 358, strike lines 13 through 20 and insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

(4) shall be used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of Agriculture (referred to in this section as the "Secretary") for normal, nonemergency wildland fire suppression activities.

On page 371, line 1, strike "Amounts" and insert "Notwithstanding section 3302 of title 31, United States Code, amounts".

On page 371, after line 3, insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

On page 371, line 4, strike "(1)" and insert "(4)".

On page 371, lines 11 and 12, strike "subtitle; and" and insert "subtitle;".

On page 371, strike lines 13 and 14.

On page 441, line 23, strike "All" and insert "(1) IN GENERAL.—".

On page 441, line 24, strike ", without further appropriation or fiscal year limitation,".

On page 442, after line 2, insert the following:

(2) TREATMENT OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the funds made available pursuant to this subsection shall be—

(A) credited as offsetting collections to carry out activities authorized by section 114;

(B) available for expenditure only to pay the costs of carrying out the program established by section 114; and

(C) available only to the extent provided for in advance in an appropriations Act.

On page 449, strike beginning with line 20 through page 450, line 2, and insert the following:

(1) USE OF FUNDS.—

(A) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, amounts deposited in the Fund under section 1331(b)(3) shall be made available to carry out—

(i) the Program; and

(ii) international activities that meet the requirements described in paragraph (8).

(B) TREATMENT OF FUNDS.—The amounts deposited in the Fund under section 1331(b)(3) shall be—

(i) credited as offsetting collections to carry out activities authorized under section 1332;

(ii) available for expenditure only to pay the costs of carrying out the program under such section; and

(iii) available only to the extent provided for in advance in an appropriations Act.

At the end of the bill insert the following:

SEC. ___. BUDGETARY TREATMENT.

Notwithstanding any provision of title III of the Congressional Budget Act of 1974, for fiscal year 2012 and thereafter, the Committees on the Budget of the Senate and of the House of Representatives shall treat any amounts in this Act that—

(1) are credited as offsetting collections; and

(2) are available only to the extent provided in advance in an appropriations Act;

as discretionary offsets to appropriations made in annual appropriations Acts.

SA 4921. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

Subtitle C—Nuclear Power Generation

PART I—NUCLEAR POWER TECHNOLOGY AND MANUFACTURING

SEC. 921. DEFINITIONS.

In this part:

(1) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the costs of engineering tasks relating to—

(A) the redesign of manufacturing processes to produce qualifying components and nuclear power generation technologies;

(B) the design of new tooling and equipment for production facilities that produce qualifying components and nuclear power generation technologies; and

(C) the establishment or expansion of manufacturing operations for qualifying components and nuclear power generation technologies.

(2) NUCLEAR POWER GENERATION.—The term "nuclear power generation" means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere;

(B) uses uranium as its fuel source; and

(C) was placed into commercial service after the date of enactment of this Act.

(3) NUCLEAR POWER GENERATION TECHNOLOGY.—The term "nuclear power generation technology" means a technology used to produce nuclear power generation.

(4) QUALIFYING COMPONENT.—The term "qualifying component" means a component that the Secretary of Energy determines to be specially designed for nuclear power generation technology.

SEC. 922. NUCLEAR POWER TECHNOLOGY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Nuclear Power Technology Fund".

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), to raise funds for deposit in the Nuclear Power Technology Fund, the Administrator shall auction—

(A) for each of calendar years 2012 through 2021, 2 percent of the emission allowances established pursuant to section 201(a) for that calendar year;

(B) for each of calendar years 2022 through 2030, 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year; and

(C) for each of calendar years 2031 through 2050, 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) Deposits.—Immediately upon the receipt of proceeds of auctions conducted pursuant to subsection (b), the Administrator shall deposit all of the proceeds into the Nuclear Power Technology Fund.

(d) Use of Funds.—For each of calendar years 2012 through 2050, all funds deposited in the Nuclear Power Technology Fund for the preceding year under subsection (c) shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established under section 431 to carry out the financial incentives program established under section 924.

SEC. 923. SPENT FUEL RECYCLING PROGRAM.

(a) Purpose.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) Spent Fuel Recycling Research and Development Facility.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) Purpose.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) Site selection.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling;

(C) proximity to existing and proposed nuclear reactors; and

(D) community support.

(c) Contracts.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) Competitive Selection.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) Regulatory Authority.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SEC. 924. FINANCIAL INCENTIVES PROGRAM.

(a) In General.—For each fiscal year beginning on or after October 1, 2010, the Climate Change Technology Board established under section 431 shall competitively award financial incentives under this part in the following technology categories:

(1) The production of electricity from new nuclear power generation.

(2) Facility establishment or conversion by manufacturers and suppliers of nuclear power generation technology and qualifying components.

(b) Requirements.—

(1) In general.—The Climate Change Technology Board shall make awards under this section to—

(A) domestic producers of new nuclear power generation;

(B) manufacturers and suppliers of nuclear power generation technology and qualifying components; and

(2) Basis for awards.—The Climate Change Technology Board shall make awards under this section—

(A) in the case of producers of new nuclear power generation, based on the bid of each producer in terms of dollars per megawatt-hour of electricity generated;

(B) in the case of manufacturers and suppliers of nuclear power generation technology and qualifying components, based on the criteria described in section 926; and

(C) in the case of owners or operators of existing nuclear power generating facilities, based upon criteria described in section 926.

(3) Acceptance of bids.—In making awards under this subsection, the Climate Change Technology Board shall—

(A) solicit bids for reverse auction from appropriate producers, manufacturers, and suppliers, as determined by the Climate Change Technology Board; and

(B) award financial incentives to the producers, manufacturers, and suppliers that submit the lowest bids that meet the requirements established by the Climate Change Technology Board.

SEC. 925. FORMS OF AWARDS.

(a) Nuclear Power Generators.—

(1) In general.—An award for nuclear power generation under this part shall be in the form of a contract to provide a production payment for commercial service of the generation unit in an amount equal to the product obtained by multiplying—

(A) the amount bid by the producer of the nuclear power generation; and

(B) except as provided in paragraph (2), the net megawatt-hours generated by the nuclear power generation unit each year during the first 10 years following the end of the calendar year of the award.

(2) First year.—For purposes of paragraph (1)(B), the first year of commercial service of the generating unit shall be within 5 years of the end of the calendar year of the award.

(b) Manufacturing of Nuclear Power Generation Technology.—

(1) In general.—An award for facility establishment or conversion costs for nuclear power generation technology under this part shall be in an amount equal to not more than 30 percent of the cost of—

(A) establishing, reequipping, or expanding a manufacturing facility to produce—

(i) qualifying nuclear power generation technology; or

(ii) qualifying components;

(B) engineering integration costs of nuclear power generation technology and qualifying components; and

(C) property, machine tools, and other equipment acquired or constructed primarily to enable the recipient to test equipment necessary for the construction or operation of a nuclear power generation facility.

(2) Amount.—The Climate Change Technology Board shall use the amounts made available to carry out this section to make awards to entities for the manufacturing of nuclear power generation technology.

SEC. 926. SELECTION CRITERIA.

In making awards under this part to producers, manufacturers, and suppliers of nuclear power generation technology and qualifying components, the Climate Change Technology Board shall select producers, manufacturers, and suppliers that—

(1) document the greatest use of domestically-sourced parts and components;

(2) return to productive service existing idle manufacturing capacity;

(3) are located in States with the greatest availability of unemployed manufacturing workers;

(4) demonstrate a high probability of commercial success; and

(5) meet other appropriate criteria, as determined by the Climate Change Technology Board.

PART II—ACCELERATED DEPRECIATION

SEC. 931. 5-YEAR ACCELERATED DEPRECIATION PERIOD FOR NEW NUCLEAR POWER PLANTS.

(a) In General.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting ", and", and by inserting after clause (vi) the following new clause:

"(vii) any advanced nuclear power facility (as defined in section 45J(d)(1), determined without regard to subparagraph (B) thereof) the original use of which commences with the taxpayer after December 31, 2008.".

(b) Conforming Amendment.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting "and not described in subparagraph (B)(vii) of this paragraph" after "section 1245(a)(3)".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SA 4922. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NUCLEAR POWER

SEC. 1801. AUTHORIZATION FOR NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—The Secretary shall carry out a Nuclear Power 2010 Program to position the nation to start construction of new nuclear power plants by 2010 or as close to 2010 as achievable.

"(2) Scope of program.—The Nuclear Power 2010 Program shall be cost-shared with the private sector and shall support the following objectives:

"(A) Demonstrating the licensing process for new nuclear power plants, including the Nuclear Regulatory Commission process for obtaining early site permits (ESPs), combined construction/operating licenses (COLs), and design certifications.

"(B) Conducting first-of-a-kind design and engineering work on at least two advanced nuclear reactor designs sufficient to bring those designs to a state of design completion sufficient to allow development of firm cost estimates.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

"(A) $159,600,000 for fiscal year 2009

"(B) $135,600,000 for fiscal year 2010

"(C) $46,900,000 for fiscal year 2011

"(D) $2,200,000 for fiscal year 2012.".

SEC. 1802. DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) ESTABLISHMENT OF INTERAGENCY WORKING GROUP.—

(1) PURPOSES.—The purposes of this section are—

(A) to increase the competitiveness of the United States nuclear energy products and services industries;

(B) to identify the stimulus or incentives necessary to cause U.S. manufacturers of nuclear energy products to expand manufacturing capacity;

(C) to facilitate the export of United States nuclear energy products and services;

(D) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(E) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(F) to integrate the objectives in paragraphs (1) through (4) in a manner consistent with the interests of the United States, into the foreign policy of the United States;

(G) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(2) ESTABLISHMENT.—

(A) There shall be established an interagency working group that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(B) The Interagency Working Group shall be composed of —

(i) The Secretary of Energy, or the Secretary's designee, shall chair the interagency working group. The Secretary of Energy shall provide staff for carrying out the functions of the interagency working group established under this section.

(ii) Representatives of —

(I) the Department of Energy;

(II) the Department of Commerce;

(III) the Department of Defense;

(IV) the Department of Treasury;

(V) the Department of State;

(VI) the Environmental Protection Agency;

(VII) the United States Agency for International Development;

(VIII) the Export-Import Bank of the United States;

(IX) the Trade and Development Agency;

(X) the Small Business Administration;

(XI) the Office of the U.S. Trade Representative; and

(XII) other Federal agencies, as determined by the President.

(iii) The heads of appropriate agencies shall detail such personnel and furnish such services to the interagency group, with or without reimbursement, as may be necessary to carry out the group's functions.

(3) DUTIES OF THE INTERAGENCY WORKING GROUP.—

(A) Within 6 months of enactment, the interagency working group established under section (1)(A) shall identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services in order to—

(i) increase electricity generation from nuclear energy sources through development of new generation facilities;

(ii) improve the efficiency, safety and/or reliability of existing nuclear generating facilities through modifications; and

(iii) enhance the safe treatment, handling, storage and disposal of used nuclear fuel.

(B) Within 6 months of enactment, the interagency working group shall identify mechanisms (including, but not limited to, tax stimulus for investment, loans and loan guarantees, and grants) necessary for U.S. companies to increase their capacity to produce or provide nuclear energy products and services, and to increase their exports of nuclear energy products and services. The interagency working group shall identify administrative or legislative initiatives necessary to—

(i) encourage United States companies to increase their manufacturing capacity for nuclear energy products;

(ii) provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements.

(C) Within 9 months of enactment, the interagency working group shall provide a report to Congress on its findings under section (2)(A) and (B), including recommendations for new legislative authority where necessary.

(4) TRADE ASSISTANCE.—The interagency working group shall encourage the member agencies of the interagency working group to—

(A) provide technical training and education for international development personnel and local users in their own country;

(B) provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) develop nuclear energy projects in foreign countries;

(D) provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) augment budgets for trade and development programs in order to support pre-feasibility or feasibility studies for projects that utilize nuclear energy products and services.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for purposes of carrying out this title $20,000,000 for fiscal years 2008 and 2009.

(b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

"SEC. 48C. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year -

"(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment;

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer; or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer;

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable; and

"(D) which is placed in service on or before December 31, 2015.

"(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

"(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

"(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.".

(c) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 is amended by—

(A) striking "and" at the end of paragraph (3);

(B) striking the period at the end of paragraph (4) and inserting ", and"; and

(C) inserting after paragraph (4) the following new paragraph:

"(5) the qualifying nuclear power manufacturing credit.".

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code is amended by—

(A) striking "and" at the end of clause (iii);

(B) striking the period at the end of clause (iv) and inserting ", and"; and

(C) inserting after clause (iv) the following new clause:

"(v) the basis of any property which is part of a qualifying nuclear power equipment manufacturing project under section 48C.".

(3) TABLE OF SECTIONS.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

"Sec. 48C. Qualifying nuclear power manufacturing credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1803. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended (1) by redesignating subsection (d) as subsection (e); and by inserting after subsection (c) the following:

"(d) WORKFORCE TRAINING.—

"(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary of Energy, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.

"(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, and organized labor, concerning skills that are needed in those industries.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretaries of Education and Energy $20,000,000 for each of fiscal years 2008 through 2012 for use in implementing a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.".

SEC. 1804. CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by striking subsection (b) and inserting the following:

"(b) ISSUANCE OF LICENSES.—

"(1) IN GENERAL.—After a public hearing under section 189a.(1)(A), the Commission shall issue to the applicant a combined construction and operating license, if—

"(A) the application contains sufficient information to support the issuance of a combined license; and

"(B) the Commission determines that there is reasonable assurance that the facility—

"(i) will be constructed; and

"(ii) will operate in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

"(2) INCLUSIONS.—The Commission shall identify in the combined license—

"(A) each inspection, test, and analysis (including as applicable to emergency planning) that the licensee shall be required to perform; and

"(B) the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility—

"(i) has been constructed; and

"(ii) will be operated in conformity with the license, he requirements of this Act, and the rules and regulations of the Commission.

"(3) ACTION BY COMMISSION.—

"(A) IN GENERAL.—After issuing a combined license under this subsection, the Commission shall—

"(i) ensure that each required inspection, test, and analysis is performed; and

"(ii) prior to operation of the applicable facility, issue a determination that those requirements have been met.

"(B) NO HEARING REQUIRED.—Except as otherwise provided in section 189a.(1)(B), a determination of the Commission under this paragraph shall not require a hearing.

"(4) NEW LICENSING GOALS.—For each 6 successful issuances by the Commission of licenses under this subsection, not later than 180 days after the date on which the final such license is issued, the Commission shall publish a report, including recommendations, that describes—

"(A) potential impediments or improvements that could enhance the regulatory review process of constructing new civilian nuclear power plants;

"(B) workforce and technology needs of the Commission; and

"(C) requirements that would be required for the Commission to safely license not more than 6 new nuclear plants per year through 2050.".

SEC. 1805. HEARINGS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking "a.(1)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(a) HEARINGS; REVIEW.—

"(1) HEARINGS.—

"(A) PARTIES.—

"(i) IN GENERAL.—In any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or 188, the Commission shall—

"(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

"(II) admit any such person as a party to the proceeding.

"(ii) NO REQUEST.—

"(I) IN GENERAL.—In the absence of a request by a person described in clause (i), the Commission may issue a construction permit, an operating license, or an amendment to a construction permit or an amendment to an operating license without a hearing by publishing in the Federal Register a notice of the intended issuance not later than 30 days before the date of issuance.

"(II) EXCEPTION.—The notice requirement under subclause (I) shall not apply with respect to any application for an amendment to a construction permit or an amendment to an operating license on a determination by the Commission that the amendment involves no significant hazard consideration.".

SEC. 1806. SENSE OF SENATE.

It is the sense of the Senate that the Nuclear Regulatory Commission should be given all necessary funding and assistance required by the Commission to meet the increasing demand of license applications before the Commission.

SEC. 1807. INVESTMENT TAX CREDIT FOR INVESTMENTS IN NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986, as amended by this title, is amended by:

(1) striking "and" at the end of paragraph (5);

(2) striking the period at the end of paragraph (5) and inserting ", and"; and

(3) inserting after paragraph (5) the following new paragraph:

"(6) the nuclear power facility construction credit.".

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after section 48C the following new section:

"SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

"(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

"(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

"(2) COORDINATION WITH SUBSECTION (C).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 50(a)(2)(C), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 50(a).

"(c) PROGRESS EXPENDITURES.—

"(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, in the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility; and

"(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, in the taxable year in which such expenditures are paid.

"(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

"(A) COMPONENT PARTS, ETC.—Property which is not self-constructed property and which is to be a component part of, or is otherwise to be included in, any facility to which this subsection applies shall be taken into account in accordance with paragraph (1)(B);

"(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility; and

"(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

"(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

"(ii) CARRY-OVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self constructed, if for the taxable year—

"(I) the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the limitation of clause (i), then the amount of such excess shall be taken into account under paragraph (1)(B) for the succeeding taxable year; or

"(II) the limitation of clause (i) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (i) for the succeeding taxable year.

"(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C)(i) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the construction shall be deemed to be completed not more rapidly than ratably over the normal construction period.

"(E) NO PROGRESS EXPENDITURES FOR CERTAIN PRIOR PERIODS.—No qualified nuclear facility expenditures shall be taken into account under this subsection for any period before the first day of the first taxable year to which an election under this subsection applies.

"(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR IT IS PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

"(i) the taxable year in which the facility is placed in service, or

"(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility, or for any taxable year thereafter.

"(3) SELF-CONSTRUCTED.—For purposes of this subsection—

"(A) The term 'self-constructed facility' means any facility if it is reasonable to believe that more than half of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

"(B) A component of a facility shall be treated as not self-constructed if the cost of the component is at least 5 percent of the expected cost of the facility and the component is acquired by the taxpayer.

"(4) ELECTION.—An election shall be made under this section for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on a tax return filed by the due date for such return (taking into account extensions). Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear power facility, as defined in section 45J, the construction of which was approved by the Nuclear Regulatory Commission on or before December 31, 2013.

"(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

"(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount properly chargeable to capital account—

"(i) with respect to a qualified nuclear power facility;

"(ii) for which depreciation is allowable under section 168; and

"(iii) which are incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

"(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2007, unless such expenditures constitute less than 20 percent of the total qualified nuclear power facility expenditures (determined without regard to this subparagraph) for the qualified nuclear power facility.

"(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

"(A) IN GENERAL.—For purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease to be treated as a facility that will be a qualified nuclear power facility as of the earlier of—

"(i) the date on which the taxpayer decides to terminate construction of the facility, or

"(ii) the last day of any 24 month period in which the taxpayer has failed to incur qualified nuclear power facility expenditures totaling at least 20 percent of the expected total cost of the nuclear power facility.

"(B) AUTHORITY TO WAIVE.—The Secretary may waive the application of clause (ii) of subparagraph (A) if the Secretary determines that the taxpayer intended to continue the construction of the qualified nuclear power facility and the expenditures were not incurred for reasons outside the control of the taxpayer.

"(C) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases to be a qualified nuclear power facility by reason of paragraph (2) and work is subsequently resumed on the construction of such facility—

"(i) the date work is subsequently resumed shall be treated as the date that construction began for purposes of paragraph (1); and

"(ii) if the facility is a qualified nuclear power facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.".

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.".

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting "or paragraph (2) of section 48D(b)" after "paragraph (2) of section 47(b)";

(ii) inserting "or section 48D(b)(1)" after "section 47(b)(1)"; and

(iii) inserting "or facility" after "building".

(C) AMENDMENT OF SALE AND LEASEBACK RULE.—Subparagraph (C) of section 50(a)(2) of such Code is amended by—

(i) inserting "or section 48D(c)" after "section 47(d)"; and

(ii) inserting "or qualified nuclear power facility expenditures" after "qualified rehabilitation expenditures".

(D) OTHER AMENDMENT.—Subparagraph (D) of section 50(a)(2) of such Code is amended by inserting "or section 48D(c)" after "section 47(d)".

(d) NO BASIS ADJUSTMENT.—Section 50(c) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

"(6) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Paragraphs (1) and (2) shall not apply to the nuclear power facility construction credit.".

(e) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after the item relating to section 48C the following new item:

"Sec. 48D. Nuclear power facility construction credit.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1808. CONTRACTING AND NUCLEAR WASTE FUND.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended—

(1) in subsection (a)(1), by adding at the end the following: "For any civilian nuclear power reactor a license application for which is filed with the Commission, pursuant to its authority under section 103 or 104 of the Atomic Energy Act of 1954, after the date of enactment of this Act, contracts entered into under this section shall—

"(A) except as provided in subsections 302(a)(1)(B), (C), (D), and (E), below, be generally consistent with the terms and conditions of the 'Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste,' as codified at part 961 of title 10, Code of Federal Regulation, and in effect on January 1, 2007;

"(B) provide for the taking of title to, and for the Secretary to dispose of, the high-level waste or spent nuclear fuel involved beginning no later than 15 years following the start of commercial operation;

"(C) contain no provisions providing for adjustment of the 1.0 mil per kilowatt-hour fee established by paragraph (2);

"(D) be entered into no later than 60 days following the docketing of the license application by the Commission, or the date of enactment of this Act, whichever is later;

"(E) provide that, on a schedule consistent with the Secretary's acceptance of spent nuclear fuel from each civilian nuclear power reactor or site, and completed not later than the Secretary's completing the acceptance of all spent nuclear fuel from that commercial nuclear power reactor or site, the Secretary shall accept from each such reactor or site, all low-level radioactive waste defined in section 3(b)(1)(D) of the Low-level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D)), as amended."; and

(2) in subsection (a)(4), by striking all after "herein." in the second sentence; and

(3) in subsection (a)(6), by adding at the end the following: "Further, the Secretary

shall offer to settle any actions pending on the date of enactment of this Act for damages resulting from failure to commence accepting spent nuclear fuel or high-level radioactive waste on or before January 31, 1998. Each offer to settle shall provide for the payment of $150 to the other party to a contract for disposal of spent nuclear fuel and high-level radioactive waste for each kilogram of spent nuclear fuel which such party was or shall be entitled to deliver to the Department in a particular year, based on the following aggregate acceptance rates: 400 MTU for 1998; 600 MTU for 1999; 1,200 MTU for 2000; 2,000 MTU for 2001; and 3,000 MTU for 2002 and thereafter; provided that the Secretary shall adjust the payment amount per kilogram of spent nuclear fuel under this subsection(a)(6) annually according to the most recent Producer Price Index published by the Department of Labor. Such aggregate acceptance rates shall be allocated among parties to contracts with the United States based upon the age of spent nuclear fuel, as measured by the date of the discharge of such spent nuclear fuel from the civilian nuclear power reactor. Such offer to settle also shall include an annual payment of $150 per kilogram uranium to any such party where a civilian nuclear power reactor has been decommissioned, except for those portions of the facility that cannot be decommissioned until removal of spent nuclear fuel and high-level radioactive waste. The Secretary also shall offer like compensation to parties to contracts entered into pursuant to section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) who brought actions for damages prior to the date of enactment of this Act, but which were no longer pending as of said date, provided that such compensation shall be reduced by the amount of any settlement or judgment received by such party."; and

(4) in subsection (d), by adding at the end the following: "No amount may be expended by the Secretary from the Waste Fund to carry out research and development activities on advanced nuclear fuel cycle technologies.".

SEC. 1809. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.

(a) CONGRESSIONAL DETERMINATION.—Congress finds that—

(1) there is reasonable assurance that high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future will be managed in a safe manner without significant environmental impact until capacity for ultimate disposal is available; and

(2) the Federal Government is responsible and has an established a policy for the ultimate safe and environmentally sound disposal of such high-level radioactive waste and spent nuclear fuel.

(b) REGULATORY CONSIDERATION.—Notwithstanding any other provision of law, for the period following the licensed operation of a civilian nuclear power reactor or any facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste, no consideration of the public health and safety, common defense and security, or environmental impacts of the storage of high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future, is required by the Department of Energy or the Nuclear Regulatory Commission in connection with the development, construction, and operation of, or any permit, license, license amendment, or siting approval for, a civilian nuclear power reactor or any facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste. Nothing in this section shall affect the Department of Energy's and Nuclear Regulatory Commission's obligation to consider the public health and safety, common defense and security, and environmental impacts of storage during the period of licensed operation of a civilian nuclear power reactor or facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste.

SEC. 1810. TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) AUTHORIZATION AND LOCATION.—The Secretary of Energy (Secretary) is authorized to initiate spent nuclear fuel storage agreements as provided herein.

(1) No later than 180 days from the date of enactment of this Act, representatives of a community may submit written notice to the Secretary that the community is willing to host a temporary spent nuclear fuel storage facility within its jurisdiction.

(2) Within 90 days of the receipt of the notification under subsection (a)(1), the Secretary shall determine whether the identified site is suitable for a temporary storage facility. In determining the site's suitability, the Secretary will evaluate technical feasibility and consider favorably local support for collocating a temporary spent nuclear fuel storage facility with facilities intended to develop and implement advanced nuclear fuel cycle technologies.

(b) CONTENT OF AGREEMENTS.—If the Secretary determines one or more sites to be suitable in accordance with subsection (a)(2), negotiation of a temporary spent nuclear fuel storage facility agreement shall proceed.

(1) Any temporary spent nuclear fuel storage agreement shall contain such terms and conditions, including financial, institutional and such other arrangements as the Secretary and community determine to be reasonable and appropriate.

(2) Any temporary spent nuclear fuel storage agreement may be amended only with the mutual consent of the parties to the agreement.

SEC. 1811. IMPLEMENTATION OF TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) IN GENERAL.—Any temporary spent nuclear fuel storage agreement or agreements entered into under this title shall enter into force with respect to the United States if (and only if)_

(1) the Secretary, at least 60 days before the day on which he or she enters into the temporary spent nuclear fuel storage agreement or agreements notifies the House of Representatives and the Senate of his intention to enter into the agreement or agreements, and promptly thereafter publishes notice of such intention in the Federal Register; and

(2) the Governor of the state or states in which the facility is proposed to be located submits written notice to the Secretary that the Governor supports the temporary spent nuclear fuel storage agreement.

TITLE XIX—CLEAN ENERGY INVESTMENT BANK

SEC. 1901. SHORT TITLE.

This title may be cited as the "Clean Energy Investment Bank Act of 2008".

SEC. 1902. DEFINITIONS.

In this title:

(1) BANK.—The term "Bank" means the Clean Energy Investment Bank of the United States established by section 1903(a).

(2) BOARD.—The term "Board" means the Board of Directors of the Bank established under section 1904(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term "Clean Energy Investment Bank Fund" means the revolving fund account established under section 1906(b).

(4) COMMERCIAL TECHNOLOGY.—The term "commercial technology" means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term "eligible project" means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term "investment" includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 1903. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the "Clean Energy Investment Bank of the United States," which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this title.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this title; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) REPAYMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this title.

SEC. 1904. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as "independent directors"); and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(7) TRAVEL EXPENSES.—An independent director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(c) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this title; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 1905. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this title.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this title—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under

which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 1906. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1905 shall not exceed a total amount of $100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the "Clean Energy Investment Bank Fund" (referred to in this section as the "Fund").

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1905 (other than subsections (c) and (d) of section 1905) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 1905 (other than subsections (c) and (d) of section 1905) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 1907. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this title.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 1905(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this title in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 1905) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this title.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 1905 shall be transferred by the Bank to the respective credit program accounts.

SEC. 1908. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 1905, including those under title XVII of the Energy Policy Act of 2005 (42 U. S.C. 16511 et seq.), shall be transferred to the Board

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the

Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1909. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 1910. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

SEC. 1911. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) BANK.—The term 'Bank' means the Clean Energy Investment Bank of the United States established by section 1903(a) of the Clean Energy Investment Bank Act of 2008.".

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking "Secretary" each place it appears (other than the last place it appears in section 1702(a)) and inserting "Board".

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking "SECRETARY" and inserting "BANK"; and

(B) in the heading for paragraph (3), by striking "SECRETARY" and inserting "BANK".

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1909(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4923. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, the table after line 11 is amended to read as follows:

Calendar Year	Percentage for auction for public transportation
2012	3.87
2013	3.87
2014	3.87
2015	4.25
2016	4.37
2017	4.37
2018	5.62
2019	5.90
2020	6.00
2021	6.75
2022	7.12
2023	7.62
2024	8.12
2025	8.12
2026	9.12
2027	9.12
2028	9.12
2029	9.12
2030	9.62
2031	10
2032	10
2033	10
2034	10
2035	10
2036	10
2037	10
2038	10
2039	10
2040	10
2041	10
2042	10
2043	10
2044	10
2045	10
2046	10
2047	10
2048	10
2049	10
2050	10

On page 458, the table after line 5 is amended to read as follows:

Calendar Year	Percentage for auction for Deficit Reduction Fund
2012	2.88
2013	2.88
2014	2.88
2015	3.25
2016	3.38
2017	3.38
2018	3.63
2019	3.50
2020	4.00
2021	4.75
2022	4.38

Calendar Year	Percentage for auction for Deficit Reduction Fund
2023	4.88
2024	5.38
2025	5.38
2026	6.38
2027	6.38
2028	6.38
2029	6.88
2030	6.88
2031	12.50
2032	9.50
2033	9.50
2034	9.50
2035	9.50
2036	9.50
2037	9.50
2038	9.50
2039	9.50
2040	9.50
2041	9.50
2042	9.50
2043	9.50
2044	9.50
2045	9.50
2046	9.50
2047	9.50
2048	9.50
2049	9.50
2050	9.50

SA 4924. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike line 19 and insert the following:

Not later than 330 days before

On page 196, line 21, strike "2 percent" and insert "0.5 percent".

On page 197, strike lines 3 through 8.

On page 198, between lines 16 and 17, insert the following:

(c) LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561 under this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) for calendar year 2012, $100,000,000,000; and

(2) for each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index) since calendar year 2012.

On page 426, strike lines 14 through 16 and insert the following:

section—

(1) for each of calendar years 2012 through 2017, 2.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a);

(2) for each of calendar years 2018 through 2030, 2 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(3) for each of calendar years 2031 through 2050, 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SA 4925. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 8 through 17.

On page 21, line 18, strike "(E)" and insert "(B)".

On page 21, line 24, strike "(F)" and insert "(C)".

On page 22, line 5, strike "(G)" and insert "(D)".

On page 22, line 9, strike "(H)" and insert "(E)".

On page 22, line 14, strike "(I)" and insert "(F)".

On page 27, strike lines 4 through 16.

On page 31, line 8, strike "or natural-gas".

Beginning on page 65, strike line 25 and all that follows through page 66, line 19, and insert the following:

ural gas; and

(4) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity.

On page 67, lines 4 and 5, strike "neither paragraph (2) nor paragraph (5) of subsection (a) requires" and insert "subsection (a)(2) does not require".

On page 69, lines 23 and 24, strike ", natural gas, or natural gas liquid".

On page 70, lines 15 and 16, strike "(2), (3), or (5)" and insert "(2) or (3)".

Beginning on page 198, strike line 17 and all that follows through page 201, line 17.

Beginning on page 205, strike line 1 and all that follows through page 206, line 15, and insert the following:

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate 9.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate 10 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States.

On page 207, line 2, strike "or natural gas".

On page 207, line 10, strike "or natural gas".

On page 209, line 17, strike "or natural gas".

On page 210, line 19, strike "or natural gas".

On page 211, line 7, strike "or natural gas".

On page 215, lines 5 and 6, strike "or natural gas costs, as applicable," and insert "costs".

SA 4926. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 9 and 10, insert the following:

SEC. 543. INTERNATIONAL COMPETITIVENESS ALLOWANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE MANUFACTURING FACILITY.—

(A) IN GENERAL.—The term "eligible manufacturing facility" means a manufacturing facility located in the United States that principally manufactures iron, steel, pulp, paper, cement, rubber, chemicals, fertilizer, glass, ceramics, sulfur hexafluoride, or aluminum and other nonferrous metals.

(B) EXCLUSION.—The term "eligible manufacturing facility" does not include a facility eligible to receive emission allowances under subtitle F or H.

(2) INTERNATIONAL COMPETITIVE ALLOWANCE.—The term "international competitive allowance" means an allowance allocated pursuant to the International Competitiveness Allowance Program established under subsection (b).

(3) REFINER OF PETROLEUM-BASED FUEL.—The term "refiner of petroleum-based fuel" means an entity that manufactures in the United States petroleum-based liquid or gaseous fuel.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program, to be known as the "International Competitiveness Allowance Program", under which the Administrator may allocate international competitiveness allowances to owners and operators of eligible manufacturing facilities and refiners of petroleum-based fuel in the United States that, in addition to distributions of emission allowances under section 542, continue to be constrained or burdened by the requirements of this Act.

(2) DENOMINATION.—International competitiveness allowances shall be denominated in units of metric tons of carbon dioxide equivalent.

(3) CONSISTENCY WITH OTHER PROGRAMS.—In establishing the International Competitiveness Allowance Program under paragraph (1), the Administrator shall ensure that the program is consistent with the other purposes and requirements of this Act.

(c) QUANTITY FOR ALLOCATION.—

(1) REGULATIONS.—Not later than the earliest date on which the Administrator distributes allowances under any of titles V through XI, the Administrator shall establish, by regulation, a procedure for calculating, for each calendar year, the number of international competitiveness allowances to be allocated to each eligible manufacturing facility and refiner of petroleum-based fuel under the International Competitiveness Allowance Program, in accordance with paragraph (2).

(2) REQUIREMENT.—To the maximum extent practicable, the Administrator shall ensure that the number of international competitiveness allowances allocated to an eligible manufacturing facility or refiner of petroleum-based fuel for a calendar year is sufficient to offset the additional adverse competitive impact the eligible manufacturing facility or refiner of petroleum-based fuel would experience in the absence of the International Competitiveness Allowance Program during that calendar year.

(d) SOURCE.—International competitiveness allowances shall be issued from a special reserve of allowances that is separate from, and established in addition to, the quantity of allowances established under section 201.

(e) TRADING SYSTEM.—The Administrator may establish, by regulation, a system for the sale, exchange, purchase, transfer, and banking of international competitive allowances.

(f) TERMINATION.—The International Competitiveness Allowance Program shall terminate on the later of—

(1) the date on which the Administrator determines that other measures have been implemented to address international competitiveness concerns resulting from this Act; and

(2) January 1, 2014.

SA 4927. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Identification of Most Prospective Outer Continental Shelf Oil and Natural Gas Areas Under Moratoria

SEC. 1771. DEFINITIONS.

In this subtitle:

(1) MORATORIUM AREA.—

(A) IN GENERAL.—The term "moratorium area" means any area on the Outer Continental Shelf covered by—

(i) sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521);

(ii) section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432); or

(iii) any area withdrawn from disposition by leasing by the memorandum entitled "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition" (34 Weekly Comp. Pres. Doc. 1111), and dated June 12, 1998, as modified by the President on January 9, 2007.

(B) EXCLUSIONS.—The term "moratorium area" does not include an area of the outer Continental Shelf designated by the National Oceanic and Atmospheric Administration as a national marine sanctuary.

(2) PROSPECTIVE AREA.—The term "prospective area" means a portion of any moratorium area that may contain recoverable oil or gas.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1772. IDENTIFICATION OF MOST PROSPECTIVE OUTER CONTINENTAL SHELF OIL AND NATURAL GAS AREAS UNDER MORATORIA.

(a) INVENTORY.—

(1) IN GENERAL.—The Secretary shall identify the 10 most prospective areas for recoverable oil and gas accumulations, including if appropriate the 5 most prospective areas for oil and the 5 most prospective areas for natural gas in the prospective areas that industry would likely explore if allowed.

(2) INFORMATION.—In identifying the prospective areas, the Secretary shall take into account any existing information on the geological potential for oil and gas or acquire new data as appropriate to assist in narrowing down prospective areas.

(3) TECHNOLOGY.—The Secretary may use any available geological, geophysical, economic, engineering, and other scientific technology to obtain accurate estimates of resource potential.

(b) ACQUISITION OF GEOLOGICAL AND GEOPHYSICAL DATA.—

(1) IN GENERAL.—The Secretary may acquire and process new geological and geophysical data or use existing geological and geophysical data for any moratorium area if the Secretary determines that additional information is needed to identify and assess potential prospective areas.

(2) TECHNOLOGY.—In carrying out this subsection, the Secretary shall use any available technology (other than drilling), including 3-D seismic technology, to obtain an accurate estimate of resource potential.

(3) AVAILABILITY OF DATA.—The Secretary may make available newly acquired geological and geophysical data under this subsection on a cost recovery basis to recover the full costs expended for acquisition and processing of new geological and geophysical data.

(c) ADMINISTRATION.—

(1) IN GENERAL.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, to expedite collection of geological and geophysical data under this section, each Federal agency shall conduct and complete any analyses or consultations that are required to carry out this section.

(2) PROTECTED SPECIES.—Before conducting any geological and geophysical survey required under this subtitle in any prospective area, the Secretary shall, at a minimum, implement the mitigation, monitoring, and reporting measures that are used for protected species in the Gulf of Mexico region.

(d) ENVIRONMENTAL AND SOCIOECONOMIC STUDIES.—

(1) IN GENERAL.—The Secretary may conduct, directly or by contract, environmental or socioeconomic studies for any prospective area identified under subsection (a).

(2) INTERAGENCY ACTION.—The Secretary, acting through the Minerals Management Service, may work jointly with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, or other relevant agencies—

(A) to compile existing environmental and socioeconomic information on prospective areas; or

(B) obtain new environmental or socioeconomic studies for identified prospective areas.

SEC. 1773. SHARING INFORMATION WITH STATES AND OTHER STAKEHOLDERS.

(a) IN GENERAL.—The Secretary shall establish a process—

(1) to share information identified by actions taken under section 1772 to identify 10 most prospective areas; and

(2) to obtain input from States or other stakeholders on the prospective areas.

(b) PROCESS.—The process shall include workshops or meetings with—

(1) the public;

(2) Governors or designated officials from appropriate States; and

(3) other relevant user groups.

SEC. 1774. REPORTS.

(a) IDENTIFICATION OF PROSPECTIVE AREAS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(1) an identification of the 10 most prospective oil and gas areas within the moratorium areas using existing information;

(2) a summary of environmental and socioeconomic information relating to the 10 prospective areas; and

(3) a schedule for completion of any environmental or socioeconomic impact studies or consultations planned for those prospective areas.

(b) POTENTIAL OF PROSPECTIVE AREAS.—Not later than 42 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(1) a summary of the potential oil and gas resources in the 10 most prospective areas based on all available and newly acquired information;

(2) a description of the consultation process under section 1773 that will be used to share information and obtain input from stakeholders concerning the 10 most prospective areas; and

(3) recommendations on approaches for recovery of costs expended for acquisition and processing of new geological and geophysical data or conducting other studies for the report.

(c) INPUT.—Not later than 180 days after submission of the report required under subsection (b), the Secretary shall submit to Congress a summary of the input from the process required under section 1773.

SEC. 1775. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this subtitle $450,000,000, to remain available until expended.

SA 4928. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle D—Carbon Management Programs

SEC. 1031. FUTURE FUELS CORPORATION.

Subtitle A of title XVI of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1109) is amended by adding at the end the following:

"SEC. 1602. FUTURE FUELS CORPORATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Future Fuels Corporation (referred to in this section as the 'Corporation') is established as a government corporation.

"(2) ADMINISTRATION.—The Corporation shall be subject to—

"(A) this section; and

"(B) chapter 91 of title 31, United States Code.

"(3) BOARD OF DIRECTORS.—

"(A) IN GENERAL.—The Corporation shall be managed by a board of directors composed of 13 individuals who are citizens of the United States, appointed by the President, by and with the advice and consent of the Senate.

"(B) LIMITATION.—For purposes of making appointments under subparagraph (A), the board of directors shall not include more than 7 members affiliated with the same political party as the President at any 1 time.

"(C) CHAIRPERSON.—The board of directors shall annually elect a Chairperson from among the members of the board of directors.

"(D) TERM.—The term of a member of the board of directors shall be 5 years.

"(4) TRANSFERS.—The Secretary shall transfer to the Corporation any amounts made available under subsection (c).

"(b) USE OF FUNDS.—Beginning in fiscal year 2010, funds transferred by the Secretary to the Corporation under subsection (a)(4) shall be expended by the Corporation to—

"(1) promote and deploy coal and coal cofired polygeneration technologies;

"(2) reduce—

"(A) the carbon footprint of coal consumption; and

"(B) the production of coal-based byproducts; and

"(3) conduct widespread carbon sequestration research, development, and deployment activities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $17,500,000,000 for the period of fiscal years 2008 through 2012.".

SEC. 1032. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**AND SEQUESTRATION**" and inserting "**AND STORAGE**";

(2) in subsection (a), by striking "and sequestration" and inserting "and storage"; and

(3) by striking subsections (c) and (d) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) GOAL.—The Secretary shall establish a program under which the Secretary shall conduct activities necessary to achieve the goal of annually sequestering at least 1,000,000 tons of carbon dioxide by January 1, 2015.

"(2) REVIEW OF EXISTING DATA.—Not later than 180 days after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Secretary shall—

"(A) verify and analyze the results of any assessment conducted by any other Federal agency or a State relating to geological storage capacity and the potential for carbon injection rates, including a risk analysis of any potential geologic storage areas assessed; and

"(B) submit to the appropriate committees of Congress a report that describes the results of the verification and analyses under subparagraph (A).

"(3) RECOMMENDATIONS.—As soon as practicable after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Secretary shall submit to the appropriate committees of Congress recommendations on appropriate regulatory and advisory mechanisms for—

"(A) the determination of best technologies;

"(B) the identification and evaluation of state-of-the-art research, development, and deployment strategies for carbon capture and storage technologies;

"(C) the selection and operation of carbon dioxide sequestration sites; and

"(D) the transfer of liability for the sites to the United States.

"(4) INTERSTATE COMPACTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop model interstate compacts to govern the transportation, injection, and storage of carbon dioxide.

"(5) DEMONSTRATION PROJECT.—The Secretary shall conduct geological sequestration demonstration projects involving carbon dioxide sequestration operations in a variety of candidate geological settings, including—

"(A) oil and gas reservoirs;

"(B) unmineable coal seams;

"(C) deep saline aquifers;

"(D) basalt and shale formations; and

"(E) terrestrial sequestration, including restoration project sites provided assistance by the Abandoned Mine Reclamation Fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231).

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $100,000,000 for each of fiscal years 2009 and 2010;

"(B) $105,000,000 for fiscal year 2011;

"(C) $110,000,000 for fiscal year 2012;

"(D) $115,000,000 for fiscal year 2013; and

"(E) $120,000,000 for fiscal year 2014.

"(2) AVAILABILITY OF FUNDS.—Funds made available for a fiscal year under paragraph (1)—

"(A) shall remain available until expended, but not later than September 30, 2014; and

"(B) may be reprogrammed, at the discretion of the Secretary, for expenditure for other demonstration projects under this title only after—

"(i) September 30, 2010; and

"(ii) the Secretary provides notice of the proposed reprogramming to the appropriate committees of Congress.".

SA 4929. Mr. SMITH (for himself, Mr. WYDEN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, between lines 3 and 4, insert the following:

SEC. 537. COMMUNITY COLLEGE SUSTAINABILITY.

(a) SHORT TITLE.—This section may be cited as the "Community College Sustainability Act".

(b) DEFINITION.—In this section, the term "community college" means a 2-year institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) WORKFORCE TRAINING AND EDUCATION IN RENEWABLE ENERGY AND EFFICIENCY, GREEN TECHNOLOGY, AND SUSTAINABLE ENVIRONMENTAL PRACTICES.—From funds made available under subsection (e), the Secretary of Labor shall carry out a sustainability workforce training and education program. In carrying out the program, the Secretary shall award grants to community colleges to provide workforce training and education in industries and practices, such as—

(1) alternative energy, including wind and solar energy;

(2) green construction, green retrofitting, and green design;

(3) green chemistry, green nanotechnology, or green technology;

(4) water and energy conservation;

(5) recycling and waste reduction;

(6) sustainable agriculture and farming; and

(7) sustainable culinary practices.

(d) AWARD CONSIDERATIONS.—Of the funds made available under subsection (c) for a fiscal year, not less than $100,000,000 shall be awarded to community colleges with existing (as of the date of the award) sustainability programs that lead to certificates or degrees in 1 or more of the industries and practices described in paragraphs (1) through (7) of subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and there are appropriated to carry out this section $200,000,000 for fiscal year 2009 and each subsequent fiscal year.

SA 4930. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Nuclear Regulatory Commission

SEC. 1771. FUNDING FOR REVIEW OF YUCCA MOUNTAIN LICENSE APPLICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) not otherwise appropriated, the Secretary of the Treasury shall transfer to the Nuclear Regulatory Commission $85,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Nuclear Regulatory Commission shall be entitled to receive, shall accept, and shall use in accordance with subsection (c) the funds transferred under subsection (a), without further appropriation.

(c) USE OF FUNDS.—The Nuclear Regulatory Commission shall use funds transferred under subsection (a) for review by the Commission of the Yucca Mountain license application of the Department of Energy.

SA 4931. Mr. INHOFE (for himself, Mr. VITTER, Mr. CRAIG, Mr. DEMINT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NUCLEAR WASTE POLICY

SEC. 1801. SHORT TITLE.

This title may be cited as the "Nuclear Waste Policy Amendments Act of 2008".

SEC. 1802. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) progress toward the safe disposal of spent nuclear fuel and high-level radioactive waste will help ensure that the expanded use of nuclear energy will contribute to meeting the growing need of the United States for reliable, cost-effective energy;

(2) the Federal Government has the responsibility to provide for permanent disposal of spent nuclear fuel, high-level radioactive waste, and waste generated from United States atomic energy defense activities;

(3) the obligation of the Federal Government to develop a repository provides sufficient grounds for findings by the Nuclear Regulatory Commission that spent nuclear fuel and high-level radioactive waste will be disposed of safely and in a timely manner;

(4) the electricity consumers and nuclear power plant operators of the United States have paid in excess of $27,000,000,000 in fees and interest to fund disposal of spent nuclear fuel and high-level radioactive waste;

(5) the National Research Council of the National Academy of Sciences—

(A) since 1957, has endorsed the concept of deep geologic disposal of high-level radioactive waste as a long-term solution based on scientific and technical analysis; and

(B) maintains that deep geologic disposal remains as the only long-term solution available for the disposal of high-level radioactive waste;

(6) in 2002, the Yucca Mountain site was recommended by the President and approved by Congress for development as a deep geologic repository;

(7) operation of a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is nearly 20 years behind schedule;

(8) the delay has—

(A) resulted in judicial findings of a partial breach of contract on the part of the Federal Government; and

(B) subjected taxpayers to billions of dollars in liability;

(9) the Commission should allow the upgrade of non-nuclear infrastructure at the repository site prior to construction in an effort to accelerate progress and reduce taxpayer liability;

(10) the repository should be licensed to safely use the maximum potential capacity of the repository, based on scientific and technical considerations; and

(11) the development of the repository should incorporate technological advances to improve protection of public health and safety and the environment on a regular basis while retaining the option of retrieval.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the expanded contribution of nuclear energy to meet the growing need of the United States for safe, reliable, and cost-effective energy;

(2) to provide a process for the expeditious and safe development and operation of a repository at the Yucca Mountain site;

(3) to require periodic system improvements based on advances in technology and understanding to enhance the protection of public health and safety and the environment;

(4) to clarify the authority of the Secretary to carry out infrastructure activities without prejudicing the consideration of the Commission with respect to repository applications; and

(5) to provide guidance to the Commission with respect to the consideration by the Commission of spent nuclear fuel and high-level waste disposal during new reactor licensing proceedings.

SEC. 1803. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) REPOSITORY.—The term "repository" has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

Subtitle A—Licensing

SEC. 1811. APPLICATIONS.

Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) in the subsection heading, by striking "APPLICATION" and inserting "APPLICATIONS";

(2) by striking "If the President" and inserting the following:

"(1) IN GENERAL.—If the President"; and

(3) by adding at the end the following:

"(2) APPLICATION PROCESSES.—

"(A) IN GENERAL.—The Secretary shall submit, and the Commission shall review, each application described in this paragraph.

"(B) APPLICATION FOR A CONSTRUCTION AUTHORIZATION.—

"(i) REQUIRED INFORMATION.—An application for a construction authorization for a repository at a site shall contain provisions—

"(I) for the establishment of, and preliminary information relating to, a continuing program, including underground repository surveillance, measurement, and testing and research and development of technologies that may improve the safety or operation of the repository—

"(aa) to be carried out during the operation of the repository; and

"(bb) to monitor, evaluate, and confirm repository performance; and

"(II) for the development of a strategy to ensure the ability of the repository to retrieve, for a period of not less than 300 years beginning on the date on which the repository first commences operation, each quantity of spent nuclear fuel and high-level radioactive waste stored at the repository.

"(ii) AUTHORIZED INFORMATION.—An application for a construction authorization shall not be required to contain any information—

"(I) relating to any surface facility other than any surface facility determined by the Secretary to be necessary for the initial operation of the repository; and

"(II) that is required under subparagraph (D) for an application relating to the permanent closure of the repository.

"(C) APPLICATION TO AMEND A CONSTRUCTION AUTHORIZATION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

"(i) REQUIRED INFORMATION.—An application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste at a repository shall contain provisions for the establishment of, and final information relating to—

"(I) a continuing program, including underground repository surveillance, measurement, and testing, and research and development of technologies that may improve the safety or operation of the repository—

"(aa) to be carried out during the operation of the repository; and

"(bb) to monitor, evaluate, and confirm repository performance;

"(II) a procedure to provide for periodic revisions of the license of the repository that shall be conducted—

"(aa) to modify the license based on the results of the program described in subclause (I); and

"(bb) at intervals of not more than 50 years; and

"(III) a program to ensure the ability of the repository to retrieve, for a period of not less than 300 years beginning on the date on which the repository first commences operation, each quantity of spent nuclear fuel and high-level radioactive waste stored at the repository.

"(ii) AUTHORIZED INFORMATION.—An application to amend a construction authorization for permission to receive and possess spent nuclear fuel and high-level radioactive waste shall not be required to contain—

"(I) any information that was included in an application or considered by the Commission in connection with the issuance of a construction authorization for the repository for which authorization to receive and possess the spent nuclear fuel and high-level radioactive waste is sought; or

"(II) any information that is required under subparagraph (D) for an application relating to the permanent closure of the repository.

"(iii) REQUIREMENTS RELATING TO AUTHORIZATION.—If the Commission approves an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, the Commission shall impose such requirements relating to the program, periodic amendment, and retrievability as the Commission determines to be appropriate.

"(D) APPLICATION TO PERMANENTLY CLOSE REPOSITORY.—

"(i) AUTHORITY OF SECRETARY.—The Secretary may submit to the Commission an application to permanently close the repository.

"(ii) CONTENTS.—An application to permanently close the repository shall contain information that is sufficient to demonstrate to the Commission that there is a reasonable expectation that the health and safety of the public will be adequately protected from any release generated by any radioactive material disposed of in the repository in accordance with each standard promulgated pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note; Public Law 102–486).".

SEC. 1812. APPLICATION PROCEDURES; INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by striking subsection (d) and inserting the following:

"(d) COMMISSION ACTION.—

"(1) REVIEW OF REGULATIONS.—The Commission shall review and modify each applicable regulation promulgated by the Commission as determined to be necessary by the Commission to ensure that each application described in subsection (b)(2) contains sufficient information for the Commission to determine whether the repository could be operated for a period of not less than 300 years beginning on the date on which the repository first commences operation.

"(2) APPROVAL PROCESS RELATING TO APPLICATION FOR CONSTRUCTION AUTHORIZATION.—

"(A) APPLICATION DEADLINE.—Not later than June 30, 2008, the Secretary shall submit to the Commission an application for a construction authorization for a repository site.

"(B) CONSIDERATION.—The Commission shall consider the application for a construction authorization in accordance with the informal hearing process described in subpart L of part 2 of chapter 1 of title 10, Code of Federal Regulations (as in effect on January 1, 2006).

"(C) AUTHORIZATION OF CONSTRUCTION.—Upon review and consideration of an application for a construction authorization, the Commission shall approve the application if the Commission determines that there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation.

"(D) FINAL DECISION DEADLINE.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 3 years after the date on which the Secretary submits to the Commission an application for a construction authorization under subparagraph (A), the Commission shall carry out all activities relating to the consideration of an application for all or part of a repository, including—

"(I) a sufficiency review and docketing of the application;

"(II) the completion of safety and environmental reviews;

"(III) the conduct of hearings; and

"(IV) the issuance of a final decision approving or disapproving the issuance of a construction authorization.

"(ii) EXCEPTION.—The Commission may extend the deadline described in clause (i) by a period of not more than 1 year if, not less than 30 days before the date on which the deadline occurs, the Commission complies with each reporting requirement described in subsection (e)(2).

"(E) ADMINISTRATION.—In carrying out the actions required by this section, the Commission shall—

"(i) issue such partial initial decisions as the Commission determines to be appropriate to expedite the review of applications described in subparagraph (A); and

"(ii) consider each application, in whole or in part, in accordance with law applicable to the application.

"(3) APPROVAL PROCESS RELATING TO APPLICATION TO AMEND A CONSTRUCTION AUTHORIZATION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

"(A) SUBMISSION OF APPLICATION.—If the Commission approves an application for a construction authorization under paragraph (2), not later than 90 days after the effective date of the construction authorization, the Secretary shall submit to the Commission an application to amend the construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

"(B) CONSIDERATION.—

"(i) IN GENERAL.—The Commission shall consider an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste in accordance with—

"(I) the informal hearing process described in subpart L of part 2 of chapter 1 of title 10, Code of Federal Regulations (as in effect on January 1, 2006); and

"(II) discovery procedures to minimize the burden of each party of submitting to the Commission documents that the Commission determines are not necessary for the Commission to approve the application for an authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

"(ii) MATTERS RESOLVED DURING APPROVAL OF CONSTRUCTION AUTHORIZATION.—In considering an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste under clause (i), the Commission shall consider to be resolved each matter resolved during the consideration by the Commission of the construction authorization that is the subject of the application.

"(C) PERMISSION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Upon review and consideration of an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, the Commission shall approve the application if the Commission determines that there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation.

"(D) FINAL DECISION DEADLINE.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than 540 days after the date on which the Secretary submits to the Commission an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste under subparagraph (A), the Commission shall issue a final decision approving or disapproving the issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste.

"(ii) EXCEPTION.—The Commission may extend the deadline described in clause (i) by a period of not more than 180 days if, not less than 30 days before the date on which the deadline occurs, the Commission complies with each reporting requirement described in subsection (e)(2).

"(4) REVIEW OF REGULATIONS RELATING TO APPLICATIONS FOR PERMANENT CLOSURE.—To conform the application process for the permanent closure of the repository with the requirements of this Act, the Commission shall review and modify each regulation promulgated by the Commission relating to the application process for the permanent closure of a repository.

"(5) INFRASTRUCTURE ACTIVITIES.—

"(A) AUTHORITY OF SECRETARY.—At any time before or after the Commission issues a final decision on an application for a construction authorization under paragraph (2), the Secretary may carry out infrastructure activities that the Secretary determines to be necessary or appropriate to support the construction of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, including—

"(i) safety upgrades;

"(ii) site preparation activities;

"(iii) the construction of—

"(I) a rail line to connect the Yucca Mountain site with the national rail network; and

"(II) any facility necessary for the operation of the rail line described in subclause (I); and

"(iv) the construction, upgrade, acquisition, or operation of—

"(I) electrical grids or facilities;

"(II) related utilities;

"(III) communication facilities;

"(IV) access roads;

"(V) rail lines; and

"(VI) nonnuclear support facilities.

"(B) COMPLIANCE.—

"(i) IN GENERAL.—Subject to clause (ii), in carrying out any infrastructure activity under subparagraph (A), the Secretary shall comply with each applicable requirement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(ii) AUTHORITY OF SECRETARY.—If the Secretary determines that an environmental impact statement, environmental assessment, or other environmental analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is required in carrying out an infrastructure activity under subparagraph (A), the Secretary shall not be required to consider in that statement, assessment, or analysis—

"(I) the need for the action;

"(II) any alternative action; or

"(III) any no-action alternative.

"(iii) OTHER FEDERAL AGENCIES.—

"(I) IN GENERAL.—If a Federal agency is required to consider the potential environmental impact of an infrastructure activity carried out under subparagraph (A), the Federal agency shall, without further action, adopt, to the maximum extent practicable, any environmental impact statement, environmental assessment, or other environmental analysis prepared by the Secretary.

"(II) EFFECT OF ADOPTION OF STATEMENT.—The adoption by a Federal agency of an environmental impact statement, environmental assessment, or other environmental analysis under subclause (I) shall satisfy each applicable responsibility of the Federal agency relating to the applicable infrastructure activity of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) CONSIDERATION BY COMMISSION.—The Commission shall not consider the fact that the Secretary has undertaken an infrastructure activity under this paragraph as a factor in determining whether to approve, deny, or condition an application—

"(i) for a construction authorization;

"(ii) to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste; or

"(iii) for any other action relating to the repository.

"(6) PROCEDURES.—In reviewing applications under this subsection, the Commission shall use procedures that ensure the transparent review and resolution of key scientific and technical issues in a timely manner.".

SEC. 1813. CONNECTED ACTIONS.

Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended—

(1) by striking "site, or" and inserting "site,"; and

(2) by inserting before the period at the end the following: ", or any action related to construction or operation of a rail transport system for transporting spent nuclear fuel or high-level radioactive waste to the repository".

SEC. 1814. WASTE CONFIDENCE.

For purposes of a determination by the Commission on whether to grant, amend, or renew any license to construct or operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.)—

(1) the obligation of the Secretary to develop a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner; and

(2) no consideration of the environmental impact of the storage of spent nuclear fuel or high-level radioactive waste on the site of the civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), for the period following the term of the license for the facility, shall be required in any environmental impact statement, environmental assessment, environmental analysis, or other analysis prepared in connection with the issuance, amendment or renewal of a license to construct or operate the facility.

SEC. 1815. DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE.

Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended by striking paragraph (12) and inserting the following:

"(12) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing in the United States of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

"(B) the highly radioactive material described in section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D) resulting from the operation of facilities licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134); and

"(C) any other highly radioactive material that the Commission, consistent with law, may determine by rule requires permanent isolation.".

Subtitle B—Administration

SEC. 1821. AIR QUALITY PERMITS.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by adding at the end the following:

"(g) AIR QUALITY.—

"(1) IN GENERAL.—The Administrator shall issue, administer, and enforce any air quality permit or requirement applicable to any facility under the jurisdiction of, or any activity carried out by, a Federal agency that is subject to the requirements of this Act.

"(2) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may issue, administer, or enforce any air quality permit or requirement applicable to any facility under the jurisdiction of, or any activity carried out by, a Federal agency that is subject to the requirements of this Act.".

SEC. 1822. EXPEDITED AUTHORIZATIONS.

Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by inserting ", or the conduct of an infrastructure activity," after "repository";

(B) by inserting ", State, local, or tribal" after "Federal" each place it appears; and

(C) in the second sentence, by striking "repositories" and inserting "a repository or infrastructure activity";

(2) in subsection (b), by striking ", and may include terms and conditions permitted by law"; and

(3) by adding at the end the following:

"(c) FAILURE TO GRANT AUTHORIZATION.—An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretary subject to subsection (a) shall submit to Congress a written report that explains the reason for the failure to grant the authorization (or to reject the application or request) by that date.

"(d) TREATMENT OF ACTIONS.—For the purpose of applying any Federal, State, local, or tribal law or requirement, the taking of an action relating to a repository or an infrastructure activity shall be considered to be—

"(1) beneficial, and not detrimental, to the public interest and interstate commerce; and

"(2) consistent with the public convenience and necessity.".

SEC. 1823. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

Subtitle A of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) is amended by adding at the end the following:

"SEC. 126. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

"Section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)) shall not apply to—

"(1) any material, the title of which is in the possession of the Secretary, if the material is transported or stored in a package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

"(2) any material located at the Yucca Mountain site for disposal if the management and disposal of the material is managed or disposed of in accordance with a license issued by the Commission.".

SEC. 1824. AGREEMENT WITH STATE OF NEVADA.

Section 170 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT WITH STATE OF NEVADA.—

"(1) AGREEMENT.—

"(A) IN GENERAL.—The Secretary shall offer to enter into a benefits agreement with the Governor of the State of Nevada (referred to in this subsection as the 'State').

"(B) CONSULTATION.—A benefits agreement under this paragraph shall be negotiated in consultation with affected units of local government in the State.

"(C) REQUIREMENT.—A benefits agreement under this paragraph shall require that no funds received under the benefits agreement shall be used to finance, promote, or assist any activity the goal or effect of which is to slow, interrupt, or prevent the licensing, construction, or operation of a geological repository at Yucca Mountain in the State.

"(2) PAYMENTS.—Subject to paragraph (3), the Secretary may pay to the State, pursuant to a benefits agreement under paragraph (1)—

"(A) $100,000,000 for each fiscal year during the period beginning on the date on which a license application to build a geological repository in the State is submitted to Secretary and ending on the date on which the license is granted;

"(B) $250,000,000 for each fiscal year during the construction phase of the approved geological repository; and

"(C) $500,000,000 for each fiscal year beginning after the date on which spent nuclear fuel is initially stored in the approved geological repository.

"(3) CONDITIONS.—

"(A) SOURCE OF FUNDS.—The Secretary shall use only amounts in the Low- and Zero-Carbon Electricity Technology Fund established by section 902 of the Lieberman-Warner Climate Security Act of 2008 to make payments to the State pursuant to paragraph (2).

"(B) PROHIBITION.—No amounts in the Nuclear Waste Fund established by section 302(c) shall be used to make payments to the State pursuant to paragraph (2).

"(C) DISTRIBUTION TO AFFECTED UNITS OF LOCAL GOVERNMENT.—Of the amount of funds made available to the State for a fiscal year under paragraph (2), the State shall provide—

"(i) 5 percent of the amount to Nye County; and

"(ii) 5 percent of the amount to other affected units of local government.".

SEC. 1825. AUTHORITY FOR NEW STANDARD CONTRACTS.

Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking "(5) Contracts" and inserting the following:

"(5) REQUIREMENTS RELATING TO CONTRACTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a contract"; and

(3) by adding at the end the following:

"(B) CIVILIAN NUCLEAR POWER REACTORS.—After the date of enactment of the Nuclear Waste Policy Amendments Act of 2008, for any civilian nuclear power reactor for which a license application is filed with the Commission in accordance with section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract under this section shall—

"(i) not later than 60 days after the date on which the Commission dockets the license application, be entered into by the Secretary;

"(ii) be consistent with the standard contract for disposal of spent nuclear fuel and/or high-level radioactive waste described in section 961.11 of title 10, Code of Federal Regulations (as in effect on January 1, 2006);

"(iii) require that not later than 35 years after the date on which the civilian nuclear power reactor first commences commercial operation, the Secretary take title to, transport, and dispose of the spent nuclear fuel or high-level radioactive waste of the civilian nuclear power reactor; and

"(iv) not contain any provision that provides for the adjustment of the 1.0 mil per kilowatt-hour fee established by paragraph (2).".

SA 4932. Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BARRASSO, Mr. ALLARD, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 19 through 24 and insert the following:

(1) ADDITIONAL; ADDITIONALITY.—

(A) IN GENERAL.—The terms "additional" and "additionality" mean the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to business-as-usual, measured as the difference between—

(i) baseline greenhouse gas fluxes of an offset project; and

(ii) greenhouse gas fluxes of the offset project.

(B) BIOLOGICAL SEQUESTRATION.—The terms "additional" and "additionality" mean, with respect to biological sequestration, the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to the baseline, measured as the difference between—

(i) the baseline established for the applicable base year; and

(ii) verified net changes in greenhouse gases or carbon stocks.

On page 25, lines 20 and 21, strike "sections 1313(a) and 1314(b)" and insert "section 1313(a)".

Beginning on page 74, strike line 6 through 9 and insert the following:

TITLE III—REDUCING EMISSIONS THROUGH DOMESTIC OFFSETS

On page 78, lines 4 and 5, strike "international allowances under section 322 and".

On page 84, strike lines 7 through 14 and insert the following:

(B) changes in carbon stocks attributed to land use change and forestry activities, including—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007;

(ii) sustainably managed forests resulting in positive changes in carbon stocks, including—

(I) long-lived wood products in use for a period of at least 100 years; and

(II) wood stored in landfills in accordance with guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); and

(iii) conservation of grassland and forested land;

On page 98, line 7, strike "and".

On page 98, between lines 7 and 8, insert the following:

(C) guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) for use in the quantification of forestry and agriculture offsets; and

On page 98, line 8, strike "(C)" and insert "(D)".

On page 98, strike lines 20 through 23 and insert the following:

(B) except in any case in which a forest is managed under a third-party certification system (including but not limited to, the Sustainable Forestry Initiative, the Forest Stewardship Council, and the American Tree Farm System), require that leakage be subtracted from reductions, destruction, avoidance in greenhouse gas emissions or increases in sequestration attributable to a project.

Beginning on page 98, strike line 24 and all that follows through page 99, line 18, and insert the following:

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a biological sequestration project, determine the greenhouse gas flux or change in carbon stocks using a base year as the baseline carbon stocks, to be established using forest and agriculture inventory quantification methods in accordance with section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

(B) in the case of an emission reduction project, use as a basis emissions from comparable land or facilities; and

(C) in the case of a sequestration project or emission reduction project, specify a selected time period.

On page 112, between lines 2 and 3, insert the following:

SEC. 312. DOMESTIC FORESTRY CARBON MANAGEMENT TOOLS.

(a) DEFINITION OF RENEWABLE BIOMASS.—Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

"(i) planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the date of enactment of the Lieberman-Warner Climate Security Act of 2008 that is—

"(I) actively managed; or

"(II) fallow and nonforested;

"(ii) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that—

"(I) are removed—

"(aa) to reduce hazardous fuels;

"(bb) to reduce or contain disease or insect infestation; or

"(cc) to restore forest health;

"(II) would not otherwise be used for higher-value products; and

"(III) are removed from National Forest System land or public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) in accordance with—

"(aa) applicable land management plans; and

"(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

"(iii) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that are removed from non-Federal forest land or from forest land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(I) animal waste and byproducts (including fats, oils, greases, and manure);

"(II) algae; and

"(III) separated yard waste or food waste, including recycled cooking and trap grease.".

(b) TAX CREDIT RATE PARITY FOR OPEN-LOOP BIOMASS FACILITIES.—

(1) IN GENERAL.—Section 45(b)(4)(A) of the Internal Revenue Code of 1986 (relating to credit rate) is amended by striking "(3),".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced and sold in calendar years beginning after the date of the enactment of this Act.

(c) STEWARDSHIP END-RESULT CONTRACTING PROJECTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

"(h) CANCELLATION OR TERMINATION COSTS.—

"(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) or any other provision of law, the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

"(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

"(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.".

Beginning on page 112, strike line 3 and all that follows through page 116, line 16.

On page 150, strike lines 15 through 22 and insert the following:

(3) Increase the quantity of offset allowances.

SA 4933. Mr. CRAIG (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—NEXT GENERATION NUCLEAR PLANT

SEC. 1801. NEXT GENERATION NUCLEAR PLANT PROJECT MODIFICATIONS.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through "The Secretary" and inserting the following:

"(a) ESTABLISHMENT AND OBJECTIVE.—

"(1) ESTABLISHMENT.—The Secretary"; and

(B) by adding at the end the following:

"(2) OBJECTIVE.—

"(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means any nongreenhouse gas-emitting nuclear energy technology that provides—

"(i) an alternative to the burning of fossil fuels for industrial applications; and

"(ii) process heat to generate, for example, electricity, steam, hydrogen, and oxygen for activities such as—

"(I) petroleum refining;

"(II) petrochemical processes;

"(III) converting coal to synfuels and other hydrocarbon feedstocks; and

"(IV) desalination.

"(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

"(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users (such as owners and operators of nuclear energy facilities, petrochemical entities, and petroleum entities), as projected for the 40-year period beginning on the date of enactment of this paragraph."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "licensing," after "design,";

(B) in paragraph (1), by striking "942(d)" and inserting "952(d)"; and

(C) by striking paragraph (2) and inserting the following:

"(2) demonstrates the capability of the nuclear energy system to provide high-temperature process heat to produce—

"(A) electricity, steam, and other heat transport fluids; and

"(B) hydrogen and oxygen, separately or in combination.".

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended to read as follows:

"SEC. 642. PROJECT MANAGEMENT.

"(a) DEPARTMENTAL MANAGEMENT.—

"(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy.

"(2) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Project may be carried out in coordination with the Generation IV Nuclear Energy Systems Initiative.

"(B) REQUIREMENT.—Regardless of whether the Project is carried out in coordination with the Generation IV Nuclear Energy Systems Initiative under subparagraph (A), the Secretary shall establish a separate budget line-item for the Project.

"(3) INTERACTION WITH INDUSTRY.—Any activity to support the Project by an individual or entity in the private industry shall be carried out pursuant to a competitive cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Department and the industry group established under subsection (c).

"(b) LABORATORY MANAGEMENT.—

"(1) IN GENERAL.—The Idaho National Laboratory shall be the lead National Laboratory for the Project.

"(2) COLLABORATION.—The Idaho National Laboratory shall collaborate regarding research and development activities with other National Laboratories, institutions of higher education, research institutes, representatives of industry, international organizations, and Federal agencies to support the Project.

"(c) INDUSTRY GROUP.—

"(1) ESTABLISHMENT.—The Secretary shall establish a group of appropriate industrial partners in the private sector to carry out cost-shared activities with the Department to support the Project.

"(2) COOPERATIVE AGREEMENT.—

"(A) IN GENERAL.—The Secretary shall offer to enter into a cooperative agreement or other assistance agreement with the industry group established under paragraph (1) to manage and support the development, licensing, construction, and initial operation of the Project.

"(B) REQUIREMENT.—The agreement under subparagraph (A) shall contain a provision under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.

"(C) PROJECT MANAGEMENT.—

"(i) IN GENERAL.—The industry group shall use commercial practices and project management processes and tools in carrying out activities to support the Project.

"(ii) INTERFACE REQUIREMENTS.—The requirements for interface between the project management requirements of the Department (including the requirements contained in the document of the Department numbered DOE O 413.3A and entitled 'Program and Project Management for the Acquisition of Capital Assets') and the commercial practices and project management processes and tools described in clause (i) shall be defined in the agreement under subparagraph (A).

"(3) COST SHARING.—Activities of industrial partners funded by the Project shall be cost-shared in accordance with section 988.

"(4) PREFERENCE.—Preference in determining the final structure of industrial partnerships under this part shall be given to a structure (including designating as a lead industrial partner an entity incorporated in the United States) that retains United States technological leadership in the Project while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

"(d) PROTOTYPE PLANT SITING.—The prototype nuclear reactor and associated plant shall be sited at the Idaho National Laboratory in Idaho.

"(e) REACTOR TEST CAPABILITIES.—The Project shall use, if appropriate, reactor test capabilities at the Idaho National Laboratory.

"(f) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.".

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting "transport and" before "conversion";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ", through a competitive process,";

(ii) in subparagraph (C), by striking "reactor" and inserting "energy system";

(iii) in subparagraph (D), by striking "hydrogen or electricity" and inserting "energy transportation, conversion, and"; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(D) by striking "The Project shall be" and inserting the following:

"(1) IN GENERAL.—The Project shall be"; and

(E) by adding at the end the following:

"(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary."; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking "powerplant" and inserting "power plant";

(B) in paragraph (2), by adding at the end the following:

"(E) INDUSTRY GROUP.—The industry group established under section 642(c) may enter into any necessary contracts for services, support, or equipment in carrying out an agreement with the Department."; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "RESEARCH";

(ii) in the matter preceding subparagraph (A), by striking "Research";

(iii) by striking "NERAC" each place it appears and inserting "NEAC";

(iv) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) review program plans for the Project prepared by the Office of Nuclear Energy and all progress under the Project on an ongoing basis; and";

(v) in subparagraph (B), by striking "or appoint" and inserting "by appointing"; and

(vi) in subparagraph (D)—

(I) by striking "On a determination" and inserting the following:

"(i) IN GENERAL.—On a determination";

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(A)"; and

(bb) by striking "subsection (b)(2)" and inserting "subsection (b)(1)(B)"; and

(III) by adding at the end the following:

"(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Secretary and the industry group established under section 642(c).".

(d) NUCLEAR REGULATORY COMMISSION.—Section 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(B) by striking "Not later than" and inserting the following:

"(1) IN GENERAL.—Not later than"; and

(C) by adding at the end the following:

"(2) REQUIREMENT.—To the maximum extent practicable, in carrying out subparagraphs (B) and (C) of paragraph (1), the Nuclear Regulatory Commission shall independently review and, as appropriate, use the results of analyses conducted for or by the license applicant."; and

(2) by striking subsection (c) and inserting the following:

"(c) ONGOING INTERACTION.—The Nuclear Regulatory Commission shall establish a separate program office for advanced reactors—

"(1) to develop and implement regulatory requirements consistent with the safety bases of the type of nuclear reactor developed by the Project, with the specific objective that the requirements shall be applied to follow-on commercialized high-temperature, gas-cooled nuclear reactors;

"(2) to avoid conflicts in the availability of resources with licensing activities for light water reactors;

"(3) to focus and develop resources of the Nuclear Regulatory Commission for the review of advanced reactors;

"(4) to support the effective and timely review of preapplication activities and review of applications to support applicant needs; and

"(5) to provide for the timely development of regulatory requirements, including through the preapplication process, and review of applications for advanced technologies, such as high-temperature, gas-cooled nuclear technology systems.".

(e) PROJECT TIMELINES AND AUTHORIZATION OF APPROPRIATIONS.—Section 645 of the Energy Policy Act of 2005 (42 U.S.C. 16025) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) SUMMARY OF AGREEMENT.—Not later than December 31, 2009, the Secretary shall submit to Congress a report that contains a summary of each cooperative agreement or other assistance agreement (such as a technology investment agreement) entered into between the Secretary and the industry group under section 642(a)(3), including a description of the means by which the agreement will provide for successful completion of the development, design, licensing, construction, and initial operation and demonstration period of the prototype facility of the Project.

"(b) OVERALL PROJECT PLAN.—

"(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall submit to Congress an overall plan for the Project, to be prepared jointly by the Secretary and the industry group established under section 642(c), pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement).

"(2) INCLUSIONS.—The plan under paragraph (1) shall include—

"(A) a summary of the schedule for the design, licensing, construction, and initial operation and demonstration period for the nuclear energy system prototype facility and hydrogen production prototype facility of the Project;

"(B) the process by which a specific design for the prototype nuclear energy system facility and hydrogen production facility will be selected;

"(C) the specific licensing strategy for the Project, including—

"(i) resource requirements of the Nuclear Regulatory Commission; and

"(ii) the schedule for the submission of a preapplication, the submission of an application, and application review for the prototype nuclear energy system facility of the Project;

"(D) a summary of the schedule for each major event relating to the Project; and

"(E) a time-based cost and cost-sharing profile to support planning for appropriations."; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking "research and construction activities" and inserting "research and development, design, licensing, construction, and initial operation and demonstration activities".

SA 4934. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 5 and 6, insert the following:

(d) EFFECTIVE PERIOD.—

(1) IN GENERAL.—This Act and the amendments made by this Act shall not take effect until the later of—

(A) the date on which the National Academy of Sciences submits to the Administrator and Congress a certification that the National Academy of Sciences has determined, with not less than 90 percent certainty, that the implementation of this Act will reduce global average temperature by not less than 0.5 degrees Celsius by January 1, 2050, as compared to the global average temperature that would have existed on that date in the absence of this Act; and

(B) the date on which the Administrator certifies that the cost of implementing this Act will not exceed the ratio that—

(i) $10,000,000,000,000 in reduced gross domestic product of the United States; bears to

(ii) the total number of degrees of globally averaged temperature increase avoided by 2050.

(2) TERMINATION.—The authorities provided by this Act and the amendments made by this Act shall terminate on the date that is 10 years after the date of enactment of this Act if the Administrator determines that China or India has not adopted a climate change proposal similar in scope and effect to this Act by that date.

SA 4935. Mr. CARDIN (for himself, Mr. ALEXANDER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 474, line 14, strike "and".

On page 475, strike line 5 and insert the following:

ties of the covered entities; and

(12) the energy policy of the United States, including—

(A) a review of relevant analyses of the current and long-term energy policies of, and conditions in, the United States;

(B) an identification of the sources and trends, by country of origin, of energy used by the United States;

(C) an identification of problems that might threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(D) an analysis of potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(E) recommendations to ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

SA 4936. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Climate Science Fund

SEC. 1241. CLIMATE SCIENCE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Climate Science Fund" (referred to in this section as the "Fund").

(b) PURPOSES.—The purposes of the Fund shall be—

(1) to support focused research initiatives directed toward the assimilation of climate monitoring observations into research and operational models for climate, weather, and ecosystems;

(2) to expand global data collection, monitoring, and analysis activities of the atmosphere, oceans, cryosphere, land cover and use, and terrestrial and freshwater ecosystems—

(A) to provide continuous, reliable, useable, and accessible information on—

(i) the state, change, and variability of the climate system; and

(ii) the response of the biosphere; and

(B) for the purposes of—

(i) prediction of climate and weather, and the ecological response of those changes; and

(ii) the reduction of uncertainties in that prediction;

(3) to design, deploy, and maintain hydrologic and ecologic observing systems suitable for detecting climate change and the influence of climate change on water and natural resources;

(4) to strengthen global, regional, and local data collection and monitoring of greenhouse gas concentrations and aerosol concentrations—

(A) for the purpose of verifying greenhouse gas levels; and

(B) to reduce uncertainties associated with interannual variability in the global carbon cycle and the radiative influence of other atmospheric constituents in the forcing of climate change;

(5) to maintain and enhance regional and local ground observing networks for the purposes of—

(A) developing and maintaining long-term climate records;

(B) climate monitoring; and

(C) predicting climate and weather patterns;

(6) to strengthen intergovernmental coordination for environmental data acquisition, archiving, and dissemination;

(7) to improve the use of climate information for decisionmaking through an integrated program of research and assessment that—

(A) transitions research to operations and operational production; and

(B) delivers local and regional climate services that can be used to enhance adaptive management options;

(8) to support emerging climate science research priorities identified by the Committee on Environment and Natural Resources; and

(9) to increase funding for—

(A) climate and ocean observing systems;

(B) ground-based terrestrial and freshwater aquatic long-term monitoring systems;

(C) atmospheric and deposition monitoring networks;

(D) data quality control, storage, and access; and

(E) climate and environmental modeling workforce development.

(c) SUBMISSION OF GLOBAL CHANGE RESEARCH PROGRAM BUDGET REQUIREMENTS TO ADMINISTRATOR.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the National Science and Technology Council, in consultation with the Committee on Environment and Natural Resources, shall submit to the Administrator the budget requirements for global change research in the United States for each fiscal year.

(d) DEPOSITS IN FUND.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established for that calendar year pursuant to section 201(a) sufficient to generate proceeds equal to the amount specified in the budget submitted for the applicable fiscal year under subsection (c); and

(2) deposit those proceeds in the Fund.

(e) USE OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the proceeds of auctions under this section shall—

(1) be credited as offsetting collections to carry out the United States Global Change Research Program;

(2) be available for expenditure only to pay the costs of carrying out the United States Global Change Research Program;

(3) be available only to the extent provided in advance in an appropriations Act; and

(4) remain available until expended.

SA 4937. Mr. CARDIN (for himself, Mr. CARPER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 13, insert "(including any designated recipient (as defined in section 5307(a) of title 49, United States Code) and any recipient or subrecipient (as defined in section 5311(a) of title 49, United States Code))" after "grants to entities".

On page 41, line 15, strike "commercial".

On page 41, line 16, strike "efficiency of those commercial" and insert "efficiency and direct and indirect greenhouse gas emissions of those".

On page 41, line 20, strike "commercial".

On page 42, line 7, strike "efficiency of a commercial" and insert "efficiency and direct and indirect greenhouse gas emissions of a".

On page 42, line 14, strike "commercial".

On page 42, line 22, strike "commercial".

On page 330, line 11, strike "commercial".

On page 331, lines 5 and 6, strike "commercial".

On page 331, line 7, insert "and direct and indirect greenhouse gas emissions" after "efficiency".

On page 331, line 10, strike "commercial".

On page 331, line 18, insert "and reductions of direct and indirect greenhouse gas emissions" after "efficiency".

On page 331, line 23, strike "commercial".

SA 4938. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 611, and insert the following:

SEC. 611. PUBLIC TRANSPORTATION AND TRANSPORTATION ALTERNATIVES.

(a) TRANSPORTATION SECTOR EMISSION REDUCTION FUND.—There is established in the Treasury of the United States a fund, to be known as the "Transportation Sector Emission Reduction Fund".

(b) AUCTION OF ALLOWANCES.—In accordance with subsections (c) and (d), to fund awards for transportation alternatives including public transportation and related activities, for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(c) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (b), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(d) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for public transportation and transportation alternatives
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2.75
2023	2.75
2024	2.75
2025	2.75
2026	2.75
2027	2.75
2028	2.75
2029	2.75
2030	2.75
2031	2.75
2032	2.75
2033	2.75
2034	2.75
2035	2.75
2036	2.75
2037	2.75
2038	2.75
2039	2.75
2040	2.75
2041	2.75
2042	2.75
2043	2.75
2044	2.75
2045	2.75
2046	2.75
2047	2.75
2048	2.75
2049	2.75
2050	2.75

(e) DEPOSITS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsections (b) and (c), immediately on receipt of those proceeds, in the Transportation Sector Emission Reduction Fund established by subsection (a).

(f) USE OF FUNDS.—For each of calendar years 2012 through 2050, all funds deposited in the Transportation Sector Emission Reduction Fund in the preceding year pursuant to subsection (e) shall be made available, without further appropriation or fiscal year limitation, for grants described in subsections (g) through (i).

(g) GRANTS TO PROVIDE FOR ADDITIONAL AND IMPROVED PUBLIC TRANSPORTATION SERVICE.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 65 percent shall be distributed to designated recipients (as defined in section 5307(a) of title 49, United States Code) to maintain or improve public transportation and associated measures through activities eligible under that section, including—

(A) planning activities;

(B) transit enhancements, including pedestrian and bicycle infrastructure;

(C) improvements to lighting, heating, cooling, or ventilation systems in stations and other facilities that reduce direct or indirect greenhouse gas emissions;

(D) adjustments to signal timing or other vehicle controlling systems that reduce direct or indirect greenhouse gas emissions;

(E) purchasing or retrofitting rolling stock to improve efficiency or reduce greenhouse gas emissions; and

(F) improvements to energy distribution systems.

(2) DISTRIBUTION.—Of the proceeds of auctions conducted under this section, the Administrator shall distribute under paragraph (1)—

(A) 60 percent in accordance with the formulas contained in subsections (a) through (c) of section 5336 of title 49, United States Code; and

(B) 40 percent in accordance with the formula contained in section 5340 of that title.

(3) TERMS AND CONDITIONS.—A grant provided under this subsection shall be to reduce direct or indirect greenhouse gas emissions and be subject to the terms and conditions applicable to a grant provided under section 5307 of title 49, United States Code.

(4) COST SHARE.—The Federal share of cost of carrying out an activity using a grant under this subsection shall be determined in accordance with section 5307(e) of title 49, United States Code.

(h) GRANTS FOR CONSTRUCTION OF NEW PUBLIC TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 30 percent shall be distributed to State and local government authorities, for design, engineering, and construction of new fixed guideway transit projects or extensions to existing fixed guideway transit systems.

(2) APPLICATIONS.—Applications for grants under this subsection shall be reviewed according to the process and criteria established under section 5309(c) of title 49, United States Code, for major capital investments and section 5309(d) of title 49, United States Code for other projects.

(3) TERMS AND CONDITIONS.—Grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5309 of title 49, United States Code.

(i) GRANTS FOR TRANSPORTATION ALTERNATIVES AND TRAVEL DEMAND REDUCTION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 5 percent shall be awarded to designated recipients (as defined in section 5307(a) of title 49, United States Code) or State or local government authorities, including regional planning organizations and Metropolitan Planning Organizations, to assist in reducing the direct and indirect greenhouse gas emissions of the systems of the regional transportation sector, through—

(A) programs to reduce vehicle miles traveled;

(B) bicycle and pedestrian infrastructure, including trail networks integrated with transportation plans or bicycle mode-share targets;

(C) programs to establish or expand telecommuting or car pool projects that do not include new roadway capacity;

(D) transportation and land-use scenario analyses and stakeholder engagement to support development of integrated transportation plans; and

(E) improvements in travel and land-use data collection and in travel models to better measure greenhouse gas emissions and emissions reductions.

(2) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—In determining the recipients of grants under this subsection, applications shall be evaluated based on the total direct and indirect greenhouse gas emissions reductions that are projected to result from the project and projected reductions as a percentage of the total direct and indirect emissions of an entity using methods developed and promulgated by the Administrator, in concert with the Secretary of Transportation.

(B) METHODS.—The methods described in subparagraph (A) shall be promulgated not later than 24 months after the date of enactment of this Act.

(3) GOVERNMENT SHARE OF COSTS.—The Federal share of the cost of an activity funded using amounts made available under this subsection may not exceed 80 percent of the cost of the activity.

(4) TERMS AND CONDITIONS.—Except to the extent inconsistent with the terms of this subsection, grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code.

(j) CONDITION FOR RECEIPT OF FUNDS.—To be eligible to receive funds under this section, projects or activities must be part of an integrated State-wide, regional, or local transportation plan that shall—

(1) include all modes of surface transportation;

(2) utilize integrated transportation data collection, monitoring, planning, and modeling methods that consider land use and account for non-motorized and sub-zone trips;

(3) report every three years on estimated direct and indirect transportation sector greenhouse gas emissions;

(4) be designed to reduce greenhouse gas emissions from the transportation sector through setting specific reduction targets, managing motor vehicle usage; and

(5) be certified by the Administrator as consistent with the purposes of this Act.

(k) TRANSPORTATION SECTOR TECHNICAL CAPACITY AND STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, to maximize greenhouse gas emission reductions from the transportation sector—

(A) the National Academy of Sciences Transportation Research Board shall submit to the Administrator and the Secretary of Transportation a report containing recommendations for improving research and tools to assess the effect of transportation plans and land use plans on motor vehicle usage rates and transportation sector greenhouse gas emissions; and

(B) the Comptroller General of the United States shall submit to the Administrator and the Secretary of Transportation a report describing any shortcomings of current government data sources necessary—

(i) to assess greenhouse gas emissions from the transportation sector; and

(ii) to establish plans and policies to effectively reduce greenhouse gas emissions from the transportation sector.

(2) TECHNICAL STANDARDS.—Not later than 2 years after the date of enactment of this Act, based on any recommendations contained in the reports submitted under paragraph (1), the Administrator and the Secretary of Transportation shall promulgate standards for transportation data collection, monitoring, planning, and modeling.

SA 4939. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 196, line 16.

Beginning on page 223, strike the table that follows line 11 and insert the following:

Calendar Year	Percentage for auction for public transportation
2012	3
2013	3
2014	3
2015	3
2016	3
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3.75
2023	3.75
2024	3.75
2025	3.75
2026	3.75
2027	3.75
2028	3.75
2029	3.75
2030	3.75
2031	2.75
2032	2.75
2033	2.75
2034	2.75
2035	2.75
2036	2.75
2037	2.75
2038	2.75
2039	2.75
2040	2.75
2041	2.75
2042	2.75
2043	2.75
2044	2.75
2045	2.75
2046	2.75
2047	2.75
2048	2.75
2049	2.75
2050	2.75.

SA 4940. Mr. SMITH (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 290, strike line 16 and all that follows through page 291, line 4 and insert the following:

(a) DEFINITIONS.—In this section:

(1) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

(A) IN GENERAL.—The term "marine and hydrokinetic renewable energy" means energy derived from—

(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

(ii) free-flowing water in rivers, lakes, and streams;

(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that use nonmechanical structures to accelerate the flow of water for electric power production purposes; or

(iv) differentials in ocean temperature (ocean thermal energy conversion).

(B) EXCEPTIONS.—The term "marine and hydrokinetic renewable energy" does not include any energy that is derived from any source that uses a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.

(2) NONHYDROELECTRIC DAM.—

(A) IN GENERAL.—The term "nonhydroelectric dam" means any nonhydroelectric dam if—

(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements;

(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this Act and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this Act; and

(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

(B) CERTIFICATION.—The Federal Energy Regulatory Commission shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria described in subparagraph (A)(iii).

(C) EFFECT ON STANDARDS.—Nothing in this paragraph affects the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(3) RENEWABLE-ENERGY SOURCE.—The term "renewable-energy source" means energy from 1 or more of the following sources:

(A) Solar energy.

(B) Wind.

(C) Geothermal energy.

(D) Hydropower (including incremental hydropower and nonhydroelectric dams).

(E) Biomass.

(F) Marine and hydrokinetic renewable energy.

(G) Landfill gas.

(H) Livestock methane.

(I) Fuel cells powered with a renewable-energy source.

SA 4941. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON FAILURE OF EMERGENCY OFF-RAMPS TO PREVENT SIGNIFICANTLY HIGHER HOME HEATING BILLS CAUSED BY THIS ACT.

(a) DEFINITIONS.—In this section:

(1) INTERAGENCY CONSULTATION.—The term "interagency consultation" means consultation with the Secretary of Health and Human Services and the Administrator.

(2) REGION OF THE COUNTRY.—The term "region of the country" means any of—

(A) the northeastern region of the United States, comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia;

(B) the midwestern region of the United States, comprised of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

(C) the Great Plains region of the United States, comprised of the States of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota;

(D) the southern region of the United States, comprised of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

(E) the mountain west region of the United States, comprised of the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and

(F) the western region of the United States, comprised of the States of Alaska, California, Hawaii, Oregon, and Washington.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (c) of the failure of emergency off-ramp provisions under this subtitle to prevent significantly higher home heating bills caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes such a significant home heating bill increase.

(c) DETERMINATION OF SIGNIFICANTLY HIGHER HOME HEATING BILLS CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, after interagency consultation, shall determine whether implementation of emergency off-ramp provisions under this subtitle have failed to prevent the implementation of this Act from causing the average retail price to households of natural gas or heating oil, nationwide or in any region of the country, to increase more than 20 percent since the date of enactment of this Act.

SA 4942. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON FAILURE OF EMERGENCY OFF-RAMPS TO PREVENT SIGNIFICANT MANUFACTURING JOB LOSS DUE TO HIGHER ELECTRICITY OR NATURAL GAS PRICES CAUSED BY THIS ACT.

(a) DEFINITIONS.—In this section:

(1) INTERAGENCY CONSULTATION.—The term "interagency consultation" means consultation with the Secretary of Energy and the Administrator.

(2) REGION OF THE COUNTRY.—The term "region of the country" means any of—

(A) the northeastern region of the United States, comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia;

(B) the midwestern region of the United States, comprised of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

(C) the Great Plains region of the United States, comprised of the States of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota;

(D) the southern region of the United States, comprised of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

(E) the mountain west region of the United States, comprised of the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and

(F) the western region of the United States, comprised of the States of Alaska, California, Hawaii, Oregon, and Washington.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (c) of the failure of emergency off-ramp provisions under this subtitle to prevent significant manufacturing job loss caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes such a significant manufacturing job loss.

(c) DETERMINATION OF SIGNIFICANT MANUFACTURING JOB LOSS CAUSED BY THIS ACT.—Not less than annually, the Secretary of Labor, after interagency consultation, shall determine whether implementation of emergency off-ramp provisions under this subtitle have failed to prevent the implementation of this Act from causing, since the date of enactment of this Act, the loss of more than 10,000 manufacturing-related jobs nationwide or 5,000 manufacturing-related jobs in any region of the country in electricity or natural gas intensive sectors, including auto assembly, metal casting, or production of cement, steel, aluminum, paper, plastics, chemicals, or fertilizer.

SA 4943. Mr. BOND (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—CLEAN ENERGY SOLUTIONS RESEARCH, DEVELOPMENT, AND DEPLOYMENT

SEC. 1801. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—The term "advanced biofuel" has the meaning given the term in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(2) ADVANCED VEHICLE BATTERY.—The term "advanced vehicle battery" means an electrochemical energy storage system powered directly by electrical current that provides motive power to an electric vehicle, hybrid electric vehicle, or plug-in hybrid electric vehicle.

(3) ELECTRIC VEHICLE.—The term "electric vehicle" means an on-road light-duty or nonroad vehicle that uses an advanced vehicle battery or a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

(4) HYBRID ELECTRIC VEHICLE.—The term "hybrid electric vehicle" means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

(5) IGCC.—The term "IGCC" means integrated coal gasification combined cycle.

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means a hybrid electric vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(7) RENEWABLE FUEL.—The term "renewable fuel" means any fuel—

(A) at least 85 percent of the volume of which consists of ethanol or advanced biofuel; or

(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (part 80 of title 40 Code of Federal Regulations (as in effect on the date of enactment of this Act))), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

(8) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 1802. COORDINATION WITH EXISTING PROGRAMS.

In carrying out this title, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall take into consideration the ongoing research, development, demonstration, and deployment activities associated with this title to avoid duplication of the ongoing activities while expanding and accelerating activities as required by this title.

SEC. 1803. PROGRESS REPORT.

Not later than 1 year after the date of enactment of this Act and every 2 calendar years thereafter, the Secretary shall submit to each committee of Congress with jurisdiction over greenhouse gas emissions and global climate change a report and detailed analysis of the status of implementation of this title with an emphasis on the widespread commercial availability, affordability, and maintenance of products that use the technologies and activities advanced under this title.

Subtitle A—Reduced Carbon Emissions Through Clean Vehicles

SEC. 1811. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from fossil-based transportation fuel usage by aggressively promoting advanced vehicle battery technology and domestic manufacturing capability necessary for widespread commercial viability of hybrid electric vehicles, plug-in hybrid electric vehicles, and electric vehicles.

SEC. 1812. ADVANCED VEHICLE BATTERY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall—

(1) expand and accelerate research and development efforts for advanced vehicle batteries; and

(2) emphasize lower cost enablers for abuse-tolerant batteries with the appropriate balance of power and energy capacity to meet market requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

SEC. 1813. DOMESTIC ADVANCED VEHICLE BATTERY MANUFACTURING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to improve domestic manufacturing equipment and assembly process capabilities for advanced vehicle batteries and components that—

(1) reduce manufacturing time;

(2) reduce manufacturing energy intensity;

(3) reduce negative environmental impact or byproducts; or

(4) increase spent battery or component recycling.

(b) INCLUSION.—The Secretary shall include in the program established under subsection

(a) grants to support the development and deployment of domestic high-speed, automated, production-scale advanced vehicle battery and component manufacturing equipment.

(c) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1814. DOMESTIC ADVANCED VEHICLE BATTERY MANUFACTURING SUPPLY BASE EXPANSION.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to expand the domestic manufacturing supply base for advanced vehicle batteries and components with a particular emphasis on facilities that manufacture or assemble—

(1) cell materials, including—

(A) substrates and active materials for electrodes;

(B) carbonaceous and graphite additives;

(C) separators;

(D) electrolytes; and

(E) roll stock aluminum and copper; and

(2) system components, including—

(A) power electronics;

(B) drivetrain electromechanical devices;

(C) a secure supply of raw battery materials; and

(D) battery management systems, including software development.

(b) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $650,000,000 for each of fiscal years 2010 through 2014.

SEC. 1815. OPERATING PLAN.

Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds authorized for sections 1812, 1813, and 1814.

Subtitle B—Reduced Carbon Emissions Through Renewable and Hydrogen Fuel Infrastructure Expansion

SEC. 1821. STATEMENT OF POLICY.

It is the policy of the United States to reduce emissions from fossil-based transportation fuel use by aggressively deploying renewable fuel infrastructure to achieve the widespread use of renewable fuels.

SEC. 1822. EXPANDED RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) INFRASTRUCTURE DEVELOPMENT GRANTS.—The Secretary shall expand and accelerate the program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel.

(b) LIMITATIONS.—Assistance provided under this section shall not exceed the greater of—

(1) 50 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(2) $50,000 for a combination of equipment at any 1 retail outlet location.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2010 through 2014.

SEC. 1823. HYDROGEN FUELING PUMPS.

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a program under which the Secretary of Transportation shall provide grants with the goal of establishing, by calendar year 2013, at least 100 publicly available hydrogen fueling pumps at retail gas stations in at least 2 selected regions.

(b) REQUIRED CONTRIBUTION.—As a condition of receiving a grant under subsection (a) for a hydrogen fueling pump, the owner or operator of a service station shall be required to contribute, or obtain funding from a State or local government entity for, at least 10 percent of the cost of the hydrogen fueling pump.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation to carry out this section $85,000,000 for each of fiscal years 2009 through 2013.

SEC. 1824. FEDERAL ACQUISITION OF HYDROGEN FUEL CELL VEHICLES.

There is authorized to be appropriated to the Administrator of General Services for the acquisition of hydrogen fuel cell vehicles for use by Federal agencies $85,000,000 for each of fiscal years 2012 through 2014.

Subtitle C—Reduced Carbon Emissions Through Electricity Transmission and Management Efficiency

SEC. 1831. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from electric power production through electricity transmission, distribution, and management efficiency gains.

SEC. 1832. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) SUPERCONDUCTING TRANSMISSION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop high-temperature superconducting power equipment that, in comparison to conventional copper wires—

(A) increases electricity carrying capacity;

(B) increases fault current limiting and overload protection;

(C) reduces energy loss due to electrical resistance;

(D) reduces equipment footprints; or

(E) reduces environmental impacts.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to improve—

(A) the nanoscale engineering of high-temperature superconducting wire;

(B) the production of high-temperature superconducting wire in long lengths in a cost-effective manner;

(C) the coating and preparation of underlying high-temperature superconducting wire metal substrate;

(D) the joining of high-temperature superconducting conductors to normal conductors; and

(E) the minimization of electrical loss due to alternating currents.

(b) TRANSFORMERS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop efficiency improvements in electricity distribution transformers.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts—

(A) to improve initial and life-cycle costs;

(B) to improve utilization; and

(C) to make metallurgical advances in transformer components.

(c) GRID COMMUNICATION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop cost-effective improvements in grid communication technology.

(2) REQUIRED COMPONENTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to research and develop—

(A) remote sensors (including nanosensors) to be used in the electrical grid to enable the timely control, identification, and correction of temperature, faults, and other adverse online effects;

(B) smart meters that have the capability to be used to carry out real-time data acquisition and dynamic energy management;

(C) grid management, distribution, and operation systems; and

(D) interoperability standards to ensure the integration of smart grid sensor, meter, and management systems.

(d) END-USE TECHNOLOGIES.—The Secretary shall expand and accelerate efforts to conduct research and develop consumer technologies to reduce electricity usage, with a particular emphasis on smart thermostats that enable consumers to change energy usage based on—

(1) the time of day;

(2) peak energy usage times; or

(3) any other information made available through grid communication technology.

(e) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds made available for this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1833. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY TECHNOLOGY DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of electricity transmission, distribution, and management efficiency technologies.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give priority to applications with proposed projects that—

(1) reduce congestion in transmission corridors; or

(2) relieve demand for electricity generation growth in areas with inadequate access to—

(A) renewable energy sources; or

(B) low-carbon fuel sources.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any grant made by the Secretary in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $450,000,000 for each of fiscal years 2010 through 2014.

SEC. 1834. STATE CONSIDERATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY POWER EQUIPMENT.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by sections 532(a) and 1307(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1665, 1791)) is amended—

(1) by redesignating paragraphs (16) and (17) (as added by section 1307(a) of that Act) as paragraphs (18) and (19), respectively; and

(2) by adding at the end the following:

"(20) RECOVERY OF COSTS RELATING TO DEPLOYMENT OF POWER EQUIPMENT.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any costs of the electric utility relating to the deployment of high-temperature superconductivity power equipment.".

Subtitle D—Reduced Carbon Emissions Through Residential and Commercial Energy Efficiency

SEC. 1841. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from electric power production through more efficient residential and commercial energy using technologies.

SEC. 1842. RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop methods—

(1) to reduce installation costs of geothermal heat pumps for new and existing residences and businesses;

(2) to improve the widespread availability and reliability of high-efficiency heat pump water heaters;

(3) to advance the efficiency and cost-effectiveness of fluorescent, high-intensity discharge, and light-emitting diode lamps; and

(4) to improve small-scale battery and energy storage technologies.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds made available for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

Subtitle E—Reduced Carbon Emissions Through Increased Renewable Energy Storage

SEC. 1851. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions through the increased ability to store energy generated from renewable energy sources.

SEC. 1852. RENEWABLE ENERGY STORAGE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop large megawatt level and smaller distributed electricity storage systems—

(1) to reduce electricity transmission congestion;

(2) to manage peak loads;

(3) to make renewable electricity sources more dispatchable; and

(4) to increase the reliability of the electric grid.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds authorized for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

SEC. 1853. RENEWABLE ENERGY STORAGE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of large megawatt level and smaller distributed electricity storage systems.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give priority, in descending order of importance, to applications with proposed projects that—

(1) make renewable electricity sources more dispatchable;

(2) reduce electricity transmission congestion;

(3) increase the reliability of the electric grid; or

(4) manage peak loads.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any grant made under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2010 through 2014.

SEC. 1854. STATE CONSIDERATION OF ENERGY STORAGE FOR ELECTRIC POWER.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 1834) is amended by adding at the end the following:

"(21) RECOVERY OF COSTS RELATING TO DEPLOYMENT OF STORAGE SYSTEMS.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any costs of the electric utility relating to the deployment of energy storage systems for electric power.".

Subtitle F—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1861. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from technology improvements to coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1862. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and reliability.

(b) SHORT-, MEDIUM- AND LONG-TERM TECHNOLOGY AREAS.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium-, and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions by energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of electricity output;

(B) reduce parasitic power loss from carbon control technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated stream of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure materials that will result in much higher plant efficiencies and carbon dioxide emission reductions;

(3) innovations for IGCC systems that build on the ability of the IGCC to separate pollutants and carbon emissions from gas streams, including—

(A) advanced membrane technology for carbon dioxide separation;

(B) improved air separation systems;

(C) improved compression for the separated and captured carbon dioxide; and

(D) other innovative carbon dioxide control technologies appropriate for IGCC systems;

(4) advanced combustion turbines, including—

(A) ultra low emission hydrogen turbines; and

(B) oxycoal combustion turbines; and

(5) sequestration of captured carbon in geological formations, including—

(A) plume tracking;

(B) carbon dioxide leak detection and mitigation;

(C) carbon dioxide fate and transport models; and

(D) site evaluation instrumentation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at power plants in operation as of the date of enactment of this Act $450,000,000 for the period of fiscal years 2009 through 2020;

(2) for new combustion systems $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1863. CLEAN COAL DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxycoal combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012; and

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (C) at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014;

(H) water consumption reduction at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014; and

(I) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(2) through new coal combustion facilities that include carbon capture—

(A) oxycoal combustion at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) oxycoal combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(E) oxycoal supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (B) or (F) at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(H) ultra supercritical (1290°F) pulverized coal combustion with near-zero emission controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(I) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(J) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(K) chemical looping combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018; and

(L) ultra advanced supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018;

(3) through IGCC with carbon capture—

(A) partial carbon dioxide capture without a water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) using G class turbine at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2012;

(C) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2014; and

(D) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2016.

(4) through advanced turbines using—

(A) monitoring systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a combustion turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015;

(D) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(E) an oxyfuel turbine of at least 400 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2020; and

(5) for storage of carbon dioxide captured through—

(A) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2010;

(B) field tests of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014.

(b) SEQUESTRATION OF CAPTURED CARBON DIOXIDE.—In any demonstration referred to in subsection (a) that demonstrates carbon dioxide capture, the carbon dioxide capture shall be used for enhanced oil recovery, sequestered in geologically appropriate formations, or permanently sequestered or reused, with funds made available to carry out each such demonstration for the respective purpose of the demonstration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for demonstrations through facilities in operation as of the date of enactment of this Act $850,000,000 for the period of fiscal years 2009 through 2025;

(2) for new combustion systems $1,950,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $400,000,000 for the period of fiscal years 2009 through 2025; and

(5) for carbon storage $1,350,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1864. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall take such steps as are necessary to carry out this subtitle.

(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle.

(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall—

(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle;

(2) establish selection criteria for the specific types of projects identified under paragraph (1); and

(3) establish an application process that allows persons that are interested in participating in projects identified under paragraph (1) to provide such information as the Secretary determines to be necessary.

On page 310, lines 1 through 3, strike "part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.)" and insert "subtitle C of title X".

Beginning on page 318, strike line 6 and all that follows through page 320, line 7, and insert the following:

SEC. 1021. CARBON SEQUESTRATION AND CAPTURE.

(a) DEFINITIONS.—In this section:

(1) ANTHROPOGENIC.—The term "anthropogenic" means produced or caused by human activity.

(2) CARBON DIOXIDE.—The term "carbon dioxide" means anthropogenically sourced carbon dioxide that is of sufficient purity and quality as to not compromise the safety and efficiency of any reservoir in which the carbon dioxide is stored.

(3) FEDERAL AGENCY.—The term "Federal agency" means any department, agency, or instrumentality of the United States.

(4) GEOLOGICAL STORAGE.—The term "geological storage" means permanent or short-term underground storage of carbon dioxide in a reservoir.

(5) PERSON.—

(A) IN GENERAL.—The term "person" means an individual, corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(B) INCLUSIONS.—The term "person" includes an officer, employee, and agent of any corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(6) RESERVOIR.—

(A) IN GENERAL.—The term "reservoir" means any subsurface sedimentary stratum, formation, aquifer, or cavity or void (whether natural or artificially created) that is suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide.

(B) INCLUSIONS.—The term "reservoir" includes—

(i) an oil and gas reservoir;

(ii) a saline formation or coal seam; and

(iii) the seabed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term "State" means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Republic of Palau; and

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term "State" includes all territorial water, seabed, and subsoil of submarine areas of each State.

(8) STATE REGULATORY AGENCY.—The term "State regulatory agency" means the agency designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term "storage facility" means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term "storage facility" does not include pipelines used to transport the carbon dioxide from 1 or more capture facilities to the storage and injection site.

(10) STORAGE OPERATOR.—The term "storage operator" means any person or other entity authorized by the Administrator or State regulatory agency to operate a storage facility.

(11) UNDERGROUND RESERVOIR.—The term "underground reservoir", with respect to a storage facility, includes any necessary and reasonable areal buffer and subsurface monitoring zones that are—

(A) designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(B) selected to protect against pollution, invasion, and escape or migration of the stored carbon dioxide.

(b) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations for State carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A)(ii) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (c)(1), including—

(i) a prohibition on carbon dioxide storage in the State that is not authorized by a permit issued by the State;

(ii) inspection, monitoring, recordkeeping, and reporting requirements; and

(iii) authority for the State regulatory agency to issue a permit, after public notice and hearing, approving a storage facility for the proposed geological storage of carbon dioxide if the State regulatory authority determines that—

(I) the horizontal and vertical boundaries of the geological storage facility designated by the permit are appropriate for the storage facility;

(II) the storage facility and reservoir are suitable and feasible for the injection and storage of carbon dioxide;

(III) a good faith effort has been made to obtain the consent of a majority of the owners having property interests affected by the storage facility, and that the storage operator intends to acquire any remaining interest by eminent domain or by a method otherwise allowed by law;

(IV) the use of the storage facility for the geological storage of carbon dioxide will not result in the unpermitted migration of carbon dioxide into other formations containing fresh drinking water or oil, gas, coal, or other commercial mineral deposits that are not owned by the storage operator; and

(V) the proposed storage would—

(aa) not unduly endanger human health or the environment; and

(bb) be in the public interest.

(B) STATE AUTHORITY.—A State regulatory agency approved under subsection (c)(1) to administer a carbon dioxide storage program shall issue such orders, permits, certificates, rules, and regulations, including establishment of such appropriate and sufficient financial sureties as are necessary, for the purpose of regulating the drilling, operation, and well plugging and abandonment and removal of surface buildings and equipment of the storage facility in order to protect the storage facility against pollution, invasion, and the escape or migration of carbon dioxide.

(C) EMINENT DOMAIN.—A storage operator may be empowered by a State to exercise the right of eminent domain under State law to acquire all surface and subsurface rights and interests necessary or useful for the purpose of operating the storage facility, including easements and rights-of-way across land that are necessary to transport carbon dioxide among components of the storage facility.

(D) VARIANCE IN CONDITIONS.—The regulations promulgated under paragraph (1)(A)(ii) shall permit or provide for consideration of varying geological, hydrological, and historical conditions in different States and in different areas within a State.

(E) ENHANCED RECOVERY OPERATIONS.—

(i) IN GENERAL.—Upon the approval of a State to administer a carbon dioxide storage program under subsection (c)(1), the State regulatory agency designated by the State may develop rules to allow the conversion into a storage facility of an enhanced recovery operation that is in existence as of the date on which administration of the program by the State is approved.

(ii) OIL AND GAS RECOVERY.—Nothing in this section applies to or otherwise affects the use of carbon dioxide as a part of or in conjunction with any enhanced recovery method the sole purpose of which is enhanced oil or gas recovery.

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—

(1) APPROVAL OF STATE CARBON DIOXIDE STORAGE PROGRAMS.—

(A) APPLICATION.—

(i) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A)(ii), each State may submit to the Administrator an application that demonstrates, to the satisfaction of the Administrator, that the State—

(I) has adopted, after providing for reasonable notice and an opportunity for public comment, and will implement, a carbon dioxide storage program that meets the requirements of the regulations; and

(II) will keep such records and make such reports with respect to the activities of the State under the carbon dioxide storage program as the Administrator may require by regulation.

(ii) REVISIONS.—Not later than the expiration of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A)(ii) is revised or amended with respect to a requirement applicable to State carbon dioxide storage programs, each State with a carbon dioxide storage program approved under subparagraph (B) shall submit, in such form and in such manner as the Administrator may require, a notice to the Administrator that demonstrates, to the satisfaction of the Administrator, that the State carbon dioxide storage program meets the revised or amended requirement.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after the date on which a State submits to the Administrator an application under subparagraph (A)(i) or a notice under subparagraph (A)(ii), and after a reasonable (as determined by the Administrator) opportunity for discussion, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(C) EFFECT OF APPROVAL.—If the Administrator approves the carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for carbon dioxide storage in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A)(i).

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A)(i) by the date that is 270 days after the date of promulgation of regulations under subsection (b)(1)(A)(ii), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).

(B) DISAPPROVAL.—If the Administrator disapproves all or a portion of the program of a State under paragraph (1)(B), if the Administrator determines under paragraph (1)(C) that a State no longer meets the requirements of subclause (I) or (II) of paragraph (1)(A)(i), or if a State fails to submit a notice before the expiration of the period specified in paragraph (1)(A)(ii), the Administrator shall by regulation, not later than 90 days after the date of the disapproval, determination, or expiration (as the case may be), prescribe (and may from time to time by regulation revise) a program applicable to the

State that meets the requirements of subsection (b)(2).

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply in a State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not in effect.

(D) PUBLIC PARTICIPATION.—Before promulgating any regulation under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(d) ENFORCEMENT OF PROGRAM.—

(1) NOTIFICATION.—

(A) IN GENERAL.—In any case in which the Administrator determines, during a period during which a State has primary enforcement responsibility for carbon dioxide storage, that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(B) FAILURE TO ENFORCE.—If, after the date that is 30 days after the Administrator notifies a State of a violation under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to—

(I) correct the matter; and

(II) comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(C) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to comply with requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(2) ADMINISTRATIVE ORDERS AND APPEALS.—

(A) IN GENERAL.—In any case in which the Administrator has the authority to bring a civil action under this subsection with respect to any regulation or other requirement of this section, the Administrator may, in addition to bringing the civil action, issue an order under this paragraph that—

(i) assesses a civil penalty of not more than $10,000 for each day of violation for any past or current violation, up to a maximum aggregate civil penalty of $125,000, for each covered entity;

(ii) requires compliance with the regulation or other requirement; or

(iii) accomplishes each of the actions described in clauses (i) and (ii).

(B) TIMING.—An order under this paragraph shall be issued by the Administrator only after an opportunity (provided in accordance with this paragraph) for a hearing.

(C) NOTICE.—Before issuing any order under subparagraph (A), the Administrator shall provide to the person to whom the order applies—

(i) written notice of the intent of the Administrator to issue the order; and

(ii) the opportunity to request, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(D) REQUIREMENTS.—A hearing described in subparagraph (C)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide to each interested person a reasonable opportunity to be heard and to present evidence.

(E) NOTICE AND COMMENT.—The Administrator shall provide public notice of, and a reasonable opportunity to comment on, any proposed order.

(F) SPECIFIC NOTICE.—Any person who comments on any proposed order under subparagraph (E) shall be given notice of any hearing under this paragraph and of any order.

(G) EFFECTIVE DATE.—Any order issued under this paragraph shall become effective on the date that is 30 days after the date of issuance of the order, unless an appeal is taken pursuant to subparagraph (K).

(H) CONTENTS OF ORDER.—Any order issued under this paragraph—

(i) shall state with reasonable specificity the nature of the violation; and

(ii) may specify a reasonable period to achieve compliance.

(I) CONSIDERATIONS.—In assessing any civil penalty under this paragraph, the Administrator shall take into consideration all appropriate factors, including—

(i) the seriousness of the violation;

(ii) the economic benefit (if any) resulting from the violation;

(iii) any history of similar violations;

(iv) any good-faith efforts to comply with the applicable requirements;

(v) the economic impact of the penalty on the violator; and

(vi) such other matters as justice may require.

(J) OTHER ACTIONS.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting a civil action under a provision of law other than this section, or has issued an order under this paragraph assessing a civil penalty, shall not be subject to a civil action under paragraph (3).

(K) APPEALS.—Any person against whom an order is issued may file an appeal of the order, not later than 30 days after the date of issuance of the order, with—

(i) the United States District Court for the District of Columbia; or

(ii) the United States district court for the district in which the violation is alleged to have occurred.

(L) DISTRIBUTION OF COPIES.—An appellant shall simultaneously send a copy of an appeal filed under subparagraph (K) by certified mail to the Administrator and to the Attorney General.

(M) RECORD.—The Administrator shall promptly file in the appropriate court described in subparagraph (K) a certified copy of the record on which an order was based.

(N) JUDICIAL ACTION.—A court having jurisdiction over an order issued under this paragraph shall not—

(i) set aside or remand the order unless the court determines that—

(I) there is not substantial evidence on the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Administrator of a civil penalty, or a requirement for compliance, constitutes an abuse of discretion; or

(ii) impose additional civil penalties for the same violation unless the court determines that the assessment by the Administrator of a civil penalty constitutes an abuse of discretion.

(O) FAILURE TO PAY.—

(i) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after an order becomes effective under subparagraph (G), or after a court, in a civil action brought under subparagraph (K), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate United States district court to recover the amount assessed, plus costs, attorneys' fees, and interest at currently prevailing rates, calculated from the date on which the order is effective or the date of the final judgment, as the case may be.

(ii) NO REVIEW OF AMOUNT.—In a civil action brought under clause (i), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

(P) AUTHORITY OF ADMINISTRATOR.—The Administrator may, in connection with administrative proceedings under this paragraph—

(i) issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum; and

(ii) request the Attorney General to bring a civil action to enforce any subpoena issued under this subparagraph.

(Q) ENFORCEMENT.—The United States district courts shall have jurisdiction to enforce, and impose sanctions with respect to, subpoenas issued under subparagraph (P).

(3) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—A civil action referred to in subparagraph (B) or (C) of paragraph (1) shall be brought in the appropriate United States district court.

(B) AUTHORITY; JUDGEMENT.—A court described in subparagraph (A)—

(i) shall have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with an order issued under paragraph (2); and

(ii) may enter such judgment as the protection of public health may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or an order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violation; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(4) EFFECT ON STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide.

(B) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this Act.

(e) FINANCIAL ASSURANCES FOR STORAGE OPERATORS.—

(1) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (f).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall

be the maximum amount of liability insurance available at a reasonable cost and on reasonable terms from private sources (including private insurance, private contractual indemnities, self-insurance, or a combination of those measures), as determined by the Administrator.

(f) CESSATION OF STORAGE OPERATIONS.—Upon a showing by a storage operator that a storage facility is reasonably expected to retain mechanical integrity and remain in place, the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) shall issue a certificate of completion of injection operations to the storage operator.

(g) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) IN GENERAL.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator, to the extent that the liability is in excess of the level of financial protection required of the storage operator.

(2) COMPLETION OF OPERATIONS.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority)—

(A) the Administrator shall be vested with complete and absolute title and ownership of the storage facility and any stored carbon dioxide at the facility;

(B) the storage operator and all generators of any injected carbon dioxide shall be released from all further liability associated with the project; and

(C)(i) any performance bonds posted by the storage operator shall be released; and

(ii) continued monitoring of the storage facility, including remediation of any well leakage, shall become the responsibility of the Administrator.

(h) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) ASSESSMENT AMOUNT.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-ton assessment for the fiscal year calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(3) AGGREGATE AMOUNT.—The aggregate amount of assessments collected from all storage operators under paragraph (1) for any fiscal year shall be equal to the sum of, with respect to the fiscal year—

(A) any indemnification payments required to be made pursuant to subsection (g)(1);

(B) any costs associated with storage facilities to which the Administrator has taken title pursuant to subsection (g)(2), including costs associated with any—

(i) inspection, monitoring, recordkeeping, and reporting requirements of those facilities;

(ii) remediation of carbon dioxide leakage; or

(iii) plugging and abandoning of remaining wells; and

(C) any costs associated with public liability of storage facilities to which the Administrator has taken title pursuant to subsection (g)(2).

(4) CALCULATION OF ASSESSMENT.—The assessment under this subsection per ton of carbon dioxide for a fiscal year shall be equal to the quotient obtained by dividing—

(A) the aggregate amount of assessments calculated under paragraph (3) for the fiscal year; by

(B) the aggregate number of tons of carbon dioxide injected for storage during the preceding fiscal year by all storage operators.

(5) INFORMATION.—The Administrator shall require the submission of such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The Administrator shall promulgate regulations for permitting commercial-scale underground injection of carbon dioxide for purposes of geological sequestration under this section.

(2) SAFE DRINKING WATER ACT.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) shall not be used as a basis for permitting commercial-scale underground injection or storage of carbon dioxide.

Beginning on page 329, strike line 1 and all that follows through page 330, line 3.

At the end of title X, add the following:

Subtitle D—Clean Coal Technology Incentives

SEC. 1031. SHORT TITLE.

This subtitle may be cited as the "Energy Security and Climate Enhancement Through Clean Coal Technology Act of 2008".

SEC. 1032. MODIFICATION OF SPECIAL RULES FOR ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) IN GENERAL.—Subsection (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term 'pollution control facility' includes any mechanical or electronic system which—

"(A) which is a new identifiable treatment facility (as defined in paragraph (4)),

"(B) which is—

"(i) installed after December 31, 2007, and

"(ii) used in connection with an electric generation plant or other property which is primarily coal fired, and

"(C) which is certified by the owner or operator of the plant or other property, in such form and manner as prescribed by the Secretary, to reduce carbon dioxide emissions per net megawatt hour of electricity generation by—

"(i) optimizing combustion,

"(ii) optimizing sootblowing and heat transfer,

"(iii) upgrading steam temperature control capabilities,

"(iv) reducing exit gas temperatures (air heater modifications)

"(v) predrying low rank coals using power plant waste heat,

"(vi) modifying steam turbines or change the steam path/blading,

"(vii) replacing single speed motors with variable speed drives for fans and pumps,

"(viii) improving operational controls, including neural networks, or

"(ix) any other means approved by the Secretary, in consultation with the Secretary of Health and Human Services.".

(b) DEDUCTION NOT ADJUSTED FOR PURPOSES OF DETERMINING ALTERNATIVE MINIMUM TAX.—Paragraph (5) of section 56(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "The preceding sentences of this paragraph shall not apply to any pollution control facility described in section 169(d)(6).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 1033. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR CLOSED-LOOP BIOMASS.

(a) IN GENERAL.—Clause (ii) of section 45(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(iii) owned by the taxpayer which after before January 1, 2014 is originally placed in service and modified, or is originally placed in service as a facility, to use closed-loop biomass to co-fire (or, in the case of an integrated gasification combined cycle facility, to co-process) with coal, with other biomass, or with both.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SEC. 1034. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

"SEC. 48C. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the qualifying new clean coal power plant credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

"In the case of a plant which either has—			The applicable percentage is:
a design net heat rate below—	or	a carbon dioxide emission rate of—	
7,580 Btu/kWh (45% efficiency)		1,577 lbs/MWh or less	30 percent
7,760 Btu/kWh (44% efficiency)		1,613 lbs/MWh or less	28 percent
7,940 Btu/kWh (43% efficiency)		1,650 lbs/MWh or less	26 percent
8,120 Btu/kWh (42% efficiency)		1,690 lbs/MWh or less	20 percent
8,322 Btu/kWh (41% efficiency)		1,731 lbs/MWh or less	10 percent
8,530 Btu/kWh (40% efficiency)		1,774 lbs/MWh or less	10 percent

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant—

"(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

"(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

"(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING NEW CLEAN COAL POWER PLANT.—The term 'qualifying new clean coal power plant' means a facility which—

"(A) which meets the requirements of section 48A(e),

"(B) which either—

"(i) has a design net heat rate of below 8,530 Btu/kWh, or

"(ii) has a carbon dioxide emission rate of 1,774 lbs/MWh or less, and

"(C) which—

"(i) is designed to capture carbon dioxide emissions, or

"(ii)(I) is designed to include a built-in space for future carbon dioxide capture hardware (and improved foundations and ironwork necessary to accommodate the additional hardware),

"(II) includes an engineering feasibility study identifying a system, including associated cost and performance parameters, to retrofit carbon capture equipment, and

"(III) includes a site or sited identified where carbon dioxide may be stored or used for commercial purposes.

"(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is a part of a qualifying new clean coal power plant.

"(d) QUALIFYING NEW CLEAN COAL POWER PLANT PROGRAM.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying new clean coal power plant program, under which the Secretary shall certify projects eligible for the credit under subsection (a)

"(2) APPLICATION.—An application under for certification under this section shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements of this section. Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

"(3) AGGREGATE CREDITS.—The aggregate or projects certified by the Secretary under this subsection shall not exceed an aggregate capacity for electricity generation of more than 6,000 megawatts.".

"(e) RECAPTURE OF CREDIT.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain any of the requirements of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the qualifying new clean coal power plant credit.".

(2) Section 49(a)(1)(C) of such Code is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the basis of any property which is part of a qualifying new clean coal power plant under section 48C.".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

"Sec. 48C. Qualifying new clean coal power plant credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1035. INVESTMENT CREDIT FOR EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

"SEC. 48D. EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE EMISSIONS.

"(a) GENERAL RULE.—For purposes of section 46, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

"(b) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE PROPERTY.—The term 'eligible property' means equipment installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide produced at such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide, as further specified and identified, by rule, by the Secretary.

"(2) QUALIFIED COAL-FIRED ELECTRIC GENERATION UNIT.—The term 'qualified coal-fired electric generation unit' means a unit which, after installation of eligible property, is designed to capture and store in a geologic formation not less than 500,000 metric tons of carbon dioxide per year.

"(d) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 9,000 megawatts of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

"(e) CERTIFICATION.—

"(1) CERTIFICATION PROCESS.—The Secretary shall establish a certification process to determine the extent to which eligible property has been installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

"(2) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application for certification shall contain such information as the Secretary may require in order to establish credit entitlement. Any information contained in an application shall be protected as provided in section 552(b)(4) of title 5, United States Code.".

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) the qualifying carbon dioxide equipment credit.".

(2) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by adding at the end the following new clause:

"(vi) the basis of any eligible property under section 48D.".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act is amended by inserting after the item relating to section 48C the following new section:

"Sec. 48D. Equipment used to capture, transport, and store carbon dioxide emissions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1036. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION IN THE GENERATION OF ELECTRICITY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45Q. CREDIT SEQUESTERING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

"(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

"(1) $30 per metric ton of qualified carbon dioxide which is—

"(A) captured by the taxpayer at a qualified facility during the credit period, and

"(B) disposed of by the taxpayer in secure geological storage, and

"(2) $10 per metric ton of qualified carbon dioxide which is—

"(A) captured by the taxpayer at a qualified facility during the credit period, and

"(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

"(b) QUALIFIED FACILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified facility' means any industrial facility—

"(A) which is owned by the taxpayer,

"(B) at which carbon capture equipment is placed in service,

"(C) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year, and

"(D) which is certified by the Secretary under paragraph (2).

"(2) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which facilities which use coal for the generation of electricity are certified for purposes of this section.

"(B) LIMITATION.—The total aggregate generating capacity of all facilities certified by the Secretary under this paragraph shall not exceed 9,000 megawatts.

"(c) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

"(A) would otherwise be released into the atmosphere as industrial emissions of greenhouse gas, and

"(B) is measured at the source of capture and verified at the point of disposal or injection.

"(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

"(d) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

"(2) ONLY CARBON DIOXIDE CAPTURED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

"(3) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

"(4) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

"(5) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

"(6) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

"(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

"(8) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

"(A) such dollar amount, multiplied by

"(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2007' for '1990'.".

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", plus", and by adding at the end of following new paragraph:

"(34) the carbon dioxide sequestration credit determined under section 45Q(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

"Sec. 45Q. Credit for sequestering carbon dioxide in the generation of electricity.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply carbon dioxide captured after the date of the enactment of this Act.

SEC. 1037. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to qualified tax credit bonds) is amended by adding at the end the following new section:

"SEC. 54C. CLEAN ENERGY COAL BONDS.

"(a) CLEAN ENERGY COAL BOND.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'clean energy coal bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (b)(2);

"(B) 100 percent of the available project proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects;

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form; and

"(D) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (c).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means a qualified clean coal project (as defined in subsection (f)(1)) placed in service by a qualified borrower.

"(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

"(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond;

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds; and

"(iii) reimbursement is not made later than 18 months after the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

"(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $5,000,000,000.

"(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

"(c) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance. the qualified issuer reasonably expects—

"(A) 100 percent or more of the available project proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond;

"(B) a binding commitment with a third party to spend at least 10 percent of such available project proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the available project proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower; and

"(C) such projects will be completed with due diligence and the available project proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(d) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

"(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(2) CLEAN ENERGY BOND LENDER.—The term 'clean energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(3) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).

"(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

"(A) a clean energy bond lender;

"(B) a cooperative electric company; or

"(C) a public power entity.

"(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C); or

"(B) a public power entity.

"(e) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED CLEAN COAL PROJECT.—For purposes of this section, the term 'qualified clean coal project' means—

"(A) an atmospheric pollution control facility (within the meaning of section 169(d)(5)(C));

"(B) a closed-loop biomass facility (within the meaning of section 45(d)(2));

"(C) a qualified new clean coal power plant (within the meaning of section 48C(d)(1));

"(D) qualifying carbon dioxide equipment described in section 48D(c)(1); or

"(E) a qualified facility (within the meaning of section 450(c)).

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2018.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond, or

"(B) a clean energy coal bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

"(ii) in the case of a clean energy coal bond, a purpose specified in section 54C(f)(1).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 54C. Clean energy coal bonds.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2008.

SA 4944. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Clarification of Use of Amounts Deposited Into Funds

SEC. 1771. CLARIFICATION.

Notwithstanding any other provision of law (including regulations), amounts deposited in any fund established pursuant to this Act for the purpose of technology development shall be in addition to, and shall not supplant, funds otherwise made available for that purpose in an appropriations Act.

SA 4945. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 489, between lines 3 and 4, insert the following:

(c) AUTHORITY TO ESTABLISH STANDARDS FOR MOBILE SOURCES.—Nothing in this Act confers on the Federal Government or any State government any authority to establish any form of standard, limitation, prohibition, or cap relating to greenhouse gas emissions for mobile sources.

SA 4946. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, strike line 20 and insert the following:

generators in the United States, and an additional quantity to fossil fuel-fired electricity generators that sell electricity at a price regulated by a State entity, or rural electric cooperatives.

On page 193, strike the table before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in the United States	Percentage for distribution among fossil fuel-fired electricity generators in the United States with regulated prices
2012	18	1
2013	18	1
2014	18	1
2015	18	1
2016	17.75	1
2017	17.5	1
2018	17.25	1
2019	16.25	2
2020	15	3
2021	13.5	3
2022	11.25	4
2023	10.25	5
2024	9	6
2025	8.75	6
2026	5.75	7
2027	4.5	8
2028	4.25	8
2029	3	9
2030	2.75	9.

On page 196, between lines 14 and 15, insert the following:

(d) FOSSIL FUEL-FIRED ELECTRICITY GENERATORS IN THE UNITED STATES WITH REGULATED PRICES.—

(1) IN GENERAL.—The emission allowances allocated for a calendar year by section 551 for fossil fuel-fired electricity generators in the United States with regulated prices shall be distributed in the same manner as emission allowances are distributed under subsections (a) through (c).

(2) ADJUSTMENT.—The Administrator shall adjust emission allowances distributed to other non-covered entities under this Act by an across-the-board adjustment so as to ensure that the total percentage of emission allowances allocated under this Act equals 100 percent.

SA 4947. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 423, after line 25, insert the following:

SEC. 1308. RESPONSE TO CERTAIN ACTIONS ARISING OUT OF WORLD TRADE ORGANIZATION PROCEEDINGS.

(a) IN GENERAL.—The United States Trade Representative shall provide timely notice to Congress, through the Chairman and Ranking Members of the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives, of proceedings before the World Trade Organization challenging the consistency of any aspect of this subtitle with respect to international agreements to which the United States is a party. The notice shall include—

(1) the commencement of any such proceeding;

(2) any decision by a dispute settlement panel or body with respect to such a proceeding;

(3) the status of any implementation period provided for the United States to bring a measure into conformity with the recommendations or rulings of the Dispute Settlement Body of the World Trade Organization and arising out of any such a proceeding, as well as the timetables associated with any such implementation period;

(4) authorization of any foreign country to engage in retaliatory actions in response to the failure of the United States to implement any recommendation or ruling of the Dispute Settlement Body of the World Trade Organization; and

(5) the commencement of retaliatory actions by any foreign country against products of the United States arising out of any such proceeding.

(b) NOTICE TO ADMINISTRATOR.—The United States Trade Representative shall provide notice to the Administrator of the Environmental Protection Agency of any retaliatory action by a foreign country pursuant to authorization by the Dispute Settlement Body of the World Trade Organization and in response to a finding that the United States has failed to implement any recommendation or ruling of the Dispute Settlement Body relating to a proceeding described in subsection (a).

(c) SUSPENSION OF RESERVE ALLOWANCE.—Upon receipt of any notification described in subsection (b), the Administrator shall suspend application of the international reserve allowance program established under section 1306 and shall promptly publish notification of the termination of the program.

(d) CESSATION OF EMISSION ALLOWANCE AND OFFSET.—Notwithstanding any other provision of this Act, effective with the publication of the notification described in subsection (c), any obligation of an affected domestic producer of competitive goods to submit an emission allowance or offset under section 202 to account for emissions associated with the production of an affected domestic product shall cease to apply.

(e) DISTRIBUTION TO AFFECTED DOMESTIC PRODUCERS.—Notwithstanding any other provision of this Act, effective in the first calendar year following any termination of the international reserve allowance program, as described in subsection (c), and continuing through 2050, the Administrator shall establish a program to distribute a quantity of emission allowances established pursuant to section 201(a) to each entity that was an affected domestic producer of competitive goods during the last year of operation of the international reserve allowance program. The quantity of emission allowances distributed to each such entity shall be sufficient to offset any additional costs arising out of the requirements of this Act (other than costs arising out of any obligation terminated pursuant to subsection (d)) in the production of an affected domestic product, including costs arising from the purchase of electricity or from allowance requirements imposed upon the producers of inputs used to produce an affected domestic product.

(f) REGULATIONS.—Following publication of notice of any termination of the international reserve allowance program, as described in subsection (c), the Administrator shall promulgate such regulations as the Administrator determines to be necessary to implement the requirements of this section.

(g) DEFINITIONS.—For purposes of this title:

(1) AFFECTED DOMESTIC PRODUCERS OF COMPETITIVE GOODS.—The term "affected domestic producers of competitive goods" means any manufacturing entity in the United States that makes products like or directly competitive with any product treated as a covered good.

(2) AFFECTED DOMESTIC PRODUCT.—The term "affected domestic product" means a product produced by any manufacturing entity in the United States that is like or directly competitive with any product treated as a covered good.

SA 4948. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, strike line 14 and insert the following:

(b) PRESIDENTIAL DETERMINATION OF ECONOMIC SECURITY EMERGENCY.—For purposes of this section, the President shall determine that an economic security emergency exists in any situation in which the price charged for an emission allowance under this Act is prohibitively expensive, as determined by the Board, by regulation.

(c) CONSULTATION.—In making an emergency dec-

On page 482, strike lines 2 through 4 and insert the following:

After making an emergency declaration under section 1711—

(1) the President shall declare, by proclamation, each action required to minimize the emergency; and

(2) if the emergency declaration was made as a result of an economic security emergency, all compliance obligations under title II shall be suspended until such date as the proclamation is terminated under section 1715.

SA 4949. Ms. STABENOW (for herself, Mr. CRAPO, Mr. BROWNBACK, Mr. SALAZAR, Mrs. DOLE, Mr. JOHNSON, Mr. CONRAD, Ms. KLOBUCHAR, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike lines 23 through 25 and insert the following:

(B) EXCLUSIONS.—The term "manufacture" does not include—

(i) the creation of a greenhouse gas through anaerobic decomposition; or

(ii) the creation of a greenhouse gas from manure or enteric fermentation.

On page 28, line 4, insert ", destroys, or avoids" after "reduces".

On page 28, line 6, strike "from sources or sinks".

On page 28, between lines 8 and 9, insert the following:

(____) OFFSET PROJECT REPRESENTATIVE.—The term "offset project representative" means an individual or entity designated as an offset project representative in a petition for an offset project submitted under section 304.

Beginning on page 77, strike line 9 and all that follows through page 121, line 15, and insert the following:

SEC. 302. ESTABLISHMENT OF A DOMESTIC OFFSET PROGRAM.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle

(b) USE.—The regulations under subsection (a) shall provide that, beginning with calendar year 2012, owners and operators of covered entities may satisfy the allowance submission requirements of the owners and operators under section 202 for each calendar year by submitting a carbon dioxide equivalent quantity of domestic offset allowances of up to 1,000,000,000 tons.

(c) CARRYOVER.—If the carbon dioxide equivalent quantity of domestic offset allowances submitted for a calendar year pursuant to this subtitle is less than 1,000,000,000 tons, notwithstanding subsection (b), the carbon dioxide equivalent quantity of domestic offset allowances that may be submitted by covered entities under this subtitle for the subsequent calendar year shall not exceed the sum of—

(1) 1,000,000,000 tons; and

(2) the difference between—

(A) 1,000,000,000 tons; and

(B) the carbon dioxide equivalent tons of offset allowances and emission allowances submitted by covered entities for the preceding calendar year under this subtitle.

(d) REDUCTION.—Beginning in calendar year 2030, the Administrator may reduce the quantity of tons of carbon dioxide equivalents available for offsets under this section except that the quantity may not be reduced to less than 85 percent of the quantity of tons specified in subsection (b).

(e) EXCHANGE FOR OFFSETS FROM STATE AND REGIONAL REGULATORY PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall issue offset allowances for projects that address emissions of greenhouse gas that would otherwise not have been covered under the limitations on emissions of greenhouse gases under this Act and meet the requirements of this subtitle for offset allowances—

(A) issued under a State or regional greenhouse gas regulatory program; or

(B) are registered under or meet the standards of—

(i) the Climate Registry;

(ii) the California Climate Action Registry;

(iii) the Climate Action Reserve;

(iv) the GHG Registry;

(v) the Chicago Climate Exchange;

(vi) the GHG Clean Projects Registry; or

(vii) any other Federal or private reporting program.

(2) NONAPPLICABILITY.—This subsection shall not apply to offset allowances that have expired or been retired or canceled under a program described in paragraph (1).

(f) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances for greenhouse gas emission reductions, destruction, or avoidance, or increases in sequestration relative to the offset project baseline; for offset projects approved pursuant to section 304 in categories on the list issued under section 303;

(2) ensure that those offsets represent real, enforceable, verifiable, additional, and permanent reductions in greenhouse gas emissions or increases in sequestration;

(3) require that the offset project representative for an offset project establish the project baseline and register emission reductions with the offset Registry;

(4) specify the types of offset projects eligible to generate offset allowances, in accordance with section 303;

(5) establish procedures to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in biological sequestration, in accordance with section 303;

(6) establish procedures for project initiation and approval, in accordance with section 304;

(7) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(8) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(9) assign a unique serial number to each offset allowance issued under this section.

(g) OFFSET ALLOWANCES REWARDED.—The Administrator shall issue to the offset project representative offset allowances for qualifying emission reductions, destruction, or avoidance and biological sequestrations from an offset project that satisfies the applicable requirements of this subtitle.

(h) TRANSFERABILITY.—An offset allowance generated pursuant to this subtitle may be sold, traded, or transferred, on the condition that the offset allowance has not expired or been retired or canceled.

SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) IN GENERAL.—An offset allowance from agricultural, forestry, or other land use-related projects shall be provided only for achieving an offset of 1 or more greenhouse gases by a method other than a reduction of combustion of greenhouse gas-emitting fuel.

(b) TYPES OF ELIGIBLE OFFSET PROJECTS.—

(1) LIST OF ELIGIBLE AGRICULTURAL AND FORESTRY OFFSET PROJECT TYPES.—

(A) TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall maintain a list of types of agricultural and forestry offset projects eligible to generate offset allowances under this subtitle, which list shall include—

(i) agricultural, grassland, and rangeland sequestration and management practices, including—

(I) altered tillage practices;

(II) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(III) conversion of cropland to rangeland or grassland, on the condition that the land has been in nonforest use for at least 10 years before the date of initiation of the project;

(IV) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(V) reduction in the frequency and duration on flooding of rice paddies;

(VI) reduction in carbon emissions from organic soils;

(VII) reduction in greenhouse gas emissions from manure and effluent; and

(VIII) reduction in greenhouse gas emissions due to changes in animal management practices, including dietary modifications;

(ii) changes in carbon stocks attributed to land use change and forestry activities, including—

(I) afforestation or reforestation of acreage not forested as of October 18, 2007; and

(II) forest management resulting in an increase in forest carbon stores;

(III) management of peatland or wetland; and

(IV) conservation of grassland and forested land;

(iii) manure management and disposal, including—

(I) waste aeration; and

(II) biogas capture and combustion; and

(iv) any combination of any of the offset project types described in this subparagraph.

(B) ADDITIONS TO THE LIST OF ELIGIBLE AGRICULTURAL AND FORESTRY OFFSET PROJECT TYPES.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary of Agriculture, in consultation with the Administrator, after public notice and opportunity for comment, shall add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity that are consistent with the purposes of this Act.

(ii) ADDITIONAL TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall also consider petitions to add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity consistent with the purposes of this Act.

(c) LIST OF OTHER ELIGIBLE OFFSET PROJECT TYPES.—

(1) TYPES.—The Administrator shall maintain a list of types of offset projects not related to agriculture and forestry that are eligible to generate offset allowances under this subtitle, which list shall include—

(A) the capture or reduction of fugitive greenhouse gas emissions for which no covered facility is required under section 202(a) to submit any emission allowances, offset allowances, or international emission allowances;

(B) methane capture or combustion at nonagricultural facilities, including landfills, waste-to-energy facilities, and coal mines;

(C) reduction, destruction, or avoidance of sulfur hexafluoride emissions from sources of the emissions, including electrical transformation and distribution equipment;

(D) the capture and geological sequestration of greenhouse gas emissions that would not otherwise have been covered under the limitation on the emission of greenhouse gases under this Act;

(E) any other category proposed to the Administrator by petition; and

(F) any combination of any of the offset project types described in this paragraph.

(2) ADDITIONS TO THE LIST OF ELIGIBLE OFFSET PROJECTS NOT RELATED TO AGRICULTURE AND FORESTRY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Administrator, after public notice and opportunity for comment, shall add types of offset projects to the list provided under paragraph (1) if those types of projects meet standards for environmental integrity that are oonsistent with the purposes of this Act.

(B) ADDITIONAL TYPES.—The Administrator shall also consider petitions to add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity consistent with the purposes of this Act.

(d) ADOPTION OF COMMON PROCEDURES.—

(1) IN GENERAL.—The program established under this section shall include the use of a separate set of procedures for rapidly approving and issuing allowances to types of projects listed under subsection (b) or (c), to the maximum extent practicable, if the Administrator and the Secretary of Agriculture for types of agricultural and forestry offset projects, determines that—

(A) there are broadly accepted standards or methodologies for quantifying and verifying the long-term greenhouse gas emission and mitigation benefits of the projects; and

(B) the procedures meet the requirements of this subtitle.

(2) CATEGORIES OF PROJECTS.—The procedures described in paragraph (1) shall apply to—

(A) methane capture and combustion at nonagricultural facilities, including landfills and coal mines;

(B) manure management and disposal, including waste aeration and biogas capture and combustion;

(C) reduction of sulfur hexafluoride emissions from sources of the emissions, including electrical transformation and distribution equipment;

(D) such other categories of projects as the Administrator, in consultation with the Secretary of Agriculture for types of agricultural and forestry offset projects, may specify by regulation, subject to public notice and comment; and

(E) afforestation or reforestation of acreage not forested as of October 18, 2007, if the afforestation or reforestation uses native plant species.

(e) REQUIREMENTS FOR OFFSET METHODOLOGIES.—

(1) ISSUANCE.—Not later than three 2 years after the date of enactment of this Act, after public notice and opportunity for comment—

(A) the Secretary of Agriculture shall issue a methodology for each category listed pursuant to subsection (b); and

(B) the Administrator shall issue a methodology for each category listed pursuant to subsection (c).

(2) SPECIFIC REQUIREMENTS.—The methodology for each category issued under paragraph (1) shall—

(A) specify requirements for—

(i) determining additional emission reductions, destruction, avoidance, or sequestrations from a project;

(ii) accounting for emission leakage associated with an offset project;

(iii) accounting for a reversal, and managing for the risk of reversal, from an offset project involving biological sequestration; and

(iv) monitoring, verifying, and reporting the operation of an offset project;

(B) in the case of an agricultural and forestry offset project, take into account methodologies developed under section 1245 of the Food Security Act of 1985;

(C) include—

(i) a procedure for determining that the emission reductions, destruction, avoidance, or sequestrations from an offset project are not double-counted under any other program;

(ii) a procedure for delineating the boundaries of an offset project and determining the extent, if any, of emissions leakage from the offset project, based on scientifically sound methods, as determined by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects;

(iii) a description of scientifically sound methods, as determined by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, for use in monitoring, measuring, and quantifying changes in emissions or sequestrations resulting from an offset project, including—

(I) a method for use in quantifying the uncertainty in those measurements; and

(II) a description of site-specific data that will be used in that monitoring, measurement, and quantification;

(iv) a procedure for use in establishing the baseline for an offset project that ensures that offset allowances will be issued only for emission reduction, destruction, avoidance, or sequestrations that are additional;

(v)(I) a threshold of uncertainty in the quantification of emission reductions, destruction, avoidance, or sequestrations and for baseline emission levels above which an offset project shall not be eligible to receive offset allowances; and

(II) a procedure by which an offset project representative may petition for different uncertainty factors if the offset project representative demonstrates to the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, that the measurement methods used by the offset project have less uncertainty than assumed under the default methodology;

(vi) clear and objective tests specified by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, that are sufficient to ensure that an offset project—

(I) will be eligible to generate offset allowances only if, in the judgment of the Administrator and the Secretary of Agriculture, the project is additional; and

(II) is not required by existing government regulations, as determined by the Administrator and the Secretary of Agriculture;

(vii) a procedure to estimate leakage and ensure that the issuance of offset allowances is reduced an amount equivalent to the quantity of that leakage;

(viii) a procedure for use in—

(I) determining whether the quantity of carbon sequestered on or in land where a project is carried out was significantly changed during the 10-year period prior to initiation of the project; and

(II) excluding the offset project from receiving allowances under this subtitle, or adjusting the baseline of the offset project accordingly; and

(ix) a protocol for use in reporting emissions reductions, destruction, avoidance, or sequestrations (and any reversals) at least annually for the duration of the crediting period of the offset project pursuant to section 305(b).

(3) REVISION.—

(A) REVISION BY THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall revise each methodology issued under paragraph (1)(A), after public notice and opportunity for comment, not more once than every 10 years.

(B) REVISION BY THE ADMINISTRATOR.—The Administrator shall revise each methodology issued under paragraph (1)(B), after public notice and opportunity for comment, no more than once every 10 years.

(4) PROJECT CONFORMITY.—

(A) IN GENERAL.—If an offset project is approved pursuant to section 304 under a methodology that subsequently is revised under paragraph (3), the project shall remain subject to the prior methodology for the duration of the crediting period of the project pursuant to section 305(b).

(B) NEW CREDITING PERIOD.—An offset project described in subparagraph (A) may not be approved for a new crediting period unless the offset project representative demonstrates to the Administrator that the offset project is in conformity with a methodology that is in effect as of the date on which the petition for the offset project is filed.

(f) TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, may issue, after notice and comment, a list of technologies and associated performance benchmarks the achievement of which the Administrator has determined shall be considered to be additional in specific project applications.

(2) PERIOD OF VALIDITY.—A determination of the Administrator with respect to paragraph (1) shall be valid for not more than 10 years after the date of the determination.

(g) METHODOLOGY TESTING.—The Administrator and the Secretary of Agriculture may not issue a methodology under this section until the Administrator or the Secretary of Agriculture, as applicable, determines that—

(1) the methodology has been tested by 3 independent expert teams on at least 3 different offset projects to which that methodology would apply; and

(2) the emission reductions, destruction, avoidance, or sequestrations estimated by the expert teams for the same offset project do not differ by more than 10 percent.

SEC. 304. PROJECT INITIATION AND APPROVAL.

(a) PROJECT APPROVAL.—An offset project representative—

(1) may submit a petition for offset project approval at any time following the effective date of regulations promulgated under section 302; but

(2) may not use or distribute offset allowances until such approval is received and until after the emission reduction, destruction, avoidance, or sequestrations supporting the offset allowances have actually occurred.

(b) PETITION PROCESS.—A project petition shall consist of—

(1) a copy of the monitoring and quantification plan prepared for the offset project, as described in subsection (d);

(2) in the case of an offset project involving biological sequestration, a greenhouse gas initiation certification, as described under subsection (f);

(3) a designation of the individual or entity that shall be the offset project representative for the offset project;

(4) a monitoring and quantification plan from a third party verifier; and

(5) subject to this subtitle, any other information identified by the Administrator in the regulations promulgated under section 302 as being necessary to meet the objectives of this subtitle.

(c) APPROVAL AND NOTIFICATION.—

(1) IN GENERAL.—Not later than 120 days after the date on which the Administrator receives a complete petition under subsection (b), the Administrator, in conjunction with the Secretary of Agriculture, shall—

(A) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;

(B) determine whether any greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (f)(3); and

(C) notify the offset project representative of the determinations under subparagraphs (A) and (B).

(2) APPEAL.—The Administrator shall establish mechanisms for appeal and review of determinations made under this subsection.

(d) MONITORING AND QUANTIFICATION.—

(1) IN GENERAL.—An offset project representative shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions, destruction, or avoidance in greenhouse gas emissions or increases in sequestration.

(2) MONITORING AND QUANTIFICATION PLAN.—A monitoring and quantification plan shall be used to monitor, quantify, and discount reductions, destruction, or avoidance of greenhouse gas emissions or increases in sequestration as described by this subsection.

(3) PLAN COMPLETION AND RETENTION.—A monitoring and quantification plan shall be—

(A) completed for all offset projects prior to offset project initiation; and

(B) retained by the offset project representative for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator and the Secretary of Agriculture shall specify the required components of a monitoring and quantification plan, including—

(A) a description of the offset project, including project type;

(B) a determination of accounting periods;

(C) an assignment of reporting responsibility to the offset project representative;

(D) the contents and timing of public reports, including summaries of the original data, as well as the results of any analyses;

(E) a delineation of project boundaries, based on acceptable methods and formats;

(F) a description of which of the monitoring and quantification tools developed under subsection (g) are to be used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks associated with a project;

(G) a description of which of the standardized methods developed under subsection (h) to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) what site-specific data, if any, will be used in monitoring and quantification;

(I) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case record are lost;

(J) subject to the requirements of this subtitle, any other information identified by the Administrator and the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(K) in the case of an offset project involving biological sequestration, a description of the risk of reversals for the project, including any way in which the proposed project may alter the risk of reversal for the project or other projects in the area.

(e) THIRD PARTY VALIDATION OF MONITORING AND QUANTIFICATION PLAN.—

(1) OFFSET VALIDATION.—A validation report for an offset project shall be completed by a verifier accredited in accordance with section 305(c)(3).

(2) SCOPE OF VALIDATION.—The Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a validation report, including components covering—

(A) whether the information, data, and documentation contained within a monitoring and quantification plan are sufficient for the analysis required by the certified methodology;

(B) any errors, omissions, or disagreements with the quantification plan;

(C) any net emission reductions or increases in sequestration;

(D) any determination of additionality;

(E) any calculation of leakage;

(F) any assessment of reversal risk and required set-aside;

(G) if it is a sequestration project, whether the land use information is sufficient to track past land use for the required 10 year-period and if there is a significant deviation under subsection (f)(3);

(H) any potential conflicts of interests between a verifier and project developer; and

(I) any other provision that the Administrator considers to be necessary to achieve the purpose of this subtitle.

(f) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator, in conjunction with the Secretary of Agriculture, shall seek to exclude each activity that undermines the integrity of the offset program established under this subtitle, such as the conversion or clearing of land, or marked change in management regime, in anticipation of offset project initiation.

(2) GREENHOUSE GAS INITIATION CERTIFICATION REQUIREMENTS.—A greenhouse gas initiation certification developed under this subtitle shall include—

(A) in the case of an agricultural project—

(i) the estimated greenhouse gas flux or carbon stock for the offset project for each of the 4 complete calendar years preceding the effective date of the regulations promulgated under section 302; and

(ii) the estimated greenhouse gas flux or carbon stock for the offset project, averaged across each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302.

(B) in the case of a forestland project, a procedure for use in determining whether the quantity of carbon sequestered on or in land, if a project was carried out, significantly changed during the 10-year period prior to initiation of the project.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Secretary of Agriculture and the Administrator—

(A) each greenhouse gas initiation certification submitted pursuant to this section shall be reviewed; and

(B) a determination shall be made as to whether, as a result of activities or behavior inconsistent with the purposes of this title, a significant deviation exists between the average annual greenhouse gas flux or carbon stock and the greenhouse gas flux or carbon stock for a given year.

(4) ADJUSTMENT FOR PROJECTS WITH SIGNIFICANT DEVIATION.—In the case of a significant deviation, the Administrator, in conjunction with the Secretary of Agriculture, shall adjust the number of allowances awarded in order to account for the deviation.

(g) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator and the Secretary of Agriculture for agricultural and forestry offset projects, shall develop standardized tools for use in the monitoring and quantification of changes in greenhouse gas fluxes or carbon stocks for each offset project type listed under subsections (b) and (c) of section 303.

(2) TOOL DEVELOPMENT.—The tools used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks shall, for each project type, include applicable—

(A) statistically-sound field and remote sensing sampling methods, procedures, techniques, protocols, or programs;

(B) models, factors, equations, or look-up tables;

(C) guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) for use in the quantification of forestry and agriculture offsets; and

(D) in the case of an agricultural and forestry offset project, certified protocols for technologies, instruments, and methods to use in the measurement, monitoring, and verification of emission reductions and increased sequestration, that shall—

(i) be developed and updated (by regulation) by the Secretary of Agriculture in conjunction with the Consortium for Agricultural Soil Mitigation of Greenhouse Gases;

(ii) includes scientifically-based determination of the uncertainty value to be assigned to the use of that technology, instrument, or method; and

(iii) be used by the Secretary of Agriculture to meet the requirements of section 303(e)(2)(C)(iii)(I) and subsection (i) of this section; and

(E) any other process or tool considered to be acceptable by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects.

(h) DEVELOPMENT OF ACCOUNTING AND DISCOUNTING METHODS.—

(1) IN GENERAL.—The Secretary of Agriculture shall—

(A) develop standardized methods for use in accounting for additionality and uncertainty, estimating the baseline, and discounting for leakage for each offset project type listed under sections 303(b) and (c); and

(B) require that leakage be subtracted from reductions, destruction, avoidance in greenhouse gas emissions or increases in sequestration attributable to a project.

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a biological sequestration project or agricultural emission reduction project, determine the greenhouse gas flux or enhanced carbon stock on the basis of similarity for—

(i) a specific time period; and

(ii) a specific geographic area; and

(B) in the case of a nonbiological sequestration project or emission reduction project, specify a selected time period.

(3) LEAKAGE.—The standardized methods used to determine and discount for leakage shall, at a minimum, take into consideration—

(A) the scope of the offset system in terms of activities and geography covered;

(B) the markets relevant to the offset project;

(C) in the case of offset projects not involving sequestration, emission intensity per unit of production, both inside and outside of the offset project; and

(D) a time period sufficient in length to yield a stable leakage rate.

(i) UNCERTAINTY FOR AGRICULTURAL AND FORESTRY PROJECTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall develop standardized methods for use in determining and discounting for uncertainty, if appropriate, for offset project types listed under section 303(b).

(2) BASIS.—The standardized methods used to determine and discount for uncertainty shall be based on—

(A) the robustness and rigor of the methods used by an offset project representative to monitor and quantify changes in greenhouse gas fluxes or carbon stocks; and

(B) the robustness and rigor of methods used by an offset project representative to determine additionality and leakage.

(j) ACQUISITION OF NEW DATA AND REVIEW OF METHODS FOR AGRICULTURAL AND FORESTRY PROJECTS.—The Secretary of Agriculture, in collaboration with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall—

(1) establish a comprehensive field sampling program to improve the scientific bases on which the standardized tools and methods developed under this section are based; and

(2) review and revise the standardized tools and methods developed under this section, based on—

(A) validation of existing methods, protocols, procedures, techniques, factors, equations, or models;

(B) development of new methods, protocols, procedures, techniques, factors, equations, or models;

(C) increased availability of field data or other datasets; and

(D) any other information identified by the Secretary of Agriculture that is necessary to meet the objectives of this subtitle.

(k) COORDINATION WITH OTHER PROVISIONS.—In determining the quantity of offset allowances to issue to an offset project, the Administrator, in conjunction with the Secretary of Agriculture, shall ensure that a project does not receive allowances under subtitle C and offset allowances for the same ton of greenhouse gases emissions reduced, destroyed, avoided, or sequestered.

SEC. 305. OFFSET VERIFICATION AND ISSUANCE OF ALLOWANCES.

(a) IN GENERAL.—An offset project representative may claim offset allowances for net emission reductions or increases in sequestration annually, after accounting for any necessary discounts in accordance with section 304, by submitting a verification report for any offset project to the Administrator, in conjunction with the Secretary of Agriculture.

(b) CREDITING PERIOD.—The crediting period for an approved offset project shall be—

(1) in the case of an offset project not involving afforestation or reforestation—

(A) a 10-year nonrenewable period; or

(B) a 7-year period, which may be renewed pursuant to the procedures under section 2404 for another 7 years not more than twice; and

(2) in the case of an offset project involving afforestation or reforestation, a period of 30 years for the 1 or more components of the project involving afforestation or reforestation.

(c) OFFSET VERIFICATION.—

(1) SCOPE OF VERIFICATION.—A verification report for an offset project shall be—

(A) completed by a verifier accredited in accordance with paragraph (3); and

(B) developed taking into consideration—

(i) the information and methodology contained within a monitoring and quantification plan;

(ii) data and subsequent analysis of the offset project, including—

(I) quantification of net emission reductions, destruction, or avoidance, or increases in sequestration;

(II) calculation of leakage; and

(III) identification of any reversals;

(iii) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

(2) VERIFICATION REPORT REQUIREMENTS.—The Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a verification report, including—

(A) the quantity of offsets generated;

(B) the quantity of discounts applied;

(C) an assessment of quantitative errors or omissions (and the effect of the errors or omissions on offsets);

(D) any potential conflicts of interests between a verifier and an offset project representative or other project developer; and

(E) any other provision that the Administrator considers to be necessary to achieve the purposes of this subtitle.

(3) VERIFIER ACCREDITATION.—

(A) IN GENERAL.—The regulations promulgated pursuant to section 302 shall establish a process and requirements for accreditation by a third-party verifier that has no conflicts of interest.

(B) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this paragraph shall be listed in a publicly-accessible database, which shall be maintained and updated by the Administrator, in conjunction with the Secretary of Agriculture.

(d) REGISTRATION AND ISSUING OF OFFSETS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives a verification report required under subsection (b), the Administrator shall, in conjunction with the Secretary of Agriculture—

(A) determine whether the offsets satisfy the applicable requirements of this subtitle; and

(B) notify the offset project developer of that determination.

(2) AFFIRMATIVE DETERMINATION.—In the case of an affirmative determination under paragraph (1), the Administrator shall—

(A) register the offset allowances in accordance with this subtitle; and

(B) issue the offset allowances to the offset project representative.

(3) APPEAL AND REVIEW.—The Administrator shall establish mechanisms for the appeal and review of determinations made under this subsection.

SEC. 306. TRACKING OF REVERSALS FOR SEQUESTRATION PROJECTS.

(a) REVERSAL RISK FACTOR DETERMINATION.—

(1) IN GENERAL.—In approving a biological sequestration offset project pursuant to section 304, the Administrator, in consultation with the Secretary of Agriculture if applicable, shall determine for the project the percentage probability that the project will experience a reversal over at least a 30 year-period of time but not more than a 100 year-period, taking into account insurance standards for comparable activities in the agricultural or forestry industry, depending on the offset project type.

(2) APPLICATION OF THE REVERSAL RISK FACTOR.—When issuing offset allowances for a biological sequestration offset project pursuant to section 305, the Administrator shall transfer the quantity of allowances the Administrator otherwise would issue to the offset project representative for that calendar year a quantity that is equal to the product obtained by multiplying—

(A) the percentage probability determined for the project pursuant to paragraph (1); and

(B) the quantity of allowances issued for the project under section 304.

(b) ESTABLISHMENT OF BIOLOGICAL SEQUESTRATION OFFSET ALLOWANCE BUFFER RESERVE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a biological sequestration offset allowance buffer reserve.

(2) TRANSFER OF OFFSETS.—The Administrator shall convey to the buffer reserve the offset allowances that are transferred pursuant to subsection (a)(2).

(3) STATUS OF OFFSET ALLOWANCES IN RESERVE.—Offset allowances in the offset reserve may not be used to satisfy allowance submission requirements.

(c) REVERSAL CERTIFICATION.—

(1) REQUIRED CERTIFICATION.—The offset project representative for a biological sequestration offset project shall be required to submit to the Administrator a reversal certification not later than 1 year after the date of the approval of the project and once every 3 years thereafter for a period of 30 years after the date of approval of the offset project.

(2) REQUIREMENTS.—A reversal certification submitted in accordance with this subsection shall describe—

(A) whether any unmitigated reversal relating to the offset project has occurred during the year preceding the year for which the certification is submitted;

(B) the quantity of each unmitigated reversal; and

(C) whether the unmitigated reversal was intentional or unintentional.

(3) FAILURE TO PROVIDE CERTIFICATION.—The Administrator shall treat the failure of an offset project representative to provide a required certification pursuant to this subsection as an intentional reversal of the entire offset project under subsection (d)(3).

(d) USE OF OFFSET ALLOWANCE RESERVE.—

(1) ANNUAL REVERSAL REVIEW.—The Administrator, in conjunction with the Secretary of Agriculture, shall determine annually whether—

(A) any offset projects have experienced a reversal; and

(B) reversals that have occurred were intentional or unintentional, including through auditing of certifications provided pursuant to subsection (c).

(2) UNINTENTIONAL REVERSALS.—If the Administrator, in conjunction with the Secretary of Agriculture, determines that an unintentional reversal has occurred with respect to an offset project, the Administrator shall cancel a quantity of offset allowances in the biological sequestration offset allowance buffer reserve corresponding to the quantity of the reversal.

(3) EXCESS REVERSALS.—If the quantity of a reversal exceeds the quantity of allowances in the biological sequestration offset allowance buffer reserve, the offset project representative shall compensate the buffer reserve by submitting a quantity of offset allowances or emissions allowances equal to the difference between—

(A) the quantity of the reversal; and

(B) the quantity of allowances in the buffer reserve.

(e) INTENTIONAL REVERSALS.—If the Administrator, in conjunction with the Secretary of Agriculture, determines that an intentional reversal has occurred with respect to an offset project, the Administrator shall require the relevant offset project representative to submit to the buffer reserve a quantity of offset allowances or emission allowances equal to the quantity of the reversal.

(f) REVIEW OF BUFFER RESERVE.—

(1) IN GENERAL.—Not later than 5 years after date of enactment of this Act and every 5 years thereafter, the Administrator shall assess the adequacy of the content of offset allowances in the buffer reserve in light of the actual experience of reversals.

(2) ADJUSTMENT.—On the basis of the review conducted under paragraph (1), the Administrator may adjust the reversal risk factor determinations implemented under subsection (a).

SEC. 307. EXAMINATIONS.

(a) REGULATIONS.—The regulations promulgated pursuant to section 302 shall govern the examination and auditing of offset allowances.

(b) REQUIREMENTS.—The governing regulations described in subsection (a) shall specifically consider—

(1) principles for initiating and conducting examinations;

(2) the type or scope of examinations, including—

(A) reporting and recordkeeping; and

(B) site review or visitation;

(3) the rights and privileges of an examined party; and

(4) the establishment of an appeals process.

SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.

An offset project that commences operation on or after the effective date of the governing rules described in section 307(a) shall be eligible to generate offset allowances under this subtitle, and receive emission allowances under the program established pursuant to title VII, if the offset project meets the other applicable requirements of this subtitle.

SEC. 309. OFFSET REGISTRY.

In addition to the requirements established by section 304, an offset allowance registered under this subtitle shall be accompanied in the Registry by—

(1) a verification report submitted pursuant to section 305(a);

(2) if the offset project involves biological sequestration, a reversal certification submitted pursuant to section 306(b); and

(3) subject to the requirements of this subtitle, any other information identified by the Administrator, in conjunction with the Secretary of Agriculture, as being necessary to achieve the purposes of this subtitle.

SEC. 310. ENVIRONMENTAL CONSIDERATIONS.

(a) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating regulations under this subtitle, the Administrator and the Secretary of Agriculture shall act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

(b) REPORT ON POSITIVE EFFECTS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall submit to Congress a report detailing—

(1) the incentives, programs, or policies capable of fostering improvements to human health or the environment in conjunction with the implementation of offset projects under this subtitle; and

(2) the cost of those incentives, programs, or policies.

(c) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator and the Secretary of Agriculture, in conjunction with the Secretary of Interior, shall—

(1) act to enhance and increase the adaptive capability of natural systems and resilience of those systems to climate change, including through the support of biodiversity, native species, and land management practices that foster natural ecosystem conditions; and

(2) coordinate actions taken under this paragraph, to the maximum extent practicable, with existing programs that have overlapping outcomes to maximize environmental benefits.

(d) USE OF NATIVE PLANT SPECIES IN OFFSET PROJECTS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations for the selection, use, and storage of native and nonnative plant materials—

(1) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

(2) to prohibit the use of Federal- or State-designated noxious weeds; and

(3) to prohibit the use of a species listed by a regional or State invasive plant council within the applicable region or State.

SEC. 311. PROGRAM REVIEW.

Not later than 5 years after the date of enactment of this Act, and periodically thereafter, the Administrator and the Secretary of Agriculture shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated by each of the Administrator and the Secretary under this subtitle.

Subtitle B—Offsets and Emission Allowances From Other Countries

SEC. 321. PRESIDENTIAL RULEMAKING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations approving the use of offset allowances and emission allowances from other countries under this subtitle.

(b) USE.—The regulations under subsection (a) shall provide that, beginning with calendar year 2012, owners and operators of covered entities may satisfy the allowance submission requirements of the owners and operators under section 202 for a calendar year by submitting a carbon dioxide equivalent quantity of offset and emission allowances of up to 1,000,000,000 tons.

(c) CARRYOVER.—If the sum of the carbon dioxide equivalent quantity of offset allowances and emission allowances submitted for a calendar year pursuant to this subtitle is less than 1,000,000,000 tons, notwithstanding subsection (b), the carbon dioxide equivalent quantity of offset allowances and emissions allowances that may be submitted by covered entities under this subtitle for the subsequent calendar year shall not exceed the sum of—

(1) 1,000,000,000 tons; and

(2) the difference between—

(A) 1,000,000,000 tons; and

(B) the carbon dioxide equivalent quantity of offset allowances and emission allowances submitted by covered entities for the preceding calendar year under this subtitle.

(d) REDUCTION.—Beginning in calendar year 2030, the Administrator may reduce the quantity of tons of carbon dioxide equivalents available for offsets under this section except that the quantity may not be reduced to less than 85 percent of the quantity of tons specified in subsection (b).

(e) LIMITATION OF OFFSETS FROM THE CLEAN DEVELOPMENT MECHANISM.—Notwithstanding any other provision of this Act, the owner or operator of a covered entity may satisfy not more than 5 percent of the total allowance submission requirement of the covered entity under section 202 for a calendar year by submitting offset allowances from projects or other activities registered under the Clean Development Mechanism of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(f) OTHER REQUIREMENTS.—The regulations promulgated under this subtitle shall—

(1) ensure the development and continued health of a robust market for domestic offsets; and

(2) take into consideration—

(A) protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, including the Clean Development Mechanism established under that Convention;

(B) the continuing international negotiations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992;

(C) the geographic distribution of offset projects;

(D) how the regulations can be designed to promote the adoption of emissions control policies by countries that do not have mandatory absolute tonnage limits in place as of the date of enactment of this Act;

(E) how the regulations can be designed to promote international offset activities in the economic interest of the United States, as evidenced by contributions to employment in the United States; and

(F) the benefits of ensuring that covered entities have certainty about and access to international offset allowances and emission allowances as promptly as practicable after the date of enactment of this Act and an ongoing basis thereafter.

(g) PRESIDENTIAL REVIEW IN 2030.—During calendar year 2030, the President shall submit to Congress a report that—

(1) analyzes the appropriateness of the 1,000,000,000-ton limitation on use of offset allowances and emission allowances under this subtitle; and

(2) provides recommendations as to whether and how to adjust the limitation.

SEC. 322. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS OR OTHER ACTIVITIES IN OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations establishing a system for registering and issuing offset allowances for projects or other activities that reduce, destroy, or avoid greenhouse gas emissions or increase sequestration of carbon dioxide in countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall ensure that emission reductions represented by the allowances are real, additional, permanent, verifiable, and enforceable.

(c) ENTITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance issued pursuant to this section shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

(d) EXCLUSION.—Notwithstanding any other provision of this Act, activities that receive allowances under section 323 or 324 shall not be eligible to receive offset allowances under this section.

SEC. 323. OFFSET ALLOWANCES FOR INTERNATIONAL FOREST CARBON ACTIVITIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations (including quality and eligibility requirements) for the use of offset allowances for international forest carbon activities.

(b) QUALITY AND ELIGIBILITY REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use under this section, offset allowances for an international forest carbon activity shall meet such quality and eligibility requirements as the Administrator may establish, including a requirement that—

(1) the activity shall be designed, carried out, and managed—

(A) in accordance with widely-accepted, environmentally sustainable forestry practices;

(B) to promote native species and conservation or restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent people living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free prior informed consent regarding projects or other activities; and

(2) the emission reductions or sequestrations are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage.

(c) NATIONAL LEVEL ACTIVITIES.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries that have—

(A) demonstrated the capacity to participate in international forest carbon activities at a national level, including—

(i) sufficient historical data on changes in national forest carbon stocks;

(ii) the technical capacity to monitor and measure forest carbon fluxes with an acceptable level of uncertainty; and

(iii) the institutional capacity to reduce emissions from deforestation and degradation;

(B) capped greenhouse gas emissions or otherwise established a credible national baseline or emission reference baseline;

(C) achieved national-level reductions of deforestation and degradation below a historical reference baseline, taking into consideration the average annual deforestation and degradation rates of the country during a period of at least 5 years;

(D) implemented an emission reduction program for the forest sector; and

(E) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(2) PERIODIC REVIEW OF NATIONAL LEVEL REDUCTIONS IN DEFORESTATION AND DEGRADATION.—The Administrator, in consultation with the Secretary of State, shall periodically review and update the list of the names of countries included under paragraph (1).

(3) CREDITING AND ADDITIONALITY.—A verified reduction in greenhouse gas emissions from deforestation and forest degradation under a cap or resulting from a nationwide emissions reference scenario described in paragraph (1)(B) shall be—

(A) eligible for offset allowances; and

(B) considered to satisfy the additionality criterion.

(d) SUBNATIONAL LEVEL ACTIVITIES.—With respect to foreign countries other than the foreign countries described in subsection (c), the Administrator—

(1) shall recognize project-scale international forest carbon activities as eligible for offset allowances, subject to the quality criteria for forest carbon activities described in subsection (b); and

(2) is encouraged to identify other incentives, including economic and market-based incentives, to encourage developing countries with largely intact native forests to protect those forests.

(e) OTHER INTERNATIONAL FOREST CARBON ACTIVITIES.—An international forest carbon activity other than a reduction in deforestation or forest degradation shall be eligible for offset allowances under this section, subject to the eligibility requirements and quality criteria for forest carbon activities described in subsection (a) or other regulations promulgated pursuant to this Act.

(f) DISCOUNT.—

(1) INITIAL DISCOUNT.—If, after the date that is 10 years after the date of enactment of this Act, the Administrator determines that a foreign country that, in the aggregate, generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions has not capped those emissions, established an emissions reference scenario based on historical data, or otherwise reduced total forest emissions of that foreign country, the Administrator shall apply a discount to distributions of offset allowances to that country under this section.

(2) SUBSEQUENT DISCOUNT.—If, after the date that is 15 years after the date of enactment of this Act, the Administrator determines that a foreign country that, in the aggregate, generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions has not capped those emissions, established an emissions reference scenario based on historical data, or otherwise reduced total forest emissions of that foreign country, the Administrator shall cease distributions of offset allowances to that country under this section.

(g) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance generated under this section shall certify that the offset allowance has not been retired from use in any greenhouse gas emissions registry.

(h) MAXIMUM USE.—The regulations promulgated pursuant to this section shall ensure that offset allowances are not issued for sequestration or emission reductions that have been used or will be used by any other country for compliance with a domestic or international obligation to limit or reduce greenhouse gas emissions.

(i) REVIEWS.—Not later than 3 years after the date of enactment of this Act and every 5 years thereafter, the Administrator, in consultation with the Secretary of State, shall conduct a review of the activities undertaken pursuant to this subtitle, including the effects of the activities on indigenous and forest-dependent peoples residing in affected areas.

SEC. 324. EMISSION ALLOWANCES FROM OTHER COUNTRIES WITH EMISSIONS CAPS.

(a) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations, taking into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, approving the use in the United States of emission allowances issued by countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use in the United States—

(1) an emission allowance shall have been issued by a foreign country pursuant to a governmental program that imposes mandatory absolute tonnage limits on greenhouse gas emissions from the foreign country, or 1 or more industry sectors in that country, pursuant to protocols described in subsection (a); and

(2) the governmental program be of comparable stringency to the program established by this Act, including comparable monitoring, compliance, and enforcement.

(c) FACILITY CERTIFICATION.—The owner or operator of a covered facility that submits an international allowance under this subtitle shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

SEC. 325. EFFECT OF SUBTITLE.

Nothing in this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

Subtitle C—Agriculture and Forestry Program in the United States

SEC. 331. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 5 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

SEC. 332. AGRICULTURE AND FORESTRY PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations establishing a program for distributing emission allowances allocated pursuant to section 331 to entities in the agriculture and forestry sectors of the United States (including entities engaged in organic farming—

(1) as a reward for—

(A) achieving reductions in greenhouse gas emissions from the operations of the entities;

(B) achieving increases in greenhouse gas sequestration on land owned or managed by the entities; and

(C) conducting pilot projects or other research regarding innovative use in measuring—

(i) greenhouse gas emission reductions;

(ii) sequestration; or

(iii) other benefits and associated costs of the pilot projects;

(2) to place in a buffer reserve pursuant to section 306 or otherwise use to carry out this section; and

(3) to assist with the increased costs of fertilizer in the United States attributed to increased costs of natural gas due to fuel switching as a result of this Act.

(b) NEW METHODOLOGY INCUBATOR.—

(1) IN GENERAL.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under paragraph (2) specifically for creating methodologies, tools, and support for the development and deployment of new project types shall be at least 0.25 percent.

(2) SUPPORT FOR INNOVATION.—

(A) ACQUISITION OF NEW DATA, IMPROVEMENT OF METHODOLOGIES, AND DEVELOPMENT OF NEW TOOLS FOR DESIGNATED OFFSET ACTIVITY TYPES.—The Secretary of Agriculture shall establish a comprehensive field sampling and pilot project program to improve the scientific data and calibration of standardized tools and methodologies that—

(i) are used to measure greenhouse gas reductions or sequestration and baseline for categories of activities not covered by an emission limitation under this Act; and

(ii) are likely to provide significant emission reductions or sequestration.

(B) TARGETED SUPPORT FOR DEVELOPMENT AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(i) IN GENERAL.—The Secretary of Agriculture shall establish a program for development and deployment of new technologies and methods in greenhouse gas reductions or sequestration for activities not covered by an emission limitation under this Act.

(ii) SELECTION; FUNDING.—In carrying out the program under clause (i), the Secretary of Agriculture shall—

(I) select activities for participation in the program based on—

(aa) the potential emission reductions or sequestration of the activities; and

(bb) a market penetration review; and

(II) provide funding for a select number of projects—

(aa) to cover research on technologies and other barriers, prototypes, first-of-a-kind risk coverage, and initial market barriers; and

(bb) under limited categories of activities that are dependent on forward progress.

(c) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that ensures that entities in the program under this section do not receive more compensation for emission reductions under this program than the entities would receive for the same reductions through an offset project under subtitle A.

(d) COORDINATION WITH SUBTITLE A.—

(1) IN GENERAL.—Subject to paragraph (2), an individual or entity carrying out an activity under this subtitle that also qualifies as an offset project pursuant to subtitle A may petition (pursuant to the regulations under subtitle A) to receive offset allowances for reductions, destruction, avoidance, or sequestration of greenhouse gas emissions for which the individual or entity does not receive emission allowances under this section.

(2) NONDUPLICATION.—A project may not receive both allowances under this subtitle and offset allowances for the same ton of greenhouse gas emissions reduced, destroyed, avoided, or sequestered.

Beginning on page 424, strike line 4 and all that follows through page 438, line 2, and insert the following:

SEC. 1311. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) changes in land use patterns and forest sector emissions account for approximately 20 percent of global greenhouse gas emissions;

(2) land conversion and deforestation are 2 of the largest sources of greenhouse gas emissions in the developing world, comprising approximately 40 percent of the total greenhouse gas emissions of the developing world;

(3) with sufficient data, deforestation and forest degradation rates and forest carbon stocks can be measured with an acceptable degree of uncertainty;

(4) encouraging reduced deforestation and reduced forest degradation in foreign countries could—

(A) provide critical leverage to encourage voluntary participation by developing countries in emission limitation regimes;

(B) facilitate greater overall reductions in greenhouse gas emissions than otherwise would be practicable; and

(C) substantially benefit biodiversity, conservation, and indigenous and other forest-dependent people in developing countries;

(5) in addition to forest carbon activities that can be readily measured, monitored, and verified through national-scale programs and projects, there is great value in reducing emissions and sequestering carbon through forest carbon projects in countries that lack

the institutional arrangements to support national-scale accounting of forest carbon stocks; and

(6) providing emission allowances in support of activities in countries that lack fully developed institutions for national-scale accounting could help to build capacity in those countries, sequester additional carbon, and increase participation by developing countries in international climate agreements.

(b) PURPOSE.—The purpose of this subtitle is to reduce greenhouse gas emissions by reducing deforestation and forest degradation in foreign countries in a manner that reduces the costs imposed by this Act on covered entities in the United States.

SEC. 1312. INTERNATIONAL FOREST CARBON ACTIVITIES PROGRAM.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations to establish programs or recognize existing programs under which the Administrator shall provide emission allowances allocated pursuant to subsections (b) and (c) to assist developing countries in the efforts of the developing countries to achieve emissions reductions or increased sequestration of carbon dioxide from international forest carbon activities.

(b) ALLOCATION.—Not later than 330 days before January 1 of each of calendar years 2012 through 2050, the Administrator shall allocate for distribution under this section 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

(c) EARLY ACTION.—Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate for early action distribution for each of calendar years 2010 and 2011 not more than 10 percent of the aggregate quantity of emission allowances allocated under subsection (b) for each of calendar years 2012 through 2022.

(d) CARRYOVER.—If the sum of the emission allowances for a calendar year is not allocated for distribution in the calendar year, the Administrator shall carry over to the next calendar year the residual emission allowances.

(e) ENSURING MARKET READINESS IN DEVELOPING COUNTRIES.—

(1) IN GENERAL.—The Administrator shall—

(A) set aside a portion of the allowances to be allocated under subsections (b) and (c) for the purpose of ensuring market readiness in forested developing countries; and

(B) auction those allowances with the proceeds deposited into a market readiness account.

(2) ELIGIBILITY FOR PROCEEDS.—The regulations promulgated pursuant to subsection (a) shall delineate the requirements for developing countries to be eligible to receive proceeds from the auction of emission allowances under paragraph (1) to be used for the preparation of a national reduced deforestation and forest degradation strategy (referred to in this section as a "REDD strategy"), including—

(A) developing a reliable estimate of the national forest carbon stocks and sources of forest emissions of the developing country;

(B) defining the national emission reference baseline for the developing country based on past emission rates;

(C) specifying options for reducing emissions; and

(D) implementing mechanisms that will support policies, programs, and projects to reduce emissions.

(f) INCENTIVE PAYMENTS FOR LOW-COST EMISSION REDUCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the regulations promulgated pursuant to subsection (a) shall delineate the requirements for forested developing countries or other entities to be eligible to receive emission allowances under subsections (b) and (c) to implement the national REDD strategy of the countries or to implement low-cost emission reduction projects in the forest sector.

(2) REQUIREMENTS.—Under the regulations promulgated under paragraph (1)—

(A) emission allowances under this section shall be awarded in a manner that favors—

(i) achievement of the greatest quantity of carbon sequestration or emission reductions for the lowest cost; and

(ii) broad geographical distribution of projects;

(B) no allowances for emission reduction under this section shall be awarded to countries, or entities for projects in countries, that meets the criteria established under section 1313(c)(1)(A), as determined by the Administrator, after the 2-year period beginning on the date the Administrator determines that those criteria apply;

(C) no allowances shall be issued in a calendar year beginning more than 5 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 1 percent of global greenhouse gas emissions;

(D) no allowances shall be issued in a calendar year beginning more than 10 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions; and

(E) unless the Administrator determines that provision of allowances to a project or activity in a country that would otherwise be subject to the exclusions in subparagraph (C) or (D) is in the interest of building needed capacity or reducing international leakage, allowances may be issued to the project or activity subject to other criteria in this subsection.

(g) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for international forest carbon activities, including requirements that those activities shall be designed, carried out, and managed—

(A) in accordance with widely-accepted environmentally sustainable forestry practices;

(B) to promote native species and restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent people living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free, prior informed consent regarding projects or other activities.

(2) QUALITY CRITERIA FOR INTERNATIONAL FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements intended to ensure that the international forest carbon activity for which emission allowances are provided under this section results in real, permanent, additional, verifiable, and enforceable emission reductions, with reliable measuring and monitoring and appropriate accounting for leakage.

(h) PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.—The Administrator may provide emission allowances under this section for a project for storage of carbon in peatland or other natural land if the Administrator determines that—

(1) the peatland or other natural land is capable of storing carbon; and

(2) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (a).

SEC. 1313. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under subtitle B of title III shall not be eligible to receive emission allowances under this subtitle.

SEC. 1314. EFFECT OF SUBTITLE.

Nothing in this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

SA 4950. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. WYDEN, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 412 and insert the following:

SEC. 412. CARBON MARKET OVERSIGHT AND REGULATION.

(a) DELEGATION OF AUTHORITY BY PRESIDENT.—The President, taking into consideration the recommendations of the Working Group established by subsection (b), shall delegate to members of the Working Group and the heads of other appropriate Federal entities the authority to promulgate regulations to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development and operation by the United States of any financial market for emission allowances, based on the following core principles:

(1) The market shall—

(A) be designed to prevent, detect, and remedy fraud and manipulation relating to the trading of emission allowances and related markets, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information;

(B)(i) be appropriately transparent, with real-time reporting of quotes and trades; and

(ii) make information on price, volume, and supply, and other important statistical information available to the public on fair, reasonable, and nondiscriminatory terms;

(C) be subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(D) have the confidence of Federal and State regulators, investors, and covered entities subject to compliance obligations under this Act.

(2) The market shall—

(A) function smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

(B) be designed to prevent excessive speculation that could cause sudden or unreasonable fluctuations or unwarranted changes in—

(i) the price of emission allowances; or

(ii) prices in related markets; and

(C) promote just and equitable principles of trade.

(3) Market transparency measures shall be designed to prevent the disclosure of information the disclosure of which would be detrimental to the operation of an effective emission allowance market.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and comparable international oversight regimes.

(5) There shall be an appropriate interagency forum—

(A) for ongoing assessment of emerging regulatory matters and information sharing; and

(B) to ensure regulatory coordination of the market.

(6) The market shall establish an equitable system for best execution of customer orders.

(7) The market shall protect investors and the public interest.

(8) To reduce the potential threats of market manipulation and the concentration of market power, the market shall be subject to position limitations or position accountability measures, as necessary and appropriate.

(b) ESTABLISHMENT.—There is established an interagency working group, to be known as the "Carbon Markets Working Group" (referred to in this section as the "Working Group").

(c) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.

(5) The Chairman of the Federal Energy Regulatory Commission.

(6) The Chairperson of the Board.

(7) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.—

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify—

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of any financial market for emission allowances under the cap-and-trade system for emission allowances established under this Act;

(ii) any relevant recommendations provided to the Working Group by Federal, State, or local governments, organizations, individuals, and entities; and

(iii) the activities, such as market regulation, policy coordination, and contingency planning, that are appropriate to carry out those recommendations.

(B) CONSULTATION.—In identifying appropriate activities under subparagraph (A)(iii), the Working Group shall consult with representatives of, as appropriate—

(i) various information exchanges and clearinghouses;

(ii) self-regulatory entities, securities exchanges, transfer agents, and clearing entities;

(iii) participants in the emission allowance trading market, including covered entities;

(iv) State regulatory authorities; and

(v) other Federal entities, including—

(I) the Federal Reserve; and

(II) the Federal Trade Commission.

(2) STUDY.—The Working Group shall conduct a study of the major issues relating to the regulation of the emission allowance trading market and other carbon markets.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Working Group shall submit to the President and Congress a report describing—

(A) the progress made by the Working Group;

(B) recommendations of the Working Group regarding any regulations proposed pursuant to subsection (a);

(C) recommendations for additional legislative action, if necessary; and

(D) a timetable for the implementation of the new regulations to ensure that the regulations take effect before the effective date of regulations governing the emission allowance trading system.

(4) MEMORANDA OF UNDERSTANDING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall enter into a memorandum of understanding with the head of each appropriate Federal entity (including each appropriate Federal entity represented by a member of the Working Group, as applicable) relating to regulatory and enforcement coordination, information sharing, and other related matters to minimize duplicative or conflicting regulatory efforts.

(5) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the heads of other appropriate Federal entities to which the President has delegated regulatory authority under subsection (a) shall promulgate regulations in accordance with subsection (a).

(e) AUTHORITIES.—In promulgating and implementing regulations pursuant to this section, the promulgating Federal agencies shall have authorities equivalent to the authorities of those agencies under existing law.

(f) ENFORCEMENT.—Regulations promulgated under this section shall—

(1) be fully enforceable and subject to such fines and penalties as are provided under the laws (including regulations) administered by the Federal agency that promulgated the regulations under this section; and

(2) for the purpose of enforcement, in accordance with section 1722, be considered to have been promulgated pursuant to this Act.

(g) ADMINISTRATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from any Federal agency such information as the Working Group considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Working Group, the head of the agency shall provide the information to the Working Group.

(2) COMPENSATION OF MEMBERS.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) ADMINISTRATOR SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Administrator shall provide to the Working Group such administrative and support services as are necessary to assist the Working Group in carrying out the duties described in subsection (d).

(h) EFFECT OF SECTION.—Nothing in this section limits or restricts any regulatory or enforcement authority of a Federal entity as in effect on the date of enactment of this Act.

(i) PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any individual or entity—

(A) to knowingly provide to the President (or a designee) any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect data compiled by the Administrator or any other entity;

(B) directly or indirectly, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities and Exchange Act of 1934 (15 U.S.C. 78j(b)), in contravention of such regulations as are promulgated to protect public interest or consumers; or

(C) to cheat or defraud, or to attempt to cheat or defraud, another market participant, client, or customer.

(2) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the President shall delegate the authority to promulgate regulations in accordance with paragraph (1) to 1 or more entities represented in the Working Group.

(3) PENALTIES.—An individual or entity that violates an applicable provision of paragraph (1) or a regulation promulgated pursuant to paragraph (2) shall be subject to a fine of not more than $1,000,000 or imprisonment for not more than 10 years, or both, for each such violation.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection establishes any private right of action.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4951. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 6 and all that follows through page 38, line 7, and insert the following:

(1) in new or renovated buildings that demonstrate exemplary performance, which shall, at a minimum, place the energy performance of the building in the top 25 percent for similar new or renovated buildings with reference to an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrated substantial improvement in the energy performance of the buildings by achieving a minimum increase of 30 percent in energy performance as measured by the

benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent improvement using an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d).

(c) PRIORITY.—In providing grants under this section, the Administrator shall give priority to projects that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1), including at a minimum benefits such as location efficiency and reductions in embodied energy of construction materials.

On page 38, line 25, insert ", manufacturers," after "retailers".

On page 39, line 14, insert ", manufacturer," after "retailer".

On page 39, line 18, insert ", manufacturer," after "retailer".

On page 40, line 6, insert ", manufacturer," after "retailer".

On page 40, line 9, strike ", not to exceed 10 years,".

On page 63, between lines 7 and 8, insert the following:

SEC. 127. IMPACT EVALUATION AND MEASUREMENT AND VERIFICATION RULES.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION.—The term "impact evaluation" means the evaluation of the energy savings and greenhouse gas emissions reductions induced by a specific program, project, or policy.

(2) MEASUREMENT AND VERIFICATION.—The term "measurement and verification" means data collection, monitoring, and analysis associated with the calculation of total energy savings and greenhouse gas emissions reductions from individual sites or projects.

(b) RULES.—

(1) IN GENERAL.—The Administrator, in consultation with States, utilities, and other stakeholders, shall develop and enforce uniform rules for impact evaluation, measurement, and verification of the energy savings and avoided greenhouse gas emissions of energy efficiency programs and projects.

(2) SCOPE.—The rules shall be used by States, utilities, and other entities receiving allowances or allowance proceeds under this Act based on energy savings and greenhouse gas emission reductions or for use in energy efficiency programs or projects.

(c) REQUIREMENTS.—

(1) ENFORCEABILITY, VERIFIABILITY, AND ADDITIONALITY.—To the maximum extent practicable, the Administrator shall develop rules under subsection (b) so that the rules—

(A) are enforceable; and

(B) give reasonable assurance that energy savings and avoided greenhouse gas emissions from measures implemented under the scope of this section are verifiable and would not have occurred without the allowances or proceeds under this Act.

(2) ADDITIONAL CHARACTERISTICS.—To the maximum extent practicable, the Administrator shall ensure that rules under subsection (b)—

(A) are complete and transparent;

(B) balance risk management, certainty of estimated impacts, and implementation costs; and

(C) provide sufficient direction relating to methodologies and assumptions, including measure persistence, market transformation impacts, and the extent to which the savings would have occurred without the allowances or proceeds under this Act, to ensure reasonable uniformity among various States and entities and consistency in results.

(3) USE OF EXISTING PROTOCOLS.—To the maximum extent practicable, in developing rules under subsection (b), the Administrator shall consider and harmonize with existing domestic and international protocols.

(d) REQUIREMENTS.—The Administrator shall promulgate the rules under subsection (b) not later than 2 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 215, between lines 9 and 10, insert the following:

(iii) CONSUMER AND BUSINESS PROGRAMS.—

(I) IN GENERAL.—Except as otherwise provided in this clause, each local distribution entity, with oversight from the appropriate State utility commission in accordance with State law, shall use at least 30 percent of the proceeds from the sale of emission allowances to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(II) DESIGNATION.—In each State in which the State designates a program administrator other than the local distribution entity, the local distribution entity shall transfer the funds described in subclause (I) to the program administrator designated by the State.

(III) EXCEPTION.—Notwithstanding subclause (I), a regulatory agency with authority over a local distribution entity (including a governing board of a municipally owned or cooperatively owned local distribution company) may reduce the percent in subclause (I) if the agency determines that the local distribution entity is able to maximize cost-effective energy savings at a lower percentage.

On page 216, line 7, strike "and" at the end.

On page 216, line 14, strike the period at the end and insert "; and".

On page 216, between lines 14 and 15, insert the following:

(D) the amount of energy saved or generated as a result of energy efficiency, demand response, and distributed generation programs supported by sales of emission allowances, and a description of the methodologies used to estimate the savings.

On page 221, strike line 6 and insert the following:

(c) USE.—

(1) IN GENERAL.—During any calendar year, a State shall

On page 221, between lines 10 and 11, insert the following:

(2) PRIORITY.—In carrying out this section, States shall give priority to assisting manufacturing and coal industries to improve the energy efficiency of those industries.

On page 242, strike lines 1 through 6 and insert the following:

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring achievements by States in reducing greenhouse gas emissions and energy use over the preceding 3 years, including through State policies such as climate policies, building energy codes, and ratepayer-funded energy efficiency programs.

(2) REQUIREMENT.—Scoring under paragraph (1) shall—

(A) be designed to encourage State policies and programs to reduce greenhouse gas emissions and increase energy efficiency; and

(B) reward existing State policies and programs.

(3) CREDIT FOR LONG-TERM SAVINGS.—A significant portion of the scoring for calendar years 2012 through 2018 shall recognize expected reductions in greenhouse gas emissions and energy use in States due to adoption of, and compliance with, building energy codes.

Beginning on page 284, strike line 16 and all that follows through page 285, line 11, and insert the following:

(1) in new or renovated buildings that demonstrate exemplary performance, which shall, at a minimum, place the energy performance of the building in the top 25 percent for similar new or renovated buildings with reference to an established performance benchmarking metric selected by the Climate Change Technology Board; and

(2) in retrofitted existing buildings that demonstrated substantial improvement in the energy performance of the buildings by achieving a minimum increase of 30 percent in energy performance as measured by the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent improvement using an established performance benchmarking metric selected by the Climate Change Technology Board.

(c) PRIORITY.—In distributing the allowances, the Administrator shall give priority to projects that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1), including at a minimum benefits such as location efficiency and reductions in embodied energy of construction materials.

On page 286, line 7, insert ", manufacturers," after "retailers".

On page 286, line 9, insert ", manufacturers," after "retailers".

On page 286, line 16, insert "and distribution of the reward among entities eligible for the reward" after "product-type".

On page 286, line 21, insert ", manufacturer," after "retailer".

On page 287, line 10, insert ", manufacturer," after "retailer".

On page 287, line 13, strike ", but not to exceed 10 years,".

On page 288, strike lines 17 through 24 and insert the following:

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program, to be known as the "Efficient Manufacturing Program", to distribute the emission allowances allocated pursuant to section 821 among owners and operators of manufacturing facilities in the United States, as reward for achieving high levels of energy and resource use efficiency in the operations and processes of the owners and operators.

(2) MEASUREMENT.—Energy and resource use efficiency improvements described in paragraph (1) shall be measured relative to the energy and resource use that would have happened if not for the Efficient Manufacturing Program.

On page 292, between lines 16 and 17, insert the following:

Subtitle E—Energy-Efficient Products and Services Deployment Program

SEC. 841. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431, 0.15 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Energy-Efficient Products and Services Deployment Program established under section 842.

SEC. 842. ENERGY-EFFICIENT PRODUCTS AND SERVICES DEPLOYMENT PROGRAM.

(a) ESTABLISHMENT.—There is established an energy-efficient products and services deployment program to provide design, building construction, product installation, management, or implementation of other strategies to improve energy productivity by individuals, entities, Federal, State, or local government agencies, and consortia of businesses and organizations that demonstrate strong capability to capture energy savings described in subsection (b).

(b) ENERGY SAVINGS.—At a minimum, energy savings captured under subsection (a) shall be energy savings—

(1) that have not been and, as determined by the Climate Change Technology Board, are not expected to be otherwise captured under this Act;

(2) that span multiple States; and

(3) the results of which can be accounted for and are distinguishable from those of other programs under this Act.

(c) INCENTIVES.—The program established under subsection (a) shall deliver incentives for individuals and entities in the private sector to pursue, innovate, and compete for energy efficiency improvement opportunities.

(d) CRITERIA.—The Climate Change Technology Board, in consultation with the Administrator and other appropriate agencies, shall establish objective eligibility criteria for energy efficiency projects to be funded under this section, including criteria to ensure that the projects are verified and would not have otherwise been carried out without the award of funds under this section.

(e) CONTRACTS.—An award for deploying 1 or more highly energy-efficient products or services that meet the criteria established under this section shall be in the form of a contract to provide an annual payment for verified energy savings in an amount equal to the product obtained by multiplying—

(1) the amount bid by the individual or entity proposing to deploy the highly energy-efficient product or service; and

(2) the energy savings during the projected useful life of the 1 or more highly energy-efficient products or services, but not to exceed 15 years, as determined by the Climate Change Technology Board.

On page 303, strike line 23 and insert the following:

(a) IN GENERAL.—The Administrator shall deposit all proceeds of auc-

On page 304, between lines 3 and 4, insert the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funds described in subsection (a) shall be used for programs that are expected to reduce the emission of greenhouse gases.

SA 4952. Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike lines 7 to 14 and insert the following:

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a Federal greenhouse gas registry that—

(1) builds upon the regulations completed pursuant to the mandate contained in the sixth paragraph of "Administrative Provisions, Environmental Protection Agency" of Division F of P.L. 110–161;

(2) makes changes necessary to achieve the purposes described in section 101; and

(3) requires emission reporting to begin by not later than calendar year 2011.

SA 4953. Mr. McCONNELL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER GASOLINE PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER GASOLINE PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of gasoline to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher gasoline prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a gasoline price increase.

SA 4954. Mr. JOHNSON (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike the table that appears before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	20
2013	20
2014	20
2015	20
2016	19.75
2017	19.5
2018	19.25
2019	18.25
2020	17
2021	15.5
2022	13.25
2023	12.25
2024	11
2025	10.75
2026	7.75
2027	6.5
2028	6.25
2029	5
2030	4.75.

Beginning on page 193, strike line 9 and all that follows through page 194, line 12, and insert the following:

(b) CALCULATION.—

(1) IN GENERAL.—The regulations promulgated pursuant to subsection (a) shall provide that the quantity of emission allowances distributed to the owner or operator of an individual fossil fuel-fired electricity generator for a calendar year shall be equal to the product obtained by multiplying—

(A) the quantity of emission allowances allocated pursuant to section 551; and

(B) subject to paragraph (2), the quotient obtained by dividing—

(i) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enactment of this Act; by

(ii) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(2) INITIAL BASELINE FOR NEW ENTRANTS.—For purposes of the calculation under paragraph (1), in the case of a fossil fuel-fired electricity generator that commences operation on or after January 1, 2009, the value described in subparagraph (B) of paragraph (1) for each of the first 3 calendar years for which the generator is in operation shall be the average annual quantity of carbon dioxide equivalent emitted by all fossil-fired electricity generators during those 3 calendar years.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	1.5
2013	1.75
2014	1.75
2015	2
2016	2.25
2017	2.5
2018	3
2019	4
2020	4
2021	4
2022	5
2023	5
2024	6
2025	6
2026	7
2027	8
2028	8
2029	9
2030	10
2031	14
2032	14
2033	14
2034	15
2035	15
2036	15

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2037	15
2038	15
2039	15
2040	15
2041	15
2042	15
2043	15
2044	15
2045	15
2046	15
2047	15
2048	15
2049	15
2050	15.

SA 4955. Mr. DORGAN (for himself, Mr. WARNER, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, between lines 17 and 18, insert the following:

(3) QUALIFYING TRANSMISSION LINE.—The term "qualifying transmission line" means a transmission line that—

(A)(i) is placed into commercial service after the date of enactment of this Act;

(ii) transmits renewable electricity; and

(iii) to the maximum extent practicable, employs advanced grid technologies; or

(B)(i) provides incremental increases in transmission capacity for renewable electricity; and

(ii) to the maximum extent practicable, employs advanced grid technologies

(4) QUALIFYING TRANSMITTER OF RENEWABLE ELECTRICITY.—The term "qualifying transmitter of renewable electricity" means an entity that constructs qualifying transmission lines.

On page 293, line 18, strike "(3)" and insert "(5)".

On page 293, line 23, strike "(4)" and insert "(6)".

On page 294, line 7, strike "(5)" and insert "(7)".

On page 297, between lines 9 and 10, insert the following:

SEC. 905. ADDITIONAL FUNDS.

(a) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Low- and Zero-Carbon Electricity Technology Fund in accordance with the schedule described in subsection (b).

(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—

(1) $1,000,000,000 for calendar year 2012;

(2) $1,000,000,000 for calendar year 2013;

(3) $1,000,000,000 for calendar year 2014;

(4) $500,000,000 for calendar year 2015;

(5) $500,000,000 for calendar year 2016;

(6) $500,000,000 for calendar year 2017; and

(7) $500,000,000 for calendar year 2018.

Beginning on page 297, strike line 24 and all that follows through page 298, line 3, and insert the following:

(1) the production of electricity from new zero- or low-carbon generation;

(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology; and

(3) the construction of additional transmission capacity to increase the quantity of renewable electricity on the electrical grid.

On page 298, strike lines 5 through 17 and insert the following:

(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology, and domestic transmitters of renewable electricity—

(1) in the case of producers of new zero- or low-carbon generation, based on the bid of each generator in terms of dollars per megawatt-hour of electricity generated;

(2) in the case of qualifying manufacturers of zero- or low-carbon generation technology, based on the criteria described in section 909; and

(3) in the case of qualifying transmitters of renewable electricity, based on the quantity and distance of renewable electricity transmitted from remote areas that contain high renewable energy potential.

On page 300, between lines 10 and 11, insert the following:

(3) MINIMUM AMOUNT.—Of the amounts used by the Climate Change Technology Board to make awards to entities for zero- or low-carbon generation under this subtitle, not less than ½ of the amounts shall be used each fiscal year to make awards to entities for the generation of renewable energy.

On page 301, between lines 10 and 11, insert the following:

(c) CONSTRUCTION OF TRANSMISSION CAPACITY TO INCREASE AVAILABILITY OF RENEWABLE ELECTRICITY.—

(1) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program to direct, for each of calendar years 2012 through 2050, funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 to builders of qualifying transmission lines based on the percentage of the qualifying transmission lines of the builders that are dedicated to the transmission of energy from renewable energy sources to the grid.

(2) MINIMUM AMOUNT.—In carrying out the program established under paragraph (1), for each of calendar years 2012 through 2050, of the funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904, the Climate Change Technology Board shall ensure that not less than 5 percent of the funds are used for the construction of qualifying transmission lines.

On page 304, strike lines 4 through 7 and insert the following:

SEC. 913. ADDITIONAL FUNDS.

(a) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Advanced Research Projects Agency—Energy—

(1) to be used by the Administrator to carry out renewable energy projects; and

(2) in accordance with the schedule described in subsection (b).

(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—

(1) $1,000,000,000 for calendar year 2012;

(2) $1,000,000,000 for calendar year 2013;

(3) $1,000,000,000 for calendar year 2014;

(4) $500,000,000 for calendar year 2015;

(5) $500,000,000 for calendar year 2016;

(6) $500,000,000 for calendar year 2017; and

(7) $500,000,000 for calendar year 2018.

SEC. 914. USE OF FUNDS.

(a) LIMITATION ON DISBURSEMENT.—No amounts deposited in the energy transformation acceleration fund pursuant to section 912 shall be disbursed, except pursuant to an appropriation Act.

(b) ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.—Section 5012(c)(1)(A) of the America COMPETES Act (42 U.S.C. 16538(c)(1)(A)) is amended—

(1) in clause (ii), by striking "and" after the semicolon; and

(2) by adding at the end the following:

"(iv) the advancement of renewable energy technologies that do not emit greenhouse gases; and".

SA 4956. Mr. ENZI (for himself, Mr. BOND, Mr. INHOFE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, lines 1 through 3, strike "part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.)" and insert "subtitle C of title X".

Beginning on page 318, strike line 6 and all that follows through page 320, line 7, and insert the following:

SEC. 1021. CARBON SEQUESTRATION AND CAPTURE.

(a) DEFINITIONS.—In this section:

(1) ANTHROPOGENIC.—The term "anthropogenic" means produced or caused by human activity.

(2) CARBON DIOXIDE.—The term "carbon dioxide" means anthropogenically sourced carbon dioxide that is of sufficient purity and quality as to not compromise the safety and efficiency of any reservoir in which the carbon dioxide is stored.

(3) FEDERAL AGENCY.—The term "Federal agency" means any department, agency, or instrumentality of the United States.

(4) GEOLOGICAL STORAGE.—The term "geological storage" means permanent or short-term underground storage of carbon dioxide in a reservoir.

(5) PERSON.—

(A) IN GENERAL.—The term "person" means an individual, corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(B) INCLUSIONS.—The term "person" includes an officer, employee, and agent of any corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(6) RESERVOIR.—

(A) IN GENERAL.—The term "reservoir" means any subsurface sedimentary stratum, formation, aquifer, or cavity or void (whether natural or artificially created) that is suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide.

(B) INCLUSIONS.—The term "reservoir" includes—

(i) an oil and gas reservoir;

(ii) a saline formation or coal seam; and

(iii) the seabed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term "State" means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Republic of Palau; and

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term "State" includes all territorial water, seabed, and subsoil of submarine areas of each State.

(8) STATE REGULATORY AGENCY.—The term "State regulatory agency" means the agency designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term "storage facility" means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term "storage facility" does not include pipelines used to transport the carbon dioxide from 1 or more capture facilities to the storage and injection site.

(10) STORAGE OPERATOR.—The term "storage operator" means any person or other entity authorized by the Administrator or State regulatory agency to operate a storage facility.

(11) UNDERGROUND RESERVOIR.—The term "underground reservoir", with respect to a storage facility, includes any necessary and reasonable areal buffer and subsurface monitoring zones that are—

(A) designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(B) selected to protect against pollution, invasion, and escape or migration of the stored carbon dioxide.

(b) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations for State carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A)(ii) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (c)(1), including—

(i) a prohibition on carbon dioxide storage in the State that is not authorized by a permit issued by the State;

(ii) inspection, monitoring, recordkeeping, and reporting requirements; and

(iii) authority for the State regulatory agency to issue a permit, after public notice and hearing, approving a storage facility for the proposed geological storage of carbon dioxide if the State regulatory authority determines that—

(I) the horizontal and vertical boundaries of the geological storage facility designated by the permit are appropriate for the storage facility;

(II) the storage facility and reservoir are suitable and feasible for the injection and storage of carbon dioxide;

(III) a good faith effort has been made to obtain the consent of a majority of the owners having property interests affected by the storage facility, and that the storage operator intends to acquire any remaining interest by eminent domain or by a method otherwise allowed by law;

(IV) the use of the storage facility for the geological storage of carbon dioxide will not result in the unpermitted migration of carbon dioxide into other formations containing fresh drinking water or oil, gas, coal, or other commercial mineral deposits that are not owned by the storage operator; and

(V) the proposed storage would—

(aa) not unduly endanger human health or the environment; and

(bb) be in the public interest.

(B) STATE AUTHORITY.—A State regulatory agency approved under subsection (c)(1) to administer a carbon dioxide storage program shall issue such orders, permits, certificates, rules, and regulations, including establishment of such appropriate and sufficient financial sureties as are necessary, for the purpose of regulating the drilling, operation, and well plugging and abandonment and removal of surface buildings and equipment of the storage facility in order to protect the storage facility against pollution, invasion, and the escape or migration of carbon dioxide.

(C) EMINENT DOMAIN.—A storage operator may be empowered by a State to exercise the right of eminent domain under State law to acquire all surface and subsurface rights and interests necessary or useful for the purpose of operating the storage facility, including easements and rights-of-way across land that are necessary to transport carbon dioxide among components of the storage facility.

(D) VARIANCE IN CONDITIONS.—The regulations promulgated under paragraph (1)(A)(ii) shall permit or provide for consideration of varying geological, hydrological, and historical conditions in different States and in different areas within a State.

(E) ENHANCED RECOVERY OPERATIONS.—

(i) IN GENERAL.—Upon the approval of a State to administer a carbon dioxide storage program under subsection (c)(1), the State regulatory agency designated by the State may develop rules to allow the conversion into a storage facility of an enhanced recovery operation that is in existence as of the date on which administration of the program by the State is approved.

(ii) OIL AND GAS RECOVERY.—Nothing in this section applies to or otherwise affects the use of carbon dioxide as a part of or in conjunction with any enhanced recovery method the sole purpose of which is enhanced oil or gas recovery.

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—

(1) APPROVAL OF STATE CARBON DIOXIDE STORAGE PROGRAMS.—

(A) APPLICATION.—

(i) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A)(ii), each State may submit to the Administrator an application that demonstrates, to the satisfaction of the Administrator, that the State—

(I) has adopted, after providing for reasonable notice and an opportunity for public comment, and will implement, a carbon dioxide storage program that meets the requirements of the regulations; and

(II) will keep such records and make such reports with respect to the activities of the State under the carbon dioxide storage program as the Administrator may require by regulation.

(ii) REVISIONS.—Not later than the expiration of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A)(ii) is revised or amended with respect to a requirement applicable to State carbon dioxide storage programs, each State with a carbon dioxide storage program approved under subparagraph (B) shall submit, in such form and in such manner as the Administrator may require, a notice to the Administrator that demonstrates, to the satisfaction of the Administrator, that the State carbon dioxide storage program meets the revised or amended requirement.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after the date on which a State submits to the Administrator an application under subparagraph (A)(i) or a notice under subparagraph (A)(ii), and after a reasonable (as determined by the Administrator) opportunity for discussion, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(C) EFFECT OF APPROVAL.—If the Administrator approves the carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for carbon dioxide storage in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A)(i).

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A)(i) by the date that is 270 days after the date of promulgation of regulations under subsection (b)(1)(A)(ii), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).

(B) DISAPPROVAL.—If the Administrator disapproves all or a portion of the program of a State under paragraph (1)(B), if the Administrator determines under paragraph (1)(C) that a State no longer meets the requirements of subclause (I) or (II) of paragraph (1)(A)(i), or if a State fails to submit a notice before the expiration of the period specified in paragraph (1)(A)(ii), the Administrator shall by regulation, not later than 90 days after the date of the disapproval, determination, or expiration (as the case may be), prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the requirements of subsection (b)(2).

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply in a State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not in effect.

(D) PUBLIC PARTICIPATION.—Before promulgating any regulation under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(d) ENFORCEMENT OF PROGRAM.—

(1) NOTIFICATION.—

(A) IN GENERAL.—In any case in which the Administrator determines, during a period during which a State has primary enforcement responsibility for carbon dioxide storage, that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(B) FAILURE TO ENFORCE.—If, after the date that is 30 days after the Administrator notifies a State of a violation under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to—

(I) correct the matter; and

(II) comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(C) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to comply with requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(2) ADMINISTRATIVE ORDERS AND APPEALS.—

(A) IN GENERAL.—In any case in which the Administrator has the authority to bring a civil action under this subsection with respect to any regulation or other requirement of this section, the Administrator may, in addition to bringing the civil action, issue an order under this paragraph that—

(i) assesses a civil penalty of not more than $10,000 for each day of violation for any past or current violation, up to a maximum aggregate civil penalty of $125,000, for each covered entity;

(ii) requires compliance with the regulation or other requirement; or

(iii) accomplishes each of the actions described in clauses (i) and (ii).

(B) TIMING.—An order under this paragraph shall be issued by the Administrator only after an opportunity (provided in accordance with this paragraph) for a hearing.

(C) NOTICE.—Before issuing any order under subparagraph (A), the Administrator shall provide to the person to whom the order applies—

(i) written notice of the intent of the Administrator to issue the order; and

(ii) the opportunity to request, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(D) REQUIREMENTS.—A hearing described in subparagraph (C)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide to each interested person a reasonable opportunity to be heard and to present evidence.

(E) NOTICE AND COMMENT.—The Administrator shall provide public notice of, and a reasonable opportunity to comment on, any proposed order.

(F) SPECIFIC NOTICE.—Any person who comments on any proposed order under subparagraph (E) shall be given notice of any hearing under this paragraph and of any order.

(G) EFFECTIVE DATE.—Any order issued under this paragraph shall become effective on the date that is 30 days after the date of issuance of the order, unless an appeal is taken pursuant to subparagraph (K).

(H) CONTENTS OF ORDER.—Any order issued under this paragraph—

(i) shall state with reasonable specificity the nature of the violation; and

(ii) may specify a reasonable period to achieve compliance.

(I) CONSIDERATIONS.—In assessing any civil penalty under this paragraph, the Administrator shall take into consideration all appropriate factors, including—

(i) the seriousness of the violation;

(ii) the economic benefit (if any) resulting from the violation;

(iii) any history of similar violations;

(iv) any good-faith efforts to comply with the applicable requirements;

(v) the economic impact of the penalty on the violator; and

(vi) such other matters as justice may require.

(J) OTHER ACTIONS.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting a civil action under a provision of law other than this section, or has issued an order under this paragraph assessing a civil penalty, shall not be subject to a civil action under paragraph (3).

(K) APPEALS.—Any person against whom an order is issued may file an appeal of the order, not later than 30 days after the date of issuance of the order, with—

(i) the United States District Court for the District of Columbia; or

(ii) the United States district court for the district in which the violation is alleged to have occurred.

(L) DISTRIBUTION OF COPIES.—An appellant shall simultaneously send a copy of an appeal filed under subparagraph (K) by certified mail to the Administrator and to the Attorney General.

(M) RECORD.—The Administrator shall promptly file in the appropriate court described in subparagraph (K) a certified copy of the record on which an order was based.

(N) JUDICIAL ACTION.—A court having jurisdiction over an order issued under this paragraph shall not—

(i) set aside or remand the order unless the court determines that—

(I) there is not substantial evidence on the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Administrator of a civil penalty, or a requirement for compliance, constitutes an abuse of discretion; or

(ii) impose additional civil penalties for the same violation unless the court determines that the assessment by the Administrator of a civil penalty constitutes an abuse of discretion.

(O) FAILURE TO PAY.—

(i) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after an order becomes effective under subparagraph (G), or after a court, in a civil action brought under subparagraph (K), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate United States district court to recover the amount assessed, plus costs, attorneys' fees, and interest at currently prevailing rates, calculated from the date on which the order is effective or the date of the final judgment, as the case may be.

(ii) NO REVIEW OF AMOUNT.—In a civil action brought under clause (i), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

(P) AUTHORITY OF ADMINISTRATOR.—The Administrator may, in connection with administrative proceedings under this paragraph—

(i) issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum; and

(ii) request the Attorney General to bring a civil action to enforce any subpoena issued under this subparagraph.

(Q) ENFORCEMENT.—The United States district courts shall have jurisdiction to enforce, and impose sanctions with respect to, subpoenas issued under subparagraph (P).

(3) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—A civil action referred to in subparagraph (B) or (C) of paragraph (1) shall be brought in the appropriate United States district court.

(B) AUTHORITY; JUDGEMENT.—A court described in subparagraph (A)—

(i) shall have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with an order issued under paragraph (2); and

(ii) may enter such judgment as the protection of public health may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or an order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violation; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(4) EFFECT ON STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide.

(B) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this Act.

(e) FINANCIAL ASSURANCES FOR STORAGE OPERATORS.—

(1) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (f).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall be the maximum amount of liability insurance available at a reasonable cost and on

reasonable terms from private sources (including private insurance, private contractual indemnities, self-insurance, or a combination of those measures), as determined by the Administrator.

(f) CESSATION OF STORAGE OPERATIONS.—Upon a showing by a storage operator that a storage facility is reasonably expected to retain mechanical integrity and remain in place, the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) shall issue a certificate of completion of injection operations to the storage operator.

(g) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) IN GENERAL.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator, to the extent that the liability is in excess of the level of financial protection required of the storage operator.

(2) COMPLETION OF OPERATIONS.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority)—

(A) the Administrator shall be vested with complete and absolute title and ownership of the storage facility and any stored carbon dioxide at the facility;

(B) the storage operator and all generators of any injected carbon dioxide shall be released from all further liability associated with the project; and

(C)(i) any performance bonds posted by the storage operator shall be released; and

(ii) continued monitoring of the storage facility, including remediation of any well leakage, shall become the responsibility of the Administrator.

(h) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) ASSESSMENT AMOUNT.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-ton assessment for the fiscal year calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(3) AGGREGATE AMOUNT.—The aggregate amount of assessments collected from all storage operators under paragraph (1) for any fiscal year shall be equal to the sum of, with respect to the fiscal year—

(A) any indemnification payments required to be made pursuant to subsection (g)(1);

(B) any costs associated with storage facilities to which the Administrator has taken title pursuant to subsection (g)(2), including costs associated with any—

(i) inspection, monitoring, recordkeeping, and reporting requirements of those facilities;

(ii) remediation of carbon dioxide leakage; or

(iii) plugging and abandoning of remaining wells; and

(C) any costs associated with public liability of storage facilities to which the Administrator has taken title pursuant to subsection (g)(2).

(4) CALCULATION OF ASSESSMENT.—The assessment under this subsection per ton of carbon dioxide for a fiscal year shall be equal to the quotient obtained by dividing—

(A) the aggregate amount of assessments calculated under paragraph (3) for the fiscal year; by

(B) the aggregate number of tons of carbon dioxide injected for storage during the preceding fiscal year by all storage operators.

(5) INFORMATION.—The Administrator shall require the submission of such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The Administrator shall promulgate regulations for permitting commercial-scale underground injection of carbon dioxide for purposes of geological sequestration under this section.

(2) SAFE DRINKING WATER ACT.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) shall not be used as a basis for permitting commercial-scale underground injection or storage of carbon dioxide.

Beginning on page 329, strike line 1 and all that follows through page 330, line 3.

At the end of title X, add the following:

Subtitle D—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1031. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from technology improvements to coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1032. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and reliability.

(b) SHORT-, MEDIUM- AND LONG-TERM TECHNOLOGY AREAS.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium-, and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions by energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of electricity output;

(B) reduce parasitic power loss from carbon control technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated stream of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure materials that will result in much higher plant efficiencies and carbon dioxide emission reductions;

(3) innovations for IGCC systems that build on the ability of the IGCC to separate pollutants and carbon emissions from gas streams, including—

(A) advanced membrane technology for carbon dioxide separation;

(B) improved air separation systems;

(C) improved compression for the separated and captured carbon dioxide; and

(D) other innovative carbon dioxide control technologies appropriate for IGCC systems;

(4) advanced combustion turbines, including—

(A) ultra low emission hydrogen turbines; and

(B) oxycoal combustion turbines; and

(5) sequestration of captured carbon in geological formations, including—

(A) plume tracking;

(B) carbon dioxide leak detection and mitigation;

(C) carbon dioxide fate and transport models; and

(D) site evaluation instrumentation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at power plants in operation as of the date of enactment of this Act $450,000,000 for the period of fiscal years 2009 through 2020;

(2) for new combustion systems $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1033. CLEAN COAL DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxycoal combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012; and

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (C) at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014;

(H) water consumption reduction at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014; and

(I) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(2) through new coal combustion facilities that include carbon capture—

(A) oxycoal combustion at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) oxycoal combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(E) oxycoal supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (B) or (F) at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(H) ultra supercritical (1290°F) pulverized coal combustion with near-zero emission controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(I) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(J) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(K) chemical looping combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018; and

(L) ultra advanced supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018;

(3) through IGCC with carbon capture—

(A) partial carbon dioxide capture without a water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) using G class turbine at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2012;

(C) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2014; and

(D) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2016.

(4) through advanced turbines using—

(A) monitoring systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a combustion turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015;

(D) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(E) an oxyfuel turbine of at least 400 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2020; and

(5) for storage of carbon dioxide captured through—

(A) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2010;

(B) field tests of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014.

(b) SEQUESTRATION OF CAPTURED CARBON DIOXIDE.—In any demonstration referred to in subsection (a) that demonstrates carbon dioxide capture, the carbon dioxide capture shall be used for enhanced oil recovery, sequestered in geologically appropriate formations, or permanently sequestered or reused, with funds made available to carry out each such demonstration for the respective purpose of the demonstration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for demonstrations through facilities in operation as of the date of enactment of this Act $850,000,000 for the period of fiscal years 2009 through 2025;

(2) for new combustion systems $1,950,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $400,000,000 for the period of fiscal years 2009 through 2025; and

(5) for carbon storage $1,350,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1034. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall take such steps as are necessary to carry out this subtitle.

(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle.

(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall—

(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle;

(2) establish selection criteria for the specific types of projects identified under paragraph (1); and

(3) establish an application process that allows persons that are interested in participating in projects identified under paragraph (1) to provide such information as the Secretary determines to be necessary.

Subtitle E—Clean Coal Technology Incentives

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the "Energy Security and Climate Enhancement Through Clean Coal Technology Act of 2008".

SEC. 1042. MODIFICATION OF SPECIAL RULES FOR ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) IN GENERAL.—Subsection (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term 'pollution control facility' includes any mechanical or electronic system which—

"(A) which is a new identifiable treatment facility (as defined in paragraph (4)),

"(B) which is—

"(i) installed after December 31, 2007, and

"(ii) used in connection with an electric generation plant or other property which is primarily coal fired, and

"(C) which is certified by the owner or operator of the plant or other property, in such form and manner as prescribed by the Secretary, to reduce carbon dioxide emissions per net megawatt hour of electricity generation by—

"(i) optimizing combustion,

"(ii) optimizing sootblowing and heat transfer,

"(iii) upgrading steam temperature control capabilities,

"(iv) reducing exit gas temperatures (air heater modifications)

"(v) predrying low rank coals using power plant waste heat,

"(vi) modifying steam turbines or change the steam path/blading,

"(vii) replacing single speed motors with variable speed drives for fans and pumps,

"(viii) improving operational controls, including neural networks, or

"(ix) any other means approved by the Secretary, in consultation with the Secretary of Health and Human Services.".

(b) DEDUCTION NOT ADJUSTED FOR PURPOSES OF DETERMINING ALTERNATIVE MINIMUM TAX.—Paragraph (5) of section 56(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "The preceding sentences of this paragraph shall not apply to any pollution control facility described in section 169(d)(6).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 1043. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR CLOSED-LOOP BIOMASS.

(a) IN GENERAL.—Clause (ii) of section 45(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(iii) owned by the taxpayer which after before January 1, 2014 is originally placed in service and modified, or is originally placed in service as a facility, to use closed-loop biomass to co-fire (or, in the case of an integrated gasification combined cycle facility, to co-process) with coal, with other biomass, or with both.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SEC. 1044. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

“SEC. 48C. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 46, the qualifying new clean coal power plant credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

“In the case of a plant which either has—			The applicable percentage is:
a design net heat rate below—	or	a carbon dioxide emission rate of—	
7,580 Btu/kWh (45% efficiency)		1,577 lbs/MWh or less	30 percent
7,760 Btu/kWh (44% efficiency)		1,613 lbs/MWh or less	28 percent
7,940 Btu/kWh (43% efficiency)		1,650 lbs/MWh or less	26 percent
8,120 Btu/kWh (42% efficiency)		1,690 lbs/MWh or less	20 percent
8,322 Btu/kWh (41% efficiency)		1,731 lbs/MWh or less	10 percent
8,530 Btu/kWh (40% efficiency)		1,774 lbs/MWh or less	10 percent

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant—

“(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

“(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

“(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING NEW CLEAN COAL POWER PLANT.—The term ‘qualifying new clean coal power plant’ means a facility which—

“(A) which meets the requirements of section 48A(e),

“(B) which either—

“(i) has a design net heat rate of below 8,530 Btu/kWh, or

“(ii) has a carbon dioxide emission rate of 1,774 lbs/MWh or less, and

“(C) which—

“(i) is designed to capture carbon dioxide emissions, or

“(ii)(I) is designed to include a built-in space for future carbon dioxide capture hardware (and improved foundations and ironwork necessary to accommodate the additional hardware),

“(II) includes an engineering feasibility study identifying a system, including associated cost and performance parameters, to retrofit carbon capture equipment, and

“(III) includes a site or sited identified where carbon dioxide may be stored or used for commercial purposes.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property which is a part of a qualifying new clean coal power plant.

“(d) QUALIFYING NEW CLEAN COAL POWER PLANT PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying new clean coal power plant program, under which the Secretary shall certify projects eligible for the credit under subsection (a)

“(2) APPLICATION.—An application under for certification under this section shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements of this section. Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

“(3) AGGREGATE CREDITS.—The aggregate or projects certified by the Secretary under this subsection shall not exceed an aggregate capacity for electricity generation of more than 6,000 megawatts.”.

“(e) RECAPTURE OF CREDIT.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain any of the requirements of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following new paragraph:

“(5) the qualifying new clean coal power plant credit.”.

(2) Section 49(a)(1)(C) of such Code is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following new clause:

“(v) the basis of any property which is part of a qualifying new clean coal power plant under section 48C.”.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

“Sec. 48C. Qualifying new clean coal power plant credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1045. INVESTMENT CREDIT FOR EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

“SEC. 48D. EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE EMISSIONS.

“(a) GENERAL RULE.—For purposes of section 46, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

“(b) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

“(c) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PROPERTY.—The term ‘eligible property’ means equipment installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide produced at such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide, as further specified and identified, by rule, by the Secretary.

“(2) QUALIFIED COAL-FIRED ELECTRIC GENERATION UNIT.—The term ‘qualified coal-fired electric generation unit’ means a unit which, after installation of eligible property, is designed to capture and store in a geologic formation not less than 500,000 metric tons of carbon dioxide per year.

“(d) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 9,000 megawatts of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

“(e) CERTIFICATION.—

“(1) CERTIFICATION PROCESS.—The Secretary shall establish a certification process to determine the extent to which eligible property has been installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

“(2) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application for certification shall contain such information as the Secretary may require in order to establish credit entitlement. Any information contained in an application shall be protected as provided in section 552(b)(4) of title 5, United States Code.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) the qualifying carbon dioxide equipment credit.''.

(2) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by adding at the end the following new clause:

"(vi) the basis of any eligible property under section 48D.''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act is amended by inserting after the item relating to section 48C the following new section:

"Sec. 48D. Equipment used to capture, transport, and store carbon dioxide emissions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1046. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION IN THE GENERATION OF ELECTRICITY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45Q. CREDIT SEQUESTERING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

"(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

"(1) $30 per metric ton of qualified carbon dioxide which is—

"(A) captured by the taxpayer at a qualified facility during the credit period, and

"(B) disposed of by the taxpayer in secure geological storage, and

"(2) $10 per metric ton of qualified carbon dioxide which is—

"(A) captured by the taxpayer at a qualified facility during the credit period, and

"(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

"(b) QUALIFIED FACILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified facility' means any industrial facility—

"(A) which is owned by the taxpayer,

"(B) at which carbon capture equipment is placed in service,

"(C) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year, and

"(D) which is certified by the Secretary under paragraph (2).

"(2) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which facilities which use coal for the generation of electricity are certified for purposes of this section.

"(B) LIMITATION.—The total aggregate generating capacity of all facilities certified by the Secretary under this paragraph shall not exceed 9,000 megawatts.

"(c) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

"(A) would otherwise be released into the atmosphere as industrial emissions of greenhouse gas, and

"(B) is measured at the source of capture and verified at the point of disposal or injection.

"(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

"(d) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

"(2) ONLY CARBON DIOXIDE CAPTURED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

"(3) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

"(4) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

"(5) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

"(6) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

"(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

"(8) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

"(A) such dollar amount, multiplied by

"(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2007' for '1990'.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", plus", and by adding at the end of following new paragraph:

"(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

"Sec. 45Q. Credit for sequestering carbon dioxide in the generation of electricity.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply carbon dioxide captured after the date of the enactment of this Act.

SEC. 1047. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to qualified tax credit bonds) is amended by adding at the end the following new section:

"SEC. 54C. CLEAN ENERGY COAL BONDS.

"(a) CLEAN ENERGY COAL BOND.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'clean energy coal bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (b)(2);

"(B) 100 percent of the available project proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects;

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form; and

"(D) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (c).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means a qualified clean coal project (as defined in subsection (f)(1)) placed in service by a qualified borrower.

"(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

"(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond;

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds; and "(iii) reimbursement is not made later than 18 months after the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

"(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $5,000,000,000.

"(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

"(c) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance. the qualified issuer reasonably expects—

"(A) 100 percent or more of the available project proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond;

"(B) a binding commitment with a third party to spend at least 10 percent of such available project proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the available project proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower; and

"(C) such projects will be completed with due diligence and the available project proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(d) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

"(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

"(2) CLEAN ENERGY BOND LENDER.—The term 'clean energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(3) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).

"(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

"(A) a clean energy bond lender;

"(B) a cooperative electric company; or

"(C) a public power entity.

"(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

"(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C); or

"(B) a public power entity.

"(e) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED CLEAN COAL PROJECT.—For purposes of this section, the term 'qualified clean coal project' means—

"(A) an atmospheric pollution control facility (within the meaning of section 169(d)(5)(C));

"(B) a closed-loop biomass facility (within the meaning of section 45(d)(2));

"(C) a qualified new clean coal power plant (within the meaning of section 48C(d)(1));

"(D) qualifying carbon dioxide equipment described in section 48D(c)(1); or

"(E) a qualified facility (within the meaning of section 450(c)).

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2018.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond, or

"(B) a clean energy coal bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

"(ii) in the case of a clean energy coal bond, a purpose specified in section 54C(f)(1).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 54C. Clean energy coal bonds.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2008.

SA 4957. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Requirement of Electric Utilities Relating to Increases in Electric Utility Bills of Consumers

SEC. 1771. REQUIREMENT OF ELECTRIC UTILITIES.

(a) FINDINGS.—Congress finds that—

(1) this Act will increase the cost of electricity paid by consumers; and

(2) consumers have a right to know the additional amounts that this Act contributes to the electric utility bills of the consumers.

(b) REQUIREMENT.—Any electric utility that includes an increase in the amount of the electric utility bill of a consumer of the electric utility resulting from the implementation of this Act shall include in the electric utility bill of the consumer a clear and concise description of each factor that resulted in the increase of the amount.

SA 4958. Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 423, after line 25, insert the following:

SEC. 1308. CERTIFICATION OF INTERNATIONAL COMPLIANCE.

The emission limitations required by this Act for calendar year 2012 shall not take effect until such date as the Senate ratifies an international climate change agreement pursuant to the Convention that—

(1) covers, at a minimum, all economies as identified by the Major Economies Process on Energy Security and Climate Change who initially convened in Washington, DC, on September 27, 2007;

(2) requires the enactment into law by each participating country of a national program that requires and demonstrates greenhouse gas emission reduction and enforcement mechanisms comparable to the reduction requirements and enforcement mechanisms of the United States;

(3) requires each participating country to enforce a program consistent with article 5 of the North American agreement on environmental cooperation (with annexes), done at Mexico, Washington, and Ottawa September 8, 9, 12, and 14, 1993, and entered into force on January 1, 1994;

(4) establishes globally agreed-upon standards for the measurement of greenhouse gas emissions and sinks; and

(5) requires annual reporting of greenhouse gas emissions based on the established standards.

SA 4959. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, strike lines 14 through 19 and insert the following:

SEC. 432. PURPOSE.

The purpose of the board established by section 431 is to advance the purposes of this Act by—

(1) assessing and certifying the extent to which technology is available to achieve the emission reductions required by this Act in accordance with section 436; and

(2) subject to certification under that section, using the funds made available to the board under titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

Beginning on page 145, strike line 17 and all that follows through page 147, line 14, and insert the following:

SEC. 436. REQUIREMENTS.

(a) COMPOSITION.—The board established by section 431 (referred to in this section as the "board") shall be composed of—

(1) the Director of the Office of Science and Technology Policy, who shall serve as chairperson of the board;

(2) the Secretary of Agriculture;

(3) the Secretary of Commerce;

(4) the Secretary of Energy; and

(5) the Administrator.

(b) ASSESSMENT; CERTIFICATION.—

(1) ASSESSMENT.—As soon as practicable after the date of enactment of this Act, and not less frequently than once every 2 years thereafter, the board shall assess, based on the best available technology in the electric power, industrial, and transportation sectors—

(A) the extent to which technology is available to achieve the emission reductions required by this Act, including an assessment of technologies lagging in development or widespread commercial deployment, or both;

(B) the extent to which technology is cost-effective in achieving the reductions required by this Act;

(C) the impact of the use of technology on the public health and the environment;

(D) the impact of the use of technology on the energy security of the United States; and

(E) the impact of the use of the technology to achieve emission reductions on job creation, the price and supply of agricultural commodities, and rural economic development.

(2) REPORT AND CERTIFICATION.—On completion of each assessment under paragraph (1), the board shall submit to Congress—

(A) a report describing the results of the assessment; and

(B) if applicable, a certification that the technology necessary to reduce emissions in accordance with the requirements of this Act is available, cost-effective, and environmentally sound for the electric power, industrial, and transportation sectors.

(3) EFFECT ON EMISSION LIMITATIONS.—

(A) INITIAL PERIOD.—No emission limitation established by this Act shall apply until such date as the board submits the initial certification required under paragraph (2)(B).

(B) SUBSEQUENT PERIODS.—No adjustment to an emission limitation required by this Act shall apply until such date as the board submits the certification required under paragraph (2)(B) for the period during which the adjustment is scheduled to occur.

(c) NATIONAL RESEARCH COUNCIL REPORTS.—The board may request from the National Research Council such reports as the board determines to be necessary and appropriate to assist the board in carrying out this subtitle.

SA 4960. Mr. VITTER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.

In this title:

(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State" means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term "new producing area" means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term "new producing State" means a State with respect to which a petition has been approved by the Secretary under section 3(a).

(4) QUALIFIED REVENUES.—The term "qualified revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the price per gallon of regular gasoline is equal to or greater than $5, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil leasing, gas leasing, or both, as determined by the State, in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) NATURAL GAS LEASING ONLY.—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(b) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 25 percent of qualified revenues in the general fund of the Treasury; and

(2) 75 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (c)(1);

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8);

(C) 5 percent to small business development centers to provide—

(i) technical assistance to small businesses relating to beginning operation; or

(ii) ongoing counseling;

(D) 5 percent to carry out programs under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

(E) 5 percent to provide assistance under the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(F) 2.5 percent to provide assistance under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.);

(G) 2.5 percent to States for historic offshore production distribution; and

(H) 5 percent of qualified revenues to the Highway Trust Fund.

(c) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (b)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this title.

(d) EFFECT.—Nothing in this title affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4961. Mr. VITTER (for himself and Mr. CRAIG, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.

In this title:

(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State" means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term "new producing area" means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term "new producing State" means a State with respect to which a petition has been approved by the Secretary under section 3(a).

(4) QUALIFIED REVENUES.—The term "qualified revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) DETERMINATION BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall determine whether, as a result of the requirements of this Act, the national average residential natural gas price has increased during the period beginning on the date of enactment of this Act and ending on the date on which the determination is made.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary determines that an increase in the national average residential natural gas price has occurred, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for natural gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) NATURAL GAS LEASING ONLY.—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 25 percent of qualified revenues in the general fund of the Treasury; and

(2) 75 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1);

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8);

(C) 5 percent to small business development centers to provide—

(i) technical assistance to small businesses relating to beginning operation; or

(ii) ongoing counseling;

(D) 5 percent to carry out programs under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

(E) 5 percent to provide assistance under the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(F) 2.5 percent to provide assistance under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.);

(G) 2.5 percent to States for historic offshore production distribution; and

(H) 5 percent of qualified revenues to the Highway Trust Fund.

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this title.

(e) EFFECT.—Nothing in this title affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4962. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Protection From Job Loss

SEC. 591. PROTECTION FROM JOB LOSS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall submit to the Administrator and Congress a report describing whether more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be displaced during the following calendar year as a result of the implementation of this Act.

(b) ADJUSTMENT OF ALLOWANCES.—If a report under subsection (a) indicates that more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be displaced during the following calendar year as a result of the implementation of this Act, the Administrator, in consultation with the Secretary of Labor, shall increase the quantity of emission allowances provided under this Act for that calendar year, as the Secretary of Labor determines to be appropriate, to ensure that not more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be so displaced.

SA 4963. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 1 and all that follows through page 16, line 16.

On page 17, strike lines 4 through 23.

Beginning on page 18, strike line 4 and all that follows through page 19, line 7.

On page 19, strike lines 11 through 16.

Beginning on page 19, strike line 24 and all that follows through page 23, line 8.

Beginning on page 23, strike line 12 and all that follows through page 26, line 16.

On page 27, strike lines 1 through 23.

Beginning on page 28, strike line 3 and all that follows through page 29, line 4.

Beginning on page 29, strike line 8 and all that follows through page 30, line 19.

On page 31, strike lines 5 through 18.

On page 38, strike lines 14 through 18.

On page 41, strike lines 4 through 8.

On page 43, strike lines 1 through 5.

On page 52, strike lines 3 through 7.

Beginning on page 63, strike line 8 and all that follows through the end.

SA 4964. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XI, add the following:

SEC. 11___. SENSE OF SENATE ON ASSISTING CONSUMERS WITH GASOLINE AND DIESEL PRICES.

(a) FINDINGS.—Congress finds that—

(1) consumers are paying more than $2.50 more for a gallon of gasoline or diesel than they paid just 7 years ago, in January 2001, when gas averaged $1.37 per gallon and diesel averaged $1.52 per gallon;

(2) the 5 large integrated oil companies alone tripled their profits during the period of 2001 through 2007, when the profit of those companies increased from $39,000,000,000 to $116,000,000,000;

(3) tax breaks for major integrated oil companies are worth billions of dollars each year;

(4) high energy prices are harming households, the economy, and the competitiveness of the United States;

(5) as of the date of enactment of this Act, millions of onshore acres are under lease by the oil and natural gas industry for exploration and drilling, but are not being used for production;

(6) as of the date of enactment of this Act, millions of acres on the outer Continental Shelf are under lease by the oil and natural gas industry, but are not producing;

(7) the major integrated oil companies have failed to invest an adequate amount of the $600,000,000,000 in net profits the companies have collected during the past 7 years on clean and affordable domestically produced renewable fuels that can improve national security and reduce greenhouse gas emissions;

(8) according to Energy Information Administration analyses, the economy-wide carbon cap and trade system under this Act will spur the development of clean alternatives, and average household gasoline spending will decrease by 2020 because of greater fuel efficiency and changes in the fuels market;

(9) even while the Energy Information Administration projects that per-household spending on gasoline will decrease, an increase of less than 2 cents per year per gallon of fuel through 2030 would be attributable to the implementation of this Act—compared to an increase of more than 73 cents per gallon since last year at this time; and

(10) the implementation of this Act will produce cost savings through energy efficiency investments and provide funds for tax relief for consumers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) oil companies should be—

(A) investing a significant percentage of their enormous net profits in developing clean, affordable, and domestically produced low-carbon alternatives to petroleum and other finite resources; and

(B) producing more oil and natural gas supplies from existing available leases in environmentally appropriate areas, using the best available and safest technologies;

(2) Congress should suspend royalty relief for major oil companies during times of high prices and use those revenues to assist energy consumers;

(3) Congress should eliminate tax breaks and loopholes for major oil companies and use those revenues to assist energy consumers;

(4) the President should support legislation to make price gouging a Federal crime; and

(5) the Administration should take swift action to implement existing statutory direction to limit energy market manipulation, increase transparency, and protect consumers.

SA 4965. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 459, strike lines 5 through 7 and insert the following:

SEC. 1404. DISBURSEMENTS FROM FUND.

Except as provided in section 1780, no disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

At the end of title XVII, add the following:

Subtitle H—Green Energy Production

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the "Green Energy Production Act of 2008".

SEC. 1772. DEFINITIONS.

In this subtitle:

(1) BIOMASS.—The term "biomass" has the meaning given the term "renewable biomass" in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(2) ENVIRONMENTALLY PROTECTIVE.—The term "environmentally protective" means, with respect to technology, technology that—

(A) is most likely to result in the least impact to land, forests, water quantity and quality, air quality, and wildlife habitat; and

(B) possesses the highest potential for long-term sustained production of green energy.

(3) GREEN ENERGY.—

(A) IN GENERAL.—The term "green energy" has the meaning given the term "renewable energy".

(B) INCLUSION.—The term "green energy" includes energy derived from coal produced in a manner that—

(i) sequesters carbon from carbon dioxide emissions at a minimum 85 percent capture rate on an annual basis; and

(ii) complies with section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(5) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated at a facility (including a distributed generation facility) from solar, wind, fuel cells, biomass, geothermal, ocean energy, or landfill gas.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) TARGET AREA.—The term "target area" means—

(A) an area that has experienced a significant loss of manufacturing employment;

(B) an area with a large manufacturing capacity;

(C) an area with an unemployment rate that is higher than the national average unemployment rate; and

(D) priority for an area that includes a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

SEC. 1773. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish a green technology investment program to develop high-tech green research capabilities, promote green innovation and green energy investment, and increase scientific knowledge that may reveal the basis for new or enhanced products, equipment, or processes, in target areas by—

(1) assisting in the research and development of projects that design, create, or formulate new or enhanced products, equipment, or processes;

(2) expanding and supporting world-class research facilities;

(3) supporting capital formation and the development of innovative products; and

(4) financing advanced manufacturing technologies to help new and existing industries become more productive, more environmentally protective, and carbon-neutral.

SEC. 1774. GREEN TECHNOLOGY INVESTMENT CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of Energy a corporation to be known as the "Green Technology Investment Corporation".

(2) MEETINGS.—The Corporation shall meet at least 4 times during each fiscal year.

(3) RULES FOR CORPORATION BUSINESS.—Not later than 1 year after the date of enactment of this Act, the Corporation shall establish rules for the conduct of business of the Corporation.

(4) APPLICABLE AUTHORITY.—The Corporation shall be subject to—

(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"); and

(B) all other Federal law applicable to quasi-autonomous agencies within the Department of Energy.

(5) ADMINISTRATIVE COSTS.—The Secretary shall—

(A) be responsible for paying all administrative costs of the Corporation; and

(B) in conjunction with the Board of Directors of the Corporation, take every reasonable action to reduce and minimize administrative costs of carrying out this section and the program.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Corporation shall consist of 7 members, appointed by the President, by and with the advice and consent of the Senate, who are—

(A) leaders from industry, labor, academia, government, and nongovernment organizations; and

(B) selected based on having the necessary expertise—

(i) to build world-class applied research capability;

(ii) to assist entrepreneurial innovators in accelerating formation and attraction of technology-based businesses;

(iii) to create product innovation;

(iv) to market the manufacturing competitiveness of the United States;

(v) to create domestic jobs and skills development opportunities in emerging domestic markets; and

(vi) to evaluate and advise on environmental sustainability and climate change.

(2) CHAIRPERSON.—The President shall appoint, by and with the advice and consent of the Senate, 1 member of the Board of Directors to serve as Chairperson

(c) TERM OF SERVICE.—

(1) IN GENERAL.—Each member of the Board of Directors shall be appointed for a term of 5 years.

(2) ADDITIONAL TERMS.—The President may appoint, by and with the advice and consent of the Senate, a member of the Board to serve additional terms of service.

(d) RESPONSIBILITIES.—The Corporation shall allocate funds, provide grants, and carry out programs under section 1776, for all phases of technology commercialization, in accordance with this subtitle.

SEC. 1775. GREEN TECHNOLOGY INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Green Technology Investment Fund" (referred to in this section as the "Fund"), consisting of such amounts as are appropriated to the Fund under section 1780.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Fund to the Corporation such amounts as the Corporation determines are necessary to provide grants, loans, and other assistance, and otherwise carry out programs, under this subtitle (other than section 1778).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subtitle.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in

excess of or less than the amounts required to be transferred.

SEC. 1776. COMPONENT PROGRAMS.

(a) GREEN DEVELOPMENT LOANS.—The Corporation shall establish and carry out a loan program to carry out the purposes described in section 1773 (including conducting, or providing for the conduct of, scientific or technological inquiry and experimentation in the physical sciences).

(b) GREEN MARKETS PROGRAM.—The Corporation shall establish and carry out a grant program—

(1) to assist entities, including entities that are not eligible for small business innovative research funding, to receive grants to commercialize green energy products; and

(2) to assist small and medium-sized businesses with funding to acquire, renovate, or construct facilities or purchase of equipment for—

(A) research programs;

(B) technology development;

(C) product development; and

(D) commercialization programs.

(c) GREEN REDEVELOPMENT, OPPORTUNITY, AND WORKFORCE GRANTS.—The Corporation shall establish and carry out a grant program—

(1) to assist small and medium-sized businesses in accelerating new product development and commercialization of technology products;

(2) to assist small and medium-sized businesses in capitalizing on early-stage investment, particularly those businesses that provide evidence of a capability to meet a green marketplace need;

(3) to create and maintain jobs within the United States;

(4) to assist local governments in improving infrastructure for related businesses in accordance with this section;

(5) to seek and develop innovative ways of assisting businesses and communities in achieving the goals of this subtitle;

(6) to redeploy underused manufacturing capacity;

(7) to capitalize on export opportunities;

(8) to revitalize depressed manufacturing communities; and

(9) to search for and develop innovative ways to design environmentally protective technologies and best practices and demonstrate commercial green energy production.

(d) GREEN ENERGY MANUFACTURING LOANS.—The Corporation shall establish a program to encourage financial institutions approved by the Corporation to make loans to for-profit or nonprofit small businesses that are having difficulty obtaining business loans through conventional underwriting standards.

(e) GREEN ENERGY COMMUNITY PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 green energy communities designated by the Corporation to assist the communities—

(A) to establish models for green energy communities;

(B) to reduce the traditional energy consumption of the communities by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for consumers and local government organizations.

(2) ELIGIBILITY.—To be eligible for designation as a green energy community under this subsection, a community shall be a target area.

(3) DURATION.—

(A) IN GENERAL.—The Corporation shall make grants to green energy communities designated under this subsection for a term of 10 years.

(B) RENEWAL.—Grants made to a green energy community under this subsection may be renewed for additional 10-year terms if the community continues to meet the eligibility requirements of paragraph (2).

(f) GREEN ENERGY INSTITUTION OF HIGHER EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 green energy institutions of higher education designated by the Corporation to assist the institutions of higher education—

(A) to establish models for green energy institutions of higher education;

(B) to reduce the traditional energy consumption of the institutions of higher education by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for the institutions of higher education and students.

(2) ELIGIBILITY.—To be eligible for designation as a green energy institution of higher education under this subsection, an institution of higher education shall be located in a target area.

(3) DURATION.—The Corporation shall make grants to green energy institutions of higher education designated under this subsection for a term of 10 years.

(g) NATIONAL GUARD BASE GREEN ENERGY GRANT PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 States for green energy National Guard bases designated by the Corporation to assist the National Guard bases in those States—

(A) to establish models for green energy National Guard bases;

(B) to reduce the traditional energy consumption of the National Guard bases by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for the National Guard and States.

(2) ELIGIBILITY.—To be eligible for designation as a green energy National Guard base under this subsection, a National Guard base shall be located in a target area.

(3) DURATION.—The Corporation shall make grants to green energy National Guard bases designated under this subsection for a term of 10 years.

(h) GREEN ENERGY TECHNOLOGY INTERNSHIP PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a green energy technology internship program under which—

(A) students and educators at colleges and universities in the United States are paired with businesses of all sizes in the United States; and

(B) those businesses are encouraged—

(i) to develop cutting-edge, high-tech skills in participating students; and

(ii) to ultimately offer full-time employment to those students after graduation.

(2) GOAL.—The Corporation shall establish as a goal for the green energy technology internship program the reimbursement by the Corporation, of not more than the greater of 50 percent or $5,000 of the wages paid to a participating student or educator, on the condition that, in the case of a participating student, the business strives for the possibility of full-time employment of the student after graduation.

(3) REQUIREMENTS.—The Corporation shall establish requirements for participation in the green energy technology internship program, including requirements relating to—

(A) the eligibility of students, educators, and businesses to participate in the program; and

(B) application contents and procedures.

(i) GREEN ENERGY TECHNOLOGY APPRENTICESHIP PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a green energy technology apprenticeship program under which—

(A) apprentices and employers in the United States are paired with businesses of all sizes in the United States; and

(B) those businesses are encouraged—

(i) to develop cutting-edge, high-tech skills in participating students;

(ii) to ultimately offer full-time employment to those students after completion; and

(iii) to work closely with organized labor.

(2) GOAL.—As a goal for the green energy technology apprenticeship program, the Corporation shall, to the maximum extent practicable, provide reimbursement for not more than the higher of 50 percent or $5,000 of the wages paid to a participating apprentice, if the business paired with the apprentice agrees to make every effort to offer full-time employment to the apprentice on the completion of the apprenticeship.

(3) REQUIREMENTS.—The Corporation shall establish requirements for participation in the green energy technology apprenticeship program, including requirements relating to—

(A) the eligibility of apprentices, organized labor, trades, and businesses to participate in the program;

(B) partnerships with organized labor apprenticeship programs; and

(C) application contents and procedures.

SEC. 1777. CRITERIA FOR PROVISION OF GRANTS, LOANS, AND OTHER ASSISTANCE.

(a) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The Corporation shall provide grants, loans, and other assistance in accordance with the programs under section 1776 for projects that, as determined by the Corporation—

(A) offer the best technology, research, and commercialization for the United States;

(B) permit anticipation and action on market opportunities;

(C) encourage industry involvement;

(D) facilitate investment at the intersection of core competency areas;

(E) recruit world-class talent and high-growth companies;

(F) create economic opportunity for target areas;

(G) engage regional partners;

(H) emphasize accountability and metrics;

(I) upon completion, will serve as sites and facilities primarily intended for commercial, industrial, or manufacturing use; and

(J) advance environmental protection.

(2) PRIORITY.—In carrying out paragraph (1), the Corporation—

(A) shall give priority to—

(i) renewable energy, carbon-neutral projects; and

(ii) projects that advance environmentally protective goals, with a particular emphasis on best practices and innovative technology that reduce negative impacts on a commercial scale; and

(B) may consider and give priority to the potential of a project to develop or improve innovative, cutting-edge technology for green energy projects that are carbon neutral.

(b) BASIS.—A grant, loan, or other assistance provided under this subtitle—

(1) shall be based on the best available technology, research, and commercialization, with a focus on diversity of green technologies; and

(2) shall not be provided solely on a geographical basis.

(c) ELIGIBLE APPLICANTS.—The Corporation may provide a grant, loan, or other assistance under this subtitle to—

(1) a political subdivision or nonprofit economic development organization;

(2) a municipality, local government, community, or institution of higher education (including a technical educational institution); and

(3) a private, for-profit entity, with the unanimous approval by the Board of Directors of the Corporation.

(d) FUNDS ALLOCATED.—The Corporation shall determine the maximum and minimum amount provided for each program and program recipient under this subtitle in order to maximize the purposes of this subtitle.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to Congress a report that describes all activities of the Corporation carried out using funds made available under this subtitle, including, for the year covered by the report, a description of—

(1) each grant, loan, or other award of assistance provided under this subtitle; and

(2) the reason for each grant, loan, or other award.

SEC. 1778. ENERGY EFFICIENCY GRANTS.

(a) IN GENERAL.—The Secretary shall establish an energy efficiency grant program under which the Secretary shall provide grants to eligible recipients, on a dollar-for-dollar matching basis, for implementing conservation programs that are designed to reduce consumer energy use to the maximum extent practicable.

(b) ELIGIBLE RECIPIENTS.—Recipients that are eligible to receive grants under this section include—

(1) energy producers;

(2) municipal power organizations; and

(3) rural electric cooperatives.

(c) PRIORITY.—In making grants under this section, the Secretary shall give priority to programs that are designed to reduce consumer end-use of energy over programs that are designed to reduce the consumer use of energy.

(d) REDUCTION IN ENERGY USES.—In making grants under this section, the Secretary shall allocate grants, and provide minimum and maximum award criteria for the grants, in a manner that maximizes the reduction in energy use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2013.

SEC. 1779. ADMINISTRATION.

Notwithstanding any other provision of this subtitle, none of the funds made available to carry out this subtitle may be used to carry out any project, activity, or expense that is not located within the United States.

SEC. 1780. AUTHORIZATION OF APPROPRIATIONS.

Of amounts deposited in the Deficit Reduction Fund under section 1403, the Secretary of the Treasury shall transfer to the Fund to carry out this subtitle (other than section 1778), to remain available until expended—

(1) $1,000,000,000 for fiscal year 2009;

(2) $5,000,000,000 for fiscal year 2010; and

(3) $10,000,000,000 for each of fiscal years 2011 through 2013.

SA 4966. Mr. BROWN (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 183, strike line 15 and all that follows through page 184, line 1, and insert the following:

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantity of emissions allowances allocated pursuant to subsection (a) shall be represented by the following percentages:

Calendar year	Percentage for distribution
2012–2021	15
2022	15
2023	15
2024	15
2025	15
2026	15
2027	15
2028	15
2029	15
2030	15.

(c) CONDITIONAL PHASE-OUT.—

(1) IN GENERAL.—If the President determines that, as a result of international global warming agreements, the problem of diversion of manufacturing from United States facilities to facilities of foreign countries without greenhouse gas regulation is mitigated sufficiently to substantially reduce the competitive disadvantage of United States manufacturers in domestic or international markets as a result of this Act, the President shall provide to the Administrator a notification of the determination.

(2) ACTION BY ADMINISTRATOR.—On receipt of a notification under paragraph (1), the Administrator, by regulation, shall—

(A) reduce the quantity of emission allowances provided under this subtitle sufficient to reflect the reduced competitive harm caused to energy-intensive manufactures as a result of this Act; or

(B) if the President determines that the competitive disadvantage to United States manufacturing has been eliminated, terminate allocations of emission allowances under this subtitle.

SEC. 542. DISTRIBUTION.

On page 185, strike line 18 and insert the following:

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the

On page 185, after line 24, insert the following:

(2) REQUIREMENTS.—

(A) CONSIDERATION OF COSTS.—In establishing the system under paragraph (1), the Administrator shall take into consideration all categories of cost increases resulting from the implementation of this Act, including—

(i) cost increases relating to direct emissions (including process emissions) and indirect emissions; and

(ii) any increase in the cost of natural gas or any other relatively carbon-efficient fuel as a result of fuel substitution and related effects.

(B) CATEGORIES OF CURRENTLY OPERATING FACILITIES.—For purposes of subsection (d), the Administrator shall establish, by regulation, appropriate categories of currently operating facilities, including reasonable industry subsectors within a category, as the Administrator determines to be necessary to avoid inequitable distributions, taking into account the existence of currently operating facilities that—

(i) qualify as energy-intensive facilities; but

(ii) are affiliated with entities with substantially different emission or energy-consumption profiles.

(C) ALLOCATIONS TO INDIVIDUAL FACILITIES.—In establishing the system under paragraph (1), to fully reflect year-to-year changes in aggregate production levels, the Administrator shall provide for an adjustment factor for allocations to individual facilities under subsection (e) equal to the product obtained by multiplying—

(i) the quantity of emission allowances that would otherwise be allocated to an individual facility under subsection (e); and

(ii) the ratio that—

(I) the output from the individual facility during the calendar year immediately preceding the year of the distribution; bears to

(II) the average output from all individual facility during the 3-calendar year period ending on the date of enactment of this Act.

(D) MAXIMUM QUANTITY.—In establishing the system under paragraph (1), the Administrator shall—

(i) ensure that the total quantity of emission allowances allocated to all facilities under this section for a calendar year does not exceed a quantity sufficient to offset the increases in costs of the facilities resulting from the implementation of this Act; and

(ii) if the Administrator determines that, for any calendar year, the total quantity of emission allowances allocated to all facilities under this section is less than or greater than the quantity described in clause (i), adjust allocations for subsequent calendar years appropriately, in accordance with procedures to be established by the Administrator.

Beginning on page 188, strike line 9 and all that follows through page 189, line 3, and insert the following:

(f) TRANSITION TO INTENSITY-BASED ALLOCATIONS.—

(1) IN GENERAL.—Not later than 2 year after the date of enactment of this Act, the Administrator shall establish, by regulation, a revised method of allocating emission allowances under this subtitle to carbon-intensive industries, in accordance with this subsection, based on benchmarks for the emission efficiency or energy efficiency of each manufacturing process used in an industry of a facility that receives emission allowances under this subtitle.

(2) PHASE-IN SCHEDULE.—The revised method established under paragraph (1) shall—

(A) be implemented for calendar year 2017; and

(B) be phased into use uniformly and appropriately to ensure that the revised method is fully in effect for calendar year 2030.

(3) TOTAL QUANTITY OF ALLOWANCES.—The total quantity of emission allowances to be distributed for each calendar year shall be the quantity determined in accordance with section 541(b).

(4) MANUFACTURING PROCESSES.—

(A) IDENTIFICATION OF PROCESSES.—The Administrator, in consultation with affected industries, shall identify, by regulation, each manufacturing process that will be subject to the revised method established under this subsection, including by examining and categorizing existing manufacturing processes used by the affected industries.

(B) EXEMPTION.—The Administrator shall exempt from identification under subparagraph (A) any process that—

(i) is used by few facilities; or

(ii) results in relatively small total production rate.

(5) BENCHMARKS.—The Administrator shall establish benchmarks for emission efficiency and energy efficiency for purposes of this subsection—

(A) based on the average efficiency of all facilities in the United States in using a manufacturing process, such that, on a graduated basis—

(i) any facility with above-average efficiency receives proportionately more emission allowances under this subtitle; and

(ii) any facility with below-average efficiency receives proportionately fewer emission allowances under this subtitle; and

(B) in a manner that reflects factors under the control of facilities, including by—

(i) establishing a formula for conversion of kilowatt hours to emissions produced, with respect to indirect emissions of facilities; and

(ii) priority given to energy efficiency, except in any case in which energy efficiency and emission efficiency are poorly correlated.

SA 4967. Mr. BROWN (for himself, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 217, after line 21, and insert the following:

Calendar year	Percent for allocation among States relying heavily on manufacturing and coal
2012	6
2013	6
2014	6
2015	6
2016	6.25
2017	6.25
2018	6.25
2019	6.25
2020	6.25
2021	7.25
2022	7.25
2023	7.5
2024	7.5
2025	7.5
2026	7.5
2027	7.5
2028	7.5
2029	7.5
2030	7.5
2031	8
2032	8
2033	8
2034	8
2035	8
2036	8
2037	8
2038	8
2039	8
2040	8
2041	8
2042	8
2043	8
2044	8
2045	8
2046	8
2047	8
2048	8
2049	8
2050	8.

Beginning on page 218, strike line 4 and all that follows through page 219, line 9, and insert the following:

(1) MANUFACTURING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each calendar year ½ of the quantity of emission allowances shall be distributed among the States based on the proportion that—

(i) the average annual per-capita employment in manufacturing in a State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; bears to

(ii) the average annual per-capita employment in manufacturing in all States during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor.

(B) EXCEPTION.—

(i) DEFINITION OF QUALIFYING STATE.—In this subparagraph, the term "qualifying State" means a State in which the ratio that the manufacturing-related gross State product bears to the total gross State product exceeds 0.15.

(ii) ALLOCATION TO QUALIFYING STATES.—Notwithstanding subparagraph (A), the emission allowances available for allocation to a qualifying State under subsection (a) for a calendar year shall be a quantity equal to the product obtained by multiplying—

(I) the annual per-capital employment in manufacturing in the qualifying State during the period beginning on January 1, 1998, and ending on December 31, 1992, as determined by the Secretary of Labor; and

(II) 2.

(2) COAL.—For each calendar year, ½ of the quantity

Strike the table that appears on page 241, after line 21, and insert the following:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	1
2013	1
2014	1
2015	1
2016	1.25
2017	1.25
2018	1.55
2019	1.75
2020	2
2021	1
2022	2
2023	2.25
2024	2.5
2025	2.75
2026	3
2027	3.25
2028	3.5
2029	3.75
2030	4
2031	5
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	6
2040	6
2041	6
2042	6
2043	6
2044	6
2045	6
2046	6
2047	6
2048	6
2049	6
2050	6.

SA 4968. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Economic Diversification

SEC. 591. ECONOMIC DIVERSIFICATION INITIATIVE.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the "Economic Diversification Fund".

(b) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Economic Diversification Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) DEPOSIT OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this subsection in the Economic Diversification Fund, immediately on receipt of the proceeds.

(c) TRANSFER.—On request of the Secretary of Energy, the Secretary of the Treasury shall transfer to the Secretary of Energy such amounts in the Economic Diversification Fund as are necessary to carry out subsection (d).

(d) USE OF FUNDS.—The Secretary of Energy, acting through the Office of Fossil Energy, shall use amounts in the Economic Diversification Fund to establish a program under which the Secretary shall provide financial and technical assistance to communities to create local community reuse organizations that will, to the maximum extent practicable—

(1) assist communities in transitioning from dependence on carbon extraction industries to industries that provide greater long-term economic stability;

(2) design and implement community plans projects to assist the transition to a low carbon economy and alleviate any impact on industries and area economies; and

(3) improve infrastructure, business development activities, and workforce training programs throughout affected regions.

Strike the table that appears on page 458, after line 5, and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	4.75
2013	4.75
2014	4.75
2015	5.50
2016	5.75
2017	5.75
2018	6.25
2019	6
2020	7
2021	8.5
2022	7.75
2023	8.75
2024	9.75
2025	9.75
2026	11.75
2027	11.75
2028	11.75
2029	12.75
2030	12.75
2031	18.75
2032	16.75
2033	16.75
2034	15.75
2035	15.75
2036	15.75
2037	15.75
2038	15.75
2039	15.75
2040	15.75
2041	15.75
2042	15.75
2043	15.75
2044	15.75
2045	15.75
2046	15.75
2047	15.75
2048	15.75
2049	15.75
2050	15.75.

SA 4969. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert where appropriate the following:

TITLE ___—PROHIBITION ON EARMARKS

SEC. _01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EXTRA LEGISLATIVE EARMARKS.—None of the funds provided or made available by this Act shall be committed, obligated, or expended at the request of Members of Congress or their staff through oral or written communication for projects, programs, or grants to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SA 4970. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NONAPPLICABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, during the period beginning on the date on which the Administrator makes a determination described in subsection (b) and ending on the date described in subsection (c), the number of emission allowances established by the Administrator for a calendar year shall be not less than the number of emission allowances established under section 201(a) for the calendar year in which the determination is made.

(b) DESCRIPTION OF DETERMINATION.—A determination referred to in subsection (a) is a determination that, during an applicable calendar year, new nuclear power plants in the United States have commenced operation with a cumulative capacity equal to less than the applicable cumulative capacity (expressed in gigawatts electric) specified in the following table:

Calendar year	Gigawatts electricity
2016	3
2017	6
2018	9
2019	12
2020	15
2021	18
2022	21
2023	24
2024	27
2025	30
2026	33
2027	36
2028	39
2029	42
2030	45.

(c) ENDING DATE.—The ending date referred to in subsection (a) is the date on which the Administrator determines that a sufficient quantity of new nuclear power plants have commenced operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b).

(d) BIMONTHLY REPORTS.—During the period described in subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives bimonthly reports containing—

(1) the projected date on which a sufficient quantity of new nuclear power plants will commence operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b); and

(2) recommendations of the Administrator, if any, regarding measures to achieve the cumulative capacity described in paragraph (1).

SA 4971. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

Subtitle H—Effective Date

SEC. 1771. EFFECTIVE DATE.

This Act and the amendments made by this Act shall not take effect until the President certifies to Congress that the Governments of China and India have enacted mandates on the emissions of greenhouse gases that are comparable to the mandates contained in this Act.

SA 4972. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert where appropriate the following:

TITLE ___—PROHIBITION ON EARMARKS

SEC. _01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term "earmark" means a provision or report language included primarily at the request of a

Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVII, add the following:

SEC. 1724. AGRICULTURAL PRODUCTION COSTS STUDY.

(a) IN GENERAL.—Not later than January 1 and July 1 of each year, the Secretary of Agriculture shall submit to the Administrator a report on the effects of this Act on the commodity cost of agricultural production.

(b) REQUIREMENTS.—The report shall include, at a minimum—

(1) the impact of natural gas prices on the cost and production of nitrogen-based fertilizer;

(2) the impact of natural gas prices on other agricultural uses of natural gas;

(3) the impact of energy prices on the operation of irrigation pumps, livestock confinement, grain drying, and other agricultural activities; and

(c) RECOMMENDATION.—Based on the severity of the effects described in the report, the Secretary shall make a recommendation as to whether the Administrator should waive any or all of the requirements of this Act as the requirements apply to agricultural activity or producers of agricultural supplies.

(d) ACTION BY ADMINISTRATION.—

(1) IN GENERAL.—After reviewing a report submitted under this section, the Administrator may waive for a 1-year period any or all of the requirements of this Act as the requirements apply to agricultural activity or to producers of agricultural supplies if the effects described in the report justify the waiver in the determination of the Administrator.

(2) PUBLICATION.—The Administrator shall—

(A) publish any determination under paragraph (1) as an interim final action in the Federal Register; and

(B) provide at least 30 days for public comment prior to the determination becoming final agency action.

(3) EXTENSION.—

(A) IN GENERAL.—At any time, subject to subparagraph (B) and based on the effects described in a subsequent report issued under this section, the Administrator may extend the duration of a waiver under paragraph (1).

(B) LIMITATION.—The length of each extension under this paragraph may not exceed 1 year.

SA 4974. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The following provisions of this bill shall have no force and effect:

Beginning on page 9, line 1 and all that follows through page 16, line 16.

On page 17, lines 4 through 23.

Beginning on page 18, line 4 and all that follows through page 19, line 7.

On page 19, lines 11 through 16.

Beginning on page 19, line 24 and all that follows through page 23, line 8.

Beginning on page 23, line 12 and all that follows through page 26, line 16.

On page 27, lines 1 through 23.

Beginning on page 28, line 3 and all that follows through page 29, line 4.

Beginning on page 29, line 8 and all that follows through page 30, line 19.

On page 31, lines 5 through 18.

On page 38, lines 14 through 18.

On page 41, lines 4 through 8.

On page 43, lines 1 through 5.

On page 52, lines 3 through 7.

Beginning on page 63, line 8 and all that follows through the end.

SA 4975. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The following provisions of this bill shall have no force and effect:

Sections 2 and 3.

Paragraph (3) of section 4.

Paragraphs (5) through (8) of section 4.

Paragraph (10) of section 4.

Paragraphs (12) through (18) of section 4.

Paragraphs (20) through (29) of section 4.

Paragraphs (31) through (33) of section 4.

Paragraphs (35) through (39) of section 4.

Paragraphs (41) through (46) of section 4.

Paragraphs (49) through (51) of section 4.

Subsection (f) of section 111.

Subsection (f) of section 112.

Subsection (d) of section 113.

Subsection (g) of section 114.

Title II and all that follows through the end of the bill.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 12, 2008, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the relationship between U.S. renewable fuels policy and food prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley or Rosemarie Calabro.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Wednesday, June 18, 2008, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2008 wildfire season.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rachel—pasternack@energy.senate.gov.

For further information, please contact Scott Miller or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Matt Smith, an intern on the staff of the Finance Committee, and Bruce Fergusson, a fellow in my Senate office, be allowed on the Senate floor for the duration of the debate on the climate change bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask unanimous consent that Deborah Glickson, a fellow in my office, be allowed floor privileges during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent that Ellen Butler and Raj

Borsellino of my staff be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING REQUIRING A LICENSE FOR SALVAGING ON THE COAST OF FLORIDA

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 750, S. 2482.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2482) to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

There being no objection, the Senate proceeded to consider the measure.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the bill be read for a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2482) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

REGARDING THE LEASE OR SUBLEASE OF CERTAIN PROPERTY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 755, H.R. 3913.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3913) to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I further ask that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3913) was ordered to a third reading, was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 311, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 311) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 311) was agreed to.

CONGRATULATING THE ARIZONA STATE UNIVERSITY WOMEN'S SOFTBALL TEAM

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 586, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 586) congratulating the Arizona State University Women's Softball Team for winning the 2008 National Collegiate Athletic Association Division I Softball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in support of this resolution to highlight the athletic achievements of a tremendous group of young women. On June 3, the Arizona State University women's softball team won the 2008 National Collegiate Athletic Association Division I Softball Championship by defeating Texas A&M University 5 to 0. This is the first softball championship title for ASU, and the second consecutive year that a university in Arizona has brought home the NCAA Softball Championship.

The Sun Devils won the championship in an impressive fashion with considerable efforts by all. ASU beat its opponent by an 11 to 0 margin, the largest margin of victory in a championship game. Pitcher Katie Burkhart allowed only four hits during the game, struck out 13 batters and was recognized as the Most Valuable Player. Mindy Cowles and Kaitlin Cochran both hit homeruns for the Sun Devils. Jackie Vasquez, Jessica Mapes, Mandy Urfer, Rhiannon Baca, Krista Donnenwirth, Lesley Rogers, and Caylyn Carlson all contributed to the final score. Other Sun Devils making important contributions include Katie Crabb, Megan Elliott, Dani Rae Lougheed, Brittney Matta, Kristen Miller, Ashley Muenz, Amanda Nesbitt, Brooke Neuman, Michelle Nulliner, Sarah Rice, Colleen Robbins, Jessie Ware, and Renee Welty.

Coach Clint Myers led the Sun Devils to a season record of 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason. Coach Myers joined ASU three years ago and has turned the ASU women's softball program into a PAC–10 Conference powerhouse.

I salute the Sun Devils and congratulate them on a hard-earned national championship. All Arizonans, even diehard UofA Wildcats like me, are proud of the team's outstanding achievement and wish the team success in the years to come.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 586) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 586

Whereas, on June 3, 2008, the Arizona State University women's softball team (in this preamble referred to as the "ASU Sun Devils") won the 2008 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the women's softball team of Texas A & M University by a score of 11 to 0;

Whereas that victory marks the first championship title for the ASU Sun Devils;

Whereas the ASU Sun Devils now hold the Women's College World Series record for the largest margin of victory in a championship game;

Whereas the ASU Sun Devils beat opponents by a combined score of 24 to 2 in 5 Women's College World Series wins and completed the season with 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason; and

Whereas ASU Sun Devils pitcher Katie Burkhart finished with 5 wins and 53 strikeouts in the Women's College World Series and earned Most Valuable Player honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Women's Softball Championship; and

(2) recognizes the players, coaches, and support staff who were instrumental in that achievement.

MEASURE READ FIRST TIME—H.J. RES. 92

Mr. LAUTENBERG. Mr. President, I understand that H.J. Res. 92 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

> A joint resolution (H. J. Res. 92) increasing the statutory limit on the public debt.

Mr. LAUTENBERG. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 6, 2008

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to vote on the motion to invoke cloture on the Boxer substitute, amendment No. 4825 to S. 3036, the climate change legislation; I further ask that the filing deadline for the second-degree amendments to the Boxer substitute be at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LAUTENBERG. Mr. President, tomorrow, shortly after 9 a.m., the Senate will proceed to a cloture vote on the substitute amendment to the climate change bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Friday, June 6, 2008, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

NAKEISHA B. HILLS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

ELIZABETH A. MCNAMARA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

MICHAEL A. BEMIS
STEVEN L. BRYANT
ARRVID E. CARLSON
STEVEN D. GILBERT
BRIAN L. GRIFFIN
HOMER F. HENSY
IAN J. HILDRETH
RODERICK L. HODGES
BRANDON L. JOHNSON
STERLING S. JORDAN
STEVEN C. LAWRENCE
PETER A. LOGAN
GERALD P. LORIO
MATTHEW S. MAASSEN
LELAND M. MURPHY
TERRY A. NEMEC
MATTHEW P. PETERSON
BENJAMIN C. POLLOCK
RANDY R. REID
GARY A. RYALS
JASON R. STAHL
CHRISTOPHER C. SUPKO
MICHAEL J. UYBOCO

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, June 5, 2008:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY A. MCCHRYSTAL

EXTENSIONS OF REMARKS

HONORING THE MEMORY OF TIM BAER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. BONNER. Madam Speaker, I rise today to honor the memory of a remarkable political strategist and a superior human being, Mr. Tim Baer.

The Birmingham News recently described Tim as "a plainspoken political operative who helped the GOP take over the state's appellate courts."

Tim was born near Buffalo, New York, and was raised in Pompano Beach, Florida. However, he called Birmingham, Alabama, home for over 30 years.

In 1986, Tim directed a national GOP telemarketing campaign in 19 states with Republican U.S. Senate candidates. In that year, no Republicans were serving on Alabama's appellate courts. In the following years, Mr. Baer individually managed the victorious campaigns of five Republican hopefuls for the state Supreme Court. He also worked voter identification for numerous Republican candidates in multiple election cycles.

Tim was probably best known for his service as the state of Alabama's Republican Party executive director. He also worked as director of field operations for the Business Council of Alabama, where he raised money for the group's political action committee, Progress PAC. He also served as an aide to former Probate Judge Mark Gaines, where he supervised Jefferson County elections.

In 2000, Tim was instrumental in the successful effort for Alabama Republicans to add to their very slim Supreme Court majority, an effort spearheaded by political consultant Karl Rove. Today, Republicans hold eight of the nine high court seats, due in large part to Tim's efforts.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Tim Baer will be dearly missed by his family—his daughter, Katie Baer; his father, Chet Baer; his sister, Janice Mudd; as well as the countless loyal friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

MAPLE GROVE ELEMENTARY SCHOOL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Maple Grove Elementary School on their 130th Anniversary.

Maple Grove Elementary School is the neighborhood public elementary school attended by my daughters. I am honored to recognize Maple Grove on achieving 130 years of service to the students, parents and community of Golden, Colorado.

Maple Grove is an outstanding elementary school with a rich history in this area. The students, teachers, administrators and parents involved with Maple Grove Elementary School are second to none.

I extend my deepest congratulations once again to Maple Grove Elementary School on their 130th Anniversary.

HONORING MARY PATTON FOR HER EFFORTS DURING THE REVOLUTIONARY WAR

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to a true Tennessee Volunteer. Mary McKeehan Patton was born in England and immigrated to Pennsylvania in the late 1760s. Mary Patton was an apprentice in Pennsylvania where she learned the trade of making gunpowder.

After giving birth to two children in Pennsylvania, Patton moved to the Overmountain region of North Carolina, which is now East Tennessee and part of the First District.

With help from her husband, Andrew Taylor, a private in the Pennsylvania militia, they started their own gunpowder mill on what became known as Powder Branch.

Mary Patton embodied the entrepreneurial spirit that many immigrants who come to America possess. She used this mill to supply gunpowder to militias during the Revolutionary War.

Patton's true Tennessee Volunteer spirit showed when she gave over five hundred pounds of gunpowder to the 850 Overmountain Men for the Battle of Kings Mountain during the Revolutionary War. Some say that this victorious battle over the British was a very influential part of the Revolutionary War, and to the eventual founding of our country.

On December 15, 1836, Mary Patton passed away and was buried at Patton-Simmons Cemetery, which is located in my district. The cemetery is located in the historic town of Elizabethton, Tennessee.

This Saturday, June 7, 2008 the Watauga Chapter Tennessee Sons of the American Revolution and The James Sevier Society of the Tennessee Children of the American Revolution will be hosting a memorial service at the grave of Mary Patton and will be honoring her for her efforts and role in the Revolutionary War.

Madam Speaker, I ask that my colleagues join me today in honoring a true Tennessee Volunteer who embodies the entrepreneurial spirit that has made America the great country that we are today.

IN HONOR OF THE 2008 GRADUATING CLASS OF THE JAMES H. GROVES ADULT HIGH SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the 2008 Graduating Class of the James H. Groves Adult High School. These students have worked diligently to complete their education and are an excellent example of perseverance and dedication to the State of Delaware.

The James H. Groves Adult High School provides students who have officially withdrawn from high school the opportunity to earn a State of Delaware diploma and further their education. Additionally, the institution provides technical and workplace training to the citizens of Delaware. This institution carefully tailors their program to meet each individual's needs and help them receive their diploma in a timely and affordable manner. Graduates from James H. Groves Adult High School are provided with the foundational knowledge to achieve social, political, and economic independence so they may excel in a technological and global society.

The class of 2008 is comprised of forty-five graduates, twenty-three male and twenty-one female students. Their ages range between eighteen and fifty-eight years of age. Some of these students have been working diligently to achieve their diploma since 1999. One exemplary student has had a perfect attendance record for the three years she attended the institution, earning 8.5 credits towards her diploma. These citizens have toiled industriously and thoroughly to complete their high school education. The highest commendations should be awarded to this 44th graduating class of James H. Groves Adult High School.

I acknowledge the 2008 graduating class of James H. Groves Adult High School for their commitment to finishing their education and the exceptional example they provide to all citizens seeking to complete their high school education. The James H. Groves Adult High School is extremely proud of their graduates and I am confident they shall go on to perform outstanding in their fields and become a vital part of the workforce of Delaware.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING EMD SERONO FOR RECEIVING A GOLD MEDAL AS A LAUREATE OF THE COMPUTER WORLD HONORS PROGRAM

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. DELAHUNT. Madam Speaker, I rise today to honor EMD Serono, headquartered in Rockland, Massachusetts. On June 2nd they were chosen to be the recipient of the prestigious Gold Medal award as a Laureate of the Computerworld Honors Program for their EasyPod Device. This is in addition to earlier recognition by the Medical Design Excellence Awards for this breakthrough technology.

Established in 1988, The Computerworld Honors Program brings together the principals of the world's foremost information technology companies to recognize and document the achievements of the men, women, organizations and institutions around the world whose visionary applications of information technology promote positive social, economic and educational change. It is the longest running global program to honor individuals and organizations that use information technology to benefit society.

EMD Serono's EasyPod was selected based on 10 criteria including use of information technology, originality of its conception, the breadth of its vision, and the significance of its benefit to society. This device administers a medication called Saizen to children requiring growth hormone therapy and then monitors their compliance to the treatment schedule for physicians. It is a first of its kind device in this treatment area and an example of the innovation that EMD Serono and other biopharmaceutical companies in Massachusetts develop every year.

Growth deficiency occurs when the body is unable to release or produce adequate amounts of the appropriate hormones. In children, growth deficiency causes slow growth, and without treatment, studies have shown that 18–20 percent of school children who have growth problems have academic problems, at more than 4 times the rate of normal statured counterparts. It is estimated that 10,000 to 15,000 children in the United States have growth failure.

EMD Serono has a long history in Massachusetts of providing for the unmet needs of patients. Through regular innovative breakthroughs, the company is a leader in not only growth deficiency, but also multiple sclerosis, HIV, and infertility. They not only offer the products for physicians to use, but also provide 24 hour call centers to work with doctors and patients supporting their course of therapy.

They also offer robust patient assistance programs and free product to assist families in overcoming financial barriers to treatment.

Congratulations to the employees of EMD Serono for this achievement and the work you do every day to help physicians and patients.

HONORING JAMES DUVALL IV

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Duvall IV of Liberty, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1320, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Duvall IV for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO LIEUTENANT COMMANDER JOHN CHRISTIAN DETTLEFF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to LCDR John Christian Dettleff of the United States Coast Guard. Lieutenant Commander Dettleff is completing a tour of duty as the Executive Officer of the U.S. Coast Guard Cutter *Diligence* homeported in Wilmington, North Carolina. As he completes this honorable tour of duty, I ask that you join me in recognizing his long and honorable career of service.

Lieutenant Commander Dettleff has faithfully served on the USCGC *Diligence* as the Executive Officer with distinction from 2006 through 2008. As native Wilmingtonians know, USCGC *Diligence* has a long and rich history with the city of Wilmington, which dates back to the original Revenue Cutter *Diligence* being in home port there in 1792 and continues today with the sixth Coast Guard Cutter *Diligence*. Lieutenant Commander Dettleff and his shipmates have ensured that that close relationship between the city of Wilmington and the USCGC *Diligence* continues today.

Lieutenant Commander Dettleff's service to our Nation has been extensive and remarkable. A native of Shoreham, Long Island, New York, he graduated with honors from the U.S. Coast Guard Academy. He went on to report to the USCGC *Diligence* as a newly graduated ensign. He also served on the USS *Russell* as a participant in the Coast Guard's personnel exchange program with the U.S. Navy and later served as Commanding Officer of USCGC *Point Bridge*, homeported in Marina del Rey, CA.

In June 2002, Lieutenant Commander Dettleff graduated with a masters degree in public policy from Harvard's John F. Kennedy School of Government. Upon graduation, he reported to the U.S. Coast Guard Academy to begin an assignment as an assistant professor in the Department of Humanities. In addition to his teaching duties, Lieutenant Commander Dettleff also served as the associate director of the Academy's Institute for Leadership.

Madam Speaker, LCDR John Dettleff has served our country with distinction and continued to do so as Executive Officer of the USCGC *Diligence*. I wish LCDR John Dettleff, his wife, and their two children the very best wishes. May God's richest blessings be with them as they transition from Wilmington, North Carolina, to Washington, DC, for a new Coast Guard assignment in the Coast Guard's Office of Congressional Affairs. I ask that you join me today in recognition of his impressive career of courageous duty and enduring public service.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. LAMBORN. Madam Speaker, consistent with Republican transparency standards, the following are detailed finance plans for each of my requested projects in the Duncan Hunter National Defense Authorization Act of Fiscal Year 2009, H.R. 5658.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: 3600F RDT&E, Air Force, Line 13, PE 0602601F.

Legal Name of Requesting Entity: Aeroflex.

Address of Requesting Entity: 4350 Centennial Blvd. Colorado Blvd, Colorado Springs, CO 80907.

Description of Request: $3 million is included in this bill for Radiation Hardened Non-Volatile Memory. This request is intended to aide in the development of radiation hardened non-volatile memory technology to be used in a variety of applications, principally satellites.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: RDTE, AF.

Legal Name of Requesting Entity: Goodrich Corporation.

Address of Requesting Entity: 1275 North Newport Road, Colorado Springs, CO 80916.

Description of Request: $6 million is included in this bill to fund ACES 5 ejection-seat development and testing for the Air Force-variant F–35 to enable insertion into F–35 LRIP to leverage the most capable and safest ejection seat ever developed and ensure that the U.S. preserves the domestic capability to produce vital life saving ejection seat systems for the Air Force.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: RDT&E.

Legal Name of Requesting Entity: Analytical Graphics, Inc.

Address of Requesting Entity: 7150 Campus Drive, Suite 260, Colorado Springs, CO.

Description of Request: $4 million is included in this bill to incorporate space object data, improve navigation accuracy prediction (including jamming and weapons modeling), and integrate electronic warfare (EW) analysis into a common operational environment for Army support teams. The user friendly interface will couple real time data integration with currently deployed and supported data feeds, including imagery, terrain, GPS status, electronic warfare environment, and terrestrial weather.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 5658.

Account: Research, Development, Test & Evaluation, Air Force.

Legal Name of Requesting Entity: Finmeccanica of North America.

Address of Requesting Entity: 1625 Eye Street NW, Floor 12, Washington, DC 20006.

Description of Request: $3 million is included in this budget to demonstrate and qualify in a cold climate an innovative, energy efficient, alternative power technology, on an energy intensive Air Force installation. Utilizing tactical or readily available fuels, this first phase of qualifying will place a next generation power generator in a military environment while showcasing all the benefits (monetary, environmental, and technical) this technology can provide within various scenarios, such as "Silent Camp" or "Islanding."

RECOGNIZING E'LEESE MADGETT MANRIQUE FOR HER SERVICE TO OUR NATION'S MILITARY VETERANS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize a truly special American patriot. This particular American hasn't served overseas defending our freedom and liberty, nor has she dedicated her life to serving her fellow man through charity. However, I'm certain that later in life she'll be able to reflect on her accomplishments and truly realize the impact she has made on so many lives.

Madam Speaker, this patriot's name is E'leese Madgett Manrique, and she is a 12-year-old girl from Buffalo, Minnesota. I call attention to her today because on June 7, she will embark on a mission in honor of our military veterans.

To show her support for our military personnel and their families, she will be leaving the Buffalo Rodeo Grounds on her horse "Chip" at noon this Saturday, and will ride her horse for the next 86 days throughout Minnesota to raise money for a ranch to support our military veterans. Her vision is to create a place where any soldier in need of a place to heal can go for free.

To paint a clearer picture of what "The Ranch" will look like, I'll let E'leese tell you in her own words:

> The Ranch will not be fancy, in fact it will be humble. Just like the men and women that serve their country. Here in Minnesota we have a very good life. People in Minnesota have a long tradition of service and volunteering. Neighbor helping neighbor. The Ranch will be a number of cabins surrounding a lodge and dining room. Soldiers can spend the day lounging around. Taking a walk, going for a swim, or taking a horse out for a ride. Do ranch chores or relax, read a book, or have a good conversation, be our guest. For those who do so much for others, we thank you.

E'leese, we thank you. At the tender of age 12, you are displaying more respect, love, and caring than many folks do in a lifetime. As you start your trip this Saturday, know that you have the prayers and support of Minnesota and Americans across the country. We are all proud of you E'leese, and your selflessness is an inspiration to us all. May God bless you on your journey, and we look forward to your safe return.

TRIBUTE IN HONOR OF KTVB–TV, BOISE, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to KTVB–TV in Boise, Idaho. KTVB–TV was recently recognized by the National Association of Broadcasters Education Foundation as the 2008 Friend in Need Television Award recipient for its efforts to end methamphetamine abuse in Idaho.

In March 2007, the KTVB News Group dedicated 100 percent of its public services resources to the "March Against Meth" campaign. This month-long, statewide campaign aimed to stop meth use by educating adults and children about the dangers of methamphetamines. As part of the campaign, KTVB–TV produced an award-winning primetime documentary called "Life or Meth," which played in the homes of families throughout southern Idaho. Within 60 days, 90 percent of the households in southwestern Idaho heard the anti-meth awareness message at least seven times.

Meth is one of the most dangerous substances available on the illegal drug market and has a devastating impact on individuals, families, the environment, and society. My home State of Idaho has the dubious distinction of ranking fifth on the list of States with the highest rates of meth use in the country. Combating the growth of meth use in Idaho has become a top priority for me, but it is clear that winning the war against this epidemic will require a partnership between public and private organizations, individuals, and families in our State and across the country. I am so pleased that KTVB–TV has taken up this fight.

Education about the destructive effects of meth use on individuals and communities is key to ending meth use in Idaho and across the Nation, and I am proud that KTVB–TV's efforts to communicate these dangers to Idaho families have been recognized. It is my honor to work with this company and the dedicated employees at KTVB-TV to make our community a better place to live.

RECOGNIZING THE ABILITYONE PROGRAM AND THE ARC OF HILO

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. HIRONO. Madam Speaker, I rise today to recognize the AbilityOne Program, formerly known as the Javits-Wagner-O'Day Program, which focuses on job skills and training for more than 48,000 Americans who are blind or who have other severe disabilities.

Last year, I visited the clients and staff of the Arc of Hilo, one of the community partners of the AbilityOne Program in my district. The Arc of Hilo strives to improve the quality of life for people with developmental or other disabilities through educational, recreational, vocational, and skills training as well as employment and residential opportunities. Through these programs, the Arc of Hilo is able to reduce incidents of depression, poor health, isolation, exclusion, discrimination, poverty, and substance abuse among this vulnerable population.

The AbilityOne Program allows individuals, like the clients of the Arc of Hilo, to enjoy full participation in our communities. It is an invaluable program.

I would also like to recognize and thank Michael Gleason, the president and CEO of the Arc of Hilo, and his staff, for their dedication to serving the needs of their clients, as well as the clients themselves for their hard work and contribution to our greater society.

IN RECOGNITION OF THE SYRACUSE UNIVERSITY MEN'S LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to congratulate the Syracuse University Men's Lacrosse team, 2008 Division I NCAA National Champions. With their 13–10 victory over Johns Hopkins University on May 26, 2008, the Syracuse Orange won a record 10th National Championship.

The Syracuse Orange had an outstanding season, finishing with an impressive record of 16–2 with a perfect record at home. Their 16 wins ties a school record for most wins in a single season. Syracuse's championship season is especially amazing considering that the team went from a losing season last year, which resulted in missing the NCAA tournament for the first time since 1982, to winning the national title just one season later. The team had four players named to the 2008 All-Tournament team. Additionally, Steven Brooks and Mike Leveille of the Orange were named to the 2008 first-team All America. Mike Leveille was also named the winner of the 2008 Tewaarton Trophy, distinguishing him as the player of the year in men's college lacrosse.

On behalf of the people of the 25th district of New York, I congratulate Head Coach John

Desko, Assistant Coaches Lelan Rogers, Roy Simmons III, Kevin Donahue and the players of the Syracuse University Men's Lacrosse Team:

Nate Tucker, Pat Perritt, Peter Coluccini, Matt Abbott, Jack Harmatuk, Max Bartig, Nathan Farabee, Al Cavalieri.

Jake Moulton, Josh Amidon, Kenny Nims, Joel White, Spencer Van Schaack, Steve Babbles, Chris Daniello, John Galloway.

Tim Desko, John Carrozza, Matt Tierney, Mike Leveille, Greg Niewieroski, Mike MacDonald, Dan Hardy, Jovan Miller.

Brendan Loftus, John Mecionis, Joe Coulter, Lincoln Cavalieri, Stephen Keogh, Derek Philipiak, Blair Koontz, Evan Brady.

Tim Harder, Sid Smith, Thomas Guadagnolo, Sean McGonigle, Jay Shaw, Tyler Hiawati, Josh Knight, TJ Murphy.

Danny Brennan, Jeff Gilbert, Kyle Guadagnolo, Brandon Conlin, Steven Brooks, Pat Nemes, Alex Giocondi, Anthony Bucco, Gavin Jenkinson.

RECOGNIZING HIGH SCHOOL ARTISTS FROM THE 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. FRELINGHUYSEN. Madam Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2008 Congressional Arts competition, "An Artistic Discovery." Their works of art are exceptional.

We have 46 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Jessica Pester of Millburn High School for her work "Waiting." Second Place was awarded to Rebecca Bailey from West Morris Mendham High School for her work "Mark." Third Place was awarded to Kristen Capote from Parsippany Christian School for her work "Digital Camera."

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official record.

Boonton High School: Cathy Yang's "Self Portrait" (Honorable Mention); Elyssa Hunziker's "When I was Seventeen"; Jennifer Vasta's "The Gift"; Steve McKeown's "Self Portrait."

Chatham High School: Anna Zamecka's "Charcoal Still Life"; Grace Oakley's. "Global Fabric"; Michelle Mruk's "Miniature Eggplants and Egg."

Livingston High School: Jordana Geller's "Timelessness"; Kelly Keltos "Carnival"; Victor Xia's "Steel"; Wei Li Cheng's "Vanilla."

Madison High School: Alexandra Coultas "The Luke Miller House"; Frank Wulff, III's "Valor";

Frederick Greis "Elaine"; Kimberly Smith's "He loves me, He loves me not."

Millburn High School: Kelly Blumenthal's "Venetian Landscape"; Jessica Pester's "Waiting" (First Place); Jacqueline San Fillipo's "Riding Shadows."

Montville High School: Christine Riccio's "Summer"; Grace Lee's "Spring Flowers"; Jennifer Eishingrelo's "Montville Farmer"; Michael Johnston's "Book Smart."

Morris Knolls High School: Elizabeth Westerman's "Toy Trains"; Liana Kelly's "A Brighter Life"; Jennifer Engleson's "Sunburnt Lawn"; Amanda Wilson's "Inside My Head."

Mount Olive High School: Kristen Cignavitch's "Puzzle Portrait"; Laura Smith's "The Approach"; Olga Kazakova's "Belarus in America"; Rachel Tenenbaum's "Photography."

Parsippany Christian School: Austin Dimare's "Austin Splender"; Kristen Capote's "Digital Camera" (Third Place); Samantha Dahl's "Go Fish."

Ridge High School: Christina Stillwaggon's "P.M.S."; Frankie Cocuzza's "Untitled #3"; Lara Charavantes' "Purificacao" (Honorable Mention); Sojin Ouh's "Leftovers."

Roxbury High School: Christian Peslak's "Conscious Man"; Sam Knopka's "Self Portrait"; Bret Koblyka's "Self Portrait" (Honorable Mention); Jacob Mandel's "The Artist's Mindset."

Watchung Hills High School: Kim Delli Paoli's "My Vacation."

West Morris Mendham High School: Caitlin Aromando's "Intensity"; Elisa Cecere's "Elephant Eye";

Olivia Sebesky's "Jon"; Rebecca Bailey's "Mark" (Second Place).

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of fellow Americans walk through that corridor and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

HONORING BRETT PENNE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brett Penne of Parkville, Missouri. Brett is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Brett has been very active with his troop, participating in many scout activities. Over the many years Brett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brett Penne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COLORADO ENERGY SCIENCE CENTER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Colorado Energy Science Center for being the recipient of the 2008 Golden Rotary Ethics in Business Award.

The Colorado Energy Science Center was "spun off" from the National Renewable Energy Laboratory to provide an independent institution that could serve the community with objective advice on energy efficiency and renewable energy applications. The Colorado Energy Science Center has fulfilled this ambition through several hundred consumer workshops, dozens of educational classes in public schools and a widely distributed free magazine. Most services to the consumer and community are free of charge.

The Colorado Energy Science Center is broadening services through training programs for home builders to assure energy efficiency of new and remodeled houses.

To provide advice of such importance, frequently involving the potential of substantial investment, requires competent, unbiased, well informed, responsible and reliable information of the highest integrity. These are the principles that guide the activities of the Colorado Energy Science Center and staff.

My deepest congratulations to the Colorado Energy Science Center for your fine work.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 22, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 350, rollcall 351, rollcall 352, rollcall 353, rollcall 354, rollcall 357, rollcall 359, rollcall 360, rollcall 361, rollcall 362, rollcall 363, rollcall 365, rollcall 366.

I would have voted "nay" on the following: rollcall 355, rollcall 356, rollcall 358, rollcall 364.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. ELLISON. Madam Speaker, on Wednesday, June 4, 2008, I inadvertently failed to vote on rollcall No. 379. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on June 4, 2008:

On ordering the previous question on H. Res. 1234, providing for consideration of H.R. 3021, the 21st Century Green High-Performing Public School Facilities (Rollcall vote No. 370), I would have voted "nay."

On agreeing to the resolution, H. Res. 1234, providing for consideration of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 371), I would have voted "nay".

On the motion to suspend the rules and pass, as amended, H.R. 1343, the Health Centers Renewal Act of 2007 (Rollcall vote No. 372), I would have voted "aye."

On the motion to suspend the rules and pass H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008 (Rollcall vote No. 373), I would have voted "aye."

On agreeing to the Kildee Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 374), I would have voted "nay."

On agreeing to the Ehlers Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 375), I would have voted "aye."

On agreeing to the Welch Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 376), I would have voted "aye."

On agreeing to the Matheson of Utah Amendment to H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 377), I would have voted "nay."

On the motion to recommit with instructions H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 378), I would have voted "aye."

On Passage of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act (Rollcall vote No. 379), I would have voted "nay."

IN MEMORY OF SPECIALIST DAVID LEE LEIMBACH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. WILSON of South Carolina. Madam Speaker, on May 25, Specialist David Lee Leimbach of Taylors, South Carolina, was killed while serving in Afghanistan. Specialist Leimbach had been in Afghanistan with my former unit, the 218th Brigade Combat Team of the South Carolina Army National Guard. The 218th recently returned home after a year of training police and army forces, but Leimbach volunteered to stay in Afghanistan with the 2nd Squadron, 101st Cavalry of the New York Army National Guard.

We honor the dedication exemplified by Specialist Leimbach. His willingness to remain in a combat zone, to continue the difficult but important work of protecting the Afghani people and helping to stabilize their country speaks to the highest qualities of character and courage. According to those who served with him, Specialist Leimbach was a soldier that would do all that was asked of him. Our Nation is safer and stronger because of the ultimate sacrifice made by Specialist Leimbach.

Our thoughts and prayers are with Specialist Leimbach's wife, Dawn, and all his family, friends, and fellow soldiers of the 218th during this difficult time. Specialist Leimbach's life and sacrifice are a testament to the strength and selfless dedication he and his fellow soldiers have for the defense of liberty. He has made a difference protecting American families by defeating terrorists overseas. Our troops are helping the people of Afghanistan build an effective government and robust economy which will deny terrorists safe havens from which to murder Americans as devised on September 11, 2001.

We will forever be grateful for the courage and dedication of Specialist David Lee Leimbach and his family.

THE INVESTING IN CLIMATE ACTION AND PROTECTION ACT (H.R. 6186)

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. MARKEY. Madam Speaker, yesterday I introduced, H.R. 6186, the "Investing in Climate Action and Protection Act," or "iCAP Act." I would like to call the attention of my colleagues to the following subtitle-by-subtitle summary of the bill:

TITLE I—CAPPING GREENHOUSE GAS EMISSIONS

SECTION 101. AMENDMENT TO THE CLEAN AIR ACT

Section 101 of the bill adds a new Title VII to the Clean Air Act, the subtitles of which are summarized below.

Subtitle A: Tracking Emissions

Subtitle A establishes a process through which EPA may designate new greenhouse gases and directs EPA to determine the quantity of each greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide. EPA is also directed to establish a national greenhouse gas registry.

Subtitle B: Reducing Emissions

Subtitle B directs EPA to establish a separate quantity of emission allowances for each calendar year from 2012 through 2050. The bill covers emissions of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydro fluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3)—plus any other anthropogenic gas that EPA designates as a greenhouse gas. Each emission allowance is equal to one metric ton CO_2—equivalent—the quantity of a greenhouse gas that makes the same contribution to global warming as one metric ton of CO_2. The emissions "cap" will cover 87 percent of U.S. greenhouse gas emissions. The cap reduces covered emissions to 2005 levels by 2012, to 20 percent below 2005 levels in 2020, and 85 percent below 2005 levels in 2050.

The bill requires the owner or operator of each "covered entity," at the end of each calendar year from 2012 through 2050, to submit to EPA one emission allowance for each metric ton CO_2-equivalent of greenhouse gases that it emitted or that was contained in the fuels or chemicals it put into commerce that year. Covered entities include: (1) electric power and industrial facilities; (2) entities that produce or import petroleum- or coal-based liquid or gaseous fuels; (3) entities that produce or import HFCs, PFCs, SF_6, or NF_3; (4) natural gas local distribution companies; and (5) geological carbon sequestration sites. Entities that do not meet a 10,000 CO_2-equivalent threshold will not be required to submit allowances. HFC producers will not be required to submit allowances until 2020 in order to ensure success in meeting Montreal Protocol targets and to allow HFC substitutes to come to market.

A covered entity may submit domestic offset credits approved by EPA under subtitle E in lieu of emission allowances to satisfy up to 15 percent of its compliance requirement. A covered entity may also submit international emission allowances or offset credits approved by EPA under subtitle F to satisfy up to 15 percent of its compliance requirement. A covered entity may also submit destruction credits—issued by EPA to entities that convert a greenhouse gas (other than methane) to a gas with a lower global warming potential—in lieu of emission allowances.

Subtitle C: Distribution of Allowances

Subtitle C directs EPA to auction virtually all of the emission allowances each year, beginning with 94 percent auction from 2012-2019 and transitioning to 100 percent auction in 2020. Six percent of allowances from 2012 through 2019 will be distributed to U.S. manufacturers of trade-exposed primary goods (such as iron and steel, cement, aluminum, bulk glass, and paper) as a transitional measure to avoid shifting production abroad.

Auction proceeds will be used for a variety of public benefit purposes. Up to 0.5 percent of proceeds will be used to cover the costs of EPA and Federal Energy Regulatory Commission administration of the bill. Fifty million dollars per year will be dedicated to climate change education programs and centers for excellence established under Subtitle H of Title III. All remaining proceeds will be divided among 10 funds that will support the programs described in Title III and Title IV of the bill.

Subtitle D: Trading, Banking, and Borrowing

Subtitle D establishes rules for the trading, banking, and borrowing of emission allowances. Anyone may buy, sell, or transfer emission allowances, or submit them to EPA for retirement. Unlimited "banking" of allowances for future use is permitted. A covered entity may also borrow allowances from EPA (to be drawn from the emissions budget for future years) to meet up to 15 percent of its annual compliance obligation, but an allowance "loan" must be repaid within 5 years with 10 percent annual interest.

Subtitle E: Offsets

Subtitle E establishes a program to issue offset credits to entities that carry out projects in the United States that achieve real, verifiable, additional, permanent, and enforceable reductions in emissions or increases in storage of carbon in plants and soils. Four types of projects will be eligible to receive offset credits: (1) reductions in (outside-the-cap) greenhouse gas emissions from oil and gas systems; (2) reductions in greenhouse gas emissions from livestock operations; (3) reductions in greenhouse gas emissions from coal mines; and (4) increases in biological carbon sequestration through afforestation and reforestation. Activities covered by the cap or by 3 performance standards in subtitle H, or receiving support under Title III are not eligible to earn offset credits. Subtitle E directs EPA to establish rigorous monitoring, quantification, and accounting protocols and standards for approval of offset credits.

Subtitle F: International Emission Allowances and Offset Credits

Subtitle F directs EPA to establish regulations providing for approval of emission allowances from foreign greenhouse markets that impose mandatory absolute limits on emissions that are of comparable stringency to the program established by this bill.

Subtitle F also directs EPA to establish regulations providing for approval of categories and subcategories of international offset credits that meet certain criteria. Only credits generated from projects in countries that have taken action on climate change comparable to that of the United States, or in countries that have very low emissions or are among the least developed of developing countries, are eligible for use under this title.

Subtitle G: Global Effort to Reduce Greenhouse Gas Emissions

Subtitle G directs the President to determine whether each foreign country has taken action to reduce greenhouse gas emissions that is "comparable" to that of the United States, taking into account the level of economic development of each country. If, by 2020, any country has not taken "comparable" action, the President is authorized to require importers of trade-exposed primary goods (e.g., iron and steel, cement, aluminum, bulk glass, and paper) from those countries to purchase special "international reserve allowances" to account for the greenhouse gas emissions from the production of the goods. Least-developed countries and countries with low greenhouse gas emissions will be exempt from this requirement.

Subtitle H: Standards for Coal-Fired Power Plants and Non-Covered Facilities

Subtitle H directs EPA to promulgate performance standards for certain sources not included under the cap—such as coal mines, landfills, wastewater treatment operations, and large animal feeding operations—that emit at least 10,000 metric tons CO_2-equivalent per year. These standards will require such sources to apply best available control technologies or practices.

Subtitle H also establishes performance standards requiring any new coal-fired power plant on which construction begins after January 1, 2009, to achieve capture and geological sequestration of 65 percent of their CO_2 emissions within a defined time frame.

SECTION 102: CONFORMING AMENDMENTS

Section 102 of the Act amends sections 113, 114, and 307 of the Clean Air Act to make the Act's existing mechanisms for enforcement, inspections, administrative process, and judicial review applicable to the new Title VII of the Act.

SECTION 103: COMPLEMENTARY POLICIES FOR HYDROFLUOROCARBONS

To ensure proper use and disposal of HFCs and other fluorinated gases used as substitutes for ozone-depleting substances, this section amends sections 608 and 609 of the Clean Air Act to extend to these substances the requirements of the Clean Air Act that already apply to the sale, use, and disposal of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).

SECTION 104: WAIVER OF PREEMPTION FOR CALIFORNIA STANDARDS FOR VEHICLE GREENHOUSE GAS EMISSIONS

This section overrides EPA's December 2007 denial of California's petition for a waiver of preemption under the Clean Air Act of its greenhouse gas emissions standards for vehicles.

SECTION 105: LOW-CARBON FUEL STANDARD

This section amends section 211 of the Clean Air Act to establish a Low-Carbon Fuel Standard (LCFS). The LCFS establishes a market-based system to incentivize reductions in the lifecycle greenhouse gas emissions associated with the production and use of transportation fuels. The LCFS is integrated with the current Renewable Fuel Standard.

TITLE II—CARBON MARKET OVERSIGHT

Title II creates a new Office of Carbon Market Oversight ("OCMO") within the Federal Energy Regulatory Commission, which is charged with ensuring transparency, fairness, and stability in the market for emission allowances, offset credits, and derivatives thereof (collectively referred to as "regulated instruments"). The OCMO will establish rules requiring registration of (1) self-regulating "registered carbon trading facilities" on which regulated instruments are traded, (2) "carbon clearing organizations" that provide clearing services to trading facilities, and (3) brokers and dealers trading in regulated instruments.

Trading of regulated instruments generally will be limited to registered exchanges, except that large institutions and high networth individuals are permitted to trade regulated derivatives off-exchange. To ensure market transparency and stability, the OCMO will establish regulations providing for reporting of trading activity by large traders in regulated instruments and may adopt position limits or position accountability requirements. Title II establishes rules against fraud and market manipulation, enforceable through administrative penalties, civil enforcement suits, or criminal prosecution. Finally, the OCMO will provide quarterly reports to Congress on the functioning of the carbon market and its effects on the U.S. economy.

TITLE III—INVESTING IN AMERICA'S LOW-CARBON FUTURE

Subtitle A: Climate Trust Tax Credits and Rebates

Under Subtitle A, an estimated $4.3 trillion (55 to 58.5 percent of auction proceeds) will be used for refundable tax credits and rebates for middle- and low-income households, to compensate for any increase in energy costs resulting from the bill. Tax credits will be used to reach middle-income wage earners and senior citizens, and cash rebates will be used to reach low-income households. Households earning under $110,000 will be eligible, and virtually all costs from climate regulation will be covered for households earning under $70,000.

Subtitle B: Low-Carbon Technology Fund

Under Subtitle B, an estimated $963 billion (12.5 percent of auction proceeds) will be used to fund low-carbon energy technology programs administered by the Department of Energy. These include existing RD&D programs for renewable electricity generation, carbon capture and sequestration (CCS), electric transmission and distribution efficiency, cellulosic ethanol, low-emission vehicles, building and industrial efficiency, energy storage technologies, and the Advanced Research Projects Agency-Energy. Subtitle B also establishes new programs to promote the deployment of large-scale and distributed renewable energy generation and to provide cost-sharing grants to cover the incremental costs of implementing CCS technology at coal-fired power plants that commence construction before 2020.

Subtitle C: National Energy Efficiency Fund

Under Subtitle C, an estimated $963 billion (12.5 percent of auction proceeds) will be used to fund an array of efficiency programs. These include: (1) a program to award incentive payments to States based on the level of energy savings each State achieves annually through consumer efficiency programs; (2) programs to award grants to States that implement building efficiency and recycling policies; (3) funding for the Weatherization Assistance Program for low-income persons and the Low Income Home Energy Assistance Program; and (4) grants to support State and local mass transit and "smart growth" projects to reduce vehicle miles traveled.

Subtitle D: Agriculture and Forestry Carbon Fund

Under Subtitle D, an estimated $378 billion (4.5 to 5 percent of auction proceeds) will be used to fund a program, administered by the Department of Agriculture, to support projects by U.S. farmers and foresters that increase biological sequestration of carbon and reduce greenhouse gas emissions through improved agricultural soil management and forest management practices. USDA is also directed to undertake a supporting program of research, education, and outreach.

Subtitle E: Green Jobs Training and Worker Transition Assistance

Under Subtitle E, an estimated $147 billion (1.5 to 2 percent of auction proceeds) will be used to fund the green jobs training programs established under the Energy Independence and Security Act of 2007, and a program, administered by the Department of Labor, which will provide training, income support, and tax credits for health care insurance for up to two years to any workers affected by the transition to a new low-carbon economy.

Subtitle F: National Climate Change Adaptation Program

Under Subtitle F, an estimated $185 billion (2 to 2.5 percent of auction proceeds) will be used to support a comprehensive program to increase America's resilience to the impacts of climate change. Under this program, NOAA will periodically assess America's vulnerability to such impacts and provide assistance to federal, state, local, and tribal decision makers in developing adaptation strategies. Subtitle F directs federal agencies to develop and implement plans to address climate change impacts within their jurisdictions and provides funding for State, local, and tribal government projects to reduce vulnerability to climate change impacts.

Subtitle G: Natural Resource Conservation Fund

Under Subtitle G, an estimated $147 billion (1.5 to 2 percent of auction proceeds) will be used to support measures, implemented by federal land and natural resource management agencies, the States, and Indian tribes to protect U.S. natural resources, wildlife, and fisheries against adverse impacts from climate change.

Subtitle H: Climate Change Education and Centers for Excellence

Under Subtitle H, an estimated $2 billion ($50 million per year) will be used to provide support, through the National Science Foundation and EPA, for the development and implementation of climate change education programs and to provide cost-sharing grants supporting the establishment, at colleges, universities, and non-profit organizations, of national centers for excellence on climate change science, technology, and policy.

TITLE IV—ENCOURAGING GLOBAL ACTION

Subtitle A: International Forest Protection Fund

Under Subtitle A, an estimated $147 billion (1.5 to 2 percent of auction proceeds) will be used to support policies in qualifying developing countries that reduce emissions from deforestation and forest degradation or increase carbon sequestration through restoration of forests and degraded lands, afforestation, and improved forest management. Countries that initially do not qualify are eligible for capacity-building grants to prepare them for participation.

Subtitle B: International Clean Technology Fund

Under Subtitle B, an estimated $301 billion (3.5 to 4 percent of auction proceeds) will be used to provide support for the adoption of clean energy and efficiency technologies by major-emitting developing countries that the President certifies as having taken "comparable action" to combat climate change, taking into account the country's level of economic development.

Subtitle C: International Climate Change Adaptation Fund

Under Subtitle C, an estimated $185 billion (2 to 2.5 percent of auction proceeds) will be used to support an international adaptation program, to be administered by the U.S. Agency for International Development, which will fund projects to assist the most vulnerable developing countries in adapting to the impacts of climate change.

TITLE V—LEGAL FRAMEWORK FOR GEOLOGICAL SEQUESTRATION OF CARBON DIOXIDE

Title V amends the Safe Drinking Water Act to require EPA to develop comprehensive regulatory standards for underground injection of carbon dioxide, and directs EPA to establish a task force charged with providing Congress with recommendations regarding the legal framework to govern liability with respect to closed geological storage sites.

TITLE VI—BUILDING EFFICIENCY STANDARDS

Title VI incorporates provisions from the House-passed version of the energy bill from 2007, requiring the Department of Energy to develop model building efficiency codes that States are required to adopt and enforce. States that do so become eligible for funding from the National Energy Efficiency Fund (described in subtitle C of Title III).

TITLE VII—REVIEWS AND RECOMMENDATIONS

Title VII establishes a comprehensive framework for periodic review and reports to Congress, by the National Academy of Sciences (NAS), the Government Accountability Office (GAO), and relevant federal agencies, of all major aspects of the bill. Every five years, an interagency body will make recommendations to the President, and the President will in turn make recommendations to Congress, on changes to the framework established by the bill. Title VII also provides for expedited Congressional consideration of a presidential recommendation to tighten the bill's emissions cap if the NAS's findings indicate such action is necessary.

INTRODUCTORY REMARKS OF THE REV. EARL ABEL POST OFFICE NAMING BILL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. CLEAVER. Madam Speaker, as Mayor of Kansas City, Missouri and in my career as a Methodist minister, I had the distinct honor of getting to know many of the dedicated community leaders whose sole purpose for being involved was to improve the lives of their fellow citizens. One of the best and most beloved of these leaders was the Reverend Earl Abel.

Reverend Abel was born on September 12, 1930. He attended the University of Kansas and went on to receive his Doctor of Divinity Degree from Western Baptist Bible College. Reverend Abel worked as a U.S. Postal Service mail carrier until he organized the Palestine Missionary Baptist Church in 1959.

Under Reverend Abel's leadership, what started out as a modest church of 11 members grew into a thriving ministry, touching the lives of thousands of community members across Kansas City, Missouri. While he was pastor, Palestine Church built two senior citizens residences, a Senior Activity Center, and a church camp for both youth and adults. Even as he worked tirelessly to reach out through these programs, Reverend Abel's involvement in the community did not end with his efforts at Palestine Church. Reverend Abel served as Chaplain for the Kansas City Police Department, President of the Baptist Ministers Union, member of the Kansas City Council on Crime Prevention, and authored a book entitled If a Church is to Grow. In 1999, Missouri Governor Mel Carnahan appointed Reverend Abel to the Appellate Judicial Commission.

On May 17, 2005, Reverend Abel passed away after 46 years of service at Palestine Missionary Baptist Church of Jesus Christ and more than 48 years as a minister of God.

Today I rise to offer a bill to honor this man by naming a post office facility in Kansas City after him. Given his early career as a mail carrier, it is only fitting for the location at 1700 Cleveland Avenue, in the heart of Kansas City, to carry his name. It is my hope that this small gesture helps ensure that the legacy of Reverend Abel lives on. A companion bill in the Senate will be filed today by Senator CLAIRE MCCASKILL, herself a tireless public servant and a friend of Reverend Abel.

I hope my fellow colleagues will join me in recognizing Reverend Earl Abel for his loving ministry and limitless dedication to serving the Kansas City, Missouri community. I thank the Chair and ask that the full text of the bill, and these remarks, be inserted into the RECORD at the appropriate place.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, because of an important event in my district, I was not present for the vote on H. Res. 923. Had I been present, I would have voted "yea."

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting for the RECORD the following information regarding an earmark I requested, which was included in the reported version of H.R. 5658, the "Duncan Hunter National Defense Authorization Act":

Requesting Member: Congressman DANA ROHRABACHER (CA–46).

Bill Number: H.R. 5658, the "Duncan Hunter National Defense Authorization Act."

Account: Ap,A Aircraft Procurement, Army; 020 Utility Helicopter Mods.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA 22204.

Description of Request: Provide $5 million for helicopter modernization. The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every State with a multi-mission aircraft for search & rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks in support deployments, training or State missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1,200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to procure an additional 300 UH–60M Black Hawks (70 of those aircraft are programmed for ARNG units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60A recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1,000 lbs. of additional lift than the UH–60A. The desired rate of UH–60A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chief of the National Guard Bureau (CNGB) as FY09 "Essential 10—Top 25" unfunded priorities.

HONORING MAYOR PAUL GATTUSO, RECENTLY APPOINTED PRESIDENT OF THE WEST CENTRAL MUNICIPAL CONFERENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor Paul Gattuso, the Mayor of the Village of Westchester and an outstanding citizen of Illinois' Third Congressional District, for his recent appointment as President of the West Central Municipal Conference (WCMC) in west suburban Cook County, Illinois. Throughout his distinguished career, Mayor Gattuso has served his community with excellence and intelligence and I am pleased to recognize this most recent of his many accomplishments.

Mayor Gattuso has a longstanding tradition of service to his community. He has served with distinction as the Mayor of Westchester since 2005. Prior to his election, he spent 10 years as a Village Trustee. He also supports a variety of local organizations, such as the Kiwanis Club and the Westchester Chamber of Commerce.

In addition to his dedicated service to the community, Mayor Gattuso is a successful businessman. He has owned and operated a thriving restaurant, Paul's Pizza and Hot Dogs, in Westchester for over 20 years. The restaurant, a favorite among residents, proudly sponsors numerous youth and athletic organizations.

The West Central Municipal Conference is a membership-supported association representing 36 municipalities and one township within west suburban Cook County. As President of the WCMC, Mayor Gattuso will use his passion for helping people to assist the WCMC in serving the needs of its various communities and providing valuable services to the citizens who work and live in the region. I am confident that under his leadership the WCMC will continue to be a successful council of governments.

Mayor Gattuso is also a proud husband and father. His son is studying pre-law at Marquette University, while his daughter has a wonderful career in design.

It is my great privilege to recognize Paul Gattuso as he begins his term as President of West Central Municipal Conference. His experience, knowledge, and commitment to the community will undoubtedly contribute greatly to a successful tenure.

IN HONOR OF COMMAND SERGEANT MAJOR BRETT RANKERT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. FARR. Madam Speaker, I rise today to honor Command Sergeant Major Brett Rankert for his 25 years of service to the Nation as a member of the United States Army. On behalf of the whole House, I am honored to extend to CSM Rankert and his family the gratitude of the Congress and the American people for his service on this occasion of his retirement.

I have had the great personal pleasure of meeting CSM Rankert during his tour of duty as the Presidio of Monterey Command Sergeant Major. I can say without reservation that his performance in this position epitomizes the very best of what military service should be—smart, professional, selfless, and humane. He has truly been an ambassador for the uniformed services in general, and the Army in particular. My office has repeatedly worked with CSM Rankert to help resolve problems ranging from individual soldier concerns to the frustrations of several elderly Presidio neighbors over the 'just outside the gate' smoking habits of certain DLI students. In every instance of which I am aware, CSM Rankert has helped to transform a situation from conflict to resolution with grace, certainty, and a smile.

CSM Rankert is also a warrior—a soldier's soldier. A native of South Bend, Indiana, he first enlisted into the Army in 1983. CSM Rankert's leadership qualities, particularly his attention to the soldiers in his care, led to a succession of promotions and leadership positions, including Team Leader, Squad Leader, Platoon Sergeant, First Sergeant, and ultimately Command Sergeant Major. His assignments included the 313th Military Intelligence Battalion in support of the 82nd Airborne Division; the 102nd Military Intelligence Battalion in support of the 2nd Infantry Division; and the 101st Military Intelligence Battalion serving as the Bravo Company First Sergeant. Finally, I should note that CSM Rankert never scored below a perfect 300 on his annual physical fitness test.

His military education included the Army Airborne Course, Basic Instructor Training Course, Advanced Noncommissioned Officers Course, First Sergeants Course, United States Army Sergeants Major Academy, Command Sergeants Major Designee Course, and the Garrison Sergeants Major Course. He holds a Bachelor of Science Degree in Liberal Arts from Excelsior College, New York, and an Associates of Applied Science Degree in Intelligence Operations. CSM Rankert's Awards and decorations include the Legion of Merit, the Army Parachutist Badge, Meritorious Service Medal (3rd OLC), Army Commendation Medal (2nd OLC), Army Achievement Medal (4th OLC), Kosovo Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, NCO Professional Development Ribbon (4th Award), NATO Medal.

Madam Speaker, in closing, I want to emphasize the importance of military families in the ultimate success of our military's mission. CSM Rankert's past and future success are very much built on the support and partnership of his wife Sharon and son Justin. I want to thank them for their public service and wish the Rankert family good luck and God's speed in the next chapter of their lives.

HONORING DENNIS LEMASTERS II

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dennis Lemasters II of Platte City, Missouri. Dennis is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1028, and earning the most prestigious award of Eagle Scout.

Dennis has been very active with his troop, participating in many scout activities. Over the many years Dennis has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Dennis Lemasters II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SUPPORT OF WILMINGTON, NORTH CAROLINA BEING RECOGNIZED AS "AMERICA'S WORLD WAR II CITY"

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. MCINTYRE. Madam Speaker, it is my great pleasure to rise today to pay tribute to the City of Wilmington, North Carolina, for its remarkable contributions to the U.S. war efforts during World War II. Its rich World War II legacy reminds us not only of its unique and pivotal role in the war, but also of the honorable dedication of all North Carolinians during our Nation's time of need. As a reflection of its unique and pivotal role, and its deep and unmatched sacrifice, I stand to proclaim that Wilmington, North Carolina, should be recognized as "America's World War II City." In fact, both the New Hanover County Commissioner and City Council have proclaimed it so!

During World War II, Wilmington was the country's unique wartime boomtown, aptly and officially named "The Defense Capital of the

State." The once-quiet seaside city, geographically isolated for decades, suddenly found itself an exploding center for military life and defense production.

Wilmington's wartime efforts were extensive and honorable. Wilmington based and trained all five military services—the Air Force at the Wilmington Airport, the Army at Camp Davis and Fort Fisher, the Navy at Fort Caswell, the Coast Guard at Wrightsville Beach, and the Marine Corps at Camp Lejeune. The North Carolina Shipbuilding Company of Wilmington, the state's largest employer at that time, constructed 243 cargo vessels with which to provide goods and equipment to our soldiers. Additionally, Wilmington provided the Atlantic Coast Line Railroad headquarters, three housing camps for German prisoners of war, a major training base for P–47 fighters, defense industries producing goods and equipment, a British patrol base, and a shipping Lend Lease supplies to the Allies.

Wilmington's most important contribution by far, though, was its dispatch of thousands of its sons and daughters to fight the enemy. These New Hanover County men and women served in uniform, fighting on land, sea, and air as Navy frogmen, P–51 fighter aces, Tuskegee Airmen, submarine skippers, bomber pilots, Marine riflemen, Army artillerymen, physicians and nurses, and volunteers of all sorts. Tragically, 248 Wilmington men bravely lost their lives as a result of their courageous efforts to defend America. Two New Hanover High School graduates received the Congressional Medal of Honor and numerous others received high decorations for valor including Navy Crosses, Distinguished Service Crosses, and Distinguished Flying Crosses.

Furthermore, Wilmington's strategic position made it vulnerable to enemy attack by German U-boats, which marauded shipping off our beaches. In July 1943 a U-boat fired at the Ethel-Dow chemical plant in Wilmington, perhaps the only German attack on America. Wilmington endured this attack, as well as constant civilian defense restrictions and air raid drills, including black-outs and dim-outs. The city's population more than doubled with the influx of military personnel, forcing locals to cope with strain on housing and schools, transportation, medical and social services, law enforcement, and food supply.

Madam Speaker, Wilmingtonians sacrificed in every imaginable way when our nation needed them during World War II. I ask my colleagues to join me in recognition and appreciation of Wilmington's contributions to the U.S. war effort during World War II. Now, in the spirit of that appreciation, let it be known that Wilmington, North Carolina, should be recognized as "America's World War II City."

DESCUBRIENDO LA LECTURA AND READING RECOVERY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. LAMPSON. Madam Speaker, it is truly a pleasure to rise today to acknowledge the achievements of Descubriendo la Lectura and Reading Recovery in teaching struggling first grade students to read and write in the 22nd House district of Texas.

In April I visited Fort Bend Independent School District to observe an early reading intervention for bilingual children whose initial literacy learning is in Spanish. It is called Descubriendo la Lectura—DLL for short. The goal of DLL is to reduce the number first-grade children who have extreme difficulty learning to read and write and to reduce the cost of those learners to educational systems. DLL is a reconstruction of Reading Recovery for Spanish-speaking children and provides short-term, one-to-one tutoring with a specially trained teacher.

The results in my district are impressive, beginning with the student I met the day of my visit. Jose began his DLL lessons in January reading on a text level of 1, which means he could read a simple book with a single line, supported by single illustrations. He could recognize his own name and write very few other words.

On the day of my visit he was reading at a text level of 12, which means he could read a book with 4–8 lines of text per page. He is able to read books with more challenging ideas, vocabulary and longer sentences. He is able to interpret and understand ideas and characters through discussions with the DLL teacher.

In the Fort Bend Independent School District, 70 percent of the students receiving a full series of DLL lessons were reading on or above grade level by the end of first grade last year. Throughout Texas, the U.S., and Department of Defense schools around the world, three-quarters of children receiving a full series of DLL or Reading Recovery lessons are reading and writing at grade level standard by the end of first grade. These results are remarkable, considering these children began at the bottom of their class for reading and writing—usually the lowest 10–20 percent. I commend the teachers, administrators, and students of Fort Bend ISD for their commitment to assuring literacy for all children.

FIRSTBANK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize FirstBank for being the recipient of the 2008 Golden Rotary Customer Service Award.

FirstBank is a locally owned banking organization headquartered in Lakewood, Colorado and for over 40 years FirstBank has been dedicated to a high standard of customer service.

FirstBank is a full service bank with local personnel, local decisions and outstanding customer service. The employees of FirstBank are available to customers 24 hours a day with fast and friendly customer service. Due to the high standard of customer care, FirstBank has become the premier leader in the banking industry in Colorado.

My deepest congratulations to FirstBank on your continued success and outstanding commitment to the customers you serve.

HONORING WALTER JONES III OF MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Walter Jones III—decorated Vietnam War hero, active member of the Civil Rights Movement, and dedicated servant to the community of Kalamazoo, MI.

During the Vietnam War, Walter served as a paratrooper in the United States Army from 1965 to 1968. He received three Purple Hearts and two Bronze stars during his combat time and fought bravely in many battles, including the Battle of DakTo—a major victory over the North Vietnamese.

Perhaps even more impressive than Walter's war history, is his tireless work for the Civil Rights Movement. When he was a young man of 14 years, Walter become the vice president of the local NAACP Youth Council in Kalamazoo, and has been fighting for equal rights for all races ever since.

With the combination of Walter's bravery in the Vietnam War and his leadership in the Kalamazoo community, he has been chosen to receive the 2008 Veteran of the Year Award at the Metropolitan Kalamazoo branch of the NAACP Freedom Fund Banquet. I thank Walter Jones for his lifelong commitment to the betterment of our country, and in particular, for his steadfast service to the Kalamazoo community.

RECOGNIZING THE FEDERATION OF HELLENIC AMERICAN EDUCATORS AND CULTURAL ASSOCIATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mrs. MALONEY of New York. Madam Speaker, as co-founder and co-chair of the Congressional Caucus on Hellenic Issues, I rise today to recognize The Federation of Hellenic American Educators and Cultural Associations who today held a wonderful and historic event in the Capitol entitled, "The Dynamics of the Hellenic Language." Attendees included His Excellency Ambassador Alexandros Mallias; Carolos Gadis, Minister-Deputy Chief of Mission; Stella Kokolis, President, SAE USE Region Educational Committee; Christos Polymeropoulos; Vassilis Polymeropoulos; Maria Gadis; and students from the Greek School of Plato in Brooklyn instructed by Eleftheria Ikouta and Despina Hotzoglou.

I want to acknowledge the honorees receiving the "Capitol 2008 Awards for Promoting Hellenic Language and Culture":

The Honorable ROBERT MENENDEZ (D–NJ), The Honorable OLYMPIA SNOWE (R–ME), Dr. Anagnostis Agelarakis, Professor and Director of Environmental Studies, Angela Kalmoukos, Teacher, Lowell, Massachusetts, George Pumakis, founder of "Athenian Academy", Charter School, Dr. James E. Alatis, Dean Emeritus, School of Languages and Linguistics, Theodore Spyropoulos, S.A.E. U.S.A. Coordinator, Anna Efstathiou Tziropoulou, Author-Professor of Historical Greek Literature, Alpine University, Zurich, Maria Makedon, Director, First Archdiocesan District, Department of Education, Antonis Diamataris, Publisher, "National Herald", and Dimitris Kastanas, President & Producer, NGTV.

Professor John Antonopoulos, University of Staten Island, Dr. Demetrios J. Constantelos, The Richard Stockton College of New Jersey, Vasiliki Tsigas-Fotinis, Ph.D., President, Hellenic Educators Association, NJ, Nina Gatzoulis, Professor of Modern Greek, University of New Hampshire, Helene Georgopoulou, Teacher, Peiraikon School, Chicago, Eleftheria Ikouta, Principal, Plato School, Brooklyn, Athena Krommydas, Principal, The William Spyropoulos Day School, Flushing, Dr. George Kafkoulis, Chairman, Co-Founder & President of the Archimedean Academy, Timoleon Kokkinos, St. Demetrius Astoria, Principal (Afternoon School), and Dr. John Kotsaridis, Director, Education Department, Stavropegial Monastery.

Dr. George Melikokis, Principal, St. Demetrios School, Jamaica, Dr. Aristotle Michopoulos, Director of Greek Studies, Hellenic College, Marina Moustakas, Founding President, Hellenic Heritage Institute, Dr. Peter Nanopoulos, Director of Greek Education and Culture, Metropolis of San Francisco, Nikos Nikolidakis, Consul for Educational Affairs in USA, Dimitri S. Pallas (MD), Anna Stavroula Panas, St. Basil's Academy Teachers College Alumnae Association, Elias Pantelides, Director of Academy of Aristotle, St. George, Media, PA, Eleftherios Peroulas, Founder of Socrates Academy, NC, and Helen Petropoulou, St. George, Maryland.

Sophia Tsagalis, St. Catherine School, Virginia, Catherine Tsounis, Adjunct Professor, St. John's University, Dr. Peter Yiannos, President, Tri-State American Foundation for Greek Language and Culture (AFGLC), Wilmington, DE Philadelphia Association, Dimitris Filios, Reporter, Cosmos FM, Dimitris Georgakopoulos, Publisher, Hellenic Voice, Theodore Kalmoukos, Reporter, National Herald, Stavros Marmarinos, Reporter, National Herald, Elias Neofyrides, Macedonia TV, Dimitrios Tsakas, National Herald, Apostolos Zoupaniotis, Publisher, "Greek News", and Panikos Panayiotou, NGTV.

I was pleased to have celebrated the Hellenic language today with my many friends in the Greek-American community. I look forward to our continued friendship and collaboration on the many issues important to the United States and Greece.

NEW YORK CITY HOUSING AUTHORITY

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. CLARKE. Madam Speaker, I rise today to enter into the RECORD two newspaper articles illustrating the dire financial state the New York City Housing Authority (NYCHA) is in at the present moment. The first article is published in the New York Daily News by Frank Lombardi entitled: Eye Rent Spike, Shutdowns. The article affirms that NYCHA plans a rent increase for about 40,000 residents in order to reduce their budget deficit. NYCHA also plans to close all 280 community, youth, and senior centers in order to save money.

The second article is published by the New York Times by Manny Fernandez entitled: Housing Cuts Are Proposed To Help Close Budget Gap. This article declares that NYCHA is making some of the steepest cuts in spending and personnel to reduce their shortfall in their operating budget.

Today, the agency is looking at a $170 million deficit for 2008, which has halted more than 100 capital projects. But what is more staggering is that over 400,000 residents in 2,600 apartment buildings will be adversely affected by NYCHA's recent decisions. Many of these residents represent our nation's two most vulnerable demographics: senior citizens and youths. So eliminating all of the centers will result in losing many of the following programs that is essential to the growth, development, and progress for many living in public housing: community, educational and recreational programs; job readiness and training initiatives; day care and Head Start; sports, photography, painting, literacy classes and general education courses; computer training, arts and crafts, childcare feeding; and lunch, and senior companion initiatives.

We must ensure that tenants do not become helpless victims of the recent state of financial affairs. I encourage my colleagues to support enhancing resources that can mitigate the struggles many public housing agencies such as the New York City Public Housing Authority is facing right now.

[From the New York Daily News, May 30, 2008]

EYE RENT SPIKE, SHUTDOWNS

(By Frank Lombardi)

A brutal rent hike looms for 40,000 families living in subsidized city apartments as Housing Authority officials sprung a plan Thursday to close a gaping budget hole.

The Draconian move, which includes closing all 280 community, youth and senior centers, was spelled out at a City Council hearing on the authority's $195.3 million deficit, which is also projected for the next four years. "This is real. I'm going to have to be able to manage within our means." said Authority Chairman Tino Hernandez after the hearing. "So unless there's some relief that comes from some level of government I'm going to have to move forward with these actions." They include:

A second rent hike for some 40,000 families whose earnings require them to pay higher rents. Most tenants of the authority's 181,000 apartments pay a fixed rent capped at one-third of their income. The higher earners were hit two years ago with a 10% to 40% hike depending on income and now face hikes of 5% to 15%, to raise $45 million a year, beginning next year.

Closing all of the Housing Authority's more than 100 senior centers and 158 youth and community centers. That would cause the layoff or retirement of 1,500 workers—for annual savings of $60 million.

Diverting $75 million from the construction budget to cover operating expenses.

Selling or renting authority property to private developers for market-rent uses. Details are still being formulated.

The threatened actions will generate "outrage" among tenants, said Lisa Burriss. an organizer for the Public Housing Residents of the Lower East Side.

[From the New York Times, May 30, 2008]

HOUSING CUTS ARE PROPOSED TO HELP CLOSE BUDGET GAP

(By Manny Fernandez)

The chairman of the New York City Housing Authority painted a bleak financial picture of the agency at a City Council hearing on Thursday, saying that without increased government aid the authority would raise rents for some tenants and eliminate hundreds of community centers and resident programs.

The agency—the largest public housing authority in the United States, with 406,000 residents in 2,600 buildings—has made deep cuts in its spending and its work force in recent years to contend with ever-growing budget gaps.

But the steps outlined on Thursday by the agency's chairman, Tino Hernandez, and its general manager, Douglas Apple, were some of the most severe cutbacks the agency has proposed as it sought to close a $195 million deficit in its operating budget this year. Toward the end of the housing officials' testimony before several committees, about two dozen tenant activists stood up in the Council chambers at City Hall and chanted, "Put residents first!" as they marched out.

Staffs from the two sides will meet in the coming days to begin discussing the authority's needs. Although the city and the state do not provide annual operating assistance to the authority, they have provided one-time allocations to help close shortfalls. Most recently, Mayor Michael R. Bloomberg and the Council provided the agency with $120 million in operating aid in 2006.

Mr. Hernandez and Mr. Apple said the rent increases would be similar to the ones they announced in 2006, when the Housing Authority raised the rents paid by its highest-income households. The new increases of 5 to 15 percent for those same tenants would generate an estimated $35 million to $45 million in additional revenue, Mr. Apple said. The increases would be phased in starting next year, pending approval from the federal Department of Housing and Urban Development.

Mr. Hernandez and Mr. Apple also said that assuming no new governmental financing became available in coming months, they were planning to eliminate all of the agency's community-based programs, including 94 community centers and 147 senior centers operated by the agency or the city's Department for the Aging in public housing.

In addition, scores of programs that serve youth and provide tenants with job training and arts and athletics activities, among other things, would end. The plan, which Mr. Apple and Mr. Hernandez said would save the agency $68 million annually, would shutter all of the community and senior centers in the Housing Authority's 343 developments. It has already started the process, announcing in February that 19 "underutilized" community centers would close.

"As chairman of the New York City Housing Authority, I am here to tell you today that the future of public housing is at stake,". Mr. Hernandez told council members. He added that because city, state and federal budgets did not include new financing for the agency, "we have no choice but to begin to implement the actions that I have described."

Mr. Hernandez and Mr. Apple also spoke about continuing efforts to sell or lease parking lots and vacant land for market-rate development.

Council members said they were stunned by the agency's dire financial situation, and though they vowed to help preserve public housing, a few members expressed disappointment at plans to raise rents and close community and senior centers.

Senior citizens in particular are vulnerable to being relegated "to the dark ages, when we didn't have any programs at all," said Councilman James Vacca, of the Bronx, adding, "I hope you know that there's no one there to fill this gap should this occur."

The Housing Authority's operating budget for this year is $2.8 billion. More than half of that money comes from subsidies from HUD.

The annual operational subsidy HUD has given to the Housing Authority has fluctuated in recent years, from $747 million in 2001 to $780 million in 2007.

But the gap between the money the Housing Authority was eligible for and the money it ultimately received has widened.

From 2001 to 2008, the Housing Authority lost a total of $611 million in federal dollars, money it qualified for under a HUD spending formula but did not receive because of shortfalls in Congressional appropriations. Officials say that this year, the loss of that money means that for every federal dollar the agency needs to operate, it gets roughly 82 cents.

One hundred capital projects have been deferred or cut as the agency has used roughly $370 million in capital financing to help balance its budget since 2002, and Mr. Hernandez and Mr. Apple said they will continue to do so. The Council speaker, Christine C. Quinn, told Mr. Hernandez and Mr. Apple that she found this practice troubling.

In an interview, Ms. Quinn said that council members want to help the agency stabilize its finances, but that a better long-term plan is needed that draws on city, state and federal governments. "All of us in city government are very troubled about the state of the Housing Authority's finances," she said.

HONORING TECHNICAL SERGEANT WILLIAM F. LAUBENSTEIN

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. LAMBORN. Madam Speaker, I rise today to honor TSgt William F. Laubenstein's service to our country in the Army Air Corps during World War II.

On January 17, 1941 William Laubenstein enlisted in the U.S. Army Air Corps as a cadet at Maxwell Air Force Base in Montgomery, Alabama. After completing flight instruction he was assigned as a Radio Operator/Gunner of a B–17 Flying Fortress with the 384th Bomb Group, 8th Air Force in England.

From October 14, 1943 to May 8, 1944, TSgt William Laubenstein flew 26 recorded missions during World War II over the Continental Europe. In April of 1944 the number of missions required to complete a tour had risen to 35; Bill had nine more missions left. On the 26th mission, May 8, 1944, Bill's B–17 referred to as "Little Barney" was hit by anti-aircraft fire and the crew were forced to bail. Over the course of the impact to the plane, Technical Sergeant Laubenstein was injured in his hip by flak.

From the fields of France, Technical Sergeant Laubenstein was taken to a German Prisoner of War camp located in Poland. Bill was a Prisoner of War from May 8, 1944 until May 8, 1945. After almost a year at the POW camp he endured a 90-day forced march sometimes referred to as The Black March, which covered approximately 1,000 miles across the Polish and German countryside. On May 1, 1945 Bill was released from the POW camp when the German guards abandoned the camp.

Technical Sergeant Laubenstein was awarded the Distinguished Flying Cross, the Air Medal, the European African Middle Eastern Campaign Medal with two Bronze Service Stars, and the Honorable Lapel Button.

Madam Speaker, it is my privilege to honor Technical Sergeant Laubenstein who has now been appropriately awarded the Purple Heart for wounds received in action, the Prisoner of War Medal from May 8, 1944 to May 8 1945, the American Campaign Medal, and the World War II Victory Medal.

I would like to offer my sincere appreciation for his commitment to defending our country and the sacrifices he has made on behalf of the American people.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. POMEROY. Madam Speaker, on June 4, 2008, I missed rollcall vote No. 374. Had I been present, I would have voted in the following manner:

Rollcall No. 374 "aye."

RECOGNIZING THE ACHIEVEMENTS AND ACCOMPLISHMENTS OF STEPHEN BARR DURING HIS TENURE AS AN EDITOR AND REPORTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to recognize the significant contributions of Stephen Barr, noted columnist and journalist that paved the way for today's journalistic generation.

Throughout his career at the Washington Post, Stephen Barr has served as an anchor to both the columnist writing community and the avid readers of the newspaper. During his 20 years at the Washington Post, he has worked as an Editor and Reporter serving in the Metro News, Style National News, and the Column departments of the newspaper.

In May 2000, he was selected as the Federal Dairy Columnist after serving 7 years as a National Staff Writer covering Federal management and personnel issues, 'Reinventing Government,' the U.S. Postal Service, Veterans' Affairs, the Congressional Appropriations Process, and Government Technology challenges, including the widely known year 2000 computer glitch.

Steve Barr was born and raised in Nocona Texas, a 1967 graduate of Nocona High School and a 1971 graduate of the University of Texas at Austin where he received his Bachelor's Degree in Journalism. He also served 2 years in the U.S. Army, including 1 year with the 1st Infantry Division in Vietnam.

With deep appreciation and admiration for his continued service, I thank Mr. Stephen Barr and wish him the very best in his future endeavors.

INTRODUCTION OF THE FARM ANIMALS ANTI-CRUELTY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. MORAN of Virginia. Madam Speaker, Mr. SHAYS and I are pleased to introduce today the Farm Animals Anti-Cruelty Act.

This bill would make it a Federal offense to, without justification, kill, mutilate, disfigure, torture or intentionally inflict pain or suffering upon an animal raised for food, or to fail to provide food, water and shelter.

By making these acts a Federal offense, this bill provides a powerful disincentive and punishment for unjustified or intentional cruelty. The ability to bring a Federal prosecution is a strong deterrent. Finally, this bill articulates a powerful message in expressing the national importance we place on the treatment of farm animals.

The Farm Animals Anti-Cruelty Act is a commonsense approach to combating animal cruelty on farms. It complements State anti-cruelty statutes and provides a national anti-cruelty standard in those States that do not currently provide standards.

This bill is just one step, but an important step, in addressing how our society treats farm animals raised for food, and it reflects our core values of compassion, decency and mercy.

RECOGNIZING THE DEDICATION OF THE PONTIAC VETERANS MEMORIAL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize the Pontiac Veterans Memorial Corporation as they dedicate the Pontiac Veterans Memorial on June 7, 2008. This memorial is the culmination of countless hours of hardwork and dedication shown by the Pontiac Veterans Memorial Corporation.

In 1998, the Pontiac Veterans Memorial Corporation started their memorial project by collecting the names of every Pontiac resident that had served our country since the Revolutionary War. Two years and over 3,800 names later, the Pontiac Veterans Memorial Corporation was ready to design a memorial to honor these brave individuals. Understanding the importance of involving the community, the members asked students from the local schools to create designs for the memorial. The ultimate selection was designed by William Holland, a student at Notre Dame High School in Pontiac.

With a design in hand and a location overlooking veterans' burial plots, which was donated by the Perry Mount Cemetery, the corporation sought out funding for the memorial. The community heard their call and answered with an outpouring of support, from individual donors to group donations from organizations like the Disabled American Veterans of Pontiac, The Chrysler Foundation, and General Motors Corporation. The memorial stands as a living tribute bearing the names of everyone who has served this great country.

In addition to recognizing the tireless efforts of the Pontiac Veterans Memorial Corporation, I would like to highlight the work of their president, Jack Bressler. A veteran himself, Jack spearheaded the project, and I commend him for the countless hours he has invested to turn this dream into a reality.

Madam Speaker, I want to recognize the Pontiac Veterans Memorial Corporation for all they have done to honor our brave and selfless veterans. I congratulate them as they dedicate this memorial and commend the entire community for all the support they have shown.

TRIBUTE TO STAFF SERGEANT JASON BROWN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor the life and service of a Magnolia, Texas, native, SSG Jason Brown, who was killed in Iraq on April 17, 2008.

America was formed in the crucible of the Revolutionary War and hardened during the tragedy of the Civil War. We demonstrated our willingness to carry the standard of freedom during World War II. During these, and numerous other times in America's history, our Nation's finest young men have answered the call and stepped forward to serve their Nation and protect the cause of liberty. Staff Sergeant Brown honored the sacrifice of those who answered the call before him by stepping forward in another time of national crisis; after the cowardly attacks of September 11th and at the dawn of the war in Iraq.

Just days after the beginning of the Iraq war in 2003, Sergeant Brown joined the Army and the next year earned one of the Army's most revered symbols: the Green Beret worn by members of the elite Special Forces. After enlisting in Magnolia and completing his training, Sergeant Brown was serving with the 5th Special Forces Group (Airborne) based at Fort Campbell, Kentucky. Sergeant Brown was on his second deployment to Iraq and had previously been awarded the Bronze Star Medal, the Purple Heart, a Meritorious Service Medal, an Army Commendation Medal, an Army Good Conduct Medal, and the National Defense Service Medal.

I come forward to honor Sergeant Brown in the truest sense of the word. Men and women like Sergeant Brown are truly deserving of our profound esteem and recognition. Stories of their courage fortify us and inspire us to better ourselves, our communities and our country. We are reminded what it means to sincerely serve others and defend a truly noble cause: the cause of liberty and freedom. It is with faith in Almighty God that we are able to find solace and peace at a time when our collective heart breaks. The deep sadness I feel can be nothing compared to the grief that is felt by Sergeant Brown's daughter, Alyssa, his parents, James and Rosemary, and the friends and family of those who have died serving their Nation in Iraq, Afghanistan and other places abroad. An emptiness has been created where Sergeant Brown existed for those who knew him and I know my words will do little to fill it; I can only offer my prayers and the sympathy of a grieving Nation. Sergeant Brown will be missed at holiday celebrations and will never have the chance to walk his little girl down the aisle, but I hope his family knows that they have the deepest respect and gratitude that a nation can offer.

With each soldier's life that is taken from us too early, we are renewed in our commitment to spreading the light of liberty to people and countries that have never witnessed it. The Gospel of Luke reminds us that, ". . . to whom much is given, from him much will be required." America has been given much and much continues to be required. America was unique in its founding and put forth the new idea that the state would serve as the insurer of individual liberty and freedom. We continue to espouse the very best ideas of our founding, with Sergeant Brown acting as the modern day champion of that cause by standing where few would and ultimately paying for that unflinching bravery with his life.

The reverence we have for all those who serve and, especially, for Sergeant Brown and all those men and women who have sacrificed their lives for the cause of freedom transcends political affiliation and ideological differences. We put down our partisan assaults and pause to pay tribute to the very best of our country. It is my distinct honor to represent our soldiers, sailors, airmen, marines and Coast Guardsmen in the greatest legislative body the world has ever known. Let us never forget that this body's existence was made possible by the sacrifice of men and women like Sergeant Brown and let our work here honor their memory and the memory of those who will fall tomorrow.

Madam Speaker, I hope those in the Chamber and those watching at home will join me in offering our most heartfelt prayers for Sergeant Brown, his family and all those families who have lost a son, a father, a daughter, a mother, a best friend, a wife, or a husband in the cause of liberty. Let us always remember their courage and the courage of their comrades who remain in distant jungles or far-flung deserts across the globe. Let us never forget their sacrifice, nor those they leave behind.

GAMBRO BCT, INC.

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Gambro BCT, Inc., and the Gambro employees for being the recipient of the 2008 Golden Rotary Community Service Award.

Gambro BCT is a frontrunner in the blood bank technology industry in Colorado, with advancements designed to improve results for the greater good of the community.

In addition, Gambro and its employees have quietly made an incredible difference for thousands of people through their volunteer blood drives. In 2007, they hosted a total of 12 drives and collected 424 units of blood, helping to save 1,272 lives. In 2008 they are scheduled to host 12 more drives with collections projected at 447 units. These services result in immeasurable benefits and are decidedly worthy of this prestigious award.

Companies such as Gambro BTC are imperative in communities across the United States, and recognition must be given to their dedicated employees as well. Congratulations on your fine work. I offer my strong encouragement to them to continue their dedicated and excellent efforts.

THE RETIREMENT OF PRINCIPAL ARLEN KRINKE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mrs. BACHMANN. Madam Speaker, this Sunday a beloved community leader in Elk River, Minnesota, will be retiring. Arlen Krinke has faithfully served as Principal of St. John Lutheran School for 34 years, pouring his heart into the school and earning the profound admiration of people throughout the community.

Schools are the fertile ground where young minds are shaped, young hearts are filled with hope, and young dreams are given life. As generations of students can attest, Principal Krinke has made St. John Lutheran a place filled with hopes and dreams, and where mind, body and spirit are nurtured and fulfilled.

There are few greater services one can render then to serve the young. And Principal Arlen Krinke truly has a servant's heart. He has given his all to this school—and made a real and lasting impact on those who walked through its doors.

Most important, Arlen Krinke has helped foster a learning community that values not just facts and statistics and data—but faith and character and values. At a time when so many are trying to pull kids astray, Arlen Krinke helped to lead them down the right path.

And so on this bittersweet occasion, it is my honor to join the families and students of the St. John Lutheran Community in recognizing Arlen Krinke for his 34 years of service and in wishing him well in his retirement.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 379, H.R. 3021, I was not present. If I had been there, I would have voted "yes."

INTRODUCTION OF A RESOLUTION RESOLVING TO ADDRESS THE COSTLY EPIDEMIC BY IDENTIFYING OPPORTUNITIES TO INCREASE ACCESS TO AND PROMOTION OF NUTRITION, PHYSICAL ACTIVITY, AND HEALTH CARE IN ALL OF CONGRESS'S WORK

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce a resolution to address the obesity epidemic by identifying opportunities in all of Congress's work to increase access to and promotion of nutrition, physical activity, and healthcare.

According to recent estimates, by the time the 111th Congress takes office, 73 percent of American adults could suffer from excess weight or obesity. Nearly 20 percent of our children already struggle with overweight and obesity. The Department of Health and Human Services estimates the current cost of the epidemic to be almost $120 billion annually. The impact of this reality is vast and it is clear that the time for action is now.

Obesity is a complex problem and there is no single legislative action that will solve our country's growing epidemic. Instead, addressing obesity will require a wide range of policy, environmental, cultural, and personal changes to truly affect meaningful change. We are fortunate that opportunities abound to have a positive impact on reversing the current trend thru legislation as diverse as a cap on carbon dioxide emissions, Medicare reform, the tax code, transportation policy, and the reauthorization of "No Child Left Behind."

Congress must work in a bipartisan fashion to identify the opportunities within all major legislative actions to promote health in every policy. In doing so, we can address the obesity epidemic on multiple fronts by improving nutrition, increasing physical activity, and expanding access to care. It is my sincere hope that we can work together to enact legislation that will result in a healthy, active and vibrant society. Please join me in co-sponsoring this resolution and pledging to identify meaningful opportunities to turn the tide on America's obesity epidemic.

MAY AS NEUROFIBROMATOSIS AWARENESS MONTH

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. SULLIVAN. Madam Speaker, I rise to state for the record, and bring to my colleague's attention, that the month of May is globally recognized as Neurofibromatosis Awareness Month.

On May 13, 2008, Tami Harbour, her mother Marcia Higgins from Tulsa, Oklahoma, and Tami's 94 year-old grandmother Wilma Seely from Owasso, Oklahoma, came to my office with Tami's twin sister Teri to educate my staff and me about Neurofibromatosis (NF).

NF is a genetic disorder that causes tumors to form on the nerves of the body. These tumors are not restricted to any certain portion of the body and can appear anywhere, at any time, at any age. NF type I strikes one in every 2,500—3,000 people, without regard to race, sex or age. The first signs of the condition are usually multiple cafe-au-lait colored spots on the skin. Some of the youngest victims of this condition can also be subject to optic gliomas—brain tumors that can cause blindness and can be life-threatening. In addition, bone deformities, including scoliosis at an early age, and plexiform tumors, which can cause severe medical problems and turn cancerous, can also be caused by NF. Learning disabilities occur in more than 65 percent of the individuals with NF type 1.

NF type 2 is a genetically distinct form of NF that causes tumors to form on both acoustic nerves, resulting in deafness. NF type 2 also causes visual problems and muscle weakness. Symptoms of this type of neurofibromatosis include ringing in the ears, balance problems, and reduced hearing; however, these symptoms often do not appear until the late teen years, even if the condition has been present since birth. NF type 2 strikes 1 in 30,000 people and does not discriminate by age, sex or race.

At this time, surgery is the only effective treatment to relieve the problems caused by the symptoms of both forms of NF. There is no pharmaceutical treatment to control the growth of tumors and, unfortunately, there is no known cure. Half of the people with NF do not have a family history of the disorder; however, a person with NF has a 50 percent chance of passing on NF with each child he or she has.

Although Tami is the only one in her family with NF type 1, she learned in her late teens that she had the disorder called Von Recklinghausen's Disease. However, her tumors did not start multiplying until she was a young adult. She has had a few thousand of tumors removed. She is in constant pain, but the condition does not stop her from performing her duties as a housekeeper at the nursing home where she has worked for the past eleven years.

I am encouraged by the NF research being conducted at the National Cancer Institute, the National Institute of Neurological Disorders and Stroke, the National Human Genome Research Institute and medical centers throughout the United States, funded by the National Institutes of Health. With robust federal and privately funded NF research, it is my hope that one day soon we will have a cure for this disease.

TRIBUTE TO TIMILIE WOODRUFF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a wonderful individual from the community of Riverside, Timilie Woodruff, who passed away at her home on May 15, 2008. Timilie was a remarkable woman who was deeply devoted to her family and community.

Timilie was born on November 19, 1940, in Safford, Arizona where she attended Safford High School as well as The University of Arizona. She moved to the City of Riverside in 1969. For the past fourteen years Timilie worked as the Project Coordinator for the Greater Riverside Chamber of Commerce. Her duties included organizing meetings for ten committees including agendas, notification, reports, minutes, and wanted information. She maintained and produced all correspondence for the President of the Chamber, kept and scheduled his calendar, answered phones and dispensed information to chamber callers. She also put together and choreographed weekly luncheons with major Riverside industries, Chamber Board, and local government officials. Timilie staffed the community leaders "Monday Morning Group" activities and "Leadership Riverside" program and managed schedules, meetings, files, correspondence, and logistics.

Before her job with the Chamber of Commerce, Timilie worked for the University of California, Riverside Office of Alumni and Parent Relations. Timilie handled everything from welcoming new students to serving as an advisor the Student Alumni Association. Timilie also previously worked for the United Way of the Inland Valleys, Riverside and for the American Heart Association, Riverside County Chapter.

Timilie was a valued member of the community and she will be sorely missed. She was a great mother, daughter, grandmother, companion and friend. Timilie is survived by her life partner of 15 years, Paul McAdam; sons, Lenny and Chris; daughters in-law, Vickie and Debbie; mother, Isabel Nelson; brother, Story Nelson; and 5 grandchildren. My thoughts and prayers are with her family and friends.

Timilie will always be remembered for her ready smile, her positive attitude and the joy she brought to the people around her. Thank you and God Bless.

HONORING THE 25TH ANNIVERSARY CELEBRATION OF LAKE RIDGE FELLOWSHIP HOUSE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. DAVIS of Virginia. Madam Speaker, I would like to take this opportunity to honor the 25th anniversary of the Lake Ridge Fellowship on June 7, 2008.

Located in Woodbridge, Virginia, this affordable housing development opened its doors in June 1983. Today the Lake Ridge Fellowship House serves over one hundred seniors on fixed incomes. Four out of five residents are women, many are widows who have lost a breadwinner's pension and a lifelong companion. Lake Ridge fills a unique niche in the Woodbridge area by supplying elderly residents with a safe environment in which they can enjoy recreational, educational and community-oriented activities. The Fellowship House is a vibrant example of community activism that should be replicated in other parts of the country.

Additionally, Lake Ridge provides affordable housing to both independent and mobility-impaired individuals. It offers secure and stable residences for seniors, thereby safeguarding citizens who might otherwise be unable to fully fend for themselves. In addition, Lake Ridge hosts arts and crafts, social activities, and boasts quiet reading alcoves. To better assist its mobility-impaired residents, the fellowship house provides transportation to and from local shopping areas.

Lake Ridge is one of only four privately owned fellowship houses in Virginia that are operated by the Fellowship Square Foundation, a subsidiary of the Lutheran Church. Sponsored by the Lutheran Lay Fellowship organization, it is a shining example of how the power of faith is used to fulfill a wide range of needs in our communities.

Madam Speaker, Lake Ridge Fellowship House is more than mere housing; it is the foundation of a rich and meaningful way of life for hundreds of senior citizens. In closing, I would like to congratulate Lake Ridge Fellowship House for providing twenty years of selfless commitment to Northern Virginia, and I ask my colleagues to join me in celebrating their 25th anniversary.

RECOGNIZING JESSICA HERRERA-FLANIGAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize Jessica Herrera-Flanigan, Staff Director and General Counsel of the Committee on Homeland Security for her dedication and service. Jessica will be leaving the Committee on Friday, June 6 for the private sector.

When I was the ranking minority member of the then Homeland Security Select Subcommittee on Cybersecurity, Science, and Research and Development, Jessica served as the staff director for the subcommittee. Jessica worked tirelessly with me and then Chairman MAC THORNBERRY on the Homeland Security Department Cybersecurity Enhancement Act of 2004, which elevated the position of head of the department's National Cyber Security Division within the Information Analysis and Infrastructure Protection Directorate to Assistant Secretary. This change was eventually made in the Homeland Security Authorization Act for FY 2006.

The subcommittee, chaired by Congressman THORNBERRY, was a rare scene of bipartisanship in the 108th Congress. Majority and minority staff collaborated just as minority and majority members did. This seamless bipartisanship reflected well upon Jessica, staff director for the subcommittee.

Jessica's commitment to our Nation's security is demonstrated by her service to the Committee on Homeland Security since its inception in 2003. Her knowledge of cybersecurity and critical infrastructure and other homeland security issues over the years has benefited Congress, the Committee on Homeland Security and this Nation and she will be greatly missed.

TRIBUTE TO JAYNE SHAPIRO

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. BERMAN. Madam Speaker, I rise to pay tribute to Jayne Shapiro, a good friend and a wonderful person. Jayne is being honored at Chabad of The Valley's 35th Annual Banquet with the "Woman of the Year Award" for her outstanding contributions to the health and safety of children in the State of California, to the welfare of the State of Israel and to many charitable organizations.

Soon after Jayne received her masters of public administration from CA State University Northridge, she began to help young and old people from all walks of life regardless of their background, affiliation or financial status. Her professional experience as a nurse and a sexual assault nurse examiner led her to establish a vitally important non-profit organization, KIDS SAFE. Her organization actively advanced numerous educational programs for the protection of children and worked tirelessly to persuade the California State Legislature to introduce the landmark Megan's Law. In 1999, to safeguard school campuses, Jayne established the Los Angeles Task Force on School Safety, bringing together school officials, law enforcement, teachers and parents in an effort to make campuses safer places to learn.

Over the years, Jayne has generously given her time and resources to numerous worthy organizations. She is a member of the National Executive Committee on the American Israel Public Affairs Committee (AIPAC) and is the former chairperson of the Women's Division of the Jewish Federation of the San Fernando Valley. She was appointed by the Mayor to the Los Angeles Commission on the Status of Women, by the Governor to the State Developmental Disabilities Board, and by the Attorney General's Office of Continuing Justice Planning to the task force creating public policy on child internet safety. As Chair of the Los Angeles County Committee she helped pass the Convention for the Elimination of Discrimination against Women (CEDAW) at the Federal level. Her dedication to the causes dear to her is an inspiration to us all.

Jayne is the proud mother of four sons who have the same passion and commitment to helping people in our community.

Madam Speaker, I ask my distinguished colleagues to join me in saluting Jayne Shapiro and congratulating her upon receiving this richly deserved honor.

IN RECOGNITION OF TODD "PARNEY" PARNELL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the accomplishments and dedication of Todd "Parney" Parnell. Mr. Parnell will be recognized for his service by the Penn's Woods Council Boy Scouts of America as their Distinguished Citizen at the 2008 Blair County Friends of Scouting Luncheon on June 11, 2008.

From the time Mr. Parnell graduated from Messiah College in 1988 with a degree in physical education, he has constantly worked to increase the value of the community in which he has lived. Mr. Parnell began his minor league baseball career in 1990 when he joined the Eastern League's Reading Phillies as the club's Director of Sales and Marketing. His vivacity for the business and sports world made him a considered candidate for Assistant General Manager. His dedication and hard work has not gone unnoticed, recently he was elected as the League's Representative to the Baseball Chapel. From 1997 to 2001, Mr. Parnell served as Vice President and General Manager of the Single- A Kannapolis Intimidators in the South Atlantic League. His tenacity to lead a team to success resulted in his recognition as the 1999 South Atlantic League General Manager of the Year.

Today, Mr. Parnell has served the Altoona Curve as their General Manager for seven seasons. His eternal optimism makes him a joy to work with even in the most serious moments of business. Mr. Parnell has been a key factor in helping the Curve set multiple single-game and season attendance marks at the Blair County Ballpark. His outgoing personality has continued to move the team to shatter sponsorship and corporate sales records. Under the steadfast leadership of Mr. Parnell, the Curve has been honored as Minor League Baseball's top franchise and winner of the John H. Johnson President's Trophy. In 2004, Mr. Parnell was awarded the Eastern League Executive of the Year Award, as well as the Larry MacPhail Trophy for promotional excellence. His demonstrated dedication and enthusiasm to the Altoona Curve has allowed the team to soar to new heights and has made them one of the most respected minor league baseball teams.

As he reflects upon his work as General Manager and his lifetime of achievements, Mr. Parnell can certainly be proud of his life of service to his team and his community, in which he has found great success. I look forward to celebrating the contributions and accomplishments of such a dedicated individual. His involvement has brought a greater appreciation to our area and has surely been an asset to the community. I would like to wish Mr. Todd "Parney" Parnell the best in his future endeavors as he continues to serve the Altoona Curve as General Manager and a true leader. I thank him for his far-reaching commitment and service as he continues to add greatness to his community.

HONORING WILLIAM LOBBINS III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Lobbins III of Parkville, Missouri. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Lobbins III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

DR. STEPHEN KREBS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Dr. Stephen Krebs for being the recipient of the 2008 Golden Rotary Ethics in Business Award.

Dr. Krebs practices Internal Medicine in Wheat Ridge, Colorado and adheres to the highest ethical standards in his medical practice. Dr. Krebs enriches the lives of all that have the fortune to come in contact with him professionally or during his countless hours of volunteer service. Mentoring students, caring for local seniors and treating patients regardless of their ability to pay, Dr. Krebs' devotion to the community is limitless.

In business, Dr. Krebs' generosity is coupled with a continued commitment to conservation. Dr. Krebs recycles all of his household and office materials. In addition, he has converted his entire office to a paperless office significantly reducing paper consumption.

Dr. Stephen Krebs' conviction to ethical standards and initiatives in social responsibility are a model for outstanding ethics in business and is an example for all businesses to emulate. I extend my deepest congratulations to Dr. Stephen Krebs as the winner of the 2008 Golden Rotary Ethics in Business Award.

TRIBUTE TO THE CONNECTICUT HUMANITIES COUNCIL

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. COURTNEY. Madam Speaker, the humanities have shaped nearly every aspect of our modern civilization, from our political and legal systems to architecture. Today, the proliferation of humanity fields remains as important as ever and the Connecticut Humanities Council has strived to preserve academic and cultural ideals in our community. This year, the Council celebrates its 35th anniversary.

For 35 years, the Connecticut Humanities Council has enriched our community academically and culturally and has provided greater insights into our Connecticut, and more broadly, American roots and values. Through ideology and practice, the Connecticut Humanities Council has also exemplified a public access objective. Since inception, the Council has derived public and private funds to support relevant and accessible humanities programs throughout our community, focusing on history and literature disciplines.

Programs sponsored by the Connecticut Humanities Council extend beyond the confines of museums, libraries, or any other academic institution. Programs like the family reading program, Motherread/Fatherread, typify the extensions of broader values and life lessons in a meaningful and impactful setting. The Motherread/Fatherread program not only engages a lifelong love of reading and learning, but brings families closer together by encouraging parents to read with their children.

Madam Speaker, on this 35th anniversary, I ask my colleagues to join with me and my constituents in recognizing the countless individuals and organizations that have brought the goals of the Council to fruition, by preserving our past and supporting the highest aspirations for our future.

IN RECOGNITION OF SUPERINTENDENT STEPHEN WATERMAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Ms. SPEIER. Madam Speaker, I rise to express my gratitude and admiration for Stephen J. Waterman on the occasion of his retirement as Superintendent of schools of Brisbane and Bayshore School Districts.

Stephen Waterman is a special individual, an inspired educator and a passionate advocate for schoolchildren. For fifteen years, he has served as Superintendent of the Brisbane School District, a small, underfunded agency nestled in a bucolic hamlet overlooking San Francisco Bay. His work there to educate children, encourage teachers and motivate parents at a time of dwindling state resources and increased federal mandates was so well-received, that in 2002, neighboring Bayshore School District asked him to do the same for their students.

While in the state legislature, I often met with school superintendents from my district. Even in a room surrounded by his peers, brilliant and committed educators who work against great odds to do the most important job in their communities, Steve Waterman stood out. His facile mind effortlessly navigated complex issues and his unassuming grace and quiet power built confidence in those around him.

Madam Speaker, Superintendent Waterman is retiring much too soon. I understand that he wants to spend more time with his delightful and engaging wife, Paulette, his sons, Kailin and Christian, and grandson, Granite. If I could, I would introduce legislation to force Stephen to keep working—maybe even require him to take on a few more school districts. But, alas, I can't do that. Instead, I can only wish him luck in his future endeavors and trust that his replacements can build on Stephen's achievements.

After growing up in Rochester, New York, Stephen received his Bachelor of Arts from Le Moyne University, a Master of Science from Southern Illinois, a Doctorate from Washington University in St. Louis and a Law Degree from the University of San Francisco. Throughout this time, he worked in virtually every job available in public education, from classroom teacher to program supervisor and eventually, superintendent.

Madam Speaker, every year, Congress debates and passes legislation to improve or enhance some aspect of public education. We do that because, unfortunately, it isn't possible to create more Stephen Watermans.

Throughout his life, Superintendent Waterman has empowered students with a love of learning. A man of his talents would excel in any field. But the world is a better place because he chose to devote his considerable intelligence, charm and energy to education.

For this, thousands of past and present students, their fortunate parents and the entire 12th Congressional District are eternally grateful.

TRIBUTE TO ANNE D'HARNONCOURT (1943–2008)

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. FATTAH. Madam Speaker, the City of Philadelphia, its arts community and in fact all citizens who cherish our rich cultural environment are in mourning at the untimely loss of Anne d'Harnoncourt, Director and Chief Executive Officer of the Philadelphia Museum of Art.

Anne d'Harnoncourt was, as described by her countless friends and admirers, a world class leader of the arts who developed, led and leaves as her legacy a vibrant, world-class institution.

Director of the Museum since 1982 and the George D. Widener Director and Chief Executive Officer since 1997, she led the institution with greatness and grace, overseeing a massive project to reinstall all of the European collections in more than 90 galleries; renovation of 20 galleries of modern and contemporary art followed in 2000. Last September, another dream of hers was realized with the opening of the Ruth and Raymond G. Perelman Building, a neighboring landmark, with greatly expanded, state-of-the-art facilities for specialized Museum collections. As a special gift to the people of Philadelphia, this annex opened admission free for its first four months.

Anne d'Harnoncourt's fund raising prowess was legendary. She led the Museum through two major capital campaigns: the Landmark Renewal Fund, which raised $64 million between 1986 and 1993; and the 2001 FUND 125th Anniversary Campaign which concluded in 2004, exceeding its goal and raising over $246 million.

H.F. Gerry Lenfest, Chairman of the Art Museum Board of Trustees, offered the following comment to the media as the Museum broke the sad news: "Anne's death is a severe loss to our beloved Museum, to the world of art and to those who knew and loved her. I have never known a person with higher human attributes: she was learned, a gifted speaker, had an effervescent personality, was a great director and, above all, a deeply caring person. We will miss her greatly."

It is important to note that Anne d'Harnoncourt's contributions and impact go far beyond the Art Museum's sturdy walls and its towering structure that overlooks the Benjamin Franklin Parkway, a thoroughfare described as Philadelphia's Champs Elysees. Under her leadership, the Art Museum has served as the anchor for arts, culture, music and civic celebration for all Philadelphians. The museum has become increasingly accessible to Philadelphia's diverse communities, both in its admissions policies, its community outreach and in its choice of showcase artists, such as the Henry Ossawa Tanner retrospective in the early 1990s that saluted the great Philadelphia raised African-American artist.

I was proud to have Anne d'Harnoncourt as a friend. I extend my condolences to her husband, Joseph J. Rishel, to her legions of admirers and friends, and I urge my colleagues to join in honoring her memory.

PAYING TRIBUTE TO SPECIALIST QUINCY J. GREEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of Specialist Quincy J. Green, who died on Monday June 2, 2008 of injuries sustained in support of Operation Iraqi Freedom.

Specialist Green was killed in a non-combat related incident while operating in support of Operation Iraqi Freedom in Tikrit, Iraq. Specialist Green was assigned to Headquarters Company, 601st Aviation Support Battalion, 1st Infantry Division, United States Army in Fort Riley, Texas. He will not only be remembered for his sacrifice and willing service, but for the extraordinary person that he was. His warmth and optimism brightened the lives of his family and friends.

Madam Speaker, I am proud to honor the life of Specialist Quincy J. Green. Specialist Green made the ultimate sacrifice for his country while fighting the War on Terror and defending democracy and freedom.

HONORING THE 10TH ANNIVERSARY OF THE PHOENIXVILLE COMMUNITY HEALTH FOUNDATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor the Phoenixville Community Health Foundation as they celebrate their 10th anniversary of service to the greater Phoenixville community.

The Foundation began as the Phoenixville Health Care Corporation in 1997. After a year of tirelessly working to create a sustainable medical infrastructure and charitable services, the Board of Directors embraced the mission of creating a vision of community health for the Phoenixville region. The Board of Directors decided to change the name of the Phoenixville Health Care Corporation to the Phoenixville Community Health Foundation to reflect their desire to implement a community health approach. Since June of 1998, the Foundation has developed a strong presence in the greater Phoenixville community's health sector. Even as the Foundation expanded its operation, the Board of Directors ensured that the development of the Foundation was in keeping with their original mission and vision.

Currently, the Foundation is increasing its charitable services and working diligently to fulfill the medical needs of the Phoenixville residents. The Foundation has achieved its vision of "championing the needs of the community" and establishes new community health programs each year. The exemplary service of the Foundation was formally recognized in 2003 with the honorary distinction of "Outstanding Foundation in the Delaware Valley." The eventual sale of the Phoenixville Hospital added $20.5 million to the Foundation and increased their total funding to $48.5 million. Since 1998 the Foundation has issued over 1,600 grants to non-profit organizations in the Phoenixville community.

Madam Speaker, I ask that my colleagues join me in congratulating the great men and women of The Phoenixville Community Health Foundation as they celebrate 10 years of protecting the health and wellness of Phoenixville area residents. The contributions and hard work of every member of the Foundation have strengthened Phoenixville's community health programs and ensured that the Foundation will be a cherished part of our community culture for many years to come.

BELLEVUE YOUTH LINK

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. REICHERT. Madam Speaker, I rise to congratulate Bellevue Youth Link, the city of Bellevue and Bellevue Public Schools for their continued success in giving the youth in Bellevue a voice in the community and a wonderful opportunity to stay active in Bellevue and their respective neighborhoods.

Since 1990, Youth Link has served in Bellevue and Washington State's Eighth District as a whole in wonderful ways—let me just list some of the recognition Youth Link has received in their 18 years of service:

Back in 1992, the National League of Cities awarded Youth Link an award for innovation and in 1994, the Washington State Traffic Safety Commission recognized Youth Link for excellence in Youth & Government Partnerships for their Bellevue Safe Rides program. The recognition has continued, as evidenced by 3 years—2006, 2007 and 2008—with Bellevue being recognized as one of the best communities in our Nation for young people.

The unprecedented efforts of people like Helena Stephens, the manager of Family, Youth and Teen Services, and Terry Smith, assistant Parks and Community Services director, do not go unnoticed and have forever altered the landscape of the Bellevue community. And the outstanding volunteerism and spirit of public service of the youth involved in Youth Link is truly inspirational and a perfect example of generations of Americans coming together to improve an already great community.

INTRODUCING A RESOLUTION URGING THE GOVERNMENT OF THE REPUBLIC OF IRAQ TO RECOGNIZE THE RIGHT OF THE STATE OF ISRAEL TO EXIST AND TO ESTABLISH DIPLOMATIC RELATIONS WITH ISRAEL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of legislation urging the Government of the Republic of Iraq to recognize the right of the State of Israel to exist and to establish diplomatic relations with Israel.

As Congress joins with the people of Israel to celebrate Israel's 60th anniversary, there are still many countries in the world which refuse to recognize our Middle Eastern ally's right to exist. Sadly, Iraq is one of them.

The United States has provided Iraq with nearly $50 billion in security and economic assistance to date, none of which has been repaid. Yet despite this enormous amount of aid, the Government of Iraq refuses to recognize Israel, the most reliable ally of the United States in the Middle East. This isn't right.

Establishing ties with Israel would help Iraq grow. Since its birth in 1948, Israel has emerged as a worldwide leader and expert in the agricultural, medical, and technological fields. Israel has the ability to forge a unique partnership with Iraq which would greatly benefit from the skills and knowledge of the Israeli workforce. Trade between the two countries would also help Iraq build an economy that is vibrant and independent of the energy sector while helping to foster democracy in the heart of the Middle East. This will never happen, however, unless Iraq moves beyond the draconian rhetoric of the past and recognizes Israel's right to exist.

The resolution I am introducing today calls on the Government of Iraq to recognize Israel's right to exist and establish diplomatic relations with our Middle Eastern friend. My resolution also calls on Iraq and other states to work with Israel and the U.S. in fighting the spread of extremism and terrorism throughout the world. Finally, the resolution urges the Administration to persuade Iraq and other countries to recognize Israel's right to exist.

I urge my colleagues to support this important resolution which encourages the Government of Iraq to finally recognize our great ally's right to exist. I call on the leadership of the House to support this resolution.

CONGRATULATING JIM FRANCE, RECIPIENT OF POCONO RACEWAY'S 2008 BILL FRANCE AWARD OF EXCELLENCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James C. France, vice chairman and executive vice president of NASCAR and chairman and CEO of International Speedway Corporation, who was named 2008 recipient of the Pocono Raceway's Bill France Award of Excellence.

This award has been presented annually since 1977 to the person, corporation or organization that has made outstanding contributions to the sport of NASCAR Sprint Cup Series Racing.

The award is dedicated to the inspiration of William H.G. France, founder of NASCAR and the father of this year's recipient.

Jim France grew up in the early years of stock car racing, living and learning every aspect of the sport from his own experience and from his father and brother.

Mr. France joined ISC in 1959, working in all phases of operations. He was elected to the ISC board in 1970 and has served as the company's secretary, assistant treasurer, vice president, chief operating officer and executive vice president before being named the company's president and chief operating officer in 1987. He was also named to the NASCAR board of directors in 2000.

France has been involved in motorsports most of his life. He has been a strong supporter of motorcycle racing in the United States, as evidenced by his professional involvement in the sport. He was active in Legends car racing and the Allison "Legacy" Car Series. He was BF Goodrich Legends Cars national tour champion in 1992 and had a good deal of success in the Gatorade Florida Legends Series.

He served as starter for the U.S. Motorcycle Grand Prix in the late 1960s, raced dirt track races for nearly five years and has been a member of the American Motorcyclist Association for more than 30 years. In addition, France has raced karts on both dirt and asphalt and he has served as a board member of the Automobile Competition Committee of the United States.

Dr. Joseph Mattioli, chairman and CEO of Pocono International Raceway, has stated that Mr. France was "a driving force behind NASCAR's success . . ." He added that he is proud to announce that Mr. France has been selected as this year's award recipient.

Madam Speaker, please join me in congratulating Mr. France on this auspicious occasion. Certainly, his lifelong commitment to the motorsport industry has had a tremendously positive economic impact for thousands of families in this great nation and has created a permanent place of honor for Jim France and the entire France family.

TRIBUTE TO BRIGADIER GENERAL MARK O'NEILL

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I hope the House will join with me today to pay tribute to an exceptional General Officer in the United States Army, Brigadier General Mark O'Neill, upon his retirement from active military service.

General O'Neill's distinguished career spans over 30 years of service to our great Nation, culminating as Deputy Commandant of the United States Army Command and General Staff College at Fort Leavenworth, Kansas. A native of St. Louis, Missouri, he was commissioned as an infantry officer in 1978 after graduating from the United States Military Academy at West Point. He has served in command and staff positions with the 82d Airborne Division, 10th Mountain Division, 25th Infantry Division, and the 3rd Infantry Division. He has commanded tactical units at the platoon, company, battalion and brigade level, and served as the Chief of Staff of the 10th Mountain Division. He has also served as Assistant Army Attaché in the Defense Attaché Office, American Embassy, Beijing, China, and as a strategic analyst on the Army Staff at the Pentagon. In addition to service during Operation Iraqi Freedom, General O'Neill has served during Operation Uphold Democracy in Haiti and Operation Enduring Freedom in Afghanistan.

In addition to attendance at numerous U.S. Army and Joint Force tactical courses and schools, General O'Neill is a graduate of the U.S. Army Foreign Area Officer's Course, the Defense Language Institute, and the Naval Postgraduate School, Monterey, California, where he earned a Master of Arts degree in National Security Affairs. He completed advanced Chinese language and area studies while assigned to the U.S. Defense Liaison Office in Hong Kong where he studied at the Beijing University School of Foreign Languages and the British Ministry of Defense Chinese Language School. General O'Neill is a graduate of the Armed Forces Staff College and the U.S. Army War College. He is a member of the Council on Foreign Relations.

His awards and decorations include the Legion of Merit with four Oak Leaf Clusters, Bronze Star Medal, Defense Meritorious Service Medal, Meritorious Service Medal with four Oak Leaf Clusters, Army Commendation Medal with Oak Leaf Cluster, Army Achievement Medal, Iraq Campaign Medal, War on Terrorism Service Medal, National Defense Service Medal with Star, Armed Forces Expeditionary Medal, Humanitarian Service Medal, Army Service Ribbon, four awards of the Overseas Service Ribbon, the Combat Action Badge, Army Staff Identification Badge, Master Parachutist Badge, Pathfinder Badge, Ranger Tab, and the Expert Infantryman's Badge.

As a Member of Congress, I am extremely fortunate to call Mark a friend. In fact, Mark and I were junior high and high school classmates and we've taken advantage of our existing friendship to foster a strong working relationship. I will miss his candor and his guidance. I ask my colleagues to join me today to thank General O'Neill, his wife Lori, and his entire family for the commitment, sacrifice and contribution that they have made throughout his honorable military career.

TRIBUTE TO THE 51ST ANNUAL PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. SERRANO. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the 51st Anniversary of the National Puerto Rican Day Parade, which will be held on June 8th, 2008, in New York City. A luminous and star-studded event, this parade proudly recognizes the heritage of Puerto Ricans in the United States, and year after year has proven to be one of our Nation's largest outdoor festivities.

The National Puerto Rican Day Parade is the successor to the New York Puerto Rican Day Parade, which held its inaugural celebration on Sunday, April 12th, 1958, in "El Barrio," Manhattan. The impact of the first Puerto Rican Day Parade in New York was both immediate and resounding. It galvanized thousands of New York Puerto Ricans in a very public, very proud demonstration of their emergence in the City as an important and growing ethnic group. For the next 38 years, the New York Puerto Rican Day Parade grew into a staple of New York's cultural life. In 1995, the overwhelming success of the parade prompted organizers to increase its size and transform it into the national and, indeed, international, affair that it is today.

This magnificent New York institution now includes participation from delegates representing over thirty States, including Alaska and Hawaii, and attracts well over 3 million parade goers ever year. In addition, the parade reaches millions more through television broadcasts on network affiliates, Spanish-language stations, and via satellite to viewers the world over.

The great success that the parade enjoys each year is brought about, in large measure, by the continued and tireless efforts of a choice few individuals—women and men of able leadership and strong conviction, who believe, as I do, in the limitless potential of people of Puerto Rican descent. Leading this effort is the National Puerto Rican Day Parade, Inc., a 501(c)3 not-for-profit organization designed to foster self-awareness and pride among Puerto Ricans in this country, and in so doing, likewise address issues of economic development, education, cultural recognition, and social advancement.

The Parade's march up New York's Fifth Avenue, while certainly the most visible aspect of the celebration, is hardly the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. Each year more than 10,000 people attend a variety of award ceremonies, banquets and cultural events that strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship. Puerto Ricans have shared a vibrant and beautiful culture that has helped to transform New York into a dynamic, bilingual city. Meanwhile, the City of New York has enabled Puerto Ricans to flourish economically, culturally and politically.

Each year the parade honors several individuals who have made tremendous contributions not only to the Puerto Rican community but the Nation as a whole. This year's honorees include Dennis Rivera, SEIU Healthcare Chair and former SEIU 1199 President, who will serve as the parade's Grand Marshall; Congresswoman NYDIA VELÁZQUEZ, who will receive the Lifetime Achievement Award; and local merchant, songwriter, performer and community leader Mike Amadeo and Assemblywoman Noemi Rivera who will serve as honorary Godfather and Godmother of the Parade respectively. Parade organizers will also pay tribute to the town of Lajas, located in the southwest corner of Puerto Rico.

Madam Speaker, the National Puerto Rican Day Parade captures the spirit of this special relationship. It celebrates the myriad ways that Puerto Ricans enrich the traditions of this country, and sends a clear signal to all who witness it, that the Puerto Rican community, both in New York and nationally, represents an exquisite tapestry of individuals. As a Puerto Rican and a New Yorker, and someone who participates in this parade annually, I can attest that the reverberations of this day are both vast and glorious. They can be seen on the faces and heard in the streets, as millions come together to joyously proclaim their heritage. And so it is, Madam Speaker, that with a full and proud heart, I stand before you and my colleagues in Congress to pay tribute to the sights, sounds and wonder that is the National Puerto Rican Day Parade.

TRIBUTE TO THE 300TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF KILLINGLY, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize the 300th anniversary of the incorporation of the town of Killingly, Connecticut. Over the course of 2008, Killingly's residents have and will continue to celebrate 300 years of history.

Killingly's ability to adapt and to transform with modern advancements have been evident since early settlement. Although the original settlement was rooted in agriculture production, like other colonial towns, modern amenities such as taverns, blacksmith shops, grist and saw mills were prevalent. By the end of the 18th century, William Danielson developed a successful iron works and William Cundall created one of Connecticut's earliest woolen works. With these modern amenities and connection with the New England railroad network, Killingly soon grew to an industrial hub.

Over the past 300 years, Killingly has been the setting for momentous events as well as home and birthplace to many notable figures in American history. In 1750, Israel Proctor deeded his land to his servants, laying a progressive foundation for successive abolitionist, Henry Hammond, and an Underground Railroad network. In addition, Mary Dixon Kies, the first woman in the U.S. to receive a patent, and Charles Lewis Tiffany, founder of Tiffany & Co., were both born and raised in Killingly.

Madam Speaker, for 300 years Killingly and its residents have adapted, endured, and thrived in light of significant pressures from changing local, national and international dynamics. On Saturday, May 31, 2008, I had the pleasure of participating in a tercentennial parade. The outpouring of support and warm wishes from Killingly citizens was truly telling of the strength and unity of this community. On this tercentennial, I ask my colleagues to join with me and my constituents with honoring and celebrating this 300th anniversary.

DIANE CECCHETTINI

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 2008

Mr. REICHERT. Madam Speaker, I rise today to congratulate MultiCare Health System CEO Diane Cecchettini for earning the 2008 "CEO IT Achievement Award" from Modern Healthcare Magazine and the Healthcare Information and Management System Society, HIMSS.

Ms. Cecchettini will receive her award during National Health IT Week, which calls attention to the need for health information technology to provide better, more affordable health care for all Americans. Health IT enables health care providers with a more comprehensive view of patients' health histories, making care more accurate and less costly. I commend Ms. Cecchettini and Multicare for adopting an electronic medical records system that is improving the quality of care for their patients and reducing administrative burdens and costs. The Pacific Northwest remains a hub of technological innovation, and it is encouraging to see networks like MultiCare using technological advances to enhance the lives of their patients.

I offer my sincere congratulations to Ms. Cecchettini and MultiCare's network of health organizations for receiving this honor.

SENATE—*Friday, June 6, 2008*

The Senate met at 9 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our hope for years to come. You are our rock and fortress, our deliverer and shield. We find refuge in You.

Give strength to our Senators. Energize them with the spirit of unity that will enable them to solve our Nation's most pressing problems. Keep them from becoming discouraged because of the enormity of their challenges as they look to You in faith. Guide our lawmakers in the direction that leads to justice, equity, and peace. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 6, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LIEBERMAN-WARNER CLIMATE SECURITY ACT OF 2008

Pending:

Reid (for BOXER) amendment No. 4825, in the nature of a substitute.

Reid amendment No. 4826 (to amendment No. 4825), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments.

Reid amendment No. 4827 (to amendment No. 4826), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments.

Reid amendment No. 4828 (to the language proposed to be stricken by Reid (for Boxer amendment No. 4825), to provide for the enactment date.

Reid amendment No. 4829 (to amendment No. 4828), to change the enactment date.

Reid motion to commit the bill to the Committee on the Environment and Public Works with instructions to report back forthwith, with Reid amendment No. 4830, to provide for the enactment date.

Reid amendment No. 4831 (the instructions of the Reid motion to commit), to change the enactment date.

Reid amendment No. 4832 (to amendment No. 4831), to change the enactment date.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4825 to S. 3036, the Lieberman-Warner Climate Security Act.
>
> Barbara Boxer, John Warner, Joseph Lieberman, Tom Harkin, Robert Menendez, Bill Nelson, Thomas R. Carper, Sheldon Whitehouse, Charles E. Schumer, Frank R. Lautenberg, Dianne Feinstein, Joseph R. Biden, Jr., John F. Kerry, Robert P. Casey, Jr., Patrick J. Leahy, Richard Durbin, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4825 to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting the Senator from South Carolina (Mr. DEMINT) and the Senator from Texas (Mr. CORNYN) would have voted "nay."

The Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 36, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Bingaman
Boxer
Cantwell
Cardin
Carper
Casey
Collins
Dodd
Dole
Durbin
Feingold
Feinstein
Harkin
Inouye
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—36

Alexander
Allard
Barrasso
Bennett
Bond
Brown
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Crapo
Domenici
Dorgan
Ensign
Enzi
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lugar
McConnell
Roberts
Sessions
Shelby
Thune
Vitter
Voinovich
Wicker

NOT VOTING—16

Biden
Byrd
Clinton
Coleman
Conrad
Cornyn
Craig
DeMint
Graham
Gregg
Kennedy
McCain
Murkowski
Obama
Specter
Stevens

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 48, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. For everybody here, this will be the last vote today. We will have at least one vote in the morning on Tuesday, and perhaps multiple votes. So everybody will have to be here Tuesday morning. The votes will probably start at 10 o'clock in the morning.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to put in the RECORD a statement by Senator COLEMAN. He would have voted aye if he had been here today. I ask to have his statement printed in the RECORD.

• Mr. COLEMAN. Mr. President, we are in the middle of an energy crisis, and the only way we're going to get out of it is to dramatically transform how this country does energy.

That is what the Lieberman-Warner climate bill does—it takes on one of the greatest economic and national security threats America faces today: our energy insecurity.

Sometimes we must look around the mountain, we must look to our future and recognize where our path must lead. We must recognize that we need massive and speedy development of domestically produced clean energy sources.

If we had committed to this bill 10 years ago, we wouldn't be in the tight spot we find ourselves in right now. We needed carbon capture technology for coal, increased nuclear power, cellulosic ethanol, and widespread renewable energy use yesterday.

This year, nearly half a trillion of our dollars will be sent overseas for energy we are capable of producing at home. The fact is, we are being held hostage by a world oil market where much of the supply is controlled by thugs and tyrants like Ahmadinejad and Chavez. But, as we have found in Minnesota, we can grow our own fuel, and the potential of cellulosic ethanol to replace foreign oil makes today's renewable fuels production look small, but it still hasn't reached commercialization.

Meanwhile, nuclear energy is an affordable, zero-emissions source of energy, yet we have not built a nuclear plant in this country in 30 years.

And, due to environmental concerns, it is increasingly difficult to utilize one of our greatest sources of energy in the country: coal. We have a 250 year supply of coal that we must find a way to use for energy production because one thing is certain—America's energy needs are only increasing.

At the same time, we have abundant energy around us that has yet to be tapped. When I am fishing on a beautiful morning up in Lake Ada back home, the sunshine and steady breeze are a constant reminder of the renewable resources that we can harness to power our homes and businesses.

The solutions to our energy woes are at our fingertips; it's time we grabbed hold of the great opportunity at hand and lead an energy revolution that will be the source for future security and increased opportunity for generations to come.

But, we can't wait for this revolution to come to us. I am skeptical that we are just going to wake up one day and see cellulosic ethanol at the pump or see a nuclear energy renaissance or clean coal with carbon sequestration or widespread use of renewables, unless we take bold action.

Mr. President, that's what this bill is about.

The Climate Security Act empowers Americans to do what we must do, which is to transform our production of energy. It sets up a cap-and-trade system, just as was done in the 1990 Clean Air Act to combat acid rain, that gives greenhouse gas producers flexibility in meeting their obligations through submission of allowances. Listening to some of the debate over this last week, one might think this bill is a windfall for the Federal Government, but what this bill really does is allocate these allowances to help the folks regulated in their transition to clean energy and to help energy consumers, both families and businesses with their energy costs. Just look at what happens in 2012, when the cap begins:

Over 38 percent of allowances are given out for free to fossil-fired power plants, energy consumers, natural gas and petroleum facilities, carbon intensive manufacturing facilities, agriculture and forestry, and states that are manufacturing and coal reliant;

Another 36 percent of allowances go to states and emitters to incentivize clean energy deployment and carbon sequestration; and

The 25 percent of the allowances that the Government does "auction" go to programs that invest in our energy future by doing things like dramatically boosting clean coal technology, clean energy research and development, and worker training assistance.

In particular, the bill provides record investment in clean coal, renewables, and cellulosic ethanol, including: $17 billion of support for carbon capture and storage technology for coal to kick start this technology, $120 billion in incentives for carbon capture and storage, and my CO_2 pipeline study proposal; bonus allowances for renewable energy that I have strongly supported; $150 billion for renewable energy; $92 billion for low-carbon electricity technology; and $26 billion for production of cellulosic ethanol.

But there is no doubt in revolutionizing our energy production, a transition will be required that won't come easy. That's why, from the time I cosponsored the first Lieberman-Warner proposal, I made clear that as we work on this legislation, we have to keep in mind the single mother in St. Paul working two jobs who can't afford higher energy prices and we must protect the economy and American jobs.

I compliment Senators LIEBERMAN and WARNER for taking these concerns to heart. This substitute makes several critical changes from earlier drafts to assist poor and middle class families with energy prices and to protect jobs.

First, this substitute dramatically increases the resources dedicated to help consumers, both families and businesses, with energy costs—bringing the total assistance to $1.7 trillion. $800 million of this amount is targeted at a tax cut for low income Americans' energy costs. Meanwhile, this substitute increases by 40 percent the funding that will go to energy consumers through their utility bill, bringing this provision's assistance total to $900 billion.

Secondly, this bill includes a new allowance trigger at between $22 and $30 per allowance that provides an important off-ramp should costs become high. This trigger is critical because economic consequences escalate when the price of an allowance increases.

Many of the high energy cost and GDP estimates cited on the floor this week have been taken from an EPA study that assumes an allowance price of at least $46 per allowance. Under this substitute, prices won't be allowed to get anywhere near that level.

Finally, this bill places an allowance purchase requirement on importers of products like steel, chemicals, and other energy intensive products if a commission does not find that the country of origin is taking comparable action to curb greenhouse gases.

There is a lot of concern that this bill will increase energy prices and hurt the economy. You will hear many of my colleagues cite studies with drastic cost increase numbers. While this substitute amendment, with the protections I just outlined, has yet to be analyzed, I believe much of the economic pain projected in some studies is overstated—even without the off-ramp.

For instance, the independent Energy Information Agency found in their High Cost scenario that there is a predicted electricity price increase of 1.5 percent a year and a gas price increase of 2 cents per year. Meanwhile, EIA has projected less than half of one percent effect on GDP—again, this is before the off-ramp.

I do want to commend Senators LIEBERMAN and WARNER for their work on this bill—they deserve much credit for taking this on, for pouring themselves into this very difficult, complex task—taking on one of the great challenges of our day.

That's why I am so disappointed that we won't have a chance to consider this bill on the floor. Mr. President, the Clean Air Act took 5 weeks, we have been given less than 5 days on a much more comprehensive piece of legislation. The process set up here robs us of an opportunity to take our energy crisis head on.

I have supported the Lieberman-Warner effort as a cosponsor, and I continue to support this bill, but I have always made clear that I would work to improve the bill to protect Minnesota jobs. So, I have a few amendments, some that I am introducing, some I am cosponsoring that substantively improve this bill—many of these changes are very small, but the consequences of not including them will be very large in my state.

Because of this process, I won't have the chance to offer my amendment to create a fuel assistance fund that will lower Federal fuel taxes by an amount equal to fuel price increases those driving cars and trucks and riding on airplanes have to pay as a result from this bill. This is an amendment to protect American consumers, it's commonsense, and it keeps the Highway Trust Fund and the Airport and Airways Trust Fund whole.

I won't have a chance to amend the bill to ensure that my state's many waste-to-energy facilities are considered renewable. This is a small change, but without it, we could disadvantage an important clean energy technology.

This bill needs a nuclear energy title. We need to boost tax incentives for nuclear power plants and improve the existing loan guarantee program. We need to train a workforce for the nuclear renaissance that we'll need to meet our energy needs.

Meanwhile, we need to restore the transition assistance for rural electric cooperatives that was included in earlier drafts of the bill, and we need to exempt steel process emissions as there is no feasible technological alternative to using carbon to produce iron ore. If these process emissions aren't excluded, we're going to send steel jobs overseas.

These amendments are designed to work within the structure of this bill, to augment it, to remove negative impacts that could hit Minnesotans—they deserve to be considered.

Mr. President, the challenge we face in solving our energy security problems is great, but for the folks who don't think America can meet this challenge, I would like to remind them of the fight we had over the first Renewable Fuels Standard, RFS, just a few years ago. I worked with a bipartisan cast of colleagues to pass the first RFS in 2005, and at the time, it was criticized as onerous and too ambitious.

We thought we were aiming high by passing a 7.5 billion gallon renewable fuels requirement by 2012. Today, in 2008, we have the renewable fuel production capacity of 8.5 billion gallons—we have far out surpassed expectations of production at the time.

Driving around Minnesota's countryside, I have witnessed the source of this overwhelming success—local entrepreneurs, innovators, and visionaries. And, the Minnesotans who have built our renewable fuels industry, which contributes over $5 billion to the State's economy, have transformed their local economies. The government sent the market a strong signal, and the American people responded.

Mr. President, the time for an energy revolution is long overdue. We cannot afford delay, and it is my hope that we will be provided the time we need to consider and pass this critical bill in the near future.●

Mr. DODD. Mr. President, I rise today to speak on the Lieberman-Warner Climate Security Act. I am deeply grateful that we are at last beginning to address an issue that goes to the heart of our security, our economy, our ingenuity and our leadership in the world: Climate change.

Over the course of this debate, I have no doubt that some will continue to argue that the science of global warming remains "inconclusive"—that there is simply too much uncertainty to take any sort of action.

But before we even go into the science of global warming, let us consider all that is quite certain today because of our dependence on fossil fuels.

We can start with our national security, which is compromised because we import oil to the tune of $300 billion every year, much of it from the most unstable countries in the world, a great many of whom are no friends to America.

We can then examine how this dependence puts our economy at risk, as families and businesses struggle with ever-rising gas prices that now top $4 per gallon, impacting our economic security and competitiveness alike.

We can also look at the public health implications, as asthma rates soar, disease spreads to new regions and the developing world experiences increases in climate-sensitive diseases, such as malaria, malnutrition—diseases that acutely threaten children.

There is also the rise in extreme weather incidents of Katrina-like ferocity that have increasingly become not the exception but the rule.

And finally, we can reflect on our waning moral leadership in the world, due at least in part because of this administration's stubborn insistence on abandoning the Kyoto Protocol entirely.

They didn't propose ways for the United States to improve a flawed but noble effort important to virtually every other nation in the civilized world. Nor did they demonstrate any commitment whatsoever on our part to leading the world in alternative energy production.

Instead, they simply let the problem fall to the next administration. They picked up their chair and went home.

Whatever else you think about the science of climate change, surely you must agree that American families have paid a price for our failure to act on these many related issues.

But I would immediately add, on the fundamental question of whether climate change is real and whether human actions are responsible, there can be no debate.

The Intergovernmental Panel on Global Warming, an international panel composed of hundreds of the most respected scientists in the world, conducted a comprehensive study of available climate change data.

And what they found was unequivocal. The IPCC concluded that, and I quote, "most of the observed increase in globally averaged temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations."

In plain English, virtually the entire scientific community agrees on two points—one, that temperatures are rising because of greenhouse gas emissions, and two, that such increases are caused by human activity.

And so, let us be very clear: global warming is real, and we are causing it. It is not in question. And it is a very big problem for all of us.

Yet even still, some continue to push back. Some acknowledge the science behind climate change but argue we cannot take action because of the threat it poses to our economy.

They present us with what I believe is a false choice:

That we can choose environmental responsibility or economic prosperity, but not both.

I completely and emphatically disagree.

Our dependence on foreign oil and fossil fuels may pose some of our biggest problems. But breaking that dependence offers us the single greatest opportunity for a brighter, more secure future.

How is that possible?

Because if so many problems can stem from a single source—and in the case of energy, they surely do—then it is only logical that if we deal with that problem, we can begin meeting those challenges as well.

We can begin creating a stronger, more prosperous America that relies not on politically fragile corners of the globe for its security, but on the ingenuity of America's small businesses and university laboratories.

A stronger, more prosperous America that uses its abundant economic resources not to perpetuate anti-American sentiment abroad but to create jobs here at home—from the construction of energy efficient buildings and renewable energy power plants to an auto industry that builds cars that lead the world in fuel efficiency.

An America that charges not simply our cities with helping us achieve these goals but also rural communities across the country. That is not only a stronger, more prosperous America; it is one more Americans get to be a part of.

As such, I believe we can no longer wait to move to quickly reduce America's greenhouse gas emissions in a comprehensive way. That is why I have supported cap-and-trade proposals in the past, and I will continue to do so, because they offer a way for America to begin tackling global warming.

But I believe there is a more promising solution that too often gets lost in these debates: A carbon tax, a fee placed on each ton of carbon dioxide emitted from fossil fuels.

Such a solution has been endorsed by everyone from NASA scientist James Hansen and former Secretary of the Treasury Lawrence Summers to conservative Harvard economist N. Gregory Mankiw, President George W. Bush's former chief economic advisor.

Even Ronald Reagan's Secretary of State, George Schulze, has voiced support for the idea. All agree it is the most efficient way to address the climate problem.

The idea is simple. We already know how much carbon is emitted from the burning of various fossil fuels, and we already collect the data we need to figure out how much to tax each sale of fossil fuels. As such, all that we would need to do to impose a carbon tax is set a price for a ton of carbon. That price would increase over time, leading to decreased carbon emissions as the cost of using dirty fossil fuels overtakes the cost of investing in clean, renewable technologies.

I know "new taxes" have been anathema to American politics for years. But a carbon tax eliminates the last incentive there is to pollute because it is cheaper.

A carbon tax would reduce carbon emissions much more efficiently than a cap-and-trade program. The Congressional Budget Office said as much, finding that "available research suggests that in the near term, the net benefits . . . of a tax could be roughly five times greater than the net benefits of an inflexible cap.

Put another way, a given long-term emission-reduction target could be met by a tax at a fraction of the cost of an inflexible cap-and-trade program."

Why? Because a tax provides the kind of long-term predictability for the price of emissions a carbon allowance would not. It allows companies to more effectively plan over the long-term how they could most cost-effectively reduce emissions.

Additionally, a carbon tax could be much more easily administered and overseen than a cap-and-trade program because the administrative infrastructure already exists to levy taxes on the upstream sources of fossil fuels, with their carbon contents known quantities as well.

Unlike cap and trade, which would require a complex new administrative structure to oversee and regulate the carbon market, we don't have to start from scratch.

In my view, a carbon tax is a critical piece of the debate over global warming, and I look forward to engaging with Chairwoman BOXER and my other colleagues in making part of this discussion. If for no other reason than the short window of time with which we have to address this problem before it is too late, it must be.

Allow me also to briefly address some other issues raised by the Lieberman-Warner bill.

I appreciate all that Chairwoman BOXER and her colleagues on the EPW Committee have done to take care of low-income consumers who will struggle with rising energy prices and the increased cost of consumer goods. The steps taken in this bill are certainly a good start.

However, I am concerned that we could be delivering rebates to low-income consumers more efficiently than we do in this legislation. Already, nearly 3,000 of the 5,400 households in my State who qualify for heating assistance are exhausting their benefits in the dead of winter every year.

We cannot put seniors and low-income households in the position of having to stretch tight household budgets to the breaking point simply to heat their homes, drive to work and put food on the table.

I look forward to working with Chairwoman BOXER and others to make sure our most vulnerable citizens are taken care of, which I know is as high a priority for her as it is the rest of us.

Lastly, I want to say a word about public transportation which falls within the jurisdiction of the Banking Committee. Given that the transportation sector is responsible for a third of all U.S. greenhouse gas emissions, clearly we need to direct significant resources toward public transit, which reduces the number of cars on the road.

While I thank Chairwoman BOXER as well as Senators LIEBERMAN and WARNER for recognizing transit's importance in this bill, I do believe more needs to be done, and I look forward to working with them to make that possible.

Ultimately, I believe this bill represents an important first step toward grappling with what may prove to be the defining challenge of our age. And if we meet this challenge, it could mean the difference between rural America being left behind by the 21st century economy or becoming the engine that drives it.

It may be the difference between small businesses being burdened by energy costs or finding innovative ways to drive them down.

It may well be our very best chance to give our children and grandchildren the future of hope, prosperity, and optimism I know we all want to give them.

I thank the Chair for this opportunity, yield the floor, and look forward to this debate continuing in the coming weeks and months.

Mr. JOHNSON. Mr. President, today I share with my colleagues some thoughts regarding how to reduce worldwide greenhouse gas emissions and a few key benchmarks I believe should be included in a national strategy to address this environmental and economic security challenge.

The scientific evidence linking the effects of man-made releases of carbon dioxide and the warming of the Earth's climate is clear. In 2007, the Intergovernmental Panel on Climate Change analyzed the science on climate change and concluded with high probability that the Earth is dramatically warming and that the atmospheric concentration of CO_2 is at the highest level in 400,000 years. To forestall the most significant effects of predicted changes in the world's climate over the next 50 years, the United States and other major emitting nations must begin to transition to a low-carbon economy. Although South Dakota may avoid the direct consequences of rising sea levels or more powerful storms caused by climate change, in many other respects my State is vulnerable to changes in the Earth's temperature. More frequent and severe droughts would dramatically harm the State's economy. The loss of productive farmland, denuded pastureland; and scarce ground and surface water supplies are probable under the current scientific modeling on a warming planet. The Prairie Pothole Region, which is partially located in my State, and is the most important duck and geese habitat in North America, is threatened by the effects of climate change. These changes, if borne out in the next generation, would have significant and severe economic consequences for my State.

Understanding clearly the probable environmental harm from taking no action, I support a mandatory, nationwide program that limits greenhouse gas emissions. I have voted in support of a nationwide plan previously because it is important to reach agreement and understanding on the complicated legislative, regulatory and economic choices from a nationwide strategy.

With the strong, peer-reviewed scientific conclusions linking climate change to human caused greenhouse gas emissions, the future uncertainty and cost of a nationwide program to reduce these emissions challenge our path to producing the optimal bill. We need to take strong steps with an early no regrets policy of action. Over the longer-term, addressing this problem will require changes in how we produce and use energy. It is realistic to expect such a plan to have costs. Transiting to lower carbon forms of energy production not yet commercially deployable could increase the price of producing energy. Creating policies and incentives that contain those costs over the next several decades to lessen impacts to consumers is a key concern of mine.

A nationwide plan that caps greenhouse gas emissions must make room for the expansion of traditional fossil fuel generation sources to meet growing energy demand. I am a strong supporter of renewable energy—biofuels, wind and solar energy can and should make up an increasingly greater share of our country's energy mix. I support a mandatory, nationwide renewable electricity standard to increase the amount of renewable electricity produced from less than 5 percent currently to a requirement of 15 percent in the next 10 years. However, we need the full suite of energy resources and that includes natural gas and coal. In my State, we have a diverse mix of energy resources, including hydropower, wind, natural gas and coal-fired generation. To keep that available and cost-competitive mix of fuels, a mandatory greenhouse gas reduction program must be linked to an aggressive and dedicated source of funding for reducing the emissions from conventional energy sources. Carbon capture and sequester is a path forward to keep coal as a fuel source, but reduce harmful CO_2 emissions. Commercially deployable CCS technology is not yet available. It will take several more years and billions of dollars in research and testing to develop the right types of CCS processes that separate CO_2 from the emissions stream. Accordingly, it is important to try to link reductions from existing sources with the likely path of technology development. Is it possible to completely match up reduction targets with technology development? Probably not. Technology develops at an inconsistently timed pace. Nonetheless, a plan that includes an unrealistically optimistic emissions reduction schedule that does not meet up with the resources for next-generation emission reduction technologies will break the program and hamper our efforts to reduce greenhouse gas emissions.

Part of the solution to this challenge resides in ensuring that incumbent as well as new entrant fossil fuel generators can manage price and emission reductions and have the resources to invest in new, low-emitting technologies. Allowance distribution should, as one factor, take into consideration historic emissions in allocating emission allowances. A limited and tightly controlled auction and other distribution calculations can be incorporated into this framework, but if we don't get this part of the program right it could swamp our efforts in other parts of the economy to wring carbon from the production process.

The good news is that South Dakotans can bring our strengths to contributing to the solution of a low carbon and economically strong America. Farmers, ranchers and forestland owners can play an important role in reducing greenhouse gas emissions. Agriculture practices and land management decisions that sequester carbon dioxide are cheap and efficient ways to comply with the requirements of a nationwide and mandatory program. The use of limited offsets and the flexibility of producers and landowners to get credit for past, current and future action target an incentive that eases costs for other sectors of the economy while at the same time creating an income stream for rural America. A ton of carbon sequestered, verified, and accounted is as powerful as reducing a ton of carbon from the smokestack of an electric utility or the smelter from a manufacturing facility. There is a strong coalition of Senators who believe that a vigorous offset program should be part of a comprehensive climate bill. Properly administered, offsets lower costs and improve compliance which is why I am confident that such a plan strengthens the objectives of a low carbon economy.

Mr. President, I feel confident the Congress can come together and address these challenges. Those deniers of the problem who throw up obstacles and simply say no to any and all avenues for action will find themselves increasingly marginalized and ineffective as the American people demand a serious response to a serious problem. My objectives and concerns should be viewed as a way to make an eventual policy more equitable and efficient. The consequences of taking no action are dire and simply unacceptable. Although the Congress will not find consensus this year on tackling the problem, I am glad that the Senate has started a much needed debate on this issue and count myself in the vast majority of citizens who feel we have the capability to curtail the effects of climate change.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. BYRD. Mr. President, the Constitution places the power of the purse squarely in the hands of Congress. The Lieberman-Warner climate security bill and the Boxer substitute to it, however, thwart the Constitution and longstanding tradition by shifting much spending power to the executive branch. In order to protect Congress's constitutional role to make spending decisions, I have introduced an amendment, cosponsored by Senators MURRAY, DORGAN, LEAHY, DURBIN, FEINSTEIN, and MIKULSKI.

Enacting this climate change legislation in its current form would vest unelected executive branch boards and agencies with unprecedented discretion on Federal spending in excess of more than $1.4 trillion in new and existing Federal programs over a span of 38 years.

Rather than Congress making decisions on funding and conducting oversight of Federal programs as intended by the Constitution, much of these responsibilities would be in the hands of the executive branch agencies.

In one specific case, the burden would be on Congress to stop executive branch decisions on Federal spending related to climate change initiatives. The Climate Change Technology Board would simply have to notify congressional committees 60 days in advance of a funding distribution for a range of energy technology programs. The money would be spent unless Congress could pass a law, signed by the President, to stop it. Effectively, the Senate could only stop the spending if it could muster 67 votes.

The legislation would not expire until 2050, meaning that the executive branch would go unchecked on spending decisions related to climate change initiatives for 38 years. Our Founding Fathers clearly did not intend for Congress to relinquish the power of the purse to any President for any issue—and certainly not for nearly four decades on such a crucial and timely issue.

The clock is certainly ticking for America to take more responsible action on the global climate security challenge. Congress should retain its active role in funding and oversight of climate security programs, as it does for every other Federal program. It would be irresponsible to concentrate such power in the executive branch and then sit on the side lines watching as Federal agencies take action without a congressional check.

There is concern that the new funds raised in this bill through the auctioning of emissions allowances should be spent on the measures authorized in this bill to address climate change. Some may worry that our amendment would allow these new receipts to just sit in the Treasury and not get spent on their intended purpose. That is simply not the case.

Our amendment, No. 4920, addresses that concern head-on by granting these receipts special budget treatment and requiring that they be allocated only to the specified purposes and programs authorized in this climate change bill. The Committee on Appropriations would continue its rightful role in allocating these funds.

Under this approach—known as "offsetting collections"—the amounts are appropriated annually in appropriations acts for the specific purposes allowed under the authorization act, but those appropriations are paid for by the auction receipts collected pursuant to the Boxer substitute. The receipts serve to offset the cost of the appropriation.

The "offsetting collections" model has worked successfully in the past. It has given the authorizing committees that have raised new fees the comfort that their new revenues would be spent on their intended purpose. At the same time, it has given the Committee on Appropriations the ability to continually oversee the spending of these funds and ensure that they are spent responsibly.

For example, the Appropriations Committee has successfully coordinated this approach with the Commerce Committee for new receipts that were established after the September 11 tragedy for the costs of the Transportation Security Administration. Every penny of the security fees that were newly established in the Aviation and Transportation Security Act have been appropriated annually by my Homeland Security Appropriations Subcommittee Act and only for the purposes specified in the authorizing law.

The purpose of our amendment is not to put a roadblock to these funds being spent. To the contrary, it is to keep honor with the intent of Chairman BOXER and her legislation while simultaneously keeping honor with the Constitution of the United States and the role of the legislative branch.●

Mr. INHOFE. Mr. President, there have been several companies, organizations, unions, and environmental groups that have come out against this bill by sending letters urging Senators to vote no on the legislation. I ask unanimous consent to have printed in the RECORD these letters signed by the following groups:

Duke Energy, National Association of Manufacturers, U.S. Chamber of Commerce, United Auto Workers, Farm Bureau, and the United Mine Workers of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARM BUREAU,
May 30, 2008.

DEAR SENATOR: The full Senate is expected to debate climate change legislation, S.2191, the Lieberman-Warner Climate Security Act, during the week of June 2. We also expect that there will be a Boxer substitute amendment that will be the focus of the debate. The American Farm Bureau Federation urges you to oppose the substitute.

Agriculture can play a significant role in addressing climate change by reducing and sequestering carbon through tillage practices, manure and soil management, and other practices. These practices can also help to offset the emissions reductions imposed by cap and trade legislation, thereby reducing the costs of the bill to regulated industries and to consumers. The Boxer amendment fails to recognize these benefits that agriculture can provide.

While establishing a domestic offset market, the bill fails to assure that domestic offsets will be available. It leaves the decision whether to allow any agricultural offsets at all, and which to allow, at the sole discretion of the Environmental Protection Agency. The bill establishes an artificial cap of 15 percent on the number of domestic offsets available, and further provides that any unfilled portion of that amount may be filled by international offsets. The cap on agricultural offsets stifles efforts of producers to reduce or sequester carbon, and the cap on offsets also increases the economic impacts of the legislation on businesses and consumers.

The bill also stifles development of agricultural reduction or sequestration projects by creating uncertainty as to whether projects will even be approved for the offset market. The bill requires any project to be completed first and the carbon reduction or sequestration benefits be verified before a decision to approve is made. This uncertainty creates a disincentive for project managers and buyers of offsets to enter into carbon reduction projects if they might not be approved as offsets.

Many agricultural practices that reduce or sequester carbon also have other environmental benefits. For example, reduced tillage practices have soil erosion control and water quality benefits in addition to sequestering carbon. By requiring that projects may not be approved as offsets unless their sole purpose is to reduce greenhouse gas (GHG), the bill disqualifies many otherwise worthwhile projects that have collateral environmental benefits, and may discourage the development of these multi-benefit projects.

Finally, unilateral carbon mandates by the United States that impose cost increases on American producers without a corresponding and similar commitment from other countries such as China, India or Brazil, among others, puts American producers at a significant competitive trade disadvantage. Any benefits from reduced GHG emissions by the United States will be minimal if other countries continue to emit as usual.

Agriculture can play an important role in reducing and sequestering carbon, and thereby ease the costs to industry and to society of compliance with emission reductions. Its role must be fully recognized in any climate change legislation. The Boxer substitute fails to recognize this and provides no assurances that agriculture will have any opportunity to mitigate the obvious increased costs of this legislation. We urge you to oppose it.

Sincerely,

BOB STALLMAN,
President.

DUKE ENERGY CORPORATION,
Charlotte, NC, June 2, 2008.

DEAR SENATOR: I appreciate the tough decisions you may be called on to make in the next several days as climate change legislation comes to the Senate floor for, what I hope will be, a healthy debate. I am grateful for the courtesy you've extended Duke Energy and me personally in allowing us to make our case for a fair climate bill that benefits the environment without penalizing the customer.

As you are well aware, Duke Energy has been a strong supporter of enacting a mandatory, economy-wide greenhouse gas cap-and-trade program. As this issue has continued to develop over the last several years we have taken a leadership role in working with a wide group of affected stakeholders on both sides of the debate to try and find common ground and move this issue forward. I think we have made progress in that regard, and I am confident more will be made in the months ahead.

But we have said from the beginning that, as important as it is for Congress to act on climate change, it is just as important that Congress get it right. In our view, the legislation Senator Boxer plans to offer on the Senate floor does not meet that test. Its provisions, as written, would impose excessive and unfair costs on our customers which, in our view, would unnecessarily disrupt the regional and national economies.

While costs cannot be a reason for inaction, they must be part of the decision making process. Our country will require time as we transition to a low-carbon economy and Congress must find effective ways to cushion that transition, which is particularly important for customers in states that depend heavily on fossil fuel generation. Senator Boxer's amendment makes some progress in trying to mitigate these economic concerns, but it does not go far enough to ensure against substantial electricity price increases on Day 1 of the program. Customers in the 25 states whose generation is more than 50 percent coal-fired will pay a disproportionate share of these higher costs.

As previous successful cap-and-trade programs have shown, there are more effective ways to achieve our environmental goals, while keeping costs low. Providing transitional allowances to fossil generators based on and equal to historic emissions proved to be a win-win for customers and the environment under the Acid Rain Program and Duke believes this approach would have the same results under carbon legislation.

If the measure to be debated were enacted into law, costs to the average household, especially in those 25 coal-based states, would increase rather quickly because a significant number of emission allowances would have to be purchased through an auction at a fluctuating price. These costs to consumers would be in addition to increased costs for the capital investments required for actually lowering carbon emissions. The additional charges paid by these customers to buy allowances will not lower carbon emissions by one ounce, but will have a profound economic impact on their everyday lives.

In 2007 Duke Energy provided electricity to more than 3.7 million homes in South Carolina, North Carolina, Ohio, Indiana, and Kentucky. More than 20 percent of these homes had a combined income of less than $25,000 a year, with 7 percent earning less than $10,000 a year. These families are already struggling due to higher prices for other goods and commodities and it is unfair and unnecessary to require them to fund a substantial portion of the climate program through increased energy bills. And while there are provisions contained within the bill to assist low-income families with their energy bills, it is somewhat disingenuous to tell them they will get a rebate when they get back only a fraction of what they put in.

As I have stated before, addressing climate change should be a transition from where we are today to where we need to be tomorrow. The program will not work if it is based on the premise that there needs to be an immediate upheaval of our current infrastructure base. Instead, legislation will work if its intent is to build the foundation to transition our economy to a low-carbon environment.

Even without a national climate change policy Duke Energy is implementing steps to lower its carbon footprint. We continue to invest in energy efficiency and over the next five years plan to invest approximately $23 billion (almost equal to our current market cap) to make our entire system more efficient, retire inefficient plants and increase our renewable energy portfolio. These investments show Duke Energy's commitment to addressing climate change. But, this transition will take time and cannot be accomplished overnight.

While it is unfortunate that Duke Energy cannot support the current climate change measure, we remain committed to being a constructive part of the debate as this issue moves forward. Strong leadership will be required to pass legislation that protects our environment, protects our economy and protects our customers and I look forward to working with you to make this a reality.

Sincerely,

JAMES E. ROGERS,
Chairman, President and CEO.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, June 3, 2008.

Hon. JAMES M. INHOFE,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR INHOFE: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing manufacturers in every industrial sector and in all 50 states, I urge you to oppose S. 3036, the Lieberman-Warner Climate Security Act, as introduced.

The NAM understands the importance of environmental stewardship. Our member companies are committed to pursuing reductions in greenhouse gas (GHG) emissions, provided that any commitments made by the United States are mirrored by comparable commitments by our trading partners, are based on sound science and cost-effectiveness, and are applied equally throughout the economy.

The NAM opposes S. 3036's nationwide cap-and-trade program because it:

Does not pre-empt conflicting state and local climate change laws and/or regulations;

Imposes major new requirements on businesses without sufficiently protecting U.S. competitiveness or funding the research, development and commercial deployment of essential new technologies;

Omits "safety valve" provisions that are key to ensuring cost containment;

Is limited in scope and does not include all sectors of the economy;

Unnecessarily increases demand on natural gas, driving up energy costs and job losses;

Does not adequately promote global participation; and

Creates a multitude of conflicting and duplicative regulations for manufacturers.

The NAM, in cooperation with the American Council for Capital Formation, commissioned a study earlier this year to assess the potential economic impacts of the Lieberman-Warner legislation. The study concluded that, if adopted, the legislation by 2030 could lead to net national employment losses of up to 4 million jobs, electricity price increases of up to 129 percent, gasoline price increases of up to 145 percent and a loss of household income of up to $6,752 per year.

Manufacturers are committed to working with Congress to establish sensible and responsible federal climate change policies that reduce GHG emissions, but these policies must maintain a competitive playing field for American companies. S. 3036 fails this test, and we oppose its passage. We will be closely evaluating amendments that affect U.S. manufacturers and workers and will be communicating our views on these amendments prior to their final consideration.

The NAM's Key Vote Advisory Committee has indicated that votes on S. 3036, including votes on related amendments or procedural motions, merit designation as Key Manufacturing Votes.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

UNITED MINE WORKERS OF AMERICA,
Fairfax, VA, May 27, 2008.

Re: S. 2191

Hon. BARBARA BOXER,
Chair, Environment and Public Works Committee, Senate Dirksen Office Building, Washington, DC.

Hon. JAMES INHOFE,
Ranking Minority Member, Environment and Public Works Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS BOXER AND INHOFE: As President of the United Mine Workers of America (UMWA), I am writing to explain why we do not support S. 2191, the Lieberman-Warner Climate Security Act of 2008.

The UMWA has participated in the global climate change debate for more than 15 years, both domestically and abroad as an NGO at all major negotiating sessions of the U.N. Framework Convention on Climate Change (FCCC). Last July, we were pleased to join the AFL-CIO and many of our labor colleagues in endorsing the bipartisan Bingaman-Specter bill, S. 1766.

Our support for S. 1766 reflected our agreement with its emission reduction targets and timetables provisions to accelerate the commercialization of carbon capture and sequestration (CCS) technology, and projected moderate impacts on the U.S. economy overall, and on coal utilization in the electric utility sector. Recent analyses by EPA and EIA confirm our judgment in this regard.

We met with Committee staff during the development of S. 2191, expressing our deep concerns about the Bill's overly aggressive targets and timetables for near-term reductions, particularly the magnitude of reductions required by 2020, It is not feasible to deploy CCS technology on a large-scale basis by that time. With the economy-wide emission trading system employed by S. 2191, the electric utility and coal industries would bear the brunt of the adverse economic and job impacts associated with compliance. EIA's recent analysis shows that over time, these adverse impacts will spread across our manufacturing and industrial base.

The severity of these impacts cannot be justified on environmental grounds in light of EPA's analysis of the comparative global CO_2 concentrations resulting from alternative climate change bills before the Senate. In essence, there is no significant difference among these bills measured in terms of future atmospheric concentrations of CO_2.

The world's ability to stabilize future global CO_2 concentrations—the long-term goal of the U.N. FCCC—depends overwhelmingly upon the willingness of major developing economies like India, China, Brazil and Mexico to accept meaningful commitments to reduce their future rate of emissions. The magnitude of their commitments will not be evident until the conclusion of the Copenhagen negotiations scheduled for December 2009.

We appreciate the efforts that you and the Committee have made to accommodate labor's interests in the initial bill, the Committee mark-up, and the Manager's Amendment. CCS bonus allowances, provision for Davis-Bacon compliance, inclusion of the IBEW-AEP trade provisions from S. 1766, a limited cost-containment "off-ramp" and additional technology incentives are welcome additions. However, these measures do not mitigate the severe adverse impacts that S. 2191 would have on American workers, primarily due to the unrealistic schedule of emissions reductions required by 2020, just 12 years from now.

IMPACT ON COAL UTILIZATION

Both EPA and EIA's analyses of S. 2191 indicate that U.S. coal production for electric generation would be sharply reduced due to the concentration of emission reductions in the utility sector, in turn reflecting the low availability of CCS technology when the 2020 reductions are required. Emission reductions in the transport sector are minimal in comparison.

The table below summarizes EIA's findings for electricity generated by coal and natural gas under its business-as-usual Reference Case, Core S. 2191 case, and "Limited Alternatives" case for 2020 and 2030. EIA's core case assumes that nuclear generation will triple by 2030. The limited alternatives case constrains coal-based CCS, new nuclear power, and renewables generation to reference case levels.

EIA S. 2191 PROJECTIONS OF COAL AND NATURAL GAS ELECTRIC GENERATION, 2020 AND 2030

[Billions of kilowatt-hours and pct. chg. from 2006]

	2006	2020 Ref. Case	2020 Core Case	2020 Ltd. Alter.	2030 Ref. Case	2030 Core Case	2030 Ltd. Alter.
Coal	1,988	2,357	1,890	1,606	2,838	703	703
		+19%	− 5%	− 19%	+20%	− 65%	− 65%
N. Gas	806	833	761	1,094	741	427	1,558
		+3%	− 6%	+36%	− 8%	− 47%	+93%

Source: DOE/EIA, n.2, Table ES2.

These findings, showing a 65% reduction in coal use in both the core and limited alternatives cases from 2006 levels, underscore our concerns about the lopsided impacts of S. 2191 on our members. We also note the potential for huge increases in the demand for natural gas in the limited alternatives case, with adverse implications for other industries and consumers dependent on scarce gas resources. If EIA's core case assumptions about the robust growth of nuclear power proved optimistic, utilities would have little choice but to switch from coal to natural gas on a massive, unprecedented scale.

EPA's results are consistent with EIA's findings. EPA projects that coal production for electric generation would decline from 1.1 billion tons in 2010 to less than 800 million tons in 2020, and to less than 700 million tons by 2025—a reduction of nearly 40% from 2010 production. Electricity prices are forecast to increase 44% by 2030, assuming that allowance cost can be partially passed through to consumers.

EPA attributes the disproportionate concentration of emission reductions in S. 2191 within the utility sector to the "relatively modest indirect price signal an upstream cap and trade program sends to the transportation sector." EIA's analysis of the distribution of CO_2 emissions expected in 2020 and 2030 under its core case and five alternative cases shows a similar disproportionate impact on the electric power sector.

MANUFACTURING AND OTHER INDUSTRIAL SECTORS

Higher electricity and other fuel costs would depress demand for industrial output and result in job losses across of the economy. EIA's analysis compares the reduction of the value of industrial shipments (excluding services) for S. 2191 and S. 1766, as summarized below for the S. 2191 core and limited alternatives cases:

IMPACTS OF S. 2191 AND S. 1766 ON INDUSTRIAL SHIPMENTS, 2020 and 2030

[In billions of 2000 dollars and pct. change from reference case]

	2020 Core Case	2020 Ltd. Alter.	2030 Core Case	2030 Ltd. Alter.
S. 2191	−$100 −1.4%	−$153 −2.1%	−$233 −2.9%	−$354 −4.4%
S. 1766 Update	−$55 −0.8%	n.a.	−$139 −1.7%	n.a.

Source: DOE/EIA, n. 2, Table 4.

The adverse impacts of the Bingaman-Specter bill on industrial shipments (and by implication, on industrial employment) are roughly one-half those projected for the S. 2191 core case, and one-third those for the limited alternatives case.

At 2002 productivity rates, each U.S. manufacturing worker produced shipments or sales receipts of some $266,000 annually. At this rate, one billion dollars of reduced manufacturing output translates to approximately 3,750 direct job losses. A loss of $354 billion of industrial shipments could represent the loss of 1.3 million jobs. Multiplier effects for indirect job losses are typically a factor of 2 to 3 times direct job losses, implying total potential job losses of 2.7 to 3.9 million American workers.

Given the rising uncertainties about our future economic growth, sacrificing an additional hundred billion dollars or more of annual industrial output relative to other policy measures is difficult to justify without a compelling demonstration of offsetting environmental benefits. We do not believe such a demonstration is possible for differences of a few parts per million of global CO_2 concentrations 50 to 100 years from today.

LOOKING AHEAD

The global climate debate has progressed rapidly in the past few years due to the commitment and sincere efforts of leaders on both sides of the aisle in seeking balanced solutions that can protect the American economy and jobs while achieving significant reductions of greenhouse gases. This is the basic objective that has guided our involvement in this issue from the outset.

Legitimate debate remains about measures such as cost containment, preemption of duplicative state and regional cap-and-trade programs, emission offsets, international trading, technology incentives and other provisions of S. 2191. We remain persuaded, however, that the key to striking an appropriate balance must involve adjustment of unrealistic targets and timetables that do not provide sufficient time for the widescale commercial deployment of CCS technology. Neither advance allowance auction reserves, as proposed by the Manager's Amendment, nor additional CCS incentives will allow CCS to play a major role in compliance plans by 2020. It requires a decade or more to site, permit and construct a single baseload facility.

We look forward to working with you and your colleagues in the Senate as you seek to further improve S. 2191.

Sincerely,

CECIL E. ROBERTS.

WASHINGTON, DC, *June 2, 2008*.

DEAR SENATOR: This week the Senate is scheduled to consider legislation to decrease emissions of greenhouse gases, the Lieberman-Warner Climate Security Act of 2008 (S. 2191). At that time, we understand that Chairwoman Boxer and Senators Lieberman and Warner intend to offer a manager's amendment making a number of important changes in the bill that was reported by the Committee on the Environment and Public Works. Unfortunately, even with these changes the legislation still contains serious defects that would undermine the environmental benefits, while posing a threat to economic growth and jobs. Accordingly, the UAW opposes this bill in its current form. We urge you to insist that the legislation must be modified to correct these defects.

The UAW agrees that climate change is a serious problem that urgently needs to be addressed through the establishment of an economy-wide cap-and-trade program. We commend Chairwoman Boxer and Senators Lieberman and Warner for crafting legislation that would establish this type of program and achieve very significant reductions in greenhouse gases. The UAW is pleased that this bill covers the electric power, industrial and transportation sectors, which account for the overwhelming percentage of greenhouse gas emissions. We are also pleased that the transportation sector is covered on an "up-stream" basis through the regulation of fuels, which is the most economically efficient mechanism. The UAW applauds the inclusion of transition assistance for workers. And we welcome the provisions allocating allowances to states whose economies rely heavily on manufacturing.

The UAW would especially like to commend the chief sponsors of this legislation for including provisions (Sections 1111–1115) establishing a Climate Change Transportation Technology Fund that would use revenues from the auction of 1 percent of the allowances each year to finance a manufacturer facility conversion program. This critically important initiative would provide grants to manufacturers to pay for up to 30 percent of the costs to retool facilities in the United States to produce advanced technology vehicles (hybrids, clean diesels, fuel cells) and their key components. This will help to speed up the introduction of these advanced technology vehicles, thereby reducing oil consumption and greenhouse gas emissions. At the same time, it will provide a significant incentive for auto and parts manufacturers to retool facilities in this country to produce these vehicles of the future and their key components. This can create tens of thousands of jobs for American workers.

While recognizing these very positive provisions in S. 2191, the UAW still is very troubled by a number of provisions and omissions.

1. Even though S. 2191 establishes an economy-wide cap-and-trade program to reduce greenhouse gases, Section 1751 makes it clear that the Environmental Protection Agency (EPA) would retain residual authority under the Clean Air Act to regulate CO_2 emissions. This effectively means that EPA would be free to disregard key decisions that Congress will make in considering S. 2191 concerning the timetable for reductions in CO_2 emissions, the appropriate point of regulation, and the distribution of economic burdens. Instead, EPA would be free to regulate CO_2 emissions from the electric power, industrial and transportation sectors in ways that differ fundamentally from S. 2191. The UAW believes it is inappropriate and untenable to allow a federal agency to supersede decisions by Congress in this manner.

2. Section 1731 of S. 2191 does not simply preserve existing state authority to regulate greenhouse gas emissions. Instead, as the Committee report makes clear, this provision is drafted in a manner that would trump pending litigation concerning the scope of existing state authority—specifically whether state auto CO_2 tailpipe standards are preempted by federal law. The UAW believes the courts should be allowed to resolve this contentious issue. Thus, Section 1731 should be redrafted to indicate that it is just preserving existing state authority, not deciding what the scope of that authority is.

3. S. 2191 fails to deal with the important issue of how state climate change measures will interface with the federal cap-and-trade program. Instead, it simply calls for a study on this issue (Section 1761). Because of this critical omission, the unfortunate reality is that state climate change measures would result in ZERO additional reduction in greenhouse gas emissions beyond the level already mandated by the federal cap-and-trade program established by S. 2191. Although state measures could reduce emissions from a particular sector, this would simply relax the pressure from the federal cap on other sectors, without providing any net environmental benefit. The UAW submits that this is a nonsensical result. If the states are going to be allowed to implement climate change measures that impose significant economic burdens on particular industries, a mechanism should be established to ensure that these state measures can

interface with the federal cap-and-trade program in an appropriate manner, and thereby provide additional reductions in greenhouse emissions.

The UAW believes this can easily be accomplished by allowing entities regulated by state climate change measures to purchase and retire allowances from the federal program to satisfy the state standards (to the extent they are more stringent than comparable federal standards). This would guarantee that the state measures actually provide an environmental benefit through additional reductions in greenhouse gas emissions, while also allowing this to be accomplished in the most economically efficient manner in keeping with the fundamental premise of the federal cap-and-trade program.

4. In our judgment, S. 2191 still does not deal adequately with the problem of international competition. We recognize that the manager's amendment includes a number of changes that strengthen the provisions of the bill that are intended to encourage other nations—especially India and China—to adopt comparable climate change programs, and to prevent American businesses and workers from being placed at an unfair competitive disadvantage. However, the UAW is still concerned that the definition of "manufactured item for consumption" (Section 1301(13)) grants too much discretion to the International Climate Change Commission and the EPA in determining whether finished products (such as automobiles or auto parts) are subject to the international reserve allowance requirements. If these products are not covered, this could pose a major threat to the jobs of American workers. Thus, we believe this section of the legislation needs to be redrafted to make it clear that these products are in fact covered.

The UAW strongly urges the Senate to correct the foregoing deficiencies in S. 2191. We believe all of these concerns can be addressed in a manner that is consistent with the essential thrust of S. 2191. If these problems are not corrected, we urge you to oppose this legislation.

The UAW also urges you to reject amendments that may be offered by various industries such as steel and airlines—to exempt the coal or oil that they use from the requirements of the cap-and-trade program. We firmly believe that a cap-and-trade program covering most of the economy is the only fair and effective way to meet the challenge posed by climate change. To the extent any industries obtain special "carve outs" for themselves, this will only serve to increase the pressure on the rest of the industries and sectors that are still covered under the cap-and-trade program. In the end, this could unravel the prospects for enacting any meaningful federal program to combat climate change.

The UAW recognizes that Senate consideration of S. 2191 represents the beginning of a long process to determine federal policy to address the serious threat posed by climate change. The UAW looks forward to working with Congress and a new administration to pass legislation establishing a federal cap-and-trade program that resolves the concerns discussed above, achieves major reductions in greenhouse gases, and enhances prospects for economic growth and the creation of jobs for American workers.

Thank you for considering our views on this critically important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

U.S. CHAMBER OF COMMERCE,
Washington, DC, June 5, 2008.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, strongly urges you to oppose cloture on the Boxer manager's amendment to S. 3036, the "Lieberman-Warner Climate Security Act of 2008." This week's truncated debate left many serious questions unanswered as to how to control domestic and international greenhouse gas emissions while keeping costs in check and assuring a reliable energy supply. As the debate vividly demonstrated, S. 3036 is not the proper vehicle to answer those questions.

First, and foremost, S. 3036 will be very expensive. Its predecessor, S. 2191, was forecast by a range of analyses to result in two to four million lost jobs, as high as 60 to 80 percent increases in household energy prices, as much as a 3.4 percent decrease in GDP, and an annual household cost of compliance, ranging from $1,000 to $6,700. Although S. 3036 was brought to the floor too rapidly for similar studies to be completed, it is clear that the cost of purchasing allocations under the bill would result in a $3.2 trillion tax. Moreover, the Congressional Budget Office recently estimated that S. 3036 would result in tens of billions of dollars annually in private sector mandates.

S. 3036 also creates a massive federal bureaucracy, via more than 300 mandates, that must be translated into rules, regulations and reports by the Executive Branch. The result: a cavalcade of new bureaucrats, decades of costly implementation and prolonged litigation. The Chamber's chart summarizing this regulatory nightmare is available at: http://www.uschamber.com/issues/index/environment/080603climatechange.

Finally, although S. 3036 earmarks a tremendous amount of money to provide support for the families impacted by the legislation, it fails to support the research and development of the technologies necessary to continue powering our economy as fossil fuels are restricted by the cap. S. 3036 also fails to address the problem of deployment, specifically the streamlining of permits for low- and zero-carbon energy technologies.

The Chamber strongly urges you to protect American jobs and the economy by voting no on cloture on the manager's amendment to S. 3036, and will include this vote in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Mr. LEVIN. Mr. President, I invoke cloture in order to move forward with the debate and break the Republican filibuster so that we can amend and improve the bill in order to begin to address the problem of global climate change. I oppose it in its current form and would have voted no if the vote were on whether to pass the bill. For this reason, I joined with other Senate colleagues in a letter identifying many of my concerns and outlining a way to move forward. A copy of this letter is printed at the end of this statement.

Chairman BOXER and Senators LIEBERMAN and WARNER have taken on a matter of global significance, which will impact both present and future generations.

We are in agreement on the fundamentals: Global warming is occurring, and human activity is causing it. Scientists tell us that we need to act with urgency to attain the levels of global greenhouse gas concentrations in the atmosphere that will prevent catastrophic impacts from occurring.

The impacts of global climate change are being realized already. We have already been experiencing more heat waves, shorter winters, and more frequent severe weather events.

In the future, the EPA estimates that an acceleration in heavy rainfall events will cause more runoff, stressing the sewer infrastructure and harming water quality. Other projected future impacts are even more alarming: Portions of countries and entire islands could be lost to rising sea levels, crop yields could significantly decline, water shortages are expected, and droughts, hurricanes, and floods will likely increase.

Most experts agree that these phenomena will have a huge impact on people living in less developed countries and could result in the mass dislocation of millions throughout the world. Along with dire environmental and economic consequences, climate change could also impact our national security. Heightened domestic and international tensions caused by competition for scarce resources such as fresh water or agricultural land may result in armed conflict in and between nations.

While we agree on the fundamentals of the problem, I have some differences with the approach of this bill regarding how to confront the immense and complex problem of global climate change. I have consistently argued that the best way of addressing global warming is through an effective and enforceable international agreement that binds all nations to reductions in greenhouse gases, including developing nations such as China and India. Proponents of this bill have argued that U.S. action through this cap-and-trade bill will prompt action by other countries to reduce their emissions. The international provision in this bill that attempts to level the playing field may put some pressure on other countries to act, but it will not automatically get these countries on board with us to reduce greenhouse gas emissions at levels comparable to ours. Unfortunately, if we do not get these other countries on board, what we do in the United States as a result of this bill will only have a marginal impact on controlling global greenhouse gas emissions and could create a severe economic disadvantage to us.

This bill does not adequately assure American manufacturing a level playing field. A recent Energy Information Administration analysis, EIA, projected manufacturing job losses in the hundreds of thousands each year if the Lieberman-Warner bill were signed into law. Cumulative job impacts in the manufacturing sector through 2030 are estimated at between 2 to 14 million manufacturing jobs. We have already lost 3.3 million manufacturing jobs since 2001, about 250,000 in Michigan alone. We cannot afford to lose any more because of an unlevel playing field. Significantly, EIA's projected manufacturing job losses can be attributed to manufacturers moving to countries with less stringent environmental standards. Without the proper protections, our actions may ship manufacturing facilities and the greenhouse gas emissions that go with them overseas, providing no environmental benefit while needlessly hurting our economy.

The substitute amendment offered by Senator BOXER makes few improvements to the Lieberman-Warner bill that was reported from the Environment and Public Works Committee. The cost containment auction will help to moderate emission allowance prices and help contain compliance costs, which will ultimately help control prices that hard-working consumers face. More assistance is provided to energy-intensive manufacturers to transition to a carbon-constrained world, and more allowances are provided to reward early action. The substitute amendment provides additional flexibility for covered sources to use EPA-verified offsets, which will also help control the costs of this bill. The substitute also includes some carbon market oversight mechanisms that will help monitor the new emission allowance trading market created by this bill. However, one of the changes in the substitute could have damaging impacts to our domestic auto industry because it could lead to potentially conflicting State regulations for greenhouse gas emissions from mobile sources and potentially highly unfair discriminatory impacts on U.S. manufacturers as a result of those state regulations.

I have filed a number of amendments and have cosponsored others that will strengthen the bill to protect American jobs, reduce the burdens on working families and consumers, and also protect the environment.

One of my amendments would provide Americans with protection from economic disruptions in case the costs of the bill exceed a certain level. Specifically, my amendment would suspend the compliance requirements of the cap-and-trade program if the emission allowance price reaches a prohibitively expensive amount. This amendment would provide an effective backstop if the various cost containment mechanisms included in the bill turn out to be less effective than expected and would prevent harm to the US economy.

Another amendment I filed would protect the competitiveness of U.S. manufacturers in international markets. While I am pleased that the bill sponsors included an important provision that would help level the international playing field between U.S. manufacturers and international competitors not facing similar greenhouse gas limits, if this provision does not survive a WTO challenge, the bill provides no recourse to correct the situation. My amendment would suspend this program and compliance obligations of manufacturers that face global competition if a foreign country retaliates against the international allowance requirement that would be imposed by this bill. Also, additional allowances would be provided to these manufacturers to compensate for their higher production costs that would result from this bill. This amendment would help keep manufacturers and jobs in the United States if the international reserve allowance program in title XIII results in retaliation by other countries.

I also joined Senators SPECTER and BROWN in filing an amendment that would strengthen the international reserve allowance program to ensure that importers bear the same responsibility as American manufacturers with respect to limiting greenhouse gas emissions. The bill attempts to do this by requiring certain importers to submit emissions allowances to account for the greenhouse gas emissions of their products if the product comes from a foreign country that has not taken comparable action to limit greenhouse gas emissions. However, the bill defines "comparable action" in such broad terms that it would likely exclude many countries that in fact have not taken similar actions. The bill gives discretion to the International Climate Change Commission that would be established by the bill to determine that a foreign country has taken comparable action if they are using state-of-the-art technologies to limit greenhouse gas emissions, without considering the magnitude of the reductions achieved by these technologies.

The Specter-Brown amendment would determine that a foreign country is taking comparable action only if actual greenhouse gas reductions are comparable to those achieved in the United States. The amendment would also broaden the types of imports that would be required to submit emission allowances by including both direct and indirect emissions generated in the course of manufacturing the product. The substitute amendment only includes direct emissions and emissions associated with the electricity used to manufacture the product, which fails to account for emissions associated with other inputs used to make downstream products. The Brown-Specter amendment corrects the competitive problem that would be faced by U.S. manufacturers.

I also filed an amendment that would provide more allowances to fossil fuel-fired electric utilities whose prices are regulated. A coal-fired powerplant is limited in its ability to reduce its greenhouse gas emissions because this depends entirely on the efficiency of the generating plant. A Congressional Research Service analysis found that efficiency improvements on the order of 4-to-6 percent could be achieved by improving an existing unit, which would in turn have a 4-to-6 percent reduction in carbon emissions. The only way to further reduce emissions from a powerplant would be to install carbon capture and sequestration technology, which is not expected to be commercially available until sometime after 2030. Because the electric utilities can do very little to address greenhouse gas emissions at existing plants, it is only fair to provide emission allowances to these facilities that power homes, retail establishments, and industry with vital electric power. Limiting additional allowances to utilities whose prices are regulated will prevent companies from realizing windfall profits, which occurred in the European Union.

I continue to be concerned about provisions of this bill that could result in both conflicting cap-and-trade systems and conflicting underlying regulations for greenhouse gas emissions. I believe that Congress should adopt a mandatory Federal economywide cap-and-trade program that will be the single regulatory regime for overall control of greenhouse gas emissions. Existing State laws and initiatives should be integrated into the Federal cap-and-trade program where the policies do not conflict, but in areas where the regulations or programs conflict or overlap, there must be a single clear national authority. Federal authority in this area should be made clear in the statutory language to prevent conflicts in regulation, preserve overall efficiency, and ensure harmonization of regulations.

I am also concerned about other provisions of the Boxer substitute. These provisions, taken together, seek to preserve state authority and to reward States that have been leaders in the effort to reduce greenhouse gas emissions and increase energy efficiency. I applaud efforts to encourage energy efficiency, and I have no concerns about that aspect of these provisions. I am very concerned, however, that rewarding States for leadership in greenhouse gas emission reduction efforts in the way laid out in this bill may have the effect of setting up an unworkable system that will result in confusion, at best, and regulatory chaos, at worst.

Section 614 would provide additional allowances to States that are "leaders" in the effort to reduce greenhouse gas emissions and increase energy efficiency. A leader is not defined by the act, however, and the EPA Administrator is given the task to establish a system, by regulation, for "scoring historical State investments and achievements in reducing greenhouse gas emissions and increasing energy efficiency." To qualify as a leader under the terms of the bill, it appears that a State must have set more stringent standards than the Federal Government. To receive the reward of additional allowances, however, a State must either have never established a cap-and-trade system or have terminated its cap-and-trade program. In other words, on the one hand, the bill is encouraging States to set their own standards in order to qualify for additional allowances, but then, on the other hand, the States are told to terminate their programs in order to receive the additional allowances. That sounds to me like regulatory chaos. Worse still, the bill does not actually require States to terminate separate cap-and-trade programs it simply provides a financial incentive to do so. Therefore, if the financial incentive is not sufficient for the State to decide to terminate its program, there is too great a likelihood there will be conflicting and confusing Federal and State cap-and-trade systems.

It simply does not make sense to have competing Federal and State cap-and-trade programs. It simply will not work. If a State were to implement a more stringent cap-and-trade program that allowed regulated entities to purchase Federal emissions allowances to satisfy State compliance requirements, this would in turn increase demand for the Federal allowances, which would increase the price of Federal allowances. Thus, such an action by a State would affect entities in other States because the Federal allowance trading market is nationwide.

Another provision of this bill that gives me cause for concern is section 1731, entitled "Retention of State Authority", which purports to be a savings clause that simply preserves authority under existing provisions of law. I am concerned, however, about language in Senate Report 110-337, the report accompanying S. 2191, which states in part, "The purpose of this section is to make it absolutely clear that this bill does not affect the validity of these State and local greenhouse gas emissions laws and regulations (and any related laws or regulations), so long as these laws require state and local reductions of greenhouse gas emissions at least as stringent as those required by federal law. There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts." The report language concludes by saying, "In interpreting the scope of this savings clause, the courts should follow the applicable precedent that calls for a narrow reading of federal preemption of state and local authority and a broad reading of this savings clause." Because of that concern, I have filed an amendment that would make clear that nothing in this act confers authority on either the Federal Government or State government to establish new standards in this area.

Lastly, I want to speak to why I am so concerned about the potential for conflicting State and Federal regulations in this area, particularly as it relates to greenhouse gas emissions from vehicles. The State of California has already issued regulations to limit greenhouse gas emissions from vehicles by establishing fuel economy standards that would apply to vehicles sold in that State. A number of other States have either adopted similar regulations or indicated that they intend to do so. The net effect of these regulations adopted in many States across the country—if allowed to go into force—would be a patchwork of potentially conflicting regulations because the average fuel economy standard required in each State would be driven by the sales mix of vehicles in that particular State.

Moreover, the regulations adopted by the State of California—the model regulations that other States would adopt—include a provision that is highly discriminatory against our domestic manufacturers. The California regulations have an exemption for manufacturers who sell less than 60,000 vehicles in the State. The effect of this exemption is that the California law would only regulate vehicles made by Ford, GM, Chrysler, Toyota, Honda, and Nissan. Other manufactures, such as Volkswagen, which is the fourth largest automaker in the world, would be exempt from the California law. In addition, automakers from Korea, India, and China and their vehicles would be exempt from the California constraints. Surely, we do not want to perpetuate such a discriminatory State law around the country. However, if the provisions of this bill confer new authority on State governments to set separate standards, we may do just that.

In response to questions I posed to Senator BOXER, the manager of the bill for the majority, concerning the scope of State and Federal authority in this bill, I have obtained from Senator BOXER answers to my questions to her, which clarify her intent as the author of the language in question. I will ask that the text of the questions and her answers be printed at the end of my statement.

I have highlighted a number of ways this legislation could be repaired. I filed amendments and cosponsored other filed amendments, which would do that. I agree with many provisions in this bill. The bill attempts to provide the necessary funding and technical resources so that we can successfully transition to a low carbon economy and recognizes at least in part the burdens of this transition. I am pleased that the substitute amendment provides more funding for manufacturing States to implement a variety of programs and measures that would help mitigate any negative impacts from global warming or the regulatory requirements of this bill. I am also pleased that the bill funds advancements in technology that could provide jobs and also reduce greenhouse gas emissions.

The bill establishes a national wildlife adaptation fund with mandatory funding that could be used for a very broad range of activities including Great Lakes restoration projects. In developing a plan for wildlife adaptation, the bill specifically requires the President to consider the Great Lakes Regional Collaboration Strategy which was developed with extensive public involvement. I have long supported the Great Lakes Regional Collaboration Strategy, but the lack of funding has presented a serious impediment to implementing it. The President's plan must include measures to protect, maintain, and restore coastal ecosystems to ensure that the ecosystems are more resilient to withstand the additional stresses associated with climate change, including water level and temperature changes in Great Lakes. The National Wildlife Adaptation Fund would be distributed to federal agencies for a series of wildlife programs, and the Great Lakes are eligible to receive funds through many of these programs. Each agency has the discretion to allocate funds to its various programs so it is unknown how much money the Great Lakes would receive.

To be sure, far-ranging action is needed to confront the daunting challenges of global climate change. While we are just now beginning to see the preliminary impacts of global warming, most scientists agree that the problems of climate change will only worsen in the future. I am hopeful that this debate has laid a foundation for us to move forward and for the United States to lead in what may be the defining issue of our planet's future environment. The potential costs of global climate change are tremendous, and these costs will only mount if we wait too long to address this critical problem. Clearly, we need to act to avert a global catastrophe. However, this action must be taken in a way that does not needlessly sacrifice additional American manufacturing jobs and further burden the working men and women of our country with higher gas, food, and energy prices. We need to invest in advanced technology that will help create jobs and spur our economy as well. With significant investment in research and development, public-private partnerships and incentives for manufacturers to invest in new technologies, we can make great technological leaps to reduce greenhouse gas emissions not only here but around the world.

I ask unanimous consent that the materials to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 2008.

Hon. HARRY REID,
Majority Leader, United States Senate, S-221, the Capitol, Washington, DC.
Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR MR. LEADER AND CHAIRMAN BOXER: As Democrats from regions of the country that will be most immediately affected by climate legislation, we want to share our concerns with the bill that is currently before the Senate. We commend your leadership in attempting to address one of the most significant threats to this and future generations; however, we cannot support final passage of the Boxer Substitute in its current form.

We believe a federal cap and trade program must not only significantly reduce greenhouse gas emissions but also ensure that consumers and workers in all regions of the U.S. are protected from undue hardship. A federal cap and trade program is perhaps the most significant endeavor undertaken by Congress in over 70 years and must be done with great care. To that point we have laid out the following principles and concerns that must be considered and fully addressed in any final legislation.

Contain Costs and Prevent Harm to the U.S. Economy: We hope that you recognize, as we do, the inherent uncertainty in predicting the costs of achieving the emission caps set forth in this or any climate legislation. While placing a cost on carbon is important, we believe that there must be a balance and a short-term cushion when new technologies may not be available as hoped for or are more expensive than assumed. There are many options to deal with the issue and all should be up for discussion in order to meet our environmental and economic goals. Ultimately, we must strive to form a partnership with regulated industries to help them reduce emissions as they transition from an old energy economy to a new energy economy which will protect both our environment and our economy."

Invest Aggressively in New Technologies and Deployment of Existing Technologies: There is no doubt that we need a technological revolution to enter into a low carbon economy. It is critical that we design effective mechanisms to augment and accelerate government-sponsored technology R&D programs and incentives that will motivate rapid deployment of those technologies without picking winners and losers. We also want to include proposals to provide funding for carbon capture and storage and other critical low carbon technologies in advance of resources being available through the auction of emission allowances. We also need to aggressively deploy existing energy efficiency technologies now to retrofit millions of homes, buildings and manufacturing facilities to reduce electricity costs for everyone.

Treat States Equitably: Just as some groups of consumers will be more severely affected by the cost of compliance, so too will our states. The allocation structure of a cap-and-trade bill must be designed to balance these burdens across states and regions and be sufficiently transparent to be understood.

Protect America's Working Families: Any legislation must recognize that working families are going to be affected most significantly by any cap and trade legislation. Price relief for these families must be included in any federal cap and trade program. For instance, one way to provide some relief would be to provide additional allowances to utilities whose electricity prices are regulated, which would help to keep electricity prices low.

Protect U.S. Manufacturing Jobs and Strengthen International Competitiveness: The Lieberman-Warner bill contains a mechanism to protect U.S. manufacturers from international competitors that do not face the same carbon constraints. If this mechanism does not work, or is found to be noncompliant with the World Trade Organization, then the program needs to be modified or suspended. The final bill must include adequate safeguards to ensure a truly equitable and effective global effort that minimizes harm to the U.S. economy and protects American jobs. Furthermore, we must adequately help manufacturers transition to a low carbon economy to maintain domestic jobs and production.

Fully Recognize Agriculture and Forestry's Role: Agriculture and forestry are not regulated under the bill but they can contribute to reducing emissions by over 20% domestically. Furthermore, international deforestation contributes to 20% of global greenhouse gas emissions. Strong, aggressive and verifiable offset policies can fully utilize the capabilities of our farmers and forests. A strong offset policy can also reduce the costs of a cap and trade program while maintaining our strong environmental goals.

Clarify Federal/State Authority: Congress should adopt a mandatory federal cap-and-trade program that will be the single regulatory regime for controlling greenhouse gas emissions. Existing state laws and initiatives should be integrated into the federal cap-and-trade program where the policies do not conflict. Federal uniformity in this area should be made clear in the statutory language to prevent conflict in regulation, preserve overall efficiency, and ensure harmonization of regulations. Where a conflict exists, federal law needs to clearly prevail.

Provide Accountability for Consumer Dollars: The cap and trade program developed in the Lieberman-Warner bill has the potential to raise over $7 trillion. Much of these funds will be indirectly paid for by consumers through increased energy prices. The federal government has a fundamental obligation to ensure these funds are being spent in a responsible and wise manner. The development of any cap and trade program must recognize the sensitivity of this obligation and eliminate all possibility of waste, fraud or abuse.

We look forward to working with you to ensure that any final bill will address the problems of climate change without imposing undue hardship on our states, key industrial sectors and consumers.

Sincerely,
Debbie Stabenow, John D. Rockefeller, Carl Levin, Blanche Lincoln, Mark Pryor, Jim Webb, Evan Bayh, Claire McCaskill, Sherrod Brown, Ben Nelson.

QUESTIONS OF SENATOR LEVIN TO SENATOR BOXER

Would you be able to provide answers to these questions prior to the cloture vote on the Boxer Substitute to S. 3036?

Relative to the pending substitute,

1. Does the substitute (or underlying bill) directly or indirectly establish or provide federal or state authority to set standards relative to greenhouse gas emissions from mobile sources?

2. Does the substitute (or underlying bill) provide authority for states or regions to establish their own cap and trade programs for greenhouse gas emissions?

Concerning the language in Senate Report 110-337 relative to Section 9003, Retention of State Authority, in S. 2191, as reported, which states in part, as follows: "The purpose of this section is to make it absolutely clear that this bill does not affect the validity of these state and local greenhouse gas emissions laws and regulations (and any related laws or regulations), so long as these laws require state and local reductions of greenhouse gas emissions at least as stringent as those required by federal law. There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts."

3. Does this mean "There will be no express, implied, field, or conflict preemption of these regional, state, or local efforts" by this Act, referring to S. 2191, as reported?

The report language concludes, "In interpreting the scope of this savings clause, the courts should follow the applicable precedent that calls for a narrow reading of federal preemption of state and local authority and a broad reading of this savings clause."

4. Does this mean "federal preemption of state and local authority" by this Act, referring to S. 2191, as reported?

Finally, with respect to existing law,

5. Does this bill in any way amend, change, or modify the other statutes relating to the authority of the Federal and State governments to adopt vehicle emissions standards?

RESPONSE TO SENATOR CARL LEVIN'S JUNE 5, 2008 QUESTIONS FROM SENATOR BARBARA BOXER

You have asked several questions about the Boxer-Lieberman-Warner substitute to S. 3036, the Climate Security Act. My response follows. Relative to the pending substitute:

1. Question: Does the substitute (or underlying bill) directly or indirectly establish or provide federal or state authority to set standards relative to greenhouse gas emissions from mobile sources? Answer: No.

2. Question: Does the substitute (or underlying bill) provide authority for states or regions to establish their own cap and trade programs for greenhouse gas emissions? Answer: No.

3. Question: [Concerning language in Senate Report 110-337 relative to Section 9003, Retention of State Authority, in S. 2191 as reported] Does this mean "There will be no express, implied, field, or conflict preemption of these state or local efforts" by this Act, referring to S. 2191, as reported? Answer: Yes.

4. Question: [Concerning report language regarding interpretation of the scope of the savings clause]: Does this mean "federal preemption of state and local authority" by this Act, referring to S. 2191 as reported? Answer: Yes.

5. Question: Does this bill in any way amend, change, or modify the other statutes relating to the authority of the Federal and State governments to adopt vehicle emissions standards? Answer: No.

Mr. BINGAMAN. Mr. President, I rise to talk about the cloture vote on the climate change legislation pending before the Senate.

Global warming is a problem that we must address and the sooner the better.

We must meet it with a strong and mandatory regulatory system. Of all the possible options, a cap-and-trade system makes the most sense. Turning that concept into legislative language is not easy, and turning it into legislative language that can become law is far harder still.

The substitute amendment before us is the product of a lot of hard work and passion to do the right thing. I applaud that and thank the sponsors for their sincere efforts. There are many ideas in this amendment that I support, but, as the sponsors know, I also have many concerns about the substance of their proposal. I am sorry that we will not have a chance to debate the many complex and far-reaching issues they present.

I have been in the Senate for 25 years. I have learned, and firmly believe, that the only way to write legislation that stands a good chance of becoming law is to ensure that all sides have a legitimate opportunity to comment on and contribute to legislation as it is being written. I know very well from my own experience that in bills as complicated as this one, many Senators will have concerns that they would like to see resolved. It is the prerogative of the authors to include these issues or not. But it is important to assure all Senators that their concerns have been carefully and openly considered and that even if the sponsors don't share those concerns, the right of Senators to have them considered by the full Senate will be protected. Without these assurances, it is much harder to ask Senators to support the final product and work for its passage. I hope that when we return to this issue, we can use such a process to produce a bill that will be signed into law.

I am especially disappointed by the tactics we have seen in recent days from the other side of the aisle to slow this bill's progress and frustrate the amendment process. While Senators certainly have the right to use all 30 hours of postcloture debate time following cloture on the motion to proceed and to make the Senate clerks spend 9 hours reading the text of a long substitute amendment, it is hard to square those actions with any sense of real concern about this critical issue we should be working on.

We will be turning to the Defense bill later this month. I have a hard time imagining that the same tactics will be applied. That would be totally inconsistent with our responsibilities for national security. Similarly, the tactics of the past few days have been totally inconsistent with our responsibility to deal seriously with this important issue.

I have struggled with this cloture vote. A vote for cloture can be seen as a message vote that rejects the tactical maneuvering we have seen to prevent consideration of this bill. At the same time, if cloture is invoked it will mean that only a tightly prescribed set of amendments would be in order. I do not believe that the problems in the legislation before us can be adequately corrected under postcloture procedural constraints. Ultimately, though, we must send a message about how important this issue is and how it should not be hamstrung by obstructionist parliamentary tactics. That is why I voted for the cloture motion laid down by the majority leader.

Mr. PRYOR. Mr. President, the Climate Change Act of 2008 wisely recognizes that chemicals such as hydrofluorocarbons, HFCs, and hydrochlorofluorocarbons, HCFCs, are valuable commercial products that are used in refrigeration equipment, home and automobile air conditioners, aerosols, insulating foams, and other products and should be treated differently than other greenhouse gases. These important gases are essential to the energy efficient operation of many of the appliances and refrigeration equipment American consumers and businesses rely upon. Having a separate market for HFCs is designed to reduce emissions of these gases over time, while safeguarding the business model of the producers and users of these gases in energy efficient equipment and products.

The Montreal Protocol treaty has been widely praised as a model of international cooperation to phase out the production of many ozone depleting substances including Freon and other CFC-based gases. Accordingly, the industry substituted HFCs for these substances, but now these gases are thought to contribute to anthropogenic global warming. The Montreal Protocol currently calls for a complete phaseout of HCFCs by 2030, but does not place any restriction on HFCs.

The regulation of hydrofluorcarbon refrigerants represents a major component of the Climate Security Act of 2008, and will have a significant impact on jobs, taxpayers, businesses that manufacture and import these chemicals, and the millions of users of these chemicals in refrigeration and air conditioning equipment as well as other applications. The businesses in this industry sector have a commendable track record of protecting the environment, and are successfully making the transition from ozone-depleting refrigerants to HFCs. Now, as there is a call to phase down the production and consumption of HFCs to address global warming, we must recognize the need for a regulatory regime that reflects the industry's complex marketplace dynamics, cost to the economy, and ensures fair and equitable treatment for producers, importers, and end users.

It takes about 10 years for industry to develop a new class of refrigeration gases with the required thermodynamic properties, low flammability and toxicity, and reduced global warming potential than what is currently in use. At this time, there is no known commercially available replacement for HFCs. The gas providers and equipment manufacturers will have to invest a significant amount of time and money to develop these new, safe refrigeration gases and the compatible equipment that can use them.

I believe that we can come to a reasonable and balanced approach on this issue. The fact is that we need a realistic baseline. The baseline for 2012 should be set at an amount necessary to avoid a supply shortage, the cost of which will be borne by small businesses and consumers. One study suggests that 365 million metric tons is an appropriate baseline. Such a baseline will provide for a smoother transition in subsequent years, which also will result in less cost to small businesses and taxpayers without any adverse effect on the environment.

I encourage Congress, the EPA, the gas producers, and the end-use equipment manufacturers to work closely together to establish a more reasonable emission cap and timeline for the transition from HFCs to a cost-effective, low greenhouse gas potential, alternative substitute. Through cooperation, I am sure we can establish a program that will guarantee the future development of economically sound and environmentally friendly alternatives for these important chemicals.

Mr. FEINGOLD. Mr. President, it is disappointing that a minority of Senators has chosen to delay and stall rather than allowing us to consider the serious matter before the Senate—climate change. In order to have the opportunity to debate and vote on amendments, I support cloture on the Climate Security Act of 2008, S. 3036. The Climate Security Act is far from perfect, but it represents a serious effort to reduce greenhouse gas pollution, lessen our dependence on foreign oil, and spur new technologies and green job opportunities. By supporting cloture, we can begin to do the hard work of improving this legislation so that we can enact a workable, effective cap-and-trade program.

Mr. LEAHY. Mr. President, this week the Senate has undertaken the beginning of a historic debate on global warming. For the past week we have attempted to pass this important legislation that will reduce the carbon dioxide pollution that causes global warming, while using market incentives to create American jobs. Unfortunately it appears the other side of aisle has no interest in enacting this important global warming legislation. I am disappointed a minority in the Senate are blocking our efforts to move forward on this important bill.

The time for debate about the existence of global warming has ended. We are staring down the barrel of global crisis if we do not aggressively address this problem now, and not 5 years from now or when the oil companies decide the time is right.

The most recent assessment of global climate change published by the Intergovernmental Panel on Climate Change, IPCC, in November found that the Earth's climate indisputably has warmed over the past century. Most of this increase is very likely due to the increase in greenhouse gas concentrations created by humans—primarily from the use of fossil fuels. As we look around us every day and see all of the exhaust gases emanating from factories, buildings, and vehicles, it only stands to reason that human activity now, and for much of the last century, increasingly has become a factor in the quality of the air we breathe and in the natural processes of our environment.

The U.S. Climate Change Science Program, CCSP, recently released the first of several climate change reports, and their assessment was stark. They report that even under the most optimistic carbon dioxide emission scenarios, we can expect a host of profound impacts that range from changes in sea level and regional and super-regional temperature hikes, to increased incidence of disturbances such as forest fires, insect outbreaks, severe storms, and drought.

If we do not take aggressive action now to curb emissions, our environmental and economic future is bleak. Even as we speak, our world is experiencing alarming and detrimental changes from manmade greenhouse gases. The Arctic Sea ice melted in 2007 to the smallest coverage since satellite measurements began in 1979—perhaps 50 percent below sea ice levels of the 1950s. The U.S. National Snow and Ice Data Center at the University of Colorado projects that the Arctic Ocean could be ice-free in summer as early as 2030.

As if to highlight the urgency, while the EPA was recently delaying a decision over whether to add polar bears to the threatened species list due to a decrease in their habitat, more than 160 square miles of arctic ice collapsed away from the Wilkins Ice Shelf. If we needed any clearer signal that now is the time to address this problem, the partial collapse of an arctic shelf formed more than 1500 years ago should leave no doubt.

How do we responsibly and aggressively address this problem? According to the Bush administration, we should talk about curbing global climate change on the one hand, while quietly eroding the safety net that had been designed to better protect our environment with the other.

We need only to look at the recent unprecedented intervention by this administration in the EPA's decision to override the institutional advice of the EPA's own experts—not to mention the Clean Air Act—and stop California, Vermont, and 15 other States from setting their own tailpipe emission standards. Even the release of CCSP research on climate change last week had to be mandated by court order—and during the course of this research, scientists left the CCSP alleging the administration was rewriting the science for political purposes.

Add to all of this the auctioning of environmentally sensitive public lands for oil development, the weakening of air quality regulations for corporate polluters, and the billions of dollars of handouts in the form of subsidies to oil companies at the expense of renewable energy, and it adds up to 8 years of an administration that cares more about corporate profits than the public's health and our environment's protection.

This legislation is not a perfect solution, but its goals are positive and its solutions are constructive. The annual reductions in emissions, funding for renewable energy technologies, and a cap-and-trade system designed to reward companies that invest in cleaner energy are innovative solutions to a problem that won't just go away on its own.

Failure to address global warming is a failure to address weather catastrophes that can destroy entire Nations, a failure to address the loss of species that will never return, and a failure to pass along to future generations—our children, our grandchildren, and beyond—the kind of world we want for them.

Mr. DORGAN. Mr. President, the consensus among scientists, whose expertise I respect, is that there's something happening to the climate of this planet that we need to be concerned about. As a result, I believe that the Congress needs to enact climate change legislation to address global warming It is one of the significant challenges of our time. Addressing the issue of climate change will require a national commitment of all the resources that are available to us to change course and protect our planet.

I voted no on the motion to invoke cloture today, but this should not be seen as a statement of my opposition to enact mandatory, climate change legislation in the future. The specific proposal that has been brought to the floor of the U.S. Congress by Senators BOXER, LIEBERMAN, WARNER, KERRY, and others is a legitimate and thoughtful piece of legislation.

The Senate has voted on climate change legislation in 2003, 2005, and now in 2008. In all three cases, many Members have expressed their opposition to any mandatory legislation. Yet, during this 5-year period, there has been a significant shift in public awareness, the certainty of the science, and the demand for legislative action. I hope that industry in this country will understand what we are required to do and start preparing for it.

When there is a new President and a new Congress in 2009, I predict that there will be another debate, and there will be passage of landmark U.S. climate change legislation. Major pieces of landmark legislation such as the Clean Air Act, the Clean Water Act, Superfund, and others took several Congresses to be refined and enacted. I believe that time for climate change legislation will be in the 111th Congress.

In order for our country to dramatically shift our energy use to a lower greenhouse gas emitting blend, a strong commitment from all sectors of the economy is needed. We need a "moon shot" approach to increasing energy efficiency and conservation, renewable energy production and technologies that allow us to capture and sequester carbon emissions from fossil fuel energy generation.

I am a big fan of renewable energy, including wind, solar and geothermal energy as well as biofuels. In order for these energy sources to become a larger portion of the energy used in this country, however, we need to demonstrate a robust commitment to funding research and development to increase the efficiency of renewable energy and drive the costs down so they are competitive with fossil energy sources. Until they are cost-competitive, we need to provide long-term incentives that signal certainty to potential investors. Even as we strongly support our renewable energy research, development and deployment, we also need to understand that in order to meet our energy needs we will need to continue to use fossil fuels—but use them in a different way.

For example, we use coal to produce about 50 percent of the electricity we now use in this country. Coal is going to continue to be a significant part of our energy future, so that means we must make a major research push to find ways to the capture the carbon and sequester the carbon.

The climate change bill that is now on the floor includes what is called "kick start" funding and "bonus" funding that its authors say addresses the needs of the industry to get carbon capture and storage. However, the bill does not provide any funding for the substantial research and development that will be necessary to find ways to capture the carbon and safely sequester it.

Similarly, advancing renewable energy will require substantial funding, of which there is not enough in the underlying bill. There is money in the underlying bill for demonstration and commercialization of technologies, both in the renewable area and carbon capture and storage. But there is not the kind of funding that will be necessary to fund the research and development at the front end of the process for both carbon capture and renewables.

I prepared and filed amendments to address those two deficiencies. Together, my amendments would add $30 billion in the first 12 years to carbon capture and storage and renewable energy. The amendments provide a full commitment by our country to fund the necessary research and provide the opportunity to succeed in both areas on the front end. We will not succeed in our quest to address global warming unless we invest in these areas of research. The product of research for the environmentally safe use of coal and the expanded use of renewables is what will allow us to meet the targets in the global warming bill.

Today, however, we find a tangled procedure in the United States Senate by which we are asked to vote to shut off debate and vote cloture on the Boxer substitute. This means that my amendment and others designed to improve the bill will not be allowed to even be offered. That is because the minority blocked the process when the bill came to the floor, so no amendments have been allowed to be offered. Therefore, none are pending, and post cloture, only pending amendments can be voted upon.

In short, voting for cloture means I would be voting to deny myself the opportunity to offer the important amendments I have just described. I am not prepared to do that. I am prepared to seriously address global warming. I will count myself as someone who is going to vote to advance appropriate legislation to address global warming. But I am not going to vote this morning to prevent myself from offering the amendments that I think are necessary to make this legislation work.

Let me state again, I think my colleagues that have brought the Warner-Lieberman-Boxer bill to the floor today have done some good work, and I am appreciative of their effort. The bill in its current state is not ready to become the law of the land. We need to have a serious debate about this legislation, amendments need to be considered, the bill needs to be modified in significant ways before it should be passed by this Congress.

Let me repeat, a piece of legislation that will have some of the most significant consequences for the environment, for the economy, and for a way of life than anything we have done in many decades in this Congress has been brought to the floor and will now be subject to a cloture vote without any opportunity to offer an amendment. That is not a process that I can support.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of amendment No. 4950, which I have offered to the Climate Security Act, S. 3036, along with Senators SNOWE, WYDEN, and CANTWELL.

This amendment is intended to improve section 412, the market oversight and enforcement provisions. I helped author section 412 of the Climate Security Act with Senator DODD and Senator WHITEHOUSE, and I believe this amendment will improve the underlying provision by even more clearly prohibiting speculation, fraud, and false reporting by traders in carbon markets.

Specifically, this amendment would add a "prohibitions" subsection to section 412, to establish that it is illegal:

No. 1, to knowingly provide to the President, or his designee, any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect the data being compiled;

No. 2, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance—within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b))—or;

No. 3, to otherwise cheat or defraud another market participant.

Including these prohibitions, which were part of the Emission Allowance Market Transparency Act that I introduced with Senator SNOWE, clearly establishes the legal framework under which market manipulation in these markets will be pursued. But unlike our legislation, the amendment does not instruct the Environmental Protection Agency to enforce these prohibitions. Instead, the amendment instructs the President to decide which agency must conduct enforcement within 270 days of enactment.

I believe this amendment is necessary because it will establish that the full legal history of the Securities Exchange Act's antimanipulation provision forms the foundation upon which the carbon market's principles-based regulation must stand. It gives guidance to future regulators on the intent and meaning of the core principle that "the market shall be designed to prevent fraud and manipulation." And it adds teeth to that principle by making manipulation and fraud in this market a defined crime subject to severe penalty.

With this amendment, authority to prevent fraud and manipulation in carbon markets will mirror the authority over natural gas and electricity markets that Congress granted to the Federal Energy Regulatory Commission in 2005, as well as the authority over crude oil that Congress granted to the Federal Trade Commission in 2007. By mirroring proven market oversight mechanisms that protect market participants and consumers, this amendment allows us to slip already broken-in regulatory concepts onto a new market.

I believe this amendment will strongly discourage traders from seeking to manipulate the market. If we don't set up a framework for oversight, the greenhouse gas market could turn into a Wild West. The market—estimated to be worth as much as $100 billion annually—would invite the worst kind of manipulation, fraud, and abuse. The resulting volatility would affect consumer energy costs.

This is not a hypothetical. In 2000 and 2001, newly created California energy markets lacked the basic protections in this bill. The electricity and related natural gas markets emerged before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

Enron, for instance, ran a market where only they knew the prices. Without market transparency laws, this one-sided market was legal. Enron manipulated natural gas and electricity prices—but nothing in the Natural Gas Act or the Federal Power Act made this manipulation unlawful.

Only years later, after millions of consumers had been harmed, after billions of dollars had been lost, and after the entire West had endured an energy crisis largely fabricated by traders, did Congress act.

In 2005, Congress succeeded in prohibiting manipulation in natural gas and electricity markets. The Federal Energy Regulatory Commission has put this authority to good use. It has performed aggressive natural gas market oversight, and has brought its first manipulation case, against Amaranth—a notorious hedge fund that allegedly manipulated natural gas prices month after month.

This Nation needs to reduce greenhouse gas emissions, and most economists agree that a cap-and-trade system with a greenhouse gas market would be the most cost efficient way to guarantee emissions reductions.

Economists also tell us that markets are most efficient when buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

Bottom line: this amendment improves a provision designed to protect the integrity of greenhouse gas emissions markets, and it should be included as part of any cap-and-trade legislation approved by Congress.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 308(a) of S. Con. Res. 21, the 2008 budget resolution, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment 4825, a complete substitute for S. 3036, the Lieberman-Warner Climate Security Act of 2008.

The Senate did not adopt Senate amendment 4825. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 308(a) to the aggregates and the allocation provided to the Senate Environment and Public Works Committee for Senate amendment 4825.

Mr. President, this will be the final revision to the 2008 budget resolution. This week, Congress passed S. Con. Res. 70, the 2009 budget resolution. The 2009 budget resolution now replaces the 2008 budget resolution for purposes of budget enforcement in the Senate.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,114.754
FY 2010	2,170.343
FY 2011	2,351.046
FY 2012	2,493.878
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	7.826
FY 2010	6.622
FY 2011	−43.504
FY 2012	−103.218
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2,520.890
FY 2010	2,573.040
FY 2011	2,688.764
FY 2012	2,720.897
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.024
FY 2010	2,601.423
FY 2011	2,695.166
FY 2012	2,702.695

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In millions of dollars]

Current Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	316,183
FY 2008–2012 Outlays	124,070
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	−134,696
FY 2008–2012 Outlays	−114,402
Revised Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	181,487
FY 2008–2012 Outlays	9,668

Ms. CANTWELL. Mr. President, I rise today to share my views on the preeminent environmental challenge facing our generation—climate change. I believe we must urgently address this looming issue—in partnership with the rest of the world—and I commend the bill's authors for finally getting this dialogue started after years of White House and congressional inaction.

Scientists have determined conclusively that an ongoing buildup of greenhouse gas emissions is causing the Earth's climate to warm and will likely lead to drought, flooding, and other catastrophic natural disasters.

The most recent United Nations Intergovernmental Panel on Climate Change report found that about 1 billion people will be affected by water shortages because of declining snow cover on land currently used by one-sixth of the world's population.

The report also predicts global warming will parch large swaths of the Earth, threatening the existence of up to 30 percent of its animals and plants.

Global warming's impact on the Pacific Northwest could be particularly harmful because our temperatures are rising faster than the global average. In Washington, climate change is expected to alter the region's historic water cycle, threatening drinking water supplies, wildlife and salmon habitat, and the availability of emissions-free hydropower. We are also already seeing the ominous beginning of ocean acidification off our coastline.

According to a University of Washington analysis, temperatures in the Puget Sound region will rise about 2 degrees by 2050. Cascade mountain temperatures could rise 10 degrees or more, causing snowpacks to be reduced to just 20 percent of their current levels by 2090.

In the eastern half of my State, temperatures are expected to rise even faster. By 2050, parts of the Columbia Basin could be up to 5 degrees hotter. In 2090, much of the basin will be up to 8 degrees warmer, very harmful to eastern Washington agriculture.

There has been a great deal of discussion of what the accumulation of greenhouse gases such as carbon dioxide is doing to change the Earth's atmosphere. I am very concerned about that. But today I would like to help my colleagues appreciate carbon dioxide is also slowly, silently, but surely devastating our oceans and the marine life that depend on them.

I would like to share with you the silent devastation of ocean acidification.

Since the start of the Industrial Revolution 130 years ago, humans have released more than 1.5 trillion tons of carbon dioxide into the atmosphere, increasing the global atmospheric carbon dioxide concentration by 35 percent. But while carbon dioxide is accumulating in our atmosphere, it is also being rapidly absorbed by our oceans. At least one-third of our carbon dioxide emissions end up in the oceans—more than half a trillion tons since the start of the Industrial Revolution.

For decades, we assumed that the oceans absorbed these greenhouse gases to the benefit of our atmosphere, with no side-effect for the seas.

Science now shows that we were wrong. Today, ocean acidification is actually changing the very chemistry of the oceans. As carbon dioxide is absorbed, seawater becomes more acidic and begins to withhold the basic chemical building blocks needed by many marine organisms.

According to National Ocean and Atmospheric Administration scientists, humans have increased the oceans' acidity by 30 percent since the start of the Industrial Revolution. In such acidic waters, coral reefs—the rainforests of the sea—cannot build their skeletons. In colder waters like the waters of Washington State, scientists predict a more acidic ocean could dissolve the shells of the tiny organisms that make up the base of the ocean's food chain.

A recent article in last month's journal *Science* detailed how acidic seawater is already moving closer to shallow waters off of Washington State, the habitat for most of my State's marine life.

These frightening findings were a surprise to researchers who didn't expect finding acidic water for several more decades. Because ocean acidification has the capacity to lead to a total collapse of ocean food chains, it will have major impacts on coastal communities that rely on the ocean's bounty.

And when we add ocean acidification to the effects of carbon dioxide coming from a warming atmosphere—increasing ocean temperatures, changing winds and currents, and rising sea levels, it is clear that our carbon emissions will impact our ocean environments in ways far too devastating to ignore.

Not many people think of orca whales, salmon, coral reefs, or oysters when they drive their cars to work each day, but as ocean acidification begins to take its toll, there is definitely a connection between the carbon emissions we emit and the ocean environments we enjoy and depend on.

Last week, I held a Commerce Committee field hearing in Seattle to examine how climate change and ocean acidification are impacting the marine environments of my State. What I heard from my constituents was nothing short of frightening.

Brett Bishop, a fifth-generation shellfish farmer in Mason County, WA, told me how his business is being devastated by the impacts of climate change and ocean acidification. His story can be summed up by two words he said to me: "I'm scared."

Climate change is killing his business, and threatens to destroy everything his family has worked for over the past 150 years. If things continue on their current path and Mr. Bishop can't grow his shellfish, then the bank will foreclose on the mortgage, his 27 employees will be left jobless, and his family will lose their farm, their homes, and generations of hard work.

This is not some obscure scientific theory pieced together by academic scientists. This is real, and it is happening now. Today it is shellfish farmers in Mason County, WA. but who will fall victim tomorrow? Commercial fishermen? Coastal tourism from dead coral reefs? Recreational fisheries?

These are frightening possibilities—but very real ones that our Nation will face in the coming years. And unfortunately, if we don't act, Brett Bishop will be one of the millions of Americans with similar stories. And, unfortunately, these dangers are largely under the radar because they occur beneath the surface of the ocean.

That is why one of the amendments to the Climate Security Act I am pleased to be part of includes a bill I introduced with Senator LAUTENBERG of New Jersey called the Federal Ocean Acidification Research and Monitoring Act. Our bill, which passed the Senate Commerce Committee unanimously last December, would establish a much-needed Federal research program on ocean acidification.

This amendment also incorporates my Climate Change Adaptation Act which was also approved unanimously by the Senate Commerce Committee. This important legislation ensures that our Government plans for the changes that global warming will inevitably bring. Because the reality is that even if we were somehow able to stop using fossil fuels today, a certain degree of warming and ocean acidification will still occur over the next two or three decades. Planning for the future isn't just common sense—it is responsible Government.

That brings me back to the Climate Security Act the Senate is debating today. This is the first comprehensive effort to legislate on climate change that has come through the committee process. It is a historic feat, and in many ways it reflects the complexity of this issue and the varied views and stakeholder interests that accompany any effort to cap and trade climate change emissions.

I commend Senators BOXER, LIEBERMAN, and WARNER for their leadership in beginning this process and starting us on the path we know we must take soon. As Sun Tzu said in the "Art of War," "the journey of a thousand miles begins with a single step."

Unfortunately, it looks like our debate may end up being largely confined to floor statements because opponents of the bill will succeed in blocking the consideration of any amendments. The minority even forced our hard-working Senate clerks to read the entire text of the bill, word for word, for almost 9 hours on Wednesday. Unfortunately, that is about as fitting an example of how opponents want to stall, delay, and preserve the status quo as one can imagine.

While I do believe we must act urgently and decisively to control our Nation's and planet's greenhouse gas emissions, I do have a number of concerns about the pending legislation.

Ironically, many of my concerns stem from the fact that Washington State is blessed with abundant, affordable, and emissions-free hydropower. Unfortunately, this bill fails to recognize that Washington State has significantly lower carbon dioxide emissions than other parts of the country and how that dynamic poses unique energy challenges going forward.

Some of these challenges are that Washington's hydropower system is largely tapped out, so any future electricity generation will largely come from relatively more polluting sources for which we will not receive any emission allocations under the pending legislation. Similarly, the bill does not provide Washington with any allocations we will need to provide electricity to the 1.5 million people moving to the Puget Sound region by 2020, unlike other parts of the country that rely primarily on fossil fuel generation.

As currently drafted, the bill also effectively penalizes the Pacific Northwest for its years of aggressive energy efficiency measures, which have avoided the construction of 3,400 megawatts of additional capacity. In other words, if we would have built fossil fuel plants instead of conserving, we would be getting emission allocations for it today. In addition, since we have already taken advantage of many of the low-hanging efficiency "fruit," additional efficiency savings would be relatively more costly than in other parts of the country.

I also believe the legislation needs to more carefully consider how Federal climate legislation might preempt or overturn the groundbreaking efforts in Washington State, such as the Western Climate Initiative.

As a scarred veteran of the Western energy crisis, I also have strong concerns that there are not enough safeguards in the bill to prevent excessive speculation and manipulation of emission allocation trading markets. Even today we see what happens when there is not enough transparency and clear rules of conduct in energy markets. Excessive speculation and possibly market manipulation artificially elevate prices and hurt consumers.

And finally, we need to make sure that anything we do is actually going to do the job. Unfortunately, I understand that the emission-reduction caps proposed by this legislation are actually not strong enough to slow or stop global warming according to the latest science.

While I am disappointed that there probably won't be an opportunity to improve the historic legislation before us today, I am proud that after Congress came under new management last year we were able to craft and pass the greenest, most important energy bill in our Nation's history.

The Energy Independence and Security Act, which became law last December, will create cleaner, more diverse sources of energy supply, build new growth industries that support high-wage "green-collar" jobs, give consumers and businesses more affordable energy choices, and protect our environment. For instance, this landmark energy legislation aggressively boosts energy efficiency efforts by making our lighting and appliances more efficient and reducing the Federal Government's energy use.

Under the new law, fuel economy standards will increase for the first time in over two decades to a nationwide average of 35 miles per gallon, up from 25 miles per gallon today, by 2020 for all vehicles, including SUV's and light trucks. By 2030, these measures will displace the equivalent of one-third of our foreign oil needs and save American consumers at least half a trillion dollars in energy costs.

And the new energy law includes mandates and incentives that biofuels from nonfood feedstocks such as agriculture and wood waste become a much more significant part of our Nation's effort to end our dependence on fossil fuels and imported oil.

All together, these measures and others will reduce our Nation's carbon dioxide emissions by the same amount as all of our vehicles on the road produce today.

I think it is important to note that while tackling climate change will not be easy or free, moving to a clean energy system, which is a prerequisite to any serious effort to reduced greenhouse gases, has many benefits beyond reducing greenhouse gases and the costs of inaction will be far more significant.

According to a study by the Natural Resources Defense Council and Tufts University, if the United States doesn't do something soon to dramatically reduce greenhouse gas emissions, it could cost the country $3.8 trillion annually from higher energy and water costs, real estate losses from hurricanes, rising sea levels, and other problems.

According to the Apollo Alliance, a labor-environmental partnership, investing $30 billion per year over 10 years would create 3.3 million jobs and boost the Nation's GDP by $1.4 trillion. The Apollo Alliance estimates that dollars invested in clean energy create more jobs than those invested in traditional energy sources because renewable energy is more labor intensive. It is possible for a Nation to grow while being environmentally conscious. For example, the British economy grew by about 40 percent since 1990 while their greenhouse gas emissions decreased by 14 percent.

The science is undeniable that human activities are changing the world we know and love and depend on for our well being. We are already seeing the effects on our oceans, our forests, our crops, and our wildlife—and unless we act, I am afraid the worst is yet to come.

We will only succeed in combating climate change if we work together, across the aisle here in Congress, across our States with their very different greenhouse gas profiles, and across the world. By working together we can find a path forward to solve this greatest of challenges. And if we do it right, the solutions we create will also help address other pressing needs such as providing more clean and renewable energy sources, high-wage manufacturing jobs, and new export markets.

Our Nation and the world is waiting for us to take action—and the lead in preventing and mitigating the catastrophic effects of global climate change. Our children and their children and all of the world's citizens' future depends on it. I look forward to continuing this dialog with my friends on both sides of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that Senator CHAMBLISS be the first to be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LIEBERMAN. Mr. President, reserving the right to object, but I will not object, I ask to have printed in the RECORD a statement by Senator MCCAIN. If he were here, he would have voted for cloture.

• Mr.MCCAIN. Mr. President, today, Senator JOHN MCCAIN released the following statement on S. 3036, the Lieberman-Warner Climate Security Act of 2008:

Global climate change is the most important environmental challenge facing not only our nation, but the entire world. I am confident that given the will, the federal government can be a lead advocate for ensuring that America is doing its part to reduce global warming, and join in the global effort that is needed to address this world-wide environmental issue.

Like many of my colleagues, I believe this legislation needs to be debated, amended, improved, and ultimately, enacted. While my schedule precludes me from being in Washington, DC, tomorrow to cast my vote, if I were able, I would vote to invoke cloture on the substitute amendment. That does not mean I believe the pending bill is perfect, and in fact, it is far from it. For example, the provisions to impose Davis Bacon mandates should be removed. Most importantly, it must include provisions championed by Senator Graham and myself that would ensure that nuclear power, a proven and clean energy source, is included among the technologies supported in our efforts to address global warming. Nuclear energy is an emission-free source of electricity for the nation, which is why it simply must be part of the comprehensive solution to addressing climate change, and if it is not, I could not support the legislation's final passage.

Unfortunately, despite the commitment and tireless efforts of the bill sponsors, Senators LIEBERMAN and WARNER, it appears that for now, the Senate, at the direction of the Majority Leader, will choose to put politics above policy, and Congress will fail to act yet again on this critical issue. But rest assured, we will not give up until we finally succeed in enacting needed, comprehensive cap and trade legislation to address this urgent problem.•

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank our colleagues. I wish to say, in addition to the names Senator WARNER put in yesterday, we had statements from Senators OBAMA, CLINTON, BIDEN, and KENNEDY, which means if all had been here, the vote would have been 54 votes. We are very pleased with this and we thank them very much.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

64TH ANNIVERSARY OF D-DAY

Mr. CHAMBLISS. Mr. President, I rise today, June 6, 2008, the 64th anniversary of D-day, to commend our Armed Forces for their ongoing contributions in Iraq, Afghanistan, and other countries where they are currently deployed, as well as their history of service and sacrifice for our country and for the causes of freedom and democracy worldwide.

Yesterday, I had the privilege of attending the Board of Visitors meeting for the Western Hemisphere Institute for Security Cooperation, which is located at Fort Benning, GA. WHINSEC, as it is called, provides security cooperation and strategic partnerships with countries in the Western Hemisphere in order to support democracy and human rights, and they have made a tremendous contribution since WHINSEC's inception in 2000.

The chairman of the Board of Visitors of WHINSEC, who is a Roman Catholic bishop, commented that members of the military are "agents of mercy." He is correct, and ultimately that is the role our military has played in the world in the 64 years since U.S. and Allied forces landed on the beaches of Normandy.

No one joins the military to get rich and famous, since the life of military personnel almost always takes place behind the scenes and out of the headlines. Many people join the military to achieve a better way of life and associate with a bigger cause than themselves. The military has provided a way for countless numbers of Americans to improve their own quality of life and learn the skills they need to succeed. We should be proud of the positive effect the military has on those who serve in its ranks.

But there is one thing everyone who serves in the military has in common, they join to serve. They join, realizing their service makes the lives of their fellow Americans better and more secure. But also, they know their service makes the lives in other countries safer and more prosperous.

Without question, that is the result of the service of our military personnel over the last 64 years in places such as Germany, France, Bosnia, Kosovo, Korea, Afghanistan, Iraq, Grenada, Panama, Haiti, Vietnam, and countless other locations where U.S. military personnel have served and sacrificed. These countries are more prosperous today because of the commitment of our Nation's military personnel.

No military, and no institution for that matter, is perfect. However, we should not be surprised that year after year the United States Military remains one of the most trusted professions. They deserve that position based on their commitment to a cause greater than themselves, their integrity, and their commitment to excellence. Today, there are 1.4 million personnel serving on Active Duty in our Nation's military, along with 1.2 million serving in the Reserve components. All of them deserve our appreciation and gratitude for their service, their sacrifice, and their contribution to our Nation's security and contributions to freedom and democracy around the world.

I ask my colleagues to join me in expressing thanks for them and for the key role they have played and continue to play in serving and sacrificing for our country and for those in other countries where they are serving.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

CLIMATE CHANGE LEGISLATION

Mr. BROWN. Mr. President, I rise to address an environmental issue, an economic issue, and a moral issue. Future generations will look back on global warming as the defining issue of our time. Our children, their children, and their children will look back on this issue and judge us on how we confronted it.

If we treat global warming politically, as so many of the other side of the aisle did today, if we abdicate our responsibility, if we ignore reality, if we twiddle our thumbs as the destructive effects of global warming intensify, we will lose our chance to shape the future because, simply put, we will be squandering it.

I applaud Senator BOXER, the chairwoman of the Environment and Public Works Committee, a tireless advocate for clean air, safe drinking water, and healthy families.

This was not an easy vote. This entire week I have listened to the speeches on the Senate floor, and I have listened to my colleagues speak eloquently on the need for global climate change legislation. I fully agree with the environmental goals of this bill—mandatory caps, the science-based timeline. This, as I said, is the moral question of our generation. I have the utmost respect for my colleagues who have worked so long and so hard to craft this historic legislation and for environmental advocates in Ohio and across the country. I am 100 percent committed to passing a robust, mandatory cap-and-trade policy. However, while we have been debating climate policy, Ohioans have been getting bad news.

This has been a particularly tough week for my State. In the last 7 days, Ohioans learned that our State may soon lose another 10,000 jobs. Those are not just jobs. They are the building blocks, the foundation for individual achievement, family security, and community survivability. They are about health care, they are about opportunity, they are about sending kids to college, they are about admission to the middle class.

Now that foundation is crumbling—10,000 good-paying jobs in 1 week. Since 2001, Ohio has lost more than 200,000 manufacturing jobs.

We have, to be sure, a moral obligation to our planet. For me, that obligation stems from Scripture which makes each of us a steward of our planet, of this Earth. We also have an opportunity and obligation to Ohioans and to all Americans. We have the opportunity and the obligation to write global warming policy that is sustainable, equitable, beneficial, both domestically and globally, both environmentally and economically. We can do that. We can write a bill to do that. We can write a law to do that or we can settle for a work that I believe is still in progress.

I cannot settle and could not settle a moment ago in my vote for this legislation because it needlessly may hurt my State because it fails to protect against what could be a policy that exports emissions rather than eliminating emissions.

I submitted five amendments to this bill that were designed to produce a final bill that would combat global warming without undermining American families, without hurting families from Galion to Gallipolis, from Cincinnati to Ashtabula. Unfortunately, after today's cloture vote, there was no opportunity to debate and vote on those amendments. Given the chance, I would have fought to redistribute the financial burden imposed by this bill so Ohio would receive a fair share, rather than the short end of the stick.

I would have fought to provide sufficient transition assistance for energy-intensive manufacturing so our Nation does not lose those crucial national-security oriented, in many cases, crucial jobs. I would have fought to ensure domestic manufacturers a level playing field with companies from countries without global warming requirements.

A plant shuts down in Steubenville or Lima, OH, a plant that has followed Ohio and national environmental law over the years, and moves to China. We lose our jobs, and emissions get even greater because the Chinese do not have the environmental laws we do. That is part of the problem with U.S. trade policy. That is another time for another speech and another day. But if we don't take this right step to ensure domestic manufacturers a level playing field with companies from countries without global warming requirements, we might as well throw a going-away party for the steel industry, the cement industry, the glass industry, aluminum industry, the chemical industry, for foundry after foundry after foundry in Ravenna, Chillicothe, Mansfield, and Marion. We might as well pray for a miracle when it comes to global warming because as we export those jobs to countries that have weak environmental laws, we will be exporting emissions so they come in quantities of twice as much from smokestacks in China than they come from smokestacks in Ohio.

I would have fought for greater capital investment in emerging green businesses and manufacturing. We need to go green to achieve our goals. We need to rebuild our manufacturing sector to remain a self-sufficient nation and the strongest economy on the planet.

We can pass legislation that can be a jobs legislation, energy legislation, environmental legislation if we do the right thing and encourage our companies and our investors to build solar panels and solar cells, to build fuel cells, to build wind turbines, to move forward on all the kinds of biomass energy production that we know how to do in this country.

Why wouldn't we invest in the research, infrastructure, job training, and the commercialization needed to secure our independence from foreign oil, to fight global warming, to revitalize our economy? Mr. President, why wouldn't we?

I would have fought for resources to help coal communities diversify their economies. If we ignore these communities, we breed poverty. Go with me to southeast Ohio and look at the number of people who are lining up in food pantries, lining up for food to get through the week, to get through the month, to get through the winter and now the spring, as most people in those families hold jobs, often full time, often part time. They don't pay enough because of what has happened to coal miners and what has happened to industry in southeast Ohio.

We, in moral terms and practical terms, cannot let that happen. If we ignore these communities, as I said, we breed more poverty. That is not a prediction, that is a fact.

I was not given the opportunity to offer my amendments. I will have the opportunity to push for legislation that capitalizes on our Nation's strengths, that leaves a legacy of which we can be proud for future generations.

We can do it, we must do it, and with Senator BOXER's leadership, we will do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

64TH ANNIVERSARY OF D-DAY

Mr. CASEY. Mr. President, I rise for two purposes. One is to speak for a couple minutes about today's anniversary of D-day and then also to talk about a Pennsylvanian who lost his life in Iraq and was this week awarded the Congressional Medal of Honor. I, first, wish to speak about D-day.

We observe this anniversary today, 64 years, but we have to think today about how we do that. We know what happened on D-day. For so many Americans, prior to just a number of years ago, it was a piece of history we read about in the history books. We learned a bit about it in school, but for a new generation of Americans, D-day has meant what we saw in the movie "Saving Private Ryan." Thank goodness for that film because it captured so much of the horror, so much of the sacrifice and the valor of our troops.

So we remember those Americans who gave their lives that day to save the world—literally to save the world from the horror that could have befallen the world if the axis powers were successful, and if D-day did not go as well as it did, they might have been successful.

I am remembering today not just a generation of Americans, the "greatest generation" of Americans as we know them now, who sacrificed so much, but I am thinking of people from my home State. I think Pennsylvania had more Medal of Honor winners in World War II than any other State. One of them was in my home area, Lackawanna County, Geno Merli, who served in Europe, in that theater of the war, and was awarded the Congressional Medal of Honor and passed away a couple of years ago. So when I think of D-day, and I think of those sacrifices, I am thinking of heroes such as Geno Merli and so many others who gave the ultimate sacrifice. His Medal of Honor pertained to his combat not on D-day but in a related theater of war.

We think about those who came back. We think about those who served and came back, many of them wounded permanently and irreparably, just as we see today with some of our troops in Iraq, and it brings to mind Abraham Lincoln's words in two contexts. One is the context of those who have served. He talked about the soldier—him who has borne the battle—that we must care for him who has borne the battle. And I think one way to honor those who have served in Iraq or Afghanistan or around the world or in wars like World War II is to remember something my father said years ago when he was serving as Governor of Pennsylvania, and he talked about praying for our troops, as important as that is, but he also talked about praying for ourselves; that we may be worthy of their valor.

I believe the only way we can be worthy of the valor of those who served in World War II on D-day or served in Iraq or Afghanistan or anywhere around the world—in Vietnam, in the Korean War, whatever the conflict was—we can't just honor them by remembering and commemorating and talking about battles and all of the information that we can impart about war. We have to, if we are going to be worthy of their valor, do the right thing today, not just when we commemorate D-day but every day.

There are at least two things we can do to pay tribute to those who served and to be worthy of their valor. One way is to make sure those who survive a war and come back to the United States have not just some health care but the best health care. And we have to fund it. Fortunately, in the last two budgets we have been doing that. We have been meeting or exceeding the budget on veterans health care.

The second thing we must do, at the very least, is make sure anyone who serves in combat has an opportunity to be educated as best we can provide. That is why the vote on the GI bill recently was so essential, so central to meeting that basic obligation, so caring, as Abraham Lincoln said, for him—and increasingly her—who has borne the battle, and making sure they have an education.

Today, when we remember the service of those who gave their lives, and in some cases gave sacrifice and survived D-day, I think we have to meet the obligation that service imposes on us in the Senate and as citizens.

HONORING OUR ARMED FORCES

SPECIALIST ROSS A. MCGINNIS

Mr. CASEY. Finally, I want to speak for a couple of moments about a Pennsylvanian. As I have mentioned before, there are more World War II Medal of Honor winners from Pennsylvania than anywhere else. We did some research, and you can go down the list of people who have served from Pennsylvania, who have been awarded the Congressional Medal of Honor, and we note that 378 Pennsylvanians have received the Medal of Honor out of about 3,467 overall, so a high percentage.

We had 25 Medal of Honor winners from World War II and in Operation Iraqi Freedom; one is the person I want to spend a couple of moments talking about. Operation Iraqi Freedom has only four, I am told, four Medal of Honor winners across the Nation, so Pennsylvania has one of those four, and his name is Specialist Ross A. McGinnis, 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division.

Mr. President, I ask unanimous consent to have printed in the RECORD a two-page document entitled, "The Story of PFC Ross A. McGinnis," as well as a news story from the Pittsburgh Post Gazette from this week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASEY. Mr. President, I will not read all of it, but I wanted to read the description of his sacrifice and the reason he was awarded the Congressional Medal of Honor, so rare for any soldier to be so awarded. Here is part of the official report. This is December 4, 2006.

> During the course of the patrol, an unidentified insurgent positioned on a rooftop nearby threw a fragmentation grenade into the Humvee. Without hesitation or regard for his own life, McGinnis threw his back over the grenade, pinning it between his body and the Humvee's radio mount. McGinnis absorbed all lethal fragments and the concussive effects of the grenade with his own body. McGinnis, who was a private first class at the time, was posthumously promoted to specialist. Specialist McGinnis's heroic actions and tragic death are detailed in the battlescape section of this website and in his Medal of Honor Citation.

He was a young man from Knox, PA, 19 years old, when he gave, as Abraham Lincoln also said, "The last full measure of devotion to his country." And I have used that line a lot because it applies so well to those who have given their lives in Iraq or Afghanistan and other places around the world, but at no time—at no time—that I have used that line from Abraham Lincoln's Gettysburg Address has it applied better than it does in this instance, for Ross A McGinnis, 19 years old, born June 14, 1987, in Meadville, PA, though he grew up in Knox, PA. He was a 2005 graduate of Keystone Junior-Senior High School, and his parents were with President Bush this week when he was awarded the Congressional Medal of Honor.

So we are thinking of him today, on D-day, but we should make sure those memories we have of his service, and all those who have served in any conflict, be the inspiration for our hard work in the Senate, to make sure we are doing everything we can to earn the valor they gave so heroically for our country. And that has to be about making sure our troops are given what they need when they are on the battlefield, but also ensuring that when they come home, the help doesn't stop at the shoreline; that they are given the best health care and the best educational opportunities.

So, Mr. President, I will conclude with this: We pay tribute to those who have served our country, especially today, in remembering those who served on D-day, but in a special way we are thinking of Ross A. McGinnis, his service, his sacrifice, and we are praying for his family.

EXHIBIT 1

THE STORY OF PFC ROSS A. MCGINNIS

1ST PLATOON, C COMPANY, 1ST BATTALION, 26TH INFANTRY REGIMENT, 2ND BRIGADE COMBAT TEAM, 1ST INFANTRY DIVISION

Spc. McGinnis' dedication to duty and love for his fellow Soldiers were embodied in a statement issued by his parents shortly after his death:

"Ross did not become our hero by dying to save his fellow Soldiers from a grenade. He was a hero to us long before he died, because he was willing to risk his life to protect the ideals of freedom and justice that America represents. He has been recommended for the Medal of Honor . . . That is not why he gave his life. The lives of four men who were his Army brothers outweighed the value of his one life. It was just a matter of simple kindergarten arithmetic. Four means more than one. It didn't matter to Ross that he could have escaped the situation without a scratch. Nobody would have questioned such a reflex reaction. What mattered to him were the four men placed in his care on a moment's notice. One moment he was responsible for defending the rear of a convoy from enemy fire; the next moment he held the lives of four of his friends in his hands. The choice for Ross was simple, but simple does not mean easy. His straightforward answer to a simple but difficult choice should stand as a shining example for the rest of us. We all face simple choices, but how often do we choose to make a sacrifice to get the right answer? The right choice sometimes requires honor."

Ross Andrew McGinnis was born June 14, 1987 in Meadville, PA. His family moved to Knox, northeast of Pittsburgh, when he was three. There he attended Clarion County public schools, and was a member of the Boy Scouts as a boy. Growing up he played basketball and soccer through the YMCA, and Little League baseball. Ross was a member of St. Paul's Lutheran Church in Knox, and a 2005 graduate of Keystone Junior-Senior High School.

Ross's interests included video games and mountain biking. He was also a car enthusiast, and took classes at the Clarion County Career Center in automotive technology. He also worked part-time at McDonald's after school.

His mother, Romayne, said Ross wanted to be a Soldier early in life. When asked to draw a picture of what he wanted to be when he grew up, Ross McGinnis, the kindergartner, drew a picture of a Soldier.

On his 17th birthday, June 14, 2004, Ross went to the Army recruiting station and joined through the delayed entry program.

After initial entry training at Fort Benning, Georgia, McGinnis was assigned to 1st Battalion, 26th Infantry Regiment in Schweinfurt, Germany. According to fellow Soldiers; he loved Soldiering and took his job seriously, but he also loved to make people laugh. One fellow Soldier commented that every time McGinnis left a room, he left the Soldiers in it laughing.

The unit deployed to Eastern Baghdad in August 2006, where sectarian violence was rampant. Ross was serving as an M2 .50 caliber machine gunner in 1st Platoon, C Company, 1st Battalion, 26th Infantry Regiment in support of operations against insurgents in Adhamiyah, Iraq.

According to the official report, on the afternoon of Dec. 4, 2006, McGinnis' platoon was on mounted patrol in Adhamiyah to restrict enemy movement and quell sectarian violence. During the course of the patrol, an unidentified insurgent positioned on a rooftop nearby threw a fragmentation grenade into the Humvee. Without hesitation or regard for his own life, McGinnis threw his back over the grenade, pinning it between his body and the Humvee's radio mount. McGinnis absorbed all lethal fragments and the concussive effects of the grenade with his own body. McGinnis, who was a private first class at the time, was posthumously promoted to specialist. Spc. McGinnis's heroic actions and tragic death are detailed in the battlescape section of this website and in his Medal of Honor Citation.

Army Decorations: Medal of Honor (to be presented to Tom and Romayne McGinnis at a June 2, 2008 White House Ceremony), Silver Star (awarded for valor exhibited during the events of Dec. 4, 2006, pending processing and approval of Medal of Honor), Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Infantryman Badge.

[From the Pittsburgh Post-Gazette]

(By Milan Simonich)

MEDAL OF HONOR PRESENTED TO FAMILY OF A HERO

WASHINGTON.—President Bush yesterday awarded the Medal of Honor to a fallen Clarion County soldier, calling him an ordinary guy who did the extraordinary to save the lives of four buddies in Iraq.

Spc. Ross McGinnis used his body to cover a grenade that an insurgent threw from a rooftop into an Army Humvee. By turning himself into a human shield, he gave his life to protect the other men in his crew.

Mr. Bush presented the Medal of Honor, America's highest military decoration, to Tom and Romayne McGinnis, parents of the 19-year-old soldier. About 300 people—including the four soldiers who survived the grenade blast—attended the ceremony in the East Room of the White House. It ended with everybody standing and applauding for Spc. McGinnis.

By then, Mrs. McGinnis was fighting back tears. Mr. Bush turned and kissed her on the cheek, causing her to smile. Then he escorted her from the room.

Afterward, Mrs. McGinnis said the president had told her he might cry if she did.

Tom McGinnis said his son, a restless and below-average student until his senior year of high school in Knox, would have savored this day of acclamation had he lived to see it.

"He'd have had a great time. He'd have enjoyed the spotlight," Mr. McGinnis said.

In an earlier interview, he said he is certain his son never thought of medals or glory. Friendships and relationships were all that motivated his son, Mr. McGinnis said.

Sgt. Ian Newland, the only soldier to be seriously injured in the explosion, walks with a cane now. At 28, he said his goal is to run again, though doctors tell him he won't. He wants to accomplish all he can each day—his only way of repaying Spc. McGinnis.

In a news conference after the ceremony, Sgt. Newland said each moment of the grenade explosion is burned into his memory. Even so, he said, it took a few days of reflection for him to fully grasp the magnitude of Spc. McGinnis' sacrifice.

The crew was rolling through a Baghdad neighborhood the morning of Dec. 4, 2006. Spc. McGinnis rode atop the Humvee in a hatch, manning a .50-caliber machine gun.

A man on a roof threw a grenade that dropped straight through the hatch and into the Humvee, where the other four soldiers essentially were trapped.

Spc. McGinnis could have dived onto the street to safety. Instead, he jumped back inside the Humvee and pinned the grenade between his back and the vehicle.

It exploded a second or two later, piercing Spc. McGinnis' body armor and blowing the doors off the Humvee. Shrapnel tore into Sgt. Newland's head and all four limbs.

As he looks back on that day, Sgt. Newland said he focuses on two things: "The pain. The grief."

The other three soldiers—Sgt. 1st Class Cedric Thomas, Sgt. Lyle Buehler and Spc. Sean Lawson—were not hurt physically. Sgt. Buehler said survivor's guilt weighs on him. Had the grenade rolled in front of him, he would have been in the position to cover it. As it happened, only Spc. McGinnis knew where the grenade was.

The others say Spc. McGinnis took little seriously except soldiering.

"The first time I met him, he had me laughing," Spc. Lawson said.

In his combat team in the 1 st Battalion, 26 Infantry Regiment, Spc. McGinnis developed a reputation for doing impressions, the soldiers said. So spot-on were his imitations that a drill instructor even laughed when he was the object of one of them.

The youngest man in his unit, Spc. McGinnis looked out for his crew as though they were brothers. Sgt. Thomas offers the most succinct description of the 6-foot, 136-pound beanpole, saying: "He is a hero."

Mr. McGinnis said his son knew that four lives were more valuable than one, so he instinctively reacted to save the others.

He remembers his son as an ordinary kid who made plenty of mistakes, then got interested in military service and fulfilled his potential in the Army.

"It wasn't an exciting story until right to the end," Mr. McGinnis said.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

TRIBUTE TO CINDY HAYDEN

Mr. SESSIONS. Mr. President, I rise today to bid farewell to my chief counsel on the Judiciary Committee, Cindy Hayden, who is with me today. We all depend so much on our staff. They give of themselves, they give of their time, they are committed to their beliefs, and serve America, and we are never able to say thank you to all of them, but on special occasions, I think it is important to do so. In saying my thanks to her, I am saying thanks to all my staff, and to all the staff of the Senate, who serve us so well, often without ever receiving credit.

I am pleased for her because she will be starting a new chapter in her professional life, though her departure will be a tremendous loss to my staff and the Senate at large. I am glad she will be in DC, working close by, so we can call on her when we need her help.

Cindy Hayden is an exceptional person. I feel a great loss at her departure. Each day that we have worked together, she has shown an unwavering dedication to our shared values, to her State, and to her Nation. Her passion for the law is unmatched, and her commitment to the rule of law is unwavering. I trust her judgment, her political instincts, and her values. I have relied on her to manage my Judiciary staff and the multitude of important issues that committee handles. With so many issues arising on a daily basis, it is sometimes not possible for me to personally be aware of them all. In everything from judicial nominations, immigration, and any number of constitutional issues, Cindy has exhibited an intellectual capacity, a tenacity to principle, a strong work ethic, and a professional integrity that is above reproach.

Before joining my staff, she had a distinguished academic career at my undergraduate school, Huntington College, and the University of Alabama School of Law. At Huntington, Cindy had an outstanding record of academic excellence, receiving degrees in both chemistry and political science. I think chemistry is pretty impressive and would certainly get your attention when you looked at a resume. She then went to law school at the University of Alabama, where she graduated cum laude and served as managing editor of the Journal of Legal Profession and was a member of the moot court board. While in law school, she clerked in the office of the Alabama Attorney General under my successor, now Eleventh Circuit Judge Bill Pryor, a brilliant legal mind himself.

Immediately after taking the bar, Cindy started working as counsel on my staff, and for the past 6 years worked her way up to chief counsel. Her work on the Senate Judiciary Committee has been extraordinary, and I believe the committee is a better place for her service. The committee takes on an enormous number and wide variety of complex and sometimes controversial issues. It is one of the most demanding committees in the Senate. To be successful as an attorney on that committee you must not only be hard working and intelligent and someone who works very long hours, but you must also be a strong negotiator, able to frame arguments in a passionate, respectful, and intellectually honest way. She has done all that with seemingly effortless skill.

I would note that the Judiciary Committee has attracted, and has right now, a host of superior attorneys who serve all of us. They are an excellent team, indeed. I would be remiss not to mention her stellar work on immigration. Since she arrived in my office, Cindy has worked tirelessly to protect the rule of law in this country, and as it turned out, she found herself at the center of a national debate on how to fix the broken immigration system in our country. Those of you who have worked on either side of the issue have certainly had to deal with Cindy and her relentless advocacy as she became the go-to person on immigration, providing a wealth of information and knowledge for all involved.

Indeed, her "alerts" that were sent out—always meticulously accurate—were picked up routinely all over the country by media outlets as accurate depictions of developments, as they were occurring so rapidly during that intense debate. So whether you were for her or against her in principle, everyone can certainly agree she handled herself with dignity, courage, tenacity, and capability during that debate.

Evidence of her dedication and influence on the committee and its staff can be seen by what some of her colleagues have had to say about her. And this is a good team, indeed. Ed Haden, my former chief counsel, who hired her, said:

> Cindy immediately made a difference when she started on the committee. Her intelligence, work ethic, initiative, and willingness to stand up and defend her position made her a great asset. Her unflinching integrity and solid core values made her a success as a lawyer and as a friend.

And I would add that she was raised right. She has great values, as a product of Cullman, AL. She grew up in the heart of Alabama and was raised in an outstanding way.

William Smith, my former chief counsel and current executive director of the Americans for Limited Government Research Foundation, said the following:

> I have met and worked with a number of great lawyers. Cindy Hayden is in a category more select than great. She is one of the few superior lawyers I have met. I was privileged to serve with her on the Judiciary Committee and I count her a true confidant. Our motto in the office was, "we work from sun to sun; our work is never done." Cindy has lived up to and surpassed that calling. On top of this, she is a great American. The only group I know that will truly celebrate her departure will be illegal aliens.

That is what William Smith said. Brian Darling, director of Senate Relations for the Heritage Foundation said this:

> Cindy has been a hero to conservatives nationwide who believe in the rule of law. Without Cindy and "Team Sessions'" tireless efforts to educate the American public on the contents of the secretly drafted amnesty bill, the bill may have become law.

Wendy Fleming, General Counsel for the Senate Steering Committee says:

> Cindy Hayden is a great American, a smart lawyer, and a wonderful friend. During her time on the Judiciary Committee, Cindy has displayed unwavering devotion to Senator Sessions, the people of Alabama, and her conservative principles. I am honored to have had the opportunity to work with Cindy.

Brooke Bacak, former Counsel for me and current Chief Counsel for Senator COBURN says:

> I have had the privilege of knowing Cindy for 10 years. Having first met in College Republicans, I learned about her conservative convictions very early in our friendship. Cindy has proven to be a true patriot, and I am grateful for the role that she has played in the U.S. Senate. But beyond our political and professional association, Cindy has become a true friend. She and her husband, Matt, are two of the most generous people I know. From birthdays to illnesses, the Haydens always make time to be with their friends. Their kindness has made a difference to me and many others. I wish Cindy the very best in her new job and hope she knows how much she will be missed.

Joe Matal, Counsel for Senator KYL says:

> If you look closely at the corpse of last year's immigration bill, you will find a series of small squares holes in its back. Those holes were produced by Cindy's heels, stomping that bill to death.

Rita Lari Jochum, Chief Counsel for Senator GRASSLEY, says:

> Cindy Hayden has served Senator Sessions, Alabama and our country extremely well. A committed advocate for conservative principles, Cindy has been tenacious in her drive to do what is right. We all are going to miss a great friend and skilled colleague.

Lauren Petron, Chief Counsel for Senator BROWNBACK, says:

> Cindy is a principled conservative, a tireless advocate, a talented lawyer, a trusted colleague, and a dear friend. She is truly a person who lives out her values and beliefs. I feel privileged to have worked with her on the Judiciary Committee, and I am certain that she will be a great success in all her future endeavors.

John Abegg, Counsel for Minority Leader MITCH MCCONNELL:

> Cindy continued a long line of outstanding chief counsels for Senator Sessions. She is smart, principled, and tough, but has a kind heart as well. She worked tirelessly to serve Senator Sessions' Alabama constituents and the people of the United States, and she did so with distinction.

Alan Hanson, my Legislative Director says:

> Cindy is a serious and accomplished professional with a big heart and disarming wit. While I will miss being her colleague in the Senate, I know Cindy will do well in all her endeavors and wish her the best.

Ajit Pai, Deputy General Counsel for the FCC says:

> Staffers on both sides of the aisle would agree that Cindy Hayden brings to the table a welcome combination of intelligence, dedication, and likeability. It was my privilege to have worked with her on Senator Sessions' staff, and it will always be my privilege to call her a friend.

Bradley Hayes, my Senior Counsel says:

> I have had the honor to work with both talented professionals and close, personal friends. In Cindy Hayden, I've had the rare privilege to work with an individual who encompasses both. I have had the pleasure to work with Cindy since the day I started in the Senate almost three years ago. On a daily basis, I have been able to battle liberals with a person whom I not only respect and admire, but someone whose friendship I will value long after her departure. From her first day in the Senate, Cindy has worked tirelessly to promote conservative principles and has been a tremendous asset for both Senator Sessions and the U.S. Senate. The State of Alabama and the nation as a whole are better because of her selfless work these past six years. Though she leaves us to carry on the fight, the lessons she has taught me, and others who have worked with her, will ensure that Cindy's legacy of fidelity to the rule of law and conservative principles will continue for years to come.

These are just some of the statements from the staffers whom Cindy has worked with that reflect their respect for her.

I will just conclude personally by saying I never had a staffer to be more involved than Cindy in as sustained and intense a period of debate as we find ourselves in on the immigration debate. It was a constant every day struggle, and things were always rapidly changing.

We believe the bill on the floor, though it had a lot of support and many good things in it, was not the right approach to solving our illegal immigration problems in America. We decided someone had to be active in that and raise those issues. Cindy was just fabulous, and I depended on her. Day after day, her work and the respect she engendered throughout the country played a big role in the final result, in which the bill was pulled down without passage in that form.

Mr. President, I appreciate the opportunity to share these words. As I speak about her, again I want to note I share my thoughts and these comments about so many of our staffers who serve America in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLIMATE CHANGE

Mrs. LINCOLN. Mr. President, I come before our body today because we are dealing with such an incredibly important issue. It is an issue that is full of technicalities but also a lot of passion, a lot of incredible passion about how we take care of this incredible blessing of a planet we have been given, take care of its climate and its environment and all of the incredible things it does for us, and what we have a responsibility to do in return.

As a daughter of an Arkansas farmer, I was taught at an early age in life to be a good steward of the land we have been given, to understand there will be future generations who will need it, who will cherish it, and who will learn from it. Today, my husband Steve and I continue to instill those principles in our twin boys through all kinds of different activities, whether it is the Scouts they have participated in, whether it is their athletics, whether it is the fishing and hunting they love to do, whether it is the canoeing and camping we do on the beautiful rivers of Arkansas in the great outdoors—being together and sharing time, being together and being respectful of this great environment we have been given.

Since the issue of global climate change first came before the Senate, it has become abundantly clear to me and I think to millions of Americans as well as those in this body that we have to take action on this issue if we have any hope of correcting it. We have had our heads in the sand for quite some time. It is important that we get busy. It is important that we get busy in making a difference, in changing our culture in many ways in order to be better equipped to deal with the problems we have in this environment.

But it is also abundantly clear that we also have to make sure that our head is not in the clouds and that we are being realistic about the economy we have created, about the number of people on the face of this Earth who depend on this economy, and how critically important it is to provide the kind of partnership and empowerment to our existing culture to make the transition from what we have to what we want to have in terms of dealing with our climate through the economic engines we have in this great land, in this great country.

As many of my colleagues have mentioned, the environmental impact of inaction threatens our coastline, the polar icecaps, weather patterns, and animal migration, but it also threatens our ability to be competitive in the world marketplace and to grow the kinds of jobs we truly want to grow if we ignore the opportunities that exist if we do this correctly. If we do this correctly, we can not only provide the kind of move in the right direction that will be positive for our environment, but we can also seize the opportunity to empower industry and our economy in a way that we can grow jobs at the same time.

While the environmental danger that climate change poses is so considerable, I am also very concerned about many aspects of this bill. The reality is that the bill we have here before us today cannot pass. We cannot pass this legislation and believe the problem is going to be fixed because there are multiple problems. It is not just the climate and not just the environment, it is all of the things that contribute to it. As we move forward, it is the hard-working Americans who participate in this economy whom we have to consider.

The pathway to saving the planet will require that we partner with the business community and empower them to transition from an old energy economy and energy technologies dating back centuries, to the emerging energy economy and the emerging energy technologies needed for a new, cleaner economy and a new, cleaner environment. Failure to do so could lead to the loss of jobs in communities all across our Nation.

But it could also lead to a failed environmental policy because the fact is, if we do not get this right now, we could spend the next 2 or 3 years dealing with legislation that might not work, is not going to have all of the intricacies and all of the matters dealt with that need to be dealt with. And 3 years down the road, what happens? We repeal it? We have wasted 3 precious years, 3 or 4 precious years, where we could have been working productively to reach the goal of strengthening our economy and preserving our environment.

Another concern is the unintended hardships the bill might place on the elderly and working families, particularly in my State. I am sure other Senators have those same concerns.

In a State with a median income level of $37,420, ranking Arkansas 48th among all States, many of my constituents live paycheck to paycheck absolutely every week. I am rightfully concerned about a bill that could drive up utility rates, with the costs being passed on to consumers. And for my constituents, even a $15-per-month increase in their energy bills would be devastating. Now, for some of us, $15 we will notice, but it might not make a difference between whether we are going to sign our kids up for Little League or whether we are going to be able to help our grandparents or our parents with their prescription drugs or even put food on the table. But for some hard-working Americans, those kinds of increases could mean an awful lot. That is why it is all the more important that we get this bill right.

I want to support climate change legislation. That is something I feel very passionate about. I want to because I believe it is ultimately our responsibility to preserve and protect our planet for future generations. I truly believe we can no longer afford to put our heads in the sand about this issue. We have to move forward. We have to express the importance and the urgency of this issue. But I also echo that it is critically important we get it right. That is why I say the devil is in the details.

As we move forward in these discussions on what we are doing, we have to pay critical attention to the details of this bill. It is why we cannot afford to have, as I said, our heads in the clouds about the realities of the issues that are associated without fully understanding the impact of this bill as we have looked at it today, as currently written, on industry and working families of this country.

I dedicate myself to making sure not only that we passionately look at this issue for all the right reasons of preserving our environment but that we also equally as passionately look at this bill to make sure the mechanisms that partner us with the economy and the engines of economy we get right.

I am committed to working closely with the sponsors of the legislation as well as the industries in my State and all across this Nation. We have an obligation, an obligation and a responsibility not only to protect this environment but also to protect the incredible working families whom we represent, the hard-fought jobs they work in day-in and day-out to care for their families, and the good corporate citizens that are trying their best to make sure those jobs stay in this country.

I believe we can craft a proposal that will appropriately balance the needs of business and consumers, especially those most vulnerable to an increase in energy costs or a shift in our culture of energy, to protect our environment for our children and our grandchildren but also to keep that balance in recognition with how important that impact is on our communities across our States and across this great country.

I do so appreciate all of the hard work, the enormous effort so many Senators have put into this bill. Senator LIEBERMAN and Senator WARNER and, of course, Chairman BOXER have all invested a tremendous amount of time in this bill. As we continue to move forward in looking at this issue, in looking for solutions, I hope that in their leadership they will embrace all of the Senators who have great ideas in terms of how we can move forward in making this a success, in preserving our environment but ensuring that the working people of this country and the hard-fought industries that are here providing the jobs we want to see stay in this great country, that they are going to have a seat at the table and come up with a bill that will benefit everybody.

While I still have some questions about what we are dealing with and the debate we had and will continue to have, I want to keep my door open. I want to work with my colleagues to address the real and the long-term issues of climate change in the weeks and months ahead. But I also want to make sure our focus does not lose sight of the other consequences that come from this bill.

I appreciate the debate we have had, and I look forward to the coming months as we will continue to refocus ourselves, rededicate our time to making sure—making sure that any bill we come up with that we come to the floor and ask one another to give a final vote on will be a bill that we have embraced from all different perspectives of finding the solutions we need.

This underlying bill is clearly not that bill, and many of us have grave concerns about where the priorities are in this bill and how we make those priorities more positive in all directions. I look forward to regaining our time and energy and being able to come back and talk about these issues and really solve all of the problems, all of the consequences that come with our ultimate passion of wanting to ensure that we do take a stand on climate change and that we do embrace our opportunity to make sure we do not make it irreversible in terms of what climate change is; that we will work hard to ensure that our children and our grandchildren will have an incredible planet to be able to live on, to work on, and again to reach their every potential and their every possibility.

RECESS

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30.

There being no objection, the Senate, at 10:22 a.m., recessed until 11:30 a.m., and reassembled when called to order by the ACTING PRESIDENT pro tempore.

Ms. MIKULSKI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

OFFICE OF LEGAL COUNSEL

Mr. WHITEHOUSE. Mr. President, I thank the Presiding Officer for coming to the chair a little early in order to allow me a chance to make a statement. It was a considerable courtesy and one that is much appreciated.

I will open my remarks by saying: Well, here we go again. I have come to the floor several times already to warn of what appears to be a loss of integrity and legal scholarship at the once proud Office of Legal Counsel at the Department of Justice.

First, back in December, I pointed out the, shall we say, "eccentric" theories that arose out of the OLC's analysis that greenlighted President Bush's program for warrantless wiretapping of Americans. Those opinions had been secret. These theories came to light after I plowed through a fat stack of classified opinions held in secret over at the White House and pressed to have the particular statements declassified.

My colleagues may recall that these theories included the following:

> An executive order cannot limit a President. There is no constitutional requirement for a President to issue a new executive order whenever he wishes to depart from the terms of a previous executive order. Rather than violate an executive order, the President has instead modified or waived it.

As the Presiding Officer well knows, Executive orders have the force of law. A theory like this allows the Federal Register, where the executive orders are assembled, to become a screen of falsehood behind which illegal programs can operate in violation of the very executive order that purports to control the executive branch. So that was a fine one.

Here is another:

> The President, exercising his constitutional authority under Article II—

That is the section of the Constitution that provides for the Presidency and the executive branch of Government. Article I establishes the Congress; article II establishes the executive branch—

> can determine whether an action is a lawful exercise of the President's authority under Article II.

I think the expression for that is "pulling yourself up in the air by your own bootstraps," and it runs contrary to widely established constitutional principle. The seminal case of Marbury v. Madison, which every law student knows, says it is emphatically the province and the duty of the judiciary to say what the law is. And none other than the great Justice Jackson once observed:

> Some arbiter is almost indispensable when power . . . is . . . balanced between different branches, as the legislature and the executive. . . . Each unit cannot be left to judge the limits of its own power.

Yet this was the opinion of the Office of Legal Counsel.

Here is the one I found perhaps most personally nauseating:

> The Department of Justice is bound by the President's legal [opinions.].

A particularly handy little doctrine for the White House, when it is the legality of White House conduct that is at issue. Wouldn't it be nice if you could come into the courts of America or face the laws of America with a principle that the law-determining body has to follow your instruction? If criminals had that, no one would ever go to jail. It is inappropriate in our system of justice.

So I found these theories pretty appalling. I found them to be, frankly, fringe theories from the outer limits of legal ideology. They started me worrying about what is going on at the Office of Legal Counsel.

Then we came to the OLC opinions the Bush administration used to authorize waterboarding of detainees. Then, again, I came to the floor because I was flabbergasted, horrified to discover that to reach its conclusions, the Office of Legal Counsel totally overlooked two highly relevant legal determinations and then went and drew language out of health care reimbursement law—health care reimbursement law—in order to justify allowing the administration to torture and waterboard prisoners.

What were the highly relevant legal determinations the Office of Legal Counsel overlooked? Well, one was that it was American prosecutors and American judges who in military tribunals after World War II prosecuted Japanese soldiers for war crimes, for torture, on evidence of their waterboarding American prisoners of war. Missed it.

The other major thing the OLC overlooked was that the Department of Justice itself prosecuted a Texas sheriff as a criminal for waterboarding prisoners in 1984. The sheriff's conviction went up on appeal to the U.S. Court of Appeals for the Fifth Circuit, one row under the U.S. Supreme Court, and the appeals court, in a public opinion, described the technique as "water torture." The opinion used the term "torture" over and over again. All a legal researcher has to do is type the words "water torture" into the legal search engines, Lexus or Westlaw, and this case comes up: United States v. Lee, 744 F2d 1124.

How did the wide-ranging legal analysis that ranged as far afield as health care reimbursement law for guidance miss a case that is bang on point, that was prosecuted by the Department of Justice itself, that is reported in a decision of the U.S. Court of Appeals, that describes this exact technique as "water torture"? How, indeed.

After this, I began to refer to whatever it is that the Office of Legal Counsel has now become as George Bush's "Little Shop of Legal Horrors."

Now we have this. The FISA statute contains what is called an exclusivity provision. The FISA statute of the Foreign Intelligence Surveillance Act is the law that governs our surveillance authority on foreign intelligence matters. It is an active issue before this body right now, and the exclusivity provision is actively being discussed. Here is how it reads:

> [FISA] shall be the exclusive means by which electronic surveillance . . . and the

> interception of domestic wire, oral, and electronic communications may be conducted.

"Exclusive means." It seems pretty clear. And exclusivity provisions such as this in statutes are not uncommon. More on that later.

But let's look at what the Office of Legal Counsel said about that language. This is language Senator FEINSTEIN and I have had declassified. Similar to the others, it was buried in a classified opinion:

> Unless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct wireless searches in the national security area—which it has not—

"Which it has not"—

> then the statute must be construed to avoid such a reading.

Well, this is particularly devilish because we have had a long argument through the FISA debate with the administration over the exclusivity provision. Senator FEINSTEIN has led the charge on this, with strong bipartisan support from Senators HAGEL and SNOWE, and never once, in all these discussions, have I heard the administration say: Oh, there is a problem with the exclusivity language in the FISA bill. There is a loophole in it. It is not as strong as it could be. There is something Congress did in the exclusivity clause that would open a way for the President to wiretap Americans without a warrant.

Never once been said. But behind the scenes, in secret opinions, they proclaimed that some loophole exists. I do not see the loophole: FISA "shall be the exclusive means . . . ." Where are you going to challenge it? Are you going to say: Well, maybe the hole is that they referenced the national security area? But the national security area is where our foreign intelligence surveillance exists. Well, maybe it has to do with wireless searches? No, wireless searches are precisely what the FISA act is all about. Maybe it has to do with Presidential authority? Well, who else wiretaps? We do not in Congress. The judges do not. Of course, it is the executive branch.

So maybe it is that they do not think it was a clear enough statement? Well, let's take a look at that and start with a case from the U.S. Supreme Court. The Supreme Court was discussing a statute that gave the Court "exclusive" jurisdiction. Chief Justice Rehnquist wrote for the Supreme Court that this was "uncompromising language."

He continued:

> [T]he description of our jurisdiction as "exclusive" necessarily denies jurisdiction of such cases to any other federal court.

Chief Justice Rehnquist said:

> This follows from the plain meaning of "exclusive."

The Chief Justice then cited to Webster's New International Dictionary for that plain meaning. My Webster's defines "exclusive" as "single, sole," "excluding others from participation." That sounds clear to me. The "single" means, the "sole" means, the means that excludes others from participation.

Lower courts have discussed the FISA statute's own exclusivity provision directly. Chief Justice Rehnquist was talking about a different exclusivity provision. The FISA exclusivity provision was the subject of a case called United States v. Andonian, cited 735 F. Supp. 1469. The court said this. Let me read three sentences talking about the exclusivity language in FISA.

> [This language] reveals that Congress intended to sew up the perceived loopholes through which the President had been able to avoid the warrant requirement. The exclusivity clause makes it impossible for the President to "opt-out" of the legislative scheme by retreating to his "inherent" Executive sovereignty over foreign affairs . . . . The exclusivity clause . . . assures that the President cannot avoid Congress' limitations by resorting to "inherent" powers as had President Truman at the time of the "Steel Seizure Case."

By using this exclusivity clause, the court concluded:

> Congress denied the President his inherent powers outright. Tethering Executive reign, Congress deemed that the provisions for gathering intelligence in FISA and Title III were "exclusive."

Now, there still may be a constitutional question about whether the President's Article II powers exist, no matter whether Congress has passed a particular statute. But there can be no real question about the intention or the effect of FISA's exclusivity provision.

I have sat and stared at FISA's exclusivity provision and the OLC language side by side, and I cannot make sense of how they came to that conclusion. Congress says, plain as day, FISA is the exclusive means, and OLC says Congress did not say that.

So I wonder, maybe there is some strange legal use of the term "exclusive" that I missed in my 25 years of lawyering. Then I find this Court decision that says this very language in the FISA statute means Congress "intended to sew up the perceived loopholes," that this language "makes it impossible for the President to 'opt-out'." of the FISA requirements; that it "assures that the President cannot avoid Congress's limitations," and that by this language "Congress denied the President his inherent powers outright."

Then I thought, maybe that is just a district court decision. That is a lower court. But here is the Supreme Court of the United States looking at an exclusivity clause in another statute and calling it "uncompromising language," taking that word "exclusive" at its plain dictionary meaning. There is literally no way I can see to reconcile OLC's statement with the clear, plain language of Congress.

I have, in the past, expressed the fear that the Office of Legal Counsel, under veils of secrecy, immune from either public scrutiny or peer review, became a hothouse of ideology, in which the professional standards expected of lawyers were thrown to the winds, all in order to produce the right answers for the bosses over at the White House.

Well, as I said at the beginning, here we go again. Oh, one more thing. When the Department of Justice sent me the letter acknowledging that there was nothing that needed to be classified about this phrase, they also said this phrase was now disclaimed—their opinion was now disclaimed; not just declassified but disclaimed—by the Department of Justice.

The letter reads:

> [A]s you are aware from a review of the Department's relevant legal opinions concerning the NSA's warrantless surveillance activities, the 2001 statement addressing FISA does not reflect the current analysis of the Department.

But that does not answer this: What went wrong at the OLC? What led to this disclaimed opinion in the first place, and other opinions I have had to come to the floor about? Has it been put right? This is an important question because this is an important institution of our Government, and we need to be assured it is working for the American people, that it is of integrity and that it is back to the standards of legal scholarship that long characterized the once-proud reputation of that office.

We do not have that assurance. There is a continuing drumbeat of what appears to be incompetence, and we need the reassurance. We are entitled to the reassurance. Something has to be done.

Mr. President, I ask unanimous consent that the Department's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 13, 2008.

Hon. DIANNE FEINSTEIN,
Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR WHITEHOUSE: This responds to your letter, dated April 29, 2008, which asked about a particular statement contained in a classified November 2001 opinion of the Department's Office of Legal Counsel addressing the Foreign Intelligence Surveillance Act. The statement in question asserted that unless Congress had made clear in FISA that it sought to restrict presidential authority to conduct warrantless surveillance activities in the national security area, FISA must be construed to avoid such a reading. The statement also asserted the view in 2001 that Congress had not included such a clear statement in FISA. As you know, and as is set forth in the Department of Justice's January 2006 white paper concerning the legal basis for the Terrorist Surveillance Program, the Department's more recent analysis is different: Congress, through the Authorization for Use of Military Force of September 18, 2001, confirmed and supplemented the President's Article II authority to conduct warrantless surveillance to prevent catastrophic attacks on the United States, and such authority confirmed by the AUMF can and must be read consistently with FISA, which explicitly contemplates that Congress may authorize electronic surveillance by a statute other than FISA.

We understand you have been advised by the Director of National Intelligence that the statement in question, standing alone, may appropriately be treated as unclassified. We also would like to address separately the substance of the statement and provide the Department's views concerning public discussion of the statement.

The general proposition (of which the November 2001 statement is a particular example) that statutes will be interpreted whenever reasonably possible not to conflict with the President's constitutional authorities is unremarkable and fully consistent with the longstanding precedents of OLC, issued under Administrations of both parties. *See, e.g.*, Memorandum for Alan Kreczko, Legal Adviser to the National Security Council, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: Applicability of 47 U.S.C. section 502 to Certain Broadcast Activities at 3 (Oct. 15, 1993) ("The President's authority in these areas is very broad indeed, in accordance with his paramount constitutional responsibilities for foreign relations and national security. Nothing in the text or context of [the statute] suggests that it was Congress's intent to circumscribe this authority. In the absence of a clear statement of such intent, we do not believe that a statutory provision of this generality should be interpreted so to restrict the President constitutional powers."). The courts apply the same canon of statutory interpretation. See, e.g., Department of Navy v. Egan, 484 U.S. 518,530 (1988) ("[U]nless Congress has specifically provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs.").

However, as you are aware from a review of the Department's relevant legal opinions concerning the NSA's warrantless surveillance activities, the 2001 statement addressing FISA does not reflect the current analysis of the Department. Rather, the Department's more recent analysis of the relation between FISA and the NSA's surveillance activities acknowledged by the President was summarized in the Department's January 19, 2006 white paper (published before those activities became the subject of FISA orders and before enactment of the Protect America Act of 2007). As that paper pointed out, "In the specific context of the current armed conflict with al Qaeda and related terrorist organizations, Congress by statute [in the AUMF] had confirmed and supplemented the President's recognized authority under Article II of the Constitution to conduct such surveillance to prevent further catastrophic attacks on the homeland." Legal Authorities Supporting the Activities of the National Security Agency Described by the President at 2 (Jan. 19, 2006). The Department's white paper further explained the particular relevance of the canon of constitutional avoidance to the NSA activities: "Even if there were ambiguity about whether FISA, read together with the AUMF, permits the President to authorize the NSA activities, the canon of constitutional avoidance requires reading these statutes to overcome any restrictions in FISA and Title III, at least as they might otherwise apply to the congressionally authorized armed conflict with al Qaeda." Id. at 3.

Accordingly, we respectfully request that if you wish to make use of the 2001 statement in public debate, you also point out that the Department's more recent analysis of the question is reflected in the passages quoted above from the 2006 white paper.

We hope that this information is helpful. If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

BRIAN A. BENCZKOWSKI,
Principal Deputy Assistant Attorney General.

Mr. WHITEHOUSE. Mr. President, I thank the Presiding Officer again for his courtesy and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank you. I will not take long.

D-DAY AND THE GREATEST GENERATION

Mr. LAUTENBERG. Mr. President, today is a noteworthy anniversary. It is the anniversary of D-day, the day the largest invasion force in the history of man landed on the beaches of Normandy.

They came from across the world—133,000 brave soldiers, sailors, and airmen—from England, Canada, and the United States. On that particular day, more than 10,000 soldiers died, giving their lives so that their families, their country, and the rest of the world could live in peace and be free.

The bravery and honor of those men has come to be known with three simple words: "the greatest generation." Their sacrifice in battle and their continued service once they got home defined everything that was good and right about America. We honored their service and sacrifice with parades and public ceremonies and memorials to the fallen, but it was also honored in another way. We gave them the chance to go to college and pursue an education. We gave them the chance to build a better future for themselves and their families. Those of us who served in that terrible war got the chance to begin the innovation that drove America into the future. We received the GI bill for our service.

Many veterans of World War II have served in the Senate, many of whom were honored by medals of valor. We still have someone who served in World War II who earned the Medal of Honor—Senator DAN INOUYE from Hawaii—for his incredible bravery in World War II, for his bravery under fire.

I am who I am today because of the GI bill. One of my dreams was to go to college—a dream that came true because of that bill, the GI bill. Eight of the sixteen million World War II veterans got an education because of that bill. It was paid for, and it even carried a small stipend for the expenses that one had as a college student. Now we need to start to build a new greatest generation. I want the veterans of the wars of Iraq and Afghanistan to have the same opportunity—an opportunity that enables them to contribute to their families and our Nation.

A college education is a key to that opportunity, but college costs have jumped so high—57 percent just in the last 6 years. The current GI bill does not cover those costs. So our brave veterans are forced to pay for their tuition and books out of their own pockets, watch their debts get worse and worse, and some cannot get to college at all.

We often say we honor our veterans, but now is the time to show them what we mean. That is exactly what our new GI bill does. Our bill closes the gap between the cost of college and the amount the veteran pays for their education. I am proud to be working with my colleagues. The occupant of the President's chair right now, Senator JIM WEBB of Virginia, started this process—this bill—16 months ago. Others, including Senator CHUCK HAGEL, Senator JOHN WARNER, and I, and more than half of the Senate, are fighting to get them the benefits they earned. They deserve no less.

The Senate has voted. The House has voted. Now we plead with President Bush to join with the majority of the Congress, all of the leading veterans organizations, and the American public in support of our bill. Since the beginning of the wars in Iraq and Afghanistan, more than 1.5 million Americans have worn the uniform and served our Nation with honor and distinction. Now it is time for us to stand with our veterans who have served since 9/11 so they, too, can build a future for their families.

After D-day, Americans recognized the sacrifice our troops made and came together to honor that service. Now is the time for us to stop playing politics and come together once again.

Our veterans have earned a new GI bill. On this D-day anniversary, let's give them the respect and the benefits they deserve.

I close with once again commending our colleague, Senator JIM WEBB, who has himself a distinguished military record and insisted from his earliest days that we take care of our veterans so they can take care of America and regain the leadership this country has lost and will retrieve.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from North Dakota is recognized.

GI BILL

Mr. DORGAN. Mr. President, my colleague, Senator LAUTENBERG from New

Jersey, just described something that is very important. He described the role of himself and others, and particularly the occupant of the chair as Presiding Officer, in working on the new GI bill. I was proud to be a cosponsor. I join him in hoping that President Bush will agree with the majority of the House and the Senate to look favorably upon this bill and agree to sign legislation that includes this bill. We owe it to America's veterans. I appreciate the comments made by my colleague from New Jersey.

TRIBUTE TO ROBERT KENNEDY

Mr. DORGAN. Mr. President, I wish to talk just for a moment today about the cloture vote on climate change legislation earlier today, but first, while I am getting some charts together, I wanted to mention also that this is the 40th anniversary that was yesterday of the death of Robert Kennedy.

I was driving to the Capitol listening to a news report about that day 40 years ago when Robert Kennedy was assassinated in Los Angeles, CA, and I was thinking about the fact that I was a very young man back then working on the Robert Kennedy Presidential campaign in my State when I heard that he had been assassinated. It was such an unbelievable blow to me and to all of the others who worked on the campaign and to so many other Americans who believed his campaign for the Presidency held such great promise.

Most young people in this country today know nothing about a 1968 Presidential campaign by Robert F. Kennedy. It was an extraordinary time, and he was an extraordinary man. I wish to read just a couple of comments by the late Robert F. Kennedy, who was, by the way, a Senator and served in this body, as well as served as Attorney General of this country.

He gave a speech once that I have often quoted. It was a speech he gave in South Africa. Many will know these words. In his speech he said this:

> Few will have the greatness to bend history; but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of a generation . . . it is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

He gave that speech June 6, 1966, at the University of Cape Town in South Africa. People often talk about those ripples of hope that can sweep down the mightiest walls of resistance and oppression, and that passion and that dream and belief still exist today.

I reread this morning the speech Robert Kennedy gave during his Presidential campaign in Indianapolis, IN, on the evening of April 4, 1968, when Martin Luther King was assassinated. The crowd that had gathered for Robert Kennedy's appearance did not know that Dr. Martin Luther King had been assassinated and Robert Kennedy came to that area of Indianapolis. He was asked not to go because of concerns about his safety. He went anyway and he gave one of the most wonderful speeches. It was without a note, just an extemporaneous speech that had so much passion. I shall not read it today, but I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Ladies and Gentlemen—I'm only going to talk to you just for a minute or so this evening. Because . . .
>
> I have some very sad news for all of you, and I think sad news for all of our fellow citizens, and people who love peace all over the world, and that is that Martin Luther King was shot and was killed tonight in Memphis, Tennessee.
>
> Martin Luther King dedicated his life to love and to justice between fellow human beings. He died in the cause of that effort. In this difficult day, in this difficult time for the United States, it's perhaps well to ask what kind of a nation we are and what direction we want to move in.
>
> For those of you who are black—considering the evidence evidently is that there were white people who were responsible—you can be filled with bitterness, and with hatred, and a desire for revenge.
>
> We can move in that direction as a country, in greater polarization—black people amongst blacks, and white amongst whites, filled with hatred toward one another. Or we can make an effort, as Martin Luther King did, to understand and to comprehend, and replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand, compassion and love.
>
> For those of you who are black and are tempted to be filled with hatred and mistrust of the injustice of such an act, against all white people, I would only say that I can also feel in my own heart the same kind of feeling. I had a member of my family killed, but he was killed by a white man.
>
> But we have to make an effort in the United States, we have to make an effort to understand, to get beyond these rather difficult times.
>
> My favorite poet was Aeschylus. He once wrote: "Even in our sleep, pain which cannot forget falls drop by drop upon the heart, until, in our own despair, against our will, comes wisdom through the awful grace of God."
>
> What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness, but is love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.
>
> (Interrupted by applause)
>
> So I ask you tonight to return home, to say a prayer for the family of Martin Luther King, yeah that's true, but more importantly to say a prayer for our own country, which all of us love—a prayer for understanding and that compassion of which I spoke. We can do well in this country. We will have difficult times. We've had difficult times in the past. And we will have difficult times in the future. It is not the end of violence; it is not the end of lawlessness; and it's not the end of disorder.
>
> But the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings that abide in our land.
>
> (Interrupted by applause)
>
> Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world.
>
> Let us dedicate ourselves to that, and say a prayer for our country and for our people. Thank you very much. (Applause)—Robert F. Kennedy, April 4, 1968.

CLIMATE SECURITY

Mr. DORGAN. Mr. President, the vote this morning was a vote dealing with climate change. This vote, however, was not a yes or no on climate change legislation; the vote was on a cloture motion to invoke cloture. I voted against invoking cloture. I wish to make sure those who have worked so hard on the legislation we were considering do not feel that vote diminishes the work they have done.

I believe there is something happening to the climate of this planet. I believe there is something dealing with global warming that threatens our future. I believe we have a responsibility to address it. I commend those who worked on the legislation and brought it to the floor of the Senate. It was a good start. It was not perfect and needed amendments in my judgment. A tangled web was created on the floor of the Senate through no fault of the majority leader who brought this to the floor. He indicated at the first moment that he wished this to be an open process with open debate and open opportunity for amendments. The tangled web that then ensued was a web that led us to a cloture motion and the filing of a cloture motion. Voting for cloture meant that we would be prevented from offering an amendment post cloture. I did not believe I wanted to put myself in that position because I have two amendments that have been filed. I had two amendments which I wished to offer and get them pending. Because of procedural hurdles, I was prevented from doing so because I was prevented from calling up amendments, even though they were filed. I wasn't very interested in supporting a cloture motion which would then prevent me from having the amendments considered by the Senate as we move forward to finish the piece of legislation. So that represents my view of why I would not support cloture.

I filed an amendment dealing with additional funding for coal and carbon capture and storage programs. I think we need to do a couple of things if we are going to have a global climate change bill work. First of all, at the front end, for the first 5, 10, 12 and 14 years, we have to have a kind of Manhattan Project in which we decide for renewable, efficiency and clean coal energy resources that we are going to break out of the box and move forward very, very, very aggressively.

If we are going to deal with this issue, we have to move solar and be serious about developing substantial capabilities in solar energy. That requires a massive amount of research and development. We have to be serious about wind energy and geothermal and biomass as well. We have to be serious about a whole range of renewable energy resources.

We have not been serious in this country. In 1916 we said to oil and gas companies: If you want to go find oil and gas, good for you, God bless you. We want to provide big tax breaks for you for doing it. These permanent tax breaks have lasted forever regarding oil and gas.

What did we do with those who were pursuing renewable energy? In 1992 we said: We will give you some tax incentives. By the way, they will be temporary and kind of shallow, and we will extend them five times for a very short term, and we will let them expire three times. That is a pathetic, anemic response for a country that ought to, in my judgment, gallop full speed ahead toward the use of renewable energy. But you have to have conservation and renewable energy research and development commitments to achieve that goal.

In addition to that, we are going to have to continue to use coal in our future. Forty-eight percent of our electricity comes from coal. We are not in a position where we can simply say we are not going to use coal. At the front end of this bill, we need to create a substantial amount of resources to engage in the research and development, demonstration and commercial deployment of projects that allow us to use coal to produce electricity without injuring our environment. That means capturing carbon and sequestering carbon. That is central to the future use of coal and other fossil fuels.

Now, it is not as if it can't be done. We are doing it in some areas, but we need so much more work on the research and development end.

This is a plant in North Dakota. It is the only one like it in North America. We produce synthetic natural gas from lignite coal. We take pieces of coal, and we produce synthetic gas from it. It works very well. In fact, it is one of the world's largest demonstrations for capturing and storing carbon. We capture 50 percent of the carbon from this plant; put it in a pipeline; move it to Saskatchewan, Canada; and invest it underground into Canadian oil wells to pump up and produce more oil.

Most oil that is drilled from underground pools only provides about 30 percent of its potential. The rest remains in the ground. If you can use CO_2 from fossil fuels at electric power plants and other facilities, that CO_2 would not be released into the atmosphere to impact the climate. At the same time, you can use that CO_2 instead for beneficial purposes and invest into an oil well. Thus, you not only put the CO_2 underground and sequester it, you also enhance domestic oil development and production.

There are a lot of things going on. But the underlying bill didn't have nearly enough funding at the front end, in my judgment, for the research and development component. My filed amendment would shift $20 billion in funding in the bill to say we are going to get serious. This is going to be a Manhattan-type project to find ways to continue to use our most abundant resource and do so without spoiling our environment.

There is research going on but not nearly enough. I can give you a couple of examples.

A Texas company came to see me. They are taking coal for electricity. They have a couple of small demonstration projects which burn coal to produce electricity. They are treating the effluent that comes from the plant chemically, and as it comes out of the plant, they are capturing the CO_2 and producing byproducts, including hydrogen, chloride, and baking soda. The baking soda contains CO_2. In fact, this company brought me some cookies and said these come from coal. They are making the point that, by capturing the CO_2 from a coal plant, you can end up with baking soda used for baking cookies. It is a clever way to describe that there are innovative ways to capture CO_2 and protect our environment, even as we use our most abundant domestic resource.

This photo is of single-cell pond scum, called algae. I was in Arizona recently and saw a demonstration plant that is producing algae by taking CO_2 off of a plant and putting it in greenhouses that produce algae. Algae is produced in water which need sunlight and CO_2 to grow. So it consumes CO_2 by producing algae, single celled pond scum. It grows quickly, increasing its bulk in hours. They can harvest it for diesel fuel. So you actually capture the CO_2 and produce a beneficial use which is a biodiesel fuel. There are ways for us to do this.

My point is that if we are going to have a bill that works, you need to have dramatic funding commitment for research, development and demonstration up front. That was not the case with the pending bill. I know some will argue that it is. This is known as the kick-start fund for coal and is largely for demonstration and deployment. That is different from the massive need for additional research we need. We need a Manhattan Project to make these investments. That is a different kind of funding than the research and technology we need if we are going to decide that we are going to unlock the mystery and use our most abundant resource in the future. We continue to need investments in research and development as well as demonstration and deployment programs for coal to thrive in a carbon constrained world.

I am also a fan of wind energy, energy from the wind, for producing electricity. It makes sense. That doesn't contribute environmental problems like emitting greenhouse gases. Also, there is geothermal and biomass, the production of ethanol, and hopefully cellulosic ethanol in the future.

I was visited by Dr. Craig Venter the other day who is working to create microbes and bacteria that would essentially eat the coal or convert it into liquid fuels as it is being processed by these microbes while underground. That is pretty exciting. I also mentioned the other day that we are studying termites in the science area of our Government. These are the kinds of things people might ridicule. They say why are we spending all this money to study termites. Termites eat your house. When they eat wood, we understand now they produce methane gas, as a lot of living things do. We are trying to figure out what in the 200 microbes in the gut of a termite might allow them to eat your house. If we can figure out how to break down woody products, it is important in terms of producing future energy from cellulosic ethanol.

There is a lot to do. If we are going to be serious about climate change and global warming—and we should be, in my judgment—two things are necessary: One, we need to have kind of a Manhattan Project that in a very short period of time is going to find ways to dramatically increase the use of renewables. Second, we are going to dramatically accelerate our effort to determine how we can use coal and other fossil fuels and still protect our environment by capturing and sequestering carbon or providing a beneficial use of carbon. That is expensive, but we can get that done. That was the amendment I had, which would shift $20 billion to the front end of this to say: Let's do this in a serious manner.

I wanted to indicate that my vote on cloture earlier today should not diminish the work and effort and intent of others with respect to climate change. I think something is happening in our climate. Most of us believe we will be seeing climate change legislation passing through the Congress at some point in the near future—perhaps as early as next year. When it is done, it needs to be done in a manner that is reflective of all of strengths and resources of our country to move ahead in unison in doing the right thing in the right way.

PRICE OF GASOLINE

Mr. DORGAN. Mr. President, I spent part of this morning visiting with some experts about the issue of energy speculation and the price of gasoline. I am very concerned about the price of gasoline. I come from a State that not only produces a lot of energy but uses a lot of petroleum products. We are a farm State and a big State with a sparse population. North Dakota is spread over the equivalent of 10 Massachusettses in landmass. We use a lot of energy per capita. When the price does what it has been doing recently, it is very harmful to a rural State that does a lot of family farming and requires people to travel a lot because of its sheer size.

Here is what happened to oil prices in the last year: They have doubled. There is no justification for that—none. There is no justification for this at all. Get this, crude oil futures hit a record $139 per barrel today.

I used to teach a little economics in college—not in a serious way. I taught the supply and demand intersection and what happens to price. I understand all that. If we take a look at supply and demand, there is nothing that justifies what is happening in the futures market with respect to oil prices.

Now back up 14 months, in fact, to the time prior to the price of oil doubling and ask yourself what happened in this world. Were we oblivious then to the fact that India and China were going to want more fuel in their economies? I understand there are probably 150 million Chinese who want to drive cars. Where are they going to get the fuel? A lot of folks in India want to drive cars too. I understand all of that. These signals were already in the market 16 and 18 months ago. That is not different.

Here is also what I understand. Since the first part of this year, our inventories of petroleum stocks have been going up in this country and use has been going down. People are driving slightly less and using less. So what is happening to price? It has doubled.

I will tell you what I think is happening. On the oil commodity markets, we have a dramatic orgy of speculation and carnival of greed. Are all of the speculators who are neck deep in these markets there because they want oil or want to hold oil? Have they tried to lift a 42-gallon drum? I don't think so. They want to make money speculating. As a result all of this excess speculation, they are driving up the price of a commodity. That damages this country and injures most Americans.

This is what has happened to speculation. This Congress and this President have a responsibility to stop it. When excess speculation damages an economy, damages the country and its people, we have a responsibility to stop excess speculation.

This is a picture of NYMEX, where they trade commodities. Most people have seen pictures of the floor of a trading session like this. In fact, I think it was 80 years ago when Will Rogers talked about these guys buying things they will never get from people who never had it. At NYMEX, they trade futures contracts.

Let me describe what one fellow testified before the Energy Committee. By the way, he has had 30 or 35 years as an executive analyst in these markets. Fadel Gheit said this:

> There is absolutely no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I called it the world's largest gambling hall. It's open 24/7. Unfortunately, it is totally unregulated. This is like a highway with no cops and no speed limits, and everybody is going 120 miles an hour.

Mr. President, the New Jersey Star Ledger wrote:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent to the cost of a barrel of oil.

The president of Marathon Oil, Clarence Cazalot, Jr., said:

> $100 oil isn't justified by the physical demand in the market.

Here is an oil executive saying this price isn't justified.

Stephen Simon, a senior vice president at Exxon, said on April 1, 2008:

> The price of oil should be about $50 to $55 per barrel.

Mr. President, how did we get here? On December 15, 2000, in this Chamber, one of our colleagues, Senator Gramm from Texas, stuck a little provision into the Commodity Futures Modernization Act which was included in a very big piece of legislation that was being enacted. I believe it was the Consolidated Appropriations Act of 2000, a large supplemental bill being done. That little provision changed everything. Prior to that time, prior to Senator Gramm from Texas putting this provision into law, every futures contract in this country was subject to regulation and oversight. Senator Gramm stuck a provision in a very big piece of legislation that said essentially certain commodity provisions need not be subject to regulation and oversight. Then it started. That was called the Enron loophole.

I know something about that because I chaired the hearings at which the late Ken Lay, the CEO and president of Enron Corporation, testified. He raised his hand, took an oath, sat down, and then took the fifth amendment. He ran one of the biggest energy companies in this country. We found out that at least part of it was a criminal enterprise. It benefitted greatly by the actions of the Congress, and only a few in the Congress knew what they were trying to do. That created this loophole by which Enron and others down the road could create an energy market that was unregulated, outside of the view of regulators and of the grasp of regulators.

So now, going forward from December 15, 2000, to today, what is happening is that we have seen, outside of the purview of regulators, a dramatic amount, an obscene amount of speculation in energy markets.

I have met with experts who have said that there is no speculation here. Yesterday, I met with a person yesterday, someone who is an expert in this area and runs a major corporation, who said there is no speculation here. That is just wrong. That is false on its face. All one has to do is look at what is happening in these markets. Can anybody, anyplace, anytime, anywhere tell us that something has happened in the last 14 months in terms of the market fundamentals that justifies doubling the price of oil or gasoline? There is nothing that justifies that.

This Congress cannot sit around any longer. I know the President and the Vice President opposed responding to the electricity crisis out West when they first came to office. I recall when some of us in Congress were trying to take some action against what was happening to hijack wholesale electric prices on the West Coast by the Enron Corporation that they stood by idly. I and others pushed and pushed. The Federal Energy Regulatory Commission said there is nothing going on there. DICK CHENEY made fun of us, saying these markets are working, we just don't like markets. The President didn't want to do anything. We finally found out what was something illegal happening. Every day was criminal. They were manipulating supply in a criminal way, and there are people sitting in prison for it. Ken Lay died beforehand, but he was on his way to prison because it was a criminal enterprise he was conducting. And the Vice President was belittling those of us in Congress who were trying to do something about it. The Federal Energy Regulatory Commission was dead asleep, very content to do nothing.

That cannot continue to be replicated now. We have to do something to soak the speculation out of these futures markets. There needs to be a futures market for energy, I support that. There are legitimate hedging requirements, I understand that. There needs to be liquidity, I understand that. But when you have excessive speculation that damages this country and runs up the price of oil to double the price when, in fact, the market fundamentals do not justify it. Hedge funds, investment banks, and many others rush into these markets in order to make profits through speculation and the public be damned. It doesn't matter what it does to the country, then something is wrong, and it is the responsibility of the Congress to act. It is our responsibility and requirement. We cannot sit around and ignore this any longer.

I had a call from the owner of a trucking company in North Dakota the other day. They have been running a trucking firm for years. His dad ran it, and his family has been running it for four or five decades. He said: I don't think we can continue. We can't afford the price of diesel fuel.

I understand we have had 12 airlines that have gone into bankruptcy. I know of five in the last 6 or 8 weeks. The fact is, this country cannot exist without a vibrant aviation industry. We have to have airline companies that are able to move Americans back and forth across the country. The price of jet fuel is even worse than the description I just offered with respect to gasoline and oil.

We need to work on this issue in a very aggressive and urgent way, and we need to do something that shuts down this speculation. I indicated yesterday that I am working on legislation to try to do that and to try to make certain we have a completely regulated system with respect to the trading of these contracts.

First of all, they ought to be regulated. Some say that, if we try to regulate them here, they will move offshore. We ought to be able to regulate it. If you are in this country, you want to play games in the commodities markets as a speculator, if you are picking up a telephone and trade commodities in this country, as far as I am concerned, you ought to be regulated with respect to your order of commodities contract.

A lot of work is being done. As I said, I spent part of this morning with experts who understand the complexities and the vagaries of these commodity markets and especially the oil markets and the speculation that is occurring. I side with those who believe there is excessive speculation and that there is a requirement that we do something about it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. NELSON of Florida. Mr. President, if I may be recognized.

The PRESIDING OFFICER. The Senator from Florida is recognized.

HIGH GAS PRICES

Mr. NELSON of Florida. Mr. President, we are getting ready to consider the gasoline bill next week and all its ramifications for the American public who are suffering under $4 and $4-plus gas.

A few days ago, this Senator showed a photograph of a town in north Florida, Madison, FL, in Madison County, downtown, the local Shell Oil station. Regular in the State of Florida, reflected in that photograph of a few days ago, was at $4.10 a gallon.

It goes without saying that our people are hurting. And I can tell you, having had 18 townhall meetings last week all over my State, that hurting has turned into frustration, and that frustration is turning into anger.

Now, there is a new poll out this week that reflects the increasing number of Americans who believe it is the supply and demand of oil that is driving these prices to record highs—just the supply and demand. We know we have a very tight world oil market, and we know places such as India and China in fact are consuming more oil, and their demand is higher. We understand that makes the world's oil markets all the more tight. And believe it or not, because of that, and because of this constant amount of information coming out from the oil sector about supply and demand creating the tight oil market, the American people are believing that is the cause of these record oil prices, believing that translates into these very high gasoline prices.

It is interesting because it is just at a time that the Senate has voted to close the so-called Enron loophole, which is perhaps the real culprit to blame in the shocking runup of the oil prices.

Now, what is the Enron loophole? Back in the year 2000, legislation was passed that exempted oil and metals from being regulated on the commodity futures exchange. That meant that as contracts for future purchase of oil and metals are being traded, there is no government oversight, no government regulation of how much those can go up. So as long as the participants bidding for those futures contracts continue to bid the price of those oil contracts higher and higher, in fact the price of that oil on the world market continues to go higher and higher, much over and above what normal supply and demand would cause the price to be.

This closing of that Enron loophole has just occurred. It is still in the works because even though it was added to the farm bill, the farm bill was vetoed by the President. The veto was then overridden and, therefore, it came into law immediately upon the override. Nevertheless, we found that we omitted a section of the farm bill, so we are going back and redoing that all over again. We just passed the farm bill again in its entirety in the Senate yesterday, last night. It does have the Enron loophole closure in the bill. Presumably, that will be passed by the House, go down to the President for signature, he will veto it again, and then it will come back to both Houses for overriding, like we did before about 2 or 3 weeks ago, and the Enron loophole will be closed. There are a bunch of us, including this Senator, who were cosponsors of this provision. Hopefully, it is going to address this loophole.

But what happened in the past? It was enacted back in 2000—in December of 2000. I believe that loophole, when enacted, was exploited by energy traders. This is based on the mounting evidence that we see over and over. It is at least a partial cause of the huge runup in the gas prices.

Well, I think we need to do more on this Enron loophole. There have been some commentaries by some experts that say we should be closing it further. And if we need to do that, this Senator is certainly ready to do it. But right now what needs further examination is how we got to this point in the first place. How did this provision in law, leaving this huge hole big enough to drive a Mack truck through get to this point where it essentially exempted the trading of oil futures from Federal commodities regulation? How did that become the law of the land? What was the role of lobbyists and oil companies and investment banks and commodity speculators? We need answers to those questions.

We have seen through testimony to the Congress and from other reports that unchecked commodities trading plays a very significant role in rising gasoline prices. We know high gas prices are not merely a function of supply and demand in the marketplace. In fact, we ought to know this from several years ago.

A subcommittee, led by Senator CARL LEVIN of Michigan, found that supplies were mostly adequate, but it found something else was missing. What was the role that caused these prices to be jacked up? Just a few days ago, financier George Soros told our Senate Commerce Committee—in fact, just this past Tuesday—that a dramatic increase in commodities trading in recent years has contributed to the oil bubble and its "harmful economic consequences."

Indeed, loosely regulated speculators appear to have bid up oil prices to these unrealistic highs. There are also links between oil companies and investment banks in the oil futures trading. And this is what these reports are showing. The Senate investigations subcommittee, in a bipartisan way, under the leadership of Senator LEVIN, released a report finding that there was lax Federal oversight of oil and gas traders due to the loophole slipped into the law in 2000, and it was slipped in at the behest, according to the Levin report, of the now infamous Enron Corporation, along with oil companies and investment banks. That is according to the Levin report.

Other links between soaring oil prices and vast sums of money now flowing through these commodity markets were uncovered by a Homeland Security panel and our colleague, Independent-Democrat Senator JOE LIEBERMAN. In fact, a top oil executive for a major oil company recently testified before a House panel that crude oil, under normal supply and demand, ought to be around $55 a barrel, based on the rule of supply and demand. Yet last week it went up to $135, and it is somewhere in the $130-a-barrel range today.

Mr. President, I think those investigations into the cause of the runup of the price of oil ought to continue. An estimated one-third of the amount of the runup of the price of oil can be blamed on speculators having poured tens of billions of dollars into the unregulated energy commodities markets in the wake of that so-called Enron loophole that deregulated those commodities markets. In essence, the loophole exempted electronic trading of energy and metal by large traders—exempted them from Federal commodities regulation. Since then the price of oil and natural gas has skyrocketed, and that is all despite reports that the supplies are mostly adequate.

Next week we are going to try to take up legislation aimed at getting at this situation of high gas prices. This Senator intends to address this issue.

If, in fact, as that oil company executive said, supply and demand ought to cause oil to be trading at $55, why is it trading in excess of $130? What role do the unregulated commodities markets play, and how did that get into law? How much of that capital out there is flowing into that because those markets are unregulated, thereby driving up that price to what we have today?

We see one Federal agency that otherwise regulates futures trading has said it will investigate allegations of short-term manipulation of crude oil prices. The Commodity Futures Trading Commission also said it would work with British regulators to monitor large trades of crude oil by a London futures exchange known as ICE, Intercontinental Exchange. Some of the founding members of that intercontinental exchange, it has been reported, were instrumental in getting the Enron loophole through Congress back in the year 2000. It was ill-conceived public policy at best, and it should be reversed. Next week we are going to have a chance to do something about it because we have legislation on the price of gasoline coming to the Senate floor.

By having greater oversight and regulation on oil trading, we obviously have to go beyond that and look to our commitment to a comprehensive national energy policy. Fifty percent of the oil we use goes into transportation, and most of that is for our personal vehicles. So it should not take a rocket scientist to realize we must focus on conservation measures like 40 miles per gallon as a fleet average for our vehicles. We finally broke through and got through the Senate 35 miles per gallon phased in over the next 12 years. Maybe we ought to accelerate that.

We ought to look at providing bigger tax breaks for hybrid and plug-in hybrid vehicles. Ultimately, we must look to the research and development of electric and hydrogen-powered cars.

All of this is going to fall in the lap of the next President. The next President is going to have to urge us—and I hope we will support the next President—to enact a national energy program to transition us from gasoline to alternative, synthetic, and renewable fuels to power much of this economic engine of America.

President Kennedy led us on such a monumental task, and that was the task to escape the bonds of Earth within a decade, to go to the Moon, and return safely. We did that. We must act with the same urgency now. While we are at it, we are going to have to make ethanol from things that we do not eat. While we are at that, we are going to have to pay attention to how we power, not just our cars and trucks, but our homes and our industries.

We need to develop solar and wind and thermal energy and safe nuclear power. The world is begging for change. One of the most enormous changes that needs to be brought about is how we utilize and how we create energy and how we are going to utilize and create energy for the future. We have a chance to do that next week when we take up this legislation about the high price of gasoline.

I yield the floor.

IN REMEMBRANCE OF JAMES BYRD, JR.

Mr. SMITH. Mr. President, I rise today to remember a life that was untimely taken and to recall a horrific hate crime that shocked a nation. Ten years ago this week James Byrd, Jr., was dragged 3 miles—chained to the back of pickup truck—on a rural road in Jasper County, TX, to his death. It was said that a blood trail of body parts and personal effects stretched over 2 miles, with Byrd's severed head, right arm, and neck found almost a mile from where his tattered torso was discarded. Byrd's face had been spray painted black.

James Byrd was a victim of the cruelest form of racial intolerance. He was murdered for no other reason than for the color of his skin. To think that such a senseless crime could occur in the wake of so many of our Nation's civil rights milestones is disheartening. It is also a stark reminder that much work remains to be done in protecting minorities and ending intolerance.

No American should have to live in fear because of their sexual orientation, race, gender, national origin, or disability. As a nation, we cannot afford to become complacent. We must forever strive to reach the golden rings of democracy—that is, equality, opportunity, freedom and tolerance. We must also remain vigilant and guard against individuals and groups that seek to marginalize and terrorize whole groups of individuals. That is why, as I have done many times before, I come to the floor to urge my colleagues to enact Federal hate crimes legislation this year. We must pass this legislation and send a message that crimes of intolerance and hate are especially deplorable.

The Government's first duty is to defend its citizens and to defend them against violence and harm associated with intolerance and hate. I have introduced legislation, the Matthew Shepard Act, with my colleague Senator TED KENNEDY, to ensure that the Government has all the resources necessary to investigate and prosecute hate-motivated crimes. The Matthew Shepard Act would better equip the Government to fulfill its most important obligation of protecting all of its citizens.

On this anniversary of the death of James Byrd, let us renew our Nation's commitment to protecting all Americans regardless of their sexual orientation, race, religion, national origin, gender, disability, or color by passing the Matthew Shepard Act.

PAKISTAN

Mr. FEINGOLD. Mr. President, during the Senate recess at the end of last month, I visited the central front in our Nation's fight against al-Qaida: Pakistan. During my 4-day stay, I met with a broad range of political officials from numerous parties, including the Pakistan People's Party of former Prime Minister Benazir Bhutto and the PLM-N of former Prime Minister Nawaz Sharif, as well as with President Pervez Musharraf, Pakistani intelligence officials, the ousted chief justice, and representatives of Pakistan's civil society. Outside of Islamabad, my visit included a trip to Peshawar, in the tumultuous Northwest Frontier Province, where I met with local officials, and Kashmir, where the United States has funded numerous successful humanitarian and development programs in the wake of the devastating 2005 earthquake.

The breadth of this trip was commensurate with the critical importance of Pakistan to our country's national security. Despite recent claims by CIA Director Michael Hayden that al-Qaida is now on the defensive, including in its safe haven in Pakistan, I traveled there because it is out of that country that we face our most serious national security threat. As the intelligence community has said again and again, the fight against al-Qaida begins in Pakistan. According to the State Department's 2007 terrorism report which was released this past April, al-Qaida and associated networks remain the greatest terrorist threat to the United States. That threat emanates from the reconstitution of some of al-Qaida's pre-9/11 capabilities "through the exploitation of Pakistan's Federally Administered Tribal Areas." The report added that instability in Pakistan, "coupled with the Islamabad brokered cease-fire agreement in effect for the first half of 2007 along the Pakistan-Afghanistan frontier, appeared to have provided AQ leadership greater mobility and ability to conduct training and operational planning, particularly that targeting Western Europe and the United States."

During my visit, I conducted extensive discussions with Pakistani leaders about ceasefire negotiations, in the Federally Administered Tribal Areas, FATA, as well as in the Swat region of the NWFP. I remain skeptical about those negotiations and am particularly concerned that those in the FATA region will give al-Qaida room to plot against our troops in Afghanistan and our citizens here in the United States. The new civilian-led Government in Pakistan is seeking a different approach from that of President Musharraf, and that is understandable—it has, in fact, been mandated by the people of Pakistan, and it is high time they have a responsive government that heeds their call. A key part of this new approach will require success in reining in the military apparatus, which has historically controlled much of Pakistan's foreign policy—sometimes overtly with a military dictator running the country and other times more discreetly from behind a screen of a civilian-led government. But as Pakistan's new Government seeks to reconcile these complex, multilayered issues, it must not do so at the expense of the grave threats emanating from the border region. We must address those threats head-on because what happens in the terrorist safe haven of FATA is central to our national security, and we cannot afford to be distracted or complacent. To do so would be to the detriment of our safety and security as well as that of our friends and allies.

At the same time, any long-term counterterrorism strategy in the FATA must include serious economic reforms, legal political party development, and initiatives to integrate FATA with the rest of Pakistan. This will not be easy, but it is long overdue and will help ensure we are using all the tools at our disposal to fight al-Qaida and associated terrorist threats. The growing extremism and creation of a terrorist safe haven in FATA has emerged out of decades of political marginalization and ensuing poverty. In working closely with the FATA political agents and local law enforcement, as well as the Government of Pakistan, we need to help create sustainable development strategies that provide opportunities for engagement while ensuring sufficient financial resources are allocated to those in need now and in the years to come.

This must include not only traditional development projects but institution building and political engagement in a region long deprived of such opportunities. The people of the FATA must have alternative livelihood options that help facilitate opposition to terrorists and extremists.

At the same time, we must find Osama Bin Laden and his senior leaders, and we must work to neutralize forces that plot or carry out attacks against Americans. But that cannot be our only goal. This fight runs much deeper than a simple manhunt—if we are serious about countering al-Qaida, and preventing another Bin Laden from emerging, we must shift our assistance to be more aligned with the needs of the local population and expand our development assistance throughout a country where poverty and anti-Western sentiment are pervasive.

This administration's policies toward Pakistan have been highly damaging to our long-term national security. By embracing and relying on a single, unpopular, antidemocratic leader—namely, President Musharraf—President Bush failed to develop a comprehensive counterterrorism strategy that transcends individuals. He also encouraged Pakistanis to be skeptical about American intentions and principles. The recent elections provide a window of opportunity as the people of Pakistan soundly rejected President Musharraf's leadership in favor of political parties that promised a new direction. Although domestic politics remain fragile, we have an opportunity to reverse our history of neglect and mixed signals by expanding our relationships and supporting fundamental democratic institutions instead of one strong man—something the President may still be reluctant to do. We must do this so that our counterterrorism partnership can withstand the ups and downs of Pakistan's domestic politics, reflecting a more wide-ranging approach that does not ratchet up the already high levels of anti-American sentiment in that country.

Any enduring counterterrorism partnership must recognize that Pakistan, despite the coups and military dictatorships that have marred its history, has a democratic tradition, a vibrant civil society, and a large and educated middle class whose interests and values frequently coincide with ours. By working with those Pakistanis and supporting their desire to promote democracy, human rights, and the rule of law, we align ourselves with the moderate forces that are critical to the fight against extremism. Supporting the Pakistani people as they seek to strengthen democratic institutions is not just an outgrowth of our values—it is in our national security interests. The counterterrorism efforts we need from Islamabad must be serious and sustained in a way that only democratic processes can ensure.

For these reasons, I have been deeply disappointed by the Bush administration's failure to condemn the illegal dismissal of the chief justice of Pakistan and scores of other judges and its refusal to call for their reinstatement. The ousting of the judges has become a cause célèbre for Pakistan's civil society. It prompted the creation of a "Lawyers' Movement"—a moderate, democratic uprising that Americans should embrace. During my time in Pakistan, I visited with the chief justice and shortly thereafter called for the judges to be reinstated because it is a clear violation of the basic tenets of the rule of law. I was asked whether I had made such a call in support of a particular political party and whether I also sought the removal of President Musharraf. I responded that those are issues for the Pakistanis to determine, and I continue to believe that is the case. Indeed, while the political landscape in Pakistan remains turbulent and fragile, I have no intention of meddling in domestic affairs. Nonetheless, it is unacceptable for the United States to sit back in the face of such fundamentally undemocratic actions. We cannot be selective in the democratic principles we support—that is not consistent with our values, and it is shortsighted in terms of our national security.

Mr. President, the emergence of a new civilian leadership in Pakistan provides an opening for us to develop a new approach—a new relationship—that includes a sustainable, comprehensive counterterrorism partnership. We must seize this opportunity because, despite a great deal of anti-American sentiment, in many areas the Pakistanis are ready and willing to work with us. This is not to say that this process will be free from challenges—there are already serious hurdles that must be dealt with, including negotiations in the FATA and NWFP, both of which are cause for concern. In the end, we must recognize that the new leadership reflects a broad cross-section of Pakistan, and by fully engaging them, we can take an important step toward defending our national security interests in the central front in the fight against al-Qaida.

FREIGHT RAIL INDUSTRY

Mr. VOINOVICH. Mr. President, I rise today to address the impact the freight rail industry has on reducing our greenhouse gas emissions. According to a recent Department of Transportation study, freight traffic is expected to increase 67 percent by 2020—against a backdrop of concerns about global climate change, the stringency of clean air standards, increased traffic congestion, high energy prices, and the need for greater energy independence. Freight rail is the most energy efficient and environmentally friendly mode of land transportation. Today, freight rail can move a ton of freight 436 miles on a single gallon of diesel. U.S. freight railroads have significantly reduced their carbon intensity and fuel efficiency. In 1980, 1 gallon of diesel fuel moved 1 ton of freight by rail an average of 235 miles. In 2007, the same amount of fuel moved 1 ton of freight by rail an average of 436 miles roughly equivalent to the distance from Boston to Baltimore and an 80-percent increase over 1980. Depending upon the type of cargo being transported and the number of cars, a single freight train is capable of being as productive as 500 trucks.

I am pleased that CSX is working with Ohio, Virginia, North Carolina, West Virginia, and Pennsylvania on the National Gateway. The National Gateway is a plan to create a more efficient rail route linking Mid-Atlantic ports with midwestern markets, improving the flow of rail traffic between these regions by increasing the use of double-stack trains. This public-private partnership will upgrade tracks, equipment and facilities, and provide clearance allowing double-stack intermodal trains.

The National Gateway proposes preparing three major rail corridors for double-stack clearance: I–95 corridor between North Carolina and Baltimore, MD, via Washington, DC; I–70/I–76 corridor between Washington, DC, and northwest Ohio via Pittsburgh, PA; and Carolina corridor between Wilmington, NC and Charlotte, NC. The result will be thousands of new jobs, improved railway reliability, and the diversion of heavy trucks from crowded highways leading to reduced emissions and highway maintenance costs and improved road safety.

Since the I–70/I–76 corridor between Washington, DC, and northwest Ohio is a highly traveled route, it is well-located to become an efficient link between the east coast and midwestern markets. Expansion of rail infrastructure in Columbus, OH, and North Baltimore, OH, will help alleviate some of the freight congestion in the Chicago, Cincinnati and Cleveland areas. The National Gateway project would build a new rail terminal in North Baltimore, OH, and expand intermodal capacity in Columbus, creating thousands of new jobs. I look forward to working with the Virginia, North Carolina, West Virginia, and Pennsylvania delegations to make this partnership a reality.

ADDITIONAL STATEMENTS

TRIBUTE TO KELLY CONE AND LISA SCHWARTZ

• Mr. ISAKSON. Mr. President, last month, I was contacted by SFC John Cone and CPT David Schwartz, both forward deployed in Iraq at Tactical Psychological Operations headquarters. For each of these soldiers, this is their second deployment in support of the global war on terror. While both of these soldiers are dedicated and decorated servicemembers as well as public servants serving as civilian law enforcement officers at home, I want to honor in the RECORD of the Senate today their devoted and compassionate spouses back home.

Prior to their deployment in January 2008 with the 310th Tactical Psychological Operations Company, Detachment 1620 at Fort Gillem, their spouses, Kelly Cone and Lisa Schwartz, established a family readiness group to help support the deployed soldiers and their families back home. While Mrs. Cone and Mrs. Schwartz are both caring and devoted mothers at home with many other responsibilities, they took it upon themselves to create a Web page for their Family Readiness Group and began conducting regular information meetings and monthly "coffee chat" sessions with the families and spouses of the deployed soldiers.

These sessions not only kept the families inspired but also kept them informed regarding the details surrounding the deployment of their loved ones. Attendance has been high and the families receptive, each of the members providing input and assistance as needed. I was simply amazed to learn of all of their efforts and accomplishments in keeping the information channels and support networks fully functioning. For example, the Family Readiness Group recently mobilized to assist one of its members, a young woman who had gone into labor, and helped coordinate the redeployment of her husband from Iraq.

These two determined spouses did not stop with their Family Readiness Group efforts alone and have set about to aid in the establishment of a Family Readiness Group for the remainder of the 310th Company, set to deploy in the summer of 2009. They will host a Family Day in August to bring the new and old members together.

Mrs. Cone and Mrs. Schwartz serve as shining examples of today's Army spouses. Today's military spouses understand and seek to support their loved ones who have been called up and deployed into harm's way. It is my hope that the efforts of Kelly Cone and Lisa Schwartz will serve as a model for other families with deployed loved ones. It gives me a great deal of pleasure and it is a privilege to recognize on the Senate floor these dedicated and loving spouses for their outstanding efforts, patriotism, and selfless achievements.•

CONGRATULATING ALAN F. HARRE ON HIS RETIREMENT

• Mr. LUGAR. Mr. President, today I wish to extend my heartfelt congratulations to Alan Harre on the occasion of his retirement from the presidency of Valparaiso University in Valparaiso, IN.

I have known Alan for many years and have greatly valued his insightful guidance. He is a man of singular character and faith whose leadership has been an important cornerstone for Valparaiso University and the community in which it resides since his arrival there in 1988.

As the University's 17th president, Dr. Harre has overseen an exciting two decades of growth and expansion on campus. With his support a center for the arts was built, as was the Kade-Duesenberg German House and Cultural Center, the Christopher Center for Library and Information Resources, and the Kallay-Christopher Hall. In addition, several renovation and structural expansion projects owe their success to Dr. Harre's commitment and vision toward making Valparaiso a world-class collegiate environment.

But perhaps President Harre's most impressive achievements have very little to do with mere brick and mortar building projects. They include a considerable expansion of the university's nationally ranked graduate programs, greater enrollment of minorities and international students, the establishment of 11 endowed chairs and professorships to attract and retain high caliber instructors, and technological upgrades that offer students 21st century tools and skill-sets.

While President Harre will be dearly missed back in Valparaiso, I am confident that the legacy he leaves behind will continue to be a great boon for this lauded institution of learning. I wish Alan every success as he pursues new challenges and adventures.•

TRIBUTE TO HENRY AND HOMER MONTGOMERY

• Mr. SESSIONS. Mr. President, I wish today, June 6, 2008, the 64th anniversary of the Allied Powers' invasion of Normandy, to pay tribute to Henry and Homer Montgomery, two brothers who answered their Nation's call to duty. These brothers, like so many of their peers, gave up the comforts of home to go to an unfamiliar land to fight in defense of our Nation.

Henry Montgomery, now 92, hit the beach at Normandy on June 7, 1944. He served in the European theater as an artilleryman and motorcycle courier, walking much of the way between Normandy and Berlin. This journey of nearly 1,000 miles was so arduous that when he arrived in Berlin, he was medically discharged and returned to our shores on a hospital ship.

Homer Montgomery, now 82, served in the Pacific theater toward the end of World War II halfway around the world from his brother. He was a Military Police officer who served through the end of the war.

The contributions made by these two brothers are an excellent example of the sacrifices made by our greatest generation. They were able to see our nation and our allies emerge from the war victorious and return home unlike so many of their brothers in arms. Their commitment to this struggle and that of their comrades was critical to securing our liberties, and our nation is forever indebted to them.

And so, Mr. President I am honored to pay tribute to these two great American patriots. May they greatly enjoy the freedom they have secured for all of us.●

MESSAGE FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3021. An act to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.

H.R. 5540. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

H.R. 5940. An act to authorize activities for support of nanotechnology research and development, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5940. An act to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

H.J. Res. 92. A joint resolution increasing the statutory limit on the public debt.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROCKEFELLER for the Select Committee on Intelligence.

*Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3096. A bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. HAGEL, Mr. BIDEN, and Mr. LUGAR):

S. 3097. A bill to amend the Vietnam Education Foundation Act of 2000; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. GRASSLEY, Mr. HATCH, and Mr. ROBERTS):

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

By Mr. KERRY (for himself, Mr. MENENDEZ, Mr. DORGAN, and Mr. LAUTENBERG):

S. 3099. A bill to prohibit the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 3100. A bill to require early voting in Federal elections, to prohibit restrictions on absentee voting in Federal elections, to establish a grant program to promote voting by mail, and for other purposes; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. ROCKEFELLER, and Mr. SMITH):

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; read the first time.

By Mr. NELSON of Florida:

S.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BARRASSO, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KYL, Ms. COLLINS, Mr. ISAKSON, Mr. SPECTER, and Mr. VOINOVICH):

S. Res. 588. A resolution honoring Dr. Feng Shan Ho, a man of great courage and humanity, who saved the lives of thousands of Austrian Jews between 1938 and 1940; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2795

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool foo small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2885

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2885, a bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children's products.

S. 3005

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3005, a bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3012, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3095

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3095, a bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom and to other residents of rural areas, and for other purposes.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. CON. RES. 80

At the request of Mr. THUNE, his name was added as a cosponsor of S. Con. Res. 80, a concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4823

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4823 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4836

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4836 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4844

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4844 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4857

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4857 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4867

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4867 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4871

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4871 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4877

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4877 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4900

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4900 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4901

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4901 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4929

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4929 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4935

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4935 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4937

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4937 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4940

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4940 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4949

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4949 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4952

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4952 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4955

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4955 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4968

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4968 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. KYL, Mr. GRASSLEY, Mr. HATCH, and Mr. ROBERTS):

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax and Extenders Tax Relief Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 205. Treatment of certain dividends of regulated investment companies.
Sec. 206. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 207. Qualified investment entities.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Extension of economic development credit for American Samoa.
Sec. 312. Extension of mine rescue team training credit.
Sec. 313. Extension of election to expense advanced mine safety equipment.
Sec. 314. Extension of expensing rules for qualified film and television productions.
Sec. 315. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 316. Extension of qualified zone academy bonds.
Sec. 317. Indian employment credit.
Sec. 318. Accelerated depreciation for business property on Indian reservation.
Sec. 319. Railroad track maintenance.
Sec. 320. Seven-year cost recovery period for motorsports racing track facility.
Sec. 321. Expensing of environmental remediation costs.
Sec. 322. Extension of work opportunity tax credit for Hurricane Katrina employees.

TITLE IV—EXTENSION OF CLEAN ENERGY PRODUCTION INCENTIVES

Sec. 401. Extension and modification of renewable energy production tax credit.
Sec. 402. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 403. Extension and modification of residential energy efficient property credit.
Sec. 404. Extension and modification of credit for clean renewable energy bonds.
Sec. 405. Extension of special rule to implement FERC restructuring policy.

TITLE V—EXTENSION OF INCENTIVES TO IMPROVE ENERGY EFFICIENCY

Sec. 501. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 502. Extension and modification of tax credit for energy efficient new homes.
Sec. 503. Extension and modification of energy efficient commercial buildings deduction.
Sec. 504. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE VI—EXTENSION OF ALTERNATIVE FUELS AND MARGINAL PRODUCTION

Sec. 601. Percentage depletion for marginal well production.
Sec. 602. Credits for biodiesel and renewable diesel.
Sec. 603. Credit for alternative fuels.

TITLE VII—TAX ADMINISTRATION

Sec. 701. Permanent authority for undercover operations.
Sec. 702. Permanent disclosures of certain tax return information.
Sec. 703. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, or 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 205. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 206. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 207. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking "December 31, 2007" and inserting "December 31, 2009" in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.".

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

"(A) IN GENERAL.—

"(i) CALCULATION OF CREDIT.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to the applicable percentage (as defined in clause (ii)) of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) APPLICABLE PERCENTAGE.—For purposes of the calculation under clause (i), the applicable percentage is—

"(I) 14 percent, in the case of taxable years ending before January 1, 2009, and

"(II) 16 percent, in the case of taxable years beginning after December 31, 2008.".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

"(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

"(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

"(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.,

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 312. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 313. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 314. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 315. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 316. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 317. INDIAN EMPLOYMENT CREDIT.

(a) In General.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 318. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) In General.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 319. RAILROAD TRACK MAINTENANCE.

(a) In General.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 320. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) In General.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

"(D) Application of paragraph.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010.".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 321. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 322. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) In General.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "4-year".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

TITLE IV—EXTENSION OF CLEAN ENERGY PRODUCTION INCENTIVES

SEC. 401. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) Extension of Credit.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) Production Credit for Electricity Produced From Marine Renewables.—

(1) In general.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) Marine renewables.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) Marine and hydrokinetic renewable energy.—

"(A) In general.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) Exceptions.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) Definition of facility.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) Marine and hydrokinetic renewable energy facilities.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) Credit rate.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) Coordination with small irrigation power.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) Sales of Electricity to Regulated Public Utilities Treated as Sales to Unrelated Persons.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) Trash Facility Clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) Modifications.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) Trash facility clarification.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 402. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) Extension of Credit.—

(1) Solar energy property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) Fuel cell property.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(3) Qualified microturbine property.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(b) Allowance of Energy Credit Against Alternative Minimum Tax.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) Repeal of Dollar Per Kilowatt Limitation for Fuel Cell Property.—

(1) In general.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) Conforming amendment.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) Public Electric Utility Property Taken Into Account.—

(1) In general.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) Conforming amendments.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Allowance against alternative minimum tax.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) Fuel cell property and public electric utility property.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 403. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) Extension.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) No Dollar Limitation for Credit for Solar Electric Property.—

(1) In general.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Conforming amendments.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) Credit Allowed Against Alternative Minimum Tax.—

(1) In general.—Subsection (c) of section 25D is amended to read as follows:

"(c) Limitation Based on Amount of Tax; Carryforward of Unused Credit.—

"(1) Limitation based on amount of tax.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) Carryforward of unused credit.—

"(A) Rule for years in which all personal credits allowed against regular and alternative minimum tax.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) Rule for other years.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) Conforming amendments.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) Application of EGTRRA sunset.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 404. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) Extension.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Increase in National Limitation.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) Public Power Providers Defined.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) Public power provider.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; Public Power Provider" before the period at the end of the heading.

(d) Technical Amendment.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 405. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) Qualifying Electric Transmission Transaction.—

(1) In general.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) Effective date.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) Independent Transmission Company.—

(1) In general.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

TITLE V—EXTENSION OF INCENTIVES TO IMPROVE ENERGY EFFICIENCY

SEC. 501. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) Extension of Credit.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Qualified Biomass Fuel Property.—

(1) In general.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) Biomass fuel.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) Biomass fuel.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) Modifications of Standards for Energy-Efficient Building Property.—

(1) Electric heat pumps.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) Central air conditioners.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) Water heaters.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 502. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 503. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 504. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE VI—EXTENSION OF ALTERNATIVE FUELS AND MARGINAL PRODUCTION

SEC. 601. PERCENTAGE DEPLETION FOR MARGINAL WELL PRODUCTION.

(a) IN GENERAL.—Section 613A(c)(6)(H) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 602. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

SEC. 603. CREDIT FOR ALTERNATIVE FUELS.

(a) IN GENERAL.—Sections 6426(d)(4), 6426(e)(3), and 6427(e)(5)(C) are each amended by striking "September 30, 2009" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2009.

TITLE VII—TAX ADMINISTRATION

SEC. 701. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 702. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking "REPORTING" in the heading thereof and all that follows through "The Secretary" in subparagraph (A) and inserting "REPORTING.—The Secretary", and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SEC. 703. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 588—HONORING DR. FENG SHAN HO, A MAN OF GREAT COURAGE AND HUMANITY, WHO SAVED THE LIVES OF THOUSANDS OF AUSTRIAN JEWS BETWEEN 1938 AND 1940

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BARRASSO, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KYL, Ms. COLLINS, Mr. ISAKSON, Mr. SPECTER, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 588

Whereas, at great personal risk and sacrifice, Dr. Feng Shan Ho authorized the issuance of Chinese visas to Jewish persons so they could emigrate from Austria and escape the horrors of the Holocaust;

Whereas it is necessary to honor Dr. Ho posthumously because, in the ultimate demonstration of selfless humanitarianism, Dr. Ho never sought recognition for his courageous actions;

Whereas 70 years ago, Adolf Hitler's troops crossed into Austria and announced the Anschluss (the annexation of Austria to Germany), thereby applying all anti-Semitic decrees to Austrian Jews;

Whereas the Nazis brutally persecuted more than 200,000 Austrian Jews, by forcibly segregating them, depriving them of their citizenship and livelihoods, and interning them in concentration camps;

Whereas the fierceness of the persecution in Austria became the model for the future persecution of Jews in other Nazi-conquered territories;

Whereas the Nazis initially assumed a policy of coerced expulsion, with the goal of eventually removing all Jewish persons from Europe;

Whereas most other foreign consulates, although besieged by desperate Jews, offered no help;

Whereas a young Chinese diplomat in Vienna, Dr. Feng Shan Ho, refused to stand by and witness the destruction of innocent human beings, and authorized the issuance of visas for all Jews who asked;

Whereas word spread quickly and Jewish persons formed long lines in front of the Chinese Consulate to obtain the lifesaving visas;

Whereas the Chinese ambassador in Berlin ordered Dr. Ho to stop authorizing visas for Jews, but Dr. Ho nevertheless continued, at risk to his career, to prepare the visas;

Whereas in 1939, the Nazis confiscated the Chinese Consulate building, on the grounds that it was a Jewish-owned building;

Whereas, when the Chinese government refused funds to relocate the Consulate, Dr. Ho reopened the Consulate in another building and personally paid all the expenses;

Whereas in May 1940, Dr. Ho left Vienna, having authorized visas for thousands of Austrian Jews;

Whereas after 4 decades in diplomatic service to China, in 1973, Dr. Ho moved to the United States to join his children;

Whereas Dr. Ho became a United States citizen and lived in San Francisco until September 28, 1997, when he passed away at the age of 96;

Whereas the world only knows of Dr. Ho's courageous actions because of a chance discovery among his diplomatic papers after his death, and the full extent of Dr. Ho's heroism is still being uncovered; and

Whereas in 2000, the State of Israel posthumously made Dr. Ho an honorary citizen of Israel and granted him one of Israel's highest honors, the title of Righteous Among the Nations, "for his humanitarian courage in issuing Chinese visas to Jews in Vienna in spite of orders from his superior to the contrary": Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the great courage and humanity of Dr. Feng Shan Ho for acting at great personal risk to issue Chinese visas to Jews in Vienna between 1938 and 1940; and

(2) recognizes his heroic deeds in saving the lives of thousands of Jewish persons by allowing them to escape the Holocaust.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table.

SA 4977. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4978. Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL)) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4979. Mr. NELSON, of Florida (for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

TITLE ___PROHIBITION ON EARMARKS

SEC. _01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EXTRA LEGISLATIVE EARMARKS.—None of the funds provided or made available by this Act shall be committed, obligated, or expended at the request of Members of Congress or their staff through oral or written communication for projects, programs, or grants to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

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Insert at the appropriate to place the following:

TITLE ___PROHIBITION ON EARMARKS

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(b) DEFINITION.—In this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4978. Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL)) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 10, strike "; and" and insert a semicolon.

On page 44, line 11, strike the period at the end and insert "; and".

On page 44, between lines 11 and 12, insert the following:

(vi) the Committee on Financial Services.

On page 44, line 14, strike "subsection (c)(1)" and insert "subsection (d)(1)".

On page 44, strike lines 18 through 20 and insert the following:

(A) is eligible to receive official development assistance according to the guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development; and

On page 45, between lines 8 and 9, insert the following:

(4) FUND.—The term "Fund" means the International Clean Energy Deployment Fund established under subsection (c)(1).

On page 45, line 9, strike "(4)" and insert "(5)".

On page 45, between lines 17 and 18, insert the following:

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "International Clean Energy Deployment Fund".

(2) USE OF FUNDS.—All amounts in the Fund shall be made available, without further appropriation or fiscal year limitation, for purposes of this section.

On page 45, line 18, strike "(c)" and insert "(d)".

On page 46, line 23, strike "; and" and insert a semicolon.

On page 47, line 2, strike the period at the end and insert a semicolon.

On page 47, between lines 2 and 3, insert the following:

(D) no single country receives more than 15 percent of the funds awarded during any 3-year period; and

(E) assistance is targeted at reducing or eliminating the increased costs associated with deploying clean technologies in place of traditional technologies.

Beginning on page 47, strike line 6 and all that follows through page 48, line 2, and insert the following:

(5) FORM OF ASSISTANCE.—

(A) IN GENERAL.—Consistent with Federal and international intellectual property law, assistance under this subsection shall be provided—

(i) as direct assistance in the form of grants, concessional loans, cooperative agreements, contracts, insurance, or loan guarantees to or with qualified entities;

(ii) as indirect assistance to such entities through—

(I) funding for international clean technology funds supported by multilateral institutions;

(II) support from development and export promotion assistance programs of the United States Government; or

(III) support from international technology programs of the Department of Energy; or

(iii) in such other forms as the Board may determine appropriate.

(B) OVERSIGHT BY THE SECRETARY OF THE TREASURY OF ASSISTANCE FOR MULTILATERAL TRUST FUNDS.—In the case of assistance provided under subparagraph (A)(ii)(I) for a clean technology fund or similar fund that is a multilateral trust fund based at the World Bank, the Secretary of the Treasury shall use the voice, vote, and influence of the United States to ensure that the assistance is used in accordance with the purposes of this section.

On page 48, beginning on line 20, strike "emissions through Federal or State engagement" and insert the following: "emissions in eligible countries.

(C) Funding for Federal or State engagement

On page 49, beginning on line 10, strike "the date that is 30 days after the date on which the Board submits" and insert "30 days after submitting".

On page 50, line 15, strike "(d)" and insert "(e)".

On page 50, lines 17 and 18, strike "President" and insert "Board".

On page 50, line 24, strike "President" and insert "Board".

On page 51, line 6, strike "; and" and insert a semicolon.

On page 51, line 15, strike the period at the end and insert "; and".

On page 51, between lines 15 and 16, insert the following:

(C) such information as may be necessary to provide for the evaluation, not less frequently than once every three years, of the performance of each international clean technology fund provided assistance pursuant to paragraph (5)(A)(ii)(I).

On page 51, line 16, strike "(e)" and insert "(f)".

On page 51, line 24, strike "(f)" and insert "(g)".

On page 52, line 3, strike "(g)" and insert "(h)".

On page 439, line 10, strike "; and" and insert a semicolon.

On page 439, line 11, strike the period at the end and insert "; and".

On page 439, between lines 11 and 12, insert the following:

(vi) the Committee on Financial Services.

On page 439, line 14, strike "President" and insert "Board".

On page 439, strike lines 15 through 17 and insert the following:

(A) is eligible to receive official development assistance according to the guidelines of the Development Assistance Committee of the Organization for Economic Cooperation and Development; and

On page 439, line 24, strike "President" and insert "Board".

SA 4979. Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking "Except as provided in paragraph (2)(B), the Secretary concerned" and inserting "The Secretary concerned"; and

(2) in paragraph (2)—

(A) by striking "DEPENDENT CHILDREN.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),"; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks. The hearing will be held on Monday, July 21, 2008, at 9:30 a.m., at the Destination Center at Blue Ridge Parkway, 195 Hemphill Knob Road, Asheville, North Carolina.

The purpose of the hearing is to receive testimony regarding the All Taxa Biodiversity Inventory of all species within the Great Smoky Mountains National Park. Specifically, the hearing will address: (1) How much has been learned up to this point and at what cost? (2) What is left to be done and what is the estimated time and cost to complete the inventory? (3) How has the data been used and are there other ways to use it? (4) What changes, if any, should be made in the program and (5) Should the program be expanded to include other National Parks?

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pastenack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224-5523 or Rachel Pastenack at (202) 224-0883.

HONORING DR. FENG SHAN HO

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 588, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 588) honoring Dr. Feng Shan Ho, a man of great courage and humanity, who saved the lives of thousands of Austrian Jews between 1938 and 1940.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 588) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 588

Whereas, at great personal risk and sacrifice, Dr. Feng Shan Ho authorized the issuance of Chinese visas to Jewish persons so they could emigrate from Austria and escape the horrors of the Holocaust;

Whereas it is necessary to honor Dr. Ho posthumously because, in the ultimate demonstration of selfless humanitarianism, Dr. Ho never sought recognition for his courageous actions;

Whereas 70 years ago, Adolf Hitler's troops crossed into Austria and announced the Anschluss (the annexation of Austria to Germany), thereby applying all anti-Semitic decrees to Austrian Jews;

Whereas the Nazis brutally persecuted more than 200,000 Austrian Jews, by forcibly segregating them, depriving them of their citizenship and livelihoods, and interning them in concentration camps;

Whereas the fierceness of the persecution in Austria became the model for the future persecution of Jews in other Nazi-conquered territories;

Whereas the Nazis initially assumed a policy of coerced expulsion, with the goal of eventually removing all Jewish persons from Europe;

Whereas most other foreign consulates, although besieged by desperate Jews, offered no help;

Whereas a young Chinese diplomat in Vienna, Dr. Feng Shan Ho, refused to stand by and witness the destruction of innocent human beings, and authorized the issuance of visas for all Jews who asked;

Whereas word spread quickly and Jewish persons formed long lines in front of the Chinese Consulate to obtain the lifesaving visas;

Whereas the Chinese ambassador in Berlin ordered Dr. Ho to stop authorizing visas for Jews, but Dr. Ho nevertheless continued, at risk to his career, to prepare the visas;

Whereas in 1939, the Nazis confiscated the Chinese Consulate building, on the grounds that it was a Jewish-owned building;

Whereas, when the Chinese government refused funds to relocate the Consulate, Dr. Ho reopened the Consulate in another building and personally paid all the expenses;

Whereas in May 1940, Dr. Ho left Vienna, having authorized visas for thousands of Austrian Jews;

Whereas after 4 decades in diplomatic service to China, in 1973, Dr. Ho moved to the United States to join his children;

Whereas Dr. Ho became a United States citizen and lived in San Francisco until September 28, 1997, when he passed away at the age of 96;

Whereas, the world only knows of Dr. Ho's courageous actions because of a chance discovery among his diplomatic papers after his death, and the full extent of Dr. Ho's heroism is still being uncovered; and

Whereas, in 2000, the State of Israel posthumously made Dr. Ho an honorary citizen of Israel and granted him one of Israel's highest honors, the title of Righteous Among the Nations, "for his humanitarian courage in issuing Chinese visas to Jews in Vienna in spite of orders from his superior to the contrary": Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the great courage and humanity of Dr. Feng Shan Ho for acting at great personal risk to issue Chinese visas to Jews in Vienna between 1938 and 1940; and

(2) recognizes his heroic deeds in saving the lives of thousands of Jewish persons by allowing them to escape the Holocaust.

MEASURE PLACED ON THE CALENDAR—H.J. RES. 92

Mr. NELSON of Florida. Mr. President, I understand H.J. Res. 92 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (H.J. Res. 92) increasing the statutory limit on the public debt.

Mr. NELSON of Florida. Mr. President, I now object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 3098

Mr. NELSON of Florida. Mr. President, I understand that S. 3098 introduced earlier today by Senator McCONNELL is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3098) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. NELSON of Florida. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, today the price of oil is $132 a barrel. I do not know how the stock market is going to wind up, but with the slap in the face the economy got today with the unemployment rate skyrocketing and the price of oil $132 a barrel, the stock market is down about 300 points. How it is going to wind up today, I do not know.

Mr. President, on the global warming bill we just completed—and I say "completed"—we were unable to offer amendments, we were unable to legislate on this most important piece of legislation. The Republicans said what they wanted to do is anytime we mention "global warming," they would mention "gas prices."

Well, today, we do not have to guess what we are going to do next because I am going to file cloture on the most important piece of legislation dealing with gas prices we have done in some time.

So, Mr. President, we, as I have indicated, heard the Republicans speak at length about the problem of high gas prices. In doing so, they follow the lead of the majority who have been not just speaking about high gas prices for months but now working to find some solutions. We introduced something called the Consumer-First Energy Act. It was blocked by the Republicans. But now maybe, with gas prices even higher than they were a month ago, our Republican friends are finally ready to join our pursuit of solutions. Perhaps now, after taking their gas prices on the floor of the Senate for a week and talking about it and talking about it, they are ready to back their words with action. So next week they will have a chance—it will be Tuesday morning—to vote on gas prices. We are going to return to that legislation that will relieve the burden of record gas prices for American consumers, both in the long term and the short term.

What is in this bill? The President will remember, one of the things in the bill previously—we had five sections of the bill—one of them said: Mr. President, with the gas prices as high as they are, why do you continue to take this oil, the best oil there is—the sweet crude—and pump it into the Petroleum Reserve when it is almost filled anyway? So we did that, and that now is not happening anymore. He is not pumping that because we peeled part of that off and passed it individually.

So what is left in our legislation? First, it ends in billions of dollars in tax breaks for oil companies—oil companies whose executives have been hauling in record profits while we pay record prices for gasoline. I don't know what it is in Virginia, but in Nevada the price of gas is now more than $4 a gallon.

As I sat on the floor of the Senate earlier this week, a friend of mine whom I went to high school with—his name is Ted Sandival and I have done legal work for him over the years when I practiced law and we have maintained a relationship—called me. I was wondering what was wrong. In the whole conversation, the only thing he expressed to me that he was concerned about was that he always wanted to buy a diesel vehicle because they last so much longer. So he bought a diesel vehicle and he said: HARRY, I can't afford to put fuel in it anymore. I am paying almost $5 a gallon for diesel fuel.

Well, the oil companies are making record profits. The oil executives are making record salaries and bonuses and are getting record amounts of compensation, and we don't think it is appropriate at this time for the American taxpayers to continue paying billions of dollars in tax breaks to the oil companies. We are going to vote on this Tuesday morning.

The other section of our bill forces oil companies to do their part by investing part of their profits in clean and affordable alternative energy.

Third: We protect the American people from price gougers and greedy oil traders who manipulate the market.

Finally, a bipartisan section of this bill. Senators SPECTER and KOHL came to see me yesterday, both longtime members of the Judiciary Committee who believe that OPEC and others who are colluding to keep oil prices high should be subject to this Sherman Antitrust Act. Senator SPECTER went through all the legal reasons, and as we all know, he is a real legal scholar. So I am convinced he is right and we should do this.

The Consumer First Energy Act does exactly what it promises: It ends more than 7 years of the Cheney energy policy that has lined the pockets of modern-day oil barons and left the American people to pay the bill.

Finally, it puts consumers first. Is this a silver bullet ending all the problems? Of course not. But it is a bill that will solve some of the energy problems we have in our country today.

This legislation is an important step that will make a difference, as I have said, in the long and the short run. So I hope the minority will put their votes where their mouths have been all week. Passing this smart, responsible bill will help put American families first and help take another step on the road to a renewable revolution.

CLOTURE MOTION

Mr. President, normally what we do is ask unanimous consent to move forward on this legislation. We know the minority, if they were here, would object. They are not here, so rather than embarrass anyone, I will now move to proceed to Calendar No. 743, S. 3044, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.

Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I filed cloture on the motion to proceed to the legislation that I outlined, S. 3044, which is the Consumer First Energy Act. I am going to shortly move to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008. However, prior to doing that, I was going to ask unanimous consent that if cloture were invoked on the motion to proceed to S. 3044, that then the cloture motion on H.R. 6049 would be withdrawn. Since there is no one from the Republican side here to launch an objection, which I am told they would do, I am not going to ask for unanimous consent today but will do so on Monday when a Republican is here in the Senate.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 767, H.R. 6049, energy production and conservation, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Barbara Boxer, Sherrod Brown, Robert Menendez, Kent Conrad, Daniel K. Inouye, Byron L. Dorgan, Jon Tester, Richard Durbin, Patty Murray, Max Baucus, John D. Rockefeller IV, Maria Cantwell, Frank R. Lautenberg, John F. Kerry, Blanche L. Lincoln, E. Benjamin Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. REID. Mr. President, notwithstanding an adjournment of the Senate today, June 6, I ask unanimous consent that the bill relating to the Medicare Improvement for Patients and Providers Act of 2008, introduced by Senators BOXER and SNOWE, among others, be considered to have received a first reading and objection made to further proceedings on Friday, June 6; that it then receive its second reading on the next legislative day; and that this request is only valid until 5 p.m. today, Friday, June 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 9, 2008

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3:15 p.m., Monday, June 9; following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to Calendar No. 728, S. 3044, the Consumer First Energy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

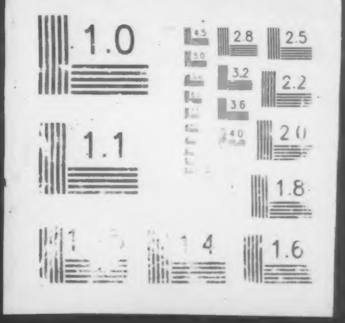
PROGRAM

Mr. REID. As I have said earlier, Mr. President, there will be no rollcall votes on Monday. Senators should be prepared to vote Tuesday morning.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 2008, AT 3:15 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:08 p.m., adjourned until Monday, June 9, 2008, at 3:15 p.m.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